

# 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:*      *Bryan Gil*

*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 26, 2020*

*the term to end*

*filling unexpired term of (if applicable)*

*Signed*

*Mayor*

*Title of Official*

## PERFORMANCE EVALUATION REPORT

NAME (FIRST, LAST, MI) <b>Bryan Gil</b>		ID # <b>3408</b>	RANK <b>PO</b>	DIVISION/UNIT <b>Patrol C-1</b>
DUTY ASSIGNMENT (I.E. DESK, STREET PATROL, BOOKING) <b>Street Patrol</b>		PERIOD COVERED <b>Annual</b>	FROM <b>1/1/21</b>	TO <b>12/31/21</b>
PERFORMANCE LEVEL DEFINITIONS EXCEEDS STANDARDS = 3      MEETS STANDARDS = 2      BELOWE STANDARDS = 1 In making the evaluation of each category below, supervisors are to evaluate the employee's performance only for the past Twelve month period.				
1. DUTY PERFORMANCE (ALL EMPLOYEES)				
2	PERSONAL APPEARANCE	2	COMMAND PRESENCE	2
1	RESPONSIVENESS TO SUPERVISION	3	ATTENDANCE	1
1	PERFORMANCE	3	PUNCTUALITY	1
1	JUDGMENT	2	CARE AND USE OF EQUIPMENT	2
			REPORT WRITING ABILITY	2
			RELIABILITY	2
			INTERPERSONAL SKILLS (VERBAL)	
			INVESTIGATIVE/PROBLEM SOLVING SKILLS	
			KNOWLEDGE OF LAWS, POLICIES, ETC	
2. DAYS LOST DURING PERIOD COVERED BY THIS REPORT				
SICK: 0    INJURED ON-DUTY:    INJURED OFF-DUTY:    OTHER: 4    TOTAL OCCURENCES: 4				

3. NARRATIVE SECTION (This section is to be used to record specific and personal characteristics of this employee which are not adequately covered in the rating sections above.)

Officer Gil used 0 sick days. He used 4 other days (quarantine days) for the total of 4 days.

General Appearance – Officer Gil displays a professional appearance. He passed all unannounced uniform inspections.

On April 21 Lt. Wooden received a telephone call from a Kelly [REDACTED] who commended Officer Gil regarding an incident he handled involving [REDACTED] daughter. [REDACTED] stated that she wanted PO Gil's supervisor know that PO Gil was very empathetic and kind, and that he exhibited great cordiality.

Officer Gil was verbally counseled regarding investigation management as he had a case over 40 days past due. Was told that he needs to close his cases under 30 days unless they are being actively investigated at which point he needs to notify a supervisor to request an extension.

Officer Gil responded to assist CPS with removal of 4 children from a residence. He did not secure names of the children or the parents. His radio log contained minimal information. He was verbally counseled by Sgt. Sabanovic.

Officer Gil was verbally counselled regarding LEXIPOL Policy 323.4 (Report Preparation) when he misspelled the last name of arrestee Michael Wallace while completing his booking report thus booking the prisoner under another MasterCard entry. He was told that he needs to pay attention and be careful when entering information into MasterCard.

Lynn [REDACTED] a grand larceny victim called the station to express displeasure with Officer Gil. [REDACTED] stated that she went to the records office and had the report printed in order to replace the items that were stolen. She said that a report was not completed and the officer (PO Gil) only reported that she lost the property. This property was described as an NYS ID, credit cards, cash, SS card and gift cards. Sgt. Sabanovic and Sgt. Phillips reviewed BWC footage of this incident. It was clear that [REDACTED] reported a grand larceny. SIR for grand larceny should have been completed. Officer Gil completed a radio log, Officer Gil was called to the office. Sgt. Phillips and Sgt. Sabanovic went over the BWC footage. Officer Gil was advised to contact [REDACTED] and completed a grand larceny report.

PO Gil has now been advised by Sgt. Sabanovic and Phillips regarding him failing to complete a report. He was told that future complaints of this nature would lead to progressive discipline.

How can this employee best improve his/her performance? (Include setting Career /Performance Goals).

Officer Gil is perceived as lazy by his supervisors. He needs to improve his performance. Officer Gil needs to pay attention to detail. He needs to use better judgement. He is a new and inexperienced officer, however that cannot be an excuse for failing to do his job.

(Continue on Back)

(Goal settings Continue From Front)

5. OVERALL PERFORMANCE RATING: This overall rating is to be based on the following factors:

- A. The employee's performance in his/her present assignment during the evaluation period; AND  
B. Consideration of the general needs of the Department, comparing the capabilities and characteristics of this employee to all other employees of equal rank and pay grade known to the evaluator.

☐ EXCEEDS STANDARDS ☐ MEETS STANDARDS ☒ BELOW STANDARDS

6. REVIEWING COMMANDING OFFICER: (Immediate Supervisor)

Signature [Signature] Rank LT Date 1/10/22  
Print/Signature

7. SUPERVISOR REVIEWING WITH EMPLOYEE: Name:

Signature Dzenan Sabanovic Rank [Redacted] Sgt Date 1/10/22  
Print/Signature

8. EMPLOYEE'S COMMENTS: (Optional)

9. EMPLOYEE'S SIGNATURE: This signature does not necessarily indicate agreement with this report. It verifies that this report has been personally reviewed with me and that I have received a copy of this report. If I do not agree with this report, I have indicated this by writing "under protest" next to my signature. I have also indicated whether I "request appeal" or "waive appeal" on this report.

