

City of Utica



Utica, New York

To The City Clerk of Utica

As provided by Section 12 of the Second Class Cities Laws, I hereby certify that

Name: *Leby X. Gonzalez*

Address: [REDACTED]

Telephone:

has this day been appointed to the position of Police Officer

in the department of *Public Safety- Bureau Of Police*

the term to commence *June 25, 2021*

the term to end *N/A*

filling unexpired term of (if applicable)

Signed

[REDACTED SIGNATURE]

Mayor

Title of Official

Report all personnel changes to this form
Send ONE COPY prior to payroll affected by this change
SUPPLEMENTARY PAYROLL CERTIFICATION AND
REPORT OF PERSONNEL CHANGE

DATE

MONTH 08 DAY 09 YEAR 2022

TO:
Utica Civil Service Commission

NAME OF EMPLOYEE:
Gonzalez, Leby Xavier

FROM: (Check only one)
 City County Town Village or District

ADDRESS:
[REDACTED]

DEPARTMENT:
Police Department

TITLE OF POSITION:
Police Officer

SALARY:
\$63,493.

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

Veteran Non-Veteran
 Disabled Veteran Exempt Volunteer Fireman

DATE OF BIRTH:
9/5/89

SOCIAL SECURITY NUMBER:
[REDACTED]

	<i>Check Nature of Personnel Change</i>	<i>Date Effective</i>	<i>Action Necessary by Appointing Officer:</i>
A P P O I N T M E N T S	<input type="checkbox"/> Permanent		Return report of Certification
	<input type="checkbox"/> Provisional		Attach application (MSD-330)
	<input type="checkbox"/> Temporary	From: To:	State length of employment
	<input type="checkbox"/> Substitute	From: To:	Give facts under Remarks
	<input type="checkbox"/> For Term of Office	From: To:	Give facts under Remarks
	<input type="checkbox"/> Permanent Promotion		Return report of Certification
	<input type="checkbox"/> Provisional Promotion		Attach nomination
	<input type="checkbox"/> Non-Competitive Class		Attach application (MSD-330)
	<input type="checkbox"/> Exempt Class		Submit this form only
	<input type="checkbox"/> Labor Class		Attach application (MSD-330)
T E R M I O N N A S	<input type="checkbox"/> Resignation		Submit signed resignation
	<input type="checkbox"/> Retirement		Give effective date
	<input type="checkbox"/> Deceased		Indicate date
	<input type="checkbox"/> Removal		Attach copy of proceedings
	<input type="checkbox"/> Layoff (Lack of Work or Funds)		Give facts under Remarks
O T H E R	<input type="checkbox"/> Military Leave of Absence		Give facts under Remarks
	<input type="checkbox"/> Other Leave of Absence	From: To:	Give facts under Remarks
	<input type="checkbox"/> Transfer		Give facts under Remarks
	<input type="checkbox"/> Demotion		Give facts under Remarks
	<input type="checkbox"/> Suspension		Give facts under Remarks
	<input type="checkbox"/> Reinstatement		Give facts under Remarks
	<input type="checkbox"/> Change in Classification		Give facts under Remarks
	<input type="checkbox"/> New Position		Submt form MSD-222
	<input checked="" type="checkbox"/> Change in Salary	04/01/2022	Indicate new saaly
	<input type="checkbox"/> Change in Name		Give facts under Remarks
<input type="checkbox"/> Other		Give facts under Remarks	

Remarks: (Continue on back if necessary)

PBA Contract Salary Increase
3.25% - Eff. 04/01/22- \$63,493.
3% - Eff. 04/02/21- \$61,494.

Appointing Officer

Title

Address

[REDACTED SIGNATURE]

Chief of Police

CERTIFICATE
valid until

(Date)

This certifies that the above
employment is in accordance with
Law and Rules made in pursuance
to law. Subject to any limitation or
condition specified above.

By

Date

Payroll Changes

**Department of Public Safety
Bureau of Police
Utica, N.Y.**

Police Salaries

Effective period: 8 /12/2022

Changes Pertaining To:

Police/civilian: Police

Lastname: Gonzalez	Firstname: Leby	MI: X
Title Police Officer	Employee ID	3481

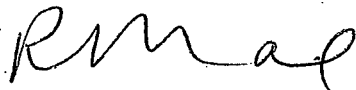
Annual Salary: \$63,493.00	Salary/Wages Due: \$2,562.04
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A.5.3123.108	\$120.00	Night Differential
A.5.3123.101	\$2,442.04	Salary
Salary/Wages Due:	\$2,562.04	

Notes:

PBA contracted settled pay 10 days at new rate, eff. 4/1/2021 3% increase, and eff. 4/1/2022 3.25% increase. /////
Longevity inc. eff. 6/28/22, 6 days at the old rate and 4 days at the new rate. ///// Transfer from C2 to
C1 eff. 03/26/2022 ///// Normal Gross. 5 days pp. 7/2/2, New hire eff. 6/28/21. DOB 9/5/1989

