

Report all personnel changes to this form
Send ONE COPY prior to payroll affected by this change
SUPPLEMENTARY PAYROLL CERTIFICATION AND
REPORT OF PERSONNEL CHANGE

DATE
MONTH 08 DAY 09 YEAR 2022

TO: **Utica Civil Service Commission**

NAME OF EMPLOYEE:
Kuty, Kyle

FROM: (Check only one)

City County Town Village or District

ADDRESS:

DEPARTMENT:
Police Department

TITLE OF POSITION:
Police Officer

SALARY:
\$ 63,493.

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

Veteran Non-Veteran
 Disabled Veteran Exempt Volunteer Fireman

DATE OF BIRTH:
01/02/98

SOCIAL SECURITY NUMBER:

	<u>Check Nature of Personnel Change</u>	<u>Date Effective</u>	<u>Action Necessary by Appointing Officer:</u>
A P P O I N T M E N T S	<input type="checkbox"/> Permanent		Return report of Certification
	<input type="checkbox"/> Provisional		Attach application (MSD-330)
	<input type="checkbox"/> Temporary	From: To:	State length of employment
	<input type="checkbox"/> Substitute	From: To:	Give facts under Remarks
	<input type="checkbox"/> For Term of Office	From: To:	Give facts under Remarks
	<input type="checkbox"/> Permanent Promotion		Return report of Certification
	<input type="checkbox"/> Provisional Promotion		Attach nomination
	<input type="checkbox"/> Non-Competitive Class		Attach application (MSD-330)
	<input type="checkbox"/> Exempt Class		Submit this form only
	<input type="checkbox"/> Labor Class		Attach application (MSD-330)
T E R M I O N N A S	<input type="checkbox"/> Resignation		Submit signed resignation
	<input type="checkbox"/> Retirement		Give effective date
	<input type="checkbox"/> Deceased		Indicate date
	<input type="checkbox"/> Removal		Attach copy of proceedings
	<input type="checkbox"/> Layoff (Lack of Work or Funds)		Give facts under Remarks
O T H E R C H A N G E S	<input type="checkbox"/> Military Leave of Absence		Give facts under Remarks
	<input type="checkbox"/> Other Leave of Absence	From: To:	Give facts under Remarks
	<input type="checkbox"/> Transfer		Give facts under Remarks
	<input type="checkbox"/> Demotion		Give facts under Remarks
	<input type="checkbox"/> Suspension		Give facts under Remarks
	<input type="checkbox"/> Reinstatement		Give facts under Remarks
	<input type="checkbox"/> Change in Classification		Give facts under Remarks
	<input type="checkbox"/> New Position		Submit form MSD-222
	<input checked="" type="checkbox"/> Change in Salary	4/1/22	Indicate new salary
	<input type="checkbox"/> Change in Name		Give facts under Remarks
<input type="checkbox"/> Other		Give facts under Remarks	

Remarks: (Continue on back if necessary)

PBA Contract Salary Increase
3.25% - Eff. 04/01/22- \$63,493.
3% - Eff. 07/07/21- \$50,767.

Appointing Officer
Title
Address

Mark H. Williams

Chief of Police

CERTIFICATE
valid until

This certifies that the above
employment is in accordance with
Law and Rules made in pursuance
to law. Subject to any limitation or
condition specified above.

By

Date

(Date)

Payroll Changes

**Department of Public Safety
Bureau of Police
Utica, N.Y.**

Police Salaries

Effective period: 8 /12/2022

Changes Pertaining To: Deductions

Police/civilian: Police

Lastname: Kuty	Firstname: Kyle	MI:
Title Police Officer	Employee ID	4658

Annual Salary: \$63,493.00	Salary/Wages Due: \$2,322.04
-----------------------------------	-------------------------------------

A.5.3123.101	(\$120.00)	Night Differential- Repayment
A.5.3123.108	\$2,442.04	Salary
Salary/Wages Due:	\$2,322.04	

Notes:

PBA contracted settled pay 10 days at new rate, eff. 4/1/2021 3% increase, and eff. 4/1/2022 3.25% increase. // Remove ND, he is working the day shift, please continue \$120.00 ND payback thru 11/18/22.. // Contract Salary Increase to Step 1 eff. 07/07/22, pay 3 days at old rate and 7 days at new rate, Also remove ND, he will continue thru 11/4/22 to repay