Signature Bryan Gil Rank [Redacted] PO Date 01/20/22  
Print/Signature



# CITY OF UTICA

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE

413 ORISKANY STREET WEST

UTICA, NEW YORK 13502

ROBERT PALMIERI

Mayor

MARK WILLIAMS

Chief of Police

3/16/2022

PO Gil

Platoon C / Squad 1

Uniformed Patrol Division

PO Gil,

On October 17, 2021 an investigation was initiated by your immediate supervisor, Sgt. Sabanovic, into your conduct regarding reports and investigations assigned to you. This centered on your not submitting complete reports, investigations, or completing follow-ups. The findings of this investigation were as follows:

You were found to be untruthful with your direct supervisor when you e-mailed Sgt. Sabanovic and told him you had completed follow-ups regarding RMS 21-36704, 21-38020, 21-39767, and 21-40204 when you had not.

You were found to be in neglect of your duty as a Police Officer and you exhibited unsatisfactory work performance in the form of incompetence and inefficiency when you failed to conduct these follow-up investigations or take any other investigative measures regarding these cases.

You admittedly made false entries into the Records Management System that indicated you took investigative actions on RMS 21-36704 and that you spoke with the victim in the incident; neither of which actually occurred.

You failed to complete the minimum requirements for an initial investigation on the scene when you failed to attempt to locate or interview any witnesses or suspects in case 21-36704. You also failed to complete and submit accurate documentation of the incident after being provided clear, concise, and detailed suspect information. Furthermore you failed to upload pertinent evidence (photographs) to Crime Scene Photos for documentation and preservation.

As a result of the investigation it was determined that you have violated Department Procedural Manual and NYS Penal Law:

#### 320.5.9 CONDUCT

- a. Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this agency.

#### 320.5.7 EFFICIENCY

- a) Neglect of duty.
- b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, cowardice or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

Last Revision Date 6/7/2016

- a. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work related investigation.
- b. Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency-related business.

### **600.3.1 OFFICER RESPONSIBILITIES (INITIAL INVESTIGATION)**

An officer responsible for an initial investigation shall complete no less than the following:

b. If information indicates a crime has occurred, the officer shall:

4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
7. Complete and submit the appropriate reports and documentation.

### **NYS PENAL LAW**

#### **175.05 Falsifying business records in the second degree.**

A person is guilty of falsifying business records in the second degree when, with intent to defraud, he:

1. Makes or causes a false entry in the business records of an enterprise;

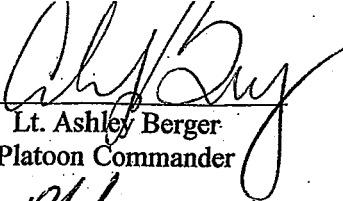
Falsifying business records in the second degree is a class A misdemeanor.

Command discipline is the resolution of disciplinary issues through the **mutual** consent of the accused member and the Chief of Police. This command discipline is in lieu of a formal disciplinary action through the process mandated by Article 5, Title B, Section 75 of the New York State Civil Service Law and the Collective Bargaining Agreement. You have accepted responsibility for your actions and have elected to accept the discipline stipulated in this letter. Command discipline was determined based on the totality of circumstances of this investigation. Several factors were considered including your truthfulness and admissions as well as previous related incidents.

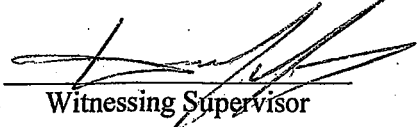
On 3/18/22, a Command Discipline hearing was commenced. You were offered PBA representation and you accepted denied. Also present during this hearing was ( Sgt. Sabanovic ). We came to the following resolution.

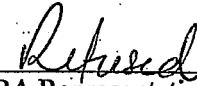
- A) You accept the findings of the investigation.
- B) You accept responsibility for violating the Departmental Procedural Manual.
- C) You accept the suspension of (4) working days.
- D) You accept the forfeiture of (8) vacation days from your 2022 accrued Time Bank.
- E) You accept that you will attend Remedial Training in the areas of: Report Taking, Investigation Procedures, Follow-up Procedures & Documentation, as well as Integrity Training.
- F) You accept and understand that in the future, this behavior or any other violation of Departmental Rules or Regulations of a similar nature will be subject to further progressive disciplinary action.

You are being furnished a copy of this letter. The original with acknowledgment, signed by you, will be placed in your personnel file.

  
Lt. Ashley Berger  
C-Platoon Commander

  
PO Bryan Gil

287. 1121001  
  
Witnessing Supervisor

  
(PBA Representative)

I acknowledge the content of this letter  
and a copy of it has been provided to me.



# CITY OF UTICA

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE

413 ORISKANY STREET WEST

UTICA, NEW YORK 13502

ROBERT PALMIERI

Mayor

MARK WILLIAMS

Chief of Police

07/07/2021

PO Gil

Platoon C/ Squad 1

Uniform Patrol Division

PO Gil,

On May 12<sup>th</sup> you were requested to write a narrative on an Intra Agency Memorandum regarding an incident at 1434 Genesee Street involving Duane [REDACTED] PO Schultz was also requested to write a narrative regarding this incident. Upon receiving both narratives Lt. Murphy noticed that both narratives from PO Gil and PO Schultz appeared to be the same. It appeared as though one officer copied the other officer's narrative and made minimal changes to it and then passed it off as their own. When spoken to about this, you advised Lt. Murphy that you used PO Schultz's narrative as a template and that you use template's for all of your narratives.