Submitted by:



Date Submitted: 8/10/2022

Approved by:



Report all personnel changes to this form
Send ONE COPY prior to payroll affected by this change
SUPPLEMENTARY PAYROLL CERTIFICATION AND
REPORT OF PERSONNEL CHANGE

DATE
MONTH 06 DAY 28 YEAR 2022

TO: **Utica Civil Service Commission** NAME OF EMPLOYEE: **Gonzalez, Leby Xavier**

FROM: (Check only one)
 City County Town Village or District ADDRESS: [REDACTED]

DEPARTMENT: **Police Department** TITLE OF POSITION: **Police Officer** SALARY: **\$59,703.**

NAME AND TITLE OF LAST EMPLOYEE IN POSITION: [REDACTED]
 Veteran Non-Veteran
 Disabled Veteran Exempt Volunteer Fireman

DATE OF BIRTH: **9/5/89** SOCIAL SECURITY NUMBER: [REDACTED]

	<i>Check Nature of Personnel Change</i>	<i>Date Effective</i>	<i>Action Necessary by Appointing Officer:</i>	
A P P O I N T M E N T S	<input checked="" type="checkbox"/> Permanent	6/28/21	Return report of Certification	
	<input type="checkbox"/> Provisional		Attach application (MSD-330)	
	<input type="checkbox"/> Temporary	From: To:	State length of employment	
	<input type="checkbox"/> Substitute	From: To:	Give facts under Remarks	
	<input type="checkbox"/> For Term of Office	From: To:	Give facts under Remarks	
	<input type="checkbox"/> Permanent Promotion		Return report of Certification	
	<input type="checkbox"/> Provisional Promotion		Attach nomination	
	<input type="checkbox"/> Non-Competitive Class		Attach application (MSD-330)	
	<input type="checkbox"/> Exempt Class		Submit this form only	
	<input type="checkbox"/> Labor Class		Attach application (MSD-330)	
	T E R M I O N N A S	<input type="checkbox"/> Resignation		Submit signed resignation
		<input type="checkbox"/> Retirement		Give effective date
<input type="checkbox"/> Deceased			Indicate date	
<input type="checkbox"/> Removal			Attach copy of proceedings	
<input type="checkbox"/> Layoff (Lack of Work or Funds)			Give facts under Remarks	
O T H E R C H A N G E S	<input type="checkbox"/> Military Leave of Absence		Give facts under Remarks	
	<input type="checkbox"/> Other Leave of Absence	From: To:	Give facts under Remarks	
	<input type="checkbox"/> Transfer		Give facts under Remarks	
	<input type="checkbox"/> Demotion		Give facts under Remarks	
	<input type="checkbox"/> Suspension		Give facts under Remarks	
	<input type="checkbox"/> Reinstatement		Give facts under Remarks	
	<input type="checkbox"/> Change in Classification		Give facts under Remarks	
	<input type="checkbox"/> New Position		Submit form MSD-222	
	<input checked="" type="checkbox"/> Change in Salary	06/28/2022	Indicate new salary	
	<input type="checkbox"/> Change in Name		Give facts under Remarks	
<input type="checkbox"/> Other		Give facts under Remarks		

Remarks: (Continue on back if necessary)
Longevity inc. eff. 06/28/22.

Appointing Officer
Title
Address

M.W. Williams
Chief of Police

CERTIFICATE
valid until

(Date)

This certifies that the above
employment is in accordance with
Law and Rules made in pursuance
to law. Subject to any limitation or
condition specified above.

By

Date

Payroll Changes

**Department of Public Safety
Bureau of Police
Utica, N.Y.**

Police Salaries

Effective period: 7 /1 /2022

Changes Pertaining To:

Police/civilian: Police

Lastname: Gonzalez	Firstname: Leby	MI: X
Title Police Officer	Employee ID	3481

Annual Salary:	\$59,703.00	Salary/Wages Due:	\$2,175.94
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A.5.3123.108	\$120.00	Night Differential
A.5.3123.101	\$2,055.94	Salary- 6 days old & 4 days new
Salary/Wages Due:	\$2,175.94	

Notes:

Longevity inc. eff. 6/28/22, 6 days at the old rate and 4 days at the new rate. // // // // //
C1 eff. 03/26/2022 // // // Normal Gross. 5 days pp. 7/2/2, New hire eff. 6/28/21. DOB 9/5/1989

Transfer from C2 to

Submitted by:

Date Submitted: 6/15/2022

Approved by:

Payroll Changes

**Department of Public Safety
Bureau of Police
Utica, N.Y.**

Police Salaries

Effective period: 2 /25/2022

Changes Pertaining To:

Police/civilian: Police

Lastname: Gonzalez	Firstname: Leby	MI: X
Title: Police Officer	Employee ID: 3481	

Annual Salary: \$49,288.00	Salary/Wages Due: \$1,979.69
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A.5.3123.108	\$84.00	Night Differential
A.5.3123.101	\$1,895.69	Salary
Salary/Wages Due:	\$1,979.69	

Notes:
Transferred from B to C Platoon on 2/17/22. Add 7 days of night differential for pp. 2/25/22.

