

KIRKLAND, IMANI A -
TROOPER

TYPE: Personnel

CASE# 20090357

FINDING: Founded

Complainant:

[REDACTED]

Complaint of Personnel Investigation 20090357

Type: Personnel Sub Type Troop: K Status: C
Incident Date/Time 5/6/2009 9:35 AM Mode Rec. Phone
Report Due 7/22/2009 Level Inv. T 1 CTV: K6007 - C/YONKERS
Commissioned Officer Assigned No Report Location IAB 10/27/2009

Synopsis:

Complainant alleged that Tpr. IMANI KIRKLAND struck his parked vehicle with a marked NYSP patrol vehicle on 05/06/09 causing \$2,000 in damages to complainant's vehicle while arresting complainant for Reckless Driving. Tpr. KIRKLAND did not report his involvement in the alleged auto accident to a NYSP supervisor. Incident Review per Insp. M. J. Smith.

Classification: TRAFFIC VIOLATION/IMPROPER USE OF A VE Finding: F

Subjects:

Rank TROOPER DOE: 6/28/2004
Last Name KIRKLAND First Name IMANI MI A
Troop K Location HAWTHORNE
CCC 1: UNSAF CCC 2: IMPPA CCC 3:

Complainants:

Last Name [REDACTED] First Name [REDACTED] MI [REDACTED] TZS
Shield Rank SexM SP Employee DOE
Address [REDACTED] City [REDACTED] State NY Zip [REDACTED]
Home Phone [REDACTED] Work Phone

Administrative Personnel:

ID RECEIVING MEMBER TZS K311
Last CRISPINO II First JOSEPH MI J Date/Time: 6/19/2009 3:30 PM
ID MEMBER AT TROOP NOTIFIED TZS K011
Last CAREY First WILLIAM MI T Date/Time: 6/22/2009 10:00 AM
ID MEMBER WHO NOTIFIED TROOP TZS K300
Last REALMUTO First MICHAEL MI Date/Time: 6/22/2009 10:00 AM
ID MEMBER AT DIV NOTIFIED TZS H132
Last SMITH First MARK MI J Date/Time: 6/22/2009 11:00 AM

10/28/09
[Signature]

1
1, 1 1/2

	<i>ID</i> MEMBER WHO NOTIFIED DIV	<i>TZS</i> K011
<i>Last</i> CAREY	<i>First</i> WILLIAM <i>MI</i> T	<i>Date/Time:</i> 6/22/2009 11:00 AM

	<i>ID</i> INVESTIGATOR	<i>TZS</i> K311
<i>Last</i> CRISPINO II	<i>First</i> JOSEPH <i>MI</i> J	<i>Date/Time:</i> 8/10/2009

	<i>ID</i> REVIEWER	<i>TZS</i> H132
<i>Last</i> SMITH	<i>First</i> MARK <i>MI</i> J	<i>Date/Time:</i> 10/16/2009

Gen 7
NEW YORK STATE POLICE

MEMORANDUM

Troop K Station Poughkeepsie

Date October 13, 2009

To: Deputy Superintendent Anthony G. Ellis, Internal Affairs Bureau

From: Major William T. Carey, Troop Commander, Troop K ^{WTC}

Subject: COMPLAINT AGAINST PERSONNEL #20090357
TROOPER IMANI A. KIRKLAND – EOD 06/28/04 – SP HAWTHORNE
COMPLAINANT - [REDACTED]

Reference is made to attached NYSP Level 1 Investigation Form of Sergeant/SC JOSEPH J. CRISPINO II, dated August 10, 2009, concerning titled subject.

Investigation revealed that on May 6, 2009 Trooper IMANI A. KIRKLAND was involved in a Division vehicle property damage accident while operating 3K18 with complainant Mr. [REDACTED] and that Trooper KIRKLAND failed to report the accident to a supervisor.

By his actions Trooper KIRKLAND violated the following Regulation of the New York State Police Administrative Manual:

Regulation 8A2 by failing to comply with Rules, Regulations and Instructions, specifically Article 5H2(a) which states "Member involved in an accident must immediately notify his assigned Station or the Station nearest to the accident scene."

On October 13, 2009 Trooper KIRKLAND appeared before me to adjudicate the disciplinary matter arising out of his involvement in this investigation and he was formally censured for his actions. Trooper KIRKLAND was also assessed the loss of two vacation days to be worked by him without additional compensation and/or overtime.

A copy of my letter is attached.

This matter is closed.



NEW YORK STATE POLICE

**Troop "K" Headquarters
2541 Route 44
Salt Point, NY 12578**

HARRY J. CORBITT
SUPERINTENDENT

WILLIAM T. CAREY
TROOP COMMANDER

LETTER OF CENSURE

October 13, 2009

Trooper Imani A. Kirkland
New York State Police
Troop "K"
Hawthorne, New York

Dear Trooper Kirkland:

On October 13, 2009 you appeared before me at Troop "K" Headquarters for the purpose of adjudicating a disciplinary matter arising from your actions on May 6, 2009.

During our meeting we discussed the incident which occurred on May 6, 2009, while you were working an assigned 1 shift. As you patrolled the Sprain Brook Parkway in the Town of Greenburgh, you observed a BMW traveling at a speed of 94 MPH in a 55 MPH zone. You attempted to stop this vehicle and followed it as it exited the Parkway at Tuckahoe Road. The car stopped at Westchester Car Rentals parking lot and you pulled in behind it. After placing the operator of the BMW, identified as [REDACTED] under arrest, you noticed that the push bumpers of 3K18 were against the rear bumper of the BMW. You then backed 3K18 off of the rear bumper of the BMW and checked both vehicles for damage. You stated you observed no damage and therefore did not contact a supervisor.

On May 31, 2009 the Troop K Traffic Section received a notice of claim from State Farm Insurance Company which alleged that you had struck their insured's parked car with a NYSP vehicle on May 20, 2009 at 9:30 AM. When interviewed about this matter, you stated that you were off duty on May 20 and that you were not in the vicinity of Tuckahoe Road on that date. Further investigation revealed the insurance company was in error and the date of the claim was corrected to read May 6, 2009. When re-interviewed, you disclosed the information regarding your arrest of Mr. [REDACTED] and the contact that day of your two bumpers.

As a result of my review of this matter, I find you guilty of violating Regulation 8A2 of the NYSP Administrative Manual, specifically Article 5H2(a) which states "Member involved in an accident must immediately notify his assigned Station or the Station nearest to the accident scene". I hereby formally censure you for your actions. You are also assessed the loss of two vacation days to be worked by you without additional compensation and/or overtime. I trust that this has been a learning experience for you.

cc: Div HQ
Capt MK
disc file
pers "

Sincerely,

William T. Carey
Major - Troop Commander

NEW YORK STATE POLICE**MEMORANDUM**Troop K Station PoughkeepsieDate October 13, 2009**To:** Troop Commander, Troop K, Poughkeepsie, New York**From:** Trooper Imani A. Kirkland *IK***Subject:** **DISCIPLINARY ACTION**

I hereby request to have the above captioned investigation adjudicated by the Troop Commander under the provision Rule 3, disciplinary action, of the New York State Police Manual.

I waive the following:

1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
2. Any right to appeal from the Troop Commander's adjudication which may be a determination of unfounded or, upon a finding of guilty, the imposition of:
 - i. A letter of censure and/or
 - ii. An intra-troop transfer with my consent, and/or
 - iii. A fine to be expressed in the loss of no more than five vacation days to be worked by me with no additional compensation or overtime, and/or
 - iv. A period of probation not exceeding 90 days (which probation must be for a definite period of time and must include conditions of probation which, if violated, could subject me, without the right of further inquiry or a hearing, to the imposition of any one or more of the penalties that can be imposed by the Troop Commander and an intra-troop transfer, without my consent).