Submitted by: *RMA*

Date Submitted: 8/10/2022

Approved by: *Mark H. Williams*

Report all personnel changes to this form
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SUPPLEMENTARY PAYROLL CERTIFICATION AND
REPORT OF PERSONNEL CHANGE

DATE

MONTH 07 DAY 07 YEAR 2022

TO: **Utica Civil Service Commission**

NAME OF EMPLOYEE: **Kuty, Kyle**

FROM: (Check only one)
 City County Town Village or District

ADDRESS: [REDACTED]

DEPARTMENT: **Police Department**

TITLE OF POSITION: **Police Officer** SALARY: **\$ 59,703.**

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

Veteran Non-Veteran
 Disabled Veteran Exempt Volunteer Fireman

DATE OF BIRTH: **01/02/98** SOCIAL SECURITY NUMBER: [REDACTED]

	<i>Check Nature of Personnel Change</i>	<i>Date Effective</i>	<i>Action Necessary by Appointing Officer:</i>
A P P O I N T M E N T S	<input type="checkbox"/> Permanent		Return report of Certification
	<input type="checkbox"/> Provisional		Attach application (MSD-330)
	<input type="checkbox"/> Temporary	From: To:	State length of employment
	<input type="checkbox"/> Substitute	From: To:	Give facts under Remarks
	<input type="checkbox"/> For Term of Office	From: To:	Give facts under Remarks
	<input type="checkbox"/> Permanent Promotion		Return report of Certification
	<input type="checkbox"/> Provisional Promotion		Attach nomination
	<input type="checkbox"/> Non-Competitive Class		Attach application (MSD-330)
	<input type="checkbox"/> Exempt Class		Submit this form only
	<input type="checkbox"/> Labor Class		Attach application (MSD-330)
T E R M I N A T I O N S	<input type="checkbox"/> Resignation		Submit signed resignation
	<input type="checkbox"/> Retirement		Give effective date
	<input type="checkbox"/> Deceased		Indicate date
	<input type="checkbox"/> Removal		Attach copy of proceedings
	<input type="checkbox"/> Layoff (Lack of Work or Funds)		Give facts under Remarks
O T H E R C H A N G E S	<input type="checkbox"/> Military Leave of Absence		Give facts under Remarks
	<input type="checkbox"/> Other Leave of Absence	From: To:	Give facts under Remarks
	<input type="checkbox"/> Transfer		Give facts under Remarks
	<input type="checkbox"/> Demotion		Give facts under Remarks
	<input type="checkbox"/> Suspension		Give facts under Remarks
	<input type="checkbox"/> Reinstatement		Give facts under Remarks
	<input type="checkbox"/> Change in Classification		Give facts under Remarks
	<input type="checkbox"/> New Position		Submit form MSD-222
	<input checked="" type="checkbox"/> Change in Salary	07/07/22	Indicate new salary
	<input type="checkbox"/> Change in Name		Give facts under Remarks
<input type="checkbox"/> Other		Give facts under Remarks	

Remarks: (Continue on back if necessary)

**Contract Salary Increase to Step 1
Eff. 07/07/22.**

Appointing Officer _____
Title **Chief of Police**
Address _____

CERTIFICATE valid until _____ (Date)
This certifies that the above employment is in accordance with Law and Rules made in pursuance to law. Subject to any limitation or condition specified above.
By _____
Date _____

Payroll Changes

**Department of Public Safety
Bureau of Police
Utica, N.Y.**

Police Salaries

Effective period: 7 /15/2022

Changes Pertaining To: Deductions

Police/civilian: Police

Lastname: Kuty	Firstname: Kyle	MI:
Title Police Officer	Employee ID	4658

Annual Salary: \$59,703.00	Salary/Wages Due: \$2,056.12
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A.5.3123.101	(\$120.00)	Night Differential- Repayment
A.5.3123.108	\$2,176.12	Salary- 3 days old & 7 days new
Salary/Wages Due:	\$2,056.12	

Notes:
Contract Salary Increase to Step 1 eff. 07/07/22, pay 3 days at old rate and 7 days at new rate, Also remove ND, he will continue thru 11/4/22 to repay ND rec'd in error. // // // // // Repayment of ND rec'd in error, a total of \$1080.00, \$120.00 will be deducted for the next 9 paychecks, last deduction of \$120.00 will be on 10/21/22. Normal Gross. New employee.

