

Susan Cacace
District Attorney
Westchester County



Westchester County District Attorney
Complaints – Fourth Floor
111 Dr. Martin Luther King Jr. Blvd.
White Plains, New York 10601

COMPLAINT FORM

To submit a complaint, please complete and return this form. Clearly and legibly type or hand write your complaint. Enclose COPIES of any supporting materials, including any documents or photographs relevant to your complaint. DO NOT INCLUDE ORIGINAL DOCUMENTS. The COPIES you provide will not be returned. **Items and information submitted with your complaint may be disclosed in court proceedings.** This form and all supporting materials must be submitted to this Office by hand-delivery, postal mail, or electronic mail sent to complaints@westchesterda.net

NOTICE: PURSUANT TO THE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS "A" MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

YOUR INFORMATION:

YOUR NAME: MARC FISHMAN DOB: 8/21/72
ADDRESS: 3200 Netherland Ave Apt 6 TOWN/CITY: Brux NY ZIP: 10463
HOME # (914) 837 3209 MOBILE #: (914) 837-3665 EMAIL: REUTDRIVERE@gmail.com

SUBJECT INFORMATION: (Person(s) or business(es) whom you are making a complaint about)

(1) SUBJECT NAME: Officer Lane Schlesinger & Sean Kane DOB: unknown
ADDRESS: c/o New Rochelle Pdv Apt TOWN/CITY: New Rochelle ZIP: _____
HOME #: _____ MOBILE #: _____ EMAIL: _____

(2) SUBJECT NAME: Lieutenant Sean Kane DOB: _____
ADDRESS: c/o New Rochelle Pdv Apt TOWN/CITY: _____ ZIP: _____
HOME #: _____ MOBILE #: _____ EMAIL: _____

LAW ENFORCEMENT AGENCY INFORMATION:

Have you reported this complaint to any other law enforcement agencies? YES NO

If yes, please indicate which agencies: Atty General Jones who issued "Pattern Misconduct Report" on 5/24/24 and had offer terminated w/dv LEM 10

DO NOT WRITE BELOW THIS LINE

Date Opened:	Complaint Number:
Date Closed:	Investigation Number:

6/6/25

WESTCHESTER DISTRICT ATTORNEY COMPLAINT FORM CONTINUED - PAGE 2

Please state your complaint clearly and concisely. Provide a factual summary of events. Be specific. Where appropriate include relevant dates, times and locations as well as the name, address and phone number of any person known to have information or evidence related to your complaint. If necessary, please use additional paper to complete your complaint - sign and date each page.

NOTICE: PURSUANT TO THE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS "A" MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT IN THIS COMPLAINT OR IN ANY DOCUMENT SUBMITTED WITH THIS COMPLAINT.

LAME SCHLESINGER initiated Multiple False Arrests including in my case 12/15/18 (6293-2018) Schlesinger Stated on Police Video "Marc Did not Commit Crime" "Marc did not have Malicious Intent to Commit Crime" and "I Do not think he did it." All withheld to Jury in violation of 245.50.

Lame Boss Robert Wencle NOT Provided to defense as exculpatory witness even though chief wencle had extensive disciplinary history administered by schlesinger

52 Disciplinary Reports withheld by DA for serious Misconduct by Lame Schlesinger and Lt. Kene.

Schlesinger ignored Valid Visitation order with Court Supervisor present, Ann Elliot. Kene Signed Arrest Form, took bail and battery, Kene Suspended for planting drugs on I van Harper. Conviction has to be reversed.

Signature:  Date: 6/6/25
Marc Fishman

NORTH SHORE UNIVERSITY HOSPITAL
SECURITY DEPARTMENT - INCIDENT REPORT

NO. 776-21 DATE REPORTED 08 30 21 TYPE OF INCIDENT 22-C (BY FBI OFFICE USE)

EXACT LOCATION 10 F ROOM NO.

