

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: Michael J. Balio

Address: [REDACTED]

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 May 9, 2016

the term to end

filling unexpired term of (if applicable)

Signed

Mayor

Title of Official

PERFORMANCE EVALUATION REPORT

NAME (FIRST, LAST, MI) Michael Balio	ID # 0387	RANK Ptln.	DIVISION/UNIT Patrol 2
DUTY ASSIGNMENT (I.E. DESK, STREET PATROL, BOOKING) Street Patrol	PERIOD COVERED Annual	FROM 01/01/19	TO 12/31/19

PERFORMANCE LEVEL DEFINITIONS
 OUTSTANDING = 5 VERY GOOD = 4 ACCEPTABLE = 3 NEEDS IMPROVEMENT = 2 UNSATISFACTORY = 1
 In making the evaluation of each category below, supervisors are to evaluate the employee's performance only for the past Twelve month period and compare that performance to guidelines established in section 6.15 C (1 through 18) of General Order # 02-47 Personnel Performance Evaluations.

1. DUTY PERFORMANCE (ALL EMPLOYEES)

4	PERSONAL APPEARANCE	3	COMMAND PRESENCE	3	REPORT WRITING ABILITY	3	INTERPERSONAL SKILLS (VERBAL)
3	RESPONSIVENESS TO SUPERVISION	5	ATTENDANCE	3	RELIABILITY	3	PERFORMANCE UNDER STRESS
4	PERFORMANCE	4	PUNCTUALITY	3	INVESTIGATIVE/PROBLEM SOLVING SKILLS		
3	JUDGMENT	3	CARE AND USE OF EQUIPMENT	3	KNOWLEDGE OF LAWS, POLICIES, ETC		

2. DAYS LOST DURING PERIOD COVERED BY THIS REPORT

SICK: 0 INJURED ON-DUTY: INJURED OFF-DUTY: OTHER: TOTAL OCCURENCES: 0

3. SUPERVISORY PERSONNEL ONLY

LEADERSHIP QUALITIES

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.)

Performance (4)- Ptln. Balio continues to be a very proactive officer and produces monthly totals that exceed most if not all others on the shift.

Attendance (5)- Ptln. Balio utilized 0 sick days throughout the year.

Responsiveness to Supervision (3)- Ptln. Balio has shown great improvement in this area, although from time to time he still has to be reminded to check his emails and complete tasks given to him.

Punctuality (4)- Ptln. Balio is always on time and ready to deploy for his shift.

Report Writing Ability (3)- Ptln. Balio has made great sides of improvement in this area and should continue to strive to improve on this area. Reports are generally adequate with little to no issues.

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

Ptln. Balio has made great progress this year and should continue to strive this next year to improve even more. Ptln. Balio's attitude, time management and care for his work (reports) has improved and it has shown with the results of his reports and work. Ptln. Balio has a lot of potential and as long as he wants to he should continue to improve.

(Continue on Back)

(Goal settings Continue From Front)

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 OFFICER: (Immediate Supervisor) Name:

Signature James R. Holt Jr. / James R. Holt Jr. Rank _____ Lt. _____ Date 1/29/20
Print/Signature

7. SUPERVISOR REVIEWING WITH EMPLOYEE: Name:

Signature Joseph W. Cimpi Rank _____ Sgt. _____ Date 1/29/20
Print/Signature

8. EMPLOYEE'S COMMENTS: (Optional)

9. 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 I 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.

Signature M. Bel. 0387 Rank PTLM Date 1/29/20
Print/Signature

PERFORMANCE EVALUATION REPORT

NAME (FIRST, LAST, MI) Michael Balio	ID # 0387	RANK P.O.	DIVISION/UNIT Patrol C-2
DUTY ASSIGNMENT (I.E. DESK, STREET PATROL, BOOKING) Street Patrol	PERIOD COVERED Annual	FROM 01/2018	TO 12/2018

PERFORMANCE LEVEL DEFINITIONS

EXCELLENT = 5

GOOD = 4

ACCEPTABLE = 3

NEEDS IMPROVEMENT = 2

UNSATISFACTORY = 1

In making the evaluation of each category below, supervisors are to evaluate the employee's performance only for the past Twelve month period and compare that performance to guidelines established in section 6.15 C (1 through 18) of General Order # 02-47 Personnel Performance Evaluations.

1. DUTY PERFORMANCE (ALL EMPLOYEES)

4	GENERAL APPEARANCE	2	ASSIGNMENT TASKS	2	WORK QUALITY	3	KNOWLEDGE OF LAWS, POLICIES, ETC.
2	RESPONSIVENESS TO SUPERVISION	5	ATTENDANCE	2	RELIABILITY	3	REPORT WRITING ABILITY
4	INITIATIVE	4	PUNCTUALITY	3	INVESTIGATIVE/PROBLEM SOLVING SKILLS	3	INTERACTION WITH PUBLIC
3	JUDGMENT	3	CARE AND USE OF EQUIPMENT	4	INTERACTION WITH OTHER MEMBERS OF THE DEPARTMENT		
3	COMMAND PRESENCE	3	PERFORMANCE UNDER STRESS	3	COMMUNICATION SKILLS (VERBAL)		

2. SUPERVISORY PERSONNEL ONLY

LEADERSHIP QUALITIES

EFFECTIVENESS OF DELEGATION

TRAINING/COACHING OF SUBORDINATES

EVALUATION OF SUBORDINATES

3. 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.)

Initiative (4) - Ptlm. Balio is a very proactive officer and is often one of if not the most reliable within squad C-2 and the whole platoon to be atop the leader board in activity numbers.

Attendance (5) - Ptlm. Balio utilized 0 sick days throughout the year.

Responsiveness to Supervision (2)- Ptlm. Balio has shown many issues throughout the year when it comes to dealing with Supervisory members of the department. These issues include verbal directives and email directives. The email directives could be seen as overlooks however there has been numerous incidents with such that would lead one to believe that it is a complacency issue rather than an overlook.

Report Writing Ability (3) - Ptlm. Balio's report writing has shown great improvement upon last years work. Although not great his reports having been greatly improved and it shows that he has made a better effort and taken more time with them before marking them waiting for review.

Punctuality (4) - Ptlm. Balio is always on time and ready to deploy for his shift.

Work Quality (2) - Ptlm. Balio's work quality is substandard and there are numerous notes in his file to document this. Ptlm. Balio was also counseled regarding tagging his body camera footage after an email was received by Professional standards stating that he rarely tags his body cam footage.

Assignment Tasks and reliability (2) - Ptlm. Balio is consistently late with completing tasks given to him and on several occassions has had to receive more than one email or directive regadring the same task before it is completed.

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

Ptlm. Balio is a young officer who shows promise and potential. Ptlm. Balio is a very eager proactive officer who shows that desire to get involved and is consistently a top if not the top performer proactivity wise on a month to month basis. Ptlm. Balio needs to work to respond in a more positive manner to supervision and be able to be assigned tasks and directives and accomplish those tasks and directives the first time without the need to constantly be given further directives.

(Continue on Back)

(Goal settings Continue From Front)

If Ptlm. Balio can just become more task oriented and pay more attention to detail when given tasks and directives he can greatly approve upon this year's evaluation period.

4. 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.

☐ EXCELLENT ☐ GOOD ☒ ACCEPTABLE ☐ NEEDS IMPROVEMENT ☐ UNSATISFACTORY

5. REVIEWING COMMANDING OFFICER: (Immediate Supervisor) Name:

Signature James R. Holt Jr. / James Holt Jr. Rank Lt. Date 1/16/19
Print / Signature

6. SUPERVISOR REVIEWING WITH EMPLOYEE: Name: Sgt. Joseph W. Cimpi #1415

Signature Joseph W. Cimpi Rank Sgt. Date 1/16/19
Print / Signature

7. EMPLOYEE'S COMMENTS: (Optional)

8. 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 I 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.

Signature Michael Balio / Under Protest Rank Pt. Lt. Date 1/16/19
Print / Signature

PERFORMANCE EVALUATION REPORT

NAME (FIRST, LAST, MI) Michael Balio	ID # 0387	RANK P.O.	DIVISION/UNIT Patrol 2
DUTY ASSIGNMENT (I.E. DESK, STREET PATROL, BOOKING) Street Patrol	PERIOD COVERED Annual	FROM 01/2017	TO 12/2017

PERFORMANCE LEVEL DEFINITIONS

EXCELLENT = 5

GOOD = 4

ACCEPTABLE = 3

NEEDS IMPROVEMENT = 2

UNSATISFACTORY = 1

In making the evaluation of each category below, supervisors are to evaluate the employee's performance only for the past Twelve month period and compare that performance to guidelines established in section 6.15 C (1 through 18) of General Order # 02-47 Personnel Performance Evaluations.

1. DUTY PERFORMANCE (ALL EMPLOYEES)

4	GENERAL APPEARANCE	2	ASSIGNMENT TASKS	2	WORK QUALITY	3	KNOWLEDGE OF LAWS, POLICIES, ETC.
3	RESPONSIVENESS TO SUPERVISION	4	ATTENDANCE	2	RELIABILITY	2	REPORT WRITING ABILITY
4	INITIATIVE	4	PUNCTUALITY	3	INVESTIGATIVE/PROBLEM SOLVING SKILLS	3	INTERACTION WITH PUBLIC
3	JUDGMENT	2	CARE AND USE OF EQUIPMENT	4	INTERACTION WITH OTHER MEMBERS OF THE DEPARTMENT		
3	COMMAND PRESENCE	3	PERFORMANCE UNDER STRESS	3	COMMUNICATION SKILLS (VERBAL)		

2. SUPERVISORY PERSONNEL ONLY

LEADERSHIP QUALITIES

EFFECTIVENESS OF DELEGATION

TRAINING/COACHING OF SUBORDINATES

EVALUATION OF SUBORDINATES

3. 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.)

Initiative (4) - Ptlm. Balio is a very proactive officer and quite often is put on the monthly total leader boards because of that proactiveness. Ptlm. Balio does this despite being inside quite frequently on a monthly basis.

Attendance (4) - Ptlm. Balio utilized 1 sick days throughout the year.

Responsiveness to Supervision (3)- It has been noticed on several different occasions that when given an assignment in roll call such as foot patrol or doorman, one that is less desirable for many officers, Ptlm. Balio tends to immediately ask for the night off to avoid those unwanted positions.

Report Writing Ability (2) - Ptlm. Balio on a consistent basis turns in less than adequate paperwork. Ptlm. Balio also does not finish his paperwork in a timely matter. Ptlm. Balio needs to spend more time completing his paperwork as well as reviewing the same before submitting such in order to avoid constantly being told to correct his paperwork.

Care and Use of Equipment (2)-On 9/11/17 Ptlm. Balio was involved in a MVA with car 58 in which he was faulted for the accident. Ptlm. Balio caused a significant amount of damage to car 58 as well as the civilian vehicle he hit when he failed to yield the right of the way.

Punctuality (4) - Ptlm. Balio is always on time and ready to deploy for his shift.

Work Quality (2) - Ptlm. Balio's work quality is substandard and there are numerous notes in his file to document this. Ptlm. Balio was also counseled regarding tagging his body camera footage while he was involved in a DWI arrest. Ptlm. Balio was the arresting officer and did not tag his BWC footage as required per department policy and procedure.

Assignment Tasks (2) - Balio is always late with Investigation management and most tasks given to him are also completed late.

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

Ptln. Balio is a young officer who shows promise and potential. Ptln. Balio is a very eager proactive officer who shows that desire to get involved. Ptln. Balio however, needs to better balance his time between proactiveness and his paperwork so that he shows improvement in the paperwork category as his paperwork is less than sufficient. Ptln. Balio needs to show better judgement whether being operating a vehicle with due care, time management and trying to not act negatively when being assigned to undesirable assignments during roll call.

(Continue on Back)

(Goal settings Continue From Front)

Ptln. Balio needs to improve upon his work quality, completing assigned tasks in a timely fashion, needs to become more self-sufficient and self-reliable so that he does not need constant supervision from supervisors and needs to become more knowledgeable with the Penal Law as well as UPD Policy and Procedure.

4. 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.

☐ EXCELLENT ☐ GOOD ☐ ACCEPTABLE ☒ NEEDS IMPROVEMENT ☐ UNSATISFACTORY

5. REVIEWING COMMANDING OFFICER: (Immediate Supervisor) Name:

Signature LT. J. Holt / James R. Holt Rank LT. Date 1/25/18
Print / Signature

6. SUPERVISOR REVIEWING WITH EMPLOYEE: Name: Sgt. Joseph W. Cimpi #1415

Signature Joseph Cimpi Rank SGT. Date 1/15/18
Print / Signature

7. EMPLOYEE'S COMMENTS: (Optional)

8. 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 I 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.

Signature Michael Balio / Michael Balio Rank Ptln Date 1/15/18
Print / Signature

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

DATE

MONTH 04 DAY 01 YEAR 2020

TO:
Utica Civil Service Commission

NAME OF EMPLOYEE:
Balio, Michael J

FROM: (Check only one)

☒ City ☐ County ☐ Town ☐ Village or District

ADDRESS:

DEPARTMENT:
Police Department

TITLE OF POSITION:
Police Officer

SALARY:
\$ 67,038.

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

☐ Veteran ☐ Non-Veteran
☐ Disabled Veteran ☐ Exempt Volunteer Fireman

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:

ID# 0387

Check Nature of Personnel Change

Date Effective

Action Necessary by Appointing Officer:

	<u>Check Nature of Personnel Change</u>	<u>Date Effective</u>	<u>Action Necessary by Appointing Officer:</u>
A P P O I N T M E N T S	<input type="checkbox"/> Permanent		Return report of Certification
	<input type="checkbox"/> Provisional		Attach application (MSD-330)
	<input type="checkbox"/> Temporary	From: To:	State length of employment
	<input type="checkbox"/> Substitute	From: To:	Give facts under Remarks
	<input type="checkbox"/> For Term of Office	From: To:	Give facts under Remarks
	<input type="checkbox"/> Permanent Promotion		Return report of Certification
	<input type="checkbox"/> Provisional Promotion		Attach nomination
	<input type="checkbox"/> Non-Competitive Class		Attach application (MSD-330)
	<input type="checkbox"/> Exempt Class		Submit this form only
	<input type="checkbox"/> Labor Class		Attach application (MSD-330)
T E R M I O N N A S	<input type="checkbox"/> Resignation		Submit signed resignation
	<input type="checkbox"/> Retirement		Give effective date
	<input type="checkbox"/> Deceased		Indicate date
	<input type="checkbox"/> Removal		Attach copy of proceedings
	<input type="checkbox"/> Layoff (Lack of Work or Funds)		Give facts under Remarks
O T H E R C H A N G E S	<input type="checkbox"/> Military Leave of Absence		Give facts under Remarks
	<input type="checkbox"/> Other Leave of Absence	From: To:	Give facts under Remarks
	<input type="checkbox"/> Transfer		Give facts under Remarks
	<input type="checkbox"/> Demotion		Give facts under Remarks
	<input type="checkbox"/> Suspension		Give facts under Remarks
	<input type="checkbox"/> Reinstatement		Give facts under Remarks
	<input type="checkbox"/> Change in Classification		Give facts under Remarks
	<input type="checkbox"/> New Position		Submit form MSD-222
	<input checked="" type="checkbox"/> Change in Salary	4/1/20	Indicate new salary
	<input type="checkbox"/> Change in Name		Give facts under Remarks
	<input type="checkbox"/> Other		Give facts under Remarks

Remarks: (Continue on back if necessary)

3.75% contract inc. eff. 4/1/20.

Longevity inc. eff. 5/9/19

3.75% contract inc. eff. 4/1/19

Appointing Officer

Title

Address

Mark H. Williams
Chief of Police

CERTIFICATE
valid until

(Date)

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

By

Date

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

DATE

MONTH 05 DAY 09 YEAR 2019

TO:
Utica Civil Service Commission

NAME OF EMPLOYEE:
Balio, Michael J

FROM: (Check only one)

☒ City ☐ County ☐ Town ☐ Village or District

ADDRESS:

DEPARTMENT:
Police Department

TITLE OF POSITION:
Police Officer

SALARY:
\$ 64,615.

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

☐ Veteran ☐ Non-Veteran
☐ Disabled Veteran ☐ Exempt Volunteer Fireman

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:

ID# 0387

Check Nature of Personnel Change

Date Effective

Action Necessary by Appointing Officer:

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☐ Permanent

☐ Provisional

☐ Temporary

☐ Substitute

☐ For Term of Office

☐ Permanent Promotion

☐ Provisional Promotion

☐ Non-Competitive Class

☐ Exempt Class

☐ Labor Class

From: To:

From: To:

From: To:

Return report of Certification

Attach application (MSD-330)

State length of employment

Give facts under Remarks

Give facts under Remarks

Return report of Certification

Attach nomination

Attach application (MSD-330)

Submit this form only

Attach application (MSD-330)

Submit signed resignation

Give effective date

Indicate date

Attach copy of proceedings

Give facts under Remarks

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☐ Resignation

☐ Retirement

☐ Deceased

☐ Removal

☐ Layoff (Lack of Work or Funds)

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☐ Military Leave of Absence

☐ Other Leave of Absence

☐ Transfer

☐ Demotion

☐ Suspension

☐ Reinstatement

☐ Change in Classification

☐ New Position

☒ Change in Salary

☐ Change in Name

☐ Other

From: To:

5/9/19

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Submit form MSD-222

Indicate new salary

Give facts under Remarks

Give facts under Remarks

Remarks: (Continue on back if necessary)

Longevity inc. eff. 5/9/19

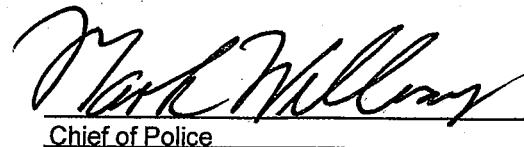
3.75% contract inc. eff. 4/1/19

New Contract salary changes eff. 4/1/18
pp. 6/8/18

Appointing Officer

Title

Address


Chief of Police

CERTIFICATE
valid until

(Date)

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

By

Date

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

DATE

MONTH 04 DAY 01 YEAR 2019

TO:
Utica Civil Service Commission

NAME OF EMPLOYEE:
Balio, Michael J

FROM: (Check only one)

☒ City ☐ County ☐ Town ☐ Village or District

ADDRESS:

DEPARTMENT:
Police Department

TITLE OF POSITION:
Police Officer

SALARY:
\$ 61,655.

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

☐ Veteran ☐ Non-Veteran
☐ Disabled Veteran ☐ Exempt Volunteer Fireman

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:

ID# 0387

Check Nature of Personnel Change

Date Effective

Action Necessary by Appointing Officer:

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- ☐ Permanent
☐ Provisional
☐ Temporary
☐ Substitute
☐ For Term of Office
☐ Permanent Promotion
☐ Provisional Promotion
☐ Non-Competitive Class
☐ Exempt Class
☐ Labor Class

From: To:
From: To:
From: To:

Return report of Certification
Attach application (MSD-330)
State length of employment
Give facts under Remarks
Give facts under Remarks
Return report of Certification
Attach nomination
Attach application (MSD-330)
Submit this form only
Attach application (MSD-330)

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- ☐ Resignation
☐ Retirement
☐ Deceased
☐ Removal
☐ Layoff (Lack of Work or Funds)

Submit signed resignation
Give effective date
Indicate date
Attach copy of proceedings

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- ☐ Military Leave of Absence
☐ Other Leave of Absence
☐ Transfer
☐ Demotion
☐ Suspension
☐ Reinstatement
☐ Change in Classification
☐ New Position
☒ Change in Salary
☐ Change in Name
☐ Other

From: To:

Give facts under Remarks
Give facts under Remarks
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Give facts under Remarks
Give facts under Remarks
Submt form MSD-222
Indicate new saalry
Give facts under Remarks
Give facts under Remarks

Remarks: (Continue on back if necessary)

3.75% contract inc. eff. 4/1/19

**New Contract salary changes eff. 4/1/18
pp. 6/8/18
Longevity inc. eff. 5/9/18**

Appointing Officer
Title
Address

Mark H. Williams
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CERTIFICATE
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Date

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SUPPLEMENTARY PAYROLL CERTIFICATION AND
REPORT OF PERSONNEL CHANGE

DATE

MONTH 06 DAY 08 YEAR 2018

TO:
Utica Civil Service Commission

NAME OF EMPLOYEE:
Balio, Michael J

FROM: (Check only one)

☒ City ☐ County ☐ Town ☐ Village or District

ADDRESS:

DEPARTMENT:
Police Department

TITLE OF POSITION:
Police Officer

SALARY:
\$ 59,426.