Submitted by: *Rebecca Rinal*

Date Submitted: 7/5/2022

Approved by: *M.W. Miller*

Payroll Changes

**Department of Public Safety
Bureau of Police
Utica, N.Y.**

Police Salaries

Effective period: 7 /1 /2022

Changes Pertaining To: Deductions

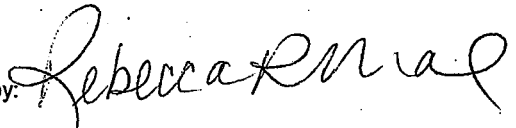
Police/civilian: Police

Lastname: Kuty	Firstname: Kyle	MI:
Title Police Officer	Employee ID	4658

Annual Salary: \$49,288.00	Salary/Wages Due: \$1,775.69
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A.5.3123.101	(\$120.00)	Night Differential- Repayment
A.5.3123.108	\$1,895.69	Salary
Salary/Wages Due:	\$1,775.69	

Notes:
Repayment of ND rec'd in error, a total of \$1080.00, \$120.00 will be deducted for the next 9 paychecks, last deduction of \$120.00 will be on 10/21/22. Normal Gross. New employee sworn in eff. 7/7/21 on payroll 7/7/21. DOB 1/2/1998

Submitted by: 

Date Submitted: 6/29/2022

Approved by: 

Report all personnel changes to this form
Send ONE COPY prior to payroll affected by this change
SUPPLEMENTARY PAYROLL CERTIFICATION AND
REPORT OF PERSONNEL CHANGE

DATE

MONTH 12 DAY 20 YEAR 2021

TO:
Utica Civil Service Commission

NAME OF EMPLOYEE:

Kuty, Kyle

FROM: (Check only one)

City County Town Village or District

ADDRESS:

DEPARTMENT:

Police Department

TITLE OF POSITION:

Police Officer

SALARY:

\$ 49,288.

NAME AND TITLE OF LAST EMPLOYER IN POSITION:

Veteran

Non-Veteran

Disabled Veteran

Exempt Volunteer Fireman

DATE OF BIRTH:

01/02/98

SOCIAL SECURITY NUMBER:

[REDACTED]

Check Nature of Personnel Change

Date Effective

Action Necessary by Appointing Officers

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Permanent

Return report of Certification

Provisional

Attach application (MSD-330)

Temporary

From: To:

State length of employment

Substitute

From: To:

Give facts under Remarks

For Term of Office

From: To:

Give facts under Remarks

Permanent Promotion

Return report of Certification

Provisional Promotion

Attach nomination

Non-Competitive Class

Attach application (MSD-330)

Exempt Class

Submit this form only

Labor Class

Attach application (MSD-330)

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Resignation

Submit signed resignation

Retirement

Give effective date

Deceased

Indicate date

Removal

Attach copy of proceedings

Layoff (Lack of Work or Funds)

Give facts under Remarks

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Military Leave of Absence

Give facts under Remarks

Other Leave of Absence

From: To:

Give facts under Remarks

Transfer

Give facts under Remarks

Demotion

Give facts under Remarks

Suspension

Give facts under Remarks

Reinstatement

Give facts under Remarks

Change in Classification

Give facts under Remarks

New Position

Submit form MSD-222

Change in Salary

Indicate new salary

Change in Name

Give facts under Remarks

Other

12/20/2021

Give facts under Remarks

Remarks: (Continue on back if necessary)

Address change to [REDACTED]
[REDACTED] eff. 12/20/21. EFH

Appointing Officer

Title

Address

[REDACTED]
Chief of Police

CERTIFICATE

valid until

(Date)

This certifies that the above
employment is in accordance with
Law and Rules made in pursuance
to law. Subject to any limitation or
condition specified above.

By

Date

Report all personnel changes to this form
Send ONE COPY prior to payroll affected by this change
SUPPLEMENTARY PAYROLL CERTIFICATION AND
REPORT OF PERSONNEL CHANGE

DATE

MONTH 07 DAY 07 YEAR 2021

TO:
Utica Civil Service Commission

FROM: (Check only one)
 City County Town Village or District

NAME OF EMPLOYEE:
Kuty, Kyle

ADDRESS:
[REDACTED]

DEPARTMENT:
Police Department

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

TITLE OF POSITION:
Police Officer

SALARY:
\$ 49,288.