Submitted by:  Hagen 3750

Date Submitted: 2/22/2022

Approved by: 

UTICA POLICE DEPARTMENT

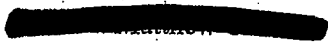
Personnel Order



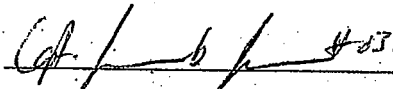
Issue date: 2/14/2022	Subject: Assignment / Transfer Orders	P.O. 22-03
Issuing Authority Capt. B. Bansner	Approved by: Chief M. Williams	

Recruit Leby Gonzalez

Will leave B-Platoon, Squad 2 at the completion of his shift on February 14, 2022. He will report to Lt. A. Berger for Field Training Assignment in C-Platoon, Squad 2 on February 17, 2022 at 1545 hours.



Will leave C-Platoon, Squad 2 at the completion of his shift on February 14, 2022. He will report to Lt. J. Holt for Field Training Assignment in B-Platoon, Squad 2 on February 17, 2022 at 0745 hours.

 #0399
Captain Brian D. Bansner #0399

UTICA POLICE DEPARTMENT

Personnel Order



Issue date: 12/17/2021	Subject: Assignment / Transfer Orders	P.O. 21-21
Issuing Authority Capt. B. Bansner	Approved by: Chief M. Williams	

[REDACTED]

Will leave the Administrative Division at the completion of orientation on December 17th, 2021. He will report to Lt. M. Murphy for Field Training Assignment in B-Platoon, Squad 2 on December 20th, 2021 at 0745 hours.

[REDACTED]

Will leave the Administrative Division at the completion of orientation on December 17th, 2021. He will report to Lt. H. Brodt for Field Training Assignment in C-Platoon, Squad 2 on December 20th, 2021 at 1545 hours.

Recruit Leby Gonzalez

Will leave the Administrative Division at the completion of orientation on December 17th, 2021. He will report to Lt. M. Murphy for Field Training Assignment in B-Platoon, Squad 2 on December 20th, 2021 at 0745 hours.

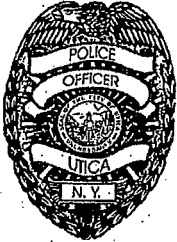
[REDACTED]

Will leave the Administrative Division at the completion of orientation on December 17th, 2021. He will report to Lt. M. Murphy for Field Training Assignment in B-Platoon, Squad 3 on December 20th, 2021 at 0745 hours.

Captain Brian D. Bansner #0399

UTICA POLICE DEPARTMENT

Personnel Order



Issue date: 3/25/22	Subject: Assignment / Transfer Orders	P.O. 22-07
Issuing Authority Captain J. Holt	Approved by: Chief M. Williams	

[REDACTED]

Will leave B-Platoon, Squad 3, at the end of his shift on Friday, March 25, 2022, regular scheduled days off on Saturday, March 26, 2022 and Sunday, March 27, 2022, and report to Capt. J. Holt on Monday, March 28, 2022 at 0630 hours for assignment in the Patrol Division, Patrol Support Unit.

[REDACTED]

Will leave A-Platoon, Squad 3, at the end of her shift on Saturday, March 26, 2022 and report to Capt. J. Holt on Tuesday, March 29, 2022 at 0745 hours for assignment in the Patrol Division, B-Platoon, Squad 3.

[REDACTED]

Will leave C-Platoon, Squad 2, at the end of his shift on Saturday, March 26, 2022, regular scheduled days off on Sunday, March 27, 2022 and Monday, March 28, 2022, and report to Capt. J. Holt on Tuesday, March 29, 2022 at 0000 hours (2345 hours on Monday, March 28, 2022) for assignment in the Patrol Division, A-Platoon, Squad 3.

[REDACTED]

Will leave the Criminal Investigative Division at the end of his shift on Friday, March 25, 2022, regular scheduled days off on Saturday, March 26, 2022 and Sunday, March 27, 2022, and report to Lt. A. Berger on Monday, March 28, 2022 at 1545 hours for assignment in the Patrol Division, C-Platoon, Squad 2.

[REDACTED]

Will leave the Patrol Division, C-Platoon, Squad 1, at the end of his shift on Friday, March 25, 2022, with regular scheduled days off on Saturday, March 26, 2022 and Sunday, March 27, 2022, and report to

Lt. S. Fernalld on Monday, March 28, 2022 at 0845 hours for assignment in the Criminal Investigative Division.