As a result of the investigation it was determined that you have violated Department Procedural Manual:

Utica Police Department Policy Manual

Policy 320

## 320.5.8 PERFORMANCE

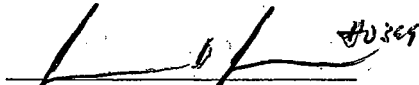
a. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work related investigation.

Command discipline is the resolution of disciplinary issues through the **mutual** consent of the accused member and the Chief of Police. This command discipline is in lieu of a formal disciplinary action through the process mandated by Article 5, Title B, Section 75 of the New York State Civil Service Law and the Collective Bargaining Agreement. You have accepted responsibility for your actions and have elected to accept the discipline stipulated in this letter. Command discipline was determined based on the totality of circumstances of this investigation. Several factors were considered including your truthfulness and admissions as well as previous related incidents.


On, July 7, 2021 a Command Discipline hearing was commenced. You were offered PBA representation and you ~~accepted~~ denied.  
Also present during this hearing was ( ). We came to the following resolution.

- A) You accept the findings of the investigation.
- B) You accept responsibility for violating the Departmental Procedural Manual.
- C) You accept this Letter of Reprimand
- D) You accept and understand that in the future, this behavior or any other violation of Departmental Rules or Regulations of a similar nature will be subject to further progressive disciplinary action.

You are being furnished a copy of this letter. The original with acknowledgment, signed by you, will be placed in your personnel file.

  
Captain Brian D. Bansner  
Patrol Division Commander

  
PO Bryan Gil

  
Lt. Michael Murphy

(PBA Representative)

I acknowledge the content of this letter  
and a copy of it has been provided to me.



# COUNSELING MEMORANDUM



**TO: Officer Gil**  
**FROM: Lt. Murphy**  
**DATE: 7/6/21**  
**RE: 21-14143/14164**

## **I. Identify and define the behavior to be modified:**

On April 19th, 2021 at approximately 0852 Hours Officers Schultz and Gil were dispatched to 1434 Genesee Street regarding an [REDACTED] named Duane [REDACTED]. Upon arrival, [REDACTED] exited his apartment to speak with the officers and threw an item at Hamza [REDACTED] which stuck him in the chest. Hamza is heard saying on body worn camera "hey, that hurt" [REDACTED] is immediately detained by officers. Hamza states to the officers "he did hit me with that thing, I would like to press charges, he nailed me in the gut". Officer Schultz advises Hamza that [REDACTED] is being taken to the hospital for MHL 9.41 and that [REDACTED] doesn't have the mental culpable state for them to complete a harassment charge against him. Approximately 3 hours later Officer Gil is dispatched again to 1434 Genesee Street to assist [REDACTED] with retrieving his property. [REDACTED] tells Officer Gil that his stuff is missing and Officer Gil tells him that he needs a receipt to complete a report. Officer Gil does not complete a burglary report. Hamza is also on scene and once again asks Officer Gil if he can press charges on [REDACTED] for being struck with the item. Officer Gil tells him again that he cannot.

## **II. Review of applicable rules & regulations, orders and operating procedures or laws:**

Policy 323 Report Preparation

### **323.5. REQUIRED REPORTING**

In all of the following situations, members shall complete reports using the appropriate agency-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

#### **323.5.1 CRIMINAL ACTIVITY**

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- b. All felony crimes.

New York State Penal Law

Sec. 40.15

Mental disease or defect

In any prosecution for an offense, it is an affirmative defense that when the defendant engaged in the proscribed conduct, he lacked criminal responsibility by reason of mental disease or defect. Such lack of criminal responsibility means that at the time of such conduct, as a result of mental disease or defect, he lacked substantial capacity to know or appreciate either:

1. The nature and consequences of such conduct; or
2. That such conduct was wrong.

### **III. Employee's response to the performance deficiency:**

Officer Gil understands takes full responsibility for not completing a burglary report. After speaking with him he now understands that you do not need receipts for items stolen for a burglary report to be completed.

Officer Gil now understands that he can file charges for someone that is also being arrested for MHL 9.41. He was previous trained by senior officers directing him that he could not file charges on someone who was a 9.41.

### **IV. Clearly explain the behavior expected of the member:**

It is expected that Officer Gil know that he must complete reports for crimes that are reported to him. Officer Gil is expected to now that if someone is reporting a theft or burglary of items, they are not expected to get receipts for those items on order for a report to be completed.

It is expected that Officer Gil understand that the defense of mental disease or defect is an affirmative defense. It is expected that Officer Gil understand when someone is taken into custody for MHL 9.41 they can still be charged criminally.

### **V. Potential consequences for continuing the unacceptable behavior:**

The Progressive Disciplinary System will be initiated and negative or punitive discipline may be recommended for any further incidents, similar in nature, in which you are involved.

### **VI. Provisions for follow-up consultations:**

This counseling memorandum will be placed in your squad training file. If, after a period of six months there are no further incidents of a similar nature, this memo will be purged from your training file and the matter will be considered closed.

This counseling memorandum will be placed in your personnel file.

Signature of Employee: 

Date: 7/6/21

Signature of Supervisor: 

Date: 7/7/21

Signature of Witnessing Supervisor:  43 Perra

Date: 7/7/21

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 29 YEAR 2022

TO:  
Utica Civil Service Commission

NAME OF EMPLOYEE:

Gil, Bryan

FROM: (Check only one)

☒ City ☐ County ☐ Town ☐ Village or District

ADDRESS:

DEPARTMENT:

Police Department

TITLE OF POSITION:

Police Officer

SALARY:

\$ 63,967.