Veteran Non-Veteran
 Disabled Veteran Exempt Volunteer Fireman

DATE OF BIRTH:
01/02/98

SOCIAL SECURITY NUMBER:
[REDACTED]

	<i>Check Nature of Personnel Change</i>	<i>Date Effective</i>	<i>Action Necessary by Appointing Officer:</i>	
A P P O I N T M E N T S	<input checked="" type="checkbox"/> Permanent	7/7/21	Return report of Certification	
	<input type="checkbox"/> Provisional		Attach application (MSD-330)	
	<input type="checkbox"/> Temporary	From: To:	State length of employment	
	<input type="checkbox"/> Substitute	From: To:	Give facts under Remarks	
	<input type="checkbox"/> For Term of Office	From: To:	Give facts under Remarks	
	<input type="checkbox"/> Permanent Promotion		Return report of Certification	
	<input type="checkbox"/> Provisional Promotion		Attach nomination	
	<input type="checkbox"/> Non-Competitive Class		Attach application (MSD-330)	
	<input type="checkbox"/> Exempt Class		Submit this form only	
	<input type="checkbox"/> Labor Class		Attach application (MSD-330)	
	T E R M I O N N A S	<input type="checkbox"/> Resignation		Submit signed resignation
		<input type="checkbox"/> Retirement		Give effective date
<input type="checkbox"/> Deceased			Indicate date	
<input type="checkbox"/> Removal			Attach copy of proceedings	
<input type="checkbox"/> Layoff (Lack of Work or Funds)			Give facts under Remarks	
O T H E R C H A N G E S	<input type="checkbox"/> Military Leave of Absence		Give facts under Remarks	
	<input type="checkbox"/> Other Leave of Absence	From: To:	Give facts under Remarks	
	<input type="checkbox"/> Transfer		Give facts under Remarks	
	<input type="checkbox"/> Demotion		Give facts under Remarks	
	<input type="checkbox"/> Suspension		Give facts under Remarks	
	<input type="checkbox"/> Reinstatement		Give facts under Remarks	
	<input type="checkbox"/> Change in Classification		Give facts under Remarks	
	<input type="checkbox"/> New Position		Submit form MSD-222	
	<input type="checkbox"/> Change in Salary		Indicate new salary	
	<input type="checkbox"/> Change in Name		Give facts under Remarks	
<input type="checkbox"/> Other		Give facts under Remarks		

Remarks: (Continue on back if necessary)

Sworn in 7/7/21 on payroll 7/7/21

Appointing Officer
Title
Address

Mark Welles
Chief of Police

CERTIFICATE
valid until

This certifies that the above
employment is in accordance with
Law and Rules made in pursuance
to law. Subject to any limitation or
condition specified above.

By

Date

(Date)

PROBATIONARY REPORT

To Appointing Officer:

Please complete this form in triplicate:

- Forward original to the Civil Service Commission.
- Give one copy to the employee.
- Retain one copy for your files.

DATE THIS REPORT DUE:		The Civil Service Commission requires that this report be filed two weeks prior to the end of the probationary term. See date probationary term ends below.	
EMPLOYEE'S NAME:	Kyle Kutry	DATE OF APPOINTMENT:	7/7/21
SOCIAL SECURITY NUMBER:	[REDACTED]	DEPARTMENT OR AGENCY:	Utica Police Dept.
STATUS/TITLE OF POSITION:	Police Officer	JURISDICTIONAL CLASSIFICATION:	
ORIGINAL LENGTH OF THE PROBATIONARY TERM:	1 year		
NUMBER OF DAYS ABSENT DURING THE PROBATIONARY TERM:	3		
NUMBER OF DAYS PROBATIONARY TERM IS TO BE EXTENDED:	2		
DATE PROBATIONARY TERM ENDS:	7/7/22		
IF SATISFACTORY, DATE PERMANENT STATUS BEGINS:	7/8/22		

CERTIFICATE OF APPOINTING OFFICER:


I hereby certify that the probationer has been observed and it has been found that the conduct, capacity, and fitness of the probationer is:

SATISFACTORY. Employee will be retained as a permanent employee. Employee has served (Maximum) (Shortened) probationary period. Minimum probationary period is usually eight weeks, except in the case of trainee positions (12 weeks) and Police Officer (26 weeks).