NYSP Level 1 Investigation Form

Page	1	Of	9
Date	8/10/09		

Type of Complaint

<input checked="" type="checkbox"/> Personnel Complaint	<input type="checkbox"/> Incident Review	<input type="checkbox"/> Injury to Person	<input type="checkbox"/> Prior to custody
			<input type="checkbox"/> Being taken into Custody
			<input type="checkbox"/> While in Custody

Member Receiving Initial Complaint	PC# (If applicable) 20090357	SJS # 3000529
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Name	Rank	Div ID#	Troop	TZS	Shield
JOSEPH J. CRISPINO II	SGT/SC	[REDACTED]	K	K311	5256

Reported By: <input type="checkbox"/> Letter <input type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> Email <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Survey	Date Occurred	Time Occurred	Date Reported	Time Reported
	5/6/09	09:35AM	6/1/09	09:58AM

AMS Sent? (If Yes, must be attached as enclosure.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DNA	County	C/TV (Literal)	CTV Code
	WESTCHESTER	C/YONKERS	K6007

Member Involved # 1

Name	Rank	DOE	Div ID #	Troop	TZS	Shield	Race
IMANI A. KIRKLAND	TROOPER	6/28/04	[REDACTED]	K	K311	5185	B

Member Involved # 2

Name	Rank	DOE	Div ID #	Troop	TZS	Shield	Race

Complainant Information

If Member Complete the fields below:								
Name	DOB	Rank	DOE	Div ID #	Troop	TZS	Shield	Race
[REDACTED]	[REDACTED]							
Address		City			State	Zip	Phone	
[REDACTED]		[REDACTED]			NY	[REDACTED]	[REDACTED]	

Injured Person

Name	DOB	Race	Sex	Nature of Injury:
NONE				

How Injury was sustained:
DNA

Hospital/EMS

Name of Hospital or EMS:	Treated by:
DNA	

If Prisoner - Arrested for:	Treatment refusal witnessed by:

Witness(es)

Name #1	DOB
JOHN J. DUKE	[REDACTED]

Address	City	State	Zip	Phone
[REDACTED]	[REDACTED]	NY	[REDACTED]	[REDACTED]

Name #2	DOB
NICOLE M. PAGANELLA	[REDACTED]

Address	City	State	Zip	Phone
[REDACTED]	[REDACTED]	NY	[REDACTED]	[REDACTED]

Loss/Damage to Division Property

Property Description:	Property Value:
NONE	\$

NYSP Level 1 Investigation Form

Page 2 of 9
Date 08/10/09

Synopsis

PC#20090357

1. On 05/31/2009, I was advised by Technical Sergeant CHRISTINE LOPEZ – Troop K Traffic, that she received a notice of claim for State Farm Auto Insurance Company which alleged that Trooper IMANI KIRKLAND had struck their insured's parked car with a NY State Police vehicle on Tuckahoe Road in the City of Yonkers on 05/20/2009 at 9:30am. Technical Sergeant LOPEZ stated that she searched the NYSP Administrative Message System Database for a corresponding AMS report for this incident and found no record on file.

2. On 05/31/2009, I reviewed the SP Hawthorne Work Schedule, Member Attendance Records, and Station Blotter for 05/19/2009 through 05/20/2009 which all yielded no indication the Trooper KIRKLAND was on-duty or through SP Hawthorne during the morning of 05/20/2009. Trooper KIRKLAND was assigned to an overtime B.U.N.Y detail while on Pass on 05/19/2009, and signed out at 4:00pm. Trooper Kirkland did not return to duty until 7:00pm on 5/20/2009 for his scheduled 2 shift.

3. On 05/31/2009, I interviewed Trooper KIRKLAND about the alleged incident on 05/20/2009 at 9:30am. Trooper KIRKLAND stated that he was off-duty at that time and did not report to SP Hawthorne for any reason. Trooper KIRKLAND also stated that he was not in the vicinity of Tuckahoe Road on the date and time of the alleged incident, and that he was not involved in an auto accident in his personal vehicle or any SP vehicle on Tuckahoe Road on that date and time.

4. On 05/31/2009, I interviewed Sergeant ROBERT W. BROWN – SP Hawthorne, who worked a B-line shift out of SP Hawthorne on 05/20/2009 (the time of the alleged incident). Sergeant BROWN stated that he did not recall if he saw Trooper KIRKLAND at SP Hawthorne during the B-line shift, but stated that he was not notified of any accidents on Tuckahoe Road involving a SP vehicle or Member during that shift or anytime thereafter.

5. On 06/01/2009, I advised Technical Sergeant LOPEZ of the results of my investigation into the allegation.

6. On 06/01/2009, Technical Sergeant LOPEZ sent me a copy of the Notice of Claim filed by State Farm Insurance Company for review.

7. On 06/01/2009, I reviewed the Notice of Claim which identified State Farm Insurance Company's insured party as [REDACTED]. The State Farm Insurance Company Notice of Claim is attached to this report as enclosure#1.

8. On 06/01/2009, I conducted a person search in the SP Spectrum Justice System (SJS) which revealed that [REDACTED] was the subject of SJS Incident Report#3000529. I reviewed SJS#3000529 which stated that on 05/06/2009, at 9:35am, Trooper KIRKLAND arrested [REDACTED] for Reckless Driving on Tuckahoe Road in the City of Yonkers. There was no mention in SJS incident report of vehicle contact between 3K18, the vehicle that Trooper KIRKLAND was operating at the time of the arrest, and [REDACTED] vehicle, a 2001 BMW 325, two-door sedan, color white, bearing NY registration [REDACTED]. No other incident or arrests reports were found in SJS for [REDACTED]. SJS Incident Report# [REDACTED] is attached to this report as enclosure#2.

NYSP Level 1 Investigation Form

Page 3 of 9
Date 08/10/09

Synopsis

PC#20090357

9. On 06/01/2009, I conducted a ticket search in TRACS for [REDACTED] which yielded UTT#Q720001BSP issued to [REDACTED] by Trooper KIRKLAND on 05/06/2009 at 9:26am for Reckless Driving, and UTT#3K1804KFSP issued to [REDACTED] by Trooper KIRKLAND on the same date and time for Speeding (94/55) with no other UTTs located in the TRACS database for [REDACTED]

The TRACS search also yielded a one page Genl-21/NYSP Vehicle Impound and Inventory Record#INV3K18000037, which was completed by Trooper KIRKLAND for the impound of [REDACTED] vehicle during the arrest. INV3K1800037 states that there was no damaged areas on [REDACTED] vehicle at the time of impound.

UTTS #Q720001BSP and #3K1804KFSP are attached to this report as enclosure#3, and Genl-21 - INV3K1800037 is attached to this report as enclosure#4.

10. On 06/01/2009, I advised Captain MICHAEL REALMUTO - Troop K/Zone 3 Commander of this investigation.

11. On 06/02/2009, a check was conducted of the Automatic Vehicle Locators for all patrol vehicles assigned to SP Hawthorne for 05/20/2009, at 9:30am, which revealed that no SP Hawthorne patrol vehicles were in the vicinity of Tuckahoe Road at that time.

12. On 06/02/2009, a check was conducted of the Employee Access Card Reader System at the SP Hawthorne which revealed that Trooper KIRKLAND did not use his issued employee access card to enter or exit SP Hawthorne within a time period prior to or after the alleged incident that would indicate that Trooper KIRKLAND passed through SP Hawthorne.

13. On 06/04/2009, I called State Farm Insurance Company, 800-298-0591, and interviewed Insurance Agent JOHN DETHOMAS, who had filed the Notice of Claim on behalf of [REDACTED]. DETHOMAS stated that the date of the incident was incorrectly stated as 05/20/2009, and that the incident actually occurred on 05/06/2009 (the date that [REDACTED] was arrested by Trooper KIRKLAND). DETHOMAS further clarified that the claim was filed on 05/20/2009, and that was why that date was stated in error as the date of incident on the Notice of Claim. DETHOMAS advised me that he did not conduct a recorded statement with [REDACTED] when [REDACTED] filed the initial claim to him telephonically. DETHOMAS also stated that [REDACTED] has not filed any paperwork with State Farm Insurance Company to date for the claim.

14. On 06/05/2009, I contacted the City of Yonkers Police Department Record Unit, 914-377-7200, and was advised that their agency has no reports on file for [REDACTED] reporting an auto accident or damage to his vehicle prior to and after 05/06/2009.

15. On 06/05/2009, I contacted the Westchester County Department of Public Safety Records Unit, 914-864-7701, and was advised that their agency has no reports on file for [REDACTED] reporting an auto accident or damage to his vehicle prior to and after 05/06/2009.

16. On 06/05/2009, Technical Sergeant LOPEZ contacted the NYS DMV Field Investigations Unit, 845-691-7681, and was advised that there is no Civilian or Police Accident Reports on File for [REDACTED] for this incident.

17. On 06/05/2009, 06/07/2009, 06/08/2009, and 06/09/2009, I left telephone messages for [REDACTED] at [REDACTED], the only telephone number on file for [REDACTED], to contact me regarding this investigation.

