
Involved Member(s):

Trooper Kyle S Wulf

Case Type: Personnel Complaint

Case Number: DCN2019-0099

Finding: Founded

Complainant: Sgt. Dean Andrikut



**State
Police**

ANDREW M. CUOMO
Governor

KEITH M. CORLETT
Superintendent

LETTER OF CENSURE

September 12, 2019

Trooper Kyle S. Wulf
New York State Police
SP Newburgh

Trooper Wulf:

On Thursday, September 12, 2019, we met for the purpose of an Informal Inquiry. These proceedings stemmed from Level 1 Personnel Complaint #20190099, which was filed against you on March 18, 2019. On the aforementioned day, you attempted to make a traffic stop on Interstate 87, in the Town of Tuxedo, but the suspect vehicle fled as you approached on foot. A pursuit ensued and an off-duty police officer from the New York City Police Department became involved. The pursuit ended when the fleeing suspect vehicle crashed. Subsequent investigation revealed that you failed to notify your radio control point of the initial traffic stop and the pursuit.

Pursuant to the provisions of Rule 3.2 of the New York State Police Manual you were contacted and queried as to whether you desired a Troop level proceeding. You responded that you wished to have a Troop Commander's adjudication and submitted your memorandum waiving any right to appeal from the penalties I am authorized to impose.

Therefore, it is my determination that this Letter of Censure and the loss of 2 days of Annual Leave will be a sufficient penalty to properly adjudicate this matter. Upon receipt of this letter the matter will be considered closed.

Sincerely,

Major Douglas R. Keyer, Jr.
Troop Commander – Troop T

cc: Captain George J. Mohl, Zone Commander, Zone 1

NEW YORK STATE POLICE

MEMORANDUM

Troop: T Station: Headquarters

Date: July 11, 2019

To: Major Douglas R. Keyer Jr., Troop Commander, Troop T

From: Trooper Kyle S. Wulf, SP Newburgh *K.S. W.*

Subject: **COMPLAINT AGAINST PERSONNEL – #20190099**

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.

**PROFESSIONAL STANDARDS BUREAU
PERSONNEL COMPLAINT TRACKING**

DCN: 2019-0099	CTV: F3665	REGION: <u>South</u>	LEVEL: 1	TYPE: Personnel Complaint
Subject(s): Trooper Kyle Wulf				
Investigated by: Sergeant Dean Andrikut			Troop or Detail: T_____	
Staff Inspector: Robert C. Gregory			Date: 09/17/19	
SUBJECT HISTORY REVIEWED? <input checked="" type="checkbox"/> AUDIO? <input checked="" type="checkbox"/> VIDEO? <input type="checkbox"/> ON PROBATION? <input type="checkbox"/>				

ALLEGATION: Fail to call in traffic stop and subsequent pursuit

SYNOPSIS: On March 13, 2019, Tpr Wulf initiated a traffic stop on I-87. Upon approach, the vehicle sped off with Tpr Wulf in pursuit. An off-duty NYPD Member in an unmarked Police Vehicle assisted with the pursuit. The pursuit continued on I-87, onto StRt 17, and back onto I-87 (approx. 9 minutes, 13.3 miles, and a top speed of 131 mph). The fleeing vehicle crashed and the 4 occupants fled on foot; two were apprehended and two (including the driver) were not captured. The NYPD Member rear ended Tpr Wulf's marked unit. [REDACTED]. Tpr Wulf failed to call in the original traffic stop with his radio control point, and he failed to call in the subsequent pursuit. His first advisement to his radio control point was after the accident.

Major Douglas Keyer, Troop T Commander, closed this matter as Founded due to Tpr Wulf's failure to call in the initial traffic stop and subsequent pursuit as required. Staff Inspector Robert C. Gregory concurs with the findings of Major Keyer.

Finding of Investigation: **Founded** **Unfounded** **Unsubstantiated** **Closed by Investigation**

Recommended Level of Adjudication: **Troop Level** **Division Level**

Adjudicated at Troop: **Date:** 09/12/19 **Disposition:** Letter of Censure and 2 AL Days

Date Forwarded to Assistant Deputy Superintendent – Professional Standards Bureau – 09/17/19 RCG.

Assistant Deputy Superintendent – Professional Standards Bureau **Date:** _____

Comments:

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 _____

Deputy Superintendent – Professional Standards Bureau **Date:** _____

Comments:

Division Level Recommended **Troop Level Recommended**

Date Forwarded to First Deputy Superintendent: _____

First Deputy Superintendent **Date:** _____

Direction:

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:** _____

Administrative Investigation Report	PC #	20190099	RCN #	
	SJS #		Date:	03/13/2019

Type of Investigation					
Incident Review	<input type="checkbox"/>	Level 1 PC	<input checked="" type="checkbox"/>	On-Duty Injury/Illness	<input type="checkbox"/>
Injury/Illness to Person Prior to Custody	<input type="checkbox"/>	Injury/Illness to Person Being Taken into Custody	<input type="checkbox"/>	Injury/Illness to Person While in Custody	<input type="checkbox"/>
Division Vehicle PDAA	<input type="checkbox"/>	Division Vehicle PIAA	<input type="checkbox"/>	Damage/Loss of Division Property	<input type="checkbox"/>

Member Receiving Initial Complaint				
Name (Last, First, MI)	Rank	Employee ID #	TZS	Shield
Andrikut, Dean, E	Sergeant		T121	2676
Reported By: In-Person				
Date Occurred: 03/13/2019	Time Occurred: 11:12 pm	Date Reported: 03/13/2019	Time Reported: 11:26 pm	
Place of Occurrence: Interstate 87 northbound, MPM 39.9				
County: Orange	C/T/V: T/Tuxedo		CTV Code: F3665	
Synopsis: SP Newburgh, Trooper Kyle S. Wulf failed to advise his radio control point of a traffic stop and did not make notification of ensuing pursuit until after he was involved in a collision.				

