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**Involved Member(s):**

Technical Sgt Karl Brenon [1686/100289021]

Trooper Jared L Lamonica [2042/011507054]

**Case Type:** Personnel Complaint

**Case Number:** DCN2020-0406

**Finding:** Founded

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**Complainant:** [REDACTED]

*IAPRO*

Personnel Complaint Work Sheet				Case Number										
Type: Personnel		Sub Type:		Incident Date: 11/30/20		Incident Time: 6:25PM								
Initiated By: <input checked="" type="checkbox"/> C = Citizen <input type="checkbox"/> S = NYSP			CTV: C5455		Detail or Troop C		Level of Investigation D 4							
Mode Received		<input type="checkbox"/> EMail		<input type="checkbox"/> Fax		<input type="checkbox"/> In Person		<input type="checkbox"/> Letter		<input checked="" type="checkbox"/> Phone		<input type="checkbox"/> Survey		
Synopsis of Complaint: Complainant alleged T/Sgt. Brenon and Tpr. Lamonica failed to take proper police action upon receipt of an in-progress public lewdness complaint.														
<b>Subject(s) of Complaint</b>														
Employee ID #		Last Name			First Name			MI		EOD		Maiden Name		
[REDACTED]		Brenon			Karl					10/2/89				
[REDACTED]		Lamonica			Jared			L		1/15/07				
<b>Complainant Information (if Member see below)</b>														
Name				Address				City & State				Zip Code		
[REDACTED]				[REDACTED]				[REDACTED]				[REDACTED]		
Home Phone				Work Phone				Cell Phone				[REDACTED]		
<b>Member Information (if complainant)</b>														
Employee ID #		Rank/Name										TZS		
[REDACTED]														
<b>Administrative Notification Information – Dates are required – Times are desirable</b>														
<b>Receiving Member</b>														
Employee ID #		Rank/Name						Date		Time				
[REDACTED]		Sgt/SC Nathaniel Phelps						11/30/20		6:35 PM				
<b>Troop Notification</b>														
Employee ID #		Rank/Name of Member at Troop Notified						Date		Time				
[REDACTED]		Lieutenant Jason M. Cease						11/30/20		6:47 PM				
Employee ID #		Rank/Name of Member Notifying Troop						Date		Time				
[REDACTED]		Sgt/SC Nathaniel E. Phelps						11/30/20		6:47 PM				
<b>Division Notification</b>														
Employee ID #		Rank/Name of Member at Division (or Duty Officer) Notified						Date		Time				
[REDACTED]		Major Michael J. White						12/2/20		10:40 AM				
Employee ID #		Rank/Name of Member Reporting Complaint to Division						Date		Time				
[REDACTED]		Major Todd O. Stratton						12/2/20		10:40 AM				
Employee ID #		Rank/Name of Investigating Member						Date		Time				
[REDACTED]		Captain Samuel P. Spezio						12/3/20		4:00 PM				

Some fields have a built-in Help feature that will work when opened with Word. With the cursor on the field, you may click F1 to invoke Help or check the status bar on the lower left for tips on data entry.



**PROFESSIONAL STANDARDS BUREAU  
PERSONNEL COMPLAINT TRACKING**

DCN: 2020-0406	CTV: C5455	REGION: C	LEVEL: 4	TYPE: Personnel Complaint
Subject(s): T/Sgt Karl Brenon and Trooper Jared L. Lamonica				
Investigated by: Captain Samuel P. Spezio			Troop or Detail: PSB-CRO	
Staff Inspector: Michael J. White			Date: 4/29/21	
SUBJECT HISTORY REVIEWED? <input checked="" type="checkbox"/> AUDIO? <input type="checkbox"/> VIDEO? <input type="checkbox"/> ON PROBATION? <input type="checkbox"/>				

**ALLEGATION** T/Sgt. Karl Brenon and Tpr. Jared L. Lamonica failed to take proper police action upon receipt of an in-progress public lewdness complaint.

**SYNOPSIS:** On November 30, 2020, Technical Sergeant Karl Brenon, SP Oneida, and Trooper Jared L. Lamonica, SP Middletown, were involved in a criminal investigation while assigned to a commercial vehicle checkpoint at the Nichols Rest Area off Route 17 in Tioga County. Investigation into this matter revealed that Mr. [REDACTED] reported an in-progress sex offense to both Members which resulted in their failure to thoroughly investigate the incident and take proper police action. Neither Member documented their investigative steps in Spectrum Justice System nor made timely notification to the Bureau of Criminal Investigations. Both Members exhibited a reluctance to perform their duties. As a result of their initial response, Mr. [REDACTED] left the scene and subsequently contacted a local State Police barracks to further this investigation which eventually concluded with a criminal arrest of the perpetrator. It was determined that the actions taken by Technical Sergeant Brenon and Trooper Lamonica were in direct violation with the following Rules and Regulations of the New York State Police Manual:

Regulation 8A2: It shall be the duty of all Members to study and comply with the Rules, Regulations and Instructions, specifically the New York State Police Spectrum Justice System (SJS) Manual that states:

I. Policy:

1. An SJS Incident will be created to document all calls for service, investigations, motor vehicle accident investigations, warrants and arrests.
2. Members will document the details of the incident investigation, arrest and/or warrant entirely within SJS.
9. At a minimum, all SJS incidents require a narrative entry describing the event and actions taken by Members. This entry must be completed prior to the end of the Member's shift. Descriptive information on persons, vehicles and property are to be entered within the relevant SJS tabs.

V. Specific Roles and Responsibilities:

- CI. Uniform Investigations Turned Over To (TOT) the BCI - The UF Member who initiates the investigation is responsible for the timely notification of the BCI.

Technical Sergeant Brenon and Trooper Lamonica failed to create a SJS Incident, document subjects that were interviewed, the suspect's vehicle, or their investigative steps that were taken. Additionally, the reported sex offense, Public Lewdness, is an offense which ultimately needs to be turned over to the BCI. Neither member made any notification to the BCI.

Regulation 8A4: It shall be the duty of all Members to take proper police action when an offense of the law occurs within their jurisdiction.

The suspect, who eventually became identified by Investigator Allen at a later date, admitted during an interview that he was masturbating at the urinal in order for him to subsequently urinate. The complainant advised both Members that he witnessed this lewd act. Technical Sergeant Brenon's and Trooper Lamonica's investigative efforts should have resulted in securing a supporting deposition from the complainant and arresting the suspect for the crime that was committed.

Regulation 8A8: A Member shall not act in a manner tending to bring discredit upon the Division.

Technical Sergeant Brenon and Trooper Lamonica failed to document their investigative steps in SJS, including information pertaining to the suspect and his vehicle that was utilized that day. Investigator Allen had relatively little information to work with due to this lack of documentation. To exacerbate matters, the same complainant who felt dismissed while initially reporting these circumstances, subsequently utilized the same rest area over two weeks removed from the incident date and recognized the suspect in his vehicle. Mr. [REDACTED] obtained the registration number which led to further investigative efforts by Investigator Allen, up to and including the arrest of the perpetrator.

21578

Regulation 8A9: A Member may be determined to be incompetent and subject to disciplinary action in accord with the Rules of the Division if in the performance of official duties, the Member exhibits a reluctance to perform duties.

Technical Sergeant Brenon interviewed the suspect yet never actually asked him if he exposed himself in any way. Trooper Lamonica advised the complainant that it could be up to an hour for a local patrol to respond and assist. He also advised the complainant that per the restroom attendant, the male subject suffered from a medical condition that made it difficult for him to urinate. That information was never verified by the suspect or Technical Sergeant Brenon after his interview. These two topics that Trooper Lamonica discussed with the complainant appeared to be an attempt to discourage the complainant from continuing the reporting process. Additionally, Trooper Lamonica offered no other options for the complainant to properly report and document this incident.

No prior complaints of similar circumstances noted. I recommend this case be "Closed/Founded", with appropriate administrative action taken.

Finding of Investigation:  Founded  Unfounded  Unsubstantiated  Closed by Investigation

Recommended Level of Adjudication:  Troop Level  Division Level

Adjudicated at Troop  Date: Disposition:

Date Forwarded to Assistant Deputy Superintendent – Professional Standards Bureau 6/11/21 mjjw

Assistant Deputy Superintendent – Professional Standards Bureau Date: 06/11/21

Comments: T/Sgt Brenon (Troop D CVEU) and Tpr Lamonica (Troop F CVEU) were part of a CVEU detail in a rest area in Tioga County (Troop C). The complainant advised them there was a man masturbating in the restroom. Tpr Lamonica checked the restroom and T/Sgt Brenon located the suspect in his car. Their investigation was not thorough, nor properly documented. The complainant later went to a local barracks and reported the incident. T/Sgt Brenon and Tpr Lamonica were unable to offer useful information, including the identity of the suspect interviewed, to the investigating BCI Member who subsequently arrested the suspect (he admitted to the Investigator what he had done).

Finding of Investigation:  Founded  Unfounded  Unsubstantiated  Closed by Investigation

Recommended Level of Adjudication:  Troop Level  Division Level

Date Forwarded to Deputy Superintendent – Professional Standards Bureau: 06/11/21. – RCG.

Deputy Superintendent – Professional Standards Bureau Date: June 14, 2021

Comments: Concur with Lt Col Gregory. This is a founded complaint, however its occurrence was unusual and there are several mitigating factors that would negate the need for Division level discipline, as might be the case in other matters with similar charges.

Division Level Recommended  Troop Level Recommended

Date Forwarded to First Deputy Superintendent: PJR

First Deputy Superintendent Date: 7/6/21

Direction: BRKRON + LAMONICA LOC 3 ALDAYS

Troop Level—Return to Chief Inspector  Division Level -- Forward to Division Counsel

Date Forwarded to Counsel or the Chief Inspector:

Troop Level Rank/Name of Member Notified \_\_\_\_\_

Date Notified: \_\_\_\_\_ Notified by Whom: \_\_\_\_\_





**ANDREW M. CUOMO**  
Governor

**DOMINICK L. CHIUMENTO**  
Deputy Superintendent

July 12, 2021

Technical Sergeant Karl Brenon  
New York State Police  
Troop D  
Oneida, New York

Re: DCN: 2020-0406

**LETTER OF CENSURE**

Dear Technical Sergeant Brenon:

On November 30, 2020, while assigned to a commercial vehicle checkpoint at the Nichols Rest Area in Tioga county, a rest area patron advised you and another member of an in-progress sex offense, which was occurring in the men's restroom. You did not conduct a thorough investigation at the scene, nor did you enter any information received about the allegation into the Spectrum Justice System later. The complainant ultimately left the rest area and contacted a local State Police station to further the investigation, which led to the arrest of the perpetrator.

You failed to take proper police action during this incident and brought discredit upon the Division.

Accordingly, you are hereby formally censured. Additionally, two (2) days of Annual Leave will be deducted from your existing Annual Leave accruals.

For, in the absence of, the First Deputy Superintendent.

Sincerely,

Dominick L. Chiumento  
Deputy Superintendent


**NEW YORK STATE POLICE**

**OFFICE OF THE FIRST DEPUTY SUPERINTENDENT**

**MEMORANDUM**

Date: July 7, 2021

**To:** Technical Sergeant Karl Brenon, Troop D  
New York State Police, Oneida, New York

**From:** Deputy Superintendent Dominick L. Chiumento 

**Subject:** PERSONNEL INVESTIGATION

Pursuant to Rule 3 of the New York State Police, I have reviewed the report of an investigation into your activities on November 30, 2020.

On that date, while assigned to a commercial vehicle checkpoint at the Nichols Rest Area in Tioga county, a rest area patron advised you and another member of an in-progress sex offense, which was occurring in the men's restroom. You did not conduct a thorough investigation at the scene, nor did you enter any information received about the allegation into the Spectrum Justice System later. The complainant ultimately left the rest area and contacted a local State Police station to further the investigation, which led to the arrest of the perpetrator.

You failed to take proper police action during this incident and brought discredit upon the Division.

I find reasonable cause to believe that your conduct violated Regulations of the State Police, including Regulation 8A8.

It is my judgment that you lose three <sup>(2)</sup>~~(2)~~ days of Annual Leave and receive a formal censure.

Rule 3.5 of the New York State Police Members Manual sets forth the procedures you are to follow.

For, and in the absence of, the First Deputy Superintendent.



**FIRST ENDORSEMENT**

**TO:** Major Darrin S. Pitkin, Troop D  
New York State Police, Oneida, New York

**FROM:** Technical Sergeant Karl Brenon, Troop D  
New York State Police, Oneida, New York

**DATE:** July 8, 2021

**SUBJECT: PERSONNEL INVESTIGATION**

Pursuant to Rule 3.5 of the New York State Police, member:

- Accepts the penalty imposed by the First Deputy Superintendent.
- I decline to accept the penalty imposed by the First Deputy Superintendent. I request, pursuant to Rule 3.5(b), that formal charges be prepared and served upon me, that a hearing board be appointed and a hearing conducted. I understand that the penalty imposed by the First Deputy Superintendent will be withdrawn and will not be binding on the hearing board, or the Superintendent, once charges are executed.