[REDACTED] Will leave B-Platoon, Squad 1 at the end of his shift on Thursday, March 24, 2022, with regular scheduled days off on Friday, March 25, 2022 and Saturday, March 26, 2022, and report to Lt. A. Berger on Sunday, March 27, 2022 at 1545 hours for assignment in the Patrol Division, C-Platoon, Squad 1.

[REDACTED] Will leave the Patrol Division, B-Platoon, Squad 3, at the end of his shift on Friday, March 25, 2022, with regular scheduled days off on Saturday, March 26, 2022 and Sunday, March 27, 2022, and report to Lt. S. Fernalld on Monday, March 28, 2022 at 0845 hours for assignment in the Criminal Investigative Division.

[REDACTED] Will leave the Patrol Division, C-Platoon, Squad 3, at the end of his shift on Friday, March 25, 2022, with regular scheduled days off on Saturday, March 26, 2022 and Sunday, March 27, 2022, and report to Lt. S. Fernalld on Monday, March 28, 2022 at 1645 hours for assignment in the Criminal Investigative Division.

[REDACTED] Will leave the Patrol Division, B-Platoon, Squad 2, at the end of his shift on Friday, March 25, 2022, with regular scheduled days off on Saturday, March 26, 2022 and Sunday, March 27, 2022, and report to Lt. S. Fernalld on Monday, March 28, 2022 at 0845 hours for assignment in the Criminal Investigative Division.

[REDACTED] Will leave B-Platoon, Squad 3 at the end of his shift on Saturday, March 26, 2022, with regular scheduled days off on Sunday, March 27, 2022 and Monday, March 28, 2022, and report to Lt. A. Berger on Tuesday, March 29, 2022 at 1545 hours for assignment in the Patrol Division, C-Platoon, Squad 3.

[REDACTED] Will leave C-Platoon, Squad 3 at the end of his shift on Saturday, March 26, 2022, with regular scheduled days off on Sunday,

March 27, 2022 and Monday, March 28, 2022, and report to Lt. S. Wooden on Tuesday, March 29, 2022 at 0745 hours for assignment in the Patrol Division, B-Platoon, Squad 3.

[REDACTED] Will leave A-Platoon, Squad 3 at the end of his shift on Saturday, March 26, 2022, with regular scheduled days off on Sunday, March 27, 2022 and Monday, March 28, 2022, and report to Lt. A. Berger on Tuesday, March 29, 2022 at 1545 hours for assignment in the Patrol Division, C-Platoon, Squad 3.

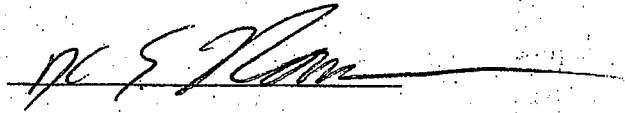
[REDACTED] Will leave C-Platoon, Squad 3 at the end of his shift on Saturday, March 26, 2022, with regular scheduled days off on Sunday, March 27, 2022 and Monday, March 28, 2022, and report to Lt. H. Brodt on Tuesday, March 29, 2022 at 1645 hours for assignment in the Crime Prevention Unit.

[REDACTED] Will leave B-Platoon, Squad 2 at the end of his shift on Saturday, March 26, 2022, with regular scheduled days off on Sunday, March 27, 2022 and Monday, March 28, 2022, and report to Lt. S. Wooden on Tuesday, March 29, 2022 at 1545 hours for assignment in the Patrol Division, B-Platoon, Squad 3.

[REDACTED] Will leave the Crime Prevention Unit at the end of his temporarily assigned shift (C-Platoon, Squad 1) on Friday, March 25, 2022, with regular scheduled days off on Saturday, March 26, 2022 and Sunday, March 27, 2022, and report to Lt. K. Phillips on Monday, March 28, 2002 at 0000 hours (2345 hours on Sunday, March 27, 2022) for assignment in the Patrol Division, A-Platoon, Squad 3.

Recruit Officer Leby Gonzalez

Will leave C-Platoon, Squad 2 at the end of his RDO on Thursday, March 24, 2022; have another regular scheduled day off on Friday, March 25, 2022, and report to Lt. A. Berger on Saturday, March [REDACTED] at 1545 hours for assignment in the Patrol Division, C-Platoon, Squad 1.

A handwritten signature in black ink, appearing to read "J. Holt Jr.", with a long horizontal flourish extending to the right.

Captain James Holt Jr. # 4016

UTICA POLICE DEPARTMENT

Personnel Order



Issue date: 2/14/2022	Subject: Assignment / Transfer Orders	P.O. 22-03
Issuing Authority Capt. B. Bansner	Approved by: Chief M. Williams	

Recruit Leby Gonzalez

Will leave B-Platoon, Squad 2 at the completion of his shift on February 14, 2022. He will report to Lt. A. Berger for Field Training Assignment in [REDACTED] Platoon, [REDACTED] on February 17, 2022 at 1545 hours.