Member(s) Involved					
Name (Last, First, MI)	Rank	Employee ID #	TZS	Shield	Race
Wulf, Kyle, S	Trooper		T131	2360	White

Involved Person #1 -					N/A	
Name (Last, First, MI)		DOB	Race	Sex		
Address		City	State	Zip	Phone	
If Member:	Rank	Employee ID #	TZS	Shield	Duty Time Lost	ARS #
					hrs	

Injury or Illness	Nature:					
	How Occurred:					
	Name of Hospital/EMS:					
	Treated by:					
	Treatment Refusal Witnessed by:					
	If Prisoner – Charges:					
	Use of Force:	Type of Force: 1)				2)

Administrative Investigation Report	PC #	20190099	
	SJS #		Date: 03/13/2019

Person Interviewed #1					
Name (Last, First, MI)		DOB	Race	Sex	
Grzelak, James, J			White	M	
Address	City	State	Zip	Phone	
		NY			

Person Interviewed #2					
Name (Last, First, MI)		DOB	Race	Sex	
Address	City	State	Zip	Phone	

Vehicle #1					
Operator (Last, First, MI)		DOB	Race	Sex	
Make	Model	Year	Color	Reg. State	Reg. #
Division Vehicles:	Mileage	VAN #			

Vehicle #2					
Operator (Last, First, MI)		DOB	Race	Sex	
Make	Model	Year	Color	Reg. State	Reg. #
Division Vehicles:	Mileage	VAN #			

Property #1					
Type	Reason for Damage/Loss		VAN #	Reg. #	
Make	Model	Year	Cal/Ga	Serial #	
Property Description		Damage Description		Property Value	
				\$	
Owner (Last, First, MI)		DOB	Race	Sex	
Address	City	State	Zip	Phone	

Administrative Investigation Report	PC #	20190099	
	SJS #	[REDACTED]	Date: 03/13/2019

Enclosures Check List (Check all that apply)

Memo(s)	<input checked="" type="checkbox"/>	Last Name of Person(s) Submitting Memo(s): Wulf					
Depositions and/or Statements	<input checked="" type="checkbox"/>	Last Name of Person(s) Signing Deposition(s) and/or Statement(s): [REDACTED]					
Medical Deposition(s)	<input type="checkbox"/>	Title and Last Name	EMS Service or Medical Facility				
AMS Message	<input checked="" type="checkbox"/>	[REDACTED]					
IJ Portal Message	<input type="checkbox"/>						
GENL-34D Photo Record	<input type="checkbox"/>						
GENL-89 Use of Chemical Agent	<input type="checkbox"/>						
GENL-90 Use of Taser X26/X26P	<input type="checkbox"/>						
GENL-91 Vehicle Pursuit Report	<input checked="" type="checkbox"/>						
MV-104A Police Accident Report	<input type="checkbox"/>						
Non-SP Collision/Incident Report (TRACS)	<input type="checkbox"/>						
Audio Recording	<input type="checkbox"/>				# Enclosed:	Transcript enclosed:	Enter Source:
Video Recording	<input type="checkbox"/>				# Enclosed:	Transcript enclosed:	Enter Source:
GENL-81 Medical Release	<input type="checkbox"/>	Last Name(s):		Records Enclosed: Yes <input type="checkbox"/> No <input type="checkbox"/>			
GENL-81E Medical Release	<input type="checkbox"/>	Employee(s) Last Name:		Records Enclosed: Yes <input type="checkbox"/> No <input type="checkbox"/>			
GENL-81M Medical Release	<input type="checkbox"/>	Member(s) Last Name:		Records Enclosed: Yes <input type="checkbox"/> No <input type="checkbox"/>			
Other Enclosures	<input checked="" type="checkbox"/>	Describe: SJS [REDACTED] CAD - Incident History Detail Report, Compact Disc - Automatic Vehicle Locator Record					

Administrative Investigation Report	PC #	20190099	
	SJS #	8801938	Date: 03/13/2019

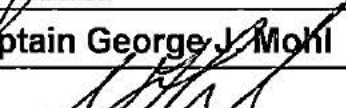
Report of:

Name	Rank	Employee ID #	TZS
Dean E. Andrikut	Sergeant		T121
Signature	Date		
	06/21/2019		

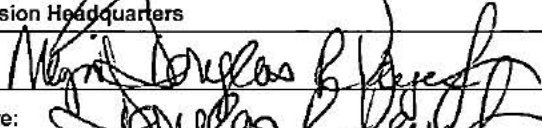
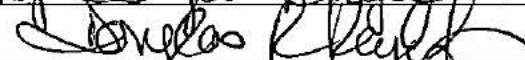
Reviewed by:

Name	Rank	Employee ID #	TZS
George J. Mohl	Captain		T100
Signature	Date		
	06/28/2019		

1st Endorsement

To: Troop Commander	
From: Captain George J. Mohl	I concur with the findings of this investigation: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Signature:	Date: 06/28/2019
	

2nd Endorsement

To: Division Headquarters	
From: 	I concur with the findings of this investigation: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Signature:	Date: 7/10/19
	

If Division Vehicle Collision check appropriate status:

Preventable <input type="checkbox"/>	Non-Preventable <input type="checkbox"/>
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If Personnel Complaint check appropriate status:

Founded <input checked="" type="checkbox"/>	Unfounded <input type="checkbox"/>	Unsubstantiated <input type="checkbox"/>	Closed by Investigation <input type="checkbox"/>
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If Founded, complete the following:

Date:	Rule 3 Waiver Form attached <input type="checkbox"/>	Copy of Memorandum of Disposition to Member Attached <input type="checkbox"/>
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Disposition 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"/>	Loss of A.L. Days <input type="checkbox"/>
			# of days:	# of days:

Administrative Investigation Report Narrative	PC #	20190099	
	SJS #	8801938	Date: 03/13/2019

On March 13, 2019, Trooper KYLE S. WULF, SP Newburgh, initiated a traffic stop on Interstate 87, near mile post marker 39.9, in the Town of Tuxedo, County of Orange. Although the operator of the suspect vehicle initially pulled over, he fled the stop as Trooper WULF was approaching on foot. A pursuit was initiated at which time an off-duty police officer from the New York City Police Department became involved. The pursuit ended when the suspect vehicle crashed. Investigation revealed that Trooper WULF did not comply with Division Rules and Regulations, by failing to notify his radio control point of the initial traffic stop and subsequent pursuit. I Sergeant DEAN E. ANDRIKUT, SP New Rochelle was assigned to investigate.