UNSATISFACTORY. Employee will be discharged or returned to prior permanent position.

Copy of letter to employee attached.

Copy of letter to employee to be submitted.

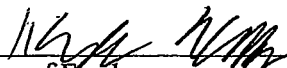


 Authorized Signature
 Mark Williams

 Print Name
 Chief

 Title

I have received a copy of this form.



 Signature of Employee
 7/8/22

 Date

UTICA POLICE DEPARTMENT

Personnel Order



Issue date: 12/17/2021	Subject: Assignment / Transfer Orders	P.O. 21-21
Issuing Authority Capt. B. Bansner	Approved by: Chief M. Williams	

[REDACTED]

Will leave the Administrative Division at the completion of orientation on December 17th, 2021. He will report to Lt. M. Murphy for Field Training Assignment in B-Platoon, Squad 2 on December 20th, 2021 at 0745 hours.

[REDACTED]

Will leave the Administrative Division at the completion of orientation on December 17th, 2021. He will report to Lt. H. Brodt for Field Training Assignment in C-Platoon, Squad 2 on December 20th, 2021 at 1545 hours.

[REDACTED]

Will leave the Administrative Division at the completion of orientation on December 17th, 2021. He will report to Lt. M. Murphy for Field Training Assignment in B-Platoon, Squad 2 on December 20th, 2021 at 0745 hours.

Recruit Kyle Kutty

Will leave the Administrative Division at the completion of orientation on December 17th, 2021. He will report to Lt. M. Murphy for Field Training

[REDACTED]

Captain Brian D. Bansner #0399

UTICA POLICE DEPARTMENT

Personnel Order



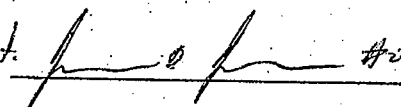
Issue date: 1/6/2022	Subject: Assignment / Transfer Orders	P.O. 22-01
Issuing Authority Capt. B. Bansner	Approved by: Chief M. Williams	

[Redacted]

Will leave C-Platoon, Squad 2 at the completion of his shift on January 6, 2022. He will report to Lt. H. Brodt for Field Training Assignment in B-Platoon, Squad 3 on January 7, 2022 at 0745 hours.

Recruit Kyle Kutty

Will leave B-Platoon, Squad 3 at the completion of his shift on January 6, 2022. He will report to Lt. A. Berger for Field Training Assignment in C-Platoon, Squad 2 on [Redacted], 2022 at 1545 hours.

Capt.  #0399

Captain Brian D. Bansner #0399

UTICA POLICE DEPARTMENT
Personnel Order




Issue date: 1/27/2022	Subject: Assignment / Transfer Orders	P.O. 22-02
Issuing Authority Capt. B. Bansner	Approved by: Chief M. Williams	

[REDACTED]

Will leave B-Platoon, Squad 2 at the completion of his shift on January 27th, 2022. He will report to Lt. A. Berger for Field Training Assignment in C-Platoon, Squad 2 on January 30th, 2022 at 1545 hours.

Recruit Kyle Kutzy

Will leave C-Platoon, Squad 2 at the completion of his shift on January 27th, 2022. He will report to Lt. J. Holt for Field Training Assignment in B-Platoon, [REDACTED] on [REDACTED] at 0745 hours.

Capt.  #0399
Captain Brian D. Bansner #0399



CITY OF UTICA

Civil Service

1 Kennedy Plaza, Utica, New York 13502

(315) 792-0227 fax: (315) 792-0226

ROBERT M. PALMIERI
MAYOR

LORI A. WROBEL
SECRETARY TO THE CSC

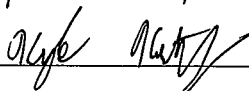
CITY OF UTICA, NEW YORK POLICE OFFICER NEW HIRE MEMORANDUM OF AGREEMENT

In connection with my appointment as a Police Officer for the City of Utica, New York for the Spring 2021 Academy, I, Kyle Kutty
(print name), do hereby agree to the following:

- I understand and agree that, should I voluntarily terminate my employment with the City of Utica Police Department **for any reason other than health related, within three (3) years of my date of hire** (as listed above), I will be responsible for reimbursing the City of Utica for the cost of any uniforms or equipment issued to me by the City of Utica, as well as for the cost of all pre-employment processing expenses including the medical exam, drug testing, psychological testing, and polygraph testing. The amount of such reimbursement will be determined by the price in effect on the date of my hire. Current prices are listed on the attached sheet.
- In addition to the above, should I voluntarily terminate employment **within five (5) years of my date of hire for the purpose of accepting other employment in law enforcement**, I will be required to reimburse a percentage of my wages earned while at the Mohawk Valley Police Academy, in accordance with the attached schedule.

