
KADET , JOSEPH P -
TROOPER

TYPE: Personnel

CASE# 20110035

FINDING: Founded

Complainant:
FRANK KEYSER

Complaint of Personnel Investigation 20110035

Type: Personnel Sub Type Troop: F Status: C
Incident Date/Time 1/15/2011 8:20 PM Mode Rec. In Person
Report Due 2/24/2011 Level Inv. T 1 CTV: F3657 - T/HAMPTONBURGH
Commissioned Officer Assigned No Report Location IAB 5/17/2011

Synopsis:

Tpr. Joseph Kadet, SP Hamptonburg, after being involved in a 2-car Division Vehicle PIAA, did use obscene language toward the operator of the other vehicle.

Troop F to investigate

Classification: INTERNAL ADMINISTRATIVE MATTERS Finding: F

Subjects:

Employee ID [REDACTED] Rank TROOPER DOE: 11/2/1998
Last Name KADET First Name JOSEPH MI P
Troop F Location HAMPTONBURG-SAT

CCC 1: ABVER CCC 2: UNPRO CCC 3:

Complainants:

Employee ID [REDACTED] Last Name KEYSER First Name FRANK MI J TZS F200
Shield 2551 Rank LIEUTENANT Sex M SP Employee DOE 9/22/1986
Address City State Zip
Home Phone Work Phone

Administrative Personnel:

Employee ID [REDACTED] ID RECEIVING MEMBER TZS F221
Last FENDT JR First RONALD MI F Date/Time: 1/20/2011 3:00 PM

Employee ID [REDACTED] ID MEMBER AT TROOP NOTIFIED TZS F011
Last RASO First EDWARD MI Date/Time: 1/20/2011 5:00 PM

Employee ID [REDACTED] ID MEMBER WHO NOTIFIED TROOP TZS F200
Last KEYSER First FRANK MI J Date/Time: 1/20/2011 5:00 PM

Employee ID [REDACTED] ID MEMBER AT DIV NOTIFIED TZS H132
Last SMITH First MARK MI J Date/Time: 1/21/2011 10:00 AM

Employee ID [REDACTED] *ID* MEMBER WHO NOTIFIED DIV *TZS* F011
Last RASO *First* EDWARD *MI* *Date/Time:* 1/21/2011

Employee ID [REDACTED] *ID* INVESTIGATOR *TZS* F221
Last FENDT JR *First* RONALD *MI* F *Date/Time:* 1/29/2011

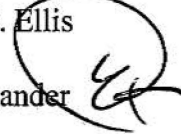
Employee ID [REDACTED] *ID* REVIEWER *TZS* H132
Last SMITH *First* MARK *MI* J *Date/Time:* 5/9/2011

NEW YORK STATE POLICE

MEMORANDUM

Troop F Station Middletown

Date May 2, 2011

To: Deputy Superintendent Anthony G. Ellis
From: Major Edward Raso, Troop Commander 
Subject: COMPLAINT AGAINST PERSONNEL – 20100035 - LEVEL 1
TROOPER JOSEPH P. KADET, SP HAMPTONBURG

Reference is made to the attached Level 1 report regarding the above subject.

On May 2, 2011, Trooper Kadet appeared before me and executed his consent to have me adjudicate this matter at Troop level.

Pursuant to Rule 3 of the New York State Police Administrative Manual, I have determined that he receive a Letter of Censure for his actions. I have attached a copy of the Letter of Censure and consent waiver.

This matter is closed.

Attach.

JOSEPH A. D'AMICO
SUPERINTENDENT



MAJOR EDWARD RASO
TROOP COMMANDER

STATE OF NEW YORK
NEW YORK STATE POLICE
TROOP "F" HEADQUARTERS
55 CRYSTAL RUN ROAD
MIDDLETOWN, NY 10941
(845) 344-5300

May 2, 2011

Trooper Joseph P. Kadet
New York State Police
Hamptonburg, New York

LETTER OF CENSURE

Dear Trooper Kadet:

On January 15, 2011 you were involved in a two-car Division vehicle PIAA and you used obscene language toward the operator of the other vehicle. Your actions violated Regulation 8A8(2) by acting in a manner tending to bring discredit upon the Division.

On May 2, 2011 you appeared before me, executed a waiver and requested that I adjudicate the discipline in this matter.

Accordingly, it is my decision that you receive a letter of censure for your actions. I trust that you will not allow this to happen again.

Sincerely,

Edward Raso
Major
Troop Commander


NEW YORK STATE POLICE

MEMORANDUM

Troop F Station Hamptonburgh

Date **March 16, 2011**

To: Major Edward Raso, Troop Commander

From: Trooper Joseph P. Kadet 

Subject: **DISCIPLINARY ACTION**

I hereby request to have the above-captioned investigation adjudicated by the Troop Commander pursuant to 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 the Troop Commander's adjudication, which may be a determination of unfounded or, upon a finding of guilt, the imposition of the following penalties:
 - i. A letter of censure and/or
 - ii. An intra-troop transfer 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.