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

☐ Veteran

☐ Non-Veteran

☐ Disabled Veteran

☐ Exempt Volunteer Fireman

DATE OF BIRTH:

3/25/93

SOCIAL SECURITY NUMBER:

Check Nature of Personnel Change

Date Effective

Action Necessary by Appointing Officer:

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☐ Permanent

☐ Provisional

☐ Temporary

☐ Substitute

☐ For Term of Office

☐ Permanent Promotion

☐ Provisional Promotion

☐ Non-Competitive Class

☐ Exempt Class

☐ Labor Class

From: To:

From: To:

From: To:

Return report of Certification

Attach application (MSD-330)

State length of employment

Give facts under Remarks

Give facts under Remarks

Return report of Certification

Attach nomination

Attach application (MSD-330)

Submit this form only

Attach application (MSD-330)

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☐ Resignation

☐ Retirement

☐ Deceased

☐ Removal

☐ Layoff (Lack of Work or Funds)

Submit signed resignation

Give effective date

Indicate date

Attach copy of proceedings

Give facts under Remarks

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☐ Military Leave of Absence

☐ Other Leave of Absence

☐ Transfer

☐ Demotion

☐ Suspension

☐ Reinstatement

☐ Change in Classification

☐ New Position

☒ Change in Salary

☐ Change in Name

☐ Other

From: To:

6/29/22

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Give facts under Remarks

Submit form MSD-222

Indicate new salary

Give facts under Remarks

Give facts under Remarks

Remarks: (Continue on back if necessary)

Longevity inc. eff. 6/29/22.

Appointing Officer

Title

Address

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: Gil

Firstname: Bryan

MI:

Title Police Officer

Employee ID

3408

Annual Salary: \$63,967.00 Salary/Wages Due: \$2,465.50

A.5.3123.101 \$2,345.50 Salary - 7 days old & 3 days new

A.5.3123.108 \$120.00 Night Differential

Salary/Wages Due: \$2,465.50

### Notes:

Longevity inc. eff. 6/29/22, 7 days at the old rate and 3 days at the new rate. // Normal Gross. Longevity inc. eff. 6/29/21. Normal Gross. Transferred from B1 to C1 eff. 4/25/21, entitled to ND. Transferred from Logistics to B1 eff. 12/23/20 acct 3122 to 3123. Address: 1673 not 1675 Dudley Ave Utica NY 13501. Normal Gross. New Hire, sworn in

Submitted by:

Date Submitted: 6/15/2022

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 26 YEAR 2020

TO:  
Utica Civil Service Commission

NAME OF EMPLOYEE:

Gil, Bryan

FROM: (Check only one)

☒ City ☐ County ☐ Town ☐ Village or District

ADDRESS:

100 Dudley Ave. Utica, NY 13501

DEPARTMENT:  
Police Department

TITLE OF POSITION:  
Police Officer

SALARY:

\$ 49,288.

NAME AND TITLE OF LAST EMPLOYEE IN POSITION:

☐ Veteran

☐ Non-Veteran

☐ Disabled Veteran

☐ Exempt Volunteer Fireman

DATE OF BIRTH:

SOCIAL SECURITY NUMBER:

ID# 3408

Check Nature of Personnel Change

Date Effective

Action Necessary by Appointing Officer:

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☒ Permanent

6/26/20

Return report of Certification

☐ Provisional

Attach application (MSD-330)

☐ Temporary

From: To:

State length of employment

☐ Substitute

From: To:

Give facts under Remarks

☐ For Term of Office

From: To:

Give facts under Remarks

☐ Permanent Promotion

Return report of Certification

☐ Provisional Promotion

Attach nomination

☐ Non-Competitive Class

Attach application (MSD-330)

☐ Exempt Class

Submit this form only

☐ Labor Class

Attach application (MSD-330)

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☐ Resignation

Submit signed resignation

☐ Retirement

Give effective date

☐ Deceased

Indicate date

☐ Removal

Attach copy of proceedings

☐ Layoff (Lack of Work or Funds)

Give facts under Remarks

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☐ Military Leave of Absence

Give facts under Remarks

☐ Other Leave of Absence

From: To:

Give facts under Remarks

☐ Transfer

Give facts under Remarks

☐ Demotion

Give facts under Remarks

☐ Suspension

Give facts under Remarks

☐ Reinstatement

Give facts under Remarks

☐ Change in Classification

Give facts under Remarks

☐ New Position

Submit form MSD-222

☐ Change in Salary

Indicate new salary

☐ Change in Name

Give facts under Remarks

☐ Other

Give facts under Remarks

Remarks: (Continue on back if necessary)

New employee eff. 6/26/20. On payroll  
6/29/20.

Appointing Officer

Title

Address

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

PROBATIONARY REPORT
 **COPY**
**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.