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

☐ Veteran ☐ Non-Veteran
☐ Disabled Veteran ☐ Exempt Volunteer Fireman

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:

ID# 0387

Check Nature of Personnel Change

Date Effective

Action Necessary by Appointing Officer:

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☐ Permanent

☐ Provisional

☐ Temporary

☐ Substitute

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☐ Non-Competitive Class

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☐ Labor Class

From: To:

From: To:

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Attach application (MSD-330)

State length of employment

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Attach application (MSD-330)

Submit this form only

Attach application (MSD-330)

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☐ Resignation

☐ Retirement

☐ Deceased

☐ Removal

☐ Layoff (Lack of Work or Funds)

Submit signed resignation

Give effective date

Indicate date

Attach copy of proceedings

Give facts under Remarks

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☐ Military Leave of Absence

☐ Other Leave of Absence

☐ Transfer

☐ Demotion

☐ Suspension

☐ Reinstatement

☐ Change in Classification

☐ New Position

☒ Change in Salary

☐ Change in Name

☐ Other

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From: To:

From: To:

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From: To:

4/1/18

Indicate new salary

Give facts under Remarks

Give facts under Remarks

Remarks: (Continue on back if necessary)

New Contract salary changes eff. 4/1/18
pp. 6/8/18

Longevity inc. eff. 5/9/18
Longevity inc. eff. 5/9/17

Appointing Officer

Title

Address

Mark J. Miller

Chief of Police

CERTIFICATE
valid until

(Date)

This certifies that the above
employment is in accordance with
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to law. Subject to any limitation or
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By

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DATE

MONTH 05 DAY 09 YEAR 2018

TO:
Utica Civil Service Commission

NAME OF EMPLOYEE:
Balio, Michael J

FROM: (Check only one)

☒ City ☐ County ☐ Town ☐ Village or District

ADDRESS:

DEPARTMENT:

Police Department

TITLE OF POSITION:

Police Officer

SALARY:

\$ 54,920.

NAME AND TITLE OF LAST EMPLOYER IN POSITION:

☐ Veteran

☐ Non-Veteran

☐ Disabled Veteran

☐ Exempt Volunteer Fireman

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:

ID# 0387

Check Nature of Personnel Change

Date Effective

Action Necessary by Appointing Officer:

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☐ Permanent

☐ Provisional

☐ Temporary

☐ Substitute

☐ For Term of Office

☐ Permanent Promotion

☐ Provisional Promotion

☐ Non-Competitive Class

☐ Exempt Class

☐ Labor Class

☐ Resignation

☐ Retirement

☐ Deceased

☐ Removal

☐ Layoff (Lack of Work or Funds)

☐ Military Leave of Absence

☐ Other Leave of Absence

☐ Transfer

☐ Demotion

☐ Suspension

☐ Reinstatement

☐ Change in Classification

☐ New Position

☒ Change in Salary

☐ Change in Name

☐ Other

From: To:

From: To:

From: To:

From: To:

Return report of Certification

Attach application (MSD-330)

State length of employment

Give facts under Remarks

Give facts under Remarks

Return report of Certification

Attach nomination

Attach application (MSD-330)

Submit this form only

Attach application (MSD-330)

Submit signed resignation

Give effective date

Indicate date

Attach copy of proceedings

Give facts under Remarks

Give facts under Remarks

From: To:

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Submit form MSD-222

5/9/187

Indicate new salary

Give facts under Remarks

Give facts under Remarks

Remarks: (Continue on back if necessary)

Longevity eff: 5/9/18

Longevity inc. eff. 5/9/17

New Employee eff. 5/9/16

Appointing Officer

Title

Address

Chief of Police

CERTIFICATE
valid until

(Date)

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

By

Date

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

DATE

MONTH 05 DAY 09 YEAR 2017

TO:
Utica Civil Service Commission

NAME OF EMPLOYEE:
Balio, Michael J

FROM: (Check only one)

☒ City ☐ County ☐ Town ☐ Village or District

ADDRESS:

DEPARTMENT:
Police Department

TITLE OF POSITION:
Police Officer

SALARY:
\$ 51,258.

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

☐ Veteran ☐ Non-Veteran
☐ Disabled Veteran ☐ Exempt Volunteer Fireman

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:
ID# 0387

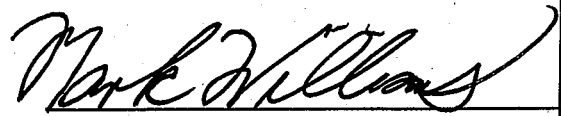
	<u>Check Nature of Personnel Change</u>	<u>Date Effective</u>	<u>Action Necessary by Appointing Officer:</u>
A P P O I N T M E N T S	<input type="checkbox"/> Permanent		Return report of Certification
	<input type="checkbox"/> Provisional		Attach application (MSD-330)
	<input type="checkbox"/> Temporary	From: To:	State length of employment
	<input type="checkbox"/> Substitute	From: To:	Give facts under Remarks
	<input type="checkbox"/> For Term of Office	From: To:	Give facts under Remarks
	<input type="checkbox"/> Permanent Promotion		Return report of Certification
	<input type="checkbox"/> Provisional Promotion		Attach nomination
	<input type="checkbox"/> Non-Competitive Class		Attach application (MSD-330)
	<input type="checkbox"/> Exempt Class		Submit this form only
	<input type="checkbox"/> Labor Class		Attach application (MSD-330)
T E R M I N A T I O N S	<input type="checkbox"/> Resignation		Submit signed resignation
	<input type="checkbox"/> Retirement		Give effective date
	<input type="checkbox"/> Deceased		Indicate date
	<input type="checkbox"/> Removal		Attach copy of proceedings
	<input type="checkbox"/> Layoff (Lack of Work or Funds)		Give facts under Remarks
O T H E R C H A N G E S	<input type="checkbox"/> Military Leave of Absence		Give facts under Remarks
	<input type="checkbox"/> Other Leave of Absence	From: To:	Give facts under Remarks
	<input type="checkbox"/> Transfer		Give facts under Remarks
	<input type="checkbox"/> Demotion		Give facts under Remarks
	<input type="checkbox"/> Suspension		Give facts under Remarks
	<input type="checkbox"/> Reinstatement		Give facts under Remarks
	<input type="checkbox"/> Change in Classification		Give facts under Remarks
	<input type="checkbox"/> New Position		Submit form MSD-222
	<input checked="" type="checkbox"/> Change in Salary	5/9/17	Indicate new salary
	<input type="checkbox"/> Change in Name		Give facts under Remarks
<input type="checkbox"/> Other		Give facts under Remarks	

Remarks: (Continue on back if necessary)

Longevity inc. eff. 5/9/17

New Employee eff. 5/9/16

Appointing Officer
Title
Address


Chief of Police

CERTIFICATE
valid until

(Date)

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

By

Date

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

DATE

MONTH 04 DAY 28 YEAR 2016

TO:
Utica Civil Service Commission

NAME OF EMPLOYEE:
Balio, Michael J

FROM: (Check only one)

☒ City ☐ County ☐ Town ☐ Village or District

ADDRESS:

DEPARTMENT:

Police Department

TITLE OF POSITION:

Police Officer

SALARY:

\$ 42,317

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

☐ Veteran ☐ Non-Veteran
☐ Disabled Veteran ☐ Exempt Volunteer Fireman

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:

ID# 0387

Check Nature of Personnel Change

Date Effective

Action Necessary by Appointing Officer:

A
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☒ Permanent
☐ Provisional
☐ Temporary
☐ Substitute
☐ For Term of Office
☐ Permanent Promotion
☐ Provisional Promotion
☐ Non-Competitive Class
☐ Exempt Class
☐ Labor Class

5/9/2016

Return report of Certification

Attach application (MSD-330)

State length of employment

Give facts under Remarks

Give facts under Remarks

Return report of Certification

Attach nomination

Attach application (MSD-330)

Submit this form only

Attach application (MSD-330)

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☐ Resignation
☐ Retirement
☐ Deceased
☐ Removal
☐ Layoff (Lack of Work or Funds)

Submit signed resignation

Give effective date

Indicate date

Attach copy of proceedings

Give facts under Remarks

Give facts under Remarks

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☐ Military Leave of Absence
☐ Other Leave of Absence
☐ Transfer
☐ Demotion
☐ Suspension
☐ Reinstatement
☐ Change in Classification
☐ New Position
☐ Change in Salary
☐ Change in Name
☐ Other

From: To:

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Submit form MSD-222

Indicate new salary

Give facts under Remarks

Give facts under Remarks

Remarks: (Continue on back if necessary)

New Employee eff. 5/9/16

Appointing Officer

Title

Address



Chief of Police

CERTIFICATE
valid until

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

By

Date

(Date)



Undersheriff Joseph Lisi
Chief Deputy Jonathan Owens

Chief Deputy Lisa Zurek
Chief Deputy Derrick O'Meara

Sheriff Robert M. Maciol

**Law Enforcement Member Deputation
For The
Mobile Field Force - UPD**

*Pursuant to the authority vested in me by Section 654 of the County Law, I hereby
Deputize: Mike Balio: Police Officer; Utica Police Department, to make arrests outside the
territorial limits of the City of Utica, in performance of his legal obligations as a police officer or
peace officer serving as a member and, or agent of, the Utica Police Department. This
deputation shall take effect on January 14, 2020 and shall expire January 13, 2021.*

I set my hand and seal this 14th day of January, 2020.

Robert M. Maciol
Oneida County Sheriff

Administrative Office
6065 Judd Road Oriskany, NY 13424
[Redacted]
Fax (315) 765-2205

Law Enforcement Division
6065 Judd Road Oriskany, NY 13424
[Redacted]
Fax (315) 736-7946

Correction Division
6075 Judd Road Oriskany, NY 13424
[Redacted]
Fax (315) 765-2327

Civil Division
200 Elizabeth Street Utica, NY 13501
[Redacted]
Fax (315) 798-6495



Undersheriff Joseph Lisi
Chief Deputy Jonathan Owens

Chief Deputy Lisa Zurek
Chief Deputy Derrick O'Meara

Sheriff Robert M. Maciol

**Law Enforcement Member Deputation
For The
Dive Team - UPD**

*Pursuant to the authority vested in me by Section 654 of the County Law, I hereby
Deputize: Mike Balio: Police Officer; Utica Police Department, to make arrests outside the
territorial limits of the City of Utica, in performance of his legal obligations as a police officer or
peace officer serving as a member and, or agent of, the Utica Police Department. This
deputation shall take effect on January 14, 2020 and shall expire January 13, 2021.*

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Correction Division
6075 Judd Road Oriskany, NY 13424

Fax (315) 765-2327

Civil Division
200 Elizabeth Street Utica, NY 13501

Fax (315) 798-6495

UTICA POLICE DEPARTMENT

Personnel Order



Issue date: 12/19/16	Subject: Assignment / Transfer Orders	P.O. 16-42
Issuing Authority Captain DE Cinque	Approved by: Chief M. Williams	

Sgt. Michael Geddes

Will leave the Traffic Unit on Tuesday, January 3rd, 2017 at the completion of his tour at 1600 hrs. He will report to Lieutenant Sean Dougherty on Wednesday January 4, 2017 at [REDACTED] hrs. for assignment in [REDACTED] Platoon Squad 1.

Sgt. Francis Kuhn

Will leave C Platoon Squad 1 on Sunday January 1st, 2017 at the completion of his tour at 0000 hrs. He will report to Lieutenant Sean Dougherty on Wednesday Jan. 4th, 2017 at [REDACTED] hrs. for assignment in [REDACTED] Platoon Squad 1.

Sgt. Christopher Faniglula

Will leave the Tactical Unit on Saturday December 31st, 2016 at the completion of his tour at 0300 hrs. He will report to Lieutenant Sean Dougherty on Tuesday, January 3rd, 2017 at [REDACTED] hrs. for assignment in [REDACTED] Platoon Squad 2.

Sgt. Brian French

Will leave B Platoon Squad 2 on Friday December 30, 2016 at the completion of his tour at 1600 hrs. He will report to Lieutenant Michael D'Ambro on Sunday January 1, 2017 at 2345 hrs. for his shift which will commence at [REDACTED] hrs on Monday Jan 2 for assignment in [REDACTED] Platoon Squad 3.

Sgt. John Abel

Will leave B Platoon Squad 1 on Sunday January 1st, 2017 at the completion of his tour at 1600 hrs. He will report to Lieutenant Michael D'Ambro on Tuesday January 3rd at 2345 hrs. for his shift which will commence at [REDACTED] hrs. on Wednesday January 4th, 2017 for assignment in [REDACTED] Platoon Squad 1.

Sgt. Starr Wooden

Will leave B Platoon Squad 1 on Sunday January 1st, 2017 after the completion of her tour at 1600 hrs. She will report to Lieutenant James Holt on Wednesday January 4, 2017 at [REDACTED] 5 hrs. for assignment in [REDACTED] Platoon Squad 1.

Sgt. Joshua Grande	Will leave the A Platoon Squad 1 on Sunday January 1st, 2017 at the completion of his tour at 0800 hrs. He will report to Lieutenant Brian Bansner on Tuesday January 3rd, 2017 at [REDACTED] hrs. for assignment in the Tactical Unit.
Officer Titus Ciccone	Will leave C Platoon Squad 2 on Friday December 30, 2016 at the completion of his tour at 0000 hrs. He will report to Lieutenant Sean Dougherty on Monday January 2, 2017 at [REDACTED] hrs. for assignment in [REDACTED] Platoon Squad 2.
Officer Eric White	Will leave the C Platoon Squad 3 on Tuesday January 3rd, 2017 at the completion of his tour at 0000 hrs. He will report to Lieutenant Sean Dougherty on Friday Jan. 06, 2017 at [REDACTED] hrs. for assignment in [REDACTED] Platoon Squad 3.
Officer Joshua Austin	Will leave A Platoon Squad 1 on Sunday January 1st, 2017 at the completion of his tour at 0800 hrs. He will report to Lieutenant Sean Dougherty on Wednesday January 4 th , 2017 at [REDACTED] hrs. for assignment in [REDACTED] Platoon Squad 1.
Officer Clifford Wiley	Will leave B Platoon Squad 1 on Sunday January 1 st , 2017 at the completion of his tour at 1600 hours and will report to Lt. James Holt on Wednesday January 4 th , 2017 at [REDACTED] hours for assignment in [REDACTED] Platoon Squad 1.
Officer James Fitzgerald	Will leave C Platoon Squad 2 on Friday December 30 th at the completion of his tour at 1600 hours and will report to Lt. Sean Dougherty on Monday January 2, 2017 at [REDACTED] hours for assignment in [REDACTED] Platoon Squad 2.
Officer Tyler Mowers	Will leave B Platoon Squad 2 on Friday December 30, 2016 at the completion of his tour at 1600 hours and will report to Lt. Sean Dougherty on Monday January 2, 2017 for assignment in [REDACTED] Platoon Squad 1. Note: Jan 2 is an RDO for [REDACTED] still report.
Officer Victor Ramos	Will leave A Platoon Squad 3 on Tuesday January 3 rd , 2017 at the completion of his tour at 0800 hours and report to Lt. Sean Dougherty at [REDACTED] hours on Friday, January 6, 2016 for assignment in [REDACTED] Platoon Squad 3.
Officer Matthew Schiavi	Will leave C Platoon Squad 3 on Tuesday January 3 rd , 2017 at the completion of his tour at 0000 hours and report to Lt. Michael D'Ambro at 2345 hours on the 5 th for his tour which commence at [REDACTED] hrs on Friday January 6 th for assignment in [REDACTED] Platoon Squad 1.

Officer Brian Baye

Will leave B Platoon Squad 2 on Friday December 30th, 2017 at the completion of his tour at 1600 hours and report to Lt. Michael D'Ambro at 2345 hours on Sunday Jan. 1st for his shift which will commence at [REDACTED] hours on Monday January 2, 2017 for assignment in [REDACTED] Platoon Squad 2.

Officer Ray Kellogg

Will leave B Platoon Squad 3 on Wednesday January 3rd, 2017 at the completion of his tour at 1600 hours and report to Lt. James Holt at [REDACTED] hours on Friday January 6, 2017 for assignment in [REDACTED] Platoon Squad 3.

Officer Marcus Vennero

Will leave C Platoon Squad 3 on Tuesday January 3rd, 2017 at the completion of his tour at 0000 hours and report to Lt. Michael D'Ambro at 2345 hours on Jan 5th for his shift which will commence at [REDACTED] hours on January 6th, 2017 for assignment in [REDACTED] Platoon Squad 1.

Officer Sean Flanagan

Will leave A Platoon Squad 1 on Sunday January 1st, 2017 at the completion of his tour at 0000 hours and report to Lt. James Holt at [REDACTED] hours on Jan 3th for assignment in [REDACTED] Platoon Squad 2.

Officer Carlie Heilig

Will leave A Platoon Squad 1 on Sunday January 1st 2017 at the completion of his tour at 0800 hours and report to Lt. James Holt at [REDACTED] hours on Thursday January 5th, 2017 for assignment in [REDACTED] Platoon Squad 3.

Officer Michael Balio

Will leave A Platoon Squad 2 on Thursday January 5th, 2017 at the completion of his tour at 0800 hours and report to Lt. James Holt at [REDACTED] hours on January 8th, 2017 for assignment in [REDACTED] Platoon Squad 2.

Captain Donald E. Cinque

UTICA POLICE DEPARTMENT

Personnel Order



Issue date: 07/11/16	Subject: Assignment / Transfer Orders	P.O. 16-26
Issuing Authority Captain DE Cinque	Approved by: Chief M. Williams	

Sgt. Joseph Cimpi

Will leave A Platoon Squad 1 on the completion of his tour July 17, 2016. He will report to Lt. James Holt at [REDACTED] hours on the 19th of July for assignment in [REDACTED] Platoon Squad 2.

Sgt. Joshua Grande

Will leave C Platoon Squad 2 on July 17, 2016. He will report to Lt. Michael D'Ambro at [REDACTED] hours on the 17th for his tour on the 18th of July for assignment in [REDACTED] Platoon Squad 1.

Officer Michael Balio

Will leave B Platoon Squad 3 on Friday July 15, 2016 at the completion of his RDO's. He will report to Lt. Michael D'Ambro at [REDACTED] hours on the 15th of July for his tour which will commence on the 16th of July for assignment in [REDACTED] Platoon Squad 2

Captain Donald E. Cinque

DEPARTMENT OF PUBLIC SAFETY**BUREAU OF POLICE**

413 Oriskany Street West

Utica, New York 13502

8/22/2019

INTRA-AGENCY MEMORANDUM**SUBJECT:** Oneida County Underwater Search and Recovery Team**TO:** Chief of Police: Mark W. Williams

Greetings,

I am interested in becoming part of the Oneida County Underwater Search and Recovery Team. I am currently enrolled PADI open water diver certification training. The training is to be complete at the end of September 2019 at the completion of my open water dive tests. I have vast experience in water along with having scuba-dove on several occasion including one dive in the Great Barrier Reef. If given the opportunity, I believe I would be an asset for the team.

Thank you for any consideration in this matter.

Respectfully,
PTLM Balio 0387

APPROVED
[Signature]

NAME: *[Signature]* 0387RANK: PTLM Balio

DEPARTMENT OF PUBLIC SAFETY**BUREAU OF POLICE**

413 Oriskany Street West

Utica, New York 13502

12/14/2018

INTRA-AGENCY MEMORANDUM**SUBJECT:** DWI Officer position**TO:** Chief of Police: Mark W. Williams

I would like to express my interest for the DWI Officer position. I have had a substantial amount of experience performing DWIs, field sobriety testing and the accompanying paperwork. I have also attended the Seated Battery SFST course. I have testified in multiple grand juries, felony hearings and suppression hearings and comfortable in the court aspect of DWI arrests. I am well versed in vehicle and traffic law and I feel I am a proactive officer. I would like to thank you for any consideration for this position.

Respectfully,
PTLM Balio 0387

NAME: Michael Balio / PTL 0387RANK: PTLM

DEPARTMENT OF PUBLIC SAFETY**BUREAU OF POLICE**

413 Oriskany Street West

Utica, New York 13502

September 22, 2016

INTRA-AGENCY MEMORANDUM**SUBJECT:** Request of PO Michael Balio to be a Sub-Status SRO**TO:** Chief of Police: Mark W. Williams

On September 22, 2016 I received a narrative request for PO Michael Balio to be considered for a sub-status SRO with the Utica City School District. PO Balio has only been a member of the Utica Police Department for 5 months, however, he was a lateral from the Village of Frankfort and stated that he has an SRO there. PO Balio has displayed an eagerness to learn in his short time here and is a good worker. I believe PO Balio would be a good SRO and represent the Utica Police Department well.