LOCATION: Emergency Department

EXACT DATE / TIME (IF NOT KNOWN, USE APPROXIMATE DATE / TIME)

DATE 08 30 21 TIME 1735 DATE TO 08 30 21 TIME 1755

STATE	TYPE	LAST NAME, FIRST, MI	ADDRESS	PHONE					
	9			PHONE					
	A			PHONE					CIRCLE ONE <input checked="" type="checkbox"/> M <input type="checkbox"/> F
	9	SCHLESINGER RYAN L	[REDACTED]	PHONE					
	E			DOB					CIRCLE ONE <input checked="" type="checkbox"/> M <input type="checkbox"/> F
				PHONE					
				DOB					CIRCLE ONE <input type="checkbox"/> M <input type="checkbox"/> F
				PHONE					
				DOB					CIRCLE ONE <input type="checkbox"/> M <input type="checkbox"/> F

At TPO stated above, Mr. Schlesinger gained unauthorized access into the Emergency Department. Mr. Schlesinger first entered the Emergency Department through the main rest living doors and approached Security. Mr. Schlesinger asked for an update on his mother who is a patient in the Emergency Department. So [REDACTED] instructed Mr. Schlesinger to speak to the Triage nurse. After a brief

SEARCHED INDEXED GENERIC SERIALIZED FILED

REPORTED BY REPORTING OFFICER SIGNATURE

SUPPLEMENTARY REPORT ADJ. DIRECTOR STATUS OPEN FILE 1 OF 3

NORTH SHORE UNIVERSITY HOSPITAL
SECURITY DEPARTMENT - SUPPLEMENTAL INCIDENT REPORT

726-21 DATE REPORTED 08 30 21 TYPE OF INCIDENT 71-C

NUMBER OF ORIGINAL INCIDENT:

At approximately 1730 s/o [redacted] call for security assistance in the emergency Department. This writer responded. A white male was observed at a bedside speaking angrily to s/o [redacted]. That male was said to broke visitation guidelines and was refusing to leave despite multi attempts of explanation by ED staff and security officers. His mother (the patient) was trying to talk to us security; when the said male repeatedly told her to not explain nothing to us. Multiple attempts were made to wear a proper mask and his reaction was "I don't care".

SECURITY OFFICER:

[redacted signature]

DATE 08/30/21

SECURITY OFFICER: [REDACTED]

DATE: 08/30/21

FOR INVESTIGATION REPORT

Approximately Ten minutes before leaving Nassau County Police was notified and responded at 17:48. Se [REDACTED] did not place hands on Mr. Schlesinger at any time. [REDACTED] was notified and responding on scene.

NASSAU COUNTY Police Department

GONZALEZ [REDACTED]
GANIEU [REDACTED]

Triage nurse

[REDACTED]

Mr. Schlesinger's Vehicle White GMC Sierra
Plate # [REDACTED]



Wade Hardy  · 6:45 AM

Hi Marc,

This is not the correct venue to explain your situation or your complaint. I cannot address these issues via LinkedIn messaging. I believe your complaint was submitted to our office in the past. If there is anything we missed or you have anything new to submit, you are welcome to submit your complaint again. You can submit a complaint and include attachments utilizing the information on our website. <https://www.westchesterda.net/file-a-complaint>

Thank you,
Wade Hardy



Westchester
County District
Attorney

westchesterda...

CITY OF NEW ROCHELLE
NEW YORK

INTERDEPARTMENTAL COMMUNICATION

TO: Capt. Mollen
FROM: Lt. A. Castiglia
DATE: 11 Sept 23
SUBJECT: Continued Conduct Concerns with Police Officer Schlesinger

On today's date Officer Schlesinger was assigned to the radio room and was working Station 4 as the main dispatcher as he routinely does. An event was entered regarding a missing piece of luggage that was equipped with AirTag that had the location of the luggage pinging at 96 Fern St (2023-036090). Schlesinger would dispatch that event to officers in the field at which time I requested over my car radio a check of past incidents at 96 Fern St. It should be noted that my request to Schlesinger is a routine request made daily by officers in the field. Officer Schlesinger would acknowledge my radio transmission and respond sarcastically with a question "What exactly am I checking for?". I found his response to be an unnecessary, passively aggressive and disrespectful in nature. I immediately corrected him on the air and responded in to HQ to address him personally. In the Tour Commander's Office, accompanied by Sgt. Murphy, I attempted to speak with Officer Schlesinger and he refused to speak on the matter, citing I was standing too close to him and invading his personal space. He refused to speak any further without a PBA union representative at which time I told him he could go find a PBA rep as I was relieving him of his duties for the day. Schlesinger left the radio room without incident.