<b>DATE THIS REPORT DUE:</b>		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.	
<b>EMPLOYEE'S NAME:</b> Bryan Gil		<b>DATE OF APPOINTMENT:</b> 6/29/20	
<b>SOCIAL SECURITY NUMBER:</b> [REDACTED]		<b>DEPARTMENT OR AGENCY:</b> Utica Police Dept.	
<b>STATUS/TITLE OF POSITION:</b> Police Officer		<b>JURISDICTIONAL CLASSIFICATION:</b>	
<b>ORIGINAL LENGTH OF THE PROBATIONARY TERM:</b> 1 year			
<b>NUMBER OF DAYS ABSENT DURING THE PROBATIONARY TERM:</b> 0			
<b>NUMBER OF DAYS PROBATIONARY TERM IS TO BE EXTENDED:</b> 0			
<b>DATE PROBATIONARY TERM ENDS:</b> 6/29/21			
<b>IF SATISFACTORY, DATE PERMANENT STATUS BEGINS:</b> 6/30/21			

**CERTIFICATE OF APPOINTING OFFICER:**

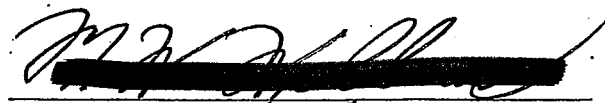
I hereby certify that the probationer has been observed and it has been found that the conduct, capacity, and fitness of the probationer is:

☒ **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.

  
 \_\_\_\_\_  
 Authorized Signature  
 Mark Williams  
 \_\_\_\_\_  
 Print Name  
 Chief  
 \_\_\_\_\_  
 Title

I have received a copy of this form.

  
 \_\_\_\_\_  
 Signature of Employee

06/25/21  
 \_\_\_\_\_  
 Date



**CITY OF UTICA**  
**DEPARTMENT OF PUBLIC SAFETY**  
**OFFICE OF THE CHIEF OF POLICE**



**ROBERT PALMIERI**  
Mayor

**MARK W. WILLIAMS**  
Chief of Police

Dec 21, 2020

TO: PO Bryan Gil

RE: Utica Police Chapter 5 & 8 receipt

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 regulation of the **"Utica Police Policy and Procedure Manual"**

On December 21, 2020, PO Bryan Gil was spoken to by members of the Office of Professional Standards at which time he was advised regarding his/her responsibilities in reviewing and knowing what is in the Utica Police Policy and Procedure Manual, specifically the outlined policy and procedure for the following chapters; Also as part of the MVPA refresher course training I, spoke to PO Bryan Gil regarding ECD (Electronic Control Device), and Pursuit Driving

Please read;

**UTICA POLICY AND PROCEDURE CHAPTER 5 & 8 (Rules and Regulations)**

- CHAPTER FIVE (5), ARTICLE TEN (10): PROFESSIONAL STANDARDS INVESTIGATIONS.
- CHAPTER EIGHT (8), ARTICLE ONE (1): PROFESSIONAL STANDARDS OF CONDUCT AND ETHICS

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

**BRADY RULE**

The Brady Rule, named for *Bardy v. Maryland*, 373 U.S. 83 (1963), which 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 the 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 disclosed 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 prosecutor's failure to inform the jury that the witness had been promised not to be prosecuted in exchange for his / her 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. As a result of this case, the term "**Giglio material**" is something used to refer to any information pertaining to deals that witnesses in a criminal case have entered into with the government.

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

X Bryan Gil  
Signature of Officer

Bryan Gil  
Print Name

X 12/21/20  
Month/Day/Year

X Frank [Signature] Sgt  
Witness: Name, Rank



**PO Bryan Gil**

**New York State Law Enforcement Accreditation Program**

**12.9 Oath of Office**

**ADMINISTRATION**

**STANDARD 12.9** The agency requires that all law enforcement personnel take an oath of office to enforce the law and uphold the Constitution of the United States, the Constitution of the State of New York, and any other applicable requirement

**A.** The oath of office is as follows:

*(State of New York)  
(County of Oneida)  
(City of Utica)*

I, Bryan Gil do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully execute the office of Police Officer of the City of Utica, according to the best of my ability.

Sworn on:

Date of hire: the 26<sup>th</sup> day of June

Officer's signature: Bryan Gil Date: 12/21/20

# New York State Law Enforcement Accreditation Program

## 12.9 Oath of Office

### ADMINISTRATION

**STANDARD 12.9** The agency requires that all law enforcement personnel take an oath of office to enforce the law and uphold the Constitution of the United States, the Constitution of the State of New York, and any other applicable requirement

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(State of New York)  
(County of Oneida)  
(City of Utica)

I, Bryan Gil do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully execute the office of Police Officer of the City of Utica, according to the best of my ability.

Sworn on:

Date of hire: the 26 day of June 2020.

Officer's signature:

Bryan Gil

Date: 06/26/2020

**jmoran**

---

**From:** mwilliams  
**Sent:** Monday, April 04, 2022 4:34 PM  
**To:** ahowe; bgil; dputrello; phusnay; cmadia; skorman  
**Cc:** Mayor; enoonan; jholt; aberger; jmoran  
**Subject:** Re: Compliment- Shots Fired- 500 block of Milgate Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sergeant and Officers,

Today I received a telephone call from a resident on Milgate Street- Joseph [REDACTED] called and spoke to me about the shots fired incident in his neighborhood on April 2<sup>nd</sup>. He just called to say how impressed he was by the quick response by police, their professionalism and just wanted to say "thank you".

Great job to all involved.