[REDACTED]

Will leave C-Platoon, Squad 2 at the completion of his shift on February 14, 2022. He will report to Lt. J. Holt for Field Training Assignment in B-Platoon, Squad 2 on February 17, 2022 at 0745 hours.

A handwritten signature in black ink, appearing to read "Capt. B. Bansner", with the number "#0399" written to the right of the signature.

Captain Brian D. Bansner #0399

CITY OF UTICA CIVIL SERVICE COMMISSION

PROBATIONARY REPORT

To Appointing Officer:

Please complete this form in triplicate:

- Forward original to the Civil Service Commission.
- Give one copy to the employee.
- Retain one copy for your files.

DATE THIS REPORT DUE:	The Civil Service Commission requires that this report be filed two weeks prior to the end of the probationary term. See date probationary term ends below.	
EMPLOYEE'S NAME: <i>Leby Gonzalez</i>	DATE OF APPOINTMENT: <i>6/28/21</i>	
SOCIAL SECURITY NUMBER: <i>[REDACTED]</i>	DEPARTMENT OR AGENCY: <i>Utica Police Dept.</i>	
STATUS/TITLE OF POSITION: <i>Police Officer</i>	JURISDICTIONAL CLASSIFICATION:	
ORIGINAL LENGTH OF THE PROBATIONARY TERM: <i>1 year</i>		
NUMBER OF DAYS ABSENT DURING THE PROBATIONARY TERM: <i>9</i>		
NUMBER OF DAYS PROBATIONARY TERM IS TO BE EXTENDED: <i>0</i>		
DATE PROBATIONARY TERM ENDS: <i>6/28/22</i>		
IF SATISFACTORY, DATE PERMANENT STATUS BEGINS: <i>6/29/22</i>		

CERTIFICATE OF APPOINTING OFFICER:

I hereby certify that the probationer has been observed and it has been found that the conduct, capacity, and fitness of the probationer is:

SATISFACTORY. Employee will be retained as a permanent employee. Employee has served (Maximum) (Shortened) probationary period. Minimum probationary period is usually eight weeks, except in the case of trainee positions (12 weeks) and Police Officer (26 weeks).

UNSATISFACTORY. Employee will be discharged or returned to prior permanent position.

Copy of letter to employee attached.

Copy of letter to employee to be submitted.

Mark Williams

 Authorized Signature
Mark Williams

 Print Name
Chief

 Title

I have received a copy of this form.

[Signature] #34181

 Signature of Employee

9/25/22

 Date



CITY OF UTICA

Civil Service
1 Kennedy Plaza, Utica, New York 13502
(315) 792-0227 fax: (315) 792-0226

ROBERT M. PALMIERI
MAYOR

LORI A. WROBEL
SECRETARY TO THE CSC

CITY OF UTICA, NEW YORK POLICE OFFICER NEW HIRE MEMORANDUM OF AGREEMENT

In connection with my appointment as a Police Officer for the City of Utica, New York for the Spring 2021 Academy, I, Leby Gonzalez
(print name), do hereby agree to the following:

- I understand and agree that, should I voluntarily terminate my employment with the City of Utica Police Department **for any reason other than health related, within three (3) years of my date of hire** (as listed above), I will be responsible for reimbursing the City of Utica for the cost of any uniforms or equipment issued to me by the City of Utica, as well as for the cost of all pre-employment processing expenses including the medical exam, drug testing, psychological testing, and polygraph testing. The amount of such reimbursement will be determined by the price in effect on the date of my hire. Current prices are listed on the attached sheet.
- In addition to the above, should I voluntarily terminate employment **within five (5) years of my date of hire for the purpose of accepting other employment in law enforcement**, I will be required to reimburse a percentage of my wages earned while at the Mohawk Valley Police Academy, in accordance with the attached schedule.

I also understand and agree that in the event of my voluntary termination, recovery of such monies owed may result in the City of Utica commencing a legal action to collect any money owed to the City of Utica under this Contract. I further agree that, in the event that I voluntarily terminate my employment as a City of Utica Police Officer within either of the two time periods set forth above, the City of Utica shall be permitted to initiate automatic payroll garnishment of any or all accumulated remaining time balances **e.g., vacation time, sick time, personal leave, and holiday pay**. If that amount is not sufficient to cover the total cost, I agree to fulfill my obligation to pay any remaining unpaid balances.