Approved
12 hrs / week
DC S. [Signature]

NAME: Lt. [Signature] Michael D'AmbroRANK: Lt. UPS #1900

DEPARTMENT OF PUBLIC SAFETY**BUREAU OF POLICE**

413 Oriskany Street West

Utica, New York 13502

9/21/2016

INTRA-AGENCY MEMORANDUM**SUBJECT:** Sub SRO**TO:** Chief of Police: Mark W. Williams

Sir, I am interested in the Sub-Status SRO position. I have always enjoyed working in the school setting because it gives you the ability to connect with the students on a different level than encounters on the street. I have worked as an SRO in the Village of Frankfort and I will be able to bring that experience and knowledge to the assignment. I would be grateful for the opportunity to work as an SRO in the Utica Schools.

NAME: Michael BaltesRANK: PTLM-0387

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 <u>two weeks</u> prior to the end of the probationary term. See date probationary term ends below.	
EMPLOYEE'S NAME: <u>Michael Balio</u>	DATE OF APPOINTMENT: <u>5/9/16</u>	
SOCIAL SECURITY NUMBER: <u>***-**-****</u>	DEPARTMENT OR AGENCY: <u>Utica Police Dept.</u>	
STATUS/TITLE OF POSITION: <u>Police Officer</u>	JURISDICTIONAL CLASSIFICATION:	
ORIGINAL LENGTH OF THE PROBATIONARY TERM AS SHOWN ON THE GCCS-12(AorB): <u>1 year</u>		
NUMBER OF DAYS ABSENT DURING THE PROBATIONARY TERM: <u>0</u>		
NUMBER OF DAYS PROBATIONARY TERM IS TO BE EXTENDED: <u>0</u>		
DATE PROBATIONARY TERM ENDS: <u>5/9/17</u>		
IF SATISFACTORY, DATE PERMANENT STATUS BEGINS: <u>5/10/17</u>		

CERTIFICATE OF APPOINTING OFFICER:

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



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



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

☐ Copy of letter to employee attached.

☐ Copy of letter to employee to be submitted.

Mark Williams
Authorized Signature
Mark Williams
Print Name
Chief
Title

I have received a copy of this form.

MB 0387 4/28/17
Signature of Employee Date

New York State Division of Criminal Justice Services.
POLICE OFFICER REGISTRY ENTRY FORM - CERTIFICATION OF INITIAL EMPLOYMENT
 (Executive Law § 845)

COPY

SECTION I - REGISTRANT INFORMATION (To be completed by the registrant)

Were you previously a police officer in NYS? Yes No	Last Name <u>Balik</u>	First Name <u>Michael</u>	MI <u>J</u>	Date of Birth <u>[REDACTED]</u>	Gender <u>(M)</u> F	Social Security Number* <u>[REDACTED]</u>
	Home Residence Mailing Address <u>[REDACTED]</u>		City, State, Zip <u>[REDACTED]</u>		County of Home Residence <u>Oneida / US</u>	
Police Officer as defined by NYS Criminal Procedure Law §1.20.	Home Residence Street Address (if Different) <u>11</u>		City, State, Zip <u>11</u>		City, State, Country of birth (if other than U.S.)	
I am the person named above. I understand that the information in Section I is part of a written statement that will be presented to the Division of Criminal Justice Services for filing, and I certify that it is true to the best of my knowledge and belief.						
Signature <u>[REDACTED]</u>						Date <u>5/16/16</u>

*Pursuant to the New York State Personal Privacy Protection Law, DCJS is authorized to collect personal identifying information as part of a public safety agency record. Personal identifying information on this form shall not be revealed, released, transferred, disseminated or otherwise communicated orally, in writing, or by electronic means other than to the registrant. Disclosure of personal identifying information is voluntary. Refusal to provide personal identifying information shall not result in the denial of any right, benefit, or privilege.

SECTION II - AGENCY INFORMATION (To be completed by the chief law enforcement officer)

Last Name Williams	First Name Mark	MI W	Title of Person Signing Section II Chief of Police
Name of Law Enforcement Agency Utica Police Department			Telephone 315-223-3400
Address 413 Oriskany Street W.		City, State, ZIP Utica, NY, 13502	
Type of Appointment Full-time <input checked="" type="checkbox"/> Part-time	Background Check Conducted Yes <input checked="" type="checkbox"/> No	Residency Verified Yes <input checked="" type="checkbox"/> No	Fingerprints submitted to DCJS Yes <input checked="" type="checkbox"/> No
I am the chief law enforcement officer responsible for appointing the person named in Section I as a police officer of the above named law enforcement agency. I understand that the information in Section II is part of a written statement that will be presented to the Division of Criminal Justice Services for filing, and I certify that it is true to the best of my knowledge and belief. I understand I am responsible for providing the registrant with the requisite training pursuant to §209-g of the General Municipal Law.			
Signature <u>[Signature]</u>			Date <u>5/11/16</u>

SECTION III - CIVIL SERVICE INFORMATION (To be completed by the civil service officer for all registrants Full or Part-time)

Last Name Wrobel	First Name Lori	MI A	Title of Person Signing Section III Executive Secretary
Name of Civil Service or Personnel Agency City of Utica Civil Service			Telephone <u>[REDACTED]</u>
Address 1 Kennedy Plaza		City, State, ZIP Utica, New York 13502	
Title and Civil Service Classification of the Registrant Police Officer - Competitive			
I am the civil service officer responsible for certifying the appointment of individuals appearing on the payroll of the law enforcement agency named in Section II. I understand that the information in Section III is part of a written statement that will be presented to the Division of Criminal Justice Services for filing, and I certify that it is true to the best of my knowledge and belief.			
Signature <u>[Signature]</u>			Date <u>05-06-16</u>

SECTION IV - OATH OF OFFICE (To be completed by the registrar responsible for recording oaths of office)

Last Name Lindsey	First Name Patricia	MI	Title of Person Signing Section IV City Clerk
Name of Recording Office City of Utica City Clerks Office			Telephone 315-792-0117
Address 1 Kennedy Plaza		City, State, ZIP Utica, New York 13502	
Oath of Office Date	Oath of Office Title of the Registrant Police Officer		
I am the officer responsible for recording the oaths of office of individuals appointed as police officers of the law enforcement agency named in Section II. The person named in Section I has filed an oath of office as a police officer, pursuant to an appointment received from the person named in Section II. I understand that the information in Section IV is part of a written statement that will be presented to the Division of Criminal Justice Services for filing, and I certify that it is true to the best of my knowledge and belief.			
Signature <u>[Signature]</u>			Date <u>05/12/16</u>



CITY OF UTICA

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

CHIEF OF POLICE: MARK WILLIAMS

TO: Police Officer: Michael J. Baliol

RE: **Utica Police Chapter 5 & 8 Receipt**

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

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

On 4/15/2016, you were spoken to by the Office of Professional Standards, at which time you were advised regarding your responsibility in reviewing and knowing what is in the Utica Police Policy and Procedure Manual, specifically the outlined policy and procedure for the following chapters;

Please read;

UTICA POLICY AND PROCEDURE CHARTER, 5 & 8 (RULES AND REGULATION)

- **CHAPTER FIVE, ARTICLE TEN; PROFESSIONAL STANDARDS INVESTIGATIONS**
- **CHAPTER EIGHT, ARTICLE ONE: PROFESSIONAL STANDARDS OF CONDUCT AND ETHICS**

Also discussed were the implications of being a Brady and Giglio Officer;

Brady Rule

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

If the prosecution does not disclose material exculpatory evidence under this rule, and prejudice has ensued, the evidence will be suppressed. The evidence will be suppressed regardless of whether the prosecutor knew the

evidence was in his or her possession, or whether or not the prosecutor intentionally or inadvertently withheld the evidence from the defense. The defendant bears the burden of proving that the undisclosed evidence was material, and the defendant must show that there is a reasonable probability that there would be a difference in the outcome of the trial had the evidence been disclosed by the prosecutor.

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

Testilying

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

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

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

Signature of Officer

Date: 9th Day of MAY, 20 16.

Witness: Name, Rank

jwolf

From: mwilliams
Sent: Friday, July 28, 2017 9:09 AM
To: Mayor
Cc: enoonan; dcinque; ckelly; dmickle; swooden; cvomer; jdodge (Jessica); hbrodt; pwest; mbalio; jwolf
Subject: Re: Man Threatening Suicide on the North Utica Bridge

Good morning Mayor,

I just wanted to take the time to inform you of a distraught man threatening suicide, which occurred yesterday evening on the North Utica bridge. The outstanding team work exhibited by the following Utica police officers helped preserve his life of a distraught man, who needed immediate intervention:

Sergeant Starr Ray Wooden,
Sergeant Howard Brodt,
PO Jessica Dodge,
PO Christopher Vomer,
PO Patrick West, and
PO Michael Balio.

On July 27, 2017 at around 8:35 pm, Officer Vomer met with a [REDACTED], of [REDACTED] Wall Street. Mrs. [REDACTED] advised the officer that her son- [REDACTED] had been text messaging her saying he wanted to die, didn't want to live anymore and don't come looking for him because it is too late. Mrs. [REDACTED] further advised Officer Vomer that her son had previous suicide attempts and was autistic. Officers Vomer and West conducted a search in the immediate area for [REDACTED] but could not locate him. Sergeant Wooden enlisted the services of 911 to "ping" Steele's cell phone in an attempt to learn his whereabouts, however [REDACTED] turned his phone off.

Sergeant Wooden put out a "BOLO" (be on the lookout) for [REDACTED] for all the police units to be aware of and shortly thereafter Officer Balio located [REDACTED] straddling the railing of the North Utica bridge.

Sergeant Brodt and police officers Dodge, West and Balio eventually talked [REDACTED] into voluntarily getting off the railing and after a brief struggle he was taken into protective custody for a mental health evaluation.

Mayor, I am extremely proud of the actions by the above police officers, who exhibited outstanding teamwork, communication and compassionate care on this life

or death incident. These officers are a credit to the police department and the city they serve.

Note: Megan, please place a copy of this email in each officer's personnel file.

Respectfully,
Chief Williams

Chief of Police Mark W. Williams



City of Utica Police Department

413 Oriskany Street West

Utica, New York 13502

Office Telephone: [REDACTED]

E-mail address: [REDACTED]

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jmoran

From: mwilliams
Sent: Tuesday, August 14, 2018 7:59 AM
To: jfemia; mbalio
Cc: enoonan; dcinque; jholt; jmoran
Subject: Re: Thank You

Gentlemen,

I wanted to personally thank you for the respect and professionalism that you showed my sister when she was involved in a motor vehicle accident. My sister told me how compassionate and professional you both were at a time when she was shaken up over the ordeal. The exact words my sister used were, "They were fantastic".

Again, thank you.

Megan, Please place a copy of this email in each officers personnel file.

Chief of Police Mark W. Williams



City of Utica Police Department

413 Oriskany Street West

Utica, New York 13502

Office Telephone: [REDACTED]

E-mail address: [REDACTED]

CONFIDENTIALITY NOTICE: This electronic mail transmission may contain privileged and confidential information intended only for the individual or entity named above. Any dissemination, use, distribution, copying or disclosure of this communication by any other person or entity is strictly prohibited. Should you receive this transmission in error, please notify the sender by telephone or by return e-mail.



**ONLINE
UNIVERSITY**

Certificate of Training

This certifies that

MICHAEL BALIO

has successfully completed:

Avoiding Collisions

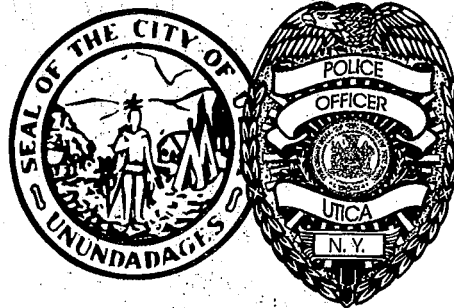
On: 04/23/2020

A handwritten signature in black ink, appearing to read "Kevin Crawford".

**Kevin Crawford
Executive Director
NYMIR**

Utica Police Department

UTICA, NEW YORK



Certificate of Commendation HONORABLE SERVICE

Awarded to

OFFICER DANIEL MAHAFFY and OFFICER MICHAEL BALIO

On September 14th, 2016, Officer Michael Balio was assisting the Oneida County Probation Department and attempted to stop a probationer who was operating a vehicle with a suspended license. When Officer Balio attempted to conduct a motor vehicle stop, the suspect exited his vehicle and fled on foot. Officer Balio immediately exited his vehicle and gave chase. Officer Daniel Mahaffy was patrolling in the area and joined in the foot pursuit. Together the officers were able to stop and detain the subject.

Once in custody, the officers located a .25 caliber semi-automatic handgun in his sweatshirt. The male subject was subsequently charged with two counts of criminal possession of a weapon and criminal possession of a firearm, in addition to a litany of other lesser charges. Officers Daniel Mahaffy and Michael Balio were able to successfully and safely take a felon into custody and take a loaded firearm off the street. They bring honor to themselves and to the Utica Police Department.

Dated: May 25, 2017

A handwritten signature in black ink, reading 'Mark W. Williams'.

Mark W. Williams, Chief of Police

State of New York

Division of Criminal Justice Services

Municipal Police Training Council

Hereby Acknowledges and Declares that

Michael J Balio

has successfully completed the

Patrol Rifle Course

which satisfies the minimum
criteria established by the

Municipal Police Training Council

Mohawk Valley Police Academy

Issue Date 06/29/2018

Ronald G. Spike

Ronald G. Spike
Chairman
Municipal Police Training Council

Michael R. Wood

Michael R. Wood
Deputy Commissioner
Division of Criminal Justice Services

UTICA POLICE DEPARTMENT

Mayor Robert Palmieri

Chief Mark W. Williams

LETTER FOR FILE

**Officer Joshua Skibinski, Officer Dzevad Bajrektarevic, Officer
Carlie Heilig and Officer Michael Balio**

On the morning of December 30th 2016, at approximately 5:00 a.m., officers were dispatched to the 500 block of Milgate Street, regarding a man in possession of a weapon. Upon Officer Sean Flanagan's arrival, he located a thirty year old man standing on his front porch with a handgun, demanding that the police shoot him and take his life (suicide by cop). Sergeant Frank Scarchilli, along with Officers Frederick Bruzzese, Joshua Skibinski, Dzevad Bajrektarevic, Michael Balio and Carlie Heilig arrived on scene and took up tactical positions of concealment and cover, securing a perimeter.

Sergeant Scarchilli and Officer Bruzzese began a dialogue with the man but he continually refused to drop the handgun. Throughout the dialogue, the man made it perfectly clear that his intentions were to die at the hands of the police. To the credit of Sergeant Frank Scarchilli and the officers under his command, they showed enormous patience, concern and restraint with this suicidal person and after 30 minutes of talking with this person, in almost white out, snowy weather conditions, he surrendered peacefully.

The police officers on this call avoided a potentially tragic officer-involved shooting incident while risking their own lives to save this distraught man. Through their training and experience, these officers each did an outstanding job. They are all truly a credit to themselves, our police department and the City of Utica.

Dated: May 25, 2017



Mark W. Williams, Chief of Police

UTICA POLICE DEPARTMENT

Mayor Robert Palmieri

Chief Mark W. Williams

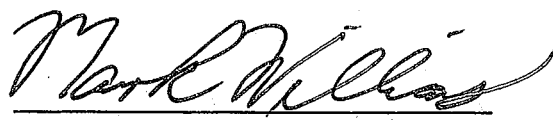
LETTER FOR FILE

Officer Joshua Skibinski, Officer Joshua Austin and Officer Michael Balio

On September 13, 2016, Officers Joshua Skibinski, Joshua Austin and Michael Balio responded to a call involving an EDP on the North Genesee Street overpass. Upon their arrival, the individual was distraught and holding a knife. While interviewing the EDP, he was defensive and adversarial and making suicidal statements including, but not limited to jumping off of the bridge overpass.

All involved officers showed an incredible amount of patience, empathy and professionalism when dealing with the EDP. Through their collective efforts, the situation was de-escalated, the individual voluntarily disarmed and was eventually taken into 9.41 MHL custody without incident. The actions of these officers in the face of such a potentially dangerous situation should be commended.

Dated: May 25, 2017



Mark W. Williams, Chief of Police

State of New York

Division of Criminal Justice Services

Municipal Police Training Council

Hereby Acknowledges and Declares that

Michael J Balio

has successfully completed the

Basic Investigative Photography Course

which satisfies the minimum
criteria established by the

Municipal Police Training Council

Mohawk Valley Police Academy

Issue Date 07/22/2016



Ronald G. Spike
Chairman
Municipal Police Training Council



Michael R. Wood
Deputy Commissioner
Division of Criminal Justice Services



Department
of Health

Wadsworth
Center

This Permit Certifies That

BALIO, MICHAEL B.

Permit Number 45569

Is a Breath Analysis Operator Certified in

NPAS DATAMASTER DMT from 07/13/2016 to 07/13/2018

Continuously certified in Breath Alcohol Instrumentation
since 7/13/2016

State of New York

Division of Criminal Justice Services

Municipal Police Training Council

Hereby Acknowledges and Declares that

Michael B. Balio

has successfully completed the

Breath Analysis Operator Course

which satisfies the minimum
criteria established by the
Municipal Police Training Council

**Mohawk Valley Police Academy
Utica, New York
July 11 - 13, 2016**



Ronald G. Spike
Chairman
Municipal Police Training Council



Michael R. Wood
Deputy Commissioner
Division of Criminal Justice Services

State of New York Division of Criminal Justice Services

Hereby Acknowledges and Declares that

Michael J. Balio

has attended the

Seated Battery of SFST Course

given under the auspices of the

NYS Office of Parks & Recreation, Marine Services Unit
Utica, New York
December 27, 2016



Division of Criminal
Justice Services

A handwritten signature in black ink, appearing to read "Michael R. Wood".

Michael R. Wood
Deputy Commissioner

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>				<u>Comments</u>
			<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>	
2017000000004	2016 December Inservice	In Service	0.00	8.00			Active Shooter Training

Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
		12/05/2016 08:00	12/05/2016 16:00		
		12/05/2016 08:00	12/05/2016 16:00		
		12/07/2016 08:00	12/07/2016 16:00		
		12/07/2016 08:00	12/07/2016 16:00		
		12/09/2016 08:00	12/09/2016 16:00		
		12/15/2016 08:00	12/15/2016 16:00		
		12/19/2016 08:00	12/19/2016 16:00		

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>
2017000000005	2016 October Inservice	In Service

<u>Prerequisites</u>		
<u>Credits</u>	<u>Hours</u>	<u>Course 1</u> <u>Course 2</u>
0.00	0.00	

<u>Comments</u>
Use of Force / Legal Updates / Infectious Disease / Performance Evaluation Training for Supervisors

Course ScheduleSchedule

<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
	10/04/2016 08:00	10/04/2016 16:00		
	10/14/2016 08:00	10/14/2016 16:00		
	10/18/2016 08:00	10/18/2016 16:00		
	10/20/2016 08:00	10/20/2016 16:00		
	10/24/2016 08:00	10/24/2016 16:00		
	10/28/2016 08:00	10/28/2016 16:00		

InstructorReserve DateCourse CategorySerial IDNotes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Prerequisites</u>		<u>Comments</u>
2017000000003	2016 September Inservice-Deftac	In Service	0.00	8.00	<u>Course 1</u>	<u>Course 2</u>	Verbal Judo, DT, Leads On-Line, Proper Collection City Marhall Supervisor training

Course ScheduleSchedule

<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
	09/06/2016 08:00	09/06/2016 16:00		---
	09/08/2016 08:00	09/08/2016 16:00		---
	09/12/2016 08:00	09/12/2016 16:00		---
	09/14/2016 08:00	09/14/2016 16:00		---
	09/16/2016 08:00	09/16/2016 16:00		---
	09/22/2016 08:00	09/22/2016 16:00		---

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Prerequisites</u>		<u>Comments</u>
2017000000032	2017 April In-Service	In Service	0.00	8.00	<u>Course 1</u>	<u>Course 2</u>	Fair and Impartial Policing/DV Form review

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	04/10/2017 08:00	04/10/2017 16:00		
	04/18/2017 08:00	04/18/2017 16:00		
	04/20/2017 08:00	04/20/2017 16:00		
	04/24/2017 08:00	04/24/2017 16:00		

InstructorReserve DateCourse CategorySerial IDNotes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Prerequisites</u>		<u>Comments</u>
2018000000002	2017 December Inservice/Active Shooter	In Service	0.00	8.00	<u>Course 1</u>	<u>Course 2</u>	Training conducted at DHS by Inv Joe Amerosa

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	12/04/2017 08:00	12/04/2017 16:00		
	12/06/2017 08:00	12/06/2017 16:00		
	12/08/2017 08:00	12/08/2017 16:00		
	12/12/2017 08:00	12/12/2017 16:00		
	12/14/2017 08:00	12/14/2017 16:00		
	12/22/2017 08:00	12/22/2017 16:00		

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>			<u>Comments</u>
			<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>
2017000000007	2017 January In-Service	In Service	0.00	8.00		
Arrest Diversion/ DV/ NARCO/ Workplace Violence/Sexual Harassment/City Court Procedures						

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	01/20/2017 08:00	01/20/2017 16:00		
	01/24/2017 08:00	01/24/2017 16:00		
	01/26/2017 08:00	01/26/2017 16:00		
<u>Instructor</u>			<u>Reserve Date</u>	<u>Course Category</u>
			<u>Serial ID</u>	<u>Notes</u>

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Prerequisites</u>		<u>Comments</u>
2017000000087	2017 September in-service In Service Fall Firearms		0.00	8.00	<u>Course 1</u>	<u>Course 2</u>	in-service Night fire and tactical course.

