# City of Utica



Utica, New York

# To The City Clerk of Utica

As provided by Section 12 of the Second Class Cities Laws, I hereby certify that

Name: Matthew R. Felitto

Address:

Telephone:

has this day been appointed to the position of Police Officer

in the department of

Public Safety-Bureau Of Police

the term to commence

01/28/2019

the term to end

filling unexpired term of (if applicable)

Mayor

Title of Official

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 MONTH 04 DAY 01 YEAR 2020 NAME OF EMPLOYEE: **Utica Civil Service Commission** Felitto, Matthew R. FROM: (Check only one) X City County Town ☐ Village or District DEPARTMENT: TITLE OF POSITION: Police Department Police Officer \$ 59,703. NAME AND TITLE OF LAST EMPLOYEE IN POSITION: Non-Veteran Exempt Volunteer Fireman Disabled Veteran SOCIAL SECURITY NUMBER: DATE OF BIRTH: ID# 2840 Check Nature of Personnel Change Date Effective Action Necessary by Appointing Officer: Permanent Return report of Certification Provisional Attach application (MSD-330) To: Temporary State length of employmen Substitute From: To: Give facts under Remarks For Term of Office From: To: Give facts under Remarks N Permanent Promotion Return report of Certification Provisional Promotion Attach nomination Non-Competitive Class Attach application (MSD-330) E N T Submit this form only **Exempt Class** Labor Class Attach application (MSD-330) Resignation Submit signed resignation Retirement Give effective date Deceased Indicate date ΊO Removal Attach copy of proceedings N N Layoff (Lack of Work or Funds) Give facts under Remarks Military Leave of Absence Give facts under Remarks Other Leave of Absence Give facts under Remarks O T Transfer Give facts under Remarks Demotion Give facts under Remarks Н E Suspension Give facts under Remarks Reinstatement Give facts under Remarks Change in Classification Give facts under Remarks Н New Position Submt form MSD-222 × 4/1/20 Change in Salary Ŋ Indicate new saalry G Change in Name Give facts under Remarks Other Give facts under Remarks Remarks: (Continue on back if necessary) 3.75% contract inc. eff. 4/1/20. Appointing Officer Títle Chief of Police Address change eff. 10/2/19. Address 3.75% contract inc. eff. 4/1/19 CERTIFICATE This certifies that the above valid until employment is in accordance with Ву Law and Rules made in pursuance to law. Subject to any limitation or (Date) condition specified above. Date

TO:		Report all personnel changes to this fo end ONE COPY prior to payroll affected by UPPLEMENTARY PAYROLL CERTIFICAT REPORT OF PERSONNEL CHANG	this change ION AND	MONTH 10 DAY 02 YEAR 2019
	Civil Service C	ommission	Felitto, Matthe	aw R
FROM: (Check		0111111331011	ADDRESS:	24A 17.
X City		Town Village or District		
DEPARTMEN	T:		TITLE OF POSITION:	SALARY:
Police	Department	•	Police Officer	\$ <b>47</b> ,507.
NAME AND T	TILE OF LAST EMPLOYEE	IN POSITION:	· Veteran	☐ Non-Veteran
			Disabled Vet	hand a first transfer of the contract of the c
			DATE OF BIRTH:	SOCIAL SECURITY NUMBER:  ID# 2840
	<u> </u>	heck Nature of Personnel Change	<u>Date Effective</u>	Action Necessary by Appointing Officer:
	Permanent			Return report of Certification
	Provisional			Attach application (MSD-330)
A P	Temporary		From: To:	State length of employment
P	Substitute		From: To:	Give facts under Remarks
0	For Term of C	Office	From: To:	Give facts under Remarks
N N	Permanent Pr			Return report of Certification
T	Provisional P.			Attach nomination
M E	Non-Competi			Attach application (MSD-330)
N	Exempt Class			Submit this form only
T S	Labor Class			Attach application (MSD-330)
T	Resignation			Submit signed resignation
Ė	Retirement			Give effective date
R T M I	Deceased			Indicate date
10	Removal			Attach copy of proceedings
N N A S		f Work or Funds)		Give facts under Remarks
A 3	Military Leave	<del></del>		Give facts under Remarks
		·	r	
		Absence	From: To:	Give facts under Remarks
O. T				Give facts under Remarks
H				Give facts under Remarks
E R	Suspension			Give facts under Remarks
	Reinstatement			Give facts under Remarks
H .	Change in Class	ification		Give facts under Remarks
Α	New Position Change in Salar			Submt form MSD-222
N G	- Change It bank			Indicate new saalry
E	Change in Nam	e	40/0/40	Give facts under Remarks
S	Other e on back if necessary)		10/2/19	Give facts under Remarks
Address 3.75% c	s change eff. 1 contract inc. ef teral employee	f. 4/1/19	Appointing Officer Title Address	Mark Williams Chief of Police
CERTIF	ICATE	. This certifies that the above		
valid		employment is in accordance with Law and Rules made in pursuance	Ву	
		to law. Subject to any limitation or		
		condition specified above.		· ·

	Report all personnel changes to this for Send ONE COPY prior to payroll affected by th SUPPLEMENTARY PAYROLL CERTIFICATIO REPORT OF PERSONNEL CHANGE	us change ON AND	MONTH 04 DAY 01 YEAR 2019
	Civil Service Commission	NAMB OF EMPLOYEE: Felitto, Matthe	
FROM: (Check	y County Town Village or District	ADDRESS;	
Police	n. Department	Police Officer	SALARY: \$ 47,507.
	TTLE OF LAST EMPLOYEE IN POSITION:	☐ Veteran	□ Non-Veteran
		Disabled Vete	eran Exempt Volunteer Fireman
		DATE OF BIRTH:	SOCIAL SECURITY NUMBER: ID# 2840
	Check Nature of Personnel Change	<u> Date Effective</u>	Action Necessary by Appointing Officer:
	Permanent Permanent	1/28/19	Return report of Certification
1 .	Provisional		Attach application (MSD-330)
A P	Temporary	From: To:	State length of employment
P	Substitute	From: To:	Give facts under Remarks
0	For Term of Office	From: To:	Give facts under Remarks
N	Permanent Promotion		Return report of Certification
T M	Provisional Promotion		Attach nomination
Е	Non-Competitive Class		Attach application (MSD-330)
N T	Bxempt Class		Submit this form only
s	Labor Class		Attach application (MSD-330)
T	Resignation		Submit signed resignation
E R T	Retirement		Give effective date
M I	☐ Deceased		Indicate date
1 O N N	Removal		Attach copy of proceedings
AS	Layoff (Lack of Work or Funds)		Give facts under Remarks
•	Military Leave of Absence		Give facts under Remarks
	Other Leave of Absence	From: To:	Give facts under Remarks
<b>O</b> .	Transfer	·	Give facts under Remarks
T H	Demotion ·		Give facts under Remarks
E	Suspension		Give facts under Remarks
R,	Reinstatement		Give facts under Remarks
<b>c</b> .	Change in Classification		Give facts under Remarks
. Y	New Position		Submt form MSD-222
N	Change in Salary		Indicate new saalry
G	Change in Name		Give facts under Remarks
5	Other .		Give facts under Remarks
	e on back if necessary)  ontract inc. eff. 4/1/19  eral employee eff. 1/28/19	Appointing Officer	Mark M. Willey
•		Title	Chief of Police
		Address	
CERTIFIC	CATE This certifies that the above		
valid u	·	Ву	
	to law. Subject to any limitation or		
. (Date		Date	
÷		· · · · · · · · · · · · · · · · · · ·	

	Report all personnel changes to this form Send ONE COPY prior to payfoll affected by this ch SUPPLEMENTARY PAYROLL CERTIFICATION A REPORT OF PERSONNEL CHANGE	AND	MONTH 01 DAY 28 YEAR 2019
TO:	··! Coming Commission	NAME OF EMPLOYEE:	
	vil Service Commission	Felitto, Matthew	K
FROM: (Check or	· ·	ADDRESS:	
DEPARTMENT:	County Town Village or District	TITLE OF POSITION:	SALARY:
Police D	epartment	Police Officer	s 45,790.00
NAME AND III	LE OF LAST EMPLOYEE IN POSITION:	Veteran Disabled Veteran	☐ Non-Veteran ☐ Exempt Volunteer Fireman
		DATE OF BIRTH:	SOCIAL SECURITY NUMBER:
		57.120. 5	ID# 2840
	Check Nature of Personnel Change	Date Effective	Action Necessary by Appointing Officer:
	Permanent	1/28/19	Return report of Certification
	Provisional		Attach application (MSD-330)
A P	☐ Temporary	From: To:	State length of employment
P	☐ Substitute	From: To:	Give facts under Remarks
O.	Por Term of Office	From: To:	Give facts under Remarks
I N	Permanent Promotion		Return report of Certification
T	Provisional Promotion		Attach nomination
M E	Non-Competitive Class		Attach application (MSD-330)
N	☐ Exempt Class		Submit this form only
T S	Labor Class		Attach application (MSD-330)
T	Resignation		Submit signed resignation
B	Retirement		Give effective date
R T M I	Deceased		Indicate date
10	Removal		Attach copy of proceedings
N N A S	Layoff (Lack of Work or Funds)		Give facts under Remarks
	Military Leave of Absence		Give facts under Remarks
	Other Leave of Absence	From: To:	Give facts under Remarks
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Ť	Demotion	<u> </u>	Give facts under Remarks
H			Give facts under Remarks
R	Suspension Reinstatement	<u> </u>	Give facts under Remarks Give facts under Remarks
c	Change in Classification	<del>                                     </del>	Give facts under Remarks
н			
			Submt form MSD-222
G	Criange at Data y		Indicate new saalry
. B	Change in Name		Give facts under Remarks
1 (0 1)	Other on back if necessary)		Give facts under Remarks
	eral employee eff. 1/28/19	Appointing Officer	Tark Willias
			Chief of Police
	· · · · · · ·	Address	
CERTIFIC	CATE This certifies that the above		
valid u	employment is in accordance with  Law and Rules made in pursuance	Ву	
(Date	to law. Subject to any limitation or condition specified above.	Date	

# CITY OF UTICA CIVIL SERVICE COMMISSION

### 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 en
of the probationary term. See date probationary term ends below.
Mathew telito Date of AFFORNIMENT: 1/28/19
SOCIAL SECURITY NUMBER:  DEPARTMENT OR AGENCY:  DEPARTMENT OF AGENCY
STATUS/TITLE OF POSITION: Police Difficer JURISDICTIONAL CLASSIFICATION:
ORIGINAL LENGTH OF THE PROBATIONARY TERM AS SHOWN ON THE GCCS-12(AorB):
NUMBER OF DAYS ABSENT DURING THE PROBATONARY TERM:
NUMBER OF DAYS PROBATIONARY TERM IS TO BE EXTENDED:
DATE PROBATIONARY TERM ENDS: $\sqrt{28/20}$
IF SATISFACTORY, DATE PERMANENT STATUS BEGINS: \/29/20
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:
SATIFACTORY. 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.
and the control of th
Copy of letter to employee to be submitted.
IMA William
Authorized Signature
- MARN Williams
Print Name
Chi all
Title
I have received a copy of this form.
THAY TOURS OF HILLS TOTAL.