I responded to the scene and interviewed Trooper WULF. Trooper WULF advised that while operating Division vehicle 1T33, he conducted a traffic stop on Interstate 87, which resulted in a pursuit when the operator of the vehicle drove away as he approached on foot. Trooper WULF stated that he subsequently chased the vehicle from Interstate 87 northbound, onto State Route 17 and then back onto Interstate 87 southbound, at which time the operator lost control of his vehicle and crashed. Trooper WULF stated that during the pursuit, he had been assisted by an off-duty member of the New York City Police Department, who rear-ended 1T33 at the conclusion of the pursuit. Trooper WULF stated that he did not notify his radio control point of his initial stop, nor did he communicate his involvement in the ensuing pursuit until after it ended and he was involved in the aforementioned collision.

I interviewed New York City Police Department, Detective JAMES J. GRZELAK, who stated that while traveling northbound on Interstate 87, he observed Trooper WULF engaged in a vehicle pursuit. GRZELAK stated that he was operating his assigned NYPD vehicle and as such, he assisted Trooper WULF in the pursuit. GRZELAK indicated that the pursuit was initiated on Interstate 87 and continued onto State Route 17 westbound, via Exit 16. GRZELAK stated that the suspect vehicle eventually made a U-turn on State Route 17 and thereafter proceeded eastbound, before re-entering Interstate 87 southbound. GRZELAK stated that a short distance later the suspect vehicle crashed and the pursuit ended.

I reviewed NYS Thruway Authority, Computer Aided Dispatch, Incident History Detail Report, which revealed that Trooper WULF made a radio transmission to the Thruway Statewide Operations Center (his radio control point) at 11:26:19, at which time he reported having been involved in a collision.

I reviewed the Automatic Vehicle Locator (AVL) records for Trooper WULF's patrol vehicle, 1T33. A review of same revealed that at approximately 11:12PM, he conducted a traffic stop in the area of mile post marker 39.9, on Interstate 87. At approximately 11:12:58, he initiated a vehicle pursuit, with the records showing that 1T33 traveled northbound, before exiting the interstate onto State Route 17, at approximately 11:15:52. The records further revealed that at approximately 11:17:56, 1T33 made a U-turn at approximately mile post marker 379.6, on State Route 17. The AVL records showed that 1T33 then re-entered Interstate 87 southbound at approximately 11:20:08 and thereafter came to a stop between 11:21:15 and 11:23:59 (no data shown between those times). Analysis of the AVL records has concluded that Trooper WULF had engaged in a vehicle pursuit which lasted approximately 9 minutes and covered approximately 13.3 miles, with a top speed of 131 MPH.

Based upon the facts uncovered during the investigation, it has been determined that Trooper WULF conducted a traffic stop and failed to notify his radio control point of such stop. It has been further determined that Trooper WULF failed to notify his radio control point of the ensuing pursuit associated with the stop. As such, Trooper WULF violated Regulation 8A2, by failing to comply with the contents of Article 30E2(e)2 and 30F1(c)9 of the New York State Police, Field Manual, governing the stopping of motorist for traffic offenses and pursuit driving protocols. The complaint against Trooper WULF is deemed FOUNDED.

NEW YORK STATE POLICE**MEMORANDUM**Troop T Station SP NewburghDate May 15, 2019**To: Major Douglas R. Keyer Jr., Troop Commander, Troop T****From: Trooper Kyle S. Wulf** *K.S.W***Subject: COMPLAINT AGAINST PERSONNEL – DCN20190099**

I was advised of my rights to representation pursuant to Article 16.2 of the contract by Sergeant DEAN E. ANDRIKUT on May 15, 2019 and I provide the following written account.

On March 13, 2019, I was working a 2 shift out of SP Newburgh and assigned to post 4 in Division vehicle 1T33. At approximately 11:20PM, I observed a gray Honda Accord, bearing temporary NJ registration [REDACTED] travelling northbound on Interstate 87. The vehicle was being operated in violation of section 1180d of the NYS Vehicle & Traffic Law. I activated my emergency lights and siren and conducted a traffic stop on the right shoulder south of Exit 16. Upon stopping the vehicle, I observed four occupants, within the vehicle. I exited my patrol vehicle and began to approach the rear of the vehicle. As I did so, the vehicle unexpectedly accelerated away from the scene. At this point I observed a 2018 Dodge Journey bearing NY registration [REDACTED] approach my patrol car from the rear with red emergency lights activated. I later learned that the vehicle was being operated by off-duty New York City Police Officer, James J. Grzelak. The suspect vehicle continued in a northbound direction and exited onto State Route 17 via Exit 16. The operator of the suspect vehicle continued westbound on State Route 17 at a high rate of speed and entered a construction zone. The suspect vehicle continued erratic operation and attempted to collide into driver side of 1T33. I took evasive action to avoid contact with suspect vehicle. The vehicle continued westbound before making an illegal u-turn and then accelerated eastbound on State Route 17. It was at this time that I temporarily lost sight of the suspect vehicle, however I was able to catch up to it as it re-entered Interstate 87, this time in a southbound direction. At this point, I observed that the off-duty member of service was still in pursuit of the suspect vehicle, however since his unit was unmarked and had limited emergency lights, I drove passed him and took a lead position behind the suspect vehicle as it continued at a high rate of speed. At approximately the 43.2 mpm, the operator abruptly slowed down and attempted to negotiate through a u-turn, however he lost control of his vehicle. The vehicle subsequently struck the center median guiderail where it became disabled. As I rapidly decelerated, my patrol vehicle was rear-ended by the NYPD vehicle. I immediately exited my patrol car and was able to apprehend one of the suspects who all fled on foot. A second suspect was apprehended by a passerby, whom I later learned was an on-duty New York City Corrections Officer. The other two

subjects, one believed to be the operator was not apprehended and as of the date of this memorandum, has yet to be identified. Sergeant Dean E. Andrikut subsequently responded to the scene for further investigation.