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	09/07/2017 14:00	09/07/2017 22:00		
	09/11/2017 14:00	09/11/2017 22:00		
	09/13/2017 14:00	09/13/2017 22:00		
	09/15/2017 14:00	09/15/2017 22:00		
	09/21/2017 14:00	09/21/2017 16:00		
	09/29/2017 14:00	09/29/2017 22:00		

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Prerequisites</u>		<u>Comments</u>
2018000000036	2018 April In Service/EVOC	In Service	0.00	8.00	<u>Course 1</u>	<u>Course 2</u>	EVOC Instructors: Geddes, Berger, Howe, Grande, Acquaviva

Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
		04/09/2018 08:00	04/09/2018 16:00		---
		04/17/2018 08:00	04/17/2018 16:00		---
		04/19/2018 08:00	04/19/2018 16:00		---
		04/23/2018 08:00	04/23/2018 16:00		---
		04/25/2018 08:00	04/25/2018 16:00		---
		04/27/2018 08:00	04/27/2018 16:00		---

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Prerequisites</u>		<u>Comments</u>
					<u>Course 1</u>	<u>Course 2</u>	
2019000000005	2018 December Inservice	In Service	0.00	8.00			Active Shooter/ Inv Amerosa

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	12/03/2018 08:00	12/03/2018 16:00		
	12/07/2018 08:00	12/07/2018 16:00		
	12/11/2018 08:00	12/11/2018 16:00		
	12/17/2018 08:00	12/17/2018 16:00		
	12/19/2018 08:00	12/19/2018 16:00		
	12/21/2018 08:00	12/21/2018 16:00		

InstructorReserve DateCourse CategorySerial IDNotes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>			<u>Comments</u>
			<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>
2018000000009	2018 February In-Service	In Service	0.00	0.00		
						CPR/Cultural Diversity/Workplace Violence-Sexual Harassment

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	02/02/2018 08:00	02/02/2018 16:00		
	02/06/2018 08:00	02/06/2018 16:00		
	02/08/2018 08:00	02/08/2018 16:00		
	02/12/2018 08:00	02/12/2018 16:00		
	02/16/2018 08:00	02/16/2018 16:00		
	02/22/2018 08:00	02/22/2018 16:00		

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Prerequisites</u>		<u>Comments</u>
2018000000001	2018 January Inservice UOF/Person With Diss.	In Service	0.00	8.00	<u>Course 1</u>	<u>Course 2</u>	Use of Force and Person with disabilities.

Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
		01/03/2018 08:00	01/03/2018 16:00		---
		01/05/2018 08:00	01/05/2018 16:00		---
		01/09/2018 08:00	01/09/2018 16:00		---
		01/11/2018 08:00	01/11/2018 16:00		---
		01/19/2018 08:00	01/19/2018 16:00		---
		01/25/2018 08:00	01/25/2018 16:00		---

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>				<u>Comments</u>
			<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>	
2019000000004	2018 September Inservice	In Service	0.00	0.00			Firearms/ Inv Amerosa

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	09/10/2018 08:00	09/10/2018 16:00		
	09/14/2018 08:00	09/14/2018 16:00		
	09/18/2018 08:00	09/18/2018 16:00		
	09/20/2018 08:00	09/20/2018 16:00		
	09/24/2018 08:00	09/24/2018 16:00		
	09/28/2018 08:00	09/28/2018 16:00		

InstructorReserve DateCourse CategorySerial IDNotes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>		<u>Comments</u>
			<u>Credits</u>	<u>Hours</u>	
2019000000007	2019 Feb Inservice	In Service	0.00	8.00	Legal Updates/ Alcohol awareness/ EAP services

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	02/05/2019 08:00	02/05/2019 16:00		
	02/07/2019 08:00	02/07/2019 16:00		
	02/11/2019 08:00	02/11/2019 16:00		
	02/15/2019 08:00	02/15/2019 16:00		
	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 Serial ID Notes

Prerequisites

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>	<u>Comments</u>
20190000000003	2019 January Inservice	In Service	0.00	8.00			Infectious Disease (Phil Taurisano UFD)/Use of Force(LT Holt)/ DV/MWork place violence/Sexual Harassment (PO Jess Dodge)

Schedule

<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
	01/08/2019 08:00	01/08/2019 16:00		
	01/10/2019 08:00	01/10/2019 16:00		
	01/14/2019 08:00	01/14/2019 16:00		
	01/16/2019 08:00	01/16/2019 16:00		
	01/18/2019 08:00	01/18/2019 16:00		
	01/24/2019 08:00	01/24/2019 16:00		

[illegible]

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>			<u>Comments</u>
2019000000031	2019 May Inservice Firearms	In Service	<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>
			0.00	8.00		
						Lead Instructor Inv. Amerosa

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	05/06/2019 05:00	05/06/2019 13:00		
	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		
	05/20/2019 05:00	05/20/2019 13:00		
	05/24/2019 05:00	05/24/2019 13:00		

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>
20190000000050	2019 November inservice defensive Tac	In Service

<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>
0.00	8.00		

Comments
 Defensive tactics/ CIT/Sexual Harassment / Critical Incident and continuity / Supervisor performance Eval training

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	11/04/2019 08:00	11/04/2019 16:00		
	11/08/2019 08:00	11/08/2019 16:00		
	11/12/2019 08:00	11/12/2019 16:00		
	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

<u>Reserve Date</u>	<u>Course Category</u>	<u>Serial ID</u>	<u>Notes</u>
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Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>			<u>Comments</u>
			<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>
2019000000032	2019 Patrol Rifle Inservice	In Service	0.00	8.00		
Inv Amerosa Lead Instructor						

Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
		07/01/2019 08:00	07/01/2019 16:00		
		07/09/2019 08:00	07/09/2019 16:00		
		07/12/2019 08:00	07/12/2019 16:00		
		07/16/2019 08:00	07/16/2019 16:00		
		07/19/2019 08:00	07/19/2019 16:00		
		07/23/2019 08:00	07/23/2019 16:00		
		07/26/2019 08:00	07/26/2019 16:00		
		07/30/2019 08:00	07/30/2019 16:00		

Instructor

<u>Reserve Date</u>	<u>Course Category</u>	<u>Serial ID</u>	<u>Notes</u>
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Training Course Summary

Course Information

Course NO	Title	Type	Credits	Hours	Prerequisites		Comments
20200000000002	2020 February in-service	In Service	0.00	8.00	Course 1	Course 2	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		
		02/20/2020 08:00	02/20/2020 16:00		
		02/24/2020 08:00	02/24/2020 16:00		
		02/26/2020 08:00	02/26/2020 16:00		

Instructor	Reserve Date	Course Category	Serial ID	Notes
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Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Prerequisites</u>		<u>Comments</u>
2020000000001	2020 January inservice	In Service	0.00	8.00	<u>Course 1</u>	<u>Course 2</u>	Discovery/Bail reform/UOF

Course ScheduleSchedule

<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
	01/07/2020 08:00	01/07/2020 16:00		
	01/13/2020 08:00	01/13/2020 16:00		
	01/15/2020 08:00	01/15/2020 16:00		
	01/21/2020 08:00	01/21/2020 16:00		
	01/23/2020 08:00	01/23/2020 16:00		
	01/29/2020 08:00	01/29/2020 16:00		

InstructorReserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Prerequisites</u>		<u>Comments</u>
2019000000030	April 2019 Inservice	In Service	0.00	0.00	<u>Course 1</u>	<u>Course 2</u>	Cultural Awareness training Refugee center/ DWI SFST refresher

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	04/02/2019 08:00	04/02/2019 16:00		
	04/04/2019 08:00	04/04/2019 16:00		
	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		
	04/22/2019 08:00	04/22/2019 16:00		

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

Course NO	Title	Type	Credits	Hours	Course 1	Course 2	Comments
2017000000067	August 2017 Inservice	In Service	0.00	8.00			Legall Updates/Infectious disease/Supervisor training/CPTED/Pursuit Policy

Course Schedule

Schedule	Start Date/Time	End Date/Time	Company	Course Location
Class ID				
	08/08/2017 08:00	08/08/2017 16:00		
	08/14/2017 08:00	08/14/2017 16:00		
	08/16/2017 08:00	08/16/2017 16:00		
	08/18/2017 08:00	08/18/2017 16:00		
	08/22/2017 08:00	08/22/2017 16:00		
	08/24/2017 08:00	08/24/2017 16:00		

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>				
			<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>	<u>Comments</u>
2016000000053	Firearms 2016 in-service	In Service	0.00	8.00			

Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
	Firearms	06/06/2016 08:00	06/06/2016 16:00		
	Firearms	06/08/2016 08:00	06/08/2016 16:00		
	Firearms	06/10/2016 08:00	06/10/2016 16:00		
	Firearms	06/14/2016 08:00	06/14/2016 16:00		
	Firearms	06/16/2016 08:00	06/16/2016 16:00		
	Firearms	06/24/2016 08:00	06/24/2016 16:00		

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>		<u>Comments</u>
			<u>Credits</u>	<u>Hours</u>	
2017000000060	June 2017 Firearms w/ Use of Force Review	In Service	0.00	8.00	Inv Amerosa Lead Instructor- Oneida County Range

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	06/05/2017 08:00	06/05/2017 16:00		---
	06/07/2017 08:00	06/07/2017 16:00		---
	06/09/2017 08:00	06/09/2017 16:00		---
	06/15/2017 08:00	06/15/2017 16:00		---
	06/19/2017 08:00	06/19/2017 16:00		---
	06/23/2017 08:00	06/23/2017 16:00		---

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

Course NO	Title	Type	Credits		Hours		Prerequisites		Comments
2018000000045	June 2018 Inservice	In Service	0.00		8.00		Course 1	Course 2	Infectious Disease, Barricaded Subject, Legal Updates, Raise the age

Course Schedule

Schedule	Class ID	Start Date/Time	End Date/Time	Company	Course Location
		06/04/2018 08:00	06/04/2018 16:00		
		06/12/2018 08:00	06/12/2018 16:00		
		06/14/2018 08:00	06/14/2018 16:00		
		06/18/2018 08:00	06/18/2018 16:00		
		06/22/2018 08:00	06/22/2018 16:00		

Instructor	Reserve Date	Course Category	Serial ID	Notes
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Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Prerequisites</u>		<u>Comments</u>
2019000000029	June Inservice 2019	In Service	0.00	8.00	<u>Course 1</u>	<u>Course 2</u>	Narcan Refresher training/ Leads On-Line training/ Taserrecert

Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
		06/07/2019 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		---
		06/21/2019 08:00	06/21/2019 16:00		---
		06/27/2019 08:00	06/27/2019 16:00		---

Instructor

Reserve Date Course Category Serial ID Notes

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>			<u>Comments</u>
			<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>		<u>Comments</u>
			<u>Credits</u>	<u>Hours</u>	
2016000000080	Mobile Field Force	In Service	0.00	8.00	UPD MOBILE FIELD FORCE TRAINING RMS #16-57732 11/30/2016 1100-1500 Hrs.
TRAINING DAY OUTLINE					
(Roll Call Room)					
Equipment Issue					
Power Point Presentation Mobile Field Force Operations					
(National Guard Center Burrstone Rd.)					
Mission Statement					
Equipment Fit Check/Familiarization					
Squad Leader and Squad Assignments					
Team Movement/Military Drill					
Baton Manual of Arms					
Field Force Formations and Arrest Techniques					
Emergency Line					
Line Formation and Line Close Support					
Line relief					
Wedge Formation and Wedge Close Support					
Encirclement Formation and Encirclement Close Support					
Separation Formation					
Cross Bow Line Techniques					

Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Prerequisites</u>			<u>Comments</u>
			<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>

Cross Bow Arrest Techniques

Cross Bow Rescue Techniques

Officer's Present for Training:

- Giruzzi
- Baye
- Tartaglia
- Llewellyn
- Parkosewich
- Fitzgerald
- Huiser
- Murphy
- Piersall
- S. Berger
- Kellogg
- Dongsavangh
- Manion
- Detraglia
- Mahay
- Mahaffy
- Ballo
- Scorzafava
- J. Dodge
- Omeragic
- Geddes
- Amerosa

Respectfully Submitted,
Inv. Joseph Amerosa

Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
		11/30/2016 11:00	11/30/2016 15:00		

11/30/2016 11:00 11/30/2016 15:00

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

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>	<u>Comments</u>
2020000000019	Online defensive riving course	Other Outside agency sponsored	0.00	1.00			

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>	04/15/2020 08:00	04/15/2020 16:00		

Instructor

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

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>	<u>Comments</u>
20180000000039	Patrol Rifle June26-29	State Sponsored Certifications	0.00	32.00			Inv Amerosa lead instructor

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>	06/26/2018 08:00	06/29/2018 08:00		

Instructor

<u>Reserve Date</u>	<u>Course Category</u>	<u>Serial ID</u>	<u>Notes</u>
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Training Course Summary

Course Information

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>	<u>Comments</u>
2016000000051	Riot Control & Civil Disturbance	In Service	0.00	0.00			

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
Riot Control	05/03/2016 08:00	05/03/2016 16:00		
Riot Control	05/09/2016 08:00	05/09/2016 16:00		
Riot Control	05/11/2016 08:00	05/11/2016 16:00		
Riot Control	05/19/2016 08:00	05/19/2016 16:00		
Riot Control	05/27/2016 08:00	05/27/2016 16:00		

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

<u>Course NO</u>	<u>Title</u>	<u>Type</u>	<u>Credits</u>	<u>Hours</u>	<u>Course 1</u>	<u>Course 2</u>	<u>Comments</u>
2017000000002	Seated Battery Test	In Service	0.00	8.00			

Course Schedule

<u>Schedule</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
<u>Class ID</u>				
	12/27/2016 08:00	12/27/2016 16:00		

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

Blank lined paper for writing.

Schedule

<u>Instructor</u>	<u>Reserve Date</u>	<u>Course Category</u>	<u>Serial ID</u>	<u>Notes</u>
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Concise OfficerStacked Incidents Listing

Police Officer Michael J Balio [0387/2016000000003]

: 2016000000003 Hire date: May 09, 2016

Current assignment(s):

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

Incidents Listing -----

Received Dt Officers	IA No	Incident type Involved Citizens	Acc Lev	Involved
Jul 08, 2017 Howard Brodt	UOF2017-0087	Use of force [REDACTED]	5	Lieutenant

Police Officer Michael J Balio [REDACTED]

This evening at approximately 2040 Hrs I was notified by Sgt, Cimpi that Mr. [REDACTED] owner of [REDACTED] was calling the squad commander's office complaining of a disorderly group around his restaurant. When I arrived I was met by 15 to 20 juveniles in front of [REDACTED] Kossuth Ave some of whom were outwardly verbally hostile and refusing to move along while obstructing pedestrian sidewalk traffic. After ignoring in excess of 20 lawful commands to disperse from the area [REDACTED] was taken into custody using soft hand techniques. [REDACTED] was also taken into custody after refusing to disperse upon being given several lawful orders to do so and additionally bumping into me. PO Balio and I completed use of force reports for both juveniles. [REDACTED] was transported to his residence at [REDACTED] West St and [REDACTED] mother [REDACTED] picked him up at HQ.

Jul 15, 2017 Police Officer Michael J Balio	FD2017-09	Firearm discharge	5	
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On July 15th, 2017 at approximately 1933 hours Officer Bailo , was dispatched to [REDACTED] Trenton Road regarding an injured fox. I responded to the scene and it was determined that the fox was gravely injured and needed to be dispatched. Officer Balio (Car 58) dispatched the fox using the department issued shot gun in car 58. 1 shotgun round was fired into the fox's head and the fox was successfully euthanized. Dispatch was advised to contact the DPW for removal of the carcass.

Jul 28, 2017 Police Officer Patrick H West Officer Michael J Balio	UOF2017-0093	Use of force [REDACTED]	5	Police
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On July 28th 2017 at approximately 2329 hours, Car 58 (Officer Balio), was dispatched back to [REDACTED] Van Dyke Rd regarding the suspect/offender from a previous domestic incident returning back to the residence. Upon arrival Officer Balio encountered [REDACTED] ([REDACTED] who was advised from the previous call that he was not to return or he would be arrested. Officer Balio detained [REDACTED] by handcuffing him to the rear and upon doing so [REDACTED] started yelling and swearing , and became passive resistive by going limp and laying on the ground (in the prone position). When [REDACTED] went limp and laid on the ground he refused to move or comply with Officer Balio's commands for him to get up. At that point Officer Balio requested for another vehicle to assist and Car 51 (Officer West) responded to his location. Upon Officer West's arrival Officer Balio briefed him and they gave lawful commands to [REDACTED] advising him to get up. After [REDACTED] again refused to comply with the commands, Officer West advised [REDACTED] that he was going to roll him over and stand him on his feet. Officer West then rolled [REDACTED] over and

escorted him to his feet. Officer West then, with an empty hand come along, escorted [REDACTED] to the rear of Car 58, at which time [REDACTED] went limp again and refused to sit in the back seat of Car 58. Officer West then gave verbal commands for [REDACTED] to get into the vehicle, which [REDACTED] refused to comply with. At that point [REDACTED] became aggressive and started kicking and screaming and kicked Officer West in his left leg. Officer West then utilized an empty hand take down to get a position of advantage to get [REDACTED] into the back of Car 58 and Officer Balio utilized an empty hand come along to pull [REDACTED] into the back of Car 58. Once [REDACTED] was seated in the rear of Car 58 Officer West notified me and the following Response to Resistance Investigations were initiated.

Aug 21, 2017 UOF2017-0110 Use of force 5
Police Officer Michael J Balio [REDACTED]

On 08/21/2017 at approximately 1629 Hrs PO Balio was dispatched to a larceny in progress at Price Chopper, [REDACTED] Auert Ave. A Suspect was taken into custody without incident. While working that larceny PO Balio was approached by the loss prevention officer who informed PO Balio that there was another larceny suspect in the store, unrelated to the initial call. The loss prevention officer stated that she was a suspect in past larcenies and she was currently past all points of sale with a shopping cart full of groceries. According to PO Balio, he went to detain this female, now identified as [REDACTED] when she began to walk away from him, exclaim that she did nothing wrong and exit the store. She then entered the front passenger seat of a vehicle parked in front of the store. The driver of that vehicle apparently began to drive away but then stopped. PO Balio needed to utilize soft hand techniques in order to pull [REDACTED] out of the vehicle and take her into custody. Supporting deposition secured from loss prevention officer [REDACTED]

Sep 12, 2017 MVA2017-0015 Vehicle accident 5
Police Officer Michael J Balio [REDACTED]

On 09/11/2017 at approximately 2350 hours PO Michael Balio was involved in a property damage motor vehicle accident at the intersection of Oriskany St at Seneca St. At this time it appears PO Balio was south on Seneca St with a stop sign, proceeded into the intersection and struck a 2011 Volkswagen bearing NY Reg. [REDACTED] operated by [REDACTED] who was traveling east on Oriskany St with the right of way. Both vehicles sustained significant damage. Car 58 was taken out of service and towed to fleet maintenance per department policy. An estimate of the damages of car 58 will be required. Sgt. Strife was on scene and conducted the initial investigation. Photographs of the scene and both vehicles were taken. There were no injuries. PO Joseph Ailleo is completing the TRACS report regarding the accident. A driving history for Balio will be required for the fact finding investigation. Full investigative packet pending.

Respectfully,

Sgt. Howard Brodt

Nov 18, 2017 UOF2017-0144 Use of force 5 Police
Officer Michael J Balio [REDACTED]

Around 2214 hours officers responded to 917 Oriskany Street for a report of a burglary in progress. Upon arrival on scene officers observed three suspects fleeing from the building. Officer Balio gave chase and was able to catch up to suspect [REDACTED] in the rear yard of [REDACTED] Gates Street. Balio gave verbal commands for [REDACTED] to stop and he did not comply with orders. At that point Balio conducted a takedown and attempted to gain control of his hands with negative results. Balio utilized empty hand control and was eventually able to place [REDACTED] into handcuffs. There were no injuries and the other two female suspects were taken into custody by Officer Kellogg without incident. [REDACTED] was charged with resisting arrest and attempted burglary.