NYSP Level 1 Investigation Form

Page 4 of 9
Date 08/10/09

Synopsis

PC#20090357

18. On 06/10/2009 and 06/11/2009, I conducted residence checks for [REDACTED] at [REDACTED], and [REDACTED], with no contact made with [REDACTED]. Both addresses were obtained from DMV database searches.
19. On 06/12/2009, I was contacted telephonically by JOHN GUARNERI, Attorney at Law, 35 East Grassy Sprain Road, Suite 204, Yonkers, NY 10710, 914-961-1359, who stated that he is representing [REDACTED] for his Reckless-Driving charge, and did not want me to speak to [REDACTED] about this investigation, despite being advised that the accident investigation is independent of the reckless driving charge and is solely focused on the alleged damage sustained to [REDACTED] vehicle. GUARNERI stated he would consult with [REDACTED] and recontact me regarding this investigation.
20. On 06/19/2009, I contacted GUARNERI who again stated that he advised [REDACTED] to decline my request for interview for this investigation. GUARNERI did provide me with a fax copy of a damage repair estimate from A#1 Auto Body AH; Inc., 4557 Furman Avenue, Bronx, NY, 10470, 718-325-1002, in the amount of \$2,089.16, for damage allegedly sustained to [REDACTED] vehicle. The damage repair estimate was dated 05/20/2009. GUARNERI also provided me with the following witness information: JOHN DUKE and NICOLE PAGNANELLA, employees of Westchester Car Rentals, 333 Tuckahoe Road, Yonkers, NY, 914-961-5100. The A#1 Auto Body AH, Inc. Damage Repair Estimate is attached to this report as enclosure#5.
21. On 06/21/2009, I advised Captain REALMUTO of the status of this investigation, and he directed me to complete and submit a Personnel Complaint Work Sheet for this investigation.
22. On 06/22/2009, I was assigned by Captain REALMUTO to conduct an Incident Review for this investigation – Personnel Complaint Investigation #20090357 assigned.
23. On 06/23/2009, I interviewed Sergeant BROWN, who worked a B-line shift out of SP Hawthorne on 05/06/2009. Sergeant BROWN stated that he did accept \$250.00 station bail from [REDACTED] during arrest processing conducted by Trooper KIRKLAND, and neither [REDACTED] nor Trooper KIRKLAND advised him of any contact between their vehicles on 05/06/2009 or anytime thereafter. Sergeant BROWN completed a one page Genl-7/Memorandum for this investigation which is attached to this report as enclosure#6.
24. On 06/24/2009, I contacted JOHN GUARNERI to arrange to take photographs of the damage to [REDACTED] vehicle. GUARNERI advised me that I would be able to observe and photograph [REDACTED] vehicle at [REDACTED] place of employment, [REDACTED], on this date at 11:45pm.
25. On 06/24/2009, I patrolled to [REDACTED] as arranged and did not observe [REDACTED] vehicle on or near the Hospital grounds. Calls made to [REDACTED] cell phone and interior check of the Hospital yielded no contact with [REDACTED].
26. On 06/25/2009, I recontacted GUARNERI who stated he would arrange for [REDACTED] vehicle to be available for my observation on June 30, 2009.

NYSP Level 1 Investigation Form

Synopsis

PC#20090357

27. On 06/30/2009, I patrolled to [REDACTED] and located [REDACTED] vehicle on the premises. I did not observe any damage to the vehicle, and contacted [REDACTED] to direct my attention to the alleged damage. [REDACTED] identified the damage as two small black vertical paint scuffs on the center of the rear bumper which were approximately 2.5 inches apart, a hairline crack on the bottom of the left side of the rear bumper, and further stated that the bumper was dislodged from the right quarterpanel and was reattached (not visible), the muffler tip covers were damaged and now replaced, and the bumper supports under the bumper were crushed (not visible). [REDACTED] did not identify the point of contact on his vehicle from 3K18.

28. On 06/30/2009, I took 7 photographs of [REDACTED] vehicle are attached to this report as enclosure#7.

29. On 06/30/2009, I physically inspected the front of marked SP patrol vehicle 3K18 at SP Hawthorne. 3K18 had no visible damage to the front of the vehicle, and is equipped with push bumpers that have a rubber coating approximately 2.5 inches wide on each front of each of the two vertical bars which comprise the push bumpers. The measurement of the width of the push bumper rubber coating is consistent with the approximate width of the two small black vertical marks that were observed on the rear bumper of [REDACTED] vehicle. Inspection of the interior of 3K18 yielded no audio or visual recording equipment installed in the vehicle.

30. On 06/30/2009, I took 2 photograph of the front of 3K18 which are attached to this report as enclosure#8.

31. On 06/30/2009, I completed a two page Genl-34/Photo Record for the photographs taken which is attached to this report as enclosure#9.

32. On 07/02/2009, I interviewed witness, JOHN J. DUKE, [REDACTED], at Westchester Car Rentals. DUKE stated that he was in the parking lot at Westchester Car Rentals on 05/06/2009 at approximately 9:30am, when he observed [REDACTED] white BMW quickly enter the parking lot driveway and come to a stop. DUKE then observed a marked NYSP vehicle (3K18) enter the same driveway seconds later and rear-end the white BMW. DUKE then observed Trooper KIRKLAND arrest [REDACTED] DUKE did look at the rear of [REDACTED] BMW, and did recall observing the two small vertical black marks on the center of the rear bumper depicted in Photo#5 of enclosure#8. DUKE stated he did not know both Trooper KIRKLAND and [REDACTED] prior to this incident, and he does not know if the black marks on the rear bumper were a result of the rear-end impact or if they were present prior to the vehicle impact. DUKE completed a two page Genl-4/Supporting Deposition for this investigation which is attached to this report as enclosure#10.

33. On 07/02/2009, I interviewed witness, NICOLE PAGNANELLA, [REDACTED], at Westchester Car Rentals. PAGNANELLA stated that on 05/06/2009 at approximately 9:30am, she was at her desk in the office at Westchester Car Rentals when she was advised by co-workers that there was an arrest occurring in the parking lot. When PAGNANELLA looked outside, she observed [REDACTED] in the police vehicle (3K18), and noticed that the front of the police vehicle (3K18) was against the rear of the [REDACTED] BMW. PAGNANELLA did not exit the office and did not observe damage on either vehicle. PAGNANELLA completed a one page Genl-4/Supporting Deposition for this investigation which is attached to this report as enclosure#11.

NYSP Level 1 Investigation Form

Page 6 of 9
Date 08/10/09

Synopsis

PC#20090357

34. On 07/02/2009, I interviewed CHAD ORLANDO, [REDACTED], [REDACTED], (President of Westchester Car Rentals) who stated he was working on 05/06/2009 at 9:30am, but was not at the premises and did not witness the vehicle contact between 3K18 and the BMW. ORLANDO stated that his only employees at Westchester Car Rental are DUKE, PAGANELLA, and DAMIAN ROYSTER (who was not scheduled to work on 05/06/2009 until 12:30pm).

35. On 07/02/2009, I interviewed DAMIAN ROYSTER, [REDACTED], [REDACTED] who stated that he was not present at Westchester Car Rentals at the time of this incident. ROYSTER state that he did arrive at work at approximately 12:30pm on 05/06/2009.

36. On 07/13/2009, I again contacted GUARNERI to request an interview with [REDACTED] this investigation which he declined. GUARNERI stated that [REDACTED] is due in the City of Yonkers Court sometime in September, 2009, for the Reckless Driving charge, and he would not advise [REDACTED] to speak with me until the case is disposed.