GCCS-14 (Created 4/01)

Signature of Employee

### GENERAL RELEASE AND INDEMNITY AGREEMENT

### **Parties**

This Agreement is entered into by Matthew R. Felitto , herein after referred to as RELEASOR/INDEMNITOR, and the City of Utica, herein after referred to as RELEASEE/INDEMNITEE. As used in this Agreement, the term "Releasee/Indemnitee" is hereby defined as the City of Utica, its current, former, or retired officers, employees, elected officials, agents, successors, servants and assigns (in their individual, personal, official, representative, and any other capacities). The term "Releasor/Indemnitor" is hereby defined as Matthew R. Felitto, as well as his heirs, executors, administrators, and assigns.

#### Recitals

WHEREAS, Releasor/Indemnitor is presently or has recently been employed with a municipal police/sheriff department within New York State; and

WHEREAS, Releasor/Indemnitor now desires to accept employment with the Releasee/Indemnitee; and

WHEREAS, Releasor/Indemnitor is willing and desires to indemnify the Releasee/Indemnitee for any legal actions taken against Releasee/Indemnitee arising out of General Municipal Law § 72-c and/or other applicable law; and

WHEREAS, Releasee/Indemnitee makes an offer of employment only on a condition that this Agreement is duly executed;

WHEREAS, Releasee/Indemnitee intends to settle a claim with Oneida County, New York arising out of General Municipal Law § 72-c for Releasor/Indemnitor's employment with Releasee/Indemnitee in the amount of twenty-nine thousand four hundred and ninety-five dollars and sixty-four cents (\$29,495.64);

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, by and between Releasor/Indemnitor and Releasee/Indemnitee, the parties agree as follows:

1. For consideration as described above Releasor/Indemnitor agrees to pay Releasee/Indemnitee fourteen thousand seven hundred and forty seven dollars and eighty-two cents (\$14,747.82); Further Releasor/Indemnitor further agrees and expressly authorizes Releasee/Indemnitee to deduct payments from his by-weekly paychecks such that the aforestated sum shall be completely tendered in one year's time; Finally, Releasor/Indemnitor reserves the right to at any time with no penalty tender the remaining amount owed either by multiple installments or one lump sum payment; should the Releasor/Indemnitor make such an installment payment the regular aforestated payroll deductions continue as tabulated until the entire aforestated sum is tendered;

- 2. For consideration as described above Releasor/Indemnitor agrees to waive, release, hold harmless and promises never to assert, any and all claims that he has or might have against any Releasee/Indemnitee or their predecessors, successors, the City's current, former, or retired officers, employees, elected officials, agents, successors and assigns (in their individual, personal, official, representative, and any other capacities), whatsoever, including without limitation those arising from or relating to any of the claims, allegations, or incidents that have or could have been asserted in a lawsuit whether known or unknown that arose prior to the date of this Agreement or will arise out of his accepting of employment as contemplated by the parties. Those claims being released include, but are not limited to, ones arising out of General Municipal Law § 72-c and other federal, state and local statutory or common law, as well as any other claim that the Releasor/Indemnitor has or may have against any Releasee/Indemnitee.
- 3. Releasor/Indemnitor waives any rights he might otherwise have had under the New York State Civil Service Law, New York Public Officer's Law, the New York State Civil Practice Law and Rules, the collective bargaining agreement, or any other provision of law, rule or regulation, with respect to his duty to indemnify, defend and hold harmless the Releasee/Indemnitee.
- 4. Should Releasor/Indemnitor's employment with the City of Utica end for any reason before the aforestated amount is tendered in full then Releasor/Indemnitor agrees to pay the City twenty-nine thousand four hundred and ninety-five dollars and sixty-four cents (\$29,495.64) and attorneys fees as well as costs associated with any action to recover said monies owed.
- 5. Releasor/Indemnitor hereby acknowledges, agrees, represents, warrants, and guarantees that:
  - a. he has read this Agreement and understands its meaning and effect;
  - b. he has knowingly and voluntarily entered into this Agreement of his own free will;
  - c. Releasee/Indemnitee may plead this Agreement as a complete defense to any claim that Releasor/Indemnitor may assert. If Releasor/Indemnitor violates this Agreement by instituting such a claim or charge or suing any Releasee/Indemnitee, then Releasor/Indemnitor agrees to pay all costs and expenses of defending against the claim, charge or suit incurred by said Releasee/Indemnitee, including reasonable attorney's fees;
  - d. Releasor/Indemnitor has not assigned or transferred to any other person or entity any claims which are released by this Agreement. Releasor/Indemnitor agrees to indemnify, and hold Releasee/Indemnitee harmless from and against any claim, including the payment of attorneys' fees and costs incurred, whether or not litigation is commenced, based on or in connection with or arising out of any such assignment or transfer.

- 6. The parties understand and agree that this Agreement and the consideration exchanged herein do not constitute and shall not be used or construed in any way as an admission of any sort on the part of any party.
- 7. The parties acknowledge that this Agreement sets forth the entire understanding of the parties with respect to the subject matter hereof. Further, this Agreement supersedes any and all other agreements, either oral or in writing, between or among the parties hereto with respect to the subject matter hereof. In addition, any modification of, or waiver of rights under, this Agreement shall be effective only if in writing and signed by the parties.
- 8. In entering into this Agreement, the parties represent that they have relied exclusively on their own (or their respective attorneys) judgment and analysis of the facts, and have not relied on any representations or conditions made by any opposing party.

IN WITNESS WHEREOF, the RELEASOR/INDEMNITOR has hereunto set

RELEASOR/INDEMNITOR's hand and seal on the day 31 of January, 2019.

Matthew R. Felitto

IN PRESENCE OF:

STATE OF NEW YORK )

ss:

COUNTY OF ONEIDA

On January 31, 2019 before me personally came **Matthew R. Felitto** and known and/or proved to me to be the individual described in, and who duly executed the foregoing **INDEMNITY/HOLDHARMLESS AGREEMENT** by setting their hand and subscribing where indicated above.

NOTARY PUBLIC Commission Expires:

J. MEGHAN WOLF
Notary Public. State of New York
Qualified in Oneida County
Registration # 01W06314763
My Commission Expires

# IN WITNESS WHEREOF, the RELEASEE/INDEMNITEE has hereunto set

RELEASEE'S/INDEMNI	TEE'S hand a	and seal	on)the day _	_of Janu	ary, 2019	<b>).</b>
		By: Its:	City of U Robert Pa Mayor		On.	
		165.	Wayor ,			
IN PRESENCE OF:						
STATE OF NEW YORK	)				•	
	ss:	* .*	,			
COUNTY OF ONEIDA	)				: .	
On January	e individual de ARMLESS	scribed i	n, and who	duly execu	ited the fo	oregoing
		MOTA NOTA	RY PUBL	BBA	ZUNI	<b>-</b>
		Comm	ission Expi	res:	U	

ASHLEY B. BIZZARI
Notary Public, State of New York
Registration No. 01BI6236877
Qualified in Onelda County
My Comm. Expires August 27, 2019

## IN WITNESS WHEREOF, the RELEASEE/INDEMNITEE has hereunto set

RELEASEE'S/INDEMNITEE'S ha	nd and seal on the play 20 of January, 2019.
	Millian
	Utica Police Chief Mark Williams
IN PRESENCE OF:	
STATE OF NEW YORK	
ss:	
COUNTY OF ONEIDA	
TRACEY A MILLS  Notary Public - State of New York  No. 01Ml6185254  Qualified in Oneida County  My Commission Expires April 14, 20	NOTARY PUBLIC Commission Expires:
Dated: January 20, 2019 Utica, New York	THE CITY OF UTICA APPROVED AS TO FORM ONLY
	William M. Borrill, Esq. Utica Corporation Counsel By: Zachary C. Oren, Esq. First Assistant Corporation Counsel City of Utica Department of Law 1 Kennedy Plaza

Utica, NY 13502 (315) 792-0171



# 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, CSC

TO:

Police Officer Candidates

RE:

Residency Requirement

As you are aware, vacancies exist for the permanent position of Police Officer in the Department of Public Safety, Bureau of Police at an annual starting salary of \$36,258.

Please read the information below concerning residency requirements for permanent appointments:

## **UTICA CITY CHARTER, SECTION 2.045:**

- Definition. Residency means the actual principal domicile of an individual, where the individual normally sleeps and maintains usual personal and household effects.
- Residency for new Officers and Employees. Except as otherwise provided by law, there is a residency requirement for all prospective officers and employees of the City, including members of the police force. Every person initially employed by the City, shall as a qualification of employment, become a resident of the City within six (6) months of the date of initial service for the City. <u>During an employee's time of service, no such employee shall cease to be a resident of the City</u>.
- () I have read and understand the above portion of the Utica City Charter, Section 2.045 and will accept these terms if a permanent appointment is offered.

Masthu A. FOLHO Matthe Less Signature of Candidate

Date: 1/3/2019

This letter should not be interpreted to mean that you will definitely be appointed to this position. Appointment is dependent upon your availability, the result of any interviews conducted and the possible selection of another equally qualified candidate.

Sworn to me this  $30^{10}$ 

Day of January

, 20 19

Notary Public or Commissioner of Deeds





## Employment Eligibility Verification Department of Homeland Security U.S. Citizenship and Immigration Services

USCIS Form 1-9 OMB No. 1615-0047 Expres 08/31/2019

START HERE: Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hite or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

	100			The state of the state of	A. C.	
ast Name (Family Name)		ame (Given Nam H Lew	e).	Ande Initial · C	Other Lest Names (	lsed <i>(if eny)</i>
dress (Street Number and Na	me)	Apt. Number	City or Town		State	ZIP Code
te of Birth (mm/dd/yyyy)	J.S. Social Security Nu	mber Employ	yee's E-mail Addr	985	Employee's Te	lephone Number
n aware that federal law nection with the comple est, under penalty of pe	tion of this form.		•	•	se of faise docu	ments in
1. A citizen of the United Sta	les			-r-		
2. A noncitizen national of the 3. A lawful permanent reside			Number):	•	•	
4. An alien authorized to wor Some aliens may write "Ni Ins authorized to work must p Alien Registration Number/U	A" in the expiration date provide only one of the	e field. (See înstri followina docume	uctions) Int numbers to co	mplete Form 1-9: Ign Passport Numbe	1 1 277	Code - Section 1 Write In This Space.
Alien Registration Number/Ut OR Form 1-94 Admission Number				•		•
OR Foreign Passport Number: Country of Issuance:			•			
alure of Employee	to			Today's Date (m)	middlygy) 2019	
	e's	te ib vi te te te te	toriging to the state of the st		<i>t.</i>	
est, under penalty of per viedge the information is	ury, that I have ass frue and correct.	isted in the co	mpletion of Se	ction 1 of this fo	rm and that to t	he best of my
alure of Preparer or Translato				Toda	ay's Date (mm/dd/y	YYY)
Name (Family Name)			First Name	(Given Name)	<del>,</del>	