**SECOND ENDORSEMENT**

**TO:** Deputy Superintendent Dominick L. Chiumento

**FROM:** Major Darrin S. Pitkin, Troop D  
New York State Police, Oneida, New York

**DATE:** July 8, 2021

**SUBJECT: PERSONNEL INVESTIGATION**

Forwarded for appropriate action.

**FIRST ENDORSEMENT**

**TO:** Major Darrin S. Pitkin, Troop D  
New York State Police, Oneida, New York

**FROM:** Technical Sergeant Karl Brenon, Troop D  
New York State Police, Oneida, New York

**DATE:** \_\_\_\_\_

**SUBJECT: PERSONNEL INVESTIGATION**

Pursuant to Rule 3.5 of the New York State Police, member:

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**SECOND ENDORSEMENT**

**TO:** Deputy Superintendent Dominick L. Chiumento

**FROM:** Major Darrin S. Pitkin, Troop D  
New York State Police, Oneida, New York

**DATE:** \_\_\_\_\_

**SUBJECT: PERSONNEL INVESTIGATION**

Forwarded for appropriate action.





**State  
Police**

**ANDREW M. CUOMO**  
Governor

**DOMINICK L. CHIUMENTO**  
Deputy Superintendent

July 12, 2021

Trooper Jared L. Lamonica  
New York State Police  
Troop F  
Middletown, New York

Re: DCN: 2020-0406

**LETTER OF CENSURE**

Dear Trooper Lamonica:

On November 30, 2020, while assigned to a commercial vehicle checkpoint at the Nichols Rest Area in Tioga county, a rest area patron advised you and another member of an in-progress sex offense, which was occurring in the men's restroom. You did not conduct a thorough investigation at the scene, nor did you enter any information received about the allegation into the Spectrum Justice System later. The complainant ultimately left the rest area and contacted a local State Police station to further the investigation, which led to the arrest of the perpetrator.

You failed to take proper police action during this incident and brought discredit upon the Division.

Accordingly, you are hereby formally censured. Additionally, three (3) days of Annual Leave will be deducted from your existing Annual Leave accruals.

For, in the absence of, the First Deputy Superintendent.

Sincerely,

A handwritten signature in blue ink, appearing to read "DLB".

Dominick L. Chiumento  
Deputy Superintendent

**NEW YORK STATE POLICE**

**OFFICE OF THE FIRST DEPUTY SUPERINTENDENT**

**MEMORANDUM**

Date: July 7, 2021

**To:** Trooper Jared L. Lamonica, Troop F  
New York State Police, Middletown, New York

**From:** Deputy Superintendent Dominick L. Chimento

**Subject:** **PERSONNEL INVESTIGATION**

Pursuant to Rule 3 of the New York State Police, I have reviewed the report of an investigation into your activities on November 30, 2020.

On that date, while assigned to a commercial vehicle checkpoint at the Nichols Rest Area in Tioga county, a rest area patron advised you and another member of an in-progress sex offense, which was occurring in the men's restroom. You did not conduct a thorough investigation at the scene, nor did you enter any information received about the allegation into the Spectrum Justice System later. The complainant ultimately left the rest area and contacted a local State Police station to further the investigation, which led to the arrest of the perpetrator.

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I find reasonable cause to believe that your conduct violated Regulations of the State Police, including Regulation 8A8.

It is my judgment that you lose three (3) days of Annual Leave and receive a formal censure.


Rule 3.5 of the New York State Police Members Manual sets forth the procedures you are to follow.

For, and in the absence of, the First Deputy Superintendent.



**FIRST ENDORSEMENT**

**TO:** Major Paul M. DeQuarto, Troop F  
New York State Police, Middletown, New York

**FROM:** Trooper Jared L. Lamonica, Troop F   
New York State Police, Middletown, New York

**DATE:** 7/8/21


**SUBJECT: PERSONNEL INVESTIGATION**

Pursuant to Rule 3.5 of the New York State Police, member:

- Accepts the penalty imposed by the First Deputy Superintendent.
- I decline to accept the penalty imposed by the First Deputy Superintendent. I request, pursuant to Rule 3.5(b), that formal charges be prepared and served upon me, that a hearing board be appointed and a hearing conducted. I understand that the penalty imposed by the First Deputy Superintendent will be withdrawn and will not be binding on the hearing board, or the Superintendent, once charges are executed.

**SECOND ENDORSEMENT**

**TO:** Deputy Superintendent Dominick L. Chiumento

**FROM:** Major Paul M. DeQuarto, Troop F   
New York State Police, Middletown, New York

**DATE:** July 8, 2021

**SUBJECT: PERSONNEL INVESTIGATION**

Forwarded for appropriate action.

**NEW YORK STATE POLICE**

**OFFICE OF THE FIRST DEPUTY SUPERINTENDENT**

**MEMORANDUM**

**Date:** July 7, 2021

**To:** Trooper Jared L. Lamonica, Troop F  
New York State Police, Middletown, New York

**From:** Deputy Superintendent Dominick L. Chiumento

**Subject:** **PERSONNEL INVESTIGATION**

Pursuant to Rule 3 of the New York State Police, I have reviewed the report of an investigation into your activities on November 30, 2020.

On that date, while assigned to a commercial vehicle checkpoint at the Nichols Rest Area in Tioga county, a rest area patron advised you and another member of an in-progress sex offense, which was occurring in the men's restroom. You did not conduct a thorough investigation at the scene, nor did you enter any information received about the allegation into the Spectrum Justice System later. The complainant ultimately left the rest area and contacted a local State Police station to further the investigation, which led to the arrest of the perpetrator.

You failed to take proper police action during this incident and brought discredit upon the Division.

I find reasonable cause to believe that your conduct violated Regulations of the State Police, including Regulation 8A8.

It is my judgment that you lose three (3) days of Annual Leave and receive a formal censure.

Rule 3.5 of the New York State Police Members Manual sets forth the procedures you are to follow.

For, and in the absence of, the First Deputy Superintendent.

### FIRST ENDORSEMENT

**TO:** Major Paul M. DeQuarto, Troop F  
New York State Police, Middletown, New York

**FROM:** Trooper Jared L. Lamonica, Troop F  
New York State Police, Middletown, New York

**DATE:** \_\_\_\_\_

**SUBJECT: PERSONNEL INVESTIGATION**

Pursuant to Rule 3.5 of the New York State Police, member:

- Accepts the penalty imposed by the First Deputy Superintendent.
- I decline to accept the penalty imposed by the First Deputy Superintendent. I request, pursuant to Rule 3.5(b), that formal charges be prepared and served upon me, that a hearing board be appointed and a hearing conducted. I understand that the penalty imposed by the First Deputy Superintendent will be withdrawn and will not be binding on the hearing board, or the Superintendent, once charges are executed.

### SECOND ENDORSEMENT

**TO:** Deputy Superintendent Dominick L. Chiumento

**FROM:** Major Paul M. DeQuarto, Troop F  
New York State Police, Middletown, New York

**DATE:** \_\_\_\_\_

**SUBJECT: PERSONNEL INVESTIGATION**

Forwarded for appropriate action.

NEW YORK STATE POLICE  
COVER PAGE

TITLE OF CASE Technical Sergeant Karl Brenon EOD: 10/2/89, SP Oneida  Trooper Jared L. Lamonica EOD: 1/15/07, SP Middletown  Complainant: Mr. [REDACTED]	REPORTING TROOP C	MANAGING TROOP H	DATE OF REPORT 4/29/21
	DATE OF OCCURRED 11/30/20	TZS C331	CTV CODE C5455
	INVESTIGATIVE PERIOD 12/3/20 - 4/29/21		TYPED BY sps
	REPORT OF Captain Samuel P. Spezio <i>JS</i>		SHIELD 1286
CHARACTER OF CASE - (CC CODE) COMPLAINT AGAINST PERSONNEL (PCT0100)	STATION PSB - Central	CASE # 2020-0406	
	STATUS OF CASE <input type="checkbox"/> CA <input type="checkbox"/> C/EC <input type="checkbox"/> C/INV <input type="checkbox"/> C/UNF <input type="checkbox"/> C/UNS <input checked="" type="checkbox"/> C/FND <input type="checkbox"/> OPN		

REFERENCES: Report of Personnel Investigation #2020-0406.

ENCLOSURES: To Division Headquarters.

1. Supporting Deposition (Criminal) of Mr. [REDACTED] dated December 2, 2020.
2. Supporting Deposition (Administrative) of Mr. [REDACTED] dated December 2, 2020.
3. SJS Incident Report # [REDACTED] and associated arrest documentation for Mr. [REDACTED]
4. Target Interrogation transcript of Technical Sergeant Karl Brenon, dated February 18, 2021.
5. Target Interrogation transcript of Trooper Jared L. Lamonica, dated February 22, 2021.
6. Compact Disk containing digital audio recordings of statements; Brenon and Lamonica.

DISTRIBUTION: <input checked="" type="checkbox"/> DHQ <input type="checkbox"/> TROOP <input type="checkbox"/> OTHER:	FOR TROOP/DIVISION HEADQUARTERS USE ONLY	
APPROVED:  ZONE _____  TROOP _____  DHQ _____	DESTROY IN 20 _____ INITIALS _____  PERMANENT RETENTION _____  INITIALS _____  RCN _____	



## REPORT

**SYNOPSIS:** On November 30, 2020, Technical Sergeant Karl Brenon, SP Oneida, and Trooper Jared L. Lamonica, SP Middletown, were involved in a criminal investigation while assigned to a commercial vehicle checkpoint at the Nichols Rest Area off Route 17 in Tioga County. Investigation into this matter revealed that Mr. [REDACTED] reported an in-progress sex offense to both Members which resulted in their failure to thoroughly investigate the incident and take proper police action. Neither Member documented their investigative steps in Spectrum Justice System nor made timely notification to the Bureau of Criminal Investigations. Both Members exhibited a reluctance to perform their duties. As a result of their initial response, Mr. [REDACTED] left the scene and subsequently contacted a local State Police barracks to further this investigation which eventually concluded with a criminal arrest of the perpetrator. Each of these allegations are "Founded". I recommend this matter be "Closed/Founded", with appropriate administrative action taken.

### DETAILS:

#### AT PROFESSIONAL STANDARDS BUREAU - CENTRAL, LIVERPOOL, NEW YORK

1. On December 3, 2020, Staff Inspector Michael J. White, Professional Standards Bureau - Central, advised me that he was notified by Major Todd O. Stratton, Troop "C" Commander, regarding a report of a sex offense that was investigated by Technical Sergeant Karl Brenon and Trooper Jared L. Lamonica that occurred on November 30, 2020 while conducting a commercial vehicle checkpoint at the Nichols Rest Area in Tioga County. Complainant, Mr. [REDACTED] alleged Technical Sergeant Brenon and Trooper Lamonica failed to take proper police action upon receipt of an in-progress, public lewdness complaint. Inspector White assigned me to investigate.
2. On December 3, 2020, I reviewed SJS # [REDACTED] in relation to this complaint. The following is a summary of the investigative steps taken by the New York State Police:
  - December 1, 2020: Investigator Jeremiah R. Allen, SP Owego, interviewed Mr. [REDACTED] (DOB: [REDACTED]), who stated that on November 30, 2020, he stopped to use the restroom at the Nichols Rest Area off Route 17 in Tioga County. As he entered the facility, he observed a male subject standing in front of a urinal with his head against the wall. He stated he made the comment, "We've all been there buddy" because it appeared the male was having a bad day. Shortly after, Mr. [REDACTED] observed the male masturbating with his erect penis while looking at his direction. Mr. [REDACTED] verbally confronted the male about his actions not being appropriate in addition to law enforcement being in the rest area. The unknown male placed his penis back into his pants and did not verbally comment. Mr. [REDACTED] stated that he exited the restroom and immediately summoned two New York State Police Commercial Vehicle Enforcement Unit members, later determined to be Technical Sergeant Karl Brenon and Trooper Jared Lamonica, about his concerns. Mr. [REDACTED] stated that the unknown male also exited the facility and was walking toward the parking area. He stated that Sergeant Brenon went over to stop the male in question as he was attempting to exit the rest area in his vehicle. At that same time, Trooper Lamonica approached his location to speak about this incident further. Mr. [REDACTED] stated that Trooper Lamonica never identified himself and never asked him for his basic pedigree information. Mr. [REDACTED] stated that Trooper Lamonica interviewed a rest area attendant and came back to inform that the unknown male subject suffers from a medical condition, "kind of like IBS." Trooper

Lamonica stated that if the complainant pressed charges, that they'd be dropped. He also allegedly alluded to being tied up for an extensive period to wait for a responding Trooper to take his deposition, upwards of two hours. Mr. [REDACTED] stated that he was upset and felt that his complaint was being dismissed by Trooper Lamonica. He returned to his vehicle and contacted the nearest State Police barracks to continue his complaint. He subsequently met with Investigator Thomas J. Khork, SP Bath, and Lieutenant Ryan L. Bentley, SP Bath on 12/2/20 to provide a criminal and administrative depositions.

A copy of these supporting depositions are attached to this report as Enclosures #1 & #2 respectively.