Respectfully Submitted

Lt. A. Castiglia
Lt. A. Castiglia

**CITY OF NEW ROCHELLE
NEW YORK**

INTERDEPARTMENTAL COMMUNICATION

It would be remiss of me to not consider that Schlesinger's personal and professional conduct history is problematic. He has been the source of numerous complaints, both externally and internally for behavioral issues, commonly surrounding discourtesy, and has demonstrated defiance to authority. Based on personal experience in past roles as a Superior Officer, he has shown the propensity to be condescending, dismissive, and sarcastic.

This history, including a lengthy disciplinary file, with many sustained charges for issues noted above, is weighed in contemplation of this incident. Lt. Castiglia has no disciplinary history on file in this area, or mis-conduct in general. He does assert a commanding presence and manner at times, but he is also a Superior Officer charged with the responsibility of many officers and staff, requiring authoritative measures to applicable cases. He acknowledged his frustration during this incident, but did not acquiesce on any wrong-doing except for cursing during the interaction.

This matter is henceforth referred to the Police Services Division, Captain Molina for further consideration and disposition.

Respectfully Submitted,

Det. Lieutenant Wenzler

**CITY OF NEW ROCHELLE
NEW YORK**

INTERDEPARTMENTAL COMMUNICATION

**TO: PO Schlesinger
FROM: Sgt. Wenzler
DATE: 4 September 2013
SUBJECT: Letter of Counsel**

It was discussed recently between us that since the beginning of August 2013, there have been three incidents where citizens have reported, either via phone, or in person, their concern for the way they were treated in their contact with you, in relation to police matters. I directly fielded a phone call from a woman who claimed that you were disrespectful and rude in talk and tone. The two other complaints that I was apprised of by Sgt. Mazzucca were similar in nature. None of these were officially documented as complaints, as per the choice of these citizens.

It states in the rules and regulations of this department, specifically rule 1.16, that a department member will be respectful in their contacts with the public. It further states in rule 2.4 that department members will be courteous in their duty.

We dissected the potential cause of such complaints, and devised a plan of action which would alleviate, if not eradicate future claims. It was advised that a higher level of tact and professionalism when addressing the citizen and better understanding of the citizens situation and position, be demonstrated in your contacts with them.

Our profession as police officers demand the highest level of integrity at all times. Part of this demand requires us that we be held to a higher standard of conduct, though we may be faced with a rude and disrespectful public sometimes.

You are advised that further substantiated complaints against you of this nature will make you subject to disciplinary action.

Respectfully, Sgt. M. Wenzler #68



Command Discipline Report New Rochelle Police Department

Officer's Name	Rank	Employee Number	Assignment
Schlesinger, Lane	Police Officer	[REDACTED]	PSD/ 2nd Tour

Investigation has been completed concerning the violation(s) charged herein. The finding and the disciplinary action recommended are indicated below. You may accept the finding and the proposed disciplinary action or decline to accept the finding and the proposed disciplinary action in lieu of a statutory hearing on written charges before a hearing officer.

Summary of Investigation(s) and Disposition(s) of Complaint(s)

PO Schlesinger, you are charged with violation of the following:

R & R 1.2. Members of the Department will perform their assigned duties in a competent manner. Members are accountable for their actions and cannot avoid the responsibilities of their positions. Included within incompetent performance, but not limited to this list, are the following: a) Unwillingness to perform assigned tasks b) Failure to conform to work standards established for the member's rank or position c) Failure to take appropriate action at an incident needing police attention

To W/C: On January 12, 2022, while on a special duty detail, you failed to take action when required as per your duties during a special duty detail at Drake Ave. & Main St.