# Employment Eligibility Verification Department of Homeland Security U.S. Citizenship and Verification

USCIS

Form I-9

OMB No. 1615-0047

U.	S. Chizenship and Immigration Services	Hapires 08/31/2019
,	ramentus amai en (lante ar letr) forentar estrentar y ét errestrence a rambiente de l'antitude de l'antitude d	en e
Employee info from Section 1 Last Name	(Family Name) First Name (Givenilan	(a) M.I. Citizenship/limmigration Status
		ND List C Employment Authorization
Document Title	Document Title	Document Title SS C Are D
Issuing Authority	Issuing Authority	Issuing Authority
Document Number	Document Number	Document Number
Expiration Date (if any)(mm/dd/yyyy)	Expiration Date (n any)(mm/ad/yyyy)	Expiration Date (if any) (mm/dd/yyyy)
Document Title	10/18/94	
Issuing Authority	Additional Information	QR Code - Sections 2 & 3 Do Not Witle in This Space
Document Number		
Expiration Dale (if any)(mm/dd/yyyy)		
Document Title		
ssuing Authority		
ocument Number		
expiration Date (if any)(mm/dd/yyyy)		
ertification: I altest, under penalty of peri ) the above-listed document(s) appear to mployee is authorized to work in the Unite the employee's first day of employment		presented by the above-named employee, ad, and (3) to the best of my knowledge the structions for exemptions)
ignature of Employer or Authorized Representa	tive Today's Date(mm/dd/yyyy) Title	of Employer or Authorized Representative
1) Jesei	1/28/19 0	FFICE MANAGER! PAYROLL
ast Name of Employer or Authorized Representative	First Name of Employer or Authorized Representive	Employer's Business or Organization Name  UTICA POLICE DETOT
mployer's Business or Organization Address (S) 4/2 ORISKALL 57 W		State ZIP Code
ast Name (Family Name) First	Name (Given Name) Middle Inia;	Date (mm/dd/yyyy)

#### PERFORMANCE EVALUATION REPORT

NAME (FIRST, LAST, MI)	ID	#	RANK	DIVISION/UNIT	
Matthew Felitto	28	840	PO		
DUTY ASSIGNMENT (I.E. DESK, STREET PATROL, BOOKING		RIOD COVERED	FROM	TO	
Street Patrol	. 20	19	1/28/2019	12/31/2019	
PERFORMANCE LEVEL DEFINITIONS OUTSTANDING = 5 VERY GOOD = 4 ACCEPTA In making the evaluation of each category below, supervisors are to to guidelines established in section 6.15 C (1 through 18) of General	evaluate the emp	NEEDS IMPROVE loyee's performand ersonnel Performan	e only for the past Twelve	UNSATISFACTORY = 1 emonth period and compare that	performance
1. DUTY PERFORMANCE (ALL EMPLOYEES)					
4 PERSONAL 3 COMMAND PRESENCE APPEARANCE	3 REPORT	WRITING ABILIT	ry 3 interpi	ERSONAL SKILLS (VERBAL)	
3 RESPONSIVENESS 5 ATTENDANCE TO SUPERVISION	3 RELLA	ABILITY	3 PERF	ORMANCE UNDER STRESS	
2 PERFORMACE 4 PUNCTUALITY  CARE AND USE		TIGATIVE/PROE	BLEM	•	
3 JUDGMENT 3 OF EQUIPMENT	3 KNOW	LEDGE OF LAW	S, POLICIES, ETC		
2. DAYS LOST DURING PERIOD COVERED BY THIS REPORT					•
SICK: 0 INJURED ON-DUTY: 0 INJURED	OFF-DUTY:	0 OTHER	D. O TOTAL	OCCURENCES: 0	

3. S	UPERVISORY PERSONNEL ONL	·Y				 
	LEADERSHIP QUALITIES	4.	EFFECTIVENESS OF DELEGATION	TRAINING/COACHING OF SUBORDINATES	EVALUATION OF SUBORDINATES	

4. NARRATIVE SECTION (This section is to be used to record specific and personal characteristics of this employee which are not adequately covered in the rating sections above. Any factors rated as a 1 or a 5 in the above sections must be articulated in this section.)

Attendance - Officer Felitto utilized sick time in 2019 and therefore was given a maximum score of 5 because of his perfect attendance for the year.

Punctuality - Officer Felitto is always on time and prepared for his shift and ready to be deployed at a moments notice.

Personal Appearance - Officer Felitto consistently displays a professional "squared-away" appearance.

Perfomance - Officer Felitto had three (3) documented instances when, as assigned as the doorman, he failed to complete booking entries in a complete and competent manner. PO Felitto also had a fourth document instance when assiged as the doorman with regards to his name being listed on an audit from DCJS regarding deficiencies when running Criminal History Inquiries. Additionally, Officer Felitto when compared to his peers, ranks well below average when it comes to proactivity such as arrests, parking and traffic tickets.

Interpersonal Skills - Officer Felitto works well with his pears and is well liked by same. Additionally, he interacts and communicates well with members of the public which works to his advantage when dealing with the public in either high stress situations or when on routine calls for service. PO Felitto would have been ranked higher in this category if not for one instance where he was subject in a civilian complaint during this evaluation period which resulted in him being found to not have acted in an appropriate/unprofessional manner.

Knowledge of Laws, Policies & Procedures - Officer Felitto failed to serve and order of protection as required to by law as well as by department policy and procedure. Officer Felitto was counseled by Sgt Perra regarding this and it was nothing more than a training issue.

How can this employee best improve his/her performance? (Include setting Career /Performance Goals).

- Officer Felitto is a young and impressionable officer who is clearly far more capable of performing his duties at a much higher level than he currently has shown. Officer Felitto can best improve his performance by taking his time when completing reports/entries even when assigned to positions and/or duties that he may not be fond of. Additionally, Officer Felitto, when assigned to street patrol duties should strive to increase his productivity in proactive areas such as arrests, traffic/parking tickets.

(Continue on Back)

(Goal settings Continue From Front)
- Officer Felitto should contnue to maintain his high level standards of Punctuality, Attendance, & Appearance and serve as a model in these areas for other newer/impressionable officers.
5. OVERALL PERFORMANCE RATING: This overall rating is to be based on the following factors:
A. The employee's performance in his/her present assignment during the evaluation period; AND  B. Consideration of the general needs of the Department, comparing the capabilities and characteristics of this employee to all other employees of equal rank and pay grade
known to the evaluator.
☐ OUTSTANDING ☐ VERY GOOD ☐ ACCEPTABLE ☐ NEEDS IMPROVEMENT ☐ UNSATISFACTORY
6. REVIEWING COMMANDING OFFCIER: (Immediate Supervisor) Name:
Signature James R. Holt / Games R. Holt Ch. Rank Lieutenant Date //29/20
Print / Signature
Signature James R. Holt / Qornar R. Holt / Rank Lieutenant Date //29/20  Print / Signature
Signature David Poccia / 1 Rank Sergeant / #6766 Date 01/29/20
Print / Signature/
8. EMPLOYEE'S COMMENTS: (Optional)
FMPI OVER'S SIGNATURE. This signature does not recognite belief and the latest an
D. EMPLOYEE'S SIGNATURE: This signature does not necessarily indicate agreement with this report. It verifies that this report has been personally reviewed with me and that have received a copy of this report. If I do not agree with this report, I have indicated this by writing "under protest" next to my signature. I have also indicated whether I
request appeal" or "waive appeal" on this report.
Print/Signature Police Officer / # 2840 Date //27/200

#### Concise OfficerStacked Incidents Listing

Police Officer Matthew R Felitto []

Hire date: Jan 28, 2019

Current assignment(s):

Department: Patrol Division Bureau: Uniformed Patrol

Division:

Incidents Listing	4 .					
Received Dt IA No Officers	Incident type Involved Citizens	Acc Lev	Involved			
Feb 04, 2019 UOF2019-0018 Officer Derek K Schultz	Use of force	5	Police			
Officer Andrew B Miller			Police			
Officer Matthew R Felitto			Police			

On 2/3/19 Officers Miller, Schultz, and Felitto responded to a Domestic at St. During the incident Officer Miller made a MHL 9.41 arrest of Ms. Was handcuffed without incident but then began to act irate. She began to hit her head on anything she could. Officer Miller had to hold her while UFD was en route. Once UFD arrived she was placed into the ambulance and would not sit down on the stretcher and attempted to escape out of the back door. Officer Miller had to use an empty hand escort technique to place her on the stretcher as UFD personnel restrained her with straps. Officers Schultz and Felitto assisted Officer Miller with holding her down. Officer Miller accompanied UFD inside the ambulance as they transported Ms. Schultz to St. hospital. Once at the hospital Ms. Degan spitting and kicking at everyone and everything she could. Once again Officers Miller, Schultz, and Felitto had to assist staff with holding her down so that a nurse could give her a shot to calm her down.

Mar 01, 2019 UOF2019-0038 Officer Christopher A Vomer

Use of force

Police

Police

Officer Matthew R Felitto

While at the above location upon the above defendant learning that she was going to have to go to the hospital as she was under arrest under MHL 9.41, the above defendant began to run from both officers down the middle of the street. Both officers Felitto and C. Vomer gave chase to the above defendant and PO C. Vomer was able to grab the defendant by her arm, and upon her feeling her arm being grabbed the above defendant brought herself to the ground and laid face first on the ground with both of her arms underneath her. The defendant refused commands from officers for her to place her hands behind her back which resulted in both officers Felitto and Vomer to each having to take hold of the above defendants arms (one arm each), and forcibly bring her arms from underneath her, to her rear, so that the defendant could be placed into handcuffs.

Mar 02, 2019 UOF2019-0037 Officer Richard V Lange

Use of force

Police

Officer Christopher A Vomer

Police

Officer Matthew R Felitto

Police

While at the above location the above defendant after being warned/advised by PO C. Vomer regarding unwanted physical contact towards PO C. Vomer, continued to

subject PO C. Vomer to unwanted physical contact. Above defendant was advised that he was under arrest by PO C. Vomer and immediately began resisting PO Vomers lawful arrest of himself. PO Vomer used soft hand come alongs to forcibly push and hold the above defendant up against a wall while Officers Felitto and Lange each grabbed a hold of each of the defendants hands and forcibly brought both hands behind his back until handcuffs could be secured on the defendant.

Apr 01, 2019 2019-0016 Officer Christopher A Vomer Use of force

5 Police

Police

Officer Matthew R Felitto

Greetings.

On April 1, 2019 at approximately 1734 hours Officers Christopher Vomer and Matthew Felitto (car 55) responded to Street regarding a domestic dispute between and the grandson and her grandson was physical with the caller. Upon arrival Officer Vomer and Felitto started conducting an investigation regarding the incident. Caller, came outside of her residence and told Officers Vomer and Felitto that she wanted her grandson arrested. Called ecame uncooperative and started backing away from Officer Vomer. Officer Vomer advised that he needs to stay on scene and speak with them until they finish their investigation. Continued to back away from Officer Vomer. Officer Vomer went to grab a hold of and he took off running, south in the 1200 Block of Neilson Street. Officers Vomer and Felitto chased and eventually caught up to him at the intersection of Neilson Street and Leah Street. When the ground, was handcuffed and brought back to the scene. I responded to the scene. Was transported to him by Officer Femia. Officers Vomer and Felitto did not sustain any injuries. And did not sustain any injuries and did not need any medical attention. There were no independent witnesses or video footage. Officer Vomer secured photographs of the scene as well as photographs of

I reviewed video footage from Officer Vomer and Officer DeTraglia. At this time all appears in order.

Jul 22, 2019 2019-0033 Officer Matthew R Felitto External/Citizen

Police

Walk in complaint on 7/22/2019.