Print Name: Leby Gonzalez

Signature: [Handwritten Signature]

Date: 12/16/2021

Police Officer New Hire Agreement Attachment (Page 1)

<u>Uniforms and Equipment:</u>	<u>Price:</u>
Vests:	\$ 825.00
Short Sleeve Shirt (w/ Flag & Patch):	\$ 130.00
Long Sleeve Shirt (w/ Flag & Patch):	\$ 142.00
Pants	\$ 142.00
Neckties	\$ 4.50
Sweater (w/ Flag & Patch)	\$ 49.50
8 Pt Cap (w/ Stretch Strap/Band)	\$ 32.00
Raincoat w/8 Pt Cap Cover	\$ 97.25
Traffic Vests	\$ 44.50
Tie Bars	\$ 17.50
Hat Badge	\$ 32.50
Breast Badge	\$ 38.50
Name Tags	\$ 5.00
Three Season Coat	\$ 102.50
OC Spray	\$ 12.35
Head Gator	\$ 13.50
Handcuffs	\$ 44.95
Duty Weapon Holster	\$ 110.00
OC Spray Holder	\$ 24.50
Double Mag Holder	\$ 27.50
Belt Keepers	\$ 6.50
Cuff Case	\$ 22.50
Duty Belt	\$ 51.50
Total:	\$ 1976.05

Pre-Employment Processing Expenses:

Credit Check	\$ 10.35
Pre-Employment Medical Exam	self paid
Psychological	\$ 250.00
Drug Test	self paid
Total:	\$ 260.35

Training:

Firearms Training	\$ 540.00
Mohawk Valley Police Academy	\$ 1855.00
Total:	\$ 2395.00

**CITY OF UTICA, NY
RECAPTURE OBLIGATION SCHEDULE
City of Utica Police Department
Training Provided at the Mohawk Valley Police Academy**

6-12 mos (after graduation)	95%
13 mos - 18mos	90%
19 mos – 24 mos	85%
25 mos – 30 mos	80%
31 mos – 36 mos	75%
37 mos – 42 mos	70%
43 mos – 48 mos	65%
49 mos – 54 mos	60%
55 mos – 60 mos	50%

Total Investment

\$ 4631.40



CITY OF UTICA

Utica Police Department
413 Oriskany St. W, Utica. NY. 13502
(315) 735-3301

CHIEF OF POLICE: MARK WILLIAMS

TO: Police Officer:
RE: **Utica Police Policy and Procedure - Chapter 320**

As a Utica Police Officer you are bound by strict rules and regulations as outlined in the Utica Police Policy and Procedure Manual; which were written as guidelines for conduct and responsibility.

This written notification is to inform you that as a Utica Police Officer you are expected to read understand and adhere to the rules and regulations of the **"Utica Police Policy and Procedure Manual."**

On 12/16//2021, you were spoken to by the Office of Professional Standards, at which time you were advised regarding your responsibility in reviewing and knowing what is in the Utica Police Policy and Procedure Manual, specifically the outlined policy and procedure for the following chapters;

Please read;

UTICA POLICY AND PROCEDURE

- **CHAPTER, 320 Article 4 (General Standards)**
- **CHAPTER 320 Article 5. 1-16 (Causes For Discipline)**
- **CHAPTER 320 Article 5. 8 (Performance)**
- **CHAPTER 320 Article 5. 9: PROFESSIONAL STANDARDS OF CONDUCT AND ETHICS**

Also discussed were the implications of being a Brady and Giglio Officer, Use of personal social media both on and off duty, officer involved domestic incidents and personnel complaints.

Brady Rule

The Brady Rule, named for *Brady v. Maryland*, 373 U.S. 83 (1963), requires prosecutors to disclose materially exculpatory evidence in the government's possession to the defense. "Brady material" or evidence the prosecutor is required to disclose under this rule includes any evidence favorable to the accused-- evidence that goes towards negating a defendant's guilt, that would reduce a defendant's potential sentence, or evidence going to the credibility of a witness.

If the prosecution does not disclose material exculpatory evidence under this rule, and prejudice has ensued, the evidence will be suppressed. The evidence will be suppressed regardless of whether the prosecutor knew the evidence was in his or her possession, or whether or not the prosecutor intentionally or inadvertently withheld the evidence from the defense. The defendant bears the burden of proving that the undisclosed evidence was material, and the defendant must show that there is a reasonable probability that there would be a difference in the outcome of the trial had the evidence been disclosed by the prosecutor.

Police officers who have been dishonest are sometimes referred to as "Brady cops." Because of the Brady ruling, prosecutors are required to notify defendants and their attorneys whenever a law enforcement official involved in their case has a sustained record for knowingly lying in an official capacity

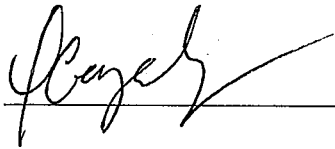
Testifying

1. Telling lies under oath; standard operating procedure for police officers acting as witnesses in trials
2. Police perjury is the act of a police officer giving false testimony

Giglio v. United States, 405 U.S. 150 (1972), is a United States Supreme Court case in which the Court held that the prosecution's failure to inform the jury that a witness had been promised not to be prosecuted in exchange for his testimony was a failure to fulfill the duty to present all material evidence to the jury, and constituted a violation of due process, requiring a new trial. This is the case even if the failure to disclose was a matter of negligence and not intent. The case extended the Court's holding in *Brady v. Maryland*, requiring such agreements to be disclosed to defense counsel.^[1] As a result of this case, the term *Giglio material* is sometimes used to refer to any information pertaining to deals that witnesses in a criminal case may have entered into with the government.¹

- () After speaking to personnel from the Office of Professional Standards, I hereby acknowledge that I have been spoken to regarding my responsibilities in reviewing and knowing and adhering to the rules and regulations of the Utica Police Policy and Procedure. I am fully aware that any acts committed by me, violating any portion of the Utica Police Policy and Procedure, can result in disciplinary action taken against me to include termination. I understand that it is my sole responsibility to review and adhere to the Utica Police Policy and Procedure.

