
Involved Member(s):

Trooper Steven J Missale

Case Type: Personnel Complaint

Case Number: DCN2019-0210

Finding: Founded

Complainant: Unknown

Personnel Complaint Work Sheet				Case Number	
Type: Personnel Inv.		Sub Type:		Incident Date: 6/20/19	
Incident Time: 8:00AM		Level of Investigation			
Initiated By: <input checked="" type="checkbox"/> C = Citizen <input type="checkbox"/> S = NYSP		CTV: [REDACTED]		Detail or Troop F T 3	
Mode Received		<input checked="" type="checkbox"/> EMail <input type="checkbox"/> Fax <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Letter <input type="checkbox"/> Phone <input type="checkbox"/> Survey			
Synopsis of Complaint: On 6/20/19, at approximately 8:29 AM the Professional Standards Bureau received an e-mail from [REDACTED]@gmail.com reporting a marked Troop car (2F84) parked unattended with the engine running containing a K-9 that barked consistently between 7:00 AM and 8:15 AM. The author of the e-mail claims that the Trooper that operates the vehicle is visiting a [REDACTED] that resides in the apartment complex. The author also claims that this is the fourth or fifth time that this has occurred.					
Subject(s) of Complaint					
Employee ID #	Last Name	First Name	MI	EOD	Maiden Name
[REDACTED]	Missale	Steven	J	11/15/99	
Complainant Information (if Member see below)					
Name		Address		City & State	
Home Phone		Work Phone		Cell Phone	
Member Information (if complainant)					
Employee ID #	Rank/Name				TZS
Administrative Notification Information – Dates are required – Times are desirable					
Receiving Member					
Employee ID #	Rank/Name			Date	Time
[REDACTED]	Staff Inspector Robert C Gregory			6/20/19	8:29 AM
Troop Notification					
Employee ID #	Rank/Name of Member at Troop Notified			Date	Time
[REDACTED]	Captain Michael J. Drake			6/20/19	11:20 AM
Employee ID #	Rank/Name of Member Notifying Troop			Date	Time
[REDACTED]	Staff Inspector Robert C Gregory			6/20/19	11:20 AM
Division Notification					
Employee ID #	Rank/Name of Member at Division (or Duty Officer) Notified			Date	Time
[REDACTED]	Staff Inspector Robert C Gregory			6/20/19	8:29 AM
Employee ID #	Rank/Name of Member Reporting Complaint to Division			Date	Time
Employee ID #	Rank/Name of Investigating Member			Date	Time
[REDACTED]	Lieutenant Chris N Flocatoulas			6/20/19	11:30 AM
Some fields have a built-in Help feature that will work when opened with Word. With the cursor on the field, you may click F1 to invoke Help or check the status bar on the lower left for tips on data entry.					



**State
Police**

ANDREW M. CUOMO
Governor

KEVIN P. BRUEN
First Deputy Superintendent

November 12, 2019

Trooper Steven J. Missale
New York State Police
Troop T
Albany, New York

Re: DCN: 2019-0210

LETTER OF CENSURE

Dear Trooper Missale:

On March 28, 2019, you were directed by your supervisor to discontinue spending time beyond you contractually granted meal period at the residence of [REDACTED]. However, you exceeded this time period on May 29, 30, 31 and June 10, 2019. Further, on numerous occasions from April 1 until June 20, 2019, you left your K-9 in your marked vehicle where it barked repeatedly to the annoyance of others.

Accordingly, you are hereby formally censured. Additionally, four (4) days of Annual Leave will be deducted from your existing Annual Leave accruals.

Sincerely,

Kevin P. Bruen
First Deputy Superintendent

NEW YORK STATE POLICE

OFFICE OF THE FIRST DEPUTY SUPERINTENDENT

MEMORANDUM

Date: November 5, 2019

To: Trooper Steven J. Missale, Troop T
New York State Police, Albany, New York

From: First Deputy Superintendent Kevin P. Bruen *KPB*

Subject: PERSONNEL INVESTIGATION

Pursuant to Rule 3 of the New York State Police, I have reviewed the report of an investigation into your activities between April and June of 2019.

On March 28, 2019, you were directed by your supervisor to discontinue spending time beyond you contractually granted meal period at the residence of [REDACTED]. However, you exceeded this time period on May 29, 30, 31 and June 10, 2019. Further, on numerous occasions from April 1 until June 20, 2019, you left your K-9 in your marked vehicle where it barked repeatedly to the annoyance of others.

I find reasonable cause to believe that your behavior violated Regulations of the State Police, including Regulation 8A3.

It is my judgment that you lose four (4) days of Annual Leave and receive a formal censure.

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

FIRST ENDORSEMENT

TO: Major Douglas R. Keyer, Jr., Troop T
New York State Police, Albany, New York

FROM: Trooper Steven J. Missale, Troop T *SL*
New York State Police, Albany, New York

DATE: 11/08/2019

SUBJECT: PERSONNEL INVESTIGATION

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

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

SECOND ENDORSEMENT

TO: First Deputy Superintendent Kevin P. Bruen

FROM: Major Douglas R. Keyer, Jr., Troop T *David R*
New York State Police, Albany, New York

DATE: 11/12/19

SUBJECT: PERSONNEL INVESTIGATION

Forwarded for appropriate action.