Dec 04, 2017 UOF2017-0154 Use of force 5

Police Officer Michael J Balio

Around 2200 hours Officer Basler called out with a failure to comply of a stolen vehicle on the west side of the city. The pursuit ended at 801 Second Street when the stolen vehicle ran out of gas and crashed into a parked car. After the accident, the suspect () fled north bound on foot. Officer Balio chased the suspect and took him to the ground. At that time () resisted arrest and Balio had to utilize empty hand control to place him into custody. There were no injuries and no police cars were involved.

Mar 16, 2018 UOF2018-0030
Police Officer Michael J Balio

Use of force

5

On 3/16/18 at approximately 1745 hours Ptlm. Balio was dispatched to () Noyes St. regarding a verbal domestic.

During the course of his investigation, he was speaking with the caller at her apartment on the 2nd fl. While speaking with the caller, who was also the victim of the domestic, he heard loud banging coming from the downstairs floor. Upon going downstairs to check out the banging noise he observed a white female who he now knows to be () Roman was the second half of the domestic incident he was on and also not a resident of () Noyes. The caller, the mother of () told Ptlm. Balio she did not want her there. Upon telling Roman to leave, () pushed Ptlm. Balio in an attempt to get up the stairs. Ptlm. Balio then used soft hand/come along techniques to push () up against the wall and ultimately secure () in handcuffs.

Photographs were secured of () who did not sustain any injuries.

A response to resistance investigation was initiated under RMS 18-10156. A response to resistance form was completed by Ptlm. Balio as well.

Respectfully submitted,

Sgt. Joseph W. Cimpi #1415

Jun 08, 2018 UOF2018-0066
Sergeant Michael P Curley

Use of force

5

Officer Silas R Frye

Police

Officer Michael J Balio

Police

() was arrested for assaulting PO West during a criminal trespass complaint on 6/8. During that incident PO West was exposed to () blood. CID applied for a search warrant for () blood - same was granted by Judge Giruzzi. Richards was transported to St Elizabeth Hospital for the purpose of the execution of this search warrant. Hospital staff advised that they would not restrain () as he was not a patient, and that the sole responsibility of restraint was ours. As a result PO Balio, PO Frye and Sgt Curley utilized empty hand controls on () for the purpose listed above.

Jun 24, 2018 UOF2018-0079
Police Officer Michael J Balio

Use of force

5

Michael Hamilton

Officer David V Lentricchia

Police

On 6/24/18 at approximately 2155 hours car 55, Ptlm. Balio and car 59, Ptlm. Lentricchia were dispatched to () Johnson Park regarding a possible MHL 9.41.

Upon arrival they made contact with, () who stated that her 15 year old son, () was in his bedroom had made threats against her and her two young daughters lives, stating they would not make it through the night.

Officer ultimately made contact with [REDACTED] who was highly uncooperative and would not speak with the officers. Based on [REDACTED] demeanor and the statements that he had made to his mother they determined that he meant MHL 9.41 criteria and called for UFD to respond.

Upon UFD's arrival on scene [REDACTED] was uncooperative and refused to comply with orders and attempted to get away from the officers and firefighters. Due to this the officers had to use soft hand techniques and place [REDACTED] against the wall and after a brief struggle they were then able to secure him in handcuffs. After he was placed in handcuffs [REDACTED] had to be carried down the stairs into the ambulance by the officers and UFD as he would not comply and walk with them.

Ultimately [REDACTED] was transported by UFD to St. Elizabeth's Hospital for an MHL 9.41 arrest.

Photographs were secured of [REDACTED] and the scene.

A response to resistance investigation was initiated under RMS 18-25638. A response to resistance form was completed by Ptlm. Balio and Ptlm. Lentricchia.

Respectfully submitted,

Sgt. Joseph W. Cimpi #1415

Jul 25, 2018 EF2018-0033
Police Officer Michael J Balio

Internal/Department

5

Hiram and Adam,

In response to the email from the DC today about notifying your unit of all internal investigations, please accept this email as notice of an current/active internal investigation being conducted by myself against PO Balio for possible insubordination relative to an interaction he had with Sgt. Sabanovic. The investigation has been active since June 16. I have not completed my investigation yet.

With this being said may I please have notice of any previous investigations from your unit involving Balio to supplement my investigation.

Capt. Cinque is aware. Let me know if you have any questions.

Lt. Fernalld

Aug 21, 2018 UOF2018-0122
Police Officer Michael J Balio

Use of force

5

Officer Adis Gracanin

Police

On August 21, 2018 at approximately 1724 Officers M. Balio and A. Gracanin responded to 2 Kennedy Plaza ([REDACTED]) regarding a domestic dispute. Upon arrival Officer Balio interviewed the victim [REDACTED]. Throughout his investigation Officer Balio determined that [REDACTED] was the primary aggressor. He committed Harassment 2nd and Criminal Mischief 4th against his girlfriend [REDACTED]. At this point Officer Balio advised Officer Gracanin to handcuff [REDACTED] was handcuffed by Officer Gracanin and escorted to outside. He was placed in the back of Officer Balio's patrol vehicle (unit 57). While seated in the back [REDACTED] started hitting his head against the car window and making suicidal statements. He was advised to stop by Officer Balio, however he refused. Officer Balio observed that [REDACTED] took his left hand out of the handcuffs. He was instructed by Officer Balio to put his handcuff back on, however he refused. Officer Balio asked [REDACTED] to exit the vehicle and he did not comply. At one point [REDACTED] moved his body to the driver side of the vehicle as officers Balio and Gracanin were standing on the passenger side. He kept aggressive posture and placed one end of the handcuffs on his right knuckle, leading Officer Balio to believe he was going to use it as a weapon.

Officer Balio told [REDACTED] that he was going to use his pepper spray if he did not comply. [REDACTED] released the handcuff from his right hand and moved even farther away from Officer Balio as he could. He put his arm down on his leg. Officer Balio reached inside the vehicle and grabbed his right arm. [REDACTED] pushed Officer Balio with his left hand. At that point Officer Balio pulled [REDACTED] out of his patrol vehicle. When he came out of the car he was seated on the ground outside of Officer Balio's patrol vehicle. He was yelling that he was going to make the officer earn their money. He was attempting to pull his right arm away from Officer Balio and Gracanin. Officers Balio and Gracanin were able to maintain control of [REDACTED] right arm. He was rolled over to his stomach. He clinched both of his arms to his sides. Officer Balio maintained control of [REDACTED] upper body by putting his shoulder between [REDACTED] shoulder blades and pinning him against the ground. While on the ground Officer Gracanin placed his knee on [REDACTED] lower back. [REDACTED] kept clinching his arms to his body. Officers Balio and Gracanin gave [REDACTED] several verbal commands to release his arms and place them behind his back, however he refused. After a brief struggle [REDACTED] was placed in handcuffs. Officers Balio and Gracanin stood him up. Officer Balio advised dispatch to respond a supervisor. [REDACTED] was placed in the back of Officer Balio's patrol vehicle. He was transported to hq by Officer Balio and charged with Resisting Arrest and Harassment 2nd as well as Criminal Mischief 4th and Harassment 2nd relevant to the domestic dispute.

Dec 25, 2018 UOF2018-0180 Use of force
Police Officer Michael J Balio

5

On 12/25/18 at approximately 2230 hours Cars 57, Ptlm. Balio and Car 56, Ptlm. Fee were dispatched to 776 Bleecker St., East Side Market re: a disorderly person.

After interviewing the clerk inside the market the disorderly party matching the description was located by both officers just around the corner near the intersection of Kossuth and Elizabeth streets. The subject was acting suspiciously running behind a residence only to emerge from behind the residence and continue to down the street in the middle of the roadway. PO Balio exited his vehicle to approach the male regarding him walking in the roadway when the male immediately began to yell (hoot and holler) and flail his arms in the air and run from the officers. PO Balio gave chase and the male suddenly stopped, pulled a box cutter from his pocket and then throw same to the ground. Given the subjects erratic and unpredictable behavior was taken to the ground by PO Balio by him grabbing the subject by his arm and pulling to the ground. Once on the ground PO Balio was able to gain a position of advantage and place the subject into handcuffs.

Once on scene I interviewed [REDACTED] and asked him what had happened he replied "nothing, I fell". [REDACTED] was visibly highly intoxicated but when asked twice, stated both times that he was not injured and did not wish any medical attention.

Photographs of the scene and [REDACTED] were secured by PO Fee. [REDACTED] did not make any complaint. A response to resistance form was completed by Ptlm. Balio. All BWC footage was tagged.

[REDACTED] was ultimately charged/booked on charges of Walking in the Roadway & Obstruction of Governmental Administration 2nd. A response to resistance investigation was initiated under RMS 18-52346.

Respectfully submitted,

Sgt. David Poccia # 6766

Mar 18, 2019 2019-0018
Police Officer Michael J Balio

External/Citizen

5

Officer Christopher A Vomer

Police

On March 18th 2019, I secured a civilian complaint from [REDACTED] re: RMS 19-9201. [REDACTED] was stopped by PO Michael Balio on March 16th 2019 at approximately 2305hrs at the intersection of Hobart St. and Oneida St. [REDACTED] alleged that he was illegally searched and his money and vehicle were seized unlawfully. The original complaint was

forwarded to PSU. A copy will be left in the C Platoon mailbox. My conversation with [REDACTED] was recorded and tagged under spare BWC 4.

Sean

Jun 24, 2019 UOF2019-0091
Police Officer Michael J Balio

Use of force

5

On 6/22/19 at approximately 2140 hours PO Balio observed several parties trespassing in MLK Park which is located at the intersection of South & Steuben streets.

During his field interview with one female and one male party the male party who was later identified as [REDACTED] attempted to flee from PO Balio before PO Balio could confirm his identity. PO Balio pursued [REDACTED] briefly and during this foot pursuit [REDACTED] ignore PO Balio commands to stop running. PO Balio caught up to [REDACTED] and tackled [REDACTED] on the side of Steuben St.

[REDACTED] stated he was not injured and did not need/want medical attention but a small abrasion to his right cheek was noticeable which he said he must have sustained when he was taken to the ground by PO Balio.

Photographs of the scene and [REDACTED] were secured. Holmes was charged and booked on charges of Obstruction of Governmental Administration 2nd and Trespass in the Park. A response to resistance form was completed by PO Balio. All BWC footage was reviewed and tagged. A response to resistance investigation was completed under RMS #19-23119 as well as a Supervisor Investigation Form.

Jul 09, 2019 UOF2019-0102
Police Officer Michael J Balio

Use of force

5

Officer Zachary P Ambrose

Police

On 7/9/19 at approximately 1759 hours PO Ambrose called out with a citizen stop in front of [REDACTED] Eagle St. He observed a h/m and a w/f walking in the roadway. He attempted to interview the h/m [REDACTED] who was belligerent and uncooperative with him. [REDACTED] refused to identify himself to PO Ambrose after requested to do so by Officer Ambrose. PO Balio arrived on scene a short time later. Once advised by PO Ambrose that he was under arrest for failing to provide either his ID or pedigree information (name & dob) [REDACTED] pushed Officer Balio and attempted to flee from both officers. Both officers Balio and Ambrose caught up to [REDACTED] and took him to the ground each utilizing a soft hand take down technique.

Upon this Sgt.'s arrival to the scene [REDACTED] was already in handcuffs in the rear of Car 56, Officer Ambrose's patrol vehicle. I attempted to interview [REDACTED] who initially was cooperative during my interaction with him but eventually became irate, belligerent, and threatening once at police HQ. [REDACTED] was asked if he was injured and in need of medical attention but would not answer and just continued to talk over me about his displeasure from being under arrest. [REDACTED] did not in any way appear to be injured or in need of any medical attention.

Photographs of the scene and [REDACTED] were secured. [REDACTED] was charged and booked on charges of Walking In the Roadway, Obstruction of Governmental Administration 2nd, Resisting Arrest, and Harassment 2nd. Response to resistance forms were completed by both Officers Ambrose and Balio. All applicable BWC footage was reviewed and tagged. A response to resistance investigation was completed under RMS #'s 19-25761 & 19-25766. A Supervisor Investigation Form was also completed.

Jul 17, 2019 2019-0031
Police Officer Michael J Balio

External/Citizen

5

On 7/17/19 Chief Williams directed PSU to look into allegations of an improper investigation of PO M. Balio regarding a stolen bike.

Spoke to Mr. [REDACTED] during a Utica City School District meeting where I was told that he did not wish to make a complaint, Administratively Closed.

Jul 28, 2019 UOF2019-0112
Police Officer Michael J Balio

Use of force

5

Laurence G. Zoeckler

Around 1653 hours, Car 55, PO Lange and Car 57, PO Balio were dispatched to [REDACTED] Howard Ave regarding a possible burglary in progress. Dispatch advised there was a female in a parked car in front of vacant garage and a white male was seen near the garage.

Upon arrival cars located the vehicle and observed the male begin to run through the woods in an east direction. The officers learned that this male was [REDACTED] and that he was an active file 5 out of our agency. A perimeter was then set and PO Balio, Lange and Gray began pushing the woods. While doing so they located [REDACTED] who continued to run despite being told to stop and that he was under arrest. PO Balio eventually caught up to [REDACTED] and used a takedown technique in the driveway of [REDACTED] South St. Once on the ground Balio was able to secure [REDACTED] in handcuffs.

Photographs of the scene and [REDACTED] were secured. Welch did not make any complaint, and he was transported to the station. Once at the station [REDACTED] requested medical attention for small laceration to one of his fingers as well a small laceration to his left shoulder. [REDACTED] was treated at St. Elizabeth's Hospital. A response to resistance form was completed by Ptlm. Balio. All BWC footage was tagged.

[REDACTED] was ultimately charged on booked on charges of Resisting Arrest and his bench warrant. A response to resistance investigation was initiated under RMS 19-28601.

Respectfully submitted,
Sgt. Joseph W. Cimpi #1415

Aug 03, 2019 UOF2019-0116
Police Officer Michael J Balio

Use of force

5

Officer Daniel R Zayas

Police

At approximately 1707 hours PO Zayas and I were dispatched to [REDACTED] Horatio St for a larceny in progress. Loss prevention on scene advised that the suspected were exited the building on south side through an emergency exit.

As the two males exited, PO Zayas detained one and the second, [REDACTED] fled on foot. Numerous commands to stop running were given by Ptlm. Balio as he advised that he was under arrest. [REDACTED] continued to flee on foot south and crossed River Rd where Ptlm. Balio wrapped his arms around him and pulled him to the ground at approximately 1717 hours. While on the ground [REDACTED] was order to stop resisting and told to release his arm which he tensed up and refused to provide to be placed in handcuffs. With the assistance of PO Zayas, [REDACTED] was placed into handcuffs without further incident.

Photographs of the scene and [REDACTED] were secured. [REDACTED] did not make any complaint, and he was transported to the station. A response to resistance form was completed by Ptlm. Balio. All BWC footage was tagged.

[REDACTED] was ultimately charged on booked on charges of Resisting Arrest and his Petit Larceny. A response to resistance investigation was initiated under RMS 19-29512.

Respectfully submitted,
Sgt. Joseph W. Cimpi #1415

Aug 05, 2019 UOF2019-0117
Police Officer Michael J Balio

Use of force

5

At approximately 2200 hours PO Balio was on scene in the area in front of [REDACTED] Blandina St. dispersing a large disorderly group of mostly females who appeared as though they were about to fight. Officer Balio called for additional units and immediately observed two females begin to fight in the middle of the roadway. PO Balio was able to place one female [REDACTED] immediately into handcuffs and place her into the rear of his patrol vehicle. PO Balio then went back to the disorderly group who were still arguing in the roadway to place the second female who [REDACTED] was fighting with into custody as well for disorderly conduct. While attempting to get this second female, [REDACTED] into custody, [REDACTED] began to resist Officer Balio's arrest of her and Officer Balio had to utilize an empty hand take down to [REDACTED]. During this take down [REDACTED] struck her head on the pavement of the roadway causing her to lose consciousness for a short period of time. Officer Balio continued to call for more units to assist him and immediately called for UFD to respond as well once he learned [REDACTED] was unconscious. Prior to UFD arriving on scene General had regained her consciousness.

UFD arrived on scene and [REDACTED] was uncooperative in wanting to be evaluated by UFD or even go to the hospital for further evaluation. After some time [REDACTED] was convinced to go to the hospital to be evaluated. Prior to being transported to St. Elizabeth's by UFD photographs were able to be secured of [REDACTED] scratch to the back of her neck. While at St. Elizabeth's [REDACTED] continued to be uncooperative there with staff and signed off to be evaluated by hospital staff.

[REDACTED] was brought back to HQ where she was booked on Charges for Disorderly Conduct and Resisting Arrest. [REDACTED] was released on appearance tickets for both.

May 28, 2020 UOF2020-0078
Sergeant Charles M Goldstein

Use of force

5

Officer Alexander T Castilla

Officer Paul C Dewey

Officer Michael J Balio

Officer Zachary P Ambrose

Police

Police

Police

Police

On the above date and time, a vehicle stop was executed at Brinckerhoff Ave and Mortimer St relative to a shots fired incident (20-18073). The operator of the vehicle, [REDACTED] was a person of interest in the shots fired investigation and was subsequently detained regarding this. The passenger, [REDACTED] was detained as part of the shots fired investigation as well. While attempting to place Reed into handcuffs he tensed his arms up and began pulling away from PO Dewey and PO Balio. Based on [REDACTED] actions PO Dewey and PO Balio forced [REDACTED] against the vehicle in order to gain a position of advantage over him. After doing this they were able to secure [REDACTED] into handcuffs. During a search of Reed's person, it was discovered he was in possession of felony weight narcotics, marihuana, and handgun ammunition. While [REDACTED] was being escorted to a patrol vehicle there was a second response to resistance incident involving PO Ambrose and Sgt Goldstein. This incident is being investigated by Lt. Brodt.

Aug 09, 2020 UOF2020-0122
Police Officer Ray L Kellogg Jr

Use of force

5

Officer Michael J Balio

Police

UOF investigation

Sep 05, 2020 UOF2020-0145
Police Officer Kyle T Murphy

Use of force

5

Officer Michael J Balio

Police

Officer Matthew R Felitto

Police

Use of Force investigation

(Investigation on-going) 9/28/20

Report summary: totals by incident type:

Incident type	Received
Anonymous	0
Background Investigation	0
Department Discipline	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	1
K9 Utilization	0
Notice of Claim	0
Personnel Complaints	0
Show of force	0
Stop	0
UPD Damaged Prop Car/Equip	0
Use of force	18
Vehicle accident	1
Vehicle pursuit	0
Total	23

Printed: Sep 28, 2020 02:02 By: Sgt Hiram Rios

Utica Police Department

Professional Standards

Officer Disciplinary History

Police Officer Michael J Balio [0387/2016000000003]

Part I - Personal Information

Name: Police Officer Michael J Balio
: 2016000000003 Badge No: 0387 Hire Dt: 05/09/2016

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

Part II - Discipline History

MVA2017-0015 Case #: RMS 17-40818 Vehicle accident

UPD Policy and Procedure Violation: Nov 10, 2017: Command DisciplineDays/hrs suspended: 3 -
[Action/discipline completed]

Forfeit f 3 vac Days from 2018 Time Bank

Policy and Procedure Violation 09/11/2017 [UPD Policy] - Patrol Operations Nov 10, 2017

EF2018-0033 Internal/Department

UPD Policy and Procedure Violation: Aug 28, 2018: Command DisciplineDays/hrs
suspended: 2 - [Action/discipline completed]

Two Vacation days from 2018 time bank

Printed: Sep 28, 2020 02:01 By: Sgt Hiram Rios

Vehicle accident IA No: MVA2017-0015 Received: Sep 12, 2017 12:46

Case No: RMS 17-40818

Involved citizen:

[REDACTED]

Linked address(s):

Home: [REDACTED]

Linked phone(s):

Cell [REDACTED]

Officers involved:

Police Officer Michael J Balio [0387/2016000000003]

Officer current info:

Department: Patrol Division

Bureau: Uniformed Patrol

Division: Uniformed Patrol

Snapshot - Officer information at time of incident:

: 2016000000003

Body worn camera: Yes

Department: Patrol Division

Bureau: Uniformed Patrol

Division: Uniformed Patrol

Squad: ■-3

Unit: Uniformed Patrol Squad ■-3

Shift: ■ Platoon

Rank/title: Police Officer

Age: 26 Years of employment: 1 Years with unit: 1

Off duty: Unk Off duty employed: Unk

Policy outcome: Sustained violation

Allegations:

Patrol Operations, Duties and Responsibilities - Chapter 4 Article 1 Partol Operations
Nov 10, 2017 Sustained

Actions taken:

UPD Policy and Procedure Violation: Nov 10, 2017 - Command Discipline Days/hrs suspended/assessed: 3 -
[Action/discipline completed]
Forfeit f 3 vac Days from 2018 Time Bank

Charges:

Policy and Procedure Violation 09/11/2017 [UPD Policy] - Patrol Operations Nov 10, 2017

Summary:

On 09/11/2017 at approximately 2350 hours PO Michael Balio was involved in a property damage motor vehicle accident at the intersection of Oriskany St at Seneca St. At this time it appears PO Balio was south on Seneca St with a stop sign, proceeded into the intersection and struck a 2011 Volkswagen bearing NY Reg. [REDACTED] operated by [REDACTED] who was traveling east on Oriskany St with the right of way. Both vehicles sustained significant damage. Car 58 was taken out of service and towed to fleet maintenance per department policy. An estimate of the damages of car 58 will be required. Sgt. Strife was on scene and conducted the initial investigation. Photographs of the scene and both vehicles were taken. There were no injuries. PO Joseph Ailleo is completing the TRACS report regarding the accident. A driving history for Balio will be required for the fact finding investigation. Full investigative packet pending.