Respectfully,  
Chief Williams

*Chief of Police Mark W. Williams*



City of Utica Police Department

413 Oriskany Street West

Utica, New York 13502

Office Telephone: ([REDACTED])

E-mail address: ([REDACTED])

jmoran

---

**From:** mwilliams  
**Sent:** Wednesday, March 30, 2022 5:52 PM  
**To:** bgil; phusnay; jlanza  
**Cc:** [REDACTED] enoonan; bbansner; jholt; aberger; jmoran  
**Subject:** FW: (Voice Mail) from Unknown caller  
**Attachments:** Voice.WAV

Officers Gill, Husney & Lanza,

The attached voice mail was forwarded to me by Captain Bansner. The caller is a Dennis [REDACTED] His daughter was having mental health issues on March 17th at their home at [REDACTED] Road. He called to thank you each for the fantastic job you did.

Thank you for representing the police department proudly. Great Job!

Chief of Police Mark W. Williams

City of Utica Police Department  
413 Oriskany Street West  
Utica, New York 13502  
Office Telephone: [REDACTED]  
E-mail address: [REDACTED]

\*\*\*\*\*  
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\*\*\*\*\*

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

**From:** bbansner  
**Sent:** Monday, March 21, 2022 8:42 AM  
**To:** mwilliams [REDACTED]  
**Cc:** enoonan [REDACTED] jholt [REDACTED]  
**Subject:** FW: (Voice Mail) from Unknown caller

Chief,

Voicemail from Mr. Dennis [REDACTED] who wanted to thank the officers that responded to his residence on March 17th, 2022 to assist his daughter with a MHL situation.

I looked up the incident and the officers involved were:

PO GIL  
PO HUSNAY  
PO LANZA

Captain Brian D. Bansner

Utica Police Department  
413 Oriskany Street West  
Utica, New York 13502

Office Telephone: [REDACTED]

E-Mail Address: [REDACTED]

\*\*\*\*\*

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**Utica Police Department**

Professional Standards

Officer Disciplinary History

Police Officer Bryan Gil [3408/]

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**Part I - Personal Information**

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Name: Police Officer Bryan Gil  
: Badge No: 3408 Hire Dt: 06/29/2020

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

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**Part II - Discipline History**

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**PC2021-021 Case #: RMS 21-14164 External/Citizen**

UPD Policy and Procedure Violation: Jul 8, 2021: Letter of Reprimand - [Action/discipline completed]

Failure to disclose - mirepresent material facts

UPD Policy and Procedure Violation: Jul 8, 2021: Counseling Memorandum -  
[Action/discipline completed]

UPD Policy and Procedure Violation: Jul 8, 2021: Counseling Memorandum -  
[Action/discipline completed]

**PC2021-053 Case #: 21-39491 External/Citizen**

UPD Policy and Procedure Violation: Oct 28, 2021: Counseling Memorandum -  
[Action/discipline completed]

PO Gil was issued a counseling memo by Lt H Brodt regarding booking a  
prisoner under a misspelled name.

**EF2021-0047 Internal/Department**

UPD Policy and Procedure Violation: Mar 21, 2022: Suspension Days/hrs  
suspended: 4 - [Action/discipline completed]

Suspended 4 days  
Loss of 8 Vac days

Printed: Oct 14, 2022 10:45 By: Sgt Hiram Rios

Concise Officer History

Police Officer Bryan Gil [3408/]

: Hire date: Jun 29, 2020  
Current assignment(s):  
Department: Patrol Division  
Bureau: Uniformed Patrol  
Division: Uniformed Patrol

Involved Officer: External/Citizen  
Received: Apr 26, 2021 15:25

IA No: PC2021-021

Case No: RMS 21-14164

Incident disposition/finding: Sustained

Allegations:

Performance- Misrepresenting material facts - 320.5.8 Performance - Sustained -  
Jul 08, 2021  
Report Preparation 323.5 - 323.5 Required Reporting - Sustained - Jul 08, 2021  
Criminal Activity 323.5.1 - 323.5 Required Reporting - Sustained - Jul 08, 2021

Actions taken:

UPD Policy and Procedure Violation: Jul 08, 2021 - Letter of Reprimand

Failure to disclose - misrepresent material  
facts

UPD Policy and Procedure Violation: Jul 08, 2021 - Counseling  
Memorandum

UPD Policy and Procedure Violation: Jul 08, 2021 - Counseling  
Memorandum

Involved Officer: E-File  
EF2021-0023

IA No:  
Received: May 25, 2021 13:48

Incident disposition/finding: Administratively Closed  
Role: NIBRS AUDIT

Involved Officer: External/Citizen  
PC2021-053

IA No:  
Received: Oct 06, 2021 01:45

Case No:

21-39491

Incident disposition/finding: Sustained

Allegations:

Report Preparation 323.4 - 323.4 Report Preparation -  
Sustained - Oct 29, 2021

Actions taken:

UPD Policy and Procedure Violation: Oct 28, 2021 - Counseling  
Memorandum

PO Gil was issued a counseling memo by Lt H  
Brodt regarding booking a prisoner under a  
misspelled name.