NEW YORK STATE POLICE

OFFICE OF THE FIRST DEPUTY SUPERINTENDENT

MEMORANDUM

Date: November 5, 2019

To: Trooper Steven J. Missale, Troop T
New York State Police, Albany, New York

From: First Deputy Superintendent Kevin P. Bruen *KPB*

Subject: PERSONNEL INVESTIGATION

Pursuant to Rule 3 of the New York State Police, I have reviewed the report of an investigation into your activities between April and June of 2019.

On March 28, 2019, you were directed by your supervisor to discontinue spending time beyond your contractually granted meal period at the residence of [REDACTED]. However, you exceeded this time period on May 29, 30, 31 and June 10, 2019. Further, on numerous occasions from April 1 until June 20, 2019, you left your K-9 in your marked vehicle where it barked repeatedly to the annoyance of others.

I find reasonable cause to believe that your behavior violated Regulations of the State Police, including Regulation 8A3.

It is my judgment that you lose four (4) days of Annual Leave and receive a formal censure.

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

FIRST ENDORSEMENT

TO: Major Douglas R. Keyer, Jr., Troop T
New York State Police, Albany, New York

FROM: Trooper Steven J. Missale, Troop T
New York State Police, Albany, New York

DATE: _____

SUBJECT: PERSONNEL INVESTIGATION

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

SECOND ENDORSEMENT

TO: First Deputy Superintendent Kevin P. Bruen

FROM: Major Douglas R. Keyer, Jr., Troop T
New York State Police, Albany, New York

DATE: _____

SUBJECT: PERSONNEL INVESTIGATION

Forwarded for appropriate action.

NEW YORK STATE POLICE

OFFICE OF THE FIRST DEPUTY SUPERINTENDENT

MEMORANDUM

Date: November 1, 2019


To: Trooper Steven J. Missale, Troop T
New York State Police, Albany, New York

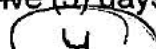
From: First Deputy Superintendent Kevin P. Bruen

Subject: PERSONNEL INVESTIGATION

Pursuant to Rule 3 of the New York State Police, I have reviewed the report of an investigation into your activities between April and June of 2019.

On March 28, 2019, you were directed by your supervisor to discontinue spending time beyond you contractually granted meal period at the residence of [REDACTED]. However, you exceeded this time period on May 29, 30, 31 and June 10, 2019. Further, on numerous occasions from April 1 until June 20, 2019, you left your K-9 in your marked vehicle where it barked repeatedly to the annoyance of others.

I find reasonable cause to believe that your behavior violated Regulations of the State Police, including Regulation 8A3. 

It is my judgment that you lose five (5) days of Annual Leave and receive a formal censure. 

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

FIRST ENDORSEMENT

TO: Major Douglas R. Keyer, Jr., Troop T
New York State Police, Albany, New York

FROM: Trooper Steven J. Missale, Troop T
New York State Police, Albany, New York

DATE: _____

SUBJECT: PERSONNEL INVESTIGATION

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

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

SECOND ENDORSEMENT

TO: First Deputy Superintendent Kevin P. Bruen

FROM: Major Douglas R. Keyer, Jr., Troop T
New York State Police, Albany, New York

DATE: _____

SUBJECT: PERSONNEL INVESTIGATION

Forwarded for appropriate action.

**PROFESSIONAL STANDARDS BUREAU
PERSONNEL COMPLAINT TRACKING**

DCN: 2019-0210	CTV: F3627	REGION: <u>SRO</u>	LEVEL: <u>3</u>	TYPE: <u>Personnel Complaint</u>
Subject(s): Trooper Steven Missale				
Investigated by: Lieutenant Chris Flocatoulas			Troop or Detail <u>F</u>	
Staff Inspector: Robert Gregory			Date: occurred <u>06/20/2019</u>	
SUBJECT HISTORY REVIEWED? <input checked="" type="checkbox"/> AUDIO? <input type="checkbox"/> VIDEO? <input type="checkbox"/> ON PROBATION? <input type="checkbox"/>				

ALLEGATION: K9 left barking in unattended blue/gold

SYNOPSIS: 06/20/19 PSB received an email from [REDACTED] alleging a male Trooper parked a marked NYSP vehicle with a K9 inside at an apartment complex in [REDACTED] NY to visit [REDACTED] and the K9 in the unattended vehicle barked all morning. Complainant stated this had occurred on multiple occasions.

Investigation revealed Tpr. Steven Missale was ordered by Sgt/SC Worden on 03/29/19 not to remain at [REDACTED] residence for extended periods which lasted longer than the allotted meal period in the PBA Contract. Investigation revealed he stayed at her residence longer than a meal time on at least four dates. Tpr Missale acknowledged his K9 was typically left in the vehicle; he acknowledged times when his K9 was barking in the car, and times he did not recall if the K9 barked during his visit.

Major James C. Michael, Troop F Commander, recommended that this matter be closed as Founded, with Tpr Steven Missale violating NYSP:

Reg 8A3 for Failure to Obey a Lawful Order from Competent Authority, and

Reg 8A8(2) for Bringing Discredit Upon the Division.

Staff Inspector Robert C. Gregory concurs with the findings of Major Michael.