As a result of the collision, my patrol vehicle, 1T33, sustained significant damage to the rear. [REDACTED]

Initially, I did not advise Thruway Statewide Operations Center of the traffic stop, because I observed the occupants making furtive movements and wanted to get a better visual on them quickly. When the suspect vehicle fled the scene, I returned to my patrol vehicle and initiated a pursuit. I did not advise Thruway Statewide Operations Center that the suspect vehicle fled from the scene because I was focusing on not losing sight of the suspect vehicle. When the suspect vehicle exited the thruway and onto State Route 17, I was unfamiliar of the roadway and it was difficult driving through the construction zone which prevented me from making any radio transmissions. During the pursuit I did not make any radio transmissions because I was focusing on the following: the erratic driving of the suspect vehicle, unmarked emergency vehicle and unfamiliar road conditions on State Route 17. I did not make any radio transmissions to Thruway Statewide Operations Center until I had been involved in a troop-car accident. I understand that I created an officer safety situation for failing to notify my radio control point of my initial stop. In the future I will call out all my traffic stops to my radio control point. I further understand, I failed to follow the pursuit driving policies per the New York State Police Division Rules and Regulations. In the future, I will follow the procedures and policies of pursuit driving according to the New York State Police Field Manuel. I fully understand the requirements of conducting traffic stops and pursuit driving polices of the New York State Police.

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
- VS.

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 MONROE

On DATE: 3/19/2019 at TIME STARTED: 9:59 P.M. FULL NAME: JAMES J. GRZELAK

state the following: ON MARCH 19, 2019 AT APPROXIMATELY 9:59 PM I, JAMES J. GRZELAK PROVIDE THE FOLLOWING STATEMENT TO SERGEANT DEAN E. ANDRIKUS OF THE NEW YORK STATE POLICE. ON MARCH 13, 2019, I WAS TRAVELING NORTHBOUND ON I-87 COMING HOME FROM WORK, I AM A DETECTIVE WITH NYPD AND ASSIGNED TO

I WAS DRIVING A NYPD TAKE HOME VEHICLE WITH CATEGORY 1 STATUS. THE VEHICLE IS A 2018 DODGE JOURNEY COLOR GREY, NY REG: AT APPROXIMATELY 11:15 PM ON MARCH 13, 2019, I WAS DRIVING IN THE CENTER LANE IN THE AREA OF MPM 43 NORTHBOUND APPROACHING EXIT 16. I OBSERVED EMERGENCY LIGHTS FROM A TROOP VEHICLE, JUST AHEAD OF MY LOCATION AROUND MPM 43.1. I SLOWED DOWN BECAUSE I KNOW TROOPERS WORK ALONE AT NIGHT BEFORE MIDNIGHT AND I WANTED TO MAKE SURE THE OFFICER WAS SAFE. I SAW THIS TALL OFFICER STEP OUT OF HIS VEHICLE AND THEN I SAW A CAR

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 19th day of MARCH, 2019

- OR -

* Subscribed and Sworn to before me this day of

(SIGNATURE OF DEPONENT)
(WITNESS) SGT DEAN E. ANDRIKUS
(NAME OF PERSON TAKING DEPOSITION) TIME ENDED: 11:42 PM

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

THE PEOPLE OF THE STATE OF NEW YORK VS.

DEFENDANT(S)

TAKE OFF. THE VEHICLE I SAW TAKE OFF WAS SOME TYPE OF SEDAN. THE TROOPER RETRATED QUICKLY TO HIS VEHICLE AND PURSUED THE SUSPECT VEHICLE I FOLLOWED BEHIND THE VEHICLES, KEEPING A LINE OF SIGHT OF THE TROOPER'S VEHICLE. I OBSERVED THE VEHICLES EXIT AT EXIT 16. THE TROOP VEHICLE AND SUSPECT VEHICLE CONTINUED ONTO STATE ROUTE 17 WESTBOUND. WHEN I ENTERED STATE ROUTE 17 I INITIATED MY ~~EMERGENCY~~ EMERGENCY LIGHTS AND MY SIREN. ABOUT A MILE DRIVING ON STATE ROUTE 17, I OBSERVED THE TROOP VEHICLE GET IN FRONT OF THE SUSPECT VEHICLE. THE TROOP VEHICLE DID GET IN FRONT OF THE SUSPECT VEHICLE AND I OBSERVED THE TROOP VEHICLE'S BRAKES. I OBSERVED THE TROOP VEHICLE SLOW DOWN AND ALL VEHICLES WERE DRIVING AT A LOW RATE OF SPEED. I OBSERVED THE SUSPECT'S VEHICLE WEAVING BACK AND FORTH WITH INTENT OF PASSING THE TROOP VEHICLE. THE SUSPECT VEHICLE ATTEMPTED TO STRIKE THE TROOPER'S VEHICLE, AT WHICH POINT THE TROOPER VEHICLE SWERVED OUT OF THE WAY TO AVOID CONTACT. WHEN THE SUSPECT VEHICLE SWERVED LEFT I ACCELERATED MY VEHICLE TO THE RIGHT OF THE SUSPECT VEHICLE. I WAS ATTEMPTING TO BOX IN THE SUSPECT VEHICLE. WHEN I GOT MY VEHICLE ALONG SIDE THE PASSENGER SIDE OF THE SUSPECT'S VEHICLE, I GOT HIT BY THEIR VEHICLE. THE SUSPECT VEHICLE INTENTIONALLY STRUCK THE DRIVER SIDE OF MY VEHICLE. AT THIS TIME THE SUSPECT VEHICLE SLAMS ON HIS BRAKES JUST AHEAD THE TROOPER BARRACKS ON STATE ROUTE 17 WESTBOUND AND SUCCESSFULLY MAKES A U-TURN. THE SUSPECT VEHICLE CONTINUES EASTBOUND ON STATE ROUTE 17, WITH ME FOLLOWING THE VEHICLE. AT THIS TIME I AM FOLLOWING THE VEHICLE AND I DON'T SEE THE TROOP VEHICLE. WE CONTINUE EASTBOUND AND RE-ENTER THE NY STATE THRUWAY SOUTHBOUND. I AM PURSUING THE SUSPECT'S VEHICLE IN THE FAR LEFT LANE ALL BY MYSELF. MOMENTS LATER I OBSERVE IN MY REAR VIEW MIRROR EMERGENCY LIGHTS APPROACHING RAPIDLY. THE TROOPER VEHICLE PASSES ME ON MY PASSENGER SIDE AND THEN ALONG SIDE THE SUSPECT VEHICLE. AT WHICH TIME