Oct 30, 2019 2019-0044 Officer Matthew R Felitto External/Citizen

5 Police

on 10/28/19 came to the front desk requiring to speak with a supervisor regarding his interaction with Ptlm. Felitto. Was upset and requested to complete a complaint against officer Felitto. Mr. Stated he wanted a complaint form and did not wish to complete the form today however, he remained at the station and completed the form and turned it in around 2030 hours. The complaint form which was an external primary complaint was placed under the Professional Standards Unit Door. An investigation was initiated under RMS 19-41559 and is going to be handled by me. BWC footage by Pltlm. Caruso (1258), Ptlm. Felitto (2840) and myself (1415) were tagged regarding the complaint.

Thanks,

Sgt. Joseph W. Cimpi #1415

Oct 31, 2019 FD2019-016 Samuel M Geddes Jr.

Firearm discharge

Sergeant

Police

Officer Matthew R Felitto

On Thursday, October 31, 2019, I, Sergeant Samuel M. Geddes reported to the Utica Police Department for the hours shift. I was assigned to the Patrol Division as a street supervisor in marked SUV 40, attired in full police uniform, under the command of Lt. Sean Dougherty.

At about 1515 hours, Lt. Dougherty directed me to respond to the residence of Officer M. Felitto at relative to an unintentional discharge. Lt. Dougherty advised me that Command Staff notification had been made.

Upon arrival I spoke with Officer Felitto who told me that while clearing his personally owned shotgun, he didn't realize that there was a shell in the chamber and he unintentionally depressed the trigger causing the shotgun to fire. The discharge caused a hole in the Eastern side of his residence. When asked if anyone else was home at the time of the incident, he replied in the negative.

We then went inside Officer Felitto's residence to his bedroom where I saw a Remington 870 Tactical 12 gauge Shotgun laying on his bed, as well as a spent Winchester 12 gauge buck shot shotgun shell, as well as a hole in the drywall. It appeared that the trajectory was pointed in a downward angle. Which Officer Felitto confirmed that the shotgun was pointing downward.

I secured photos of the scene and collected the spent shotgun shell. I directed Officer Felitto to respond to work and complete a Use of Force form and a narrative on an Intra-Office Memorandum.

Photos entered into the crime scene photo file. The shotgun shell was entered into property. Property # 19-9335.

Upon reporting for duty, Officer Felitto was placed on inside duty pending this investigation.

Respectfully

Sam Geddes Sergeant Patrol B-1

Feb 05, 2020 UOF2020-0018 Officer Matthew R Felitto Use of force

5 Police

A response to resistance investigation was completed for Officer Felitto who utilized a soft hand take down to who was acting belligerent and aggressive during a domestic incident with his stepfather. In order to create separation between and officer Felitto stepped in between both parties and placed his hands on officer Felitto stepped in between both parties and placed his hands on officer Felitto and pushed back/away from in order to separate the two. In doing so the slipped on the snow and fell to the ground. Once on the ground Officer Felitto and Lange detained into handcuffs. Showed no apparent signs of injury and was completely uncooperative with this sgt. with regards to this use of force investigation. It stated he was not injured and declined any medical treatment or evaluation. All applicable body worn camera footage was tagged, response to resistance form and officer narratives were completed by Officers Lange and Felitto and reviewed by this supervisor. A supervisor Response to Resistance Form was completed and all actions by both officers were deemed to be in accordance with UPD policy and procedure

Apr 03, 2020 UOF2020-0046 Officer Kyle D. Fee

Use of force

Police

Police

Officer Matthew R Felitto

At approximately 2208 hours car 53 Officer Fee responded to the Avenue regarding an argument. Upon arrival Officer Fee located and physically fighting. Officer Fee broke up the fight and separated and became irate and broke away from Officer Fee. She attacked and punched her several times. Officer Fee was able to pull away from At

this point he attempted to detain . She became uncooperative and started resisting arrest. Officer Fee utilized a takedown and took to the ground. Once on the ground she was handcuffed. Officers Kellogg and C. Vomer arrived on scene. They assisted with crowd control. Officer Fee's body worn camera fell off during the struggle, therefore it did not capture the incident.

Officer Fee requested a supervisor. I responded to the scene. I was briefed regarding the incident by Officer Fee. There were no independent witnesses on scene. Surveillance camera was located on the rear of Avenue, however the business was closed. I will follow-up with the owner of the business in regards to obtaining the video footage.

Officer Fee secured photographs of the scene. Once at HQ Officer Fee secured photographs of

I interviewed regarding the response to resistance. She sustained abrasions on her knuckles. She also stated that she was 3 weeks pregnant and had vaginal bleeding. denied any medical attention. UFD responded to HQ for an evaluation.

Response to resistance was completed by Officer Fee

I reviewed Officer K. Fee's (BWC2892), Officer R. Kellogg's (BWC4438) and Officer C. Vomer's (BWC8709)

Lt. Holt was advised regarding the incident.

Jul 11, 2020 UOF2020-0102 Use of force 5 Police Officer Matthew R Felitto

Created to document UOF incidant

Jul 15, 2020 UOF2020-0105 Use of force 5 Police Officer Matthew R Felitto

UOF investigation

Report summary: totals by incident type:

Incident type	Received
Anonymous	0
Background Investigation	0
Discretionary arrest	0
Drug test	0
E-File	0
External/Citizen	2
Firearm discharge	1
Foil Request	0
Forced entry	0
Generic incident	0
Integrity test	0
Internal/Department	0
K9 Utilization	. 0
Notice of Claim	0
Show of force	O <sub>0</sub>
Stop	0, 1
UPD Damaged Prop Car/Equip	. 0
Use of force	8
Vehicle accident	0
Vehicle pursuit	0
Total	11

Printed: Jul 16, 2020 06:18 By: Sgt Hiram Rios

#### **Utica Police Department**

**Professional Standards** 

Officer Disciplinary History

Police Officer Matthew R Felitto []

#### Part I - Personal Information

Name: Police Officer Matthew R Felitto : Badge No: 2840 Hire Dt: 01/28/2019

Department: Patrol Division Bureau: Uniformed Patrol

Division:

#### Part II - Discipline History

#### 

UPD Policy and Procedure Violation: Feb 16, 2020: Verbal Counseling/Pending File - [Action/discipline completed]

Issued Memo and placed into e-file

Printed: Jul 16, 2020 06:14 By: Sgt Hiram Rios

External/Citizen IA No: 2019-0044 Received: Oct 30, 2019 17:01

Case No: RMS 19-41559

Classification/Sub-classification: Demeanor Complaint / Language

#### Involved citizen:

Linked address(s):

Linked address(s): Incident location:

#### Officers involved:

#### Police Officer Matthew R Felitto []

#### Officer current info:

Department: Patrol Division Bureau: Uniformed Patrol

Division:

#### **Snapshot - Officer information at time of incident:**

Body worn camera: YES Department: Patrol Division Bureau: Uniformed Patrol

Division:

Unit: Uniformed Partol Squad C-2

Rank/title: Police Officer

Age: Years of employment: Years with unit:

Off duty: No Off duty employed: No

#### Policy outcome: Violation sustained

#### Allegations:

Patrol Operations, Duties and Responsibilities - Chapter 4 Article 1 Partol Operations Feb 16, 2020 Sustained Unbecoming Conduct - Chapter 8 Article 1 General Rules Feb 16, 2020 Sustained BWC - Failed activate - Chapter 4 Article 2 BWC Feb 16, 2020 Sustained

#### Actions taken:

#### **Summary:**

On 10/28/19 came to the front desk requiring to speak with a

supervisor regarding his interaction with Ptlm. Felitto. Was upset and requested to complete a complaint against officer Felitto. Mr. Stated he wanted a complaint form and did not wish to complete the form today however, he remained at the station and completed the form and turned it in around 2030 hours. The complaint form which was an external primary complaint was placed under the Professional Standards Unit Door. An investigation was initiated under RMS 19-41559 and is going to be handled by me. BWC footage by Pltlm. Caruso (1258), Ptlm. Felitto(2840) and myself(1415) were tagged regarding the complaint.

Thanks,

Sgt. Joseph W. Cimpi #1415

#### When/where:

Date/time occurred: Oct 28 2019 20:56

: Arterial & Lomond Pl Utica NY 13502

County: Oneida

#### Linked files:

RMS 19-41559 (htm)
DOC103019-10302019083540 (pdf)
status check email - Civilian Complaint of RMS 19-41559 (msg)
Investgative narrative Lt Holt (docx)
copy of e-file PO Felitto Civilian Complaint re RMS 19-41559 (msg)
copy of Civilian complaint (pdf)
copy of Counseling Memo (pdf)
copy of cover sheet (pdf)
copy of Lt Holt narrative (pdf)
Intra PO Felitto (pdf)
Intra Sgt Cimpi (pdf)

#### Status/assignment information:

Status: Completed Priority: Medium

Opened: 10/30/2019 Assigned: 10/30/2019 Due: 11/29/2019 Completed: 02/16/2020

Disposition: Sustained

Unit assigned: Patrol Division Handled at field/unit level: Yes

Outside/file investigator: Cimpi, Joseph W Sergeant [200700000033]

Investigator assign: Un-assigned Supervisor assign: Un-assigned Source of information: Email

#### Organizational component(s):

Department: Patrol Division Bureau: Uniformed Patrol

Unit: Uniformed Partol Squad C-2

Critical incident related		
Nature of crisis:		
Behavior(s):		
Technique(s) used:		
Disposition(s)		
Force/violence:		•
Entered by: Investiga	tor Adam Howe on Oct 30, 2019	at 08:04

From:

jcimpi

Sent:

Monday, October 28, 2019 8:56 PM

To:

Professional Standards Distribution List; dcinque

Cc:

jholt

Subject:

RMS 19-41559

Sirs:

On 10/28/19 came to the front desk requiring to speak with a supervisor regarding his interaction with Ptlm. Felitto. was upset and requested to complete a complaint against officer Felitto. Mr. stated he wanted a complaint form and did not wish to complete the form today however, he remained at the station and completed the form and turned it in around 2030 hours. The complaint form which was an external primary complaint was placed under the Professional Standards Unit Door. An investigation was initiated under RMS 19-41559 and is going to be handled by me. BWC footage by Pltlm. Caruso (1258), Ptlm. Felitto(2840) and myself(1415) were tagged regarding the complaint.

Thanks,

Sgt. Joseph W. Cimpi #1415



NAME OR ID# OF OFFICER OR EMPLOYEE

# Please check Officer body com, Utica Police Department



### Compliment/Complaint Form

413 Oriskany St. West

Utica, N.Y. 13502

**Instructions:** If you would like to praise a Utica Police Department employee, or file a complaint against a police employee, please write legibly and fill out this form. Personal information will not be disclosed to the public, unless required by law. You can submit this form by mailing it to the address given at the top of this page or by returning it to the Utica Police Department.

### If you are filing a complaint, please indicate the type of complaint you wish to file.

- Formal Complaint: Involves a serious allegation of misconduct, to be officially investigated, for which discipline may be imposed, if the allegation(s) are sustained.