I also understand and agree that in the event of my voluntary termination, recovery of such monies owed may result in the City of Utica commencing a legal action to collect any money owed to the City of Utica under this Contract. I further agree that, in the event that I voluntarily terminate my employment as a City of Utica Police Officer within either of the two time periods set forth above, the City of Utica shall be permitted to initiate automatic payroll garnishment of any or all accumulated remaining time balances **e.g., vacation time, sick time, personal leave, and holiday pay**. If that amount is not sufficient to cover the total cost, I agree to fulfill my obligation to pay any remaining unpaid balances.

Print Name: Kyle Kutty

Signature: 

Date: 12/16/21

Police Officer New Hire Agreement Attachment (Page 1)

<u>Uniforms and Equipment:</u>	<u>Price:</u>
Vests:	\$ 825.00
Short Sleeve Shirt (w/ Flag & Patch):	\$ 130.00
Long Sleeve Shirt (w/ Flag & Patch):	\$ 142.00
Pants	\$ 142.00
Neckties	\$ 4.50
Sweater (w/ Flag & Patch)	\$ 49.50
8 Pt Cap (w/ Stretch Strap/Band)	\$ 32.00
Raincoat w/8 Pt Cap Cover	\$ 97.25
Traffic Vests	\$ 44.50
Tie Bars	\$ 17.50
Hat Badge	\$ 32.50
Breast Badge	\$ 38.50
Name Tags	\$ 5.00
Three Season Coat	\$ 102.50
OC Spray	\$ 12.35
Head Gator	\$ 13.50
Handcuffs	\$ 44.95
Duty Weapon Holster	\$ 110.00
OC Spray Holder	\$ 24.50
Double Mag Holder	\$ 27.50
Belt Keepers	\$ 6.50
Cuff Case	\$ 22.50
Duty Belt	\$ 51.50
Total:	\$ 1976.05

Pre-Employment Processing Expenses:

Credit Check	\$ 10.35
Pre-Employment Medical Exam	self paid
Psychological	\$ 250.00
Drug Test	self paid
Total:	\$ 260.35

Training:

Firearms Training	\$ 540.00
Mohawk Valley Police Academy	\$ 1855.00
Total:	\$ 2395.00

**CITY OF UTICA, NY
RECAPTURE OBLIGATION SCHEDULE
City of Utica Police Department
Training Provided at the Mohawk Valley Police Academy**

6-12 mos (after graduation)	95%
13 mos - 18mos	90%
19 mos - 24 mos	85%
25 mos - 30 mos	80%
31 mos - 36 mos	75%
37 mos - 42 mos	70%
43 mos - 48 mos	65%
49 mos - 54 mos	60%
55 mos - 60 mos	50%

Total Investment

\$ 4631.40



CITY OF UTICA

Utica Police Department
413 Oriskany St. W, Utica, NY. 13502
(315) 735-3301

CHIEF OF POLICE: MARK WILLIAMS

TO: Police Officer:
RE: **Utica Police Policy and Procedure - Chapter 320**

As a Utica Police Officer you are bound by strict rules and regulations as outlined in the Utica Police Policy and Procedure Manual; which were written as guidelines for conduct and responsibility.

This written notification is to inform you that as a Utica Police Officer you are expected to read understand and adhere to the rules and regulations of the **“Utica Police Policy and Procedure Manual.”**

On 12/16//2021, you were spoken to by the Office of Professional Standards, at which time you were advised regarding your responsibility in reviewing and knowing what is in the Utica Police Policy and Procedure Manual, specifically the outlined policy and procedure for the following chapters;

Please read;

UTICA POLICY AND PROCEDURE

- **CHAPTER, 320 Article 4 (General Standards)**
- **CHAPTER 320 Article 5. 1-16 (Causes For Discipline)**
- **CHAPTER 320 Article 5. 8 (Performance)**
- **CHAPTER 320 Article 5. 9: PROFESSIONAL STANDARDS OF CONDUCT AND ETHICS**

Also discussed were the implications of being a Brady and Giglio Officer, Use of personal social media both on and off duty, officer involved domestic incidents and personnel complaints.