37. On 07/29/2009, I interviewed Trooper KIRKLAND at SP Hawthorne regarding this incident after I advised Trooper KIRKLAND of his right to PBA representation for this matter, which he declined. Trooper KIRKLAND stated that on 05/06/2009, he observed ([REDACTED] white BMW traveling on the Sprain Brook Parkway southbound in the Town of Greenburgh at a speed of 94 mph in a 55 mph zone. As he drove after the BMW with the emergency lights and siren of 3K18 activated to effect a vehicle and traffic stop on the BMW, the BMW attempted to evade Trooper KIRKLAND by unsafely moving from lane to lane while cutting off and tailgating other vehicles. Trooper KIRKLAND observed the BMW exit the parkway at the Tuckahoe Road exit, drive past a stop sign without stopping, and make a quick right turn into the driveway of Westchester Car Rentals, which had an obstructed view of the driveway. Trooper KIRKLAND stated while driving after the BMW, he also made a quick right turn into the driveway of Westchester Car Rentals, observed that the BMW was stopped, and quickly exited his vehicle to arrest the operator of the BMW who he later identified as [REDACTED]. After placing [REDACTED] under arrest he noticed that the push bumpers of 3K18 were against the rear bumper of the BMW. Trooper KIRKLAND then backed 3K18 off of the rear bumper of the BMW and checked both vehicle for damage. Trooper KIRKLAND stated that he did not observe any damage to either vehicle, and when shown the 7 photographs that I took of the BMW, he stated that he did not observe any of the damage depicted in the photographs on the BMW at that time. Trooper KIRKLAND also stated that he did not feel any impact between 3K18 and the BMW when he stopped 3K18 to arrest [REDACTED] and that 3K18 was in park when he returned to 3K18 to back it off of the BMW. Trooper KIRKLAND did not notify any SP Supervisor of the vehicle impact at the scene or at any time thereafter because there was no damage incurred to either vehicle to report. Trooper KIRKLAND stated that [REDACTED] never mentioned to him throughout their interaction on 05/06/2009 that he he felt or observed any vehicle impact this incident. Trooper KIRKLAND completed a two page Genl-7/Memorandum for this investigation which is attached to this report as enclosure#12.

38. On 08/21/2009, I completed MV-104A/Police Accident Report#SPQ631000030 for this investigation which is attached to this report as enclosure#13.

39. On 08/26/2009, I completed AMS Message#AMSP419000015 for this investigation which is attached to this report as enclosure#14.

NYSP Level 1 Investigation Form

Page 7 of 9
Date 08/10/09

Synopsis

PC#20090357

CONCLUSION:

Investigation into this matter has revealed that Trooper KIRKLAND failed to notify Sergeant ROBERT BROWN or any other Member of the vehicle contact between 3K18 and [REDACTED] vehicle on the date that it occurred, he did not allow for proper documentation and photographs to be taken of both vehicles to protect the NYSP from any litigation and false claims. Because [REDACTED] did not cooperate with my request for an interview for this investigation, investigation into this matter was unable to uncover why [REDACTED] also did not report the vehicle contact to Sergeant BROWN when he was in direct contact with Sergeant BROWN while posting station bail on his own behalf to Sergeant BROWN at SP Hawthorne, and why [REDACTED] did not file a claim with his auto insurance company and obtain a damage repair estimate until two weeks after the alleged damage occurred. Direct observation of [REDACTED] vehicle revealed that the two small paint scuffs in the center of the rear bumper are consistent with contact from one of the vertical push bumpers installed on the front of 3K18. The damage to the rear bumper supports cannot be substantiated as I was unable to inspect the bumper supports which are installed underneath, and are covered by, the rear bumper. The hairline crack on the lower left rear bumper, and the alleged damage to the muffler pipe tips cannot be substantiated by this investigation. [REDACTED] did not produce the alleged damaged muffler pipe tips when I inspected the vehicle, and the damage to the lower left bumper and muffler pipe tips is not consistent with a rear end/center impact from the push bumpers installed on 3K18.

All facts obtained during this investigation conclude that Trooper IMANI KIRKLAND did violate Regulation 8A2 of the New York State Police Rules and Regulations:

Regulation 8A2 "It shall be the duty of all Members to study and comply with the Rules, Regulations and Instructions and to require like compliance of all other Members under their supervision or control. The Rules and Regulations are promulgated by the Superintendent and approved by the Governor for the discipline and control of the Division. Rules, Regulations and Instructions are published by the Superintendent in the New York State Police Manual and a copy of this Manual is issued to every Member. Failure to comply with any Rule, Regulation, or Instruction shall make a Member subject to disciplinary action as provided for in the Rules."

Specifically, Trooper KIRKLAND did violate Article 5H2(a) of the New York State Police Administrative Manual:

Article 5H2(a) "Member Involved In An Accident: Immediately notify your assigned Station or the Station nearest to the Accident scene".

I recommend appropriate administrative action.

NYSP Level 1 Investigation Form

Synopsis

PC#20090357

Enclosures:

- #1 - State Farm Insurance Company Notice of Claim
- #2 - SJS Incident Report#3000529
- #3 - UTTS #Q720001BSP and #3K1804KFSP
- #4 - Genl-21/INV3K18000037
- #5 - A#1 Auto Body AH, Inc, Damage Repair Estimate for NY- [REDACTED]
- #6 - Genl-7/Sergeant ROBERT BROWN
- #7 - 7 Photographs / NY- [REDACTED]
- #8 - 2 Photographs / 3K18
- #9 - Genl-34/Photo Records
- #10 - Genl-4/JOHN J. DUKE
- #11 - Genl-4/NICOLE PAGNANELLA
- #12 - Genl-7/Trooper IMANI KIRKLAND
- #13 - TRACS MV-104A/Police Accident Report#SPQ631000030
- #14 - AMSP419000015

NYSP Level 1 Investigation Form		Page. 9	Of. 9
		Date	8/10/09
# of Enclosures 14	(explain "No" in synopsis)	PC# (if applicable)	20090357
Memo(s) of: TPR. IMANI A. KIRKLAND, SGT. ROBERT W. BROWN		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA	
Statement(s) of: JOHN J. DUKE, NICOLE M. PAGANELLA		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA	
AMS # AMSP419000015	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DNA	Other Terminal Message	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DNA
Genl. 89 - Use of Chemical Spray Report	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA	Genl. 91 - Vehicle Pursuit Form	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA
Audio Tape or CD -# Enclosed	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA	Video Tape or CD -# Enclosed	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA
Enter Source	Transcript enclosed <input type="checkbox"/>	Enter Source	
Genl. 34 - Photo Record	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA	MV104 Police Accident Report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA
Genl. 81 - Medical Records Release for:		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA	
Other: SJS INCID RPT#3000529	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA	Other: VEH DAMAGE ESTIMATE	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA
Report of			
Name	Rank	Div ID#	TZS
JOSEPH J. CRISPINO II <i>Joseph J. Crispino II / S256</i>	SGT/SC		K311
Reviewed by			
Name	Rank	Div ID#	TZS
<i>[Signature]</i>	<i>[Signature]</i>		<i>[Signature]</i>
1st Endorsement			
To: Troop Commander	Date		
From: <i>[Signature]</i>	<i>[Signature]</i>		
<i>[Signature]</i>		<input checked="" type="checkbox"/> I concur with the findings of the Investigation.	
2nd Endorsement			
To: Division Headquarters	Date		
From: <i>CAPTAIN ROBERT NUZZO</i>	<i>09/02/09</i>		
<i>[Signature]</i>		<input checked="" type="checkbox"/> I concur with the findings of the Investigation.	
If Personnel Complaint complete the following sections.			
The Complaint is:			
Unfounded <input type="checkbox"/>	Unsubstantiated <input type="checkbox"/>	Closed by Investigation <input type="checkbox"/>	
Founded <input checked="" type="checkbox"/>	Date <i>09/02/09</i>		
Rule 3 Waiver Form attached <input type="checkbox"/>			
The following disposition was imposed under Rule 3			
No Action Warranted <input type="checkbox"/>	Letter of Censure <input type="checkbox"/>	Intra-Troop Transfer <input type="checkbox"/>	
Probation <input type="checkbox"/> # of days <input type="checkbox"/>	Loss of Annual Leave days <input type="checkbox"/> # of days <input type="checkbox"/>		
Copy of memorandum of disposition to Member attached <input type="checkbox"/>			

State Farm Insurance Companies



May 21, 2009

New York Auto Claim Central
P.O. Box 8021
Ballston Spa, NY 12020-8021
Hours of Operation:
Monday - Friday: 7am - 7pm
Saturday: 9am - 5pm

New York State Police
1220 Washington Ave Bldg 22
Albany, NY 12226

914-837-4122

RE: Claim Number: [REDACTED]
Date of Loss: May 20, 2009
Location of Loss: Yonkers
Our Insured: [REDACTED]

To Whom It May Concern:

Notice of Claim

In the Matter of the Claim of
State Farm Mutual Automobile Insurance Company
against New York State Police

PLEASE TAKE NOTICE that I, State Farm Mutual Automobile Insurance Company, the undersigned, pursuant to the Statutes in such cases made and provided, do hereby make claim against New York State Police, the sum of Pending, \$Pending and in support of such claim do state the following:

1. My name is State Farm Mutual Automobile Insurance Company and my post office address is: PO BOX 8021 Ballston Spa NY 12020.
2. The claim is one against [REDACTED] for damages sustained to a 2001 Bmw 325Ci, owned by [REDACTED]
3. The time this claim arose and damages hereinafter alleged were sustained at approximately 9:30 AM on May 20, 2009.
4. The particular place of the sustaining of such damages was on Tuckahoe Rd Near Sprain Brook Pkwy.