<ul> <li>Informal Complaint: Involves a minor complaint of However the matter will be discussed with the expression</li> </ul>	r concern, for informational purposes mployee(s) involved.	only and wil	I not be formally investigated.
I wish to file a (please check one): Complime	nt Formal Complaint _\	Inforn	nal Complaint
Information about you			
LAST NAME	FIRST NAME	M.I.	DATE OF BIRTH
STREET ADDRESS and APT#	CITY	STATE	ZIP CODE
HOME PHONE WORK PHONE	CELL PHONE		SEX (circle one)
Are you filing this on behalf of someone else? Yes	No V If Yes, please con	iplete this s	ection
WHAT IS HIS/HER LAST NAME?	FIRST NAME	AGE	SEX (circle one)  M F
STREET ADDRESS and APT#	CITY	STATE	ZIP CODE
WHA'T IS HIS/HER RELATIONSHIP TO YOU?	HOME PHONE	WORK/CI	ELL PHONE
Information about the incident			
OCATION OR ADDRESS OF INCIDENT (NO. 12 North Arterial Utica	Lar (comond DATE OF	INCIDENT	APPROXIMATE TIME OF INCIDENT AUT GOYAP
VITNESS LAST NAME	FIRST NAME	AGE	SEX (circle one)
VITNESS ADDRESS	CITY	STATE	PHONE

NAME OR ID# OF OFFICER OR EMPLOYEE

2840

Nature of action: Check all that	apply	
Extremely helpful	Excessive and/or improper use of force	Rudeness, discourtesy, and offensive language
Very caring/empathetic	False arrest	Violation of civil rights
Professional conduct	Unlawful search and/or seizure	Bias-based profiling
Did a great job	Dishonesty and untruthfulness	Department procedures or tactics
Made an extra effort	V Corruption POSSIBIL	Other
compliment/complaint ar  All nice to  When I as  Said, "No."  I then said  2 laws."	escribe in detail the action(s) of the of ad sign and date below in the space provided if the officer  If the officer  If want his	wers issuing trackets, he in heketed, he broke
hckets,"	sala, He aus	not have to give
I said, "yo	ru just said he	broke true laws,
He said, "He's wrong in to	Reep right and l 18 and has ne he accident as I	insafe lane Changes.  o record, He is 100% told you huice,"
		wrong, and he said If we told you to FUCK OF
I attest under pence erjury	, that the above information is true and cor	rect to the best of my recollection.
Signature		Date: 10128119
FOR DEPARTMENT USE ON	LY: To be completed by the Supervisor or U	nit receiving or initiating a complaint

Signature of Supervisor receiving/initiating the complaint

Officer:	Joseph	W.	Cimpi	SGr.	1415	_ID#:_ 1416	Date:_	10/28/19
RMS#	19-4155	9						

Lo minutes ago. The officer and I yeiled back and forth, The arrogance of the officer was stiffling.
There are covered witnesses to the afoven

There are several witnesses to the afovernments

I was nothing but nice to the kid who a linest Killed me and was likely texting and didn't see the car infront of him.

There is more to this, but I want the complant started

To top it off the officer sped away and did not signal as he entered the very by 12 North arterial. This is the very road the accident occurred.

Note: With all my expenses out of packet centre a later date, I felt tickets would help my case.

# hrios

hom:

hrios

Sent:

Thursday, December 12, 2019 9:16 AM

To:

jcimpi

Cc:

hrios

Subject:

Civilian Complaint of

RMS 19-41559

This was initiated on 10/28/19 can you please tell me the status! Close date was slated for 11/29/19

Internal Investigative Review Subject: External Primary Civilian Complaint against PO Felitto RMS: 19-41559 Investigating Supervisor: Sgt. J. Cimpi Reviewing Supervisor: Lt. J. Holt Jr. Summary: I, Lt. James R. Holt Jr., am employed by the City of Utica Police Department, assigned to the Patrol Division - C Platoon (1545-0000 shift) as the Platoon Commander. While performing my duties as the C Platoon Commander, I reviewed an internal investigation submitted to me by Sgt. Cimpi regarding a External Primary Civilian Complaint lodged against PO On October 28, 2019 around 1915 hours. Complainant came to the Utica Police Department Front Desk and requested to speak with a supervisor regarding an external primary civilian complaint he wished to file against PO Felitto who was assigned to C Platoon Car/Zone 54 (BWC 2840). Sgt. Cimpi was the acting C Platoon Squad Commander therefore he met with regarding his complaint. advised Sgt. Cimpi that he was involved in a motor vehicle accident a short time ago and PO Felitto was the officer who responded for the investigation / stated he was frustrated because PO Felitto refused to issue the other driver traffic tickets eventhough PO Felitto acknowleged that the other driver committed two VTL infractions which were contributing factors for the accident. alleged PO Felitto stated "If I was that kid over there (referring to the other driver) I would have told you to fuck off completed a Complaint Form based on his allegations that PO Felitto was rude / discourtous by using offensive language and he violated department procedures by not issuing tickets to the driver of the other vehicle who was faulted for causing the accident at hand. signed the complaint and filed same. Sgt. Cimpi completed the appropriate notifications and initiated an internal investigation into said External Primary Civilian Complaint per departmental policy. Investigative Facts: Sgt. Cimpi interviewed PO Felitto regarding the above complaint. PO Felitto alleged was being belligerant and discourtous during the encounter as wanted the other involved driver's insurance carrier to pay for his vehicle to be towed to a repair shop in Syracuse and he also wanted the insurance carrier to pay for a rental vehicle. frustrated when the insurance carrier did not meet his every demand. became even more frustrated when PO Felitto refused to issue the driver of the vehicle faulted for the accident traffic tickets for two traffic infractions which PO Felitto listed as contributing factors for causing the accident. PO Felitto admitted belligerant and discourtous

behavior prompted him to use bad judgement in that he told "If I was that kid over there (referring to the other driver) I would have told you to fuck off 20 minutes ago." Sgt. Cimpi directed PO Felitto to complete a comprehensive officer narrative regarding the incident. PO Felitto completed said comprehensive officer narrative in full disclosure of his actions associated with the complaint.

Sgt. Cimpi reviewed PO Felitto's body worn camera footage of the incident in question. Sgt. Cimpi noted that PO Felitto's body worn camera footage was consistent with all accounts of the incident however the body worn camera footage did not capture the rude / discourtous exchange in question. PO Felitto advised his body worn camera did not capture said exchange as he had turned off his body worn camera while he was sitting in his patrol car waiting for the tow service to arrive at which time came up to his patrol car prompting the exchange in question.

Investigative Findings:

Sgt. Cimpi found PO Felitto acted within policy by exercising discretion when he opted not to issue the driver of the vehicle who was faulted for causing the accident traffic tickets. Thus, Sgt. Cimpi found the complainant's allegation that PO Felitto violated department procedures by not issuing tickets to the driver of the other vehicle who was faulted for causing the accident at hand was EXONERATED. Furthermore, Sgt. Cimpi found that PO Felitto was in fact unprofessional (rude and discourteous) towards the complainant when he admittedly told the complainant "If I was that kid over there (referring to the other driver) I would have told you to fuck off 20 minutes ago." Thus, Sgt. Cimpi found that the complainant's allegetion that PO Felitto was rude / discourtous by using offensive language was SUSTAINED.

Lastly, as noted above while completing the above internal investigation. Sqt. Cimpi found an accillary issue which violated body worn camera policy in that PO Felitto's body worn camera footage did not capture the rude / discourtous exchange in question whereas PO Felitto admittedly told "If I was that kid over there (referring to the other driver) I would have told you to fuck off 20 minutes ago."

After reviewing all applicable case work to include Sgt. Cimpi's internal investigation regarding the above External Primary Civilian Complaint of Land Comp

Chapter 4, Article 1 - Patrol Operations

#### 1.15 PATROL OFFICERS DUTIES AND RESPONSIBILITIES

A. Due to the fluid and ever changing nature of Police work it is impossible to outline every duty and responsibility a Patrol Officer may be expected to carry out. This list includes, but is not limited to the following:

2. Being courteous, respectful and professional at all times, to citizens, members of the department and individuals representing other organizations, in all forms of communications.

Chapter 8, Article 1 - Professional Standards of Conduct and Ethics

#### 1.17 GENERAL RULES OF CONDUCT:

- A. Unbecoming Conduct;
- 1. Employees shall conduct themselves at all times, both on and off-duty, in such a manner as to reflect the highest standards of the law enforcement profession.
- B. Courtesy;
- 3. Employees shall not use harsh, profane, insolent, or intentionally insulting language.

Chapter 4, Article 2 - Body Worn Camera Systems

#### 2.20 WHEN TO RECORD EVENTS:

- A. Officers shall make every attempt to record the following enforcement and no enforcement related contacts:
- 9. Any police/citizen encounters where the recording may have value as evidence, limit individual or department liability, resolve citizen complaints or serve as a training tool.
- 11. Any situation, based on an officer's training and experience where it's deemed warranted and/or necessary.
- B. Once activated, the BWC shall remain in the down position (recording) until the conclusion of the encounter/incident, the officer has left the scene, or a supervisor has authorized that a recording may cease. The supervisor shall document his/her reason(s) for ceasing recording in RMS.

#### Recommendations:

Given that fact that PO Felitto has no history of violating the above policies and/or similar policies, I respectfully request that PO Felitto receive a written counseling to include corresponding e-file notes regarding his unprofessional (rude and discourteous) behavior towards the complainant and failure to keep his body worn camera activated throughout the entire incident in guestion.

Respectfully Submitted, Lt. J. Holt Jr.

### hrios

From:

jholt

Sent:

Monday, April 6, 2020 12:01 AM

To:

Professional Standards Distribution List

Subject:

PO Felitto Civilian Complaint re: RMS 19-41559

Sirs,

Due to the culmination of an internal investigation relative to an External Primary Civilian Complaint lodged against PO Felitto, the following note was added to PO Felitto's efile:

10/28/19	Holt	19-41559: On October 28, 2019, C Platoon Car/Zone 54 – Officer Felitto
		(BWC 2840) handled a property damage motor vehicle accident
		involving After completing all duties related to the
		accident investigation, Mr. responded to Utica Police
		Headquarters and spoke to C Platoon Supervisor Sgt. Cimpi at which
		time he filed an External Primary Civilian Complaint against Officer
		Felitto. Specifically, Mr. claimed Officer Felitto was rude and
}		discourteous by using offensive language as he alleged Officer Felitto
		stated to him "If I was that kid (referring to the other driver involved in
		the accident) I would have told you to fuck off 20 minutes ago." Sgt.
		Cimpi secured the External Primary Civilian Complaint from
		and initiated an internal investigation into the matter. As a result of the
·	• • •	internal investigation which was reviewed by Lt. Holt, Sgt. Cimpi
		determined that the civilian complaint was sustained as he found that
	•	Officer Felitto was in fact unprofessional (rude and discourteous) towards
		the complainant Mr. was as he directed harsh and profane language
ŀ		to the complainant in violation of departmental policy. It was
		subsequently directed that Officer Felitto receive a Written Counseling
ľ		Memorandum to serve as positive discipline for said violation of
		departmental policy. The Written Counseling Memorandum was issued
		to Officer Felitto on 4/5/20 in full satisfaction of the matter.

i slid a copy of the investigative packet under your office door for the PSU file.

Respectfully submitted, Lt. J. Holt Jr.