A review of Tpr Missale's PSB history reveals Founded Personnel Complaints, including 2 involving the use of a Division K9 vehicle:

[REDACTED]

DCN2009-0559 09/17/09 Unsafe Operation of Division K9 vehicle. - Censured.

DCN2009-0565 09/25/09 Failure to Safeguard Property/Improper Handling of Evidence (discarded cell phone belonging to deceased subject) - Censured and Suspended 25 days.

Finding of Investigation: ☒ Founded ☐ Unfounded ☐ Unsubstantiated ☐ Closed by Investigation

Recommended Level of Adjudication: ☐ Troop Level ☒ Division Level

Adjudicated at Troop ☐

Date:

Disposition:

Date Forwarded to Assistant Deputy Superintendent – Professional Standards Bureau: 10/08/19 – RCG.

Assistant Deputy Superintendent – Professional Standards Bureau

Date: 10/15/19

Comments:

Finding of Investigation: ☒ Founded ☐ Unfounded ☐ Unsubstantiated ☐ Closed by Investigation

Recommended Level of Adjudication: ☐ Troop Level ☒ Division Level

MSR

Date Forwarded to Deputy Superintendent – Professional Standards Bureau

Deputy Superintendent – Professional Standards Bureau

Date: 10/16/19

Comments:

5 vac loc 10/29/19

☒ **Division Level Recommended**

☐ **Troop Level Recommended**

Date Forwarded to First Deputy Superintendent:

PJR

2022

④

First Deputy Superintendent		Date:	
Direction:		5VAC LOC 10/29/19 9003	
<input type="checkbox"/> Troop Level—Return to Chief Inspector		<input checked="" type="checkbox"/> Division Level -- Forward to Division Counsel	
Date Forwarded to Counsel or the Chief Inspector:			
<input type="checkbox"/> Troop Level		Rank/Name of Member Notified _____	
Date Notified: _____		Notified by Whom: _____	


NEW YORK STATE POLICE

MEMORANDUM

Troop F Station Middletown

Date September 30, 2019

To: Deputy Superintendent Patrick J. Regan, Professional Standards Bureau

From: Major James C. Michael, Troop F Commander 

Subject: **COMPLAINT AGAINST PERSONNEL – 20190210 – LEVEL 3**
TROOPER STEVEN J. MISSALE – EOD 11/15/99 – SP MONTGOMERY

Reference is made to the attached report of Lieutenant Chris N. Flocatoulas and cover memorandum of Captain Jennifer H. Gottstine, regarding the above subject.

I have reviewed the attached report and agree it is founded. Trooper Missale violated Division Rules and Regulations, specifically Regulation 8A3: It shall be the duty of all Members to obey lawful order issued orally or in writing by Competent Authority. He also violated Regulation 8A8(2): A Member shall not act in a manner tending to bring discredit upon the Division.

Recommend appropriate administrative action at Troop level. Forwarded for your review.

Attach.

NEW YORK STATE POLICE

MEMORANDUM

Troop F Station SP MonroeDate September 22, 2019

To: Major James C. Michael, Troop Commander, Troop F

From: Captain Jennifer H. Gottstine, Zone Commander, Zone 2 *JHG*

Subject: COMPLAINT AGAINST PERSONNEL # 20190210
TROOPER STEVEN J. MISSALE, SP MONTGOMERY, EOD 11-15-99

Reference is made to Complaint Against Personnel #20190210 and corresponding Genl 30 cover page report dated September 3, 2019 of Lieutenant CHRIS N. FLOCATOULAS. I have reviewed Lt. FLOCATOULAS' report and find it properly investigated and submitted.

On June 20, 2019, the Professional Standards Bureau received an email regarding a K-9 member and his partner. The complainant stated the K-9 was left in a marked police vehicle for an extended period of time and woke up herself or others in her apartment. The complainant also went on to state this has happened in the past.

Investigation into this matter found Trooper STEVEN J. MISSALE did in fact stop at [REDACTED] residence at [REDACTED], NY on June 20th and left his K9 in the vehicle. Trooper MISSALE states he heard his K9 barking and attempted to address the matter, and left the apartment complex when his K9 continued to bark. The allegations that this happened several times in the past was not able to be confirmed. The complainant has been uncooperative and failed to recontact after numerous requests from State Police personnel. However, the State Police AVL records show that Trooper MISSALE did spend an inordinate amount of time at [REDACTED] residence on the following four days: 5/29/19, 5/30/19, 5/31/19 and 6/10/19. Trooper MISSALE was instructed by Sgt/SC ARTHUR WORDEN JR on 3/28/19 not to remain at [REDACTED] residence for extended periods that lasted longer than the allotted meal time period as stated in the PBA Agreement- Article 12.29.

During the course of the investigation, it was determined Trooper MISSALE did violate the NYSP Rules or Regulations, specifically Regulation 8A3 and 8A8(2).

Accordingly, this complaint against personnel is Classified/Founded with appropriate administrative action recommended.