Brady Rule

The Brady Rule, named for *Brady v. Maryland*, 373 U.S. 83 (1963), requires prosecutors to disclose materially exculpatory evidence in the government's possession to the defense. "Brady material" or evidence the prosecutor is required to disclose under this rule includes any evidence favorable to the accused-- evidence that goes towards negating a defendant's guilt, that would reduce a defendant's potential sentence, or evidence going to the credibility of a witness.

If the prosecution does not disclose material exculpatory evidence under this rule, and prejudice has ensued, the evidence will be suppressed. The evidence will be suppressed regardless of whether the prosecutor knew the evidence was in his or her possession, or whether or not the prosecutor intentionally or inadvertently withheld the evidence from the defense. The defendant bears the burden of proving that the undisclosed evidence was material, and the defendant must show that there is a reasonable probability that there would be a difference in the outcome of the trial had the evidence been disclosed by the prosecutor.

Police officers who have been dishonest are sometimes referred to as "Brady cops." Because of the Brady ruling, prosecutors are required to notify defendants and their attorneys whenever a law enforcement official involved in their case has a sustained record for knowingly lying in an official capacity

Testifying

1. Telling lies under oath; standard operating procedure for police officers acting as witnesses in trials
2. Police perjury is the act of a police officer giving false testimony

Giglio v. United States, 405 U.S. 150 (1972), is a United States Supreme Court case in which the Court held that the prosecution's failure to inform the jury that a witness had been promised not to be prosecuted in exchange for his testimony was a failure to fulfill the duty to present all material evidence to the jury, and constituted a violation of due process, requiring a new trial. This is the case even if the failure to disclose was a matter of negligence and not intent. The case extended the Court's holding in *Brady v. Maryland*, requiring such agreements to be disclosed to defense counsel.^[1] As a result of this case, the term *Giglio material* is sometimes used to refer to any information pertaining to deals that witnesses in a criminal case may have entered into with the government.¹

() After speaking to personnel from the Office of Professional Standards, I hereby acknowledge that I have been spoken to regarding my responsibilities in reviewing and knowing and adhering to the rules and regulations of the Utica Police Policy and Procedure. I am fully aware that any acts committed by me, violating any portion of the Utica Police Policy and Procedure, can result in disciplinary action taken against me to include termination. I understand that it is my sole responsibility to review and adhere to the Utica Police Policy and Procedure.

Signature of Officer:  Print Name: Kyle Kutny

Date: 16 Day of December, 2021 _____.

Witness: Name, Rank

Certificate of Completion

Crisis Intervention Team

Kyle Kutny

has successfully completed the New York State Crisis Intervention Team Training held the nineteenth through the twenty third days of September, two-thousand and twenty-two in Utica, New York

Date Completed: September 23, 2022

Lt. Albert Sotgiard

Signature

Instructor/Training Academy Name

Title



Utica Police Department

Training Course Summary

Print Date: December 28, 2022

Course Information

Course NO	Title	Type	Credits	Hours	Prerequisites Course 1	Course 2	Comments
202200000005	Feb inservice 2022	In Service	0.00	8.00			Annual TASER re-cert/ BOLA cert for supervisors

Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
		02/03/2022 08:00	02/03/2022 16:00		
		02/07/2022 08:00	02/07/2022 16:00		
		02/11/2022 08:00	02/11/2022 16:00		
		02/15/2022 08:00	02/15/2022 16:00		
		02/17/2022 08:00	02/17/2022 16:00		
		02/25/2022 08:00	02/25/2022 16:00		

Instructor

<u>Instructor</u>	<u>Reserve Date</u>	<u>Course Category</u>	<u>Serial ID</u>	<u>Notes</u>

Utica Police Department

Training Course Summary

Print Date: December 28, 2022

Course Information

Course NO	Title	Type	Credits	Hours	Course 1	Course 2	Comments
202200000001	January 2022 Inservice /UOF/Legal Updates	In Service	0.00	8.00			Training by Oneida County DA office and Lt Holt