- On December 2, 2020: Investigator Allen interviewed rest stop attendant, Mr. [REDACTED]. Mr. [REDACTED] stated that he felt the complainant, Mr. [REDACTED] appeared to be "looking to cause problems." Mr. [REDACTED] stated that he spoke with a Trooper relative to the unknown male and stated that he stops in the rest area frequently and that he believed he deals with some sort of prostate issue. He has observed the male's head against the wall as he stands in front of a urinal in the past and has offered assistance that has not been sought by the subject. Mr. [REDACTED] stated that he heard the complainant utter, "That's New York's finest" to the Trooper at one point prior to walking away. Mr. [REDACTED] stated that he did not know the identity of the male subject but will provide his license plate information if he observes him at the rest area again.
- On December 15, 2020: Mr. [REDACTED] advised Investigator Allen that he stopped through the Nichols Rest Area on 12/14/20 and observed a vehicle that he believed to be involved in the original incident. He provided the New York State Registration to Investigator Allen for further review.
- On December 22, 2020: Investigator Allen was able to determine the suspect to be Mr. [REDACTED] (DOB: [REDACTED]), subsequent to a follow up interview of the registered owner from the information Mr. [REDACTED] provided. Mr. [REDACTED] responded to SP Owego and verified that he was in fact masturbating to cause his erect penis to subside so he could urinate. Mr. [REDACTED] stated that a male that entered the rest room observed his erect penis, verbally threatened him, and stated he was going to notify the police. Upon attempting to leave the rest area, Mr. [REDACTED] stated that he was stopped by a State Trooper<sup>1</sup> who asked him what happened. Mr. [REDACTED] explained that he was trying to urinate when he looked in the direction of another man who must have thought he was looking at him the wrong way. He subsequently provided his information per the Trooper's request, however, was subsequently allowed to leave within a few minutes.
- On January 17, 2021: Investigator Allen arrested Mr. [REDACTED] for Public Lewdness. He was released on an Appearance Ticket returnable to the Town of Owego Court on January 26, 2021 at 9:00 am.

A copy of the arrest package compiled by Investigator Allen is attached to this report as Enclosure #3.

3. On February 10, 2021, I telephonically contacted Mr. [REDACTED] regarding his concerns. He reiterated that Technical Sergeant Brenon appeared to have responded as he expected given the

<sup>1</sup> Mr. [REDACTED] the Trooper as balding, approximately 6'3", with a stocky build. Mr. [REDACTED] was referencing Technical Sergeant Brenon for the record.

circumstances. Mr. [REDACTED] stated that Trooper Lamonica appeared to be dismissive of his complaint by indicating that he could be there for a couple of hours before a Trooper could respond to take his deposition. Trooper Lamonica allegedly also suggested that there was no point in making a criminal arrest based on the information provided by the rest area attendant, who suggested the unknown male may have a medical issue while urinating. Mr. [REDACTED] reiterated information that he previously provided in supporting depositions related to this incident and did not have anything further to add regarding this matter.

4. On February 18, 2021, Technical Sergeant Karl Brenon appeared at Professional Standards Bureau – Central Regional Office for an administrative statement. He was aware of his Employee Rights and was present with PBA Attorney, Maria Morris, and his PBA union representative, Zone Sergeant John J. Conboy, throughout the entire target interrogation. Technical Sergeant Brenon stated that he was the supervisor for a commercial vehicle checkpoint at the Tioga Rest Area in Nichols during this incident. He explained that a male came out of the restroom yelling and waving his arm, causing Trooper Jared Lamonica and him to respond to that location. The complainant stated that an unknown male subject was masturbating in the restroom facility and was last seen walking toward the parking area. Technical Sergeant Brenon explained that the complainant never actually saw the male's penis, however, just knew he was masturbating from his hand gestures while standing at the urinal. When asked if he was willing to provide a statement, Technical Sergeant Brenon stated that the male was verbally hesitant and later inquired why the State Police can't just arrest him without his involvement.

Technical Sergeant Brenon then observed a vehicle that was backing out of a parking space and responded to the parking area. He immediately stopped the vehicle and asked the operator what happened inside of the restroom<sup>2</sup>. The operator acknowledged being yelled at by the complainant and stated that he was looking at him because he didn't have his facemask on. Technical Sergeant Brenon explained that the operator mentioned he was having trouble urinating due to a medical condition<sup>3</sup>. The operator, when asked, could not offer an explanation as to why the complainant was yelling at him. Technical Sergeant Brenon obtained the operator's driver's license and registration and documented that information. He stated that a restroom attendant was interviewed and indicated that he observes the male subject often. The attendant confirmed that he has observed him standing at a urinal for twenty minutes with his head against the wall and just assumed he had, "a medical problem or mental issues." The attendant had previously inquired if the male subject needed any help which was never accepted by the male. Technical Sergeant Brenon stated that he did not obtain pedigree information for the attendant or the complainant. He stated that the complainant eventually stormed away from Trooper Lamonica, making a comment relative to, "this is bureaucratic bullshit" and eventually left the rest area. Technical Sergeant Brenon explained that he overheard Trooper Lamonica previously mentioning to the complainant that it could be five minutes or an hour for someone to respond, but they will get someone there to help him. After the complainant left, Technical Sergeant Brenon advised the operator that he was all set and assisted him into traffic to exit the rest area.

Technical Sergeant Brenon stated that he never directed Trooper Lamonica to document this complaint in SJS and did not do so himself. He indicated that since they weren't dispatched to

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<sup>2</sup> Technical Sergeant Brenon never asked the operator if he had been masturbating inside the restroom. He couldn't provide reasoning stating specifically, "I don't know why I didn't ask him."

<sup>3</sup> The operator, Mr. [REDACTED] stated that he never advised the Trooper about his erection or about having a medical condition while being interviewed at the rest area parking lot. He stated that he was embarrassed about the situation and didn't want to make the Trooper uncomfortable.



a complaint, a SJS wasn't initiated for him and he didn't bother making an entry. Technical Sergeant Brenon further explained that he has never documented an incident in SJS that he wasn't dispatched to and was not aware it was Division Policy to document all calls for service. He stated that he was later contacted by an Investigator from the State Police who was conducting a criminal investigation into the incident. When asked for the operator's pedigree information, Technical Sergeant Brenon stated that he could not provide it because he, "threw it away by accident that night with the rest of his papers, assuming that it wasn't going anywhere."

A copy of the signed transcription of this statement is attached as **Enclosure #4**.

AT PROFESSIONAL STANDARDS BUREAU - NORTH ALBANY, NEW YORK

5. On February 22, 2021, Trooper Jared Lamonica appeared at Professional Standards Bureau – North Regional Office for an administrative statement. Trooper Lamonica was aware of his Employee Rights and was present with PBA Attorney, Maria Morris, and his PBA union representative, Trooper Stephen K. Johnstone, throughout the entire target interrogation. He stated that he was assigned to a commercial vehicle checkpoint at the Tioga Rest Area in Nichols during the time of this incident. Trooper Lamonica corroborated the account provided by Technical Sergeant Brenon, however added the following:

- Trooper Lamonica, upon receiving the complainant's initial explanation, entered the rest room to ensure the male subject wasn't still in the facility.
- He interviewed a rest room attendant who knew of the male in question and stated that he comes to this rest area frequently. The attendant pointed at a vehicle that was beginning to exit the parking area. Trooper Lamonica stated that Technical Sergeant Brenon stopped that vehicle and appeared to be interviewing the operator. The attendant explained that he has observed the male subject appear to have difficulty inside the restroom previously and when asked if he needed any assistance, the male responded by stating that he has issues going to the bathroom.
- Trooper Lamonica had no reasoning for not obtaining basic pedigree information from the complainant or the restroom attendant.
- He asked the complainant if he wanted to provide a deposition in relation to this incident and the complainant stated that he didn't want to be involved.
- He indicated to the complainant that he could call a local patrol over to the scene to secure a deposition, however, never did so.
- Trooper Lamonica advised the complainant that he wasn't from the area and that it could be between ten minutes to one hour for their response. He stated if the complainant was willing to wait, he'd call a patrol over to assist.
- He denied ever telling the complainant that there was no point in making an arrest based on the information the attendant provided regarding the male subject's medical condition.
- Trooper Lamonica reiterated that the complainant didn't want to be involved, appeared frustrated from the moment the State Police met him, and uttered, "That's New York's finest" as he walked away and eventually left the rest area.
- Trooper Lamonica indicated that Technical Sergeant Brenon released the suspect from the rest area as the complainant started to walk toward his vehicle to eventually depart.
- He stated that he did not document this incident in SJS and was not directed to do so by Technical Sergeant Brenon.
- Trooper Lamonica felt that he was not being dismissive of Mr. [REDACTED] complaint.

- He was not able to provide Investigator Allen with any information relative to the people he interviewed during this incident.
- Looking back on his involvement, Trooper Lamonica felt that he did not investigate this sex offense thoroughly and appropriately.

A copy of the signed transcription of this statement is attached as **Enclosure #5**.

AT PROFESSIONAL STANDARDS BUREAU - CENTRAL, LIVERPOOL, NEW YORK

6. A copy of the digital audio recordings of statements relative to this investigation are attached as **Enclosure #6**.

**CONCLUSION:** On November 30, 2020, Technical Sergeant Karl Brenon, SP Oneida, and Trooper Jared L. Lamonica, SP Middletown, were involved in a criminal investigation while assigned to a commercial vehicle checkpoint at the Nichols Rest Area off Route 17 in Tioga County. Investigation into this matter revealed that Mr. [REDACTED] reported an in-progress sex offense to both Members which resulted in their failure to thoroughly investigate the incident and take proper police action. Neither Member documented their investigative steps in Spectrum Justice System nor made timely notification to the Bureau of Criminal Investigations. Both Members exhibited a reluctance to perform their duties. As a result of their initial response, Mr. [REDACTED] left the scene and subsequently contacted a local State Police barracks to further this investigation which eventually concluded with a criminal arrest of the perpetrator. It was determined that the actions taken by Technical Sergeant Brenon and Trooper Lamonica were in direct violation with the following Rules and Regulations of the New York State Police Manual:

Regulation 8A2: *It shall be the duty of all Members to study and comply with the Rules, Regulations and Instructions, specifically the New York State Police Spectrum Justice System (SJS) Manual that states:*

I. Policy:

*1. An SJS Incident will be created to document all calls for service, investigations, motor vehicle accident investigations, warrants and arrests.*

*2. Members will document the details of the incident investigation, arrest and/or warrant entirely within SJS.*

*9. At a minimum, all SJS incidents require a narrative entry describing the event and actions taken by Members. This entry must be completed prior to the end of the Member's shift. Descriptive information on persons, vehicles and property are to be entered within the relevant SJS tabs.*

V. Specific Roles and Responsibilities:

*C1. Uniform Investigations Turned Over To (TOT) the BCI - The UF Member who initiates the investigation is responsible for the timely notification of the BCI.*

Technical Sergeant Brenon and Trooper Lamonica failed to create a SJS Incident, document subjects that were interviewed, the suspect's vehicle, or their investigative steps that were taken. Additionally, the reported sex offense, Public Lewdness, is an offense which ultimately needs to be turned over to the BCI. Neither member made any notification to the BCI.

Regulation 8A4: *It shall be the duty of all Members to take proper police action when an offense of the law occurs within their jurisdiction.*

The suspect, who eventually became identified by Investigator Allen at a later date, admitted during an interview that he was masturbating at the urinal in order for him to subsequently urinate. The complainant advised both Members that he witnessed this lewd act. Technical Sergeant Brenon's and Trooper Lamonica's investigative efforts should have resulted in securing a supporting deposition from the complainant and arresting the suspect for the crime that was committed.

Regulation 8A8: A Member shall not:

(2) Act in a manner tending to bring discredit upon the Division.

Technical Sergeant Brenon and Trooper Lamonica failed to document their investigative steps in SJS, including information pertaining to the suspect and his vehicle that was utilized that day. Investigator Allen had relatively little information to work with due to this lack of documentation. To exacerbate matters, the same complainant who felt dismissed while initially reporting these circumstances, subsequently utilized the same rest area over two weeks removed from the incident date and recognized the suspect in his vehicle. Mr. [REDACTED] obtained the registration number which led to further investigative efforts by Investigator Allen, up to and including the arrest of the perpetrator.

Regulation 8A9: A Member may be determined to be incompetent and subject to disciplinary action in accord with the Rules of the Division if in the performance of official duties, the Member exhibits a reluctance to perform duties.

Technical Sergeant Brenon interviewed the suspect yet never actually asked him if he exposed himself in any way. Trooper Lamonica advised the complainant that it could be up to an hour for a local patrol to respond and assist. He also advised the complainant that per the restroom attendant, the male subject suffered from a medical condition that made it difficult for him to urinate. That information was never verified by the suspect or Technical Sergeant Brenon after his interview. These two topics that Trooper Lamonica discussed with the complainant appeared to be an attempt to discourage the complainant from continuing the reporting process. Additionally, Trooper Lamonica offered no other options for the complainant to properly report and document this incident.

I recommend this case be "Closed/Founded", with appropriate administrative action taken.



NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK  
-- vs. --

ENCLOSURE # 1

Defendant(s)

<p align="center"><u>INCIDENT LOCATION:</u></p> <p>STATE OF NEW YORK LOCAL CRIMINAL COURT</p> <p>COUNTY OF <u>TIOGA</u></p> <p><u>TOWN</u> of <u>OWEGO</u></p>	<p align="center"><u>LOCATION OF DEPOSITION:</u></p> <p>STATE OF NEW YORK</p> <p>COUNTY OF <u>STEUBEN</u></p> <p><u>VILLAGE</u> of <u>NORTH HORNELL</u></p>
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On <u>12/02/2020</u> at <u>06:27 PM</u> I, <u>[REDACTED]</u>	Date of Birth <u>[REDACTED]</u>	No. and Street <u>[REDACTED]</u>	CITY <u>[REDACTED]</u>	State <u>[REDACTED]</u>
--	---------------------------------	----------------------------------	------------------------	-------------------------

State The Following:

I am speaking to Inv. Thomas Khork at State Police N. Hornell about an incident that occurred at the Rest Area between Owego and Tioga Downs Casino off Interstate 86 west bound in town of Owego. On 11/30/20 at about 6:25pm, I was returning home to Hornell from Norwich, NY. I stopped at the Rest Area to use the rest room. As I walked into the rest room, I saw a gentlemen with his head against the wall behind the urinal. He was wearing a blue hoodie, tan khakis, and a blue face mask. He was about 6 foot 3 inches tall with a skinny build. I tried to be polite and said "we've all been there before." I said this because he looked exhausted to me. He was using the first urinal as you walk in, I went to use the last urinal which is the furthest from the entrance. While using the urinal, I was looking down and I got a weird feeling. I looked over and saw this gentlemen looking at me and I noticed he had an erect penis in his hand. The gentleman was playing with his penis while he was staring at me. He was clearly masturbating. I asked him "what the fuck he was doing." I told him that "don't you know there are like 10 cops outside." He quickly put his penis away after I confronted him. I told him I would handle it and I went outside. As I walked outside, I hollered across the parking lot to the State Troopers, who met me about half way. I informed the State Trooper of what happened and what I had observed. I pointed out the gentleman to the Trooper as he came out of the rest room. After pointing him out, the police went over and interviewed him. After they interviewed him, the Police informed me that the gentleman had a medical condition. I would like to pursue criminal charges against the gentleman for any violations to New York State law. However, if this gentleman has a medical condition related to using the urinal in that manner I do not want to pursue anything further.

**Notice**  
(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury  
this 02 day of DECEMBER, 2020

[REDACTED]  
(SIGNATURE OF DEPOONENT)

- OR -

\* Subscribed and Sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_

(WITNESS)

Inv. Thomas Khork  
(NAME OF PERSON TAKING DEPOSITION)

Time Ended  
12/02/2020 06:57 PM

\* This form need be sworn to only when specifically required by the court

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK  
-- vs.

ENCLOSURE # 2

UNK

Defendant(s)

<p><u>INCIDENT LOCATION:</u></p> <p>STATE OF NEW YORK LOCAL CRIMINAL COURT</p> <p>COUNTY OF <u>TIOGA</u></p> <p>TOWN of <u>OWEGO</u></p>	<p><u>LOCATION OF DEPOSITION:</u></p> <p>STATE OF NEW YORK</p> <p>COUNTY OF <u>STEBEN</u></p> <p>TOWN of <u>HORNELLSVILLE</u></p>
--	---

On <u>12/02/2020</u> at <u>07:04 PM</u>	Full Name: <u>[REDACTED] E [REDACTED]</u>
Date of Birth: <u>[REDACTED]</u>	No. and Street: <u>[REDACTED]</u>
C/TV: <u>[REDACTED]</u>	State: <u>[REDACTED]</u>

State The Following:

I am at SP North Hornell giving this Supporting Deposition to Lieutenant R. Bentley of the NYSP on my own free will. I understand that I'm here this evening to discuss an incident that occurred on November 30, 2020 at approximately 6:25 PM at a Rest Area, I-86 WB, in the vicinity of the Tioga Downs Casino. I live in the Hornell area and was in the area of the casino because I had dropped my daughter (Lilyana [REDACTED] (6/15/18)) off earlier to her mother in Norwich, NY. Earlier this evening (12/2/20), I spoke with Investigator T. Khork, of the NYSP, regarding this same incident. I also provided a Deposition to him.

After the incident in the rest area bathroom and upon exiting the bathroom, I observed two State Troopers about 200 feet from the bathroom. The Officers were standing near where they had their vehicle inspection set up. I yelled to them and in unison, they both walked over towards me. I would describe the Officers as one being older and heavy set, while the other was younger and likely in his thirties. Both were wearing a standard police uniform and a mask. I can't tell you exactly what these Officers were driving, but I observed a van, an SUV and two State Police Chargers in the parking lot. As both Officers approached me, I explained to both Officers what had just happened in the bathroom and pointed out the gentlemen that I observed while in the bathroom, who at that time, had just got in his vehicle and was attempting to leave the rest area. I wouldn't say he was "speeding off", but he was trying to get the hell out of there.

*4/20/21 [Signature]*

**Notice**

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 02 day of DECEMBER, 2020

[REDACTED SIGNATURE]

(SIGNATURE OF DEPONENT)

- OR -

\* Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_

(WITNESS)

[Signature]

(NAME OF PERSON TAKING DEPOSITION)

Time Ended 12/02/2020 07:57 PM

§ 10 P

\* This form need be sworn to only when specifically required by the court

NEW YORK STATE POLICE

State The Following:

This gentlemen was driving a silver SUV, possibly a Toyota, but I couldn't make out the make/model, nor was I able to obtain an accurate license plate from his vehicle.

The older of the two Troopers, I believe to have been a supervisor, immediately attempted to flag the driver of the vehicle over by using his flashlight. The vehicle operator complied with the Sergeant and pulled over. He was still in the Rest Area. The Sergeant interviewed the operator and did so approximately 50 yards away from us (myself and the younger Trooper). Because of the distance, I couldn't hear what the Sergeant was saying to the vehicle operator. As this was transpiring, the younger Trooper interviewed me in the vicinity of the bathroom and away from my vehicle, which is a gray, 2006 [redacted] [redacted]. This young Trooper never identified himself to me. He was not wearing a coat. It was dark outside and I couldn't see his nametag and I'll be honest, I was irritated at that point. I've been interviewed in the past by police. The investigator earlier tonight asked me my name, date of birth, address, phone number, and you did the same as soon as you met me. This Trooper on that night, never asked me any of those questions. As I was trying to explain the incident to him, he was dismissive. I asked the Trooper if I could step away and turn my vehicle off that was running. I also thought I may need my driver's license, so I grabbed my wallet. My vehicle was parked about 75 feet away from where I was being interviewed by the Trooper. I would estimate that I was away from the Trooper for about three minutes. When I got back to the Trooper, he had indicated to me that he had already interviewed the Rest Area attendant and determined the gentleman I had interacted with in the bathroom suffers from a medical condition. The Trooper explained to me that the "medical condition" was "kind of like IBS." The Officer then told me that it was likely that if I wanted to press charges, the charges would be dropped. The Officer also told me that if I wanted to pursue criminal action, that it would take upwards of two hours to get a plain-clothed Officer to respond, secure a deposition and that I would be tied up for an extensive amount of time before I could go home. I don't remember what exactly I said to him, but we exchanged some words. I may have been a little disrespectful, but I was given the impression that he was blowing me off. I was pissed. It was as if he was too busy to entertain my complaint and seemingly just wanted to be left alone. I was fed up with him and walked back to my car to leave the area and drive home. When I walked away from the Trooper, he had immediately turned around too and walked back towards where the other State Police vehicles were parked.

I unlocked my car, sat in it and Googled the phone number to the nearest barracks. I Googled "Broome County State Police" and the phone number of (607) 754-3854 resolved. After I retrieved the number, I began driving with my BlueTooth and called the number. I spoke with whatever Officer answered the phone and again, explained what had just happened. At that time, I had already left the Rest Area. I take no issues with the Officer that I spoke with on the phone. I take no issue with the Sergeant that interacted with the gentleman from the bathroom. My issue is solely with the younger Trooper that interacted directly with me. Specifically for the inaction he took relative to my complaint at that time. I feel like more could have been done and should have been done to address the incident at that time. *Nothing follows*



Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor [redacted]

Affirmed under penalty of perjury

this 02<sup>ND</sup> day of DECEMBER, 2020

[Redacted signature]

(SIGNATURE OF DEPONENT)

- OR -

\* Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_

*[Handwritten signature]*  
(NAME OF PERSON TAKING DEPOSITION)

(WITNESS)

Time Ended  
12/02/2020 07:57 PM

*8169*

\* This form need be sworn to only when specifically required by the court

*B*



COUNTY Tioga  
Town OF Owego

DATED: 12/23/20

I, [REDACTED], AGE [REDACTED], BORN ON [REDACTED]  
AND RESIDING AT [REDACTED]

HAVE BEEN ADVISED BY Inv. J. R. Allen  
OF THE NYS P Owego, OF THE FOLLOWING:

I HAVE THE RIGHT TO REMAIN SILENT, AND I DO NOT HAVE TO MAKE ANY STATEMENT IF I DON'T WANT TO.

IF I GIVE UP THAT RIGHT, ANYTHING I DO SAY CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW.

I HAVE THE RIGHT TO HAVE A LAWYER PRESENT BEFORE MAKING ANY STATEMENT OR AT ANY TIME DURING THIS STATEMENT.

IF I SHOULD DECIDE I DO WANT A LAWYER, AND I CANNOT AFFORD TO HIRE ONE, A LAWYER WILL BE APPOINTED FOR ME FREE OF CHARGE AND I MAY HAVE THAT LAWYER PRESENT BEFORE MAKING ANY STATEMENT.

12/23/20

I ALSO UNDERSTAND THAT I HAVE THE RIGHT TO STOP AT ANY TIME DURING THIS STATEMENT AND REMAIN SILENT AND HAVE A LAWYER PRESENT.

5:44pm

I FULLY UNDERSTAND THESE RIGHTS, AND AT THIS TIME I AGREE TO GIVE UP MY RIGHTS AND MAKE THE FOLLOWING STATEMENT: [REDACTED]

Inv. J. R. Allen  
WITNESS

SIGNATURE

I am giving this statement of my own free will. On Monday at the end of November 2020 I went to Nichols, NY to assist a friend with medication and home care needs. I assist this friend twice a week. On this date at around 6:30pm I stopped at the Owego rest area on State Route 17 west bound in Owego to go to the bathroom. I was at my friends house about 15 minutes. I had to urinate about 4 hours before stopping at the rest area. I didnt realize I had to urinate at my friends house, but when I got in the cold car and started driving I had to go really bad and decided to stop to use the bathroom.

[REDACTED] 6:34pm - End

## STATEMENT CONTINUATION SHEET

PAGE 2 OF 3 PAGES

DATE: 12/23/20

NAME: 

I recall having an erection that day about five minutes before I got to the rest area. I remembered thinking of having sex with another guy and that is what caused me to have an erect penis. I entered the rest area mens room and was the only person in the rest area. I tried to go pee at the urinal closest to the door, but was unable to pee because of my erect penis. I began to try to get my erect penis to go down so I could go pee. I was holding my erect penis and began masturbating and holding my penis down while thinking of having sex with other men. I was masturbating because I thought if I finished and ejaculated that my erection would go down so I could urinate.

While I was masturbating, and about three minutes after I entered the restroom another man who I do not know walked in to urinate. The man went to the urinal furthest away from me for social distancing. The man asked how I was, and I said "fine". I stopped masturbating when the man entered, but still had an erection. I began pointing my penis down into the urinal and I was trying to force myself to urinate because I had to go really bad. I looked up into the corner of the restroom in an attempt to get my mind off the erection so I could go pee. I was looking in the direction of this man, but I was not looking at him. I was not thinking of this man in any manner. I was not sexually attracted to this man at all. I was old enough to be his father. I was simply trying to get my erection down so I could do my business and leave.