Signature of Officer:

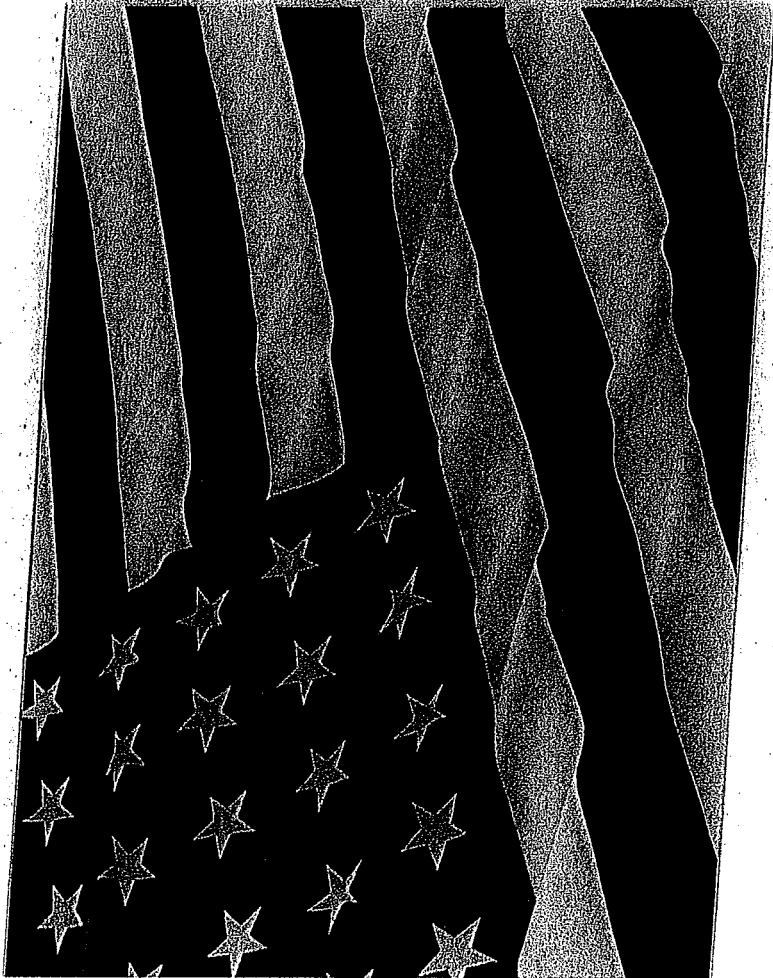


Print Name:

Leby Gonzalez

Date: 16 Day of December, 2021 .

Witness: Name, Rank



4-5-22

Dear Chief Williams

On Saturday March 26th I was robbed of \$55.00, but luckily retrieved my purse. At 23 years of age, I believe I was targeted as a weak old lady. I don't think he expected me to fight back like I did. I want you to know that every Police Officer and Investigator Benj Defeo and Christopher F. Anigula treated me with the utmost respect and kindness. I couldn't expect any better service. We're very blessed having these officers to protect us, even when we leave the their hands. God bless you all.

Sincerely
Mrs. Joyce [redacted]

jmoran

From: mwilliams
Sent: Tuesday, April 12, 2022 1:15 PM
To: cfaniglula; sseferagic; jskibinski; cevans; manken; lgonzalez; dlenricchia; skorman
Cc: Mayor; enoonan; jholt; bcoromato; jmoran
Subject: FW: Thank You From Joyce Thurston
Attachments: DOC041222-04122022110703.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Sergeants Skibinski & Faniglula, Investigators Seferagic & Anken, and Officers Gonzalez, Lentricchia, Evans & Korman,

Attached is a "thank you" card from Joyce [REDACTED], the 83 year old woman, who had her purse forcibly stolen by a 17 year old suspect in the parking lot of Price Chopper- North Utica. She writes to tell me that every Sergeant, Investigator and police officer treated her with the utmost kindness and respect. She felt very blessed by officers like you who protect her.

Great job! Thank you each for representing our police department proudly.

Respectfully,
Chief Williams

Megan, please place a copy of this email and card in each officers personnel file.