NEW YORK STATE POLICE
COVER PAGE

TITLE OF CASE Trooper Steven J. Missale EOD 11/15/1999 Troop F – SP Montgomery Complainant: [REDACTED] (unknown address), [REDACTED] NY [REDACTED]@gmail.com	REPORTING TROOP F	MANAGING TROOP F	DATE OF REPORT (typed) 9/3/2019
	DATE OCCURRED 6/20/2019	TZS F231	CTV CODE [REDACTED]
	INVESTIGATIVE PERIOD 6/20/2019 – 8/28/2019		TYPED BY cnf
	REPORT OF Lieutenant Chris N. Flocatoulas		SHIELD 1947
CHARACTER OF CASE - (CC CODE) Complaint Against Personnel (PCT0100)	STATION SP Monroe		CASE # 20190210
	STATUS OF CASE () CA () C/EC () C/INV () C/UNF () C/UNS (X) C/FND () OPN		

REFERENCE: Complaint of Personnel Investigation # 20190210

ENCLOSURES:

1. Email correspondence from [REDACTED]
2. Email correspondence from Staff Inspector Robert C. Gregory
3. Email correspondence from Staff Inspector Robert C. Gregory
4. AVL captures (17)
5. Spreadsheet with Associated Information
6. Email correspondence from Lieutenant Chris N. Flocatoulas
7. [REDACTED]
8. Memorandum from Trooper Steven J. Missale
9. LATS schedules (4)
10. Memorandum from Sergeant/SC Arthur Worden Jr
11. Personnel Data Sheet

DISTRIBUTION: () DHQ () TROOP () OTHER:	FOR TROOP/DIVISION HEADQUARTERS USE ONLY	
APPROVED: ZONE <u>Carroll County</u> TROOP <u>SP Monroe</u> DHQ	DESTROY IN 20 _____ INITIALS _____ PERMANENT RETENTION _____ INITIALS _____ RCN	

REPORT

SYNOPSIS:

On 6/20/2019, the Professional Standards Bureau (PSB) received an email from a person named [REDACTED] with the email address [REDACTED]@gmail.com. The email alleged a Division Vehicle was left running, with the K9 barking all morning and this was the fourth or fifth time this barking has woken up [REDACTED] or someone in her home. A preliminary check by PSB of LATS and AVL records for 6/20/2019, revealed the member to be Trooper STEVEN J. MISSALE (F-SP Montgomery) who was visiting the apartment of [REDACTED].

By all accounts, this administrative investigation has corroborated that Trooper MISSALE's K9 partner did in fact bark while in 2F84 on the morning of 6/20/2019, outside of [REDACTED] residence. There is no evidence to support the totality of the additional allegations made by [REDACTED] that Trooper MISSALE's K9 barked numerous times prior to 6/20/2019. The complainant [REDACTED] has failed to cooperate with the investigation, after several attempts to schedule an interview by both myself and PSB. This investigation found that, in disregard to a direct station order, Trooper MISSALE spent an inordinate amount of time at [REDACTED] residence, specifically on 5/29/2019, 5/30/19, 5/31/19, and 6/10/19.

It is recommended that this case be closed as **FOUNDED** with appropriate administrative action to be taken.

DETAILS:

AT SP MONROE

1. On 6/20/2019, I was notified by Acting-Troop Commander Captain MICHAEL J. DRAKE of a personnel complaint against Trooper STEVEN J. MISSALE (F-SP Montgomery). It was alleged Trooper MISSALE parked his assigned Division Vehicle 2F84, unattended with engine running in an apartment complex on 6/20/2019, while his K9 partner barked consistently between 7:00am and 8:15am. It was also alleged this was the fourth or fifth time this barking has occurred, while Trooper MISSALE was visiting a [REDACTED] in the apartment complex in [REDACTED] NY. Captain DRAKE assigned me to conduct the administrative investigation.

2. On 6/20/2019, the Professional Standards Bureau (PSB) received an email from a person named [REDACTED] with the email address [REDACTED]@gmail.com at 8:29am. The email contained information regarding an unnamed male Trooper who parked his K9 SUV at an apartment complex in [REDACTED] NY, while visiting a [REDACTED] who lived there. [REDACTED] lives next to [REDACTED]. The email alleged the Division Vehicle was left running, with the K9 barking all morning. This was the

fourth or fifth time the barking woke up [REDACTED] or someone in her home. The email correspondence received by PSB from [REDACTED] is attached as enclosure # 1.

3. On 6/20/2019, Staff Inspector ROBERT C. GREGORY (H-PSB) advised Captain DRAKE, PSB has asked the complainant ([REDACTED]) for contact information so an interview can be done. A preliminary check by PSB of LATS and AVL records for 6/20/2019, showed the K-9 member to be Trooper MISSALE in 2F84. Two email correspondences from Staff Inspector GREGORY are attached as enclosures # 2 and # 3.

4. On 6/20/2019, I reviewed the AVL captures provided by PSB, which revealed Trooper MISSALE was parked in an apartment complex named [REDACTED]. It is located on [REDACTED]. From 4/1/2019 to 6/20/2019, he parked either 2F36 or 2F84 at [REDACTED] a total of 17 times, on 13 different dates. The AVL captures (17) are attached as enclosure # 4. A spreadsheet with associated information on each AVL capture is attached as enclosure # 5.

5. On 6/20/2019, I was instructed by my Zone Commander, Captain JENNIFER H. GOTTSTINE to order Trooper MISSALE to stop parking his K9 Division vehicle 2F84 at the [REDACTED] apartment complex, while on-duty, unless there was a legitimate call for Police service at that location. I contacted Trooper MISSALE by phone and conveyed the order, which he acknowledged. He stated he was visiting [REDACTED] at her residence.