Page 2

May 21, 2009

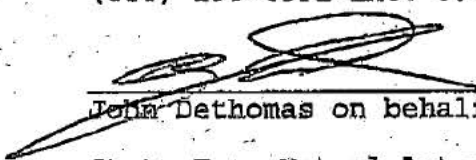
5. The said damages for which claim is hereby made arose in the following way:

TO WIT: Your vehicle driven by Iman Kirkland, badge #5185, struck our insureds parked vehicle.

May 21, 2009


WHEREFORE, I respectfully request that this, my claim, be allowed and paid by the said name.

Date: May 21, 2009
State Farm Mutual Automobile Insurance Company
(800) 298-0591 Ext. 3302


John Dethomas on behalf of

State Farm Mutual Automobile Insurance Company, being duly sworn, says that he/she is the claimant named in the foregoing claim; that he/she has read the same and knows the contents thereof; that the same is true to his/her own knowledge except as to the matter alleged upon information and belief as to those matters he believes is to be true.

Dated: May 21, 2009


Notary Public

COUNTY OF Saratoga:
STATE OF NEW YORK

Sarah A Myers
Notary Public - State of New York
No. 01-MY6186781
Qualified in Saratoga County
My Commission Expires Nov. 17, 2012

ESTIMATE

A #1 AUTO BODY AH, INC.

4557 FURMAN AVENUE • BRONX, NEW YORK 10470 • (718) 325-1002

NAME		DATE	
STREET		CITY	
YEAR	COLOR	MAKE	MODEL
REGISTRATION NO.	SERIAL NO.	ODOMETER	ESTIMATE PREPARED BY
INSURANCE COMPANY		ADJUSTOR	

REPLACE	REPAIR	DESCRIPTION	PARTS	LABOR	REFINISH	SUBLET
		Replace Rear bumper cover		\$	428.	07
		Replace Rear bumper Reinforcement		\$	195.	63
		Replace Left & Right Bumper Struts		\$	202.	46
		Replace Muffler for Rear		\$	275.	00
		Parts \$1104.16				
		Repair Rear bumper cover				
		Realign Bumper Reinforcement & Struts				
		Install or new muffler				
		Labour \$985.00				
TOTALS						

The above is an estimate based on our inspection and does not cover any additional parts or labor which may be required after the work has been started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Because of this, the above prices are not guaranteed. Questions on parts and labor are current and subject to change.

AUTHORIZATION FOR REPAIRS
 You are hereby authorized to make the above repairs:

SIGNED: _____
 DATE: 5-20-09

TOTAL PARTS.....	\$ 1,104.16
TOTAL LABOR.....	\$ 985.00
TOTAL REFINISH.....	\$
TOTAL SUBLET.....	\$
TAX.....	\$
MISC.....	\$
TOTAL.....	\$ 2,089.16

NEW YORK STATE POLICE

MEMORANDUMTroop K Station SP HawthorneDate June 23rd, 2009**To:** Major William T. Carey, Troop Commander, Troop K**From:** Sergeant Robert W. Brown *(w/1)***Subject:** INCIDENT REVIEW-SJS#3000529

On 05/06/2009, I was working a B shift out of SP Hawthorne. At approximately 10:30am, Tpr. IMANI KIRKLAND arrived at SP Hawthorne with [REDACTED] under arrest for Reckless Driving. Trooper KIRKLAND stated to me that [REDACTED] attempted to evade him when he initiated a vehicle and traffic stop. [REDACTED] was processed without incident and \$250.00 station bail was secured from him. [REDACTED] was in SP Hawthorne for approximately one hour. At no time did [REDACTED] or Trooper KIRKLAND state there was contact made between the vehicles or that either vehicle sustained damage during the traffic stop.

PHOTO #1



Administrative Investigation 20090357

Complainant: [REDACTED]

Photo Taken On: June 30, 2009

Photo Taken At: [REDACTED]

Photo Description: NY Registration [REDACTED] (front view of vehicle)

Photo Taken By: Sergeant/Station Commander JOSEPH J. CRISPINO II

PHOTO #2



Administrative Investigation 20090357

Complainant: [REDACTED]

Photo Taken On: June 30, 2009

Photo Taken At: [REDACTED]

Photo Description: NY Registration [REDACTED] (rear view of vehicle)

Photo Taken By: Sergeant/Station Commander JOSEPH J. CRISPINO II

PHOTO #3



Administrative Investigation 20090357

Complainant: [REDACTED]

Photo Taken On: June 30, 2009

Photo Taken At: [REDACTED]

Photo Description: NY Registration [REDACTED] (cracked lower left rear bumper)

Photo Taken By: Sergeant/Station Commander JOSEPH J. CRISPINO II

PHOTO #4



Administrative Investigation 20090357

Complainant: [REDACTED]

Photo Taken On: June 30, 2009

Photo Taken At: [REDACTED]

Photo Description: NY Registration [REDACTED] (cracked lower left rear bumper - closeup)

Photo Taken By: Sergeant/Station Commander JOSEPH J. CRISPINO II

PHOTO #5



Administrative Investigation 20090357

Complainant: [REDACTED]

Photo Taken On: June 30, 2009

Photo Taken At: [REDACTED]

Photo Description: NY Registration [REDACTED] (two abrasions to paint on center rear bumper)

Photo Taken By: Sergeant/Station Commander JOSEPH J. CRISPINO II

PHOTO #6



Administrative Investigation 20090357

Complainant: [REDACTED]

Photo Taken On: June 30, 2009

Photo Taken At: [REDACTED]

Photo Description: NY Registration [REDACTED] (right side rear bumper – no visible damage)

Photo Taken By: Sergeant/Station Commander JOSEPH J. CRISPINO II

PHOTO #7



Administrative Investigation 20090357

Complainant: [REDACTED]

Photo Taken On: June 30, 2009

Photo Taken At: [REDACTED]

Photo Description: NY Registration [REDACTED] (left side rear bumper)

Photo Taken By: Sergeant/Station Commander JOSEPH J. CRISPINO II

PHOTO #1



Administrative Investigation 20090357

Complainant: [REDACTED]

Photo Taken On: June 30, 2009

Photo Taken At: SP Hawthorne, T/Mount Pleasant, NY

Photo Description: Front of 3K18

Photo Taken By: Sergeant/Station Commander JOSEPH J. CRISPINO II

PHOTO #2



Administrative Investigation 20090357

Complainant: [REDACTED]

Photo Taken On: June 30, 2009

Photo Taken At: SP Hawthorne, T/Mount Pleasant, NY

Photo Description: Front Push Bumpers of 3K18

Photo Taken By: Sergeant/Station Commander JOSEPH J. CRISPINO II

PHOTO RECORD

INSTRUCTIONS: • Complete a separate form for each investig.
• Print all entries

1m

STATION AND CASE NUMBER <i>SP Hawthorne - Admin INVEST 20090357</i>		ID LEAD #	DATE <i>06/30/2009</i>	TIME BEGAN <i>5:05 pm</i> COMPLETED <i>5:23 pm</i>	
INVESTIGATING MEMBER <i>Sgt/Sc J.J. Crispino II / 5252</i>			PHOTOGRAPHER'S NAME <i>Sgt/Sc J.J. Crispino II / 5252</i>		
CRIME OR INCIDENT <i>Admin Invest - Div vehicle 2 car PDA</i>				WEATHER <i>cloudy</i>	
ADDRESS OR LOCATION <i>333 Tuckahoe Road, C/yonkers, NY</i>				COUNTY <i>WESTCHESTER</i>	
COMPLAINANT - DEFENDANT - DECEASED [REDACTED]				DATE OF BIRTH [REDACTED]	
VEHICLE/ OPERATOR - GENERAL DESCRIPTION OF SCENE <i>Report of Div Veh 2 car PDA - 05/06/09 @ 9:35 am - UNREPORTED AT TIME OF INCIDENT</i>					
KIND OF FILM <i>(Digital)</i>		CAMERA <i>Olympus FE-120</i>		DATE SUBMITTED TO ID SECTION	