Chief of Police Mark W. Williams



City of Utica Police Department

Utica Police Department

Professional Standards

Officer Disciplinary History

Police Officer Leby Xavier Gonzalez [3481/3481]

Part I - Personal Information

Name: Police Officer Leby Xavier Gonzalez
: 3481 Badge No: 3481 Hire Dt: 06/28/2021

Department: Patrol Division
Bureau: Uniformed Patrol
Division: Uniformed Patrol

Part II - Discipline History

NO DISCIPLINARY RECORD

Printed: Dec 28, 2022 08:26 By: Sgt Hiram Rios

Concise Officer History

Police Officer Leby Xavier Gonzalez [3481/3481]

: 3481 Hire date: Jun 28, 2021
 Current assignment(s):
 Department: Patrol Division
 Bureau: Uniformed Patrol
 Division: Uniformed Patrol

Involved Officer: E-File
 Received: May 18, 2021 07:30

IA No: BG2021-0016

Case No: RMS 21-5863

Incident disposition/finding: Conditional Given

Involved Officer: Use of force
 Received: Feb 17, 2022 21:00

IA No: UOF2022-0016

Case No: RMS 22-6036

Incident disposition/finding: Within Policy
 Role: Assisting Officer

Use(s) of force	Effective/Not Effective
Empty Hand Control	Limited
Take Down	Effective
Verbal Commands	NOT effective
Presence of Authority	NOT effective

Service being conducted: Arrest

Report summary: totals by incident type:

Incident type	Received
Anonymous	0
Background Investigation	0
Civilian Injury	0
Department Discipline	0
Discretionary arrest	0
Drug test	0
E-File	1
External/Citizen	0
Firearm discharge	0
Foil Request	0
Forced entry	0
Generic incident	0
Integrity test	0
Internal/Department	0
K9 Utilization	0
Mental Health Law Arrest	0
Notice of Claim	0
Officer Injury	0
Show of force	0
Soft Hand/Empty hand	0
Stop	0
UPD Damaged Prop Car/Equip	0
Use of force	1
Vehicle accident	0
Vehicle pursuit	0
Total	2

Printed: Dec 28, 2022 08:27 By: Sgt Hiram Rios

Utica Police Department

Training Course Summary

Print Date: December 28, 2022

Course Information

<u>Course NO</u> 2022000000005	<u>Title</u> Feb inservice 2022	<u>Type</u> In Service	<u>Credits</u> 0.00	<u>Hours</u> 8.00	<u>Prerequisites</u> <u>Course 1</u> <u>Course 2</u>	<u>Comments</u> Annual TASER re-cert/ BOLA cert for supervisors
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Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
		02/03/2022 08:00	02/03/2022 16:00		
		02/07/2022 08:00	02/07/2022 16:00		
		02/11/2022 08:00	02/11/2022 16:00		
		02/15/2022 08:00	02/15/2022 16:00		
		02/17/2022 08:00	02/17/2022 16:00		
		02/25/2022 08:00	02/25/2022 16:00		

Instructor

<u>Reserve Date</u>	<u>Course Category</u>	<u>Serial ID</u>	<u>Notes</u>

Utica Police Department

Training Course Summary

Print Date: December 28, 2022

Course Information

<u>Course NO</u> 2022000000001	<u>Title</u> January 2022 Inservice /UOF/Legal Updates	<u>Type</u> In Service	<u>Credits</u> 0.00	<u>Hours</u> 8.00	<u>Course 1</u>	<u>Course 2</u>	<u>Comments</u> Training by Oneida County DA office and Lt Holt
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Course Schedule

<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
	01/06/2022 08:00	01/06/2022 16:00		
	01/10/2022 08:00	01/10/2022 16:00		
	01/14/2022 08:00	01/14/2022 16:00		
	01/20/2022 08:00	01/20/2022 16:00		
	01/24/2022 08:00	01/24/2022 16:00		
	01/28/2022 08:00	01/28/2022 16:00		

Instructor

<u>Reserve Date</u>	<u>Course Category</u>	<u>Serial ID</u>	<u>Notes</u>

Utica Police Department

Training Course Summary

Print Date: December 28, 2022

Course Information

<u>Course NO</u> 2022000000027	<u>Title</u> June 2022 DT/Pepper Spray	<u>Type</u> In Service	<u>Credits</u> 0.00	<u>Hours</u> 8.00	<u>Prerequisites</u> <u>Course 1</u> <u>Course 2</u>	<u>Comments</u>
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Course Schedule

<u>Schedule</u>	<u>Class ID</u>	<u>Start Date/Time</u>	<u>End Date/Time</u>	<u>Company</u>	<u>Course Location</u>
		06/03/2022 08:00	06/03/2022 16:00		
		06/07/2022 08:00	06/07/2022 16:00		
		06/13/2022 08:00	06/13/2022 16:00		
		06/17/2022 08:00	06/17/2022 16:00		
		06/23/2022 08:00	06/23/2022 16:00		
		06/27/2022 08:00	06/27/2022 16:00		

Instructor

<u>Reserve Date</u>	<u>Course Category</u>	<u>Serial ID</u>	<u>Notes</u>
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