Involved Officer: Use of force  
UOF2021-0065

IA No:  
Received: Nov 10, 2021 08:28

Case No:

RMS 21-44416

Incident disposition/finding: Within Policy  
Role: Assisting OCS detaining

Use(s) of force                      Effective/Not Effective  
Pressure Point                      Effective

Service being conducted: Booking Process

Involved Officer: Use of force  
UOF2021-0066

IA No:  
Received: Nov 11, 2021 23:30  
Case No:

RMS 21-44540

Incident disposition/finding: Within Policy  
Role: Assisting Officer

Use(s) of force                      Effective/Not Effective  
Empty Hand Control                  Limited  
Come Along                          Effective

Service being conducted: Warrant Arrest

Involved Officer: Internal/Department  
EF2021-0047

IA No:  
Received: Nov 22, 2021 10:00

Incident disposition/finding: Administratively Closed

Allegations:

Precautionary Investigation - 320.5.9 Applicable rules &  
regulation orders and operating procedures or laws  
Precautionary Inv. - 320.5.7. Efficiency  
Precautionary Inv. - 320.5.8 Performance  
Officer Responsibilities (investigation) 600.31 - 600  
Investigation - Sustained - Mar 21, 2022

Actions taken:

UPD Policy and Procedure Violation: Mar 21, 2022 - Suspension  
Days/hrs suspended: 4

Suspended 4 days  
Loss of 8 Vac days

Hearings:

Mar 21, 2022 Command Discipline Hearing                      Status: Closed

Involved Officer: External/Citizen  
PC2021-062

IA No:  
Received: Jan 03, 2022 09:00  
Case No:

21-17327

Incident disposition/finding: Exonerated

Involved Officer: Use of force  
UOF2022-0070

IA No:  
Received: Jul 31, 2022 22:22  
Case No:

RMS 22-30281

Incident disposition/finding: Within Policy  
Role: Assisting Officer

Use(s) of force                      Effective/Not Effective



Take Down

Effective

Service being conducted: Domestic Incident

Involved Officer: Firearm discharge

IA No:

IA2022-0005

Received: Sep 12, 2022 19:49

Case No:

RMS 22-36850

Incident disposition/finding:

Role: Involved Officer

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	3
Firearm discharge	1
Foil Request	0
Forced entry	0
Generic incident	0
Integrity test	0
Internal/Department	1
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	3
Vehicle accident	0
Vehicle pursuit	0
Total	9

Printed: Oct 14, 2022 10:45 By: Sgt Hiram Rios

# COUNSELING MEMORANDUM



**TO: Officer Gil**  
**FROM: Lt. Murphy**  
**DATE: 7/6/21**  
**RE: 21-14143/14164**

---

## **I. Identify and define the behavior to be modified:**

On April 19th, 2021 at approximately 0852 Hours Officers Schultz and Gil were dispatched to 1434 Genesee Street regarding an Emotionally Disturbed Person named [REDACTED]. Upon arrival, [REDACTED] exited his apartment to speak with the officers and threw an item at Hamza Sinanaj, which stuck him in the chest. Hamza is heard saying on body worn camera "hey, that hurt". [REDACTED] is immediately detained by officers. Hamza states to the officers "he did hit me with that thing, I would like to press charges, he nailed me in the gut". Officer Schultz advises Hamza that [REDACTED] is being taken to the hospital for MHL 9.41 and that [REDACTED] doesn't have the mental culpable state for them to complete a harassment charge against him. Approximately 3 hours later Officer Gil is dispatched again to 1434 Genesee Street to assist [REDACTED] with retrieving his property. [REDACTED] tells Officer Gil that his stuff is missing and Officer Gil tells him that he needs a receipt to complete a report. Officer Gil does not complete a burglary report. Hamza is also on scene and once again asks Officer Gil if he can press charges on [REDACTED] for being struck with the item. Officer Gil tells him again that he cannot.

## **II. Review of applicable rules & regulations, orders and operating procedures or laws:**

Policy 323 Report Preparation

### **323.5 REQUIRED REPORTING**

In all of the following situations, members shall complete reports using the appropriate agency-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

#### **323.5.1 CRIMINAL ACTIVITY**

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- b. All felony crimes.

New York State Penal Law

Sec. 40.15

Mental disease or defect

In any prosecution for an offense, it is an affirmative defense that when the defendant engaged in the proscribed conduct, he lacked criminal responsibility by reason of mental disease or defect. Such lack of criminal responsibility means that at the time of such conduct, as a result of mental disease or defect, he lacked substantial capacity to know or appreciate either:

1. The nature and consequences of such conduct; or
2. That such conduct was wrong.

### **III. Employee's response to the performance deficiency:**

Officer Gil understands takes full responsibility for not completing a burglary report. After speaking with him he now understands that you do not need receipts for items stolen for a burglary report to be completed.

Officer Gil now understands that he can file charges for someone that is also being arrested for MHL 9.41. He was previous trained by senior officers directing him that he could not file charges on someone who was a 9.41.

### **IV. Clearly explain the behavior expected of the member:**

It is expected that Officer Gil know that he must complete reports for crimes that are reported to him. Officer Gil is expected to now that if someone is reporting a theft or burglary of items, they are not expected to get receipts for those items on order for a report to be completed.

It is expected that Officer Gil understand that the defense of mental disease or defect is an affirmative defense. It is expected that Officer Gil understand when someone is taken into custody for MHL 9.41 they can still be charged criminally.

### **V. Potential consequences for continuing the unacceptable behavior:**

The Progressive Disciplinary System will be initiated and negative or punitive discipline may be recommended for any further incidents, similar in nature, in which you are involved.

### **VI. Provisions for follow-up consultations:**

This counseling memorandum will be placed in your squad training file. If, after a period of six months there are no further incidents of a similar nature, this memo will be purged from your training file and the matter will be considered closed.

This counseling memorandum will be placed in your personnel file.