# **COUNSELING MEMORANDUM**

TO: Officer M. Felitto FROM: Lieutenant J. Holt

**DATE: 4/5/20** 

RE: External Primary Civilian Complaint RMS 19-41559



# I. Identify and define the behavior to be modified:

On October 28, 2019, C Platoon Car/Zone 54 - Officer Felitto (BWC 2840) handled a property damage motor vehicle accident involving After completing all duties related to the accident investigation, Mr. responded to Utica Police Headquarters and spoke to C Platoon Supervisor Sgt. Cimpi at which time he filed an External Primary Civilian Complaint against Officer Felitto. Specifically, Mr. claimed Officer Felitto was rude and discourteous by using offensive language as he alleged Officer Felitto stated to him "If I was that kid (referring to the other driver involved in the accident) I would have told you to fuck off 20 minutes ago." Sgt. Cimpi secured the External Primary Civilian Complaint from and initiated an internal investigation into the matter. As a result of the internal investigation which was reviewed by Lt. Holt, Sgt. Cimpi determined that the civilian complaint was sustained as he found that Officer Felitto was in fact unprofessional (rude and discourteous) towards the complainant Mr. directed harsh and profane language to the complainant in violation of departmental policy.

# II. Review of applicable rules & regulations, orders and operating procedures or laws:

Thus, as a result of the above noted internal investigation, it was determined that Officer Felitto did violate the following section(s) of the Utica Police Department Procedural Manual:

Chapter 8, Article 1 - Professional Standards of Conduct and Ethics

# 1.17 GENERAL RULES OF CONDUCT:

### A. Unbecoming Conduct;

- 1. Employees shall conduct themselves at all times, both on and off-duty, in such a manner as to reflect the highest standards of the law enforcement profession.
- B. Courtesy;
- 3. Employees shall not use harsh, profane, insolent, or intentionally insulting language.

# III. Employee's response to the performance deficiency:

During the investigation, Sgt. Cimpi spoke with Officer Felitto regarding this incident and requested that he complete a detailed narrative regarding his account of the incident. Officer Felitto alleged Mr. was being belligerant and discourteous which prompted him to use bad judgement in that he told Mr. "If I was that kid (referring to the other driver involved in the accident) I would have told you to fuck off 20 minutes ago." Officer Felitto accepted responsibility for his actions and asserted that he would be mindful of such unprofessional and discourteous behavior in the future.

### IV. Clearly explain the behavior expected of the member:

It is expected that in the future Officer Felitto will conduct himself in a courteous and professional manner at all times. Conjunctively, it is expected that in the future Officer Felitto will obey all Utica Police Department Policies and Procedures.

## V. Potential consequences for continuing the unacceptable behavior:

The Progressive Disciplinary System will be utilized and potential negative and/or punitive discipline may be recommended regarding discourteous and unbecoming conduct associated with any future incidents.

# VI. Provisions for follow-up consultations:

A copy of this Counseling Memorandum will be filed with your Platoon Commander for a period of one (1) year. There will be a note added to your Electronic Training File relative to this Counseling Memorandum for your end of the year Employee Performance Evaluation. Your performance in the above mentioned Utica Police Department Policy and Procedure will be closely monitored for the next six (6) months to ensure you are following the Utica Police Department Policy and Procedures. Pending you adhere to the policy and procedures in the above areas no follow up consultations will be necessary.

This counseling memorandum will be placed in your personnel file.

Signature of Employee:

Date: 4/5/20

Signature of Supervisor: () a mon A.

**Date:** 4/5/20

Signature of Witnessing Supervisor: Lt. 1 1 1 (Brost)

ng Talis Ka<mark>ndanang Pipin</mark> Per Kandan Persadan Tibahayaya

urus di lekta **i kun ta b**ark di kulonga kunga kulonga. Musik melakak di kabalana kannadan perangan kulonga. **Date:** 4/5/20

# **Utica Police Department**

# **External Primary Civilian Complaint Internal Investigation**

RMS: 19-41559

Investigating Supervisor: Sgt. J. Cimpi

Reviewing Supervisor: Lt. J. Holt Jr.

- written memo

## **DEPARTMENT OF PUBLIC SAFETY**

## **BUREAU OF POLICE**

413 Oriskany Street West

SUBJECT: RMS 19-41559 Personnel Complaint

Utica, New York 13502

11/01/2019

## INTRA-AGENCY MEMORANDUM

On October 28, 2019 I, PO Matt Felitto reported for work at the Utica Police Department for the shift. Assigned to the Uniformed Patrol Division, in full uniform, I was assigned to Car 54, per Squad Comman	
LT. Holt.	ır ıde
At approximately 1715 hours, I responded to the parking lot of 100 Lomond Pl for an MVA/PD that occurred o State Route 12 at the Lomond Pl exit.	n ,
On scene, with my Body Worn Camera activated, I spoke with the operator of V1, the parties, and the operator of V2, the parties, the parties, the parties of	/ė
bserved damage on driver side of V1 and damage to the passenger side of V2. The damage was consistent with parties recollection of the accident. I then inquired about tows for the vehicles with both parties, although neither car had any visible exterior damage that would obstruct the operability of the either vehicle. States the had AAA and would contact them on his own. Stated that he was concerned with underlying damage the passenger side front tire as it collided with V1 and due to him being from the Syracuse area and that he was working, he would like his vehicle towed from Utica back to Syracuse. Further stated that he did not was of "chase anybody down for money" and requested that the sinsurance provide and pay for the towing of his rehicle back to Syracuse. I advised that the insurance company would probably not be able to authorize that over the phone as they would not yet have the accident report for a few days. The became agitated and tated that he would not be paying any fees related to the accident out of his pocket.	d to nt
then collected both parties DLIC's, registrations and proof of insurance. I advised that he would be at ault for the accident however, I would not be issuing him any tickets. Then asked me why I was not writing the accident regarding Unsafe lane charmed failing to keep right and that it was my discretion to write him a ticket or not. Then stated that issuing a ticket for the accident would insure that he would not have to pay any fee's associated with the accident which point I explained again that the would be faulted for the accident.	g
hen went to my patrol car and began to complete my accident exchange form. While doing so, was quiring with the same if he knew if his insurance would cover the tow fee as well as providing a rental car for to use for work. In a good faith effort to help out the same and in a good faith effort to help out the same and the same are the same and the same are the same and the same are the same a	·
AME: M. felt = #2546  RANK: 20 #2546	-

	which is not required to be done at the scene of an accident.
	While was on the phone with his insurance provider was telling what questions to ask and getting frustrated with responses from the provider. At one point, requested to speak directly with the insurance provider via cell phone. The allowed this and gave the phone to while speaking with the insurance provider, became argumentative and hostile with the representative.  Suppose the phone to became argumentative and hostile with the representative.  Suppose the phone to became argumentative and hostile with the representative.  Suppose the phone to be a suppose to
	It was finally confirmed through insurance provider that they would cover the tow fee of vehicle from Utica back to Syracuse however, they would not be able to authorize a rental car purchase until an adjustor inspected vehicle. This agitated further.
	I then advised I would call for a tow off rotation and have Dispatch inquire if his vehicle could be towed back to Syracuse. A short while later, Dispatch re-contacted me and advised that no tow companies would take vehicle back to Syracuse tonight. I advised who was now even more agitated and stated that was "BS". The then requested his vehicle be towed to a shop in Utica overnight but stated he did not want any tow company who said they wouldn't tow his vehicle back to Syracuse tonight. I re-contacted dispatch and advised them and later confirmed Maugeri's would be enroute.
	I then went back to my patrol vehicle and continued to work on my accident paperwork. All the while continued to talk to minimum insurance provider and argue with them. The contacted his insurance provided and told him that he was going to contact his lawyer and sue minimum provider.
	then turned off my Body Worn Camera as I was sitting in my patrol vehicle waiting for the tow. Minutes later, laugeri's arrived on scene and I exited my patrol vehicle, failing to activate my Body Worn Camera again.
	immediately asked the tow driver what the cost of the tow from Utica to Syracuse would be. The driver explained to the state of the cost is estimated per mileage and the basic rotation fee set by Utica is 175 dollars. It then became irate and stated "that's a racket run by Utica so they can make money, you know a tow does not cost that much money". In the further stated he should just call his AAA at which point I advised him that since the state of the cost of the tow from Utica to Syracuse would be. The driver explained to state of the cost is estimated per mileage and the basic rotation fee set by Utica is 175 dollars. The cost is estimated per mileage and the basic rotation fee set by Utica is 175 dollars. The cost is estimated per mileage and the basic rotation fee set by Utica is 175 dollars. The cost is estimated per mileage and the basic rotation fee set by Utica is 175 dollars. The cost is estimated per mileage and the basic rotation fee set by Utica is 175 dollars. The cost is estimated per mileage and the basic rotation fee set by Utica is 175 dollars.
	At this point, demanded I issue a ticket for the accident. I again told him it was my discretion and considering was faulted for the accident, I was not going to ticket him. The stated that I was making a mistake and not doing my job. The demanded again I issue a ticket.
	and I then began to argue at which point I stated that went out of his way to help by personally calling his insurance and confirming that they would cover the tow fee for which we went out of his way to help by personally calling his insurance and confirming that they would cover the tow fee for which we went out of his way to help by personally calling his insurance and confirming that they would cover the tow fee for which we have a stated when the personal by the personal way to help by personally calling his insurance and confirming that they would cover the tow fee for the personal way to help by personally calling his insurance and confirming that they would cover the tow fee for the personal way to help by personally calling his insurance and confirming that they would cover the tow fee for the personal way to help by personally calling his insurance and confirming that they would cover the tow fee for the personal way to help by personally calling his insurance and confirming that they would cover the tow fee for the personal way to help by personally calling his insurance and confirming that they would cover the tow fee for the personal way to help by personally calling his insurance and confirming that they would cover the tow fee for the personal way to help by personal
(	then became outraged and stated I could not speak to him like that. I advised him that he has been unruly entire time and is agitated because things were not being done how he wanted and at the timing he requested.
ł	then demanded to speak to a Sergeant at which point I stated I would give him a ride to the station. I dvised he would have to sit in the rear of my patrol vehicle at which point he stated that was ridiculous and would get a ride with the tow truck.
I	then responded back to PHQ to swap out my radio as it was not working properly.
1	NAME: M. felte RANK: PO #2840

Respectfully Submitted, PO Matt Felitto #2840

RANK: #7540

## **DEPARTMENT OF PUBLIC SAFETY**

## **BUREAU OF POLICE**

413 Oriskany Street West

Utica, New York 13502

1	1	/2	8	/1	(

	INTRA-AGENCY MEMORANDUM
SUBJECT:	External Primary Personnel Complaint RMS 19-41559
TO:	Chief of Police: Mark W. Williams
Summary:	
On 10/28/19 a spoke with	at the desk wishing to speak with a supervisor regarding a complaint against Ptlm. Felitto. I then regarding his issue.
Type of Incide Property dama	nt: ge motor vehicle accident
Source of com	plaint:
cation of inc terial @ Lon Itica, NY 1350	nond Pl.
reported that Pt in the MVA two infractions. He 20 minutes ago	ported that he was involved in a motor vehicle accident to which Ptlm. Felitto responded. He lm. Felitto was rude. Mr. stated that Ptlm. Felitto refused to issue the other driver involved to traffic tickets despite acknowledging that the other driver was wrong and committed two VTL further stated that Ptlm. Felitto said "If I was that kid over there I would have told you to fuck off". Further stated that him and Ptlm. Felitto began to yell at each other after this statement. The completed a personal complaint form, signed it and turned it over to my custody.
Investigation:	
matter. Investig	this complaint form I emailed professional standards, Capt. Cinque and Lt. Holt regarding the ration regarding this complaint was initiated under RMS 19-41559. The original copy of the Professional Standards door.
reviewed the b	ody camera footage of Officer Felitto. Ptlm. Felitto had his camera on during the incident but the

ention of their interaction with each other that was making a complaint about was not on camera. Ptlm.