Respectfully,

Sgt. Howard Brodt

When/where:

Date/time occurred: Sep 11 2017 23:50

Incident location: Oriskany St at Seneca St Utica NY 13502 Precinct: UPD Zone 52
County: Oneida

Linked files:

RMS 17-40818 MVA PD involving car 58 operated by PO Michael Balio (htm)
Copy of Charge Sheet (pdf)
Copy of Cove Sheet (pdf)
Copy of Estimate Dons Ford (pdf)
Copy of Intra memo Sgt H Brodt (pdf)
Copy of Inv review narrative Holt (pdf)
Copy of Inta Memo PO M Balio (pdf)
Copy of PO Balio driving history (pdf)

Status/assignment information:

Status: Completed Priority: Medium

Opened: 09/12/2017 Assigned: 09/12/2017 Due: 10/12/2017 Completed: 11/15/2017

Disposition: Sustained

Unit assigned: Patrol Division

Handled at field/unit level: Yes

Outside/file investigator: Brodt, Howard Lieutenant [2003000000004 / 0875]

Investigator assign: Un-assigned

Supervisor assign: Un-assigned

Source of information: Email

Organizational component(s):

Department: Patrol Division

Bureau: Uniformed Patrol

Division: Uniformed Patrol
Squad: B-3
Unit: Uniformed Patrol Squad B-3
Shift: B Platoon

Vehicle accident specific:

Employee was at fault (yes/no): Yes
Time of accident: 1801 - 2400
Cause of accident: Cause of Accident
Vehicle info: Ford Tauris
Vehicle ID: 58
Damage to departmental vehicle involved: 8162.19
Damage to other vehicle(s) involved: 0
Employee was injured (yes/no): No
Others were injured (yes/no): No

Critical incident related

Nature of crisis:

Behavior(s):

Technique(s) used:

Disposition(s)

Force/violence:

Entered by: Investigator Adam Howe on Sep 12, 2017 at 07:47

From: hbrodt
Sent: Tuesday, September 12, 2017 12:46 AM
To: dcinque; LogisticsandResourcesDistributionList; Professional Standards Distribution List; jholt
Subject: RMS 17-40818 MVA PD involving car 58 operated by PO Michael Balio

To All:

On 09/11/2017 at approximately 2350 hours PO Michael Balio was involved in a property damage motor vehicle accident at the intersection of Oriskany St at Seneca St. At this time it appears PO Balio was south on Seneca St with a stop sign, proceeded into the intersection and struck a 2011 Volkswagen bearing NY Reg. [REDACTED] operated by [REDACTED] who was traveling east on Oriskany St with the right of way. Both vehicles sustained significant damage. Car 58 was taken out of service and towed to fleet maintenance per department policy. An estimate of the damages of car 58 will be required. Sgt. Strife was on scene and conducted the initial investigation. Photographs of the scene and both vehicles were taken. There were no injuries. PO Joseph Ailleo is completing the TRACS report regarding the accident. A driving history for Balio will be required for the fact finding investigation. Full investigative packet pending.

Respectfully,

Sgt. Howard Brodt



CITY OF UTICA

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE

413 ORISKANY STREET WEST

UTICA, NEW YORK 13502

ROBERT PALMIERI

Mayor

MARK WILLIAMS

Chief of Police

11/10/2017

Officer M. Balio

C Platoon

Patrol Division

Officer M. Balio:

On September 11, 2017 around 2359 hours, while assigned to C Platoon Car / Zone 58 as the sole occupant, you operated Car 58 to headquarters for shift change at which time you were involved in a motor vehicle accident at the intersection of Seneca St. and Oriskany St. W. Specifically, you were operating Car 58 south on Seneca St. and you could not definitively recall whether or not you stopped for the stop sign / flashing red light at the intersection of Oriskany St. W. You subsequently proceeded into the intersection at which time the front of Car 58 struck the driver's side frame post of a 2011 Volkswagen four-door sedan bearing NY registration [REDACTED] operated by [REDACTED] (sole occupant) eastbound on Oriskany St. W. The accident was a perpendicular collision. Nobody was injured. Car 58 and the other involved vehicle sustained major property damage. No other property damage was noted. A damage estimate was obtained for Car 58 totalling \$ 8,162.19. The proper supervisory notifications were completed. Due to the fact that it was shift change, A Platoon Supervisor Sgt. Strife was tasked with gathering the preliminary investigative information pertaining to the impending internal investigation associated with an officer involved motor vehicle accident. A Platoon Car 53 - PO Aiello was tasked with completing the associated motor vehicle accident report (MV104A). Sgt. Strife later turned the internal investigation over to C Platoon Supervisor Sgt. Brodt for completion per departmental policy and procedure. Upon completion and review of the accident investigation as well as the internal investigation, it was determined you were at fault for the accident as you failed to yield the right of way before entering the intersection of Seneca St. and Oriskany St. W. Furthermore, it was determined that you failed to utilize "due care" while operating a patrol vehicle. In conjunction with said findings, it was determined that you violated several departmental policies related to the careless operation of a department vehicle.

As a result of the investigation it was determined that you have violated Department Procedural Manual as follows:

Chapter 4, Article 1 - Patrol Operations

1.14 CARE OF EQUIPMENT:

A. Officers assigned a departmental vehicle shall abide by all policies, procedures, and rules relating to the care, inspection, and maintenance of such vehicle.

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

1.14 PERFORMANCE AND ATTENTION TO DUTY:

A. General Duties;

1. Employees shall perform their duties in a competent manner.

E. Departmental Vehicles/Operation/Care/ Personal Use/MV Accident/Reporting;

Last Revision Date 6/7/2016

2. Employees shall operate departmental vehicles in a careful and prudent manner, and shall obey all laws and departmental directives pertaining to such operation.

1.17 GENERAL RULES OF CONDUCT:

P. Departmental Property and Equipment;

1. Employees shall be held responsible for the proper care and use of departmental property and equipment assigned to or used by them. When obtaining any equipment, and again upon its return, it is the employee's responsibility to inspect it. Employees shall utilize departmental equipment only for its intended purpose.

On 11/10/2017, a Command Discipline hearing was commenced. You were offered PBA representation and you accepted/denied. Also present during this hearing was ...declined PBA representation. We came to the following resolution.

- A) You accept the findings of the investigation.
- B) You accept responsibility for violating the Departmental Procedural Manual.
- C) You accept this Letter of Reprimand.
- D) You forfeit three (3) Vacation Days.
- E) You also understand that in the future, this behavior or any other violation of Departmental Rules or Regulations of a similar nature will be subject to further disciplinary action.

You are being furnished a copy of this letter. The original with acknowledgment, signed by you, will be placed in your personnel file.

Capt. D. Cinque 1420
Capt. D. Cinque

James R. Holt Jr.
Lt. J. Holt Jr.

M. Balio 0387
Officer M. Balio

MB
Declined PBA Rep.

I acknowledge the content of this letter
and a copy of it has been provided to me.

Utica Police Department

Officer Involved MVA Internal Investigation

(Car 58 – PO Balio)

RMS: 17-40818

Investigating Supervisor: Sgt. Brodt

Reviewed by: Lt. J. Holt Jr.

DONS FORD
5712 HORATIO STREET, UTICA, NY 13502
Phone: (315) 797-1520 x154
FAX: (315) 798-3768

Workfile ID:
License Number:

5e11cb39
R7121328

Preliminary Estimate

Customer: utica police car 58

Job Number:

Written By: MIKE HUGHES, IA -1019184

Insured: utica police car 58
Type of Loss:
Point of Impact:

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:
utica police car 58

Inspection Location:
DONS FORD
5712 HORATIO STREET
UTICA, NY 13502
Repair Facility
[REDACTED]

Insurance Company:

VEHICLE

2015 FORD Police Interceptor FWD (Fleet) 4D SED 6-3.5L Flex Fuel Sequential MPI

VIN: [REDACTED]
License:
State:

Interior Color:
Exterior Color:
Production Date:

Mileage In:
Mileage Out:
Condition:

Vehicle Out:
Job #:

TRANSMISSION

Automatic Transmission

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Power Driver Seat
Power Adjustable Pedals

DECOR

Dual Mirrors

Tinted Glass

Overhead Console

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Message Center
Steering Wheel Touch Controls
Telescopic Wheel

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

CD Player

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Front Side Impact Air Bags
Head/Curtain Air Bags

SEATS

Cloth Seats
Bucket Seats
Reclining/Lounge Seats

WHEELS

Styled Steel Wheels

PAINT

Clear Coat Paint

OTHER

Traction Control
Stability Control

Get live updates at www.carwise.com/e/3hQThJ

Preliminary Estimate

Customer: utica police car 58

Job Number:

2015 FORD Police Interceptor FWD (Fleet) 4D SED 6-3.5L Flex Fuel Sequential MPI

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FRONT BUMPER					
2		O/H front bumper		0	0.00	2.6	0.0
3	<>	Repl Bumper cover	EG1Z17D957DPTM	1	619.73	Incl.	3.4
4		Add for Clear Coat		0	0.00	0.0	1.4
5		Repl License bracket	DG1Z17A385AA	1	41.27	0.2	0.0
6		Repl Bumper grille	EG1Z17K945CA	1	58.37	Incl.	0.0
7		Repl Absorber	DG1Z17C882A	1	107.98	Incl.	0.0
8		Repl Impact bar	DG1Z17757A	1	225.19	0.8	0.0
9		Repl Deflector	DA5Z8327B	1	23.08	0.0	0.0
10		Repl Air temp sensor	DG1Z12A647A	1	11.62	0.0	0.0
11		GRILLE					
12		Repl Grille	DG1Z8200AA	1	167.05	Incl.	0.0
13		Repl Sight shield	DG1Z8A284AA	1	60.00	Incl.	0.0
14		FRONT LAMPS					
15		Repl RT Headlamp assy	DG1Z13008Z	1	809.55	Incl.	0.0
16		Aim headlamps		0	0.00	0.5	0.0
17		RADIATOR SUPPORT					
18		Repl Radiator support	DG1Z16138A	1	216.49	7.0	0.0
19		Evacuate & recharge		0	0.00 m	1.4	0.0
20		Refrigerant recovery		0	0.00 m	0.4	0.0
21		Add for turbo option		0	0.00 m	0.7	0.0
22		Repl RT Side air baffle	DG1Z8310J	1	148.45	0.2	0.0
23		Repl LT Side air baffle	DG1Z8311J	1	26.65	0.2	0.0
24		Repl Lower deflector bolt	V/S05415S900	1	1.39	0.0	0.0
25		Repl Lower deflector	DG1Z8327A	1	114.67	Incl.	0.0
26		COOLING					
27		Repl Trans cooler	DG1Z7A095C	1	156.30	0.0	0.0
28		HOOD					
29		Repl Hood	DG1Z16612A	1	920.80	1.4	3.0
30		Overlap Major Non-Adj. Panel		0	0.00	0.0	-0.2
31		Add for Clear Coat		0	0.00	0.0	0.6
32		Add for Underside(Complete)		0	0.00	0.0	1.5
33		Repl RT Hinge	AG1Z16796A	1	36.27	0.3	0.3
34		Add for Clear Coat		0	0.00	0.0	0.1
35		Repl LT Hinge	AG1Z16797A	1	36.27	0.3	0.3
36		Add for Clear Coat		0	0.00	0.0	0.1
37		AIR CONDITIONER & HEATER					
38		Repl Condenser w/POLICE INTERCEPTOR	DG1Z19712B	1	226.63 m	Incl.	0.0
39	#	Rpr Set up on Frame Machine		0	0.00	2.0	0.0
40	#	Rpr Color sand and buff		0	0.00	1.0	0.0
41		FENDER					
42		Repl RT Fender liner	8G1Z16102A	1	51.39	0.4	0.0

Preliminary Estimate

Customer: utica police car 58

Job Number:

2015 FORD Police Interceptor FWD (Fleet) 4D SED 6-3.5L Flex Fuel Sequential MPI

43	Repl	LT Fender liner	BG1Z16103A	1	51.44	0.4	0.0
44	RESTRAINT SYSTEMS						
45	Repl	Driver air bag all	DG1Z76043B13AA	1	415.22 m	Ind.	0.0
46		Air bag system diagnosis ck system operation		0	0.00 m	0.5	0.0
47		Air bag system diagnosis pinpoint test		0	0.00 m	2.1	0.0
48	Repl	Clockspring all, w/o heated steering wheel	FG1Z14A664A	1	232.55 m	1.0	0.0
49	Repl	Diagnostic unit from 11/10/2013	EG1Z14B321B	1	543.30 m	0.5	0.0
50	Repl	RT Ft impact sensor	FR3Z14B004A	1	149.23 m	0.3	0.0
51	Repl	RT Position sensor	7T4Z14B416B	1	40.43 m	0.3	0.0
52	Repl	LT Side impact sens front	DG1Z14B345A	1	61.15 m	0.3	0.0
53	#	siren, speaker, bracket and lights		1	529.72	0.0	0.0
Note: includes labor							
SUBTOTALS					6,082.19	24.8	10.5

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			6,082.19
Body Labor	24.8 hrs @	\$ 50.00 /hr	1,240.00
Paint Labor	10.5 hrs @	\$ 50.00 /hr	525.00
Paint Supplies	10.5 hrs @	\$ 30.00 /hr	315.00
Subtotal			8,162.19
Grand Total			8,162.19
Deductible			0.00
CUSTOMER PAY			0.00
INSURANCE PAY			8,162.19

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR COMMERCIAL INSURANCE OR A STATEMENT OF CLAIM FOR ANY COMMERCIAL OR PERSONAL INSURANCE BENEFITS CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, AND ANY PERSON WHO, IN CONNECTION WITH SUCH APPLICATION OR CLAIM, KNOWINGLY MAKES OR KNOWINGLY ASSISTS, ABETS, SOLICITS OR CONSPIRES WITH ANOTHER TO MAKE A FALSE REPORT OF THE THEFT, DESTRUCTION, DAMAGE OR CONVERSION OF ANY MOTOR VEHICLE TO A LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF MOTOR VEHICLES OR AN INSURANCE COMPANY, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME, AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE VALUE OF THE SUBJECT MOTOR VEHICLE OR STATED CLAIM FOR EACH VIOLATION.

You are entitled to the return of all replaced parts, except warranty and exchange parts, but you must ask for them in writing before any work is done. If you authorize work by phone, the shop must keep any replaced parts, and make them available when you pick up the vehicle.

Preliminary Estimate

Customer: utica police car 58

Job Number:

2015 FORD Police Interceptor FWD (Fleet) 4D SED 6-3.5L Flex Fuel Sequential MPI

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide DR2JN10, CCC Data Date 8/9/2017, and potentially other third party sources of data; and (b) the parts presented are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blernished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2017 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blend=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE

413 Oriskany Street West

Utica, New York 13502

September 26, 2017

INTRA-AGENCY MEMORANDUM

SUBJECT: MVA PD Involving car 58 PO Balio / Oriskany St W at Seneca St RMS 17-40818**TO:** Chief of Police: Mark W. Williams

On September 11th 2017 I Sgt. Howard Brodt reported for duty, assigned to the uniformed patrol division assigned to unit 40 for the shift hours of 1545 – 0000 Hrs. The squad commander was Lt. Holt.

Summary:

At 2359 hours I was in the Lt's office when I was informed by Lt. James R. Holt Jr. that PO Michael Balio was just involved in a property damage motor vehicle accident at the intersection of Oriskany St W and Seneca St involving UPD car 58. The initial notification was made by PO Balio to patrol 1 supervisor Sgt. Kevin Strife. Sgt. Strife responded to the scene of the accident along with PO Aiello who completed the TRACS report. This was a property damage motor vehicle accident with air bag deployment in unit 58. PO Balio was on-duty in full uniform attire operating unit 58 heading into the station for shift change.

Investigation:

As part of my investigation into the accident, I responded to the scene of the accident during my following tour on 09/12/2017 to see if there were any cameras in the area that might have captured the accident. Oriskany St W at Seneca St is a commercial area and the accident occurred close to midnight. There were no apparent witnesses to the accident and I could not locate any cameras in the vicinity that may have captured the collision. Vehicles traveling east on Oriskany St W at Seneca St have a flashing yellow caution light. Vehicles traveling south on Seneca St at Oriskany St W have a stop sign as well as a flashing red light. Eastbound vehicles have the right of way and southbound vehicles must stop for eastbound traffic.

I did locate BWC footage captured on PO Balio's camera which has been tagged. The footage can be found in VieVo on 09/11 under his name. I viewed the footage which shows the aftermath of the collision but not the collision itself. At 40 seconds into the video you can clearly hear PO Balio say "I fucking T-Boned this guy."

I have reviewed the TRACS accident report regarding this incident. In the accident report completed by PO Aiello, PO Balio was faulted for failing to yield the right of way as he was south on Seneca with the stop sign and flashing red signal. I also reviewed PO Balio's IA Memo and the photographic evidence taken from the scene which shows damage to the front of car 58 and the driver's side of vehicle 2. Vehicle 2 (Volkswagen Jetta) was operated by [REDACTED] [REDACTED] was traveling east on Oriskany St west in the left hand lane. In PO Balio's IA Memo he states that he slowed down for the stop sign and then proceeded to pass through the intersection failing to see [REDACTED] vehicle.

Car 58 was towed to fleet maintenance by Maugeri's. Vehicle 2 was towed by Elite Towing to Elite Towing. No tickets were issued. No injuries were reported.

NAME: Sgt. ALB (Brodt) #0875RANK: Sgt.

In reviewing PO Balio's driving history which I received from professional standards I found that on December 16th 2016 he was involved in an MVA at Seneca St at Liberty St in which he was faulted for the accident and issued a counseling memo.

PO Balio was not operating in emergency mode and was making his way into HQ for the shift change.

A review of the estimate of damage for car 58 which I received from professional standards showed that car 58 sustained \$8,162.19 dollars worth of damage.

Findings:

Based upon my investigation I find PO Balio to be at fault for this accident for failing to yield the right of way while south on Seneca St at Oriskany St. PO Balio had the stop sign and flashing red light. Driver of vehicle 2 David Husnay had the right of way with the flashing yellow signal and was under no obligation to stop for southbound traffic on Seneca St.

Ancillary Issues: None

NAME: Det. 147 - (Brod) #0875

RANK: Sgt.

Department of Public Safety

BUREAU OF POLICE

413 Oriskany Street W.

Utica, New York 13502

Subject: Officer Involved MVA Internal Inv. Review = Car 58 – PO Balio

RMS: 17-40818

Investigating Supervisor: Sgt. H. Brodt **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 hour's shift) as the Platoon Commander. While performing my duties as the C Platoon Commander, I reviewed an internal investigation regarding an Officer Involved Motor Vehicle Accident (property damage only) involving C Platoon Car / Zone 58 operated by PO Balio (sole occupant) and a 2011 Volkswagen four-door sedan bearing NY registration [REDACTED] operated by [REDACTED] (sole occupant).

On September 11, 2017 around 2359 hours, C Platoon Car / Zone 58 – PO Balio (BWC # 0387) was operating Car 58 (sole occupant) to headquarters for shift change when he was involved in a motor vehicle accident at the intersection of Seneca St. and Oriskany St. W.

Pertinent traffic flow / control at the intersection of Seneca St. and Oriskany St. W. is described as follows: traffic traveling east on Oriskany St. W. encounters a flashing yellow caution light at the intersection of Seneca St., traffic traveling south on Seneca St. encounters a stop sign as well as a flashing red light at the intersection of Oriskany St. W., eastbound traffic on Oriskany St. W. has the right of way and southbound traffic on Seneca St. must stop for eastbound traffic on Oriskany St. W.

PO Balio stated he was operating Car 58 south on Seneca St. at which time he could not definitively recall whether or not he stopped for the stop sign / flashing red light at the intersection of Oriskany St. W. PO Balio stated he did not see any eastbound traffic on Oriskany St. W. therefore he proceeded into the intersection at which time the front of Car 58 struck the driver's side frame post of a 2011 Volkswagen four-door sedan bearing NY registration [REDACTED] operated by [REDACTED] (sole occupant) eastbound on Oriskany St. W. The accident was a perpendicular collision.