I saw the man look in my direction and he said "You're a sick mother fucker and I'm gonna kill you!" He then said "I'll jus

## STATEMENT CONTINUATION SHEET

PAGE 3 OF 3 PAGES

DATE: 12/3/20

NAME: [REDACTED]

get one of the cops outside". I said nothing to this man. I was unable to urinate due to my erection and so I put myself away and went to the sink to wash my hands at the sink. As I was going to wash my hands the man walked out the door. I walked out of the mens room after washing my hands. I walked to my 2010 Ford Escape gold colored vehicle and began to leave. As I pulled out, a State Trooper stepped out in front of me and flagged my vehicle over. The Trooper asked me for my license and vehicle registration. I provided both the license and registration to the Trooper. He then asked me what happened. I told the Trooper I was trying to go pee and I looked in the direction of a man who must have thought I was looking at him the wrong way. The Trooper I was speaking with was balding and about 6'3" with a stocky build. This officer was nice and very professional. After a few minutes of waiting the same Trooper gave me back my license and registration and told me I was free to leave. I did not advise this Trooper about my erection or about having a medical condition. I did not want to make the Trooper uncomfortable and I was embarrassed by the situation. I only spoke to one Trooper that day and am not aware of where the man from the bathroom or another Trooper was. I also recall telling the Trooper the man in the restroom was not wearing a face mask in the mens room. I then left the rest area in my vehicle and proceeded home. I was not looking at this man sexually in anyway. I was only trying to urinate but was unable to because of having an erection. - End of statement

[REDACTED] 10A 6:34pm - End



NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK  
- vs. -

Defendant(s)

<u>INCIDENT LOCATION:</u>	<u>LOCATION OF DEPOSITION:</u>
STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT	STATE OF NEW YORK
COUNTY OF <u>TIOGA</u>	COUNTY OF <u>STEBEN</u>
<u>TOWN</u> of <u>OWEGO</u>	<u>VILLAGE</u> of <u>NORTH HORNELL</u>

On <u>12/02/2020</u> at <u>06:27 PM</u> I, <u>[REDACTED]</u>	Date of Birth <u>12/20/1990</u>	No. and Street <u>105 STEUBEN ST,</u>	CITY <u>HORNELL</u>	State <u>NY</u>
--	------------------------------------	--	------------------------	--------------------

State The Following:

I am speaking to Inv. Thomas Khork at State Police N. Hornell about an incident that occurred at the Rest Area between Owego and Tioga Downs Casino off Interstate 86 west bound in town of Owego. On 11/30/20 at about 6:25pm, I was returning home to Hornell from Norwich, NY. I stopped at the Rest Area to use the rest room. As I walked into the rest room, I saw a gentlemen with his head against the wall behind the urinal. He was wearing a blue hoodie, tan khakis, and a blue face mask. He was about 6 foot 3 inches tall with a skinny build. I tried to be polite and said "we've all been there before." I said this because he looked exhausted to me. He was using the first urinal as you walk in, I went to use the last urinal which is the furthest from the entrance. While using the urinal, I was looking down and I got a weird feeling. I looked over and saw this gentlemen looking at me and I noticed he had an erect penis in his hand. The gentleman was playing with his penis while he was staring at me. He was clearly masturbating. I asked him "what the fuck he was doing." I told him that "don't you know there are like 10 cops outside." He quickly put his penis away after I confronted him. I told him I would handle it and I went outside. As I walked outside, I hollered across the parking lot to the State Troopers, who met me about half way. I informed the State Trooper of what happened and what I had observed. I pointed out the gentleman to the Trooper as he came out of the rest room. After pointing him out, the police went over and interviewed him. After they interviewed him, the Police informed me that the gentleman had a medical condition. I would like to pursue criminal charges against the gentleman for any violations to New York State law. However, if this gentleman has a medical condition related to using the urinal in that manner I do not want to pursue anything further.

Notice

(Penal Law §210.45)

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Affirmed under penalty of perjury

this 02 day of DECEMBER, 2020

[REDACTED SIGNATURE]

(SIGNATURE OF DEPOSITOR)

- OR -

\* Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_

(WITNESS)

Inv. Thomas Khork  
(NAME OF PERSON TAKING DEPOSITION)

Time Ended  
12/02/2020 08:57 PM

\* This form need be sworn to only when specifically required by the court

7



MEMBER TARGET - NON-CUSTODIAL INTERROGATION

STATE OF NEW YORK  
COUNTY OF ONONDAGA  
TOWN OF SALINA

February 18, 2021

This statement is taken from Tech Sergeant KARL BRENON at Professional Standards Bureau Central Regional Office on February 18, 2021, by Captain SAMUEL SPEZIO, commencing at 1:01PM.

The letter "Q" will denote questions asked by Captain SPEZIO

The letter "W" will denote questions asked by Staff Inspector WHITE.

The letter "A" will denote answers provided by Technical Sergeant BRENON

Q. The purpose of this interrogation is to inquire into your activities as a Member of the New York State Police. Specifically, on November 30, 2020, you became involved in a police investigation while at the Tioga County Rest Area, State Route-17, in the town of Owego. It has been alleged that you failed to properly investigate and document a sex offense that was reported to you on that date.

This interrogation is being conducted pursuant to the Article 16 of the current PBA Collective Bargaining Agreement and the Regulations of the New York State Police, including 8A3 and 8A15.

You have the right to contact and consult with a union representative or attorney before being interrogated, and to have a union representative or attorney of your choosing present during the interrogation. Do you understand this?

A. Yes.

Q. You are not under arrest. However, Article 16 and the applicable Regulations require you to cooperate and answer truthfully questions relating to the allegations. A refusal by you to cooperate or to answer questions, or a failure to answer any questions truthfully, may result in disciplinary action against you, up to and including the termination of your employment. Do you understand this?

A. Yes.

Q. You are entitled to all the rights guaranteed by the State and Federal constitutions. As this is an involuntary statement, your responses during this interrogation are automatically cloaked with criminal immunity. Accordingly, neither your statements nor any information or evidence that is gained as a result of, or in reliance upon, this interrogation can be used by a police or prosecutorial entity against you in support of any criminal proceeding. Do you understand this?

A. Yes.

Q. Are you being represented at this time and if so, by whom?

1 A. I am, PBA Representative Zone Sergeant JOHN CONBOY and MARIA MORRIS, a PBA Attorney.

2  
3 Q. You were advised on February 12, 2021 of the matter being investigated and that it would be  
4 necessary for you to give a statement concerning this matter, is that correct?

5  
6 A. Correct.

7  
8 Q. I am Captain SAMUEL SPEZIO and as a supervising officer and representative of the  
9 Superintendent I am authorized to conduct this interrogation. This interrogation is being recorded  
0 mechanically at PSB Central Regional Office. A full transcript will be prepared, and you will be  
1 provided with a copy of the digital recording or will be afforded an opportunity to cause a duplicate of  
2 this recording to be made for your future use. You will be given the opportunity to view the written  
3 transcript from this recording upon completion to ensure its accuracy and will also be provided with a  
4 full copy of this transcript, subsequent to your signature. Do you understand this?

5  
6 A. Yes.

7  
8 Q. Also present in the room is Staff Inspector MICHAEL WHITE. Do you understand this?

9  
0 A. Yes.

1  
2 Q. The record will note that you are present in response to a direct order. Tech Sergeant BRENON, you  
3 will now be asked questions related to the performance of your official duties and you are required to  
4 answer these questions. If you decline or refuse to answer any questions, you will be ordered by me  
5 to answer. If you then continue in your refusal to answer, disciplinary action will be initiated charging  
6 you with disobeying a lawful order. This disciplinary action could result in the termination of your  
7 employment with the Division of State Police. You will be permitted during this statement to take  
8 breaks when reasonable and appropriate. Having been advised of the above, are you now ready to  
9 proceed with this interrogation?

0  
1 A. Yes.

2  
3 Q. Please state your full name and rank.

4  
5 A. KARL BRENON, Tech Sergeant.

6  
7 Q. What is your date of entry with the Division of State Police?

8  
9 A. 8/10/65, not 8/10/65, no it's 10/2/89.

0  
1 Q. What is the location of your current assignment?

2  
3 A. Commercial Vehicle Enforcement Unit, SP Oneida.

4  
5 Q. What was your duty status on Monday, November 30, 2020?

6  
7 A. On-duty.

1  
2 Q. What tour of duty?  
3  
4 A. It's a 6:00 - 6:00, but we work 5:30PM to 6:30AM.  
5  
6 Q. Were you assigned to a CVEU checkpoint or detail that day?  
7  
8 A. I was.  
9  
0 Q. What was the location of that detail?  
1  
2 A. State 70, we call 186 and the Tioga rest area, Nichols.  
3  
4 Q. What time did you arrive to the checkpoint, approximately?  
5  
6 A. 5:45PM.  
7  
8 Q. What other State Police members were present for the detail that day?  
9  
0 A. I know Trooper JARED LAMONICA was there, I, I know there was a "C" Trooper, I don't know his  
1 name, and I believe there was another Trooper again, I'm, I'm not sure who was there.  
2  
3 Q. Both from "C" Troop?  
4  
5 A. I believe, no only one "C" Trooper, the other two were from different troops.  
6  
7 W. Were you the supervisor in charge?  
8  
9 A. Yes.  
0  
1 Q. Did there become a time when you were approached or flagged down by a male exiting the rest  
2 room facilities?  
3  
4 A. Yes.  
5  
6 Q. Please explain this encounter in detail.  
7  
8 A. We were setting up the rest area to begin the work, setting up the tower, the light tower that flip the  
9 lights on to get the trucks coming in. A man came out of the restroom yelling and waving his arm,  
0 both Trooper LAMONICA and I headed over onto the sidewalk to talk with him. He said that a man  
1 was masturbating in the rest area, inside the building itself. I asked him where the man had gone, he  
2 stated he went out to one of the cars parked in front of the building, there were (inaudible) cars  
3 parked out there. I asked him which one and he couldn't tell me. I asked him questions about what  
4 happened inside the building and when I saw a vehicle start to back out of the parking area, I moved  
5 over to stop that vehicle to see if that was the suspect. (inaudible), continue, okay?  
6  
7 Q. Please..

- 1  
2 A. First words out of my mouth to the, the driver was, "So how are you doing, what's happening tonight,"  
3 to which he responded, "The guy yelled at me inside." So I knew or suspected that that was the one  
4 that was inside the building. I asked him where he was going, he stated he was going home. I said,  
5 "Listen, until we get this straightened out, cuz there's, there's been some complaints, I want you to  
6 pull your car over," it's not really a parking spot, it's where the trucks drive through, but it was right  
7 next to where the, the complainant was with the Trooper, within 15 feet, parked near the sidewalk.  
8 So I had him go there, I asked him a few questions. Asked for his license and registration so I could  
9 copy that information down and listen to the Trooper talking with the complainant as I was talking  
0 with the suspect.
- 1  
2 Q. Okay, so you're within proximity to actually hear Trooper LAMONICA speak with the complainant?  
3
- 4 A. Yes. I, I skipped over the fact that I asked the complainant whether or not he was willing to give a  
5 statement to which he said, "Do I have to," and I had explained why the fact that any action that was  
6 gonna be taken from this point forward was gonna be based on what he said because nobody else  
7 saw anything.  
8
- 9 Q. What was his response to that?  
0
- 1 A. As I said, "Do I have to," and I, I responded several other times with the same thing, "Are you willing  
2 to give a statement," and he had three answers that I remember. One was, "Do I have to," second  
3 one is, "I don't want to get involved," and the third was, "Why can't you just arrest him?" This was all  
4 rapid fire, quickly explaining why before I, I left for the car backing up.  
5
- 6 Q. Did you ever enter the men's restroom after being notified of this incident or at any time?  
7
- 8 A. I did not, no.  
9
- 0 Q. Were you aware that Trooper LAMONICA went into the men's restroom?  
1
- 2 A. No.  
3
- 4 Q. So you stated you were successful in flagging down a vehicle that was, appeared to be exiting the  
5 rest stop, is that correct?  
6
- 7 A. Correct.  
8
- 9 Q. Did you ever ask him anything in regards to masturbation or anything in, in that manner?  
0
- 1 A. Specifically about masturbation, no, I just asked him what had happened inside. He stated that he  
2 had gone in there to use the restroom to urinate, which he does at least ever other day, he told as he  
3 comes home from work. He was leaning up against the urinal, because he has trouble urinating. I  
4 asked him what he meant by that, he said, "I have a medical condition," and I didn't get any further  
5 because of HIPPA, I don't want to get involved in, in that kind of stuff so, had a medical condition. I  
6 said, "Were you looking over at anybody, and he said, "Yes, I was looking over at the guy that yelled  
7 at me because he didn't have a mask on. I had my mask on, he didn't have his, I was gonna say



1 something, but I didn't want to cause problems so I didn't say anything." I said, "Why was he yelling  
2 at you," "I don't know."

3  
4 Q. At any time did the suspect advise you that he was having difficulty urinating because he had an  
5 erection?

6  
7 A. No.

8  
9 Q. You stated after you pulled the vehicle over within proximity of Trooper LAMONICA and the  
0 complainant, you obtained his driver's license and registration?

1  
2 A. Correct.

3  
4 Q. Did you obtain his phone number?

5  
6 A. I did not.

7  
8 Q. Did you document anywhere his driver's license number and registration number?

9  
0 A. I wrote his information down on the scrap paper I use for, for normally for doing truck inspections.

1  
2 Q. Expound on Mr. [REDACTED] [REDACTED] was the male in question. Is that correct,  
3 [REDACTED] does that ring a bell?

4  
5 A. No.

6  
7 Q. Mr. [REDACTED] due to the investigation that revealed subsequently, was the male in  
8 question you interviewed. Expound on what he meant by he looked in his direction while he was  
9 urinating, what did he, what did he mean by that?

0  
1 MORRIS: He can't answer what somebody meant, he can only report to you what was told to him.

2  
3 Q. Right, so explain what he stated in reference to looking at the man. What did he say he was doing  
4 while he was looking at the man?

5  
6 A. He told me that he was standing at the urinal, that the guy that yelled at him, complainant, was two or  
7 three stalls down, not stalls but urinals down, he looked over because the guy was wearing a mask,  
8 or not wearing a mask and he was gonna say something to him. That was it.

9  
0 W. Sarge, the complainant when you approached him initially you said he in essence told you there was  
1 a guy masturbating in the bathroom?