Signature of Employee: 

Date: 7/7/21

Signature of Supervisor: 

Date: 7/7/21

Signature of Witnessing Supervisor:  B. Perea

Date: 7/7/21

hrios

---

**From:** hbrodt  
**Sent:** Thursday, October 28, 2021 4:38 PM  
**To:** bbansner  
**Cc:** Professional Standards Distribution List; bgil  
**Subject:** Updated Report Wallace complaint / RMS 21-39491

Captain Bansner,

Verbal Counsel complete Re: PO Gil. Following Note was placed in his e-file:

PO Bryan Gil was verbally counselled on 10/28/2021 regarding RMS 21-39491 in regards to a violation of LEXIPOL Policy 323.4 (Report Preparation) when he misspelled the last name of arrestee [REDACTED] Wallace while completing his booking report thus booking the prisoner under another Mastercard entry. He was told that he needs to pay attention and be careful when entering information into Mastercard and he should be ensuring that the information being entered is accurate as it causes problems down the road with duplicate entries, DCIS submissions and court records.

Respectfully,

Lt. Brodt

PSU



# CITY OF UTICA

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE

413 ORISKANY STREET WEST

UTICA, NEW YORK 13502

ROBERT PALMIERI

Mayor

MARK WILLIAMS

Chief of Police

3/16/2022

PO Gil

Platoon C / Squad 1

Uniformed Patrol Division

PO Gil,

On October 17, 2021 an investigation was initiated by your immediate supervisor, Sgt. Sabanovic, into your conduct regarding reports and investigations assigned to you. This centered on your not submitting complete reports, investigations, or completing follow-ups. The findings of this investigation were as follows:

You were found to be untruthful with your direct supervisor when you e-mailed Sgt. Sabanovic and told him you had completed follow-ups regarding RMS 21-36704, 21-38020, 21-39767, and 21-40204 when you had not.

You were found to be in neglect of your duty as a Police Officer and you exhibited unsatisfactory work performance in the form of incompetence and inefficiency when you failed to conduct these follow-up investigations or take any other investigative measures regarding these cases.

You admittedly made false entries into the Records Management System that indicated you took investigative actions on RMS 21-36704 and that you spoke with the victim in the incident; neither of which actually occurred.

You failed to complete the minimum requirements for an initial investigation on the scene when you failed to attempt to locate or interview any witnesses or suspects in case 21-36704. You also failed to complete and submit accurate documentation of the incident after being provided clear, concise, and detailed suspect information. Furthermore you failed to upload pertinent evidence (photographs) to Crime Scene Photos for documentation and preservation.

As a result of the investigation it was determined that you have violated Department Procedural Manual and NYS Penal Law:

## 320.5.9 CONDUCT

- a. Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this agency.

## 320.5.7 EFFICIENCY

- a) Neglect of duty.
- b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, cowardice or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

Last Revision Date 6/7/2016

### 320.5.8 PERFORMANCE

- a. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work related investigation.
- b. Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency-related business.

### 600.3.1 OFFICER RESPONSIBILITIES (INITIAL INVESTIGATION)

An officer responsible for an initial investigation shall complete no less than the following:

b. If information indicates a crime has occurred, the officer shall:

4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
7. Complete and submit the appropriate reports and documentation.

### NYS PENAL LAW

#### 175.05 Falsifying business records in the second degree.

A person is guilty of falsifying business records in the second degree when, with intent to defraud, he:

1. Makes or causes a false entry in the business records of an enterprise;

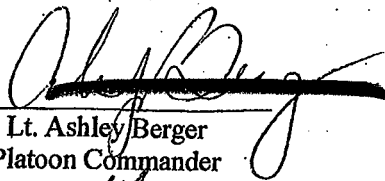
Falsifying business records in the second degree is a class A misdemeanor.

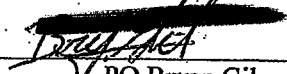
Command discipline is the resolution of disciplinary issues through the **mutual** consent of the accused member and the Chief of Police. This command discipline is in lieu of a formal disciplinary action through the process mandated by Article 5, Title B, Section 75 of the New York State Civil Service Law and the Collective Bargaining Agreement. You have accepted responsibility for your actions and have elected to accept the discipline stipulated in this letter. Command discipline was determined based on the totality of circumstances of this investigation. Several factors were considered including your truthfulness and admissions as well as previous related incidents.

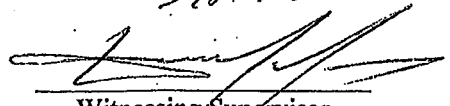
On 3/18/22, a Command Discipline hearing was commenced. You were offered PBA representation and you accepted denied. Also present during this hearing was ( SGT SABANOVIC ). We came to the following resolution.

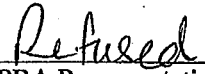
- A) You accept the findings of the investigation.
- B) You accept responsibility for violating the Departmental Procedural Manual.
- C) You accept the suspension of (4) working days.
- D) You accept the forfeiture of (8) vacation days from your 2022 accrued Time Bank.
- E) You accept that you will attend Remedial Training in the areas of: Report Taking, Investigation Procedures, Follow-up Procedures & Documentation, as well as Integrity Training.
- F) You accept and understand that in the future, this behavior or any other violation of Departmental Rules or Regulations of a similar nature will be subject to further progressive disciplinary action.

You are being furnished a copy of this letter. The original with acknowledgment, signed by you, will be placed in your personnel file.

  
Lt. Ashley Berger  
C-Platoon Commander

  
PO Bryan Gil

Sgt. S. Serrano  
  
Witnessing Supervisor

  
(PBA Representative)

I acknowledge the content of this letter  
and a copy of it has been provided to me.