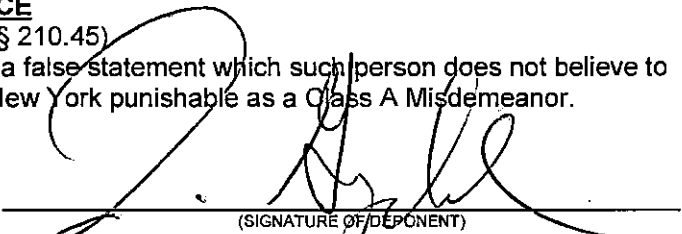
NOTICE

(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 19th day of MARCH, 2019



(SIGNATURE OF DEPONENT)

SUPPORTING DEPOSITION CONTINUATION SHEET (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK VS.

DEFENDANT(S)

THERE IS AN UPCOMING U-TURN. AS THE TROOPER ATTEMPTED TO PASS THE SUSPECT VEHICLE, THE VEHICLE QUICKLY TURNED ON TO THE GRASS IN AN ATTEMPT TO MAKE THE U-TURN, BUT STRUCK THE GUIDE RAIL. AT THE SAME TIME THE TROOP VEHICLE CAME TO AN ABRUPT STOP, WHICH CAUSED ME TO COLLIDE INTO THE REAR OF THE TROOP VEHICLE. UPON EXITING MY VEHICLE I OBSERVED A BLACK MALE RUNNING ACROSS THE NORTHBOUND LANE INTO THE WOODED AREA. I FURTHER OBSERVED THE TROOPER APPREHEND ONE OF THE SUSPECTS. MOMENTS LATER STATE POLICE UNITS ARRIVED ON SCENE.



[Handwritten 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 19th day of MARCH 2019

[Handwritten signature]
 (SIGNATURE OF DEPONENT)



Administrative Message Report

E-3

Print/Run Date 05/15/2019

AMS # AMSP1659BFBHJ

Date\Time Reported\Discovered 03/13/2019 23:20	Agency ORI NYSP THRUWAY NEWBURGH	TZS T131
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Message

DIVISION VEHICLE - PIAA, ON DUTY INJURY, PURSUIT

Investigated By SGT/SC ROBERT J. GERDVIL, SGT DEAN E. UF ANDRIKUT, SGT DAVID N. SAUNDERS	Units Responded	Photos YES	Videotape NO
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Narrative

At approximately 11:20 PM Trooper Kyle S. Wulf, operating marked unit 1T33, stopped NJ Registration [REDACTED] for numerous V&T violations on Interstate 87, northbound at MPM 45 in the T/Woodbury. Trooper Wulf exited his marked unit and while approaching, said vehicle fled the scene and subsequently struck an unmarked NYPD police vehicle which was traveling northbound. The suspect vehicle then exited the Interstate at Exit 16. The off-duty NYPD officer activated his emergency lights and siren and pursued the suspect vehicle which then made an illegal U-turn and re-entered Interstate 87 southbound. Trooper Wulf temporarily lost sight of both vehicles however was able to catch up and took the lead in the pursuit. The suspect vehicle attempted to make a second illegal U-turn at MPM 43.2 and subsequently struck the center median guiderail where it became disabled. Trooper Wulf attempted to brake and was rear ended by the NYPD vehicle. The occupants of the suspect vehicle fled on foot with two being apprehended. The operator and one occupant fled into the woods and after an organized search, were unable to be located.

[REDACTED] Captain George J. Mohl was advised by Sergeant Dean Andrikut. Major Douglas R. Keyer Jr. advised.

# Vehicles 2	# Injured 2	# Deceased 0	Apparent Cause PENDING INVESTIGATION
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County ORANGE	C/TV Name WOODBURY, TOWN OF - 3669	Location\ Street Name \ Mile Post Marker I-87 S/B MPM 43.2
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Weather Conditions 1 - CLEAR	Road Conditions 1 - DRY
--	-----------------------------------

Description of Damage
REAR END

Criminal Action
PENDING

Sent Date \ Sent Time 03/14/2019 05:26	Sent By ANDRIKUT DEAN	Authorized By CAPTAIN GEORGE J. MOHL
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Notification ZONE

Driver Information 1

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

Violations

Driver Member? YES	Member Rank TROOPER	Date of Entry 08/04/2014	Member Shield 2360	Member Shift 2
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Owner Information - 1

Name (exactly as printed on registration)

NYS P,

Address	City	State	Zip
1220 WASHINGTON AVE	ALBANY	NY	12226

Insurance Company and Code

994 - GOVERNMENT OWNED

Vehicle Information 1

License Plate #	State	Vehicle Year	Make	VIN #
POLICE	NY	2017	DODG	2C3CDXKT4HH548306