PHOTO #	DESCRIPTION
1	<i>NY - [REDACTED] (Front View)</i>
2	<i>NY - [REDACTED] (Rear View)</i>
3	<i>NY - [REDACTED] (Cracked lower left Rear Bumper)</i>
4	<i>NY - [REDACTED] (Cracked lower left Rear Bumper - close up)</i>
5	<i>NY - [REDACTED] (Two abrasions to paint on Center Rear Bumper)</i>
6	<i>NY - [REDACTED] (right side Rear Bumper - no visible damage)</i>
7	<i>NY - [REDACTED] (left side Rear Bumper)</i>

← LAST PHOTO # 7

PHOTOS TAKEN IN PARKING LOT OF [REDACTED]

Sgt/Sc J.J. Crispino II / 5252

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PHOTO RECORD

INSTRUCTIONS: • Complete a separate form for each investigation
• Print all entries

STATION AND CASE NUMBER SP Hawthorne - Admin Invest 20090357		ID LEAD #	DATE 06/30/2009	TIME BEGAN COMPLETED	
INVESTIGATING MEMBER SGT/SC J.S. CRISPINO II / 5256			PHOTOGRAPHER'S NAME SGT/SC J.S. CRISPINO II / 5256		
CRIME OR INCIDENT Admin Invest - DW VEHICLE 2 CAR PDAA				WEATHER cloudy	
ADDRESS OR LOCATION 333 TuckanoE Road, C/yonkers, NY				COUNTY WESTCHESTER	
COMPLAINANT - DEFENDANT - DECEASED [REDACTED]				DATE OF BIRTH [REDACTED]	
VEHICLE(S) OPERATOR - GENERAL DESCRIPTION OF SCENE Report of Div. Veh. 2 CAR PDAA - 05/06/09 @ 9:35 AM - unreported at time of incident					
KIND OF FILM (Digital)		CAMERA olympus FE-120		DATE SUBMITTED TO ID SECTION	

PHOTO #	DESCRIPTION
1	FRONT OF 3K18
2	FRONT PUSH BUMPERS OF 3K18
3	LAST PHOTO #2
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PHOTOS TAKEN IN PARKING LOT OF
SP Hawthorne
200 Bradhurst Avenue
Hawthorne, NY 10532

SGT/SC J.S. CRISPINO II / 5256

THE PEOPLE OF THE STATE OF NEW YORK
— VS. —

ENCLOSURE #10

DEFENDANT(S)

page 1

LOCATION OF INCIDENT:

STATE OF NEW YORK _____ COURT

COUNTY OF WESTCHESTER

city OF Yonkers

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF WESTCHESTER

city OF Yonkers

On DATE: 07/02/09 at TIME STARTED: 7:41 am I, FULL NAME: John J. Duke, [REDACTED]

state the following: On May 6, 2009, at about 9:30am, I was working at Westchester Car Rentals, 333 Tuckahoe Rd, Yonkers as a driver. I was in the parking lot when a white BMW "flew" into the entrance driveway. The car was moving fast and came to a stop. A few seconds later a marked state police car came fast into the driveway behind the white BMW and rear-ended the BMW. The middle front of the police car hit the middle rear of the BMW. The Trooper got out of the police car and went up to the BMW and opened the driver's door on the BMW. The trooper was yelling to the driver, "You were running from me," and took him out of the car and arrested him. After, the trooper asked me if the BMW driver worked here and I said no. The trooper then said to the driver "why are you telling me that you work here - you don't work here." I saw two small marks on the middle of the rear bumper on the BMW. I did not see any other marks or damage to either the BMW or the police car. I don't know if the

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 2nd day of July, 2009
 - OR -

John J. Duke
 (SIGNATURE OF DEPONENT)

* Subscribed and Sworn to before me
 this _____ day of _____

(WITNESS)
[Signature]
 (NAME OF PERSON TAKING DEPOSITION)

TIME ENDED: Cont →

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

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
- VS.

ENCLOSURE #10

page 2

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK _____ COURT

COUNTY OF WESTCHESTER

City OF Yonkers

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF WESTCHESTER

City OF Yonkers

On Cont → at Cont → I, John J. Duke, [REDACTED]

state the following: marks were on the car before the police car hit it because I have never seen the car before that time. I do not know the driver of the car or the Trooper that arrested him.
John Duke

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 2nd day of July, 2009 John J. Duke [Signature]
 (SIGNATURE OF DEPONENT)

- OR -

* Subscribed and Sworn to before me

this _____ day of _____,

(WITNESS) [Signature] TIME ENDED: 7:56 AM
 (NAME OF PERSON TAKING DEPOSITION)

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

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
- VS.

ENCLOSURE #11

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK _____ COURT

COUNTY OF WESTCHESTER

City OF Yonkers

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF WESTCHESTER

City OF Yonkers

On DATE: 07/02/2009 at TIME STARTED: 8:03 AM I, FULL NAME: Nicole PARNANELLA

state the following: On May 6, 2009, at about 9:30 AM, I was working at Westchester Car Rentals, 333 Tuckahoe Rd, Yonkers, NY, as a sales associate. I was sitting behind my desk when the guys at work told me that a guy was arrested in our driveway. I saw the guy in the police car and that was it. I didn't see anything prior to that. The front of the police car was against the rear of a white BMW. I didn't go outside to see if there was any damage to either car. I do not know the person who was arrested or the trooper.

N. Parnanella

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 2nd day of July, 2009

N. Parnanella

(SIGNATURE OF DEPONENT)

- OR -

* Subscribed and Sworn to before me

this _____ day of _____,

(WITNESS)

Sgt. Sc. Muscato II

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:

8:14 AM

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

NEW YORK STATE POLICE

MEMORANDUM

Troop K Station SP HawthorneDate July 29, 2009**To:** Major William T. Carey, Troop Commander, Troop K**From:** Trooper Imani A. Kirkland *IK***Subject:** INCIDENT REVIEW - SJS#3000529

I have been directed to submit this memorandum under Article 16.1(D) of the Agreement between the State of New York and the PBA. I have been offered representation, to which I am entitled during an interrogation pursuant to Article 16.2(A), and submit this memorandum accordingly.

On 05/06/2009, I was working a 1 shift out of SP Hawthorne. At 9:35am, I was running stationary radar in marked Division vehicle 3K18 on the Jackson Avenue entrance ramp to the Sprain Brook Parkway southbound in the Town of Greenburgh when I observed a white BMW driving at 94 miles per hour in the right lane of the parkway. I pulled out after the BMW, and the BMW accelerated, swerved from lane to lane, and was tailgating and cutting off other cars in an attempt to evade me. I activated the emergency lights and siren of 3K18, and continued in traffic after the BMW. The BMW exited the Sprain Brook Parkway off the Tuckahoe Road exit ramp in the City of Yonkers, driving past the stop sign at the end of the exit ramp. The BMW then made a right onto Tuckahoe Road, and another quick right into the parking lot of Westchester Car Rentals, 333 Tuckahoe Road. I followed the BMW onto Tuckahoe Road with 3K18's lights and siren still activated, and I made a right turn into the parking lot of Westchester Car Rentals. As I entered the parking lot I observed the BMW stopped, and I quickly came to a stop and placed the vehicle operator, [REDACTED] under arrest for Reckless Driving. After placing [REDACTED] under arrest, I noticed that the front push bumper of 3K18 was resting against the rear bumper of the [REDACTED] BMW (NY registration [REDACTED]). I then took the vehicle out of park and backed 3K18 off the BMW, and I carefully inspected the front of 3K18 and the rear of the BMW. There was absolutely no damage of any kind observed on either vehicle. I did not feel any contact between 3K18 and the BMW, while I was coming to a quick stop to arrest MCTAVISH. I then impounded [REDACTED] BMW and transported [REDACTED] to SP Hawthorne to post station bail for the Reckless Driving charge. Sergeant ROBERT BROWN secured \$250.00 station bail from [REDACTED] at SP Hawthorne, and [REDACTED] was issued UTT's returnable to the City of Yonkers Court on 05/14/2009 and released. I did not notify Sergeant BROWN of the contact between the push bumpers of 3K18

and [REDACTED] BMW because there was no damage on either vehicle to report.
[REDACTED] also did not advise Sergeant BROWN of the vehicle contact, or alleged damage during the hour and a half he was being processed at SP Hawthorne.