R & R 5.4. All members of the Department will report for duty on time and will be physically and mentally fit to perform their duties. Uniformed members of the Department will report for duty no less than fifteen (15) minutes prior to going on patrol. At that time, they will be properly equipped and attired and will make themselves aware of any information necessary for the proper performance of their respective assignments.

To W/C: On January 21, 2022, you failed to show for a special duty detail on time. You were one hour late for the long patrol detail.

BOP Cpt 2. Art 2.12 Section 1.1 & 1.3. 1.1 Personnel - The following members shall be equipped with BWC's in a position on their body that shall be determined by the Commissioner of Police or his/her designee. • All uniformed members, from the rank of Lieutenant to Patrol Officer, assigned to patrol duties. • All members assigned to Special Duty Details. 1.3 When and How to Use the BWC • The BWC will be properly affixed upon the officer's uniform at the beginning of the shift in accordance with the manufacturer's guidelines. • In order to record all situations required by this policy, the officer must maintain the BWC in a constant state of operational readiness.

To W/C: On January 12, 2022, from approximately 0900 to 1113 hrs, you failed to maintain your BWC in an operational state of readiness while on a special duty detail located at Drake Ave. & Main St.

Edict 2.1. Members of the Department shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department.

Edict 2.4. All members of the Department shall be courteous and tactful in the performance of their duties and shall demonstrate patience and discretion when dealing with the public.

To W/C: On January 5, 2022, you engaged in a course of conduct that exhibited rudeness and displayed a lack of courtesy and tact, and professionalism while dealing with a member of the public.

BAR 1.13. Whenever a member of the Department makes a vehicle stop he/she will notify the police dispatcher and advise him/her of his/her location, the reason for the stop and the plate number of the vehicle stopped. This notification must be made prior to exiting the police vehicle.

BAR 1.4. All members of the Department shall be courteous and tactful in the performance of their duties and shall demonstrate patience and discretion when dealing with the public.

Re: On January 4, 2022, you failed to notify HQ of a traffic stop as prescribed, and you were not courteous, tactful, or patient in dealing with a member of the public.

Finding Sustained	Disciplinary Action Recommended Loss of (2) Leave Days
Signature of Division Commander	Date
<i>[Signature]</i>	5/6/22

To Be Completed by Officer Charged:

I understand that I do not have to accept the findings and the disciplinary action recommended by my commanding officer. My right to a statutory hearing before a hearing officer has been explained to me and I hereby voluntarily:

- Accept the finding and the proposed disciplinary action.
- Decline to accept any disciplinary action without a statutory hearing.

Officer's Signature	Date	Witnessed by:
<i>P.O. L</i>	6/17/22	

POLICE DEPARTMENT
CITY OF NEW ROCHELLE, N. Y.

COMPLAINT NUMBER
n. 22

DATE OF REPORT
12 January 2022

ADDRESS
475 North Avenue

PHONE NO. HOME & BUSINESS
914-854-2300

COMPLAINANT'S NAME
Sgt. Vincent Pisano

COMPLAINT RECEIVED BY
Sgt. Vincent Pisano

HOW RELEASED
Lt. Robert Torr

DATE AND TIME OF INCIDENT
12 January 2022/ 1115 Hrs

LOCATION OF OCCURRENCE
Main Street & Drake Avenue

DATE AND TIME OF OCCURRENCE
12 January 2022/ 0900-1113 Hrs

RANK
Police Officer

OFFICER INVOLVED NAME
Schlesinger

PHONE NO. HOME & BUSINESS
914-854-2300

OFFICER'S NAME
Lt. Wenzler

ADDRESS
475 North Avenue

STATEMENT OF COMPLAINT:

Rules and Regulations Chapter: One, Performance Standards & Related Conduct
All members of the Department will adhere to all established departmental policies and procedures.

- 1.2 Members of the Department will perform their assigned duties in a competent manner. Members are accountable for their actions and cannot avoid the responsibilities of their positions. Included within incompetent performance, but not limited to this list, are the following:
- a) Unwillingness to perform assigned tasks
 - b) Failure to conform to work standards established for the member's rank or position
 - c) Failure to take appropriate action at an incident needing police attention

To Wit:

On 12 January 2022, from the hours of Approx. 0900 to 1113 Hrs, PO Schlesinger failed to perform his duties in a competent manner and failed to take appropriate action at an incident needing police attention (DPW/Fire Truck traffic condition). These violations occurred while on a Special Duty Detail located at Drake Avenue and Main Street. This is in direct violation of the above stated Rule and Regulation of the City of New Rochelle Police Department.