2  
3 A. Correct.

4  
5 W. What did he tell you specifically?  
6  
7

- 1 A. I, I asked him if he saw his penis, meaning cuz I kinda wanted to know whether he was standing in  
2 the middle of the, well the bathroom and, and with kids in there, whatever, he said, "At the time no," I  
3 said, "How did you know he was, he was masturbating," he said, "Because he was standing in the  
4 urinal and I could see his hand move, so I just knew." So he never said he saw the guy actually  
5 masturbating, he just assumed is what I got the gist of.  
6
- 7 Q. So he never told you he saw the male's penis?  
8
- 9 A. No, no.  
0
- 1 W. Did he provide any other description of the guy's actions?  
2
- 3 A. Just said he was looking at him. But no, he didn't, but I, I didn't talk to him all that long, just enough  
4 until that, that car backed out and then I moved away. But I didn't hear, I heard JARED ask him  
5 questions, I didn't hear him say anything different (inaudible).  
6
- 7 W. What, what was your response to or Trooper...  
8
- 9 A. LAMONICA?  
0
- 1 W. LAMONICA'S response to the complainant asking, "Why can't you just arrest him?"  
2
- 3 A. Trooper LAMONICA told the driver at the time when he asked that question that we were there to  
4 inspect trucks, we were from a different troop, and we would call the road patrol because it's their  
5 area. The complainant said, "I have a CDL," meaning Commercial Driver's License, "And you guys  
6 are here just to screw with truck drivers." So JARED rather than yelling at the guy, getting angry,  
7 calmly said, "No Sir, we're here to make sure the trucks are safe," and again explained that we're  
8 gonna call the road patrol and we'll be happy to help you and help them take your statement,  
9 etcetera, do what has to be done, but we don't do that because we're here for trucks only and we will  
0 get you help.  
1
- 2 W. And what was his response to, you told him he would have to give a statement, what was his  
3 response to that besides, "Do I have to," did he finally acquiesce and say...  
4
- 5 A. No, no, as I said the, the, the three responses I got over the time that I remember it, telling him that  
6 he has to give a statement was, "Do I have to. I don't want to get involved," and, "Why don't you just  
7 arrest him," as in he expected us, based on his word to grab the guy and throw him in jail.  
8
- 9 Q. So then at that, that was the time you saw a vehicle backing up and decided to go and take that  
0 action, correct?  
1
- 2 A. Yes.  
3
- 4 Q. So you don't know what transpired with Trooper LAMONICA and him afterwards until you brought  
5 that vehicle over and...  
6
- 7 A. Correct.  
7

- 1  
2 Q. Was in close proximity?  
3  
4 A. Correct.  
5  
6 Q. Did you interview anyone besides Mr. [REDACTED] who was the individual that was attempting to  
7 leave?  
8  
9 A. The complainant, the defendant and the, we call him the station cleaner or maintenance man, we  
0 talked with him. I don't know his name.  
1  
2 Q. So the restroom attendant?  
3  
4 A. Yes.  
5  
6 Q. What did the restroom attendant have to say about the male in question?  
7  
8 A. That the suspect came in quite a bit, like every other day, saw him in there all the time. Had seen  
9 him in the past standing in urinal for 20 minutes with his head against the wall and made the  
0 assumption that the guy had medical problems or mental issues and he had asked the guy in the  
1 past, "Do you need help or can I do anything for ya," and got a negative reply from the man. But he  
2 didn't believe that that guy was doing any wrong and he actually made a statement somewhere along  
3 lines that the guy that was complaining was just aggravated and trying to make trouble.  
4  
5 Q. Did the attendant confirm in anyway that he knew Mr. [REDACTED] personally or just...  
6  
7 A. No.  
8  
9 Q. Just from seeing him coming through?  
0  
1 A. No, just from seeing him come through quite a bit.  
2  
3 Q. And did you obtain he restroom attendant's basic pedigree information?  
4  
5 A. I did not.  
6  
7 Q. Why not?  
8  
9 A. At the time we were, I was still dealing with both the complainant and the, we didn't grab any  
0 information other than the driver's is what I got, I don't know what the Trooper got.  
1  
2 Q. Where was the complainant while you interviewed the restroom attendant?  
3  
4 A. I believe he had left at that time, I think he had walked away. I don't, I don't think he was there at the  
5 time.  
6  
7 Q. Like walked away back to his vehicle?

1  
2 A. Yes.  
3  
4 Q. Or left the actual restroom, or, or Tioga rest area?  
5  
6 A. I think he had left the rest area, I think everybody was gone at that time, I'm not quite sure.  
7  
8 Q. But do you recall going back to the complainant to advise him based on what you determined from  
9 your interview of Mr. [REDACTED] or the restroom attendant, did you ever have that follow up  
0 conversation with the complainant?  
1  
2 A. I did not talk with the complainant again, he stormed away when I was still talking with the suspect.  
3  
4 Q. Okay.  
5  
6 A. I, I don't know if you're familiar with the, with the rest area, how it works, all the vehicles come in and  
7 all leave the same, same roadway, so there's no way that the complainant could have left without  
8 seeing us, and if he had a problem with anything he could have come, pulled over, we're standing  
9 right there. So he just took off.  
0  
1 Q. So following up on that, you said you eventually maneuvered Mr. [REDACTED] vehicle so you can  
2 actually hear what the complainant and, and Trooper LAMONICA were stating?  
3  
4 A. I pulled him in, not necessarily to hear what was going on, but it just worked out that way.  
5  
6 Q. In closer proximity?  
7  
8 A. Yes, just to get him away from the roadway.  
9  
0 Q. Did you hear any interaction between the complainant and Trooper LAMONICA, because you said  
1 he stormed away, did the complainant ever state anything or yell anything?  
2  
3 A. I, I, I, I heard him say the, basically the same but words to the effect of, "We're here to do truck  
4 inspections, we will call the road patrol for you if you want to pursue this, we'll take a statement, go  
5 ahead and take a statement." We're here to help you basically.  
6  
7 Q. That was what Trooper LAMONICA reiterated to the complainant?  
8  
9 A. Yes, same thing that I had said numerous times.  
0  
1 Q. Did you ever hear the complainant reply or as he was leaving state anything?  
2  
3 A. I remember, "Bureaucratic bullshit."  
4  
5 Q. Expound on that.  
6  
7



- 1 A. I don't know exactly what was said before that, I just remember him saying loudly enough that I could  
2 definitely hear it, because I was still talking with the suspect, "This is bureaucratic bullshit."  
3
- 4 Q. Oh, those were his words?  
5
- 6 A. Yes.  
7
- 8 Q. Okay.  
9
- 0 A. Exactly, I don't know, but words to that effect.  
1
- 2 Q. Did you ever obtain the basic pedigree information of the complainant?  
3
- 4 A. I did not.  
5
- 6 Q. Were you aware if, that Trooper LAMONICA did?  
7
- 8 A. I don't know.  
9
- 0 Q. Mr. [REDACTED], the restroom attendant, stated that he heard the complainant say, "That's New  
1 York's finest" as he walked away from a State Trooper. Do you recall the complainant stating that?  
2
- 3 A. I don't recall that, no.  
4
- 5 Q. Did the complainant appear frustrated or upset with the way his complaint was being handled?  
6
- 7 A. Yes.  
8
- 9 Q. Why do you feel that was the case?  
0
- 1 A. He thought that we should have immediately arrested the guy without him having to get involved at  
2 all, just because what, he said something, and the fact we were there doing trucks, whatever reason  
3 seemed to tick him off too.  
4
- 5 Q. Did you ever state, or hear Trooper LAMONICA state, that the complainant would have to wait for a  
6 couple of hours in order for a patrol to respond and secure his deposition?  
7
- 8 A. He told him when, when the guy asked how long it would be to have to wait, Trooper LAMONICA  
9 said, "I don't know, it could be five minutes to an hour, we don't know what they're doing or how busy  
0 they are, but we will get somebody here."  
1
- 2 Q. What happened after the complainant left the rest area?  
3
- 4 A. I was still talking with the suspect, and as I said we had flipped the lights on to have the trucks enter  
5 the rest area, there was a few trucks backed up behind the parked cars. In my mind in the past I've  
6 had issues with people getting angry at whoever they see as the bad person, waiting down the road  
7 for this person to come out and then either running him off the road or having some kind of

1 confrontations. In my mind since we didn't have a, not a suspect, but a complainant because he  
2 refused to, to get involved, safest thing to do since he was blocked from leaving by the trucks, I  
3 already had the information for the bad guy, send him down the road, cuz we could catch him later  
4 on and that would delay this guy from doing anything. So I sent him leaving and when the trucks  
5 cleared out, the complainant backed out and left.

6  
7 Q. At that point did you return to Mr. [REDACTED] to return his identification documentation?

8  
9 A. I had given him his stuff back before.

0  
1 W. So you sent the suspect on his way while the complainant was still at the rest area?

2  
3 A. Stuck in, yes stuck in the parking...

4  
5 W. Stuck in (inaudible)...

6  
7 A. Area behind the, yeah because he couldn't leave. As far as I was aware he was leaving, that's why  
8 he, he yelled and walked, stormed away. He was leaving.

9  
0 Q. Did you have a conversation with Trooper LAMONICA subsequent to both parties leaving in  
1 reference to this incident?

2  
3 A. Yes.

4  
5 Q. And what did he describe to you, his efforts involved in the investigation, what did, what did he  
6 discover?

7  
8 A. He, he was shocked that the guy was so angry, didn't understand why. He had told him, I know that  
9 you, meaning me, had told him he had to give a statement and that we were going to call the road  
0 patrol. He had done the same thing, he didn't understand why this guy was so upset and mad at us  
1 when we were trying to be helpful to him.

2  
3 Q. Did Trooper LAMONICA state that he was gonna document this incident in SJS?

4  
5 A. He didn't, no.

6  
7 Q. Did you ever direct him to document this incident?

8  
9 A. I did not.

0  
1 Q. Did you ever document this incident in SJS?

2  
3 A. I did not.

4  
5 Q. Why not?

6  
7 A. I didn't have a, I'm, I'm not an SJS guy.

1  
2 MORRIS: Just answer the question.  
3  
4 A. I, I just didn't think, we didn't have a complainant so if we didn't have a complainant, I didn't bother,  
5 we didn't have any call to respond to as far as something that would be in SJS already, that is the  
6 radio call, we didn't have that. So I never bothered making an entry.  
7  
8 Q. You're stating you didn't have a call, like you weren't dispatched to something?  
9  
0 A. Correct.  
1  
2 Q. And you've made incidents before that you weren't dispatched to, correct?  
3  
4 A. I don't understand the question.  
5  
6 Q. You've documented SJS incidents before that you weren't dispatched to, is that accurate?  
7  
8 A. No.  
9  
0 Q. You come across something that's not dispatched, you don't put, ever put it in the system?  
1  
2 A. No.  
3  
4 Q. So if you catch someone stealing something out of the Wegman's, you don't ever document that, if  
5 you're standing right there and see a crime take place, you would never know how to institute an SJS  
6 entry without being dispatched to it?  
7  
8 A. I can figure it out, I made one SJS entry in my entire career, that's for shooting a deer.  
9  
0 Q. Okay.  
1  
2 A. If we run into issues where there's an arrest gonna be made, we call the road patrol because are  
3 generally there assigned to do truck inspections on the federal overtime grants, so we are not  
4 supposed to, I don't want to say waste time, but take time doing something other than truck  
5 inspections, so we call the road patrol and assist them doing whatever they do.  
6  
7 Q. Are you aware that it is Division Policy that an SJS incident will be created to document all calls for  
8 service?  
9  
0 A. I am now.  
1  
2 Q. You were not before?  
3  
4 A. No.  
5  
6 Q. After your involvement, are you aware that this incident became investigated further by the State  
7 Police?

1  
2 A. Yes.  
3  
4 Q. How?  
5  
6 A. I had an email from I believe a Lieutenant, a "C" troop Lieutenant, having tell, telling me to call him.  
7  
8 Q. And what was that conversation about?  
9  
0 A. I, I, I'm not exactly sure, I remember him, something along the lines of what happened last night and  
1 this guy is making a complainant that nothing was done. So I let him know what we did.  
2  
3 Q. Did you at anytime ever speak with Investigator ALLEN in reference to this incident?  
4  
5 A. I talked to an Investigator, I don't remember the name but if that's the one that was doing the  
6 investigation, it must have been him.  
7  
8 Q. And describe to me what that conversation was in reference to?  
9  
0 A. He asked me basically what happened and I explained exactly as I have to you today.  
1  
2 Q. Did he ever ask you for the identity or information of the suspect?  
3  
4 A. He did.  
5  
6 Q. Why didn't you provide it to him?  
7  
8 A. I threw it away by accident that night with all the rest of my papers, cuz we assumed that there was  
9 nothing, it was gonna go anywhere.  
0  
1 Q. So do you see now the importance of documenting the incident?  
2  
3 A. Absolutely.  
4  
5 Q. Okay. Did Investigator ALLEN ever advise you that he subsequently located and arrest Mr.  
6 [REDACTED]  
7  
8 A. Yes.  
9  
0 Q. Mr. [REDACTED] provided a statement to Investigator ALLEN in which he admitted that prior to  
1 entering the rest room, he had an erect penis due to thinking about having sex with men. He also  
2 stated that he had to urinate and began to masturbate in order to do so. The complainant advised  
3 you that same male in question was masturbating in the rest room in his presence.  
4  
5 In NY State, a person that exposes themselves in a lewd manner in public is committing a sex  
6 offense. The complainant described an incident that fits this criterion very well. Looking back at your  
7 involvement and responsibility as a supervisor of the New York State Police, do you feel that you



1 investigated or directed available resources to investigate this sex offense thoroughly and  
2 appropriately?

