

CITY OF MIDDLETOWN POLICE DEPARTMENT PERSONNEL COMPLAINT

The City of Middletown Police Department encourages citizens to report legitimate complaints against employees of this Department. As a result, a thorough, impartial and confidential investigation will be conducted. If this complaint leads to a formal charge against the employee, you will be asked to participate in the hearing and/or arbitration process.

Date of Report: 11/1/11		Time: 5:45 PM		Event No.: 31183-11		Case No.: (If Applicable) 6371-11	
Type of Complaint:		External Internal Other		If Other, please explain:			
How Received:		Phone Walk-In Other		If Other, please explain:			
Date of Incident: 11/1/2011		Day of Incident: Tuesday		Time of Incident: 12:20 PM			
Location of Incident: 182 Highland Avenue				Nature of Complaint: Unprofessional Conduct			

Complainant: Albino, Tommy F.			Date of Birth:		
Address:		City: Middletown		State:	Zip Code:
Home Phone #:		Work Phone #: N/A		Other Phone #:	
Employer:			Occupation:		
Employer's Address:			Employer Telephone No.: Unknown		

Details of Incident: (ADDITIONAL SPACE AVAILABLE ON BACK OF FORM, IF NEEDED) Complainant states that Officer Bailey responded to his residence earlier today to investigate a noise complaint. Complainant states that he was in the shower and heard someone outside yelling, "Come open the door, or I'm going to kick the fucking door down!" Complainant answered the door and made contact with Officer Bailey who immediately asked him for his identification. The complainant told Officer Bailey that he was late for work and Officer Bailey then stated, "You might not make it to work." The complainant gave Officer Bailey his

Personnel Complained Of: (NAME OR PHYSICAL DESCRIPTION, BADGE #, CAR #, ETC.)
Officer Kristopher Bailey, Shield #1250

Witness Info: (NAME, D.O.B., ADDRESS, TELEPHONE NUMBERS, ETC.)
Officer Dave Franck - 2 James Street - Other officer on scene

NOTE: PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK, ANY INCORRECT OR FALSE STATEMENT ATTRIBUTED TO YOU AND CONTAINED HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR.

Signature #1153	2 James Street, Middletown	Tommy Albino	11/1/11
Reporting Officer's Signature	Location Report Taken MPD Headquarters	Complainant's Signature	Date

ADMINISTRATIVE USE ONLY		No Further Action Needed: _____	
Reviewed By: <u>[Signature]</u>		Investigation Assigned To: <u>Sgt. Kassel</u>	
Date Reviewed: <u>11/2/11</u>		MPD-II #: <u>010</u>	
Name & Rank		Shield No. <u>1097</u>	

Exonerated / Withdrawn by
by INV. on 11/2/11
Complainant

Details of Incident: (CONTINUED) identification and Officer Bailey then walked away and immediately started writing out a ticket. The complainant contacted his step father via cell phone to advise him what was going on. The complainant states that he has a good relationship with Sergeant Khalil and that he was hoping that he could avoid getting a ticket for a noise violation. The complainant attempted to have Officer Bailey speak to his step father, and handed Officer Bailey the telephone. A short conversation took place between the step father and Officer Bailey and the phone was then handed back to the complainant. A second officer, Officer Franck, arrived on the scene during this time and began speaking to the complainant. The complainant advised Officer Franck that he was angry because Officer Bailey was being a "tough guy," trying to hide behind his badge. The complainant states that Officer Bailey then became rude, stating that he doesn't always wear his badge and that the complainant can see him anytime out of work. The complainant felt threatened by this statement and did not feel that it was warranted or that it was professional on the part of Officer Bailey.

The complainant admits that his home stereo was playing loudly at the time that Officer Bailey responded to his residence, but he did not believe that it was loud enough to warrant being issued a summons. The complainant was previously advised by officers that his music was too loud, but these officers simply had the complainant turn the music down, and no summons was issued. The complainant states that Officer Franck acted professionally and that only Officer Bailey was rude and disrespectful.