6. On 6/25/2019, I contacted Captain LAWRENCE A. MULLER (H-PSB) and he informed me that [REDACTED] never responded to PSB's earlier request (6/20/2019) for contact information.

7. On 6/25/2019, I sent an email to [REDACTED] at [REDACTED]@gmail.com, requesting contact information and to schedule an interview, to discuss her concerns. [REDACTED] never responded to my request. My email correspondence is attached as enclosure # 6.

8. On 6/26/2019, Captain GOTTSTINE and I interviewed [REDACTED] who stated that Trooper MISSALE visited her apartment at [REDACTED], NY, back on 6/20/2019. The visit was between 8:00am and 9:00am, for approximately 30 minutes. Trooper MISSALE was on-duty (1-5 tour) [REDACTED]. The purpose of the 6/20/2019 visit was [REDACTED] during which [REDACTED] heard his K9 partner barking outside and Trooper MISSALE then left the residence. [REDACTED] could recall several past visits (enclosure # 4) by Trooper MISSALE while he was on-duty [REDACTED]. According to [REDACTED] the purpose for these past visits [REDACTED]. [REDACTED] could not recall if his K9 partner was barking during these past visits. [REDACTED] never had any personal contact with her neighbors regarding Trooper

MISSALE's K9 partner barking, while outside her residence. [REDACTED] stated Trooper MISSALE was at her apartment from 2:00pm until 9:30pm on 6/10/19. [REDACTED]

9. On 6/27/2019, I interviewed Trooper MISSALE, with Sergeant/SC MICHAEL J. MORAN (F-SP Monroe) present, regarding the allegations made by [REDACTED] and he later provided a memorandum. According to Trooper MISSALE, he visited [REDACTED] residence at [REDACTED] NY on 6/20/2019. He arrived at approximately 8:00am and the purpose of his visit was [REDACTED]. Trooper MISSALE's K9 partner was barking from inside 2F84 and then left at approximately 8:30am. Trooper MISSALE was on-duty (1-5 tour) [REDACTED]. Trooper MISSALE could recall several past visits (enclosure # 4) while on-duty, to [REDACTED] residence. The purpose for these past visits [REDACTED]. Trooper MISSALE could not recall if his K9 partner was barking during these past visits. Trooper MISSALE never had any contact with [REDACTED] neighbors regarding his K9 partner barking. Trooper MISSALE recalled being counseled by Sergeant/SC WORDEN, back on 3/28/2019 regarding the extended periods of time spent at [REDACTED] residence while on-duty. Sergeant/SC WORDEN explained to him that meal periods between 30-40 minutes were acceptable, but not hours at a time. Trooper MISSALE believed he mostly complied with Sergeant/SC WORDEN's orders, however he believed there were 2 occasions when he spent more than an hour at her residence following the completion of a special assignment: On 5/31/2019 Trooper MISSALE believed he stayed at [REDACTED] residence in excess of one hour but could not remember the times; And, on 6/10/2019 he believed he was at her residence from 2:00pm until 9:30pm. This investigation determined that Trooper MISSALE spent longer than one hour at [REDACTED] apartment on 5/29/2019, 5/30/2019, 5/31/2019, and 6/10/2019. Trooper MISSALE's memorandum is attached as enclosure # 8.

10. On 6/27/2019, I reviewed the four LATS work schedules that encompass the period of AVL captures (4/1/2019 to 6/20/2019) and they are attached as enclosure # 9.

11. On 6/28/2019, I interviewed Sergeant/SC ARTHUR WORDEN Jr, who stated he had a meeting with Trooper MISSALE on 3/28/2019 regarding him spending extended periods of time at the residence of [REDACTED] while on duty. Sergeant/SC WORDEN told Trooper MISSALE to discontinue the practice and adhere to the 45-minute meal period time allotted during the 12-hour duty tour, as referenced in the PBA Agreement-Article 12.29. Trooper MISSALE acknowledged and agreed to abide by it. Sergeant/SC WORDEN's memorandum is attached as enclosure # 10.

12. On 8/28/2019, I reviewed the Personnel Data Sheet (PDS) of Trooper MISSALE, which showed his primary residence [REDACTED], NY. A copy of the PDS is attached as enclosure # 11.

CONCLUSION:

This administrative investigation has revealed that from 4/1/2019 to 6/20/2019, Trooper MISSALE visited [REDACTED] residence a total of 17 times on 13 different dates, while on-duty in a Division Vehicle. The AVL captures showed the duration of each visit varied; as short as 1 minute to as long as 6+ hours. [REDACTED]. Neither Trooper MISSALE, nor [REDACTED] have had any personal contact with any neighbor at [REDACTED] regarding Trooper MISSALE's K9 partner barking outside her residence.

By all accounts, this administrative investigation has corroborated that Trooper MISSALE's K9 partner did in fact bark while in 2F84 on the morning of 6/20/2019, outside of [REDACTED] residence. There is no evidence to support the totality of the additional allegations made by [REDACTED] that Trooper MISSALE's K9 barked numerous times prior to 6/20/2019. MS. [REDACTED] has failed to cooperate with the investigation after several attempts to schedule an interview by both myself and PSB. This investigation found that, in disregard to a direct order from Sergeant/SC WORDEN, Trooper MISSALE spent an inordinate amount of time at [REDACTED] residence, specifically on 5/29/2019, 5/30/2019, 5/31/2019, and 6/10/2019.