3  
4 A. I, I probably would have armchair quarterback would have called the road patrol.

5  
6 Q. Take a recess, or you have any questions?

7  
8 W. And why didn't that occur when Mr. [REDACTED] was present?

9  
0 A. He, the complainant?

1  
2 W. Yes.

3  
4 A. He did not want to wait for the road patrol, this is all really quickly happening. He did not want to wait  
5 at all. He didn't want to give a statement or get involved. So I didn't have a complainant. I've been  
6 around long enough that I remember the old days where you didn't waste patrols time with something  
7 that wasn't gonna go anywhere, and unfortunately that's, the times have changed, and from that  
8 point on I realized I have to call the road patrol, let them handle things and, and do things the way  
9 they're supposed to be done now.

0  
1 W. Between you and Trooper LAMONICA, what was the length of time in your interaction with the  
2 complainant?

3  
4 A. From start to finish, I don't think it could have been more than 15 - 20 minutes.

5  
6 W. So that, that's a lot of time you know when you're back and forth with a guy, what, what are we  
7 missing in regards to your, the communication with Mr. [REDACTED] the complainant?

8  
9 A. You had the, the quick discussion with what was going on, you had me walking out, stopping the  
0 suspect and, and dealing with him, writing the information down, him storming away and then making  
1 a decision to release the suspect and watching the complainant leave and then talking with the  
2 station cleaner after.

3  
4 W. Right, but in just in your, from the time the complainant waves you guys down to the point where he  
5 storms away, how much time elapsed there?

6  
7 A. I, I have no idea. It wasn't very long.

8  
9 W. 10 minutes?

0  
1 A. It could have been, I don't, I don't know. Time doesn't really matter at that, you're working a night  
2 shift.

3  
4 W. Less than that, I mean was he, was he standing around with his hands in his pockets?

5  
6 A. No.

7

*JMB*

1 W. Waiting to see what happened?  
2  
3 A. No.  
4  
5 W. What was going to happen?  
6  
7 A. No, either I was talking to him or the Trooper was talking to him, always, and always trying to explain  
8 repeatedly over and over again why he had to give a statement and why he had to wait for the road  
9 patrol. That was constant repeating the same thing because he just did not want to understand,  
0 didn't want to get involved, and didn't understand why we couldn't immediately arrest the guy.  
1  
2 W. And, and was, was it explained to him that he was a critical component in this guy getting arrested,  
3 that he was necessary?  
4  
5 A. Repeatedly that the only action that was gonna take place from now on was based on what he was  
6 gonna put down in writing because nobody else saw anything.  
7  
8 W. And his reaction to that was?  
9  
0 A. "I don't want to get involved. Do I have to," and whatever the last one was I said, I can't even  
1 remember.  
2  
3 W. And that was...  
4  
5 A. "Why can't you," I'm sorry, "Why can't you just arrest him?"  
6  
7 W. Right, and that was, he said that repeatedly, he said those three things repeatedly or just once?  
8  
9 A. No that, I, I, to me that's the three times that I mentioned the fact and probably a few more times that  
0 I mentioned the fact about getting a statement and waiting around for the road patrol. Those were  
1 the three things, those exact words or darn close to it. So I don't know what he said exactly that  
2 Trooper LAMONICA when he told him the same thing, you have to be here, give a statement and we  
3 can call the road patrol. But the guy did not want to hear it.  
4  
5 W. Did the complainant ever indicate that he was willing to give a deposition to you or Trooper  
6 LAMONICA on the spot so that he could leave?  
7  
8 A. To me, no.  
9  
0 W. Trooper LAMONICA (inaudible)?  
1  
2 A. I did not hear him say that, and, and Trooper LAMONICA didn't tell me anything later on about that.  
3 Had he done that, we would have called road patrol. We're not saving ourselves anytime by doing  
4 anything, we're not getting out of work by doing anything, because we're gonna call the road patrol if  
5 there's any reason to call.  
6  
7

- 1 Q. Did you hear at anytime Trooper LAMONICA explain to the complainant anything in reference to  
2 potentially a medical issue causing for the individual to have a difficulty urinating?  
3
- 4 A. I don't remember hearing him say that.  
5
- 6 W. Was the, the possibility that if the complainant had to go that you could contact him later, take his  
7 phone number and contact him later, was that ever discussed?  
8
- 9 A. By me, I didn't because I was off with the other guy but I don't know if Trooper LAMONICA did or not.  
0
- 1 W. All right.  
2
- 3 Q. You stated there was a Troop "C" member and a Trooper from a different troop, you can't really  
4 recall at this time, is that correct?  
5
- 6 A. I know there was a Troop "C" member and, and I believe as usually it is three Troopers and a  
7 supervisor there at night, so I believe there was another one there, but I.  
8
- 9 Q. Those two individuals, not including Trooper LAMONICA, did they ever become involved in the  
0 investigative action that was taken that day?  
1
- 2 A. No.  
3
- 4 Q. They never interviewed any parties in relation to this?  
5
- 6 A. I don't, like I, I don't believe that the Troop "C" member was there, I think he was off doing signs or  
7 something, so I believe it was only the two of us. I don't think there was another one, but I can't  
8 remember, I'm saying I assume that there was a certain number of people, but I don't, I don't recall.  
9 I do so many of these, I don't know, they all blend in.  
0
- 1 Q. But you can say unequivocally that it was just you and Trooper LAMONICA that handled this  
2 incident?  
3
- 4 A. Yes.  
5
- 6 Q. Want to take a recess?  
7
- 8 W. The complainant ever describe seeing the suspect's penis?  
9
- 0 A. No I, I asked him directly did he see the, did he see his penis, and he said, "No." I said, "How do you  
1 know that he was masturbating, he said, "Cuz I could see his arm move and I, I just know what he  
2 was doing."  
3
- 4 Q. Piggy backing on that, did he ever state he had any verbal interaction with the suspect once he did  
5 that? Did he confront him verbally?  
6  
7

1 A. I don't remember him saying anything, he might have said I yelled at him or something, but I don't  
2 recall anything other than that.

3  
4 Q. Okay. It's 1:35PM, we're going to take a brief recess.

5  
6 Okay back on the record, time is 1:45PM. Sergeant, a subsequent interview of the male subject in  
7 question, Mr. [REDACTED] revealed that upon your approach you asked him what  
8 happened. Mr. [REDACTED] stated that you had, that he advised you he was trying to urinate and  
9 looked in the direction of man who must have thought he was looking at him the wrong way. He  
0 stated that after a few minutes of waiting, you advised him he was free to leave. He stated that he  
1 never told you about his erection or about having a medical condition because he didn't want to  
2 make you uncomfortable in addition to him being embarrassed. Was that information accurate?

3  
4 A. No, he, he, he told me that, well he didn't tell me about the erection at all, no, no mention of that. But  
5 I could swear he said he had a medical condition, but yeah cuz it just seemed like he had some kind  
6 of physical issues.

7  
8 Q. I want to come back to Mr. [REDACTED] while interviewing the complainant, Mr. [REDACTED] advised me  
9 that he initially contacted the State Police upon exiting the restroom by yelling to get your attention.  
0 He stated that you were approximately 200 feet from his location and that you went to flag down the  
1 suspect while Trooper LAMONICA approached him for more information. Is that accurate?

2  
3 A. No.

4  
5 Q. Mr. [REDACTED].

6  
7 W. What's, what's the accurate account?

8  
9 A. We both went to the, to the complainant, we weren't 200 feet away, we were right there within 40 –  
0 50 feet of where he was standing. We walked toward him on the, on the sidewalk. We didn't know  
1 who, what he was talking about, who, who was he talking about. Was the guy (inaudible), we had no  
2 idea, so no we went to him first to find out what was going on.

3  
4 W. And then once you got that information, you went to find the suspect?

5  
6 A. I didn't leave until I saw a car back out, because they have to go past me, all the cars have to go past  
7 us so he's not going anywhere. He's in one of the cars, cuz the complainant didn't know which  
8 vehicle.

9  
0 W. And how did you identify the suspect?

1  
2 A. I just stopped the first vehicle, first one that came through and said, "What's going on," and he,  
3 "Some guy yelled at me inside," so I made the assumption that this was him.

4  
5 Q. And that, and you indicated that happened on, early on in the questioning of the complainant when  
6 you observed a vehicle back up, then you, you shot over to that to make sure that individual was, you  
7 found out was involved based on the interaction of (inaudible)?



1  
2 A. Yes. Yes.  
3  
4 Q. Okay. Do you have any questions Inspector?  
5  
6 W. Did you cover that? That last sentence?  
7  
8 Q. Yes, I did. He never asked him about either one of these, that's what he said earlier, he never  
9 asked. And just to, we'll just cover this to confirm, you never stated you asked him about  
0 masturbating or erection when you stopped him initially, is that correct?  
1  
2 A. You're talking about the suspect?  
3  
4 Q. Suspect.  
5  
6 A. No, no.  
7  
8 Q. Okay.  
9  
0 W. Did you ask the suspect about masturbating in the bathroom?  
1  
2 A. No.  
3  
4 W. Okay, did you ask him about having an erection in the bathroom?  
5  
6 A. No.  
7  
8 W. Did you ask him if had a medical condition?  
9  
0 A. No, I wouldn't ask him that.  
1  
2 W. Okay, what, what did you address with the suspect?  
3  
4 A. What happened, tell me what happened inside, and his main answer was about the mask, why he  
5 was looking over there and some guy yelled at him. Didn't even ask him why he yelled at you,  
6 because I made the assumption by what the complainant was saying, he was pissed off about that  
7 and he had said that I didn't actually see him masturbating, it was just I, I knew. So I made the  
8 assumption that it wasn't really, didn't happen.  
9  
0 W. So you're surprised that he was arrested?  
-1  
2 A. Yeah, yeah, had no indication from any of the three people that we talked to other than him saying  
3 some guy was masturbating but he didn't see the penis. So the suspect says no he just was having  
4 trouble urinating, the station attendant says I've seen him in there before and he has trouble  
5 urinating. So I just made the assumption that he has medical issues. Now whether or not he said  
6 medical issues, I don't know.  
7

1 Q. Why didn't you ask him why, if he was masturbating?  
2

3 A. I don't know.  
4

5 Q. You have a complainant telling you this is what took place and if you're investigating potentially a  
6 lewd act that took place, and the complainant's stating he was masturbating, why didn't you ask him,  
7 hey this guy over here says your masturbating, were you masturbating in the bathroom?  
8

9 A. I, I don't know why I didn't ask him.  
0

1 Q. Okay, cuz he seemed pretty forth coming to the Investigator and provided a very detailed deposition  
2 when he was asked that question.  
3

4 A. Sure.  
5

6 MORRIS: That's, that's not a question, that's a statement.  
7

8 A. Sure.  
9

0 Q. All right, I have no more questions at this time, is there anything further you would like to add?  
1

2 A. No.  
3

4 Q. All right, statement is now concluded. The time is 1:50PM.

I have read this statement consisting of 18 pages and it is true to the best of my knowledge. I have placed my initials on the bottom of each page and next to each correction and I have signed it below.

Signed this 26<sup>TH</sup> day of FEBRUARY, 2021



SIGNATURE

MEMBER TARGET - NON-CUSTODIAL INTERROGATION

STATE OF NEW YORK  
COUNTY OF ALBANY  
CITY OF ALBANY

February 22, 2021

This statement is taken from Trooper JARED LAMONICA at Professional Standards Bureau North Regional Office on February 22, 2021, by Captain SAMUEL SPEZIO, commencing at 1:37PM.

The letter "Q" will denote questions asked by Captain SPEZIO  
The letter "A" will denote answers provided by Trooper LAMONICA

Q. The purpose of this interrogation is to inquire into your activities as a Member of the New York State Police. Specifically, on November 30, 2020, you became involved in a police investigation while at the Tioga County Rest Area, State Route-17, in the town of Owego. It has been alleged that you failed to properly investigate and document a sex offense that was reported to you on that date.

This interrogation is being conducted pursuant to Article 16 of the current PBA Collective Bargaining Agreement and the Regulations of the New York State Police, including 8A3 and 8A15.

You have the right to contact and consult with a union representative or attorney before being interrogated, and to have a union representative or attorney of your choosing present during the interrogation. Do you understand this?

A. I do.

Q. You are not under arrest. However, Article 16 and the applicable Regulations require you to cooperate and answer truthfully questions relating to the allegations. A refusal by you to cooperate or to answer questions, or a failure to answer any questions truthfully, may result in disciplinary action against you, up to and including the termination of your employment. Do you understand this?