Course Schedule

Schedule	Class ID	Start Date/Time	End Date/Time	Company	Course Location
		01/06/2022 08:00	01/06/2022 16:00		
		01/10/2022 08:00	01/10/2022 16:00		
		01/14/2022 08:00	01/14/2022 16:00		
		01/20/2022 08:00	01/20/2022 16:00		
		01/24/2022 08:00	01/24/2022 16:00		
		01/28/2022 08:00	01/28/2022 16:00		

Instructor

Reserve Date	Course Category	Serial ID	Notes

Utica Police Department

Training Course Summary

Print Date: December 28, 2022

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>	<u>Comments</u>
202200000027	June 2022 DT/Pepper Spray	In Service	0.00	8.00			

Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
		06/03/2022 08:00	06/03/2022 16:00		
		06/07/2022 08:00	06/07/2022 16:00		
		06/13/2022 08:00	06/13/2022 16:00		
		06/17/2022 08:00	06/17/2022 16:00		
		06/23/2022 08:00	06/23/2022 16:00		
		06/27/2022 08:00	06/27/2022 16:00		

Instructor

<u>Reserve Date</u>	<u>Course Category</u>	<u>Serial ID</u>	<u>Notes</u>
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Utica Police Department

Professional Standards

Officer Disciplinary History

Police Officer Kyle Kutu [4658/4658]

Part I - Personal Information

Name: Police Officer Kyle Kutu
: 4658 Badge No: 4658 Hire Dt: 07/07/2021

Department: Patrol Division
Bureau: Uniformed Patrol
Division: Uniformed Patrol

Part II - Discipline History

NO DISCIPLINARY RECORD

Printed: Dec 28, 2022 10:22 By: Sgt Hiram Rios

Concise Officer History

Police Officer Kyle Kutu [4658/4658]

: 4658 Hire date: Jul 07, 2021
Current assignment(s):
Department: Patrol Division
Bureau: Uniformed Patrol
Division: Uniformed Patrol

Involved Officer: Background Investigation
Received: Dec 16, 2021 12:00

IA No: BG2021-0062

Case No: 21-3795

Incident disposition/finding:

Involved Officer: Soft Hand/Empty hand
Received: Apr 01, 2022 16:20

IA No: SH2022-0014

Case No: RMS 22-11638

Incident disposition/finding: Within Policy
Role: Arresting Officer

Involved Officer: Use of force
Received: May 24, 2022 13:16

IA No: UOF2022-0047

Case No: RMS 22-19472

Incident disposition/finding: Within Policy
Role: Assisting Officer

Use(s) of force	Effective/Not Effective
Come Along	Limited
Verbal Commands	NOT effective
Presence of Authority	NOT effective

Service being conducted: Harassment Inv.

Involved Officer: Use of force
Received: May 26, 2022 14:50

IA No: UOF2022-0049

Case No: RMS 22-19860

Incident disposition/finding: Within Policy
Role: Arresting Officer

Use(s) of force	Effective/Not Effective
Empty Hand Control	Limited
Take Down	Effective
Verbal Commands	NOT effective
Presence of Authority	NOT effective
Come Along	Limited

Service being conducted: Warrant Arrest

Involved Officer: External/Citizen
Received: Oct 06, 2022 10:06

IA No: CC2022-0031

Case No: RMS 22-21861

Incident disposition/finding: Closed by Investigation
Role: Arresting Officer

Allegations:

Conduct 321.5.9 - Standard of Conduct 321 - Not Sustained - Nov 01, 2022

Report summary: totals by incident type:

Incident type	Received
Anonymous	0
Background Investigation	1
Civilian Injury	0
Department Discipline	0
Discretionary arrest	0
Drug test	0
E-File	0
External/Citizen	1
Firearm discharge	0
Foil Request	0
Forced entry	0
Generic incident	0
Integrity test	0
Internal/Department	0
K9 Utilization	0
Mental Health Law Arrest	0
Notice of Claim	0
Officer Injury	0
Show of force	0
Soft Hand/Empty hand	1
Stop	0
UPD Damaged Prop Car/Equip	0
Use of force	2
Vehicle accident	0
Vehicle pursuit	0
Total	5

Printed: Dec 28, 2022 10:22 By: Sgt Hiram Rios