NYSP Level 1 Investigation Form

| | | | |
|------|---------|----|---|
| Page | 1 | Of | 3 |
| Date | 1/29/11 | | |

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) 20110035 | SJS # | | |
| Name | Rank | Employee ID # | Troop | TZS | Shield |
| RONALD F FENDT JR | SERGEANT | [REDACTED] | F | F221 | 2000 |
| Reported By: <input type="checkbox"/> Letter <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Telephone | | Date Occurred | Time Occurred | Date Reported | Time Reported |
| <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Survey | | 1/15/11 | 8:20PM | 1/20/11 | 3:00PM |
| AMS Sent? (If Yes, must be attached as enclosure.) | | County | C/T/V (Literal) | | CTV Code |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DNA | | ORANGE | T/HAMPTONBURGH | | F3657 |

| | | | | | | | |
|---------------------|---------|---------|---------------|-------|------|--------|------|
| Member Involved # 1 | | | | | | | |
| Name | Rank | DOE | Employee ID # | Troop | TZS | Shield | Race |
| JOSEPH P. KADET | TROOPER | 11/2/98 | [REDACTED] | F | F232 | 2843 | M |

| | | | | | | | |
|---------------------|------|-----|---------------|-------|-----|--------|------|
| Member Involved # 2 | | | | | | | |
| Name | Rank | DOE | Employee ID # | Troop | TZS | Shield | Race |
| | | | | | | | |

| | | | | | | | | |
|--------------------------------------|---------|------------|---------|---------------|-------|-------|--------------|------|
| Complainant Information | | | | | | | | |
| If Member Complete the fields below: | | | | | | | | |
| Name | DOB | Rank | DOE | Employee ID # | Troop | TZS | Shield | Race |
| RONALD F. FENDT JR. | 9/26/63 | SERGEANT | 3/30/87 | [REDACTED] | F | F221 | 2000 | M |
| Address | | City | | | State | Zip | Phone | |
| 55 Crystal Run Rd. | | MIDDLETOWN | | | NY | 10941 | 845-344-5300 | |

| | | | | |
|----------------|-----|------|-----|-------------------|
| Injured Person | | | | |
| Name | DOB | Race | Sex | Nature of Injury: |
| | | | | |

How Injury was sustained:

| | |
|-----------------------------|---------------------------------|
| Hospital/EMS | |
| Name of Hospital or EMS: | Treated by: |
| | |
| If Prisoner – Arrested for: | Treatment refusal witnessed by: |
| | |

| | | | | |
|---------------------|------------|------------|------------|------------|
| Witness(es) | | | | |
| Name #1 | DOB | | | |
| ORIONA NIKAJ | [REDACTED] | | | |
| Address | | City | State | Zip Phone |
| [REDACTED] | | [REDACTED] | [REDACTED] | [REDACTED] |
| Name #2 | DOB | | | |
| JUSTINE M. BANSPACH | [REDACTED] | | | |
| Address | | City | State | Zip Phone |
| [REDACTED] | | [REDACTED] | [REDACTED] | [REDACTED] |

| | |
|----------------------------------|-----------------------|
| Loss/Damage to Division Property | |
| Property Description: | Property Value: \$ |
| | |

NEW YORK STATE POLICE
INTERNAL AFFAIRS BUREAU
HEADQUARTERS

2011 MAY 17 P 1:58

NYSP Level 1 Investigation Form

| | | | |
|------|---------|----|---|
| Page | 2 | Of | 3 |
| Date | 1/29/11 | | |

Synopsis**PC# (If applicable)**

20110035

1. On 01/15/11, I was assigned to investigate a 2 Car Division Vehicle PIAA that occurred on ST-207 in the T/Hamptonburgh, Orange County, NY. Trooper JOSEPH P. KADET, EOD 11/02/98 was involved in a 2 car head on collision, refer to AMS# AMSQB68000061 dated 01/15/11, submitted under separate cover. During the course of the investigation I interviewed a witness to the accident, ORIONA NIKAJ DOB [REDACTED]. She stated that immediately after the collision occurred that Trooper KADET approached the female operator of the 2nd vehicle and started to talk to her about the accident. She further stated that in the course of the conversation she heard Trooper KADET state "You hit me head on, you fucking hit me head on." A Gen'l 4 supporting deposition was obtained and a copy of which is attached as Enclosure #1.