Hitto explained that he did not have his body cam on because he was attempting to leave but was approached by

AME:

£6 //

Joseph W. Cimp

RANK: SGr. MIST

again and forgot to turn his BWC on again. Therefore I was not able to review complaint. I spoke with Ptlm. Felitto who stated that he did in fact tell that or that if he were the other kid he would have told you to "go fuck yourelf". Felitto advised me that he realized he made a bad judgement and that he was agitated as had been nothing but hostile and argumentative throughout his whole dealing with him. Felitto stated that he forgot to turn on his BWC that he turned off in the car while awaiting the tow truck arrival. Felitto further stated that this was not intentional.

Findings:

After reviewing the BWC footage, speaking with and Felitto as well as reading Felitto's narrative I find that Ptlm. Felitto violated the following policy and procedures:

Chapter Eight
Article One
Professional Standards of
Conduct and Ethics

## 1.14 PERFORMANCE AND ATTENTION TO DUTY:

- G. Cooperation, Coordination and Courtesy;
- 2. Employees shall be courteous, respectful and professional at all times, toward citizens, members of the lepartment and individuals representing other organizations, in all forms communications in the performance of their duties.

NAME: Joseph W. Comm

RANK: 562 1415

**External/Citizen** 

IA No: 2019-0033

Received: Jul 22, 2019 13:00

Case No: 19-27583

## Classification/Sub-classification: Demeanor Complaint / Failed to conduct a proper investigation

### Involved citizen:



Linked address(s):
Incident location:

Linked phone(s): Cell:

## Officers involved:

## Police Officer Matthew R Felitto []

## Officer current info:

Department: Patrol Division Bureau: Uniformed Patrol

Division:

## **Snapshot - Officer information at time of incident:**

Body worn camera: YES Department: Patrol Division Bureau: Uniformed Patrol

Division:

Unit: Uniformed Partol Squad C-2

Rank/title: Police Officer

Age: Years of employment: Years with unit:

Off duty: No Off duty employed: No

Policy outcome: Not yet entered

## **Summary:**

Walk in complaint on 7/22/2019.

## When/where:

Date/time occurred: Jul 21 2019 16:20

Incident location: County: Oneida

Utica NY 13501 Precinct: UPD Zone 54

## Linked files:

Re Please add info (htm)
RE Update requested 1 (txt)
etter of reciept (docx)
email response to (msg)
Re Update requested (ntm)
Re Update requested Holt (htm)
copy of letter recieved from
copy of mailing (pdf)
Disposition Letter (pdf)

## Status/assignment information:

Status: Completed Priority: Medium

Opened: 07/23/2019 Assigned: 07/23/2019 Due: 08/21/2019 Completed: 12/04/2019

Disposition: Exonerated/Ancillary

Unit assigned: Patrol Division Handled at field/unit level: Yes

Outside/file investigator: Holt Jr., James R Lieutenant [200700000015]

Investigator assign: Un-assigned Supervisor assign: Un-assigned Source of information: In-Person

## Organizational component(s):

Department: Patrol Division Bureau: Uniformed Patrol Unit: Uniformed Partol Squad C-2

**Critical incident related** 

Nature of crisis:

Behavior(s):

Technique(s) used:

Disposition(s)

Force/violence:

Entered by: Investigator programment on Jul 23, 2019 at 05:52

From:		
Sent:	Wednesday, August 07, 2019 12:21 PM	
To:		
Subject:	Re: Please add info	
Do not cli	WARNING!!! — This email originated from an external sick links or attachments unless you recognize the sender and know	
Inv.		
After reading the	e police report ld like to add additional information	
19-2/363 1 Woul	id like to add additional information	•
	informed that he would be away for several imb the 46 peaks. (in a letter dated July 2nd, that he left for home.	
On July 3, severathe locks.	al items were missing from the home including a crossbow,	changed
When	ormation from the neighbor that it was a second and ed a second about it was eplied to her that "they did no or remove anything"	
On July 7, 2019 met personal belonging	(who came back early from his climbing) to assist	on retrieving his artment.
*	erson and again on July 17, via text message, my husband tol into the house he would meet him with a key.	ld that anytime
I also tex	on July 17 to say that I could meet him as well.	
I believe this is in	mportant information because he had moved out and was abl	le to contact us anytime

to go into the house.

On Aug 7, 2019, at 8:50 AM,

Good morning

This has been assigned to the platoon commander for investigation. You will receive further correspondence from Sgt. Rios, who will provide you with a mailed letter as to the outcome of your complaint. Please feel free to reach out if you have any further question.

Best regards,

Professional Standards Unit Utica Police Department 413 Oriskany Street West Office 315-223-3405 Fax 315-223-3409

----Original Message----

From:

Sent: Monday, August 05, 2019 10:51 AM

Subject: Update requested

WARNING!!! — This email originated from an external source

Do not click links or attachments unless you recognize the sender and know the content is safe

Professional Standards Unit -Utica Police Department

On July 22, 2019 I came to your office and filled out a formal complaint form RE: officer Felitto's actions on July 21,2019 when he accompanied

I asked officer Felitto to serve with the order of protection for my daughter that a judge had issued.

He would not serve the order at that time and allowed to remove guns and ammunition from

Where you are in your investigation on Officer Felitto?

We have not been contacted.

From:

Sent: We

Wednesday, August 07, 2019 8:50 AM

To:

Subject:

RE: Update requested

Good morning

This has been assigned to the platoon commander for investigation. You will receive further correspondence from Sgt. Rios, who will provide you with a mailed letter as to the outcome of your complaint. Please feel free to reach out if you have any further question.

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## CITY OF UTICA

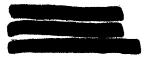
## DEPARTMENT OF PUBLIC SAFETY BUREAU OF POLICE

413 Oriskany Street West Utica, New York 13502

> Mark Williams Chief of Police

Robert Palmieri Mayor

September 9, 2019



## Dear Sir/Madam:

On July 22<sup>nd</sup>, 2019, you filed a Civilian Complaint Report with the Utica Police Department. As a result of your civilian complaint, an internal investigation is being conducted by the Supervisory Staff of the Utica Police Department. Should you wish to discuss this complaint, or have any additional information, questions or concerns please feel free to contact the Office of Professional Standards utilizing the email address and or number provided below.

I apologize for the late letter, I have been out of the office. Please rest assure that this complaint is being taken seriously and being looked into. I hope to have a disposition for you in the near future.

Sincerely,

Sergeant Hiram Rios Professional Standards Investigation Unit (315) 223-3405 From:

Sent:

Monday, September 09, 2019 10:23 AM

To:

Subject:

Re: Update requested

WARNING: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello

I have not received any correspondence from Sargent Rios regarding my July 22, 2019 formal complaint for officer Felitto.

I would like a copy of that, above mentioned complaint mailed to me.

RE: officer Felitto's actions on July 21,2019 when he accompanied to to transfer guns and ammunition.

On Aug 7, 2019, at 8:50 AM,

wrote:

Good morning

This has been assigned to the platoon commander for investigation. You will receive further correspondence from Sgt. Rios, who will provide you with a mailed letter as to the outcome of your complaint. Please feel free to reach out if you have any further question.

Best regards,

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I asked officer Felitto to serve with the order of protection for my daughter that a judge had issued.

He would not serve the order at that time and allowed to remove guns and ammunition from

Where you are in your investigation on Officer Felitto? We have not been contacted.

From:

iholt

Sent:

Monday, September 09, 2019 10:29 AM

To:

Subject:

Re: Update requested



Ill take care of it when I return to work tomorrow.

Respectfully, James R. Holt Jr. Sent from my

On Sep 9, 2019, at 10:24 AM,

wrote:

Sent: Monday, September 09, 2019 10:23 AM

Subject: Re: Update requested

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RE: officer Felitto's actions on July 21,2019 when he accompanied

2. Not serving at that time with an order of protection and to transfer guns and ammunition.

allowed

On Aug 7, 2019, at 8:50 AM,

Good morning

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He would not serve the order at that time and allowed to remove guns and ammunition from

Where you are in your investigation on Officer Felitto? We have not been contacted.

To: All Concerned Representatives

**RE: Order of Protection** 

My story:

My daughter filed for an **Emergency Order of Protection** against her husband in Family Court of the State of New York County of Oneida on **July 17th**, **2019**, following a **domestic violence incident**.

Her husband was "hard to find" and was not served right away.

On **July 21, 2019, h**er husband had Utica Police officer "Felitto" with him to enter the residence to retrieve "clothes and shoes".

I asked officer "Felitto", as advised by YWCA, if I could speak to him before letting my daughters husband in the house. He obliged and entered alone. I asked the officer if he would serve the order of protection my daughter had (I showed him the order). I explained that there were guns in the house and that the order of protection states "that it is a federal crime to buy, possess or transfer a handgun, rifle or other firearm or ammunition while this order remains in effect." I explained that if he didn't want my paperwork, he could go to his vehicle and print out the order and serve it. (This was what YWCA advocate advised me to tell the officer)

The officer did not go to his vehicle, but instead, went outside, spoke to my daughters husband. The officer asked "if he knew about an order of protection." He replied that he did not. Then officer Felitto said to "well I'm not going to serve you dude" and let her husband in the house. Her husband went right to the gun safe and moved his guns, ammunition and then other items from the house. The divorce paperwork had been started so he was only suppose to remove personal items on that day.

This was very upsetting as my daughter was fearful what he might do with the guns, as he was angry about the divorce.

There was a very helpful officer later that evening "Officer PERRA" that came to the house and spoke to my daughter. He did go to the residence where my daughter's husband was staying and removed two of the guns and served him the order of protection. The officer called her later to let her know the order was served. (My daughter signed up to get an alert on her phone when the order of protection was served, but that system never alerted her that it was done... (Order of Protection Notification System (Perra" was professional and followed through. He was brave and courteous.

After the incident, I filed a complaint about the first officer, "Officer Felitto" who accompanied my daughters husband into the residence on July 21st.

This is what I was told by the UPD officer Rios when he called me in response to my formal complaint about officer Felitto:

An Order of protection gets loaded into the STATE data base

Utica police can not print from the STATE data base and it wasn't on their system

Utica police will not serve an order of protection unless it is on their data base.

I was also told by officer Lentrickia, that I spoke to on the phone ... "there is no gun thing or page two on an Order of Protection...."

It concerns me greatly that not all officers were aware of "Page Two", or the "backside" of the **Order of Protection form GF-5**, where it mentions the Family court Act, Federal Laws and ...\*Federal Crime To: stalk, harass, commit domestic violence, buy, possess or transfer guns, rifles or ammunition..." (see document enclosed)

When printing from a data base, do officers only get page one?

How long does it take for state data to be loaded into the data base?