This investigation has determined that Trooper MISSALE violated the following regulations of the New York State Police:

Regulation 8A3: It shall be the duty of all Members to obey every lawful order issued orally or in writing by Competent Authority.

Trooper MISSALE disregarded an order from Sergeant/SC ARTHUR WORDEN Jr. to discontinue spending more time than a single meal period (45 minutes) at [REDACTED] apartment during work-time hours. On 05/29/2019, Trooper MISSALE spent a total of 2 hours 13 minutes at [REDACTED] apartment during two visits. On 5/30/2019 Trooper MISSALE spent a total of 2 hours 44 minutes at her residence during two visits. On 5/31/2019, Trooper MISSALE spent a total of 2 hours 28 minutes at [REDACTED] apartment during two visits. On 6/10/2019, Trooper MISSALE spent a total of 6 hours 20 minutes at her residence during a single visit, 2 hours 13 minutes of which were during work hours (even though last 4 hours 7 minutes were in an off-duty capacity, his marked Troop car was parked outside her apartment the entire time).

Regulation 8A8(2): A Member shall not act in a manner tending to bring discredit upon the Division.

Trooper MISSALE displayed unprofessional conduct by parking his marked Troop car outside [REDACTED] apartment in an apartment complex during duty hours 17 times in between 4/2/2019 and 6/20/2019. On a few of these occasions it was alleged that Trooper MISSALE's K-9 partner was left barking inside the vehicle. Actions such as this provide for a bad public perception as exhibited by the email penned by [REDACTED] (enclosure # 1).

I recommend the personnel complaint against Trooper STEVEN J. MISSALE be classified as **FOUNDED** and that appropriate administrative action be taken.

E-1

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@gmail.com]

Sent: Thursday, June 20, 2019 8:29 AM

To: troopers.sm.h.professional.standards <iaffairs@troopers.ny.gov>

Subject: Complaint

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning,

I typically do not do this. But it has been a few months of this issue, so i wanted to ask what i should do in this situation. Before i give any of my information.

I live in an apartment complex next [REDACTED]. She is lovely. [REDACTED]. He comes in his K-9 SUV and parks it outside our apartment building, running, with the dog in it for hours. It barks all morning (i.e. today when it barked from 7-8:15 and he didn't come out once).

I typically wouldn't care, but this is the fourth or fifth time the dog has woken up me or someone in my home.

The truck was "2()548". The () signifies a letter. Couldn't remember if it was a T or G. He was parked up in [REDACTED] NY. I don't want him to be in trouble, i just would like to sleep in later than 8 am on my day off. So possibly not leaving his dog in the truck when he parks up st our apartment complex.

Please let me know what i should or could do.

Thank you.

From: "GREGORY, ROBERT (TROOPERS)"

Date: June 20, 2019 at 11:19:51 AM EDT

To: "DRAKE, MICHAEL J (TROOPERS)"

<[REDACTED]>, "GALLAGHER, PIERCE (TROOPERS)" <[REDACTED]>

Cc: troopers.sm.f.uniform.captain <[REDACTED]>, "GOTTSTINE, JENNIFER (TROOPERS)" <[REDACTED]>

"LUTTMAN, KENNETH (TROOPERS)"

<[REDACTED]>, "MULLER, LAWRENCE (TROOPERS)" <[REDACTED]>, "WALSH,

BENJAMIN (TROOPERS)" <[REDACTED]>

"DEQUARTO, DONALD (TROOPERS)"

<[REDACTED]>

Subject: FW: Complaint

Mike - Please see the below. We asked the complainant for contact information so an interview can be done; we will send you the information when we get it. A preliminary check (LATS and AVL) show the K-9 Member to be Trooper Steven Missale in 2F84. I will send you the AVL information for today. If additional dates are needed as you continue the investigation, please advise. Please assign a Commissioned Officer to investigate. Please handle as a level 3 PC. Thanks. - RCG.

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@gmail.com]

Sent: Thursday, June 20, 2019 8:29 AM

To: troopers.sm.h.professional.standards <[REDACTED]@troopers.ny.gov>

Subject: Complaint

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning,

I typically do not do this. But it has been a few months of this issue, so i wanted to ask what i should do in this situation. Before i give any of my information.

I live in an apartment complex next [REDACTED]. She is lovely. [REDACTED]
[REDACTED] He comes in his K-9 SUV and parks it outside our apartment building, running, with the dog in it for hours. It barks all morning (i.e. today when it barked from 7-8:15 and he didn't come out once).

I typically wouldn't care, but this is the fourth or fifth time the dog has woken up me or someone in my home.

The truck was "2()548". The () signifies a letter. Couldn't remember if it was a T or G. He was parked up in [REDACTED] NY. I don't want him to be in trouble, i just would like to sleep in later than 8 am on my day off. So possibly not leaving his dog in the truck when he parks up st our apartment complex.

Please let me know what i should or could do.

Thank you.