Van #	Mileage
170615	

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 2

Driver Name	DOB	Gender	License State	Chemical Test	NO
GRZELAK, JAMES J	[REDACTED]	M		Driver Charged	NO

Address	City	State	Zip
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Violations

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

Owner Information - 2

Name (exactly as printed on registration)

EAN HOLDINGS,

Address	City	State	Zip
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Insurance Company and Code

994 - GOVERNMENT OWNED

Vehicle Information 2

License Plate #	State	Vehicle Year	Make	VIN #
[REDACTED]	NY	2018	DODG	

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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Injured \ Deceased Person Information - 1

Injured \ Deceased

INJURED

Injured \ Deceased Name WULF, KYLE S	DOB [REDACTED]	Gender M	Race	Approx Age [REDACTED]
Address 1220 WASHINGTON AVE	City ALBANY	State NY	Zip 12226	

Description of Injury
[REDACTED]

Injured Taken To (Medical Facility) [REDACTED]	Position in Vehicle
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In Custody NO	Seat Belt YES	Ejected NO	Relative Notified YES
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Driver Member? YES	Member Rank TROOPER	Date of Entry 08/04/2014	Member Shield 2360	ARS #
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Injured \ Deceased Person Information 2

Injured \ Deceased **INJURED**

Injured \ Deceased Name GRZELAK, JAMES J	DOB [REDACTED]	Gender M	Race	Approx Age [REDACTED]
Address [REDACTED]	City [REDACTED]	State [REDACTED]	Zip [REDACTED]	

Description of Injury
[REDACTED]

Injured Taken To (Medical Facility) [REDACTED]	Position in Vehicle
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In Custody NO	Seat Belt YES	Ejected NO	Relative Notified YES
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Driver Member? NO	Member Rank	Date of Entry	Member Shield	ARS #
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Pursuit Report	AMS # AMSP1659BFBHJ	Date of Incident: 03/13/2019
	SJS # [REDACTED]	

Member Initiating Pursuit

Name (Last, First, MI)	Rank	EOD	Shield #	TZS
Wulf, Kyle, S	Trooper	08/04/2014	2360	T131

Pursued Vehicle Operator Information (If Known)

Name (Last, First, MI)	Age (Estimate if not Identified)	Gender
[REDACTED]	18-25	M

Impairment: Unknown	Suspended/Revoked: Unknown	If Yes:
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Pursuit Information

Time Started: 11:12 pm	Time Ended: 11:21 pm	Other Agencies Involved: Yes
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Reason for Pursuit	VTL	
Weather Condition	Clear	
Light Condition	Darkness	
Road Condition	Dry	
Type of Area	Controlled Access Highway	

County Commenced: Orange	County Ended: Orange
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Emergency Lights Used: Yes	Emergency Sirens Used: Yes
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Tire Deflator Used: No	If Yes, Were Tires Deflated? No
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End of Pursuit: Vehicle Crashed	If Legal Intervention, Specify:
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Charges Filed: Penal Law														
		<table border="1"> <thead> <tr> <th></th> <th>Number Killed</th> <th>Number Injured</th> </tr> </thead> <tbody> <tr> <td>Division Vehicle</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Pursued Vehicle</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Third Party</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>		Number Killed	Number Injured	Division Vehicle	0	1	Pursued Vehicle	0	0	Third Party	0	0
		Number Killed	Number Injured											
Division Vehicle		0	1											
Pursued Vehicle		0	0											
Third Party	0	0												

Member Signature: TPR KYLE WULF	Digitally signed by TPR KYLE WULF Date: 2019.05.16 14:34:21 -04'00'
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Pursuit Supervisor Signature: Sergeant Dean E. Andrikut	Digitally signed by Sergeant Dean E. Andrikut Date: 2019.05.17 00:13:46 -04'00'
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Reporting Member: Submit form via email to the incident supervisor, cc: your station supervisor's inbox

Incident Supervisor: Forward completed form via email to [REDACTED]

INCIDENT HISTORY DETAIL: T190720568

INITIATE: 23:24:53 03/13/19 CALL NUMBER: T0568
 ENTRY: 23:26:19 CURRENT STATUS: CLOSED
 DISPATCH: 23:27:54 PRIMARY UNIT: 719
 ONSCENE: 23:27:54 CASE NUMBER: NY1900001051 and more
 CLOSE: 08:39:36 03/14/19 DISPOSITION: CBI

LOCATION: 43.0 S MLN TH (MC04121 CR & MC04328)

LOCATION COMMENTS:

DAREA: NY
 BEAT: 04
 RD: ML4118S
 OLD TYPE: AA
 PRIORITY: E
 FINAL: AAPI AA PERS INJURY

23:26:19 CTR1 ENTRY TEXT:POST CAR INVOLVED, REAR ENDED TWO BLK MALES THAT
 RAN SOUTH BOUND, ONE OTHER CUSTODY LANE BLOCKAGE BOTH
 NB AND SB \COMP:7122

23:26:36 CTR1 SUPP TEXT:NO INJURIES,
 23:27:46 DNY1 MISC .568, RED FLASH FROM HDQ
 23:27:54 DNY1 DISP-ONS 7122
 23:28:29 DNY1 BACK-ER 7122 7166
 23:28:53 CTR1 SUPP TEXT:FIRE AND EMS ENROUTE.
 23:29:14 DSR1 MISC .568, RED FLASH CALLED
 23:29:23 DSR1 MISC .568, EMS AND FIRE RESPONDING
 23:29:39 DNY1 BACK-ER 7122 719
 23:30:21 DNY1 BACK-ER 7166 7118
 23:30:25 DSR1 BACKUP 719 521
 23:30:27 DSR1 ENROUTE 521
 23:31:14 DNY1 MISC .568, REQ K9.
 23:32:57 DAL1 UPDATE COMP:7122-->WOODBURY PD SOURCE:-->T PHONE:-->845-928--
 2341