After ensuring nobody was injured, PO Balio notified C Platoon Commander Lt. Holt regarding the accident. Due to the fact that it was shift change, A Platoon Supervisor Sgt. Strife was tasked with the initial internal investigative duties associated with an officer involved motor vehicle accident. A Platoon Car 53 – PO Aiello was tasked with completing the associated motor vehicle accident report (MV104A). Sgt. Strife later turned the internal investigation over C Platoon Supervisor Sgt. Brodt at which time he

completed an internal investigation regarding the officer involved motor vehicle accident per department policy and procedure.

Investigative Facts:

Nobody was injured as a result of the accident. Car 58 sustained major front end damage (damage estimate = \$8,162.19, copy of the damage estimate is included in the investigative packet) and the other vehicle sustained major driver's side damage (damage estimate was unavailable). Both vehicles were towed from the scene. NYS DMV Database checks were completed for both drivers and associated vehicles, no issues were noted. There were no independent third party witnesses and no camera / audio footage of the incident was located. Digital photographs of the scene and associated vehicles were secured / filed. PO Balio's driving history was requested from Professional Standards which showed that he had a similar officer involved motor vehicle accident on his record from December 16, 2017 that occurred at the intersection of Seneca St. and Liberty St. PO Balio was faulted for causing said accident and violating UPD Policy which resulted in the issuance of a Counseling Memorandum. Lastly, a review of PO Balio's body worn camera was completed however the BWC only depicted post accident footage as there was no reason for PO Balio's BWC to be activated before the accident.

Investigative Findings:

Sgt. Brodt completed his internal investigation into the above officer involved motor vehicle accident and concluded that PO Balio was at fault for causing the accident in that he failed to yield the right of way before entering the intersection of Seneca St. and Oriskany St. W.

After conducting a review of the facts and circumstances regarding this incident as well as Sgt. Brodt's internal investigation, I concurred that the main contributing factor for the accident was the fact that PO Balio failed to yield the right of way before entering the intersection of Seneca St. and Oriskany St. W. I further concluded that PO Balio failed to utilize "due care" while operating a patrol vehicle in emergency mode. Thus, I determined that PO Balio violated the following departmental policy and procedure sections:

Chapter 4, Article 1 – Patrol Operations

1.14 CARE OF EQUIPMENT:

A. Officers assigned a departmental vehicle shall abide by all policies, procedures, and rules relating to the care, inspection, and maintenance of such vehicle.

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

1.14 PERFORMANCE AND ATTENTION TO DUTY:

A. General Duties;

2. Employees shall perform their duties in a competent manner.

EE. Departmental Vehicles/Operation/Care/ Personal Use/MV Accident/Reporting;

2. Employees shall operate departmental vehicles in a careful and prudent manner, and shall obey all laws and departmental directives pertaining to such operation.

1.17 GENERAL RULES OF CONDUCT:

P. Departmental Property and Equipment;

1. Employees shall be held responsible for the proper care and use of departmental property and equipment assigned to or used by them. When obtaining any equipment, and again upon its return, it is the employee's responsibility to inspect it. Employees shall utilize departmental equipment only for its intended purpose.

Ancillary Issues:

No ancillary issues were noted during this investigation.

Recommendations:

As a result of PO Balio's above noted departmental policy and procedure violations as well as his history of such violations, I recommend that PO Balio receive a Letter of Reprimand as well as the forfeiture of 5 days of benefit time which will serve as progressive punitive discipline in full satisfaction of the above matter.

Respectfully Submitted,

James R. Holt Jr.

Lt. J. Holt Jr. / 4016

- \$8,100 damage just to own vehicle

- Failure to give the right of way

- 2nd accident (collision)

- 5 Vacation days 2018

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE

413 Oriskany Street West

Utica, New York 13502

9/23/2017

INTRA-AGENCY MEMORANDUM

SUBJECT: MVA

TO: Chief of Police: Mark W. Williams

On September 12th, 2017, I, Officer Michael Balio, was working, the 1600 - 0000 hours, assigned to Car 58/Zone 58, BWC 0387, per Squad Commander; LT Holt.

At approximately 2355 I was heading into the station for shift change. I was traveling south on Seneca St approaching Oriskany St(East bound). I looked at the oncoming lanes and did not observe any traffic as I was slowing down for the stop sign. I then proceeded to pass through the intersection, failing to see a car that was traveling east bound on Oriskany St. My patrol vehicle impacted the side of this vehicle causing an MVA.

I immediately activated my emergency lights and exited my patrol vehicle. I then checked on the operator of the other vehicle, who reported he was uninjured.

At this time Sgt Strife was notified, due to patrol 3 supervisor being on a fire scene.

Go bag, shotgun, camera and plate carrier were all transferred into Unit 43

Respectfully,
PTLM Balio 0387

NAME: Michael Balio 0387

RANK: PTLM

Concise Officer History

Police Officer Michael J Balio [2016000000003]

ID #: 2016000000003 Hire date: May 09, 2016,

Current assignment(s):

Department: Patrol Division

Bureau: Uniformed Patrol

Division: Uniformed Patrol

Involved Officer: Vehicle accident
Dec 16, 2016 07:40

IA No:

MVA2016-027

Received:

Case No:

RMS 16-60108

Role On-Duty MVA -Driver

Allegations:

Dept Vehicle/Operations/Care/Personal Use/MV Accident Reporting - Chapter 8 Article 1.14:
Performance & Attention to Duty - Sustained - Jan 10, 2017

Actions taken:

UPD Policy and Procedure Violation: Jan 10, 2017 - Letter of Counseling

Recieved a Counseling Memo from Sgt. Phillips of 1/10/17

Report summary: totals by incident type:

Incident type	Received
UPD Damaged Prop Car/Equip	0
Vehicle accident	1
Vehicle pursuit	0
Total	1

Printed: Sep 12, 2017 07:43 By: Investigator Adam Howe

Internal/Department **IA No: EF2018-0033 Received: Jul 25, 2018**

Case No:

Classification/Sub-classification: UPD Policy and Procedure Violation(s) / Chapt 8 Article 1 Professional Standards of Conduct & Ethics

Officers involved:

Police Officer Michael J Balio [0387/2016000000003]

Officer current info:

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

Snapshot - Officer information at time of incident:

: 2016000000003
Body worn camera: No
Department: Patrol Division
Bureau: Uniformed Patrol
Division: Uniformed Patrol
Squad: 1-3
Unit: Uniformed Patrol Squad 1-3
Shift: 1 Platoon
Rank/title: Police Officer
Age: 27 Years of employment: 2 Years with unit: 2
Off duty: No Off duty employed: No

Policy outcome: Not yet entered

Actions taken:

UPD Policy and Procedure Violation: Aug 28, 2018 - Command Discipline Days/hrs suspended/assessed: 2 -
[Action/discipline completed]
Two Vacation days from 2018 time bank

Officer witnesses:

Sergeant Dzenan Sabanovic [7348/2006000000014]

Officer current info:

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

Snapshot - Officer information at time of incident:

Body worn camera: YES 7348/Sabanovic

Summary:

Hiram and Adam,

In response to the email from the DC today about notifying your unit of all internal investigations, please accept this email as notice of an current/active internal investigation being conducted by myself against PO Balio for possible insubordination relative to an interaction he had with Sgt. Sabanovic. The investigation has been active since June 16. I have not completed my investigation yet.

With this being said may I please have notice of any previous investigations from your unit involving Balio to supplement my investigation.

Capt. Cinque is aware. Let me know if you have any questions.

Lt. Fernalld

When/where:

Date/time occurred:

Linked files:

Internal Investigation - Balio (htm)
DOC090418-09042018092530 (pdf)
Narrative of Sgt Sabonavic (pdf)
Narrative of PO Balio (pdf)
Emails (pdf)
DOC090418-09042018092410 (pdf)
Command Discipline (pdf)
Narrative regarding tracs report (pdf)

Status/assignment information:

Status: Completed Priority: Medium

Opened: 06/07/2018 Assigned: Due: 08/24/2018 Completed: 09/04/2018

Disposition: Sustained

Unit assigned: Patrol Division

Handled at field/unit level: Yes

Outside/file investigator: Fernalld III., Stanley H Lieutenant [2004000000027 / 2900]

Investigator assign: Un-assigned

Supervisor assign: Un-assigned

Source of information: Email

Organizational component(s):

Department: Patrol Division

Bureau: Uniformed Patrol

Division: Uniformed Patrol

Squad: 3

Unit: Uniformed Patrol Squad 3

Shift: Platoon

Critical incident related

Nature of crisis:

Behavior(s):

Technique(s) used:

Disposition(s)

Force/violence:

Entered by: Investigator Adam Howe on Sep 04, 2018 at 10:50

From: sfernald
Sent: Wednesday, July 25, 2018 11:04 PM
To: Professional Standards Distribution List
Cc: dcinque
Subject: Internal Investigation - Balio

Hiram and Adam,

In response to the email from the DC today about notifying your unit of all internal investigations, please accept this email as notice of an current/active internal investigation being conducted by myself against PO Balio for possible insubordination relative to an interaction he had with Sgt. Sabanovic. The investigation has been active since June 16. I have not completed my investigation yet.

With this being said may I please have notice of any previous investigations from your unit involving Balio to supplement my investigation.

Capt. Cinque is aware. Let me know if you have any questions.

Lt. Fernald

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE

413 Oriskany Street West

Utica, New York 13502

August 15, 2018

INTRA-AGENCY MEMORANDUM

SUBJECT: PO Balio Internal Primary Investigation

TO: Chief of Police: Mark W. Williams

On June 7, 2018 Sgt. Wooden, sent an e-mail to C Platoon Supervisors notifying us that on June 3, 2018 she sent an e-mail to PO Michael Balio instructing him to correct a rejected TraCs accident from May 5, 2018. At the time of the writing on June 7th Balio had not corrected the mistake even after working June 3rd, 4th, and 5th.

On June 12, 2018 the task was still not completed, and Sgt. Sabanovic asked me if he could request a narrative from PO Balio regarding his failure to complete the order as directed. I told him to do so.

On June 14, 2018 the task was completed and on June 16th PO Balio turned in his final narrative to Sgt. Sabanovic. I was off on the 14th, 15th, 16th, and 17th as I had 5th Day Training, a Vacation day and my RDOs scheduled. On the afternoon of Monday June 18th I received a text message from Sgt. Sabanovic telling me that he had a problem with PO Balio. When I reported for duty and spoke with Sgt. Sabanovic he told me that he had a confrontation with PO Balio on Saturday June 16th and then again on June 17th.

Description of Events

June 16th

Sgt. Sabanovic was assigned as the Squad Commander. According to Sgt. Sabanovic, PO Balio was told to fix a spelling error in an RMS entry. After he was told he only fixed one of the two spelling errors. Additionally, he submitted a larceny SIR without adding CO/VI Statement, and a second larceny without properly validating the incident. Finally, he was observed out of zone without permission. When Sgt. Sabanovic attempted to locate PO Balio at the end of the shift, he learned that he had left without fixing the above mentioned errors. Sgt. Sabanovic called PO Balio's cellphone to inquire about his paperwork knowing that he did not have permission from a supervisor to complete his paperwork/investigations on the next tour of duty. During their phone conversation PO Balio purportedly provided invalid excuses for his multiple errors.

Sgt. Sabanovic told PO Balio that he was frustrated with his response to supervision and failure to take responsibility for his actions. PO Balio allegedly became argumentative with Sgt. Sabanovic and told him "If you're gonna yell at me and treat me like a child we will have this conversation in person." According to Sgt. Sabanovic he told him that they would do just that and ended the conversation.

June 17th

On June 17th Sgt. Sabanovic was not on the schedule, but was at work completing duties relative to his previous CID assignment. According to Sgt. Sabanovic's narrative, at approximately 2310 hours he contacted PO Balio on the radio and told him to stop into the Squad Commander's Office for the purpose of discussing if he retrieved video from his Wal-Mart larceny investigation on the 16th. Sgt. Sabanovic reported that PO Balio was cleared

NAME: *By [Signature]* FERNANDEZ / #2900RANK: LT

from the groups at regular time and reported to headquarters without delay. Apparently, PO Balio did not report to the Squad Commander's Office as asked and Sgt. Sabanovic had to address him while he was doing paperwork in the Workstation. Once PO Balio came into the Squad Commander's Office Sgt. Sabanovic addressed him regarding the perceived slight of failing to respond to his request. From there the conversation deteriorated and Sgt. Sabanovic described PO Balio's conduct as "arrogant, condescending and disrespectful." During the exchange, PO Balio reportedly told Sgt. Sabanovic "when we are off duty you're not allowed to call my cell phone from your personal cell phone like you did last night. When we are off duty your stripes don't mean anything to me." The conversation continued and Sgt. Sabanovic told PO Balio to leave the office, at which time, according to Sgt. Sabanovic, he slammed the door as he exited. Apparently, Sgt. French was witness to this exchange.

Investigation

During my shift on June 18th Sgt. Sabanovic and I discussed the incidents. I advised him to start a fact-finding investigation into the matter and to request a narrative from PO Balio. The investigation would be turned into me for review and recommendation. I hereby identified this complaint as Internal Primary..

Later that evening, while in private, I discussed with Sgt. French what he had witnessed. Sgt. French told me it was his belief that PO Balio was indeed disrespectful to Sgt. Sabanovic. His description of the verbal exchange, to which he was not directly involved, was consistent with the information that Sgt. Sabanovic had provided me. I inquired regarding Sgt. Sabanovic's demeanor and behavior during the encounter. He reported that Sgt. Sabanovic's attitude did not help to de-escalate the situation.

PO Balio was not at work on the 18th and 19th. When he returned on Wednesday June 20th I called him into my office and asked him what had transpired. PO Balio told me that Sgt. Sabanovic had been hostile in his exchange and perceived it as a personal attack. I did not discuss in depth PO Balio's perceived violations or details of the conversation. I did however tell him that I expected everyone under my command, both supervisors and patrol officers, to treat each other with dignity and respect. I told him that I would not tolerate verbal abuse or disrespectful behavior of any kind.

On June 22nd PO Balio turned in his written narrative to Sgt. Sabanovic.

On July 18th Sgt. Sabanovic turned into me his written narrative along with paperwork involved with the investigation. Based on Sgt. Sabanovic's investigation, he believed PO Balio to be in violation of the following policy from the Utica Police Department Procedural Manual:

Chapter Eight Article One: Professional Standards of Conduct and Ethics

1.13 Orders and Discipline

F. Insubordination

1. Employees shall not be insubordinate.

1.14 Performance and Attention to Duty

W. Unsatisfactory Performance

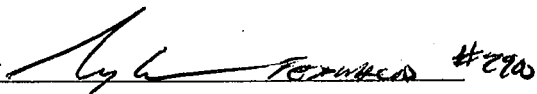
1. Unsatisfactory performance may be demonstrated by a lack of knowledge, unwillingness, inability, or failure to perform assigned tasks, or failure to take appropriate action. Employees shall maintain sufficient competency, both physically and mentally, to properly perform their duties and assume the responsibilities of their positions.

1.18 Reports

B. Submitting Reports

1. Employees shall submit all reports to their respective supervisor before the end of their tour of duty in accordance with current directive, unless otherwise directed by a supervisor. Reports submitted by employees shall be thorough, concise, and complete.

NAME:

 #290

RANK:

LT

Findings

Through my investigation, I have made the following determinations:

1. PO Balio failed to properly respond to an order from Sgt. Wooden on June 3rd instructing him to correct a rejected TraCs report. He finally completed it on June 14th. His excuse for not completing the report as ordered was "It has been busy on the street and I got tied up handling my assignments and the email had slipped my mind." I have found this excuse to be invalid based on Sgt. Sabanovic's breakdown of his work assignment, calls for service, and down time during the identified dates.
2. On June 16th PO Balio failed to properly complete two larceny SIRs in regards to petit larceny investigations at 710 Horatio St – Wal-Mart Supercenter (Case #18-24285 & 18-24252).
3. On June 16th at approximately 2311 hours PO Balio was outside of his assigned duty zone, Zone 58, as he was observed by Sgt. Carville at Stewarts Shop (Court/State) getting a milkshake. His conduct was appropriately notated in his electronic file.
4. PO Balio did not show the appropriate respect to Sgt. Sabanovic when he told him he would not take any more phone calls from him while off duty, and that when they were off duty Sgt. Sabanovic's Sergeant rank meant nothing to him. This behavior is unacceptable.

In addition to Sgt. Sabanovic's violation findings, I have also determined that PO Balio was in violation of the following policy from the Utica Police Department Procedural Manual:

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 department and individuals representing other organizations, in all forms of communications in the performance of their duties.

J. Duty Post

1. Employees shall not leave their area of assignment

I have determined this complaint against PO Balio to be Sustained.

Records produced at my request from the Professional Standards Units on PO Balio's Officer History have shown no prior similar investigations. However, he has two prior sustained investigations in which he was found to be in violation of Demeanor/Rude section of the UPD Procedural Manual during interactions with civilians. He was issued a Letter of Reprimand in each of these investigations.

In regards to my recommendation for discipline, I have considered the following mitigating factor. Sgt. Sabanovic has demonstrated thus far that he can be a strict supervisor, for which I have no issue. However, I have observed that he can, and perhaps should, use more tact when addressing issues/deficiencies with his subordinates. In response to this, I specifically notated my observations in his 16-week probationary supervisor evaluation. However, I have not observed any behavior on the part of Sgt. Sabanovic that would support the notion of a hostile work environment or personal attack on PO Balio or any other employee of the Utica Police Department for that matter.

In closing, I recommend that PO Michael Balio forfeit two (2) days' vacation for his policy violations and behavior.

NAME:

Myra T. Ferrell #2100

RANK:

LT

DEPARTMENT OF PUBLIC SAFETY**BUREAU OF POLICE**

413 Oriskany Street West

Utica, New York 13502

July 18, 2018

INTRA-AGENCY MEMORANDUM**SUBJECT:** Internal Investigation involving Officer Michael Balio**TO:** Chief of Police: Mark W. Williams

On June 16, 2018 I, Sgt. Dzenan Sabanovic, reported to the Utica Police Department for the 1545-0000 hours shift. I was assigned to the Squad Commander's Office.

Officer Balio came into the Squad Commander's Office and advised me that his body worn camera was damaged during an incident at Wal-Mart. He further stated that the incident was captured on Wal-Mart surveillance video. I asked Officer Balio to follow up and get the video surveillance from Wal-Mart. Officer Balio advised me that Wal-Mart loss prevention was unable to get the video surveillance at this time due to some issues with their system. I advised Officer Balio to follow up tomorrow (6/17/18) and try to get the video.

At the end of my shift I heard Sergeant Carville advise Officer Balio over channel 3 to proofread one of his RMS entries. Upon completion of her shift Sgt. Carville was at the Squad Commander's Office reviewing paperwork. She advised me that she told Officer Balio to proofread one of his RMS entries because he had the word "Adidas" misspelled. I pulled up incident 18-24252 and learned that Officer Balio had the word "Adidas" mentioned twice in his narrative. Both words were misspelled. After Sgt. Carville advised him to proofread his RMS entry Officer Balio corrected the first spelling error and did not correct the second spelling error. I further checked Officer Balio's paperwork for the day because he has a tendency of submitting incomplete paperwork. I noticed that Officer Balio had two incomplete incidents. Larceny from Wal Mart (RMS 18-24285) was missing a comp/victim statement. Larceny from Wal Mart (RMS 18-24252) was not validated properly. Officer Balio had plenty of downtime to complete the SIRs as he was seen out of zone at approximately 2311 hours, without permission during his downtime, getting a milkshake from Stewarts Shop. I went to the patrol work station to advise Officer Balio to complete his paperwork, however he was not there. I asked the desk officer if he saw Officer Balio and I learned that he left work for the night. I called Officer Balio's cell phone to inquire why he left work without completing his paperwork. I learned that he did not get permission from any supervisors to complete his paperwork during his next tour of duty. I asked Officer Balio why he did not proofread his paperwork, after he was specifically told by Sgt. Carville to do so, he stated he did. I advised Officer Balio that I was looking at his co/vi statement which contained a spelling error and he replied that he did not understand why it was such a big deal because he only missed one word. When asked why he did not complete a complainant/victim statement Officer Balio said he did not have any suspect information. When I asked Officer Balio why he did not verify the SIR he said because he asked for it to be assigned to him. Officer Balio offered an invalid excuse for all of his mistakes instead of taking responsibility. I explained to Officer Balio that he has to complete all of his paperwork before he leaves the station unless he gets permission from a supervisor to complete it at his next tour of duty.

I told Officer Balio that I am frustrated with his response to supervision and failure to take responsibility for his actions. I asked Officer Balio what we, meaning supervisors, have to do in order for him to take us seriously. Based on his actions I feel that he clearly does not respond to supervisor's requests and when he is confronted about it.