When does state data post at the local level?

## My concerns are for future victims:

- How can the COMPLETE Order of Protection be served quickly?

   all pages, front and back of the order
   especially when the person to be served is "hard to find"
- 2) Who can serve an order of protection? Any officer? Person?

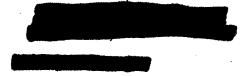
- 3) Can ALL peace officers be **trained properly** to understand Order of Protection Laws, especially the gun laws.
- 4) How can all law enforcement work together more effectively?

  I find it crazy that UPD cant print from the state data base,
  or print a complete order (all pages)!
- 5) How long does it take to upload the Order of Protection into all data bases once it is filed with the court? Efficiently? Swiftly?
- 6) Fix the Order of Protection Notification System www.nyalert.gov
- 7) CLOSE THE GAP IN SAFETY !!!!
  I believe in the "right to bear arms" however "Circumstances alter Cases"

I have enclosed a copy of my daughters Order of Protection - front and back of form GF-5 (last names/ month/ day of birth/ file/ docket/ GRI # and order # deleted for privacy) Also enclosed please find the letter I received from the UPD following my complaint.

I hope you can work together to put in motion some officer training, officer education, and an efficient way to utilize and fix all data sources for instant communication in New York State... and beyond.

Thank you for your attention to this safety matter. Respectively submitted,



CC:

Mark Williams - Utica Police Chief 413 Oriskany Street West Utica NY 13502
Robert Maciol - ÖC Sheriff's Office 6055 Judd Road Oriskany NY 13424
Joseph Griffo - US Senator 207 Genesee Street #408 Utica NY 13501
Anthony Brindisi - US Congress 430 Court St Suite 102 Utica NY 13502
Anthony Picente Jr. - Oneida County Executive Oneida County Office Building
800 Park Ave Utica NY 13501

William Morehouse - City of Utica Comptroller 1 Kennedy Plaza Utica NY 13502



## CITY OF UTICA

DEPARTMENT OF PUBLIC SAFETY BUREAU OF POLICE 413 Oriskany Street West, Utica, New York 13502





## CITY OF UTICA

## DEPARTMENT OF PUBLIC SAFETY BUREAU OF POLICE

413 Oriskany Street West Utica, New YORK 13502

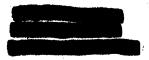
Mark Williams

Chief of Police

Robert Palmieri

Mayor

November 26, 2019



## Dear Sir/Madam

On July 22<sup>nd</sup>, 2019, you filed a Civilian Complaint Report with the Utica Police Department. Because of your civilian complaint, the Supervisory Staff of the Utica Police Department conducted an internal investigation. The final disposition of this case has been registered with the Professional Standards Office as "Sustained", which means the evidence is sufficient to prove the allegation, which was addressed through our Administrative and Training system. Should you wish to discuss the disposition of this complaint, or have any additional questions or concerns please feel free to contact the Office of Professional Standards by the phone number or email address attached below.

Allegation #1. The officer refused to assist in serving an Order of Protection

Officer Felitto is a new member of the Utica of the Utica Police Department transferring from a Dept, which has a Civil Processing Unit." Which means that, the Civil Processing Unit was responsible for serving all Orders of Protections within that department. Officer Felitto was unaware of the processing/serving of an Order of Protection within the City of Utica Police Department at the time of your incident.

Training has been provided and completed.

We thank you on informing us that Sgt. Perra immediately and or shortly after being notified of the incident, responded and rectified the situation to your satisfaction at the time of the incident. A note has been placed into his file in connection with your compliment "This Officer "Perra" was professional and followed through. He was brave and courteous.

Training has been provided and completed.

Sincergly,

Sergeant Hiram Rios

Professional Standards Investigation Unit

(315) 223-3405

Email:

## Page 1 of 8

# Training Course Summary

Course Information						
	į			Prerequisites	isites	
2019000000007	2019 Feb Inservice	Type In Service	Credits 0.00	Hours Course 1 8.00	Course 2	Comments Legal Updates/ Alcohol awareness/ EAP services
Course Schedule						
Schedule						
Class ID	Start Date/Time	End Date/Time	Company		Course Leasting	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	02/05/2019 08:00	02/05/2019 16:00				
	02/07/2019 08:00	02/07/2019 16:00	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
	02/11/2019 08:00	02/11/2019 16:00	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
	02/15/2019 :08:00	02/15/2019 16:00		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	02/21/2019 08:00	02/21/2019 16:00				
	02/25/2019 08:00	02/25/2019 16:00				
Instructor		Reserve Date	Course Category	χ Serial ID	Notes	

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# Training Course Summary

Course Information						
				Prerequisites	sites	
Course NO 2019000000031	Title 2019 May Inservice Firearms	<u>Type</u> In Service	Credits 0.00	Hours Course 1 8.00	Course 2	Comments Lead Instructor Inv. Amerosa
Course Schedule						
Schedule						
Class ID	Start Date/Time 05/06/2019 05:00	End Date/Time 05/06/2019 13:00	Company		Course Location	
	05/08/2019 05:00	05/08/2019 13:00				
	05/10/2019 05:00	05/10/2019 13:00				
	05/16/2019 05:00	05/16/2019 13:00		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
	05/20/2019 05:00	05/20/2019 13:00	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
	05/24/2019 05:00	05/24/2019 13:00		1 1 1 1 1 1 1 1 1 1 1		
Instructor		Reserve Date	Course Category	ry Serial ID	Notes	

# Training Course Summary

Course Information						
				Prerequisites	isites	
Course NO 2019000000050	<u>Title</u> 2019 November inservice defensive Tac	<u>Type</u> vice In Service	Credits 0.00	Hours Course 1 8.00	Course 2	Comments Defensive tactics/ CIT/Sexual Harassment / Critical Incident and conrtinuity / Supervisor performance Eval training
Course Schedule						
Schedule						
Class ID	Start Date/Time 11/04/2019 08:00	End Date/Time 11/04/2019 16:00	Company		Course Location	
	11/08/2019 08:00	11/08/2019 16:00				
	11/12/2019 08:00	11/12/2019 16:00	1			
	11/14/2019 08:00	11/14/2019 16:00				
	11/18/2019 08:00	11/18/2019 16:00				
	11/22/2019 08:00	11/22/2019 16:00	 			
			! ! ! ! ! ! ! ! ! ! ! ! ! ! ! ! ! ! !			
Instructor		Reserve Date	Course Category	lory Serial ID	Notes	

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# Training Course Summary

		_	Iraining Cours	ing Course Summary			
Print Date: July 17, 2020	2020		)				
Course Information							ı
				Prerequisites	ites		
Course NO 20200000000002	<u>Title</u> 2020 February in-service In Service	Type vice In Service	Credits 0.00	Hours Course 1 8.00	Course 2	Comments CPR recert/ DV/ Workplace Violence/Sexual Harassment	
Course Schedule							
Schedule							
Class ID	Start Date/Time	End Date/Time	Company		Course Location		
                 	02/04/2020 08:00	02/04/2020 16:00	-	:			
	02/10/2020 08:00	02/10/2020 16:00	,	!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!			 
	02/12/2020 08:00	02/12/2020 16:00	! ! ! ! ! ! ! ! ! ! ! ! ! ! ! ! ! ! !	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			1
	02/20/2020 08:00	02/20/2020 16:00	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				!
	02/24/2020 08:00	02/24/2020 16:00-					
	02/26/2020 08:00	02/26/2020 16:00					!

Notes

Serial ID

Course Category

Reserve Date

Instructor

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# **Training Course Summary**

Course Information						
				Prerequisites	isites	
Course NO 2020000000001	Title 2020 January inservice	Type In Service	Credits 0.00	Hours Course 1 8.00	Course 2	Comments Discovery/Bail reform/UOF
Course Schedule Schedule						
Class ID	Start Date/Time		Company		Course Location	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	-	01/07/2020 16:00				
	1	01/13/2020 16:00				
	01/15/2020 08:00	01/15/2020 16:00				
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	01/21/2020 08:00	01/21/2020 16:00				
	01/23/2020 08:00	01/23/2020 16:00	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	! ! ! ! ! ! ! ! ! ! ! ! ! ! ! ! ! ! !		
	01/29/2020 08:00	01/29/2020 16:00	i i			
Instructor		Reserve Date	Course Category	Ory Serial ID	Notes	

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# Training Course Summary

Course Information	·					
<u>;</u>				Prerequisites	sites	
Course NO 2019000000030	Title April 2019 Inservice	<u>Iype</u> In Service	<u>Credits</u> 0.00	Hours Course 1	Course 2	Comments Cultural Awareness training Refugee center/ DWI SFST refresher
Course Schedule					ς	
Schedule						
Class ID	Start Date/Time 04/02/2019 08:00	End Date/Time 04/02/2019 16:00	Company		Course Location	
	04/04/2019 08:00	04/04/2019 16:00	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
	04/08/2019 08:00	04/08/2019 16:00				
	04/12/2019 08:00	04/12/2019 16:00				
	04/18/2019 08:00	04/18/2019 16:00	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
	04/22/2019 08:00	04/22/2019 16:00				
			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1   4   1   1   1   1   1   1   1   1		
Instructor		Reserve Date	Course Category	Serial ID	Notes	

# Training Course Summary

Course Information						
			-	Prerequisites	sites	
Course NO 2019000000029	Title June Inservice 2019	Type In Service	Credits 0.00	Hours Course 1 8.00	Course 2	Comments Narcan Refresher trainng/ Leads On-Line training/ Taserrecert
Course Schedule						
Schedule		-				
Class ID	Start Date/Time	End Date/Time	Company		Course Location	
                 	06/07/2019 08:00	06/07/2019 16:00				
.	06/11/2019 08:00	06/11/2019 16:00				
	06/13/2019 08:00	06/13/2019 16:00				
	06/17/2019 08:00	06/17/2019 16:00	1 1 1 1 1 1 1 1 1 1 1 1 1 1			
	06/21/2019 08:00	06/21/2019 16:00				
	06/27/2019 08:00	06/27/2019 16:00				
				1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
Instructor		Reserve Date	Course Category	Y Serial ID	Notes	

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# Training Course Summary

Course Information						
Course NO 2020000000023	<u>Title</u> TASER inservice	Type In Service	<u>Credits</u>	Prerequisites Hours Course 1 4.00	sites  Course 2	Comments
Course Schedule Schedule						
Class ID	Start Date/Time 04/03/2020 08:00	End Date/Time 04/03/2020 12:00	Company		Course Location	
	04/06/2020 08:00	04/06/2020 12:00				
	04/07/2020 08:00	04/07/2020 12:00	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
	04/14/2020 08:00	04/14/2020 12:00	1 1 1 1 1 1 1 1 1 1 1 1	t		
	04/15/2020 08:00	04/15/2020 12:00	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
	04/16/2020 08:00	04/16/2020 12:00				
	04/20/2020 08:00	04/20/2020 12:00				
	04/23/2020 08:00	04/23/2020 12:00	1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
1 1 1 1 1 1	04/24/2020 08:00	04/24/2020 12:00		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
                 	04/28/2020 08:00	04/28/2020 12:00	i 1 1 1 1 1 1 1 1 1 1	:		
	04/30/2020 08:00	04/30/2020 12:00				
Instructor		Reserve Date	Course Category	ry Serial ID	Notes	