From: GREGORY, ROBERT (TROOPERS)
Sent: Thursday, June 20, 2019 2:45 PM
To: DRAKE, MICHAEL J (TROOPERS) <[REDACTED]>;
GALLAGHER, PIERCE (TROOPERS) <[REDACTED]>
Cc: GOTTSTINE, JENNIFER (TROOPERS)
<[REDACTED]>; LUTTMAN, KENNETH (TROOPERS)
<[REDACTED]>; MULLER, LAWRENCE (TROOPERS)
<[REDACTED]>; WALSH, BENJAMIN (TROOPERS)
<[REDACTED]>; DEQUARTO, DONALD (TROOPERS)
<[REDACTED]>
Subject: 2F84

Mike - The AVL for earlier today is attached. The attached screenshot shows the vehicle stationary this morning at the location in question. The attached video includes the travel before and after (indicates the vehicle was started at approximately 7:18am, began moving at approximately 7:31am, etc...), which you can follow. Thanks. – RCG.

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Missale DCN 2019-0210

Date	Tour	SA	Went to	
1-Apr 1(5)			No	2F84 not used 2F36 ended shift at residence
2-Apr 1(5)			Yes	2F84 not on map 2F36 ended shift at residence
5-Apr 1(5)			No	2F84 / 2F36 both used
6-Apr 1 SA Sgt test		SA	No	2F84 not tracking on map (vehicle not driven to Sgt. Test)
7-Apr 2			Yes	
8-Apr 2 (12-7)			No	
10-Apr 1(5)			No	
11-Apr 1(5) (AL 4p-5p)		SA	Yes	
15-Apr AL			No	
16-Apr AL			No	2F84 nor tracking on map (not driven on this day)
18-Apr 1			No	
19-Apr 2			No	
20-Apr 2			No	
21-Apr 2 (12-7)			Yes	
24-Apr 1(5)			No	
25-Apr 1(5)			No	
29-Apr 1(5)			No	
30-Apr 1(5)			No	
3-May 2			No	
4-May 2			No	
5-May 2			No	
6-May (12-7)			No	
7-May 1(5)			No	
8-May 1(5)		SA	No	
10-May 8a-1p		Court	No	
13-May 1(5)			No	
14-May 1(5)			No	
16-May 1		SA	No	
17-May 2			No	
18-May 2			Yes 2x	Vehicle at SP Montgomery from 7a-7p

19-May (12-7)		Yes
20-May 12PM-2:30PM	Court	No
21-May 8:30AM-3PM	Court	No
22-May 5A-5P		No
23-May 4A-5P		No
24-May 6P-12A	DWI	No
27-May 1	K9	No
28-May 1	K9	No
29-May 1	K9	Yes 2x
30-May 1	K9	Yes 2x
31-May 1	K9	Yes 2x
4-Jun 1	Tour Cov	No
5-Jun 1(5)		No
6-Jun 1(5)		No
10-Jun 1(5)	Range	Yes
11-Jun 1(5)		No
14-Jun 2 (7-12)		No
15-Jun 12-7		No **
15-Jun 2 (7-12)		Yes
16-Jun 12-7		No
16-Jun 2 (7-12)		No
17-Jun 12-7		No
19-Jun 1(5)	CNET	Yes
20-Jun 1(5)	K9	Yes

No negative image, due to split workday associated with 2 shift

AVL reporting threshold is 5 min, this could be a momentary stop, or up to 5 minutes

E-6

FLOCATOULAS, CHRIS (TROOPERS)

From: FLOCATOULAS, CHRIS (TROOPERS)
Sent: Tuesday, June 25, 2019 9:17 PM
To: [REDACTED]@gmail.com
Subject: Email Correspondence 6/20/2019

Ms. [REDACTED]

I have been asked to contact you regarding your email correspondence below, dated 6/20/2019. I would like to arrange an interview with you, in order to discuss your concerns.

Please provide your cell/home phone number or feel free to contact me at my office number [REDACTED] at your earliest convenience.

Thank you in advance for your cooperation.

Lieutenant Chris N. Flocatoulas
New York State Police

Troop F – SP Monroe
369 Nininger Rd
Monroe, NY 10950

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@gmail.com]
Sent: Thursday, June 20, 2019 8:29 AM
To: troopers.sm.h.professional.standards <iaffairs@troopers.ny.gov>
Subject: Complaint

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Good morning,

I typically do not do this. But it has been a few months of this issue, so i wanted to ask what i should do in this situation. Before i give any of my information.

I live in an apartment complex next [REDACTED]. She is lovely. [REDACTED]
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The truck was "2()548". The () signifies a letter. Couldn't remember if it was a T or G. He was parked up in [REDACTED] NY. I don't want him to be in trouble, i just would like to sleep in later than 8 am on my day off. So possibly not leaving his dog in the truck when he parks up st our apartment complex.

Please let me know what i should or could do.

Thank you.

NEW YORK STATE POLICE

E-8

MEMORANDUM

Troop F Station SP MontgomeryDate June 27, 2019

To: Major Pierce V. Gallagher, Troop Commander, Troop F

From: Trooper Steven J. Missale *[Signature]*

Subject: COMPLAINT OF PERSONNEL INVESTIGATION 20190210

I was advised of my rights to representation pursuant to Article-16.2 of the contract by Lieutenant CHRIS N. FLOCATOULAS on June 27, 2019 and submit the following account.