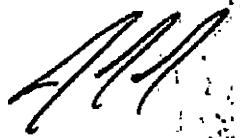
A. I do.

Q. You are entitled to all the rights guaranteed by the State and Federal constitutions. As this is an involuntary statement, your responses during this interrogation are automatically cloaked with criminal immunity. Accordingly, neither your statements nor any information or evidence that is gained as a result of, or in reliance upon, this interrogation can be used by a police or prosecutorial entity against you in support of a criminal proceeding. Do you understand this?

A. I do.

Q. Are you being represented at this time and if so, by whom?

A. I am, to my left is my PBA Representative STEPHEN JOHNSTONE, and to my right, PBA Attorney



1 MARIA MORRIS.

2  
3 Q. You were advised on February 12, 2021 of the matter being investigated and that it would be  
4 necessary for you to give a statement concerning this matter, is that correct?

5  
6 A. Correct.

7  
8 Q. I am Captain SAMUEL SPEZIO and as a supervising officer and representative of the  
9 Superintendent I am authorized to conduct this interrogation. This interrogation is being recorded  
0 mechanically at PSB North Regional Office. A full transcript will be prepared, and you will be  
1 provided with a copy of the digital recording or will be afforded an opportunity to cause a duplicate of  
2 this recording to be made for your future use. You will be given the opportunity to view the written  
3 transcript from this recording upon completion to ensure its accuracy and will also be provided with a  
4 full copy of the transcript, subsequent to your signature. Do you understand this?

5  
6 A. I do.

7  
8 Q. Also present in the room is Captain WILLIAM WILLIAMS. Do you understand this?

9  
10 A. I do.

11  
12 Q. The record will note that you are present in response to a direct order. Trooper LAMONICA, you will  
13 now be asked questions relating to the performance of your official duties and you are required to  
14 answer these questions. If you decline or refuse to answer any questions, you will be ordered by me  
15 to answer. If you then continue in your refusal to answer, disciplinary action will be initiated charging  
16 you with disobeying a lawful order. This disciplinary action could result in the termination of your  
17 employment with the Division of State Police. You will be permitted during this statement to take  
18 breaks when reasonable and appropriate. Having been advised of the above, are you now ready to  
19 proceed with this interrogation?

0  
1 A. I am.

2  
3 Q. Please state your full name and rank.

4  
5 A. My name is JARED LANCE LAMONICA, my rank is Trooper.

6  
7 Q. What is your date of entry with the Division of State Police?

8  
9 A. January 15, 2007.

0  
1 Q. What is the location of your current assignment?

2  
3 A. I'm currently assigned to the Troop "F" Commercial Vehicle Enforcement Unit located out of  
4 Headquarters, Middletown, New York.

5  
6 Q. What was your duty status on Monday, November 30, 2020?  
7



- 1 A. I was on duty.
- 2
- 3 Q. What tour of duty were you working?
- 4
- 5 A. Sorry, I was working an A-Line, A6.
- 6
- 7 Q. Were you assigned to a CVEU checkpoint or detail that day?
- 8
- 9 A. I was, the Southern Corridor Enforcement Detail.
- 0
- 1 Q. And what was the location of that detail?
- 2
- 3 A. The Tioga County rest area, I believe it's referred to as Nichol's Westbound.
- 4
- 5 Q. What time did you arrive to the checkpoint, approximately?
- 6
- 7 A. Approximately 5:30.
- 8
- 9 Q. What other State Police members were present for this detail that day?
- 0
- 1 A. Sergeant KARL BRENON, Trooper JOE VOUSDEN and Trooper ERIC OELLRICH.
- 2
- 3 Q. Did there become a time when you were approached or flagged down by a male exiting the restroom facilities?
- 4
- 5
- 6 A. Yes.
- 7
- 8 Q. Please explain this encounter in detail.
- 9
- 0 A. A, I was setting up for the Southern Corridor Detail, at the time we were moving trucks out of the area. At that point I heard a gentleman say, "Officers, officers," he had his arm in the air, he was flagging us down. At that point Sarge also heard it and we both walked towards the gentleman to see what was the problem. At that point he said, stated that he saw a gentleman in the bathroom masturbating and that, so at that point I walked to the bathroom to make sure, to see if the gentleman was still in there masturbating. I opened the door to the bathroom, the bathroom was empty, at that point Sergeant BRENON was interviewing the complainant, I saw DOT attendant there, I asked him if had heard or seen anything, not knowing what the suspect looked like, I wanted to see if had heard/seen anything. He told me that the gentleman in question comes there often and that he might have a medical issue and he pointed over towards his vehicle. At that point the vehicle was leaving, and I witnessed Sergeant BRENON stop the vehicle and then at that, okay.
- 1
- 2 Q. All right so go back to, going back on this to clarify, the complainant came out of the restroom and stated another male was masturbating in the men's room, is that correct?
- 3
- 4
- 5 A. Correct.
- 6
- 7 Q. So yourself and Tech Sergeant BRENON were the only members that responded over to initially

1 interview the complainant?

2  
3 A. Correct.

4  
5 Q. The other two Troopers did not?

6  
7 A. No.

8  
9 Q. The other two Troopers at no time became involved in this, is that correct?

0  
1 A. That is correct.

2  
3 Q. Did the complainant tell you that he wanted the male suspect arrested for his actions?

4  
5 A. No.

6  
7 Q. He never said he wanted the individual arrested that was in the bathroom?

8  
9 A. He said to, sorry, if I could go back a quick second, he said he wanted him arrested but we explained  
0 to him that we had to do paperwork in order to officiate that arrest.

1  
2 Q. And what was his response?

3  
4 A. That he didn't want to get involved.

5  
6 Q. Involved with the paperwork or involved in any other capacity?

7  
8 A. From what I understood is he didn't want to be involved in, in it completely at, at all. He didn't want to  
9 be involved in it and he stated that he didn't want to deal with it.

0  
1 Q. Okay you mentioned that you entered the men's restroom after being notified of the incident, did you  
2 do so with the complainant?

3  
4 A. No.

5  
6 Q. It was by yourself?

7  
8 A. Correct.

9  
0 Q. Was it occupied?

1  
2 A. No.

3  
4 Q. And explain in detail what you observed, maybe the setup of the bathroom itself.

5  
6 A. The restroom had two sinks, a divider, it had four urinals with no privacy dividers and then I believe it  
7 was three stalls, with the doors (inaudible).



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7

Q. And why not?

A. Once again I, I have no excuse.

Q. Where was the complainant while you interviewed the restroom attendant?

A. From what I what I can recall he was on the sidewalk with, towards the checkpoint.

Q. Not in close proximity to where you are interviewing the attendant?

A. No.

Q. Did you have the complainant respond to his vehicle for any reason?

A. No.

Q. Did you, do you recall if he did go to his vehicle after initially speaking with you?

A. I do not recall.

Q. Did you ever advise the complainant that the suspect had some sort of medical condition that made him, difficult for him to urinate?

A. I did.

Q. And what was his response?

A. Basically thought it, that it was bullshit.

Q. He said it was bullshit because?

A. He, he said that he observed him masturbating.

Q. You stated previously that he wanted nothing to do with this incident, that being the complainant, did you ask him specifically if he wished to provide a deposition in relation to the incident?

A. I did.

Q. And what was his response?

A. That he didn't want to be involved.

Q. At one point did you tell him that you'd have to contact a local patrol over to respond in order to secure one?

A. Yes.



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2  
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27

Q. Did you ever call a local patrol to, to respond to the scene to secure a deposition?

A. I did not.

Q. Why not?

A. I, I normally do and I didn't this time.

Q. The complainant stated that he felt you were being dismissive of the situation. Did you tell the complainant that it could be a few hours before a patrol would respond to secure his deposition?

A. I explained to the complainant that I wasn't from the area, that I would have to contact a patrol car and it could take anywhere between 10 minutes or an hour, I don't know where the cars were and that if he was willing to wait, I'll call, I'll call a car.

Q. Did you ever explain that there was no point in making an arrest based upon the information obtained from the restroom attendant regarding the male's medical condition?

A. No.

Q. Did Tech Sergeant BRENON come over to speak with the complainant after interviewing the male suspect?

A. I believe so.

Q. And this is while the male suspect is still on scene?

A. I believe so, yes.

Q. Do you recall what Tech Sergeant BRENON told the complainant subsequent to speaking with the suspect?

A. I believe he asked him if he wanted to file a complainant or in a deposition.

Q. And what was the complainant's response?

A. That he didn't want to be involved and he didn't want to deal with the bureaucracy of it.

Q. Did there become a time when the complainant left the rest area?

A. Yes.

Q. Explain this in detail.

- 1 A. After I spoke with the complainant I, Tech Sergeant BRENON came back up, asked him if he wanted  
2 to file a deposition or a complaint, at that point the defendant said he didn't, he didn't want to get  
3 involved in it, didn't want to deal with it. I went back with Tech Sergeant BRENON and he basically  
4 had said yeah we didn't have very much so, to go on, so, but from what I recall. I, can you repeat the  
5 question again, I'm floundering over here?  
6
- 7 Q. When Tech Sergeant BRENON came back over after speaking with the suspect, what was the  
8 conversation like with the complainant at that time?  
9
- 0 A. With between Tech Sergeant BRENON and?  
1
- 2 Q. The complainant.  
3
- 4 A. He, he just asked him if he wanted to file a deposition and the complaint again, he said that he didn't  
5 want to and that was, that was it.  
6
- 7 Q. Okay, so at that point the complainant leaves the rest area?  
8
- 9 A. He, he basically states that we're New York's finest and he, he leaves on his own accord.  
10
- 11 Q. Mr. [REDACTED], the restroom attendant, stated that he heard the complainant state, "That's  
12 New York's finest" as he was walking away from you. Did he appear frustrated or upset with you for  
13 the way you were handling the incident?  
14
- 15 A. The complainant was frustrated from the moment we met him.  
16
- 17 Q. What happened after the complainant left the rest area?  
18
- 19 A. The complainant left, the suspect left and I continued Commercial Vehicle Operations.  
0
- 1 Q. Okay so once the complainant left, Tech Sergeant BRENON went back to the suspect and released  
2 him at that time?  
3
- 4 A. The complainant walked back towards his car and Tech Sergeant BRENON then made the decision  
5 to give the license and information and released the suspect prior to the complainant leaving.  
6
- 7 Q. Okay, but it was one after the other?  
8
- 9 A. Yes, it was the suspect left prior to the complainant.  
0
- 1 Q. Okay. Did you have a conversation with Tech Sergeant BRENON subsequent to both parties  
2 leaving?  
3
- 4 A. I don't recall.  
5
- 6 Q. Did Tech Sergeant BRENON state that he was going to document this incident in SJS?  
7

1 A. No.  
2  
3 Q. Did he direct you to do so?  
4  
5 A. No.  
6  
7 Q. Did you ever document this incident in SJS?  
8  
9 A. No.  
0  
1 Q. Why not?  
2  
3 A. I, once again I have no excuse, I mean I don't do a lot of SJS's as part of my units you know  
4 responsibilities, but as a member of the State Police I know that any interaction with the public we  
5 are supposed to document.  
6  
7 Q. The complainant, Mr. [REDACTED] stated that he felt you were being dismissive of his complaint  
8 and not taking the matter seriously. were you being dismissive or not taking the matter seriously?  
9  
10 A. No.  
11  
12 Q. After your involvement that day, are you aware that this incident became further investigated by the  
13 New York State Police?  
14  
15 A. Yes.  
16  
17 Q. How?  
18  
19 A. I was contacted by Investigator ALLEN, I was also called by Lieutenant CEASE the next day stating  
20 that the complainant made a complaint against myself and Tech Sergeant BRENON.  
21  
22 Q. What was the conversation like between Investigator ALLEN and yourself, what was that in regards  
23 to?  
24  
25 A. Like I said before its just in regards to what occurred in the rest area that day and my take on it.  
26  
27 Q. Were you able to provide him any information for who you interviewed?  
28  
29 A. No.  
30  
31 Q. After Mr. [REDACTED] departed the rest area, he stated that he looked up the nearest State Police  
32 barracks and contacted them to report the sex offense. Do you believe his immediate request to  
33 have another member of the New York State Police investigate this incident is indicative of your lack  
34 of investigative effort or willingness to provide assistance initially?  
35  
36  
37



1 In NY State, a person that exposes themselves in a lewd manner in public is committing a sex  
2 offense. The complainant described an incident that fits this criterion very well. Looking back on  
3 your involvement and responsibility of a New York State Trooper, do you feel that you investigated  
4 this sex offense thoroughly and appropriately?  
5

6 A. No.

7  
8 Q. Okay the time is 2:00PM, we're going to take a recess at this time.

9  
0 Okay going back on the record, 2:03PM. I have no more questions at this time. Is there anything  
1 further you'd like to add?  
2

3 A. No, no, sorry.

4  
5 Q. This statement is now concluded. The time is 2:03PM.

I have read this statement consisting of 11 pages and it is true to the best of my knowledge. I  
have placed my initials on the bottom of each page and next to each correction and I have signed  
it below.

Signed this 1<sup>ST</sup> day of MARCH, 2021

  
SIGNATURE