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT
MV-104A (3/04)

ENCLOSURE #13

Local Codes
3000529
SPQ631000030

AMENDED REPORT

1	Accident Date	Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene <input checked="" type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	20 69
	Month 5 Day 6 Year 2009	Wednesday	09:35	2	0	0	Accident Reconstructed <input type="checkbox"/>			

	VEHICLE 1	<input checked="" type="checkbox"/> VEHICLE 2	<input type="checkbox"/> BICYCLIST	<input type="checkbox"/> PEDESTRIAN	<input type="checkbox"/> OTHER PEDESTRIAN	21
--	------------------	--	------------------------------------	-------------------------------------	---	----

2	VEHICLE 1 - Driver License ID Number	State of Lic. NY	VEHICLE 2 - Driver License ID Number	State of Lic. NY	21
	Driver Name - exactly as printed on license KIRKLAND, IMANI A		Driver Name - exactly as printed on license		28

	Address (Include Number and Street)	Apt. No.	Address (Include Number and Street)	Apt. No.	22
	200 BRADHURST AVE				

	City or Town	State	Zip Code	City or Town	State	Zip Code	22
	HAWTHORNE	NY	10532		NY		

3	Date of Birth	Sex	Unlicensed	No. of Occupants	Public Property Damaged	Date of Birth	Sex	Unlicensed	No. of Occupants	Public Property Damaged	23
1	Month Day Year	M	<input type="checkbox"/>	01	<input type="checkbox"/>	Month Day Year	M	<input type="checkbox"/>	01	<input type="checkbox"/>	1

	Name - exactly as printed on registration	Sex	Date of Birth	Name - exactly as printed on registration	Sex	Date of Birth	23
	NYS POLICE,		Month Day Year		M	Month Day Year	1

4	Address (Include Number and Street)	Apt. No.	Haz. Mat. Code	Released	Address (Include Number and Street)	Apt. No.	Haz. Mat. Code	Released	24
1	1220 WASH AVE BLDG 22			<input type="checkbox"/>				<input type="checkbox"/>	1

	City or Town	State	Zip Code	City or Town	State	Zip Code	24
	ALBANY	NY	12226		NY		

5	Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code	Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code	25
2	POLICE	NY	2008 FORD	POLI	994		NY	2001 BMW	2DSD	328	7

	Ticket/Arrest Number(s)	Ticket/Arrest Number(s)	26
		Q720001BSP	18

	Violation Section(s)	Violation Section(s)	27
		1212	2

6	Check if involved vehicle is:	Check if involved vehicle is:	Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.	27
1	<input type="checkbox"/> more than 95 inches wide;	<input type="checkbox"/> more than 95 inches wide;		18
	<input type="checkbox"/> more than 34 feet long;	<input type="checkbox"/> more than 34 feet long;		26
	<input type="checkbox"/> operated with an overweight permit;	<input type="checkbox"/> operated with an overweight permit;		18
	<input type="checkbox"/> operated with an overdimension permit.	<input type="checkbox"/> operated with an overdimension permit.		

7	VEHICLE 1 DAMAGE CODES	VEHICLE 2 DAMAGE CODES	ACCIDENT DIAGRAM	27
1	Box 1 - Point of Impact	Box 1 - Point of Impact		2
	Box 2 - Most Damage	Box 2 - Most Damage		2

	Enter up to three more damage codes	Enter up to three more damage codes	See the last page of the MV-104A for the accident diagram.	28
	3 4 5	3 4 5		1

	Vehicle Bv:	Vehicle Bv:	Cost of repairs to any one vehicle will be more than \$1000.	28
	Towed: To:	Towed: To:	<input checked="" type="checkbox"/> Unknown/Unable to determine <input type="checkbox"/> Yes <input type="checkbox"/> No	1

	VEHICLE DAMAGE CODING:	Place Where Accident Occurred:	29
	1-13 SEE DIAGRAM ON RIGHT.	County <u>WESTCHESTER</u> <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town of <u>YONKERS</u>	

	Coordinates (if available)	Road on which accident occurred	29
	Latitude/Northing: 4533818	<u>PARKING LOT AT 333 TUCKAHOE RD</u> (Route Number or Street Name)	

	Longitude/Easting: 598117	at 1) intersecting street	29
		or 2) <u>20</u> <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W of <u>TUCKAHOE RD</u> (Milepost, Nearest intersecting Route Number or Street Name)	

Accident Description/Officer's notes
 V-1, MARKED NYSP PATROL VEHICLE 3K18, WAS IN EMERGENCY OPERATION WITH LIGHTS AND SIREN ACTIVATED ATTEMPTING TO STOP V-2 FOR RECKLESS DRIVING, WHEN V-2 MADE A RIGHT TURN AROUND A BLIND CURVE INTO THE PARKING LOT OF WESTCHESTER CAR RENTALS, 333 TUCKAHOE ROAD, YONKERS, NY, AND CAME TO AN ABRUPT STOP. V-1, STOPPING BEHIND V-2, STRUCK THE CENTER OF THE REAR BUMPER OF V-2 WITH THE FRONT PUSH BUMPERS OF V-1. ACCIDENT NOT REPORTED TO NYSP ON DATE OF INCIDENT; NYSP NOTIFIED BY INSURANCE COMPANY OF OWN/OPV-2 AFTER NOTICE OF CLAIM DATED 05/20/09.

	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A	1	1	4	1	█	M	-	-	-			KIRKLAND, IMANI A	
B	2	1	4	1	30	M	-	-	-				
C													
D													
E													
F													

Officer's Rank and Signature	SERGEANT <i>J. Crispino</i>	Badge/ID No.	2650	NCIC No.	15901	Precinct/Post Troop/Zone	K3	Station/Beat Sector	11	Reviewing Officer		Date/Time Reviewed	
Print Name	J. CRISPINO												

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USE COVER SHEET
N

New York State Department of Motor Vehicles
POLICE ACCIDENT REPORT

ENCLOSURE #13

Local Codes
3000529
SPQ631000030

AMENDED REPORT

19

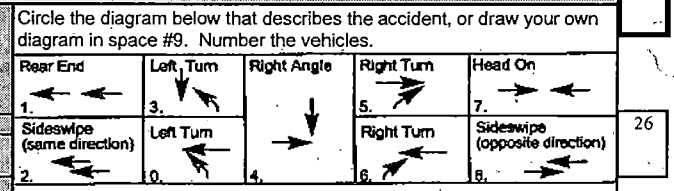
1	Accident Date Month: 5, Day: 6, Year: 2009	Day of Week Wednesday	Military Time 09:35	No. of Vehicles 2	No. Injured 0	No. Killed 0	Not Investigated at Scene <input checked="" type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	20
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2	VEHICLE 1 - Driver License ID Number				State of Lic.	VEHICLE 2 - Driver License ID Number				State of Lic.	21
	Driver Name - exactly as printed on license					Driver Name - exactly as printed on license					
	Address (Include Number and Street)				Apt. No.	Address (Include Number and Street)				Apt. No.	
	City or Town				State	City or Town				State	22

3	Date of Birth Month: , Day: , Year:	Sex	Unlicensed <input type="checkbox"/>	No. of Occupants	Public Property Damaged <input type="checkbox"/>	Date of Birth Month: , Day: , Year:	Sex	Unlicensed <input type="checkbox"/>	No. of Occupants	Public Property Damaged <input type="checkbox"/>	23
	Name - exactly as printed on registration				Sex	Name - exactly as printed on registration				Sex	
	Address (Include Number and Street)				Apt. No.	Address (Include Number and Street)				Apt. No.	
	City or Town				State	City or Town				State	24

4	Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code	Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code	25
5	Ticket/Arrest Number(s)					Ticket/Arrest Number(s)					
	Violation Section(s)					Violation Section(s)					

6	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.	VEHICLE 1 DAMAGE CODES	1	2	3	4	5	7	8	9	26
7	Check if involved vehicle is: <input type="checkbox"/> more than 95 inches wide; <input type="checkbox"/> more than 34 feet long; <input type="checkbox"/> operated with an overweight permit; <input type="checkbox"/> operated with an overdimension permit.	VEHICLE 2 DAMAGE CODES	1	2	3	4	5	ACCIDENT DIAGRAM			27