2. On 01/15/11, I interviewed ARTAN NIKAJ, DOB [REDACTED] husband of ORIONA NIKAJ. He stated that he declines to give a statement, as he couldn't add anything more to what his wife said in her statement.

3. On 01/15/11, I interviewed JUSTINE M. BANSPACH, DOB [REDACTED]. She stated that upon exiting her vehicle after the collision, she was approached by a Trooper who started to talk to her about the accident. She stated "the Trooper got out of his car and started to yell at me, he said something to the effect of you're a fucking idiot I can't believe you hit me." She stated she did not remember exactly what was said as she was upset about the accident. A Gen'l 4 supporting deposition was obtained and a copy of which is attached as Enclosure #2.

4. On 01/29/11, I interviewed Trooper KADET and advised him of his rights to representation. Trooper KADET stated that when he exited the troop car after the accident he approached the other driver and while speaking with her he did use the word "fuck". He stated he did not recall the sentence it was used in, but that it slipped out while talking about the accident. He stated that he did not intend to be disrespectful towards the operator and that the word was not directed at her in a derogatory fashion. He further stated that he never called her an idiot, or any other derogatory word, nor did he yell at her. Trooper KADET submitted a Gen'l 7 memorandum, which is attached as Enclosure #3.

Investigation into this matter revealed that Trooper KADET did use inappropriate language while speaking towards the operator of the vehicle that was involved in the head on collision. Trooper KADET did violate Division Regulation 8A8(2) : A Member shall not act in a manner tending to bring discredit upon the Division. I recommend that appropriate disciplinary action be taken.

CLOSED

| NYSP Level 1 Investigation Form | | Page | 3 | Of | 3 |
|--|--|--|--|--|------|
| | | Date | 1/29/11 | | |
| # of Enclosures 3 (explain "No" in synopsis) | | PC# (if applicable) 20110035 | | | |
| Memo(s) of: TROOPER JOSEPH P. KADET | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA | | | |
| Statement(s) of: JUSTINE M. BANSPACH and ORIONA NIKAJ | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA | | | |
| AMS # | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA | Other Terminal Message | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA | MV104 Police Accident Report | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA | | |
| Genl. 81 – Medical Records Release for: | | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA | | | |
| Other: | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA | Other: | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA | | |
| Report of | | | | | |
| Name | <i>Sgt. Ronald F. Fendt</i> RONALD F. FENDT JR. | | Rank | Div ID# | TZS |
| | | | SERGEANT | | F221 |
| Reviewed by | | | | | |
| Name | FRANK KEYSER | | Rank | Div ID# | TZS |
| | | | LIEUTENANT | | F200 |
| 1st Endorsement | | | | | |
| To: Troop Commander | Date | | | | |
| From: | F-KEYSER 3-7-11 | | | | |
| <i>Frank Keyser</i> (Signature) | | <input checked="" type="checkbox"/> I concur with the findings of the Investigation. | | | |
| 2nd Endorsement | | | | | |
| To: Division Headquarters | Date | | | | |
| From: | MADR. PRASO 3/14/11 | | | | |
| <i>MADR. PRASO</i> (Signature) | | <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 3/14/11 | | | |
| Rule 3 Waiver Form attached <input checked="" type="checkbox"/> | | | | | |
| The following disposition was imposed under Rule 3 | | | | | |
| No Action Warranted <input type="checkbox"/> | | Letter of Censure <input checked="" type="checkbox"/> 5/02/11 | | 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"/> | | | | | |

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

--vs.

Defendant(s)

| | |
|--|--|
| <p><u>INCIDENT LOCATION:</u></p> <p>STATE OF NEW YORK LOCAL CRIMINAL COURT</p> <p>COUNTY OF ORANGE</p> <p>TOWN OF HAMPTONBURGH</p> | <p><u>LOCATION OF DEPOSITION:</u></p> <p>STATE OF NEW YORK</p> <p>COUNTY OF ORANGE</p> <p>TOWN OF HAMPTONBURGH</p> |
|--|--|

| | | | | | |
|----------------|----------------|--------------|--|-------|--|
| Date | Time Started | Full Name: | | | |
| On: 01/15/2011 | at 08:58 PM | ORIONA NIKAJ | | | |
| Date of Birth | No. and Street | CITY | | State | |

State The Following:

ON JANUARY 15TH AT APPROX 8:20PM I WAS A PASSANGER IN MY CAR THAT MY HUSBAND WAS DRIVING AND WE WERE HEADING HOME TO [REDACTED] WE WERE SOUTH ON ST-416 AND WE WERE STOPPED AT THE INTERSECTION OF ST-416 AND ST-207 AT THE STOP SIGN. I SAW THE POLICE CAR COMING FROM THE LEFT 207 EAST AND A RED CAR COMING FROM 207 WEST AND THEY HIT EACH OTHER HEAD ON. THEY HIT EACH OTHER AND DIDNT MOVE MUCH FROM WHERE THEY STOPPED. WE WAITED TO SEE WHAT HAPPENED AND I TOLD MY HUSBAND I WANTED TO SEE SEE IF THE GIRL WAS OK. THE TROOPER WENT TO THE GIRL AND SAID "YOU HIT ME HEAD ON. YOU FUCKING HIT ME HEAD ON" I WENT TO HER AND I SPOKE TO HER AND SHE SAID "I'M SO SCARED, I'M NOT FROM THIS STATE, I'M FROM [REDACTED] I'M DRIVING MY BOYFRIENDS CAR. AM I AT FAULT?" I ASKED HER WHICH WAY SHE WAS GOING AND SHE TOLD ME SHE WAS GOING TO MAKE A LEFT TURN. WE STAYED THERE UNTIL OTHERS ARRIVED.

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 15th day of JANUARY, 2011



(SIGNATURE OF DEPENDENT)

-OR-

* Subscribed and Sworn to before me

this _____ day of _____



(NAME OF PERSON TAKING DEPOSITION)

| | | |
|------------|------------|----------|
| Time Ended | 01/15/2011 | 09:02 PM |
|------------|------------|----------|

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

SUPPORTING DEPOSITION (CPL § 100.20)

PAGE 1 OF

THE PEOPLE OF THE STATE OF NEW YORK
- VS.

Enclosure # 2

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK COURT

COUNTY OF

OF

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF ORANGE

TOWN OF GOSHEN

On DATE: 1/15/11 at TIME STARTED: 9:47 PM I, FULL NAME: JUSTINE M. BANSPACH

state the following: I RESIDE IN [REDACTED] MY PHONE # IS [REDACTED] EARLIER THIS EVENING I WAS HEADED NORTH ON SR 207, I WAS USING MY IN CAR GPS TO HELP ME NAVIGATE TO MY FRIENDS HOUSE IN NEW PALTZ. AS I APPROACHED SR 416 THE GPS TOLD ME TO CONTINUE LEFT ON SR 416. I SLOWED DOWN PUT MY LEFT DIRECTIONAL ON. I SAW THAT THERE WAS A CAR STOPPED AT THE INTERSECTION OF SR 207 AND SR 416. I STARTED TO TURN LEFT AND ALL OF THE SUDEN I SAW ANOTHER SET OF HEAD LIGHTS. AS SOON AS I SAW THE OTHER SET OF HEAD LIGHTS, I TURNED THE STEERING WHEEL TO THE RIGHT SO I COULD AVOID A COLLISION JUST THEN WE BOTH HIT EACH OTHER HEAD ON. AFTER WE COLLIDED I WAS ABLE TO GET OUT OF MY CAR, AND I REALIZED I RAN IN TO A POLICE CAR. THE TROOPER GOT OUT OF HIS CAR AND STARTED TO YELL AT ME, HE SAID SOMETHING TO THE EFFECT OF YOUR A FUCKING IDIOT I CANT BELIEVE YOU HIT ME. THE TROOPER KEPT SCREAMING AT ME SO I WALKED AWAY FROM HIM AND WAITED FOR ANOTHER OFFICER TO ARRIVE.

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 15 day of JANUARY, 2011

- OR -

* Justine Banshipach
(SIGNATURE OF DEPONENT)

* Subscribed and Sworn to before me

this day of

(WITNESS) Sgt. Phillip J. Cady TIME ENDED: 10:11 PM
(NAME OF PERSON TAKING DEPOSITION)

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

NEW YORK STATE POLICE**MEMORANDUM**Troop F Station SP HAMPTONBURGHDate January 29, 2011**To: Major Edward Raso, Troop Commander****From: Trooper Joseph P. Kadet** **Subject: PERSONNEL COMPLAINT**

I was advised of my rights to representation pursuant to Article 16.2 of the contract by Sergeant RONALD FENDT on January 29, 2011. I provide the following written account.

On January 15th, 2011 I was working a scheduled 2-5 tour assigned to routine patrol out of SP Hamptonburgh operating Division vehicle 2F65. At approximately 8:20 P.M. I was involved in a two car Division Vehicle head on PIAA on ST-207 in the Town of Hamptonburgh. Immediately after the collision I had a conversation with the operator of the other vehicle. During the course of the conversation I used the word fuck. I do not recall the exact sentence it was used in, but it was not directed toward the operator but rather as a description of the accident event. I never yelled at the operator, nor did I call her an idiot. At no time did I intend to speak in a disparaging way toward the operator of the other vehicle. I know the use of inappropriate language is not acceptable and I will make every effort in the future to ensure that this does not happen again.