On June 20, 2019, while operating marked Division vehicle 2F84, I went to [redacted] residence, [redacted] NY at approximately 8:00 am. [redacted] While I was at her residence, my K-9 partner remained in 2F84. At one point, she began barking at a smaller dog walking past the vehicle. I addressed the barking from the apartment window. When she did not stop, I left at approximately 8:30 am. I was at [redacted] residence for approximately 30 minutes. [redacted]

On June 19, 2019, I went to [redacted] residence, while on-duty, to [redacted] I was there during the morning hours and only for a short time. I do not recall my arrival time nor my departure time. K-9 Wink remained in 2F84 and did not bark during that visit. [redacted]

On June 15, 2019, while on-duty, I spent approximately 30 minutes at [redacted] I do not recall my arrival time, nor my departure time. However, it was during the evening hours. I do not recall K-9 Wink barking during that visit. [redacted]

On June 10, 2019, while on-duty, I went to [redacted] residence after firearms training. I arrived at her apartment at approximately 2:00 pm. The reason for this visit was [redacted]

At approximately 6:00 pm, [REDACTED]. She left her apartment but returned approximately 45-60 minutes later [REDACTED]. At approximately 9:30 pm, after eating dinner, I left [REDACTED] residence and headed to SP Montgomery, 2022 Route 208 Montgomery, NY 12549 to retire for the evening. K-9 Wink did not bark during that visit, as she was in the apartment with me. [REDACTED]

On May 31, 2019, while on-duty, I stopped at [REDACTED] residence to [REDACTED]. I do not recall my arrival time, nor my departure time. I believe it was during the morning hours and only for a short time. I do not recall K-9 Wink barking during that visit. I do not recall if I stopped at [REDACTED] residence on more than one occasion on that date. [REDACTED]

On May 30, 2019, while on-duty, I stopped at [REDACTED] residence to [REDACTED]. I do not recall my arrival time, nor my departure time. I was only there briefly. K-9 Wink did not bark during that visit. I do not recall if I stopped at [REDACTED] residence on more than one occasion on that date. [REDACTED]

On May 29, 2019, while on-duty, I stopped at [REDACTED] residence [REDACTED]. I do not recall the time of day nor the duration of the visit. I do not recall K-9 Wink barking during that visit. I do not recall if I stopped at [REDACTED] residence on more than one occasion on that date. [REDACTED]

[REDACTED] Prior to May 29, 2019, I stopped at [REDACTED] residence several times while on-duty to [REDACTED]. I do not recall specific dates, times or durations of stay during those visits.

At no time did I have contact with [REDACTED] neighbors regarding K-9 Wink's barking. The only contact I had with any of [REDACTED] neighbors was to say hello in passing.

On March 28, 2019, I was summoned to the SP Montgomery Station Commander's office. At that time, I was counseled by Sergeant/SC ARTHUR J. WORDEN Jr. regarding my productivity and the fact that I was spending time at [REDACTED] residence while on-duty. [REDACTED] Sergeant/SC WORDEN explained that 30-40 minutes for lunch or dinner was acceptable, but not to spend hours at a time at her residence. I complied with Sergeant/SC WORDEN's orders, however to my recollection, there were two occasions when I spent more than an hour following the completion of a special assignment when I was not assigned to patrol. The first occasion was on May 31, 2019. I arrived at [REDACTED] residence following the completion of canine recertification. I do not recall my arrival time, nor my departure time, nor the duration of stay. However, I believe it was in excess of one hour. The second occasion was on June 10, 2019. I arrived at [REDACTED] residence at approximately 2:00 pm following the completion of firearms training. My scheduled shift ended at 5:00 pm. I believe I departed her residence at approximately 9:30 pm.

E-10

NEW YORK STATE POLICE

MEMORANDUM

Troop F Station SP MontgomeryDate June 28, 2019

To: Major Pierce V. Gallagher, Troop Commander, Troop F

From: Sergeant/SC Arthur Worden Jr. A.J.W

Subject: COMPLAINT OF PERSONNEL INVESTIGATION 20190210

On June 28, 2019, I was instructed by Lieutenant CHRIS N. FLOCATOULAS to submit a Memorandum regarding Complaint of Personnel Investigation 20190210.

On March 28, 2019, I had a meeting with Trooper STEVEN J. MISSALE (SP Montgomery) in regards to him spending extended periods of time at [REDACTED] NY, while he was on-duty in Division Vehicle 2F84 (K9). This is the residential address of [REDACTED] Trooper MISSALE resides at [REDACTED].

During our meeting, which was conducted at SP Montgomery, I advised Trooper MISSALE that I was made aware of him spending extended periods of time at the residence of [REDACTED], while he was on-duty. Trooper MISSALE was told to discontinue spending extended periods of time at the residence of [REDACTED] and I referenced Article 12.29 of the PBA Agreement-Troopers; Two meal periods not to exceed a total of 45 minutes shall be included in each scheduled 12-hour tour of duty.

I advised Trooper MISSALE not to exceed the total meal period time allotted during his 12-hour tour of duty. Trooper MISSALE acknowledged and agreed that he wouldn't go to [REDACTED] residence for extended periods of time beyond the total meal period time allotted.