23:32:57 DAL1 SUPP TEXT:WOODBURY PD ENRT FD ENRT EMS ENRT \COMP:WOODBURY
 PD \SOURCE:T \PH:845-928-2341

23:33:51 DNY1 BACK-ER 7166 7110, PER AVL
 23:35:00 DNY1 MISC .568, 7122 IS SECURE
 23:35:02 DNY1 ONSCENOK 7122
 23:35:10 DNY1 MISC .568, STILL TWO SUBJECTS ON FOOT
 23:35:10 DSR1 BACKUP 521 1722, GUIDERAIL LEFT AND CENTER LANES
 23:35:38 DSP1 SUPP TEXT:T/WOODBURY UNITS O/S AND ONE NYPD UNIT O/S AS
 WELL

23:35:39 DNY1 BACK-ER 7122 7100
 23:36:16 DNY1 BACK-ER 7122 2F4 2F8
 23:36:22 DSY1 MISC .568, TROOP F WILL BE SENDING UNITS TO THE AREA, 2F-08
 AND 2F-09

23:37:28 DSR1 ENROUTE 1722
 23:37:41 DSP1 SUPP TEXT:OC 911 CONTACTED FOR K9
 23:38:01 DSR1 MISC 1722, ADVISED BY PHONE AND E/R WITH A BACKUP TRUCK FOR
 SOUTHBOUND SIDE AND TO INVESTIGATE GUIDE RAIL DAMAGE
 NB

23:38:38 DNY1 ONSCENE 7118
 23:38:52 DNY1 ONSCENE 2F4
 23:38:54 DNY1 ONSCENE 2F8
 23:39:27 DNY1 ONSCENE 7166
 23:40:17 DNY1 ONSCENE 7110
 23:40:23 DSR1 MISC .568, TRAFFIC SAFETY ADVISED MR. PESCI

INCIDENT HISTORY DETAIL: T190720568

23:42:57 DSR1 MISC .568, VMS ACTIVATED SB 49, 63 67 76
 23:43:11 DNY1 MISC .568, 7122 UNABLE TO GIVE A DESCRIPTION
 23:45:29 DSR1 MISC .568, 28 AND 42 N ACTIVATED
 23:47:02 DBU1 ONSCENOK 2F4
 23:47:02 DBU1 ONSCENOK 2F8
 23:47:02 DBU1 ONSCENOK 7110
 23:47:02 DBU1 ONSCENOK 7118
 23:47:02 DBU1 ONSCENOK 7166
 23:47:02 DBU1 ONSCENOK 521
 23:47:02 DSP1 SUPP TEXT:FL 28
 23:47:25 DSP1 SUPP TEXT:OCSO RECALLING K9 OFFICER
 23:50:46 DSR1 BACK-ER 719 713
 23:54:50 DNY1 ONSCENOK 7100
 23:57:48 DNY1 ONSCENOK 713

03/14/19
 00:09:29 DNY1 CHGLOC 7166 HOSPITAL
 00:09:43 DNY1 CHGLOC 7122 HOSPITAL
 00:10:23 DSP1 SUPP TEXT:719 IS GOING TO RESPOND TO HOSPITAL
 00:10:42 DNY1 CHGLOC 719 HOSPITAL
 00:16:09 DNY1 ONSCENOK 719
 00:19:48 DNY1 MISC .568, RED FLASH TERMINATED
 00:23:33 DSP1 SUPP TEXT:OCSO HAS PATROL ON RT 17 AND THEY ADVISE THERE IS
 A 0033 TRAIN TO NYC LEAVING HARRIMAN SO THEY ARE GOING
 TO HAVE PATROL AT STATION
 00:26:35 DSP1 SUPP TEXT:FL 28 UPDATED
 00:30:03 DNY1 MISC .568, SINGLE LANE SB LL, NB TWO LANES STILL BLOCKED
 00:35:18 DSP1 SUPP TEXT:FL 28 UPDATED
 00:36:33 DNY1 MISC 7100, SM 71689 1/M FROM 43.3 N MLN TO SP NEWBURGH
 00:36:41 DNY1 CHGLOC 7100 60.1 N MLN TH
 00:37:44 DNY1 MISC 7118, SM 52974 1/M TO SP NEWBURGH
 00:37:50 DNY1 CHGLOC 7118 60.1 N MLN TH
 00:41:03 DSR1 MISC .568, DELAYS NB AT 1/2 MILE
 00:49:50 DNY1 MISC 7118, EM 52991
 00:49:54 DNY1 ONSCENOK 7118
 00:50:16 DNY1 MISC 7100, EM 71706
 00:50:21 DNY1 ONSCENOK 7100
 00:50:40 DNY1 ONSCENOK 7166
 00:50:40 DNY1 ONSCENOK 7122
 01:16:44 DNY1 INSRVICE 7100
 01:33:10 DSR1 FNLTYPE FINALTYPE:AA-->AAPI PRI:1-->E
 01:33:13 DSR1 CASE NY1900001051 Assigned
 01:33:34 DSR1 MISC .568, NUMBER ISSUED FOR DAILY
 01:38:23 ATM1 UPDATE COMP:WOODBURY PD-->7110 CHORNOMA SOURCE:T-->TEL
 01:38:23 ATM1 SUPP TEXT:TWO SEPARATE ACCIDENTS PER SGT: CAR vs TROOP CAR
 AND CAR vs GUIDERAIL - LEFT SCENE \COMP:7110 CHORNOMA
 SOURCE:TEL
 01:39:13 DSR1 CASE NY1900001053 Assigned OVR
 01:39:53 ATM1 MISC .568, NY19-1051 -- SGT ANDRIKUT TROOP CAR ACCIDENT
 01:41:30 ATM1 MISC 7110, ATM1LWATSO0013 LETS RVEH TTHR 0141 RR NJLIC0000
 12357 NY1010105 13555 22:41-22:41 03/13/2019
 *0139472200 TXT NOT ON FILE LIC/350846R.
 [03/14/19014130001]
 01:41:40 DNY1 CASE-INF #568, TPR/WULF - 7122: CMPT-NO/NY19001051: TYPE/AAPI:
 TIME/2326: LOC/43 S MLN: MIS/CBA:
 01:41:48 DNY1 CASE-INF #568, TPR/WULF - 7122: CMPT-NO/NY19001053: TYPE/AAPI:
 TIME/2326: LOC/43 S MLN: MIS/CBA:

INCIDENT HISTORY DETAIL: T190720568

01:42:02 DNY1 ONSCENOK 1722
 01:42:33 ATMI MISC .568, 2018 HONDA ACCORD - GRAY
 01:42:37 DNY1 MISC 1722, ALL LANES OPEN, ALL DEBRIS CLEARED
 01:43:56 ATMI MISC 7110, ATMLWATSO0013 NYMV RVIN TTHR 0142
 NVN1HGCV1F40JA155627 HEDR/J15305 56719 091587-82
 LIC/ LIY/2020. LIT/PC. VIN/ VYR/2018. VMA/HOND. VMO/ACC. VST/4D. VCO/GRY 2018
 HONDA ACCORD, GRAY FOUR-DOOR SEDAN 3126 POUNDS **
 REGISTERED TO ** SEX/MALE. LICENSE
 PLATE: DMV REGISTRATION CLASS: PAS (016)
 STYLE: GOLD LOGO: GOLD LEGEND: PASSENGER PLATE ISSUED:
 2018-06-08 INSURANCE: PROGRESSIVE ADVANCED INS (678)
 REGISTRATION EXPIRATION DATE: STATUS:
 SUSPENDED: INSURANCE LAPSE 2019-02-05 SUSPENDED:
 INSURANCE LAPSE 2019-03-06 SURRENDERED - VOLUNTARY
 SURRENDER: PLATES DESTROYED[03/14/19014356001]

01:51:12 ATMI PROP-DMG .568, 1-23911 4 RAILS, 6 POSTS, 1 RAILEND, MAINT
 CALL-OUT
 01:51:48 ATMI CASE-INF #568, TPR/CHORNOMA 7110: CMPT-NO/NY19-1053:
 TYPE/AAPD: TIME/2324: LOC/43.2 S MLN: MIS/PDN 1-23911
 4 RAILS, 6 POSTS, 1 RAILEND, MAINT CALLOUT:
 02:02:44 DNY1 CASE-INF #568, TPR/ANDRIKUT - 719: CMPT-NO/NY19001051:
 TYPE/AAPD: TIME/2326: LOC/43 S MLN: MIS/CBA:
 02:36:05 DNY1 CLEAR 521 TO, INV 36542 // SP/1T33
 02:48:22 DNY1 MISC .568, INV 36515 // NJ/350846R, INV 36514 // NY/HZM6779
 04:22:56 DSP1 MISC .568, \$.NYSPIN MSG NYSP READ FORWARDED BY NY1010100 TO
 NY1010105 : EVENT 568 THQT FL25 APTS THQT ***
 NOTIFICATION FROM PORTAL *** AGENCY ORI : NY1010100
 AGENCY NAME : NYSP TROOP T HEADQUARTERS ATTENTION:
 ORANGE COUNTY LE AGENCIES NARRATIVE: ON 03/13/19 AT
 APPROXIMATELY 2326 HOURS, A NEW YORK STATE TROOPER WAS
 INVOLVED IN A PERSONAL INJURY AUTOMOBILE ACCIDENT AT
 MILEPOST MARKER 43.0 SOUTH ON I-87 IN THE TOWN OF
 TUXEDO. TWO MALE BLACK SUSPECTS RAN FROM THE ACCIDENT
 SCENE INTO THE WOODS. THERE IS NO FURTHER DESCRIPTION
 OF THESE SUSPECTS, NOR ANY INFORMATION ON POSSIBLE
 INJURIES. IF ANY SURROUNDING AGENCIES RECEIVED REPORTS
 OF PEDESTRIANS IN THE GENERAL AREA OF THE ACCIDENT,
 PLEASE CONTACT THE STATE POLICE BARRACKS AT NEWBURGH
 (TROOP T) AT 845-831-7960 OR TROOP T HEADQUARTERS AT
 1-800-635-8856. THANK YOU IN ADVANCE FOR ANY AND ALL
 ASSISTANCE. [03/14/19042255001]

04:57:41 DNY1 PREEMPT 1722
 05:15:27 DSP1 SUPP TEXT:NYSPIC S/I FIET PROVIDED WITH VEH INFO
 05:30:58 DSR1 INSRVICE 2F4
 05:30:58 DSR1 INSRVICE 2F8
 05:30:58 DSR1 INSRVICE 7110
 05:30:58 DSR1 INSRVICE 7166
 05:31:04 DSR1 CLEAR 719 CBI
 05:39:08 ATMI CASE-INF #568, TPR/CHORNOMA 7110: CMPT-NO/NY19-1053:
 TYPE/VOID: TIME/VOID: LOC/VOID: MIS/** ALL 3 VEHS MADE
 CONTACT AT SOME POINT** NYPD VEH. MADE CONTACT WITH
 HONDA ACCORD & 1T33 VOID PDN AS WELL:

05:42:56 ATMI PROP-DMG .568, 1-23911 VOID PER 7110/ TROOPER CHORNOMA
 08:39:36 DSR2 INSRVICE 713
 08:39:36 DSR2 INSRVICE 7122

INCIDENT HISTORY DETAIL: T190720568

08:39:36 DSR2 INSRVICE 7118
08:39:36 DSR2 CLOSE 7118

OPERATOR ASSIGNMENTS: CTR1 RGRANB
DNY1 MTOPPE
DSR1 SKENNE
DAL1 JSNYDE
DSP1 MKOPP MICHAEL KOPP
DSY1 ADAGA
DBU1 DCOOPE
AS OF 23:54:50: DNY1 SNORTH
ATM1 LWATSO LAURIE WATSON
DSR2 SKENNE