NAME: D. SABANOVICRANK: Sgt.

instead of taking responsibility Officer Balio makes up excuses and shifts the blame away from him. Officer Balio became argumentative with me and started talking over me. I had to tell him to stop talking and listen. After a brief conversation Officer Balio continued to interrupt me and talk over me. At one point during my conversation with Officer Balio he said "if you're gonna yell at me and treat me like a child we will have this conversation in person." I advised Officer Balio that we will address this in person and we ended our conversation.

During my assignment as a patrol supervisor in the C platoon I had several conversations with Officer Balio regarding paperwork issues. His response to supervision is unacceptable. On several occasions Officer Balio did not correct spelling errors in his paperwork after I asked him to do so prompting me to ask Officer Balio for the second time.

On June 3, 2018 Officer Balio was requested by Sgt. Wooden to make corrections to an accident report that he responded to on May, 2018. On June 12, 2018 Sgt. Wooden advised me that Officer Balio never responded to her email or corrected the accident report. I emailed Officer Balio and requested a narrative as to why he disregarded Sgt. Wooden's email and did not fix the accident report. On June 16, 2018 Officer Balio handed me a narrative that I requested. It contained several spelling errors. He did not take responsibility for disregarding Sgt. Wooden's request, instead he stated that he was "unable to complete it in 6 working days. It has been busy on the street and got tied up handling my assignments and the email had slipped my mind." In order to validate his reason for disregarding Sgt. Wooden's email I conducted a RMS check into Officer Balio's downtime from June 3 to June 14th. I calculated the following;

Officer Balio had 2 hours and 45 minutes of downtime on June 3, 2018

Officer Balio had 3 hours and 53 minutes of downtime on June 4, 2018

Officer Balio had 4 hours and 21 minutes of downtime on June 5, 2018

Officer Balio had 3 hours and 52 minutes of downtime on June 8, 2018

Officer Balio had 3 hours and 13 minutes of downtime on June 9, 2018

Officer Balio had 1 hour and 20 minutes of downtime on June 11, 2018

Between June 3rd and June 11th Officer Balio had 19 hours and 24 minutes of downtime, including 2 hours and 45 minutes of downtime on the day he received the email from Sgt. Wooden. The amount of downtime he had to complete a simple task contradicts his claim that he was unable to complete it in 6 working days.

On June 17, 2018 I was at hq reviewing video interview footage regarding the homicide investigation of David Davis. At around 2310 hours I contacted Officer Balio on channel 3 and advised him to stop by the Squad Commander's Office. I wanted to speak with him to check if he was able to get the video from Wal-Mart. Officer Balio was in car 51 which would put him in group 1 at all clear. The first group was cleared at around 2350 hours and my estimate is that Officer Balio arrived at hq no later than 2355 hours. I was waiting in the Squad Commander's Office reviewing video footage for the homicide investigation and waiting for Officer Balio to come in and speak with me. At approximately 0005 hours I went to the work station and I observed Officer Balio standing and having a conversation with Sgt. Carville and Officer Maciol. I returned back to the Squad Commander's Office and continued to wait for Officer Balio to come in and speak with me. I returned back to the work station and observed Officer Balio doing paperwork. I sarcastically said "take your time Balio don't worry about coming in the office to talk to me I got all night. I will wait for you, come in at your convenience." At this time Officer Balio replied "ok" and continued doing his paperwork. I returned back to the Squad Commander's Office and continued waiting for him to come in and speak with me. Approximately another two minutes went by when I observed Officer Balio walking by the Squad Commander's Office towards the desk area. At this time I called for Officer Balio to come to the office immediately. Officer Balio walked by the office again and placed his body worn camera into the docking station before coming in the Squad Commander's Office. Officer Balio walked

NAME: D. SABANOVIC

RANK: Sgt.

in and I advised him that when he gets called to the Squad Commander's Office that it is expected of him to report right away and not wait around 20 minutes. Officer Balio replied sarcastically by asking if my conversation with him was more important than completing paperwork that he was directed to completed by Sgt. Carville. As we continued our conversation I had to ask Officer Balio several times to stop interrupting me and let me finish my sentence. He was very arrogant, condescending and disrespectful during his responses. I told Officer Balio that I have a problem with his quality of work and him not taking responsibility for his actions. He asked me if I was referring to our conversation from last night and I told him that I was not. I continued by advising him that he needs to improve his work quality by proofreading his paperwork, completing his paperwork on time and be more open to constructive criticism. Officer Balio asked me again if I was referring to our conversation from last night and I again told him that I was not but since he kept bringing it up I asked him if he wanted to talk about something from last night. Officer Balio said that "when we are off duty you're not allowed to call my cell phone from your personal cell phone like you did last night. When we are off duty your stripes don't mean anything to me." I advised Officer Balio that I was on duty when I called him and it was regarding him leaving work the same night without completing his paperwork. He continued to interrupt me and talk over me so I told Officer Balio to leave the office, he continued talking so I had to tell him again and that is when Officer Balio left the office and slammed the door on his way out. I called Balio back in and asked him why he slammed the door. He denied slamming the door. I told Officer Balio to write an officer narrative regarding our conversation by the end of his next work day.

Sgt. French was in the office and witnessed the entire conversation Officer Balio and myself.

Investigative Facts:

On June 22, 2018 Officer Balio submitted an officer narrative regarding our conversation. In his narrative he misspelled my last name every time he used it. He also misspelled the word "Tracs." Officer Balio submitted a second narrative in which he corrected the spelling of my name. He stated the reason for misspelling my last name was that he did the narrative on his personal computer and had "no way of verifying the correct spelling of my last name." In Officer Balio's narrative he failed to take any responsibility for his actions. He wrote that I had 3 valid points in our conversation;

- "I was late correcting a Trac report"

He was advised by a supervisor to correct an accident report and failed to do so. When asked for a narrative to explain why he disregarded an order he wrote "I intended on correcting the accident but was unable to complete it in 6 working days. It has been busy on the street and I got tied up handling my assignments and the email had slipped my mind." Officer Balio had approximately 19 hours and 24 minutes of downtime, including 2 hours and 45 minutes of downtime on the day he received the email from Sgt. Wooden. It is contrary to his claim that it he was unable to complete it.

- "I missed a spelling error in a SIR"

Officer Balio was specifically alerted to the spelling error of the word "Adidas" in his complainant/victim statement by Sgt. Carville. He changed one spelling error, however did not change the second spelling error. He failed to mention that he marked this SIR waiting for review and left it incomplete by not validating it.

- "I had not completed a Co/Vi statement on an open investigation"

He marked this SIR waiting for review without putting a complainant victim statement. His reasoning for this was he did not have a suspect, therefore he did not put in a victim statement.

Officer Balio also stated that he apologized to me regarding the use of a wrong word in the SIR and for not completing a Co/Vi statement. This is not true as Officer Balio never apologized. When I asked him about the spelling error he said "I don't understand what's the big deal it's only one word." When I asked Officer Balio why he did not put in the Complaint/Victim statement in his SIR he said because he did not have a suspect. I asked Officer Balio if he was ever told by his FTO or by a supervisor that he did not have to do a complainant/victim statement in cases where he has no suspect, he replied he was not. I asked him if he came up with that rule on his own and he said he did.

NAME: D. SABANOVIC

RANK: Sgt

Findings:

Officer Balio is careless when it comes to paperwork. Both officer narratives he submitted to me contained spelling errors. He had to be reminded several times to proofread his RMS entries. He left SIRs incomplete without seeking permission from a supervisor. He left his zone without permission two times in the last month, after being told to seek permission if he wants to leave his zone. He is not responsive to supervision and has problems following orders from supervisors. Officer Balio is regarded as one of the senior officers in C-platoon as he is the second most senior officer in C-2 squad. His actions reflect on other junior officers that look up to him for leadership and guidance. Making a statement such as a "your stripes don't mean anything to me" will set a precedence for other officers if this goes unpunished.

Based on my investigation I concluded that Officer Balio violated the following sections of the Utica Police Department Police & Procedural Manual;

CHAPTEER EIGHT ARTICLE ONE

1.13 ORDERS AND DISCIPLINE:

F. Insubordination;

1. Employees shall not be insubordinate.

1.14 PERFORMANCE AND ATTENTION TO DUTY:

W. Unsatisfactory Performance;

1. Unsatisfactory performance may be demonstrated by a lack of knowledge, unwillingness, inability, or failure to perform assigned tasks, or failure to take appropriate action. Employees shall maintain sufficient competency, both physically and mentally, to properly perform their duties and assume the responsibilities of their positions.

1.18 REPORTS:

B. Submitting Reports;

1. Employees shall submit all reports to their respective supervisor before the end of their tour of duty in accordance with current directives, unless otherwise directed by a supervisor. Reports submitted by employees shall be thorough, concise and complete.

NAME: D. SABANOVIC

RANK: Sgt

DEPARTMENT OF PUBLIC SAFETY**BUREAU OF POLICE**

413 Oriskany Street West

Utica, New York 13502

6/22/2018

INTRA-AGENCY MEMORANDUM**SUBJECT:** Narrative requested by Sgt Sabanovic**TO:** Chief of Police: Mark W. Williams

Sgt Sabanovic requested I complete this narrative regarding a discussion we had on 6/18/2018 at approximately 0000 hours.

The discussion stemmed from a phone call I received, from his personal cell phone, [REDACTED], that he had made at 0014 hours on 6/17 that I missed. I returned his call at 0015 hours. The phone call lasted approximately 5 minutes and took place well after my normal work hours, where I was out of uniform and at home.

This phone call was pertaining to work matters and during the course of the phone call, Sgt Sabanovic was unprofessional and highly hostile towards me. Sgt Sabanovic continually the use the word "[REDACTED]" and stated that I had no respect for him or the job. Sgt Sabanovic was yelling and speaking in an overly demeaning tone throughout the call. Sgt Sabanovic was questioning a Trac report that I had not had a chance to complete. Sgt Sabanovic continued to scream at me on the phone and curse at me. Due to Sgt Sabanovic's continued demining verbal attack on my character, I advised Sgt Sabanovic that since I was not at work, was not on the clock and this call was from his personal phone, I would no longer listen to his hostile, aggressive and unprofessional manner in speaking to me. I explained to Sgt Sabanovic, if he wished to have a conversation regarding the Trac report, where he did not scream, swear and disrespect me, that I would be more than willing to when we both were working and on the clock. Sgt Sabanovic replied "you're damn right we will be having this conversation between you, me and the Lt. On Monday because I'm not working tomorrow (6/17)" Sgt Sabanovic then hung up the phone on me.

I was working 7/17/2018 4-12 shift, zone 51, my acting sergeant was Sgt Carville. Sgt Sabanovic came over the radio from the squad commander's office. The transmission was for 51 (me) to speak with him at the conclusion of my shift.

I was unaware that Sgt Sabanovic had come to the station due to it being a scheduled day off for him. I reported to the station at the completion of my shift and began to correct an SIR as had been requested by my on-shift supervisor, Sgt Carville. While in the work station, working on that SIR, Sgt Sabanovic came around the corner from the squad commander's office around 0000 hours on 6/18/2018. Sgt Sabanovic was not in uniform, dressed in green shorts, a pink shirt and flip flops. Sgt Sabanovic stated "Take your time, I have all night". To me, this indicated he acknowledged that I was working on a report that Sgt Carville, my on-shift supervisor, had instructed me to complete. Once that was completed, I walked to the squad commander's office.

Once in the office, Sgt Sabanovic demanded to know why I did my report from tonight's shift before coming to speak with him. I informed Sgt Sabanovic that I was completing the report per Sgt Carville and I was under the impression that following the direction of an on-shift supervisor took priority over speaking with an off-duty sergeant over a phone call that had taken place while off duty and after hours.

NAME: PTL 0387RANK: PTL

During the conversation, Sgt Sabanovic continuously to use the word "████", used an overly aggressive voice and posture towards me. Sgt Sabanovic said he did not have a personal issue with me but his belittling statements, unprofessionalism and disrespect, left me believing Sgt Sabanovic had a motive for this encounter other than discussing a late Trac report. Sgt Sabanovic also mentioned a SIR I had completed with no Co/Vi statement. I had requested incident be assigned to me for further investigation due to the suspect not being located and the camera system being down. I informed Sgt Sabanovic that I had attempted to follow up with Walmart LP for video footage and no LP employees were working.

Sgt Sabanovic continued to tell me how my "attitude was garbage, my work was garbage and my reports were garbage." After being bombarded by Sgt Sabanovic, I told him, I would not be taking any more calls from his personal cell phone to my personal cell phone. Sgt Sabonvic screamed "get the █████ out of the office" at me so I opened the door and started to walk out. Sgt Sabanovic then demanded I close the door. In closing the door, Sgt Sabanovic believed the door was slammed. I did not slam the squad commanders door but only to shut it abruptly after being told "get the █████ out" and screamed at to close the door.

Sgt Sabanovic demanded I complete a narrative regarding the door closing and me explaining to him that I responded to an active, on duty supervisor's orders to complete paperwork from the shift I was completing over his request to speak with me. I asked Sgt Sabanovic if he wished that I mentioned the afterhours phone call that had taken place and he said there was no need to mention it.

In total Sgt Sabanovic had three valid points, I was late correcting a Trac report, I missed a spelling error in a SIR, I had not completed a Co/Vi statement on an open investigation that I had been working on. Sgt Sabonvic also stated there was an incident where he had asked me to complete an unknown assignment regarding paperwork. He claims he had to ask two times for it to be complete within 45 minutes. I am unaware of this specific incident.

I apologized to Sgt Sabanovic regarding missing the use of a wrong word in the SIR, same was already corrected. I apologized to Sgt Sabanovic regarding not completing a Co/Vi statement, same was already corrected. I completed a narrative for Sgt Sabanovic regarding the late Trac report and corrected the report.

Sgt French was in the office when Sgt Sabanovic and I were speaking (6/18/2018). It is unknown who was with Sgt Sabanovic when he called me after hours from his personal cell phone. At no time did I refuse an order from Sgt Sabanovic while on duty and at no time did I disregard the chain of command. I have, to the best of my knowledge completed what he has requested.

After my meeting Sgt Sabanovic, I was informed that he was heard by several other officers and several supervisors bragging about how he "mother █████" me. Sgt Sabanovic also went on to mock me, that he "would treat me like a child because I was acting like a child." After hearing that, I believe he thinks this is a game and is amusing to him. I believe Sgt Sabanovic's actions were unprofessional, unjustified and are making a hostile work environment. After the last two encounters with Sgt Sabanovic, I have been left in a state of disbelief that he would speak to any officer in such a demeaning, hostile manner as he did to me. I have been dealing with a lot of stress that he has caused over simple issues that could have easily been addressed in a constructive professional manner.

NAME: ████████████████████ 0387

RANK: PTLM

sfernalld

From: swooden
Sent: Thursday, August 16, 2018 1:56 PM
To: sfernalld
Subject: FW: Rejected May TraCS Reports

Hello Lt. Fernalld,

Below is the original email I sent PO Balio on June 3rd regarding correcting his rejected TraCS report.

Respectfully,

Sgt. Wooden

From: swooden
Sent: Sunday, June 3, 2018 9:32 AM
To: mbalio [REDACTED]; Kyle Fee [REDACTED]; amaciol [REDACTED]
Subject: Rejected May TraCS Reports

Greetings,

You are receiving this email because you have a rejected TraCS report from May. Please make the necessary corrections and re-submit the reports for review. Below is the breakdown per officer.

- PO Balio – 1 Rejected from 5/5/18
- PO Fee – 1 Rejected from 5/22/18
- PO Maciol – 1 Rejected from 5/26/18

Respectfully,

Sgt. Wooden

sfernalld

From: swooden <swooden@uticapd.com>
Sent: Thursday, June 7, 2018 8:44 AM
To: [REDACTED]
Subject: PO Balio Rejected TraCS Report

Greetings,

On 6/3/18 I sent an email to PO Balio instructing him to correct a rejected TraCs accident report from 5/5/18. I see that he worked on 6/3, 6/4, & 6/5 and the report has not been corrected. The only reason I am sending this email is because I have observed a trend in PO Balio's behavior (in the past) with not following directions regarding emails being sent to him, and not checking his TraCs reports throughout the month to see if he has any rejected or open reports.

Respectfully,

Sgt. Wooden

sfernald

From: dsabanovic
Sent: Tuesday, June 12, 2018 4:14 PM
To: mbalio
Cc: sfernald; jcimpi; kstrife
Subject: Narrative Regarding Open Tracs

Officer Balio

Sergeant Wooden sent you an email on June 3, 2018 at 9:32AM advising you that you have a rejected TraCS report from May, 2018. She further requesting that you make the necessary corrections and re-submit the report for review. Since June 3, 2018 you worked 6 days and never addressed the issue. I need a narrative from you by Saturday June 16, 2018 explaining why this issue was not resolved.

Sgt. D. Sabanovic



Internal Investigation Memorandum



To: Capt D. Cinque

From: Lt. S. Fernalld

RE: PO Balio Internal Primary Insubordination Investigation
(June 17, 2018)

-Email from Sgt. Wooden to PO Balio w/ orders to correct TraCs accident

-Email from Sgt. Wooden to C Platoon Supervisors notifying them of PO Balio's failure to complete task

-Email from Sgt. Sabanovic to PO Balio requesting a narrative regarding failure to respond to Sgt. Wooden

-Intra-Agency Memo from PO Balio (June 16, 2018)

-Intra-Agency Memo from PO Balio (June 22, 2018)

-Intra-Agency Memo from Sgt. Sabanovic (July 18, 2018)

-Concise Officer History – PO Balio: from PSU

-Intra-Agency Memo from Lt. Fernalld (August 15, 2018)



CITY OF UTICA

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE

413 ORISKANY STREET WEST

UTICA, NEW YORK 13502

ROBERT PALMIERI

Mayor

MARK WILLIAMS

Chief of Police

Officer Michael Balio

8/28/2018

C Platoon Squad 2

Uniform Patrol Division

Officer Balio,

On June 12th, 2018 an investigation was initiated into your failure to complete an order to fix and re-submit a rejected TraCs report. On June 16th you also failed to properly complete two larceny SIRs in regards to petit larceny investigations, and you were observed outside of your assigned duty zone without appropriate authorization. During the subsequent investigations, you interacted and conversed with a supervisor in a disrespectful and unacceptable manner.

As a result of the investigation it was determined that you have violated Department Procedural Manual:

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

1.13 Orders and Discipline

F. Insubordination

1. Employees shall not be insubordinate.

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 department and individuals representing other organizations, in all forms of communications in the performance of their duties.

J. Duty Post

1. Employees shall not leave their area of assignment

W. Unsatisfactory Performance

1. Unsatisfactory performance may be demonstrated by a lack of knowledge, unwillingness, inability, or failure to perform assigned tasks, or failure to take appropriate action. Employees shall maintain sufficient competency, both physically and mentally, to properly perform their duties and assume the responsibilities of their positions.

1.18 Reports

B. Submitting Reports

1. Employees shall submit all reports to their respective supervisor before the end of their tour of duty in accordance with current directive, unless otherwise directed by a supervisor. Reports submitted by employees shall be thorough, concise, and complete.

Last Revision Date 6/7/2016

On August 31, 2018, a Command Discipline hearings commenced. You were offered PBA representation and you accepted/denied. Also present during this hearing was PBA Vice Pres. Michael Curley. We came to the following resolution.

- A) You accept the findings of the investigation.
- B) You accept responsibility for violating the Departmental Procedural Manual.
- C) You accept the forfeiture of two (2) vacation days deducted from your 2018 time bank.
- D) You also understand that in the future, this behavior or any other violation of Departmental Rules or Regulations of a similar nature will be subject to further disciplinary action.

You are being furnished a copy of this letter. The original with acknowledgment, signed by you, will be placed in your personnel file.

Don Genn, 1420
(Command Officer) *GENNAE*
(Unit)

[Signature] 0387
(Employee)

I acknowledge the content of this letter
and a copy of it has been provided to me.

[Signature] #290
(Supervisor)
(Unit)

Michael Curley - Curley
(PBA Representative)

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE

413 Oriskany Street West

Utica, New York 13502

6/16/2018

INTRA-AGENCY MEMORANDUM

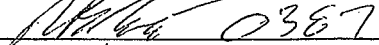
SUBJECT: Trac report

TO: Chief of Police: Mark W. Williams

I was requested to write the following narrative regarding a rejected Trac accident by Sgt Sabanovic.

On 6/3/2018 I received an email for a Trac accident that needed to be corrected. I intended on correcting the accident but was unable to complete it in 6 working days. It has been busy on the street and I got tied up handling my assignments and the email had slipped my mind. The Trac report was completed on 6/14/2018.

Respectfully,
PTLM Balio 0387

NAME:  0387

RANK: PTLM