8	Vehicle Bv. Towed To:	2	Vehicle Bv. Towed To:	9.	Cost of repairs to any one vehicle will be more than \$1000. Unknown/Unable to determine Yes No	28
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9	Reference Marker	Coordinates (if available) Latitude/Northing: Longitude/Easting:	Place Where Accident Occurred: County <u>WESTCHESTER</u> City Village Town of _____ Road on which accident occurred _____ (Route Number or Street Name) at 1) intersecting street _____ (Route Number or Street Name) or 2) _____ feet _____ miles N S E W of _____ (Milepost, Nearest intersecting Route Number or Street Name)	29
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Accident Description/Officer's notes
 WAS SERVED. DAMAGE REPORTED BY OWN/OPV-2 TO: THE LOWER LEFT REAR BUMPER AND MUFFLER PIPE TIPS NOT CONSISTENT WITH ACCIDENT INVESTIGATION. OWN/OP-V2 ARRESTED FOR RECKLESS DRIVING IMMEDIATELY AFTER VEHICLE CONTACT BETWEEN V-1 AND V-2.
 WITNESS #1 - JOHN J DUKE 333 TUCKAHOE ROAD YONKERS NY

USE COVER SHEET

N

8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all involved	Date of Death Only
A												
B												
C												
D												
E												
F												

Officer's Rank and Signature SERGEANT <i>J. Crispino</i>	Badge/ID No. 2650	NCIC No. 15901	Precinct/Post Troop/Zone K3	Station/Beat Sector 11	Reviewing Officer	Date/Time Reviewed
Print Name in Full J. CRISPINO						

ALL INVOLVED

Local Codes
3000529
SPQ631000030

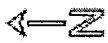
POLICE ACCIDENT REPORT

MV-104A (3/04)

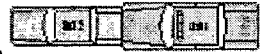
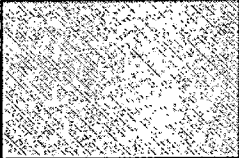
AMENDED REPORT

Accident Date			Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene <input checked="" type="checkbox"/>	Left Scene <input type="checkbox"/>	Police Photos <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Month	Day	Year						Accident Reconstructed <input type="checkbox"/>		
5	6	2009	Wednesday	09:35	2	0	0			

TUCKAHOERD



333 TUCKAHOE RD





New York State Department of Motor Vehicles

**REPORT OF MOTOR VEHICLE ACCIDENT
POLICE LINE OF DUTY ACCIDENT**

AMENDED REPORT

Page 1 of 1 Pages

Precinct K311
Local Accident Number 3000529
SPQ631000030

IMPORTANT: If you are the officer in charge, complete and sign this form, and attach it to the MV-104A or MV-104AN.

Accident Date 5 / 6 / 2009 Month Day Year	Accident Time In Military Time 09:35	County WESTCHESTER
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NAMES OF DRIVERS: (Please Print or Type)

*	Last	First	M.I.	State of Veh. Req.	Plate Number	Driver License State	Driver License Number
VEH 1 <input checked="" type="checkbox"/>	KIRKLAND	IMANI	A	NY	POLICE	NY	[REDACTED]
VEH 2 <input type="checkbox"/>	[REDACTED]	[REDACTED]	L	NY	[REDACTED]	NY	[REDACTED]
VEH 3							
VEH 4							
VEH 5							
VEH 6							

Pursuant to Section 605 of the New York State Vehicle and Traffic Law, the attached Police Accident Report is also the motorist report for vehicle number(s) 1

* Pursuant to Section 605(a)(4) of the Vehicle and Traffic Law, check **only** the box for each police officer operating a police vehicle (as defined by V & T Section 132-a) **during emergency operation** (as defined by V&T Section 114-b) when the accident occurred.

Date 08/21/2009	Signature of Owner of Police Vehicle/Police Agency Representative N.Y.S.P. - Sgt/Sc J. Angino II Sgt/Sc J.S. Angino II	NCIC# 15901
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Administrative Message Report

ENCLOSURE #14

Print/Run Date 08/26/2009

AMS # AMSP419000015

Date/Time Reported/Discovered
05/20/2009 09:00

Agency ORI
NYS SP HAWTHORNE

TZS
K311

Message

DIVISION VEHICLE - PDAA

Investigated By

SGT/SC JOSEPH J CRISPINO II

Units Responded

UF

Photos YES

Videotape NO

Narrative

ON 05/06/2009, AT APPROX. 9:30AM, TROOPER IMANI KIRKLAND, OPERATING MARKED DIVISION VEHICLE 3K18 WHILE UTILIZING EMERGENCY LIGHTS AND SIREN, DID ATTEMPT TO STOP NY- [REDACTED], OPERATED BY [REDACTED] FOR RECKLESS DRIVING (SPEEDING/UNSAFE LANE CHANGES/FAIL TO STOP AT STOP SIGN) AT THE TUCKAHOE ROAD EXIT RAMP OF THE SPRAIN BROOK PARKWAY SOUTHBOUND. NY- [REDACTED] DID NOT COMPLY AND MADE A QUICK TURN INTO THE PARKING LOT OF 333 TUCKAHOE ROAD, YONKERS, NY. 3K18 FOLLOWED NY- [REDACTED] AROUND A BLIND CURVE INTO THE SAME PARKING LOT AND STRUCK THE REAR BUMPER OF NY- [REDACTED] WITH THE FRONT PUSH BUMPERS OF 3K18, CAUSING MINOR DAMAGE TO THE REAR BUMPER OF NY- [REDACTED]. NO DAMAGE SUSTAINED TO FRONT OF 3K18 OR PUSH BUMPERS. [REDACTED] WAS ARRESTED FOR RECKLESS DRIVING, POSTED PRE-ARRAIGNMENT STATION BAIL, AND WAS RELEASED.

NEITHER TROOPER KIRKLAND NOR [REDACTED] REPORTED THE VEHICLE CONTACT ON THE DATE OF THE INCIDENT SP NOTIFIED OF VEHICLE CONTACT VIA 05/20/2009 NOTICE OF CLAIM ISSUED BY INSURANCE COMPANY OF [REDACTED]

TROOP K - ZONE THREE COMMANDER CAPTAIN MICHAEL REALMUTO ADVISED.
PC#20090357 INITIATED.

# Vehicles	# Injured	# Deceased	Apparent Cause
2	0	0	OBSTRUCTED VIEW, UNSAFE SPEED

County	C/TV Name	Location\ Street Name \ Mile Post Marker
WESTCHESTER	YONKERS, CITY OF - 6007	PARKING LOT OF 333 TUCKAHOE ROAD

Weather Conditions	Road Conditions
1 - CLEAR	1 - DRY

Description of Damage
3K18- NONE, NY-EEY5823 - MINOR DAMAGE TO REAR BUMPER

Criminal Action
NONE

Sent Date \ Sent Time	Sent By
08/26/2009 06:48	CRISPINO J.

Authorized By
CAPTAIN MICHAEL REALMUTO

Notification TROOP, ZONE

Driver Information 001

Driver Name	DOB	Gender	License State	Chemical Test NO
KIRKLAND, IMANI A	[REDACTED]	M		Driver Charged NO
Address	City	State	Zip	
1220 WASHINGTON AVE	ALBANY	NY	12226	

Violations

Driver Member? YES	Member Rank TROOPER	Date of Entry 06/28/2004	Member Shield 5185	Member Shift 1
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Owner Information 001

Name (exactly as printed on registration)
NYSP,

ENCLOSURE #14

Address 1220 WASHINGTON AVE	City ALBANY	State NY	Zip 12226
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Insurance Company and Code
994 - GOVERNMENT OWNED

Vehicle Information 001

License Plate # POLICE	State NY	Vehicle Year 2008	Make FORD	VIN # 2FAHP71V78X104697
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Van # 08352	Mileage 37,833
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School Bus	NO	Front Airbags Deployed	NO
Comm. Veh.	NO	Side Airbags Deployed	NO
NYSP Veh.	YES	Fire Suppression Deployed	NO

Equipment Damage	NO	Equipment Damage Description	
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Driver Information 002

Driver Name	DOB	Gender	License State	Chemical Test	NO
		M		Driver Charged	NO

Address	City	State	Zip
		NY	

Violations

Driver Member?	Member Rank	Date of Entry	Member Shield	Member Shift
NO				

Owner Information 002

Name (exactly as printed on registration)
L

Address	City	State	Zip
		NY	

Insurance Company and Code
328 - STATE FARM MUT AUTO CO

Vehicle Information 002

License Plate #	State	Vehicle Year	Make	VIN #
	NY	2001	BMW	

Van #	Mileage
-------	---------

School Bus	NO	Front Airbags Deployed	NO
Comm. Veh.	NO	Side Airbags Deployed	NO
NYSP Veh.	NO	Fire Suppression Deployed	NO

Equipment Damage	NO	Equipment Damage Description	
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