I recommend that Police Officer Schlesinger be given the discipline that is deemed appropriate by the Division Commander for this violation.

In making this complaint I agree to be available for any Department Trial or Hearing as may come due. I further understand that the making of a false statement in this instrument is punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law of the State of New York.

[Signature]
SIGNATURE OF COMPLAINANT

Sworn to before me this

____ day of _____ 20____

NOTED PUBLIC ASSISTANCE COUNTY
STATE OF NEW YORK

POLICE DEPARTMENT
CITY OF NEW ROCHELLE, N. Y.

DATE OF REPORT 19 January 2022		COMPLAINT NUMBER 02-2022	
COMPLAINANT'S NAME LT. Robert Wenzler		PHONE NO. HOME & BUSINESS 914-954-2327	
DATE AND TIME RECEIVED 06 Jan 22 13:00		HOW RECEIVED Phone	
DATE AND TIME OF OCCURRENCE 05 Jan 22 09:45		LOCATION OF OCCURRENCE [REDACTED]	
OFFICER INVOLVED NAME Lane Schlesinger		RANK Police Officer	
STREET NO.		ADDRESS	
ADDRESS		PHONE NO. HOME & BUSINESS	

CONTENT OF COMPLAINT

I commenced an internal affairs investigation in regards to a civilian complaint of discourteous and unprofessional behavior regarding the above-named officer. At the conclusion of the investigation, it was deemed that the officer did violate the following Departmental rules and regulations:

- 2.1. Members of the Department shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department.
- 2.4. All members of the Department shall be courteous and tactful in the performance of their duties and shall demonstrate patience and discretion when dealing with the public.

To wit: PO Schlesinger engaged in a course of conduct that evinced rudeness. He was at times dismissive, condescending, disrespectful, and displayed a lack of tact and professionalism while dealing with a member of the public. These observations, captured on BWC, occurred at the above time and date at [REDACTED] while attempting to conduct an accident investigation.

It is recommended there be a loss of leave days, in addition to any other remedies deemed appropriate to effect an immediate change in the officer's behavior.

Respectfully, Lt. Robert Wenzler, Internal Affairs Unit.

In making this complaint I agree to be available for any Department Trial or Hearing as may come due. I further understand that the making of a false statement in this instrument is punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law of the State of New York.

Sworn to before me this

_____ day of _____ 2022

[Signature]
Notary Public

**Command Discipline Report
New Rochelle Police Department**

Officer's Name	Rank	Employee Number	Assignment
Schlesinger, Lane	Police Officer	[REDACTED]	PSD/ 2nd Tour

Investigation has been completed concerning the violation(s) charged herein. The finding and the disciplinary action recommended are indicated below. You may accept the finding and the proposed disciplinary action or decline to accept the finding and the proposed disciplinary action in lieu of a summary hearing on written charges before a hearing officer.

Summary of Investigation(s) and Disposition(s) of Complaint(s)

PO Schlesinger, you are charged with violation of the following:

R & R 1.2. Members of the Department will perform their assigned duties in a competent manner. Members are accountable for their actions and cannot avoid the responsibilities of their positions. Included within incompetent performance, but not limited to this list, are the following: a) Unwillingness to perform assigned tasks b) Failure to conform to work standards established for the member's rank or position c) Failure to take appropriate action at an incident needing police attention.

To Wit: On January 12, 2022, while on a special duty detail, you failed to take action when required as per your duties during a special duty detail at Drake Ave. & Main St.

R & R 5.4. All members of the Department will report for duty on time and will be physically and mentally fit to perform their duties. Uniformed members of the Department will report for duty no less than fifteen (15) minutes prior to going on patrol. At that time, they will be properly equipped and armed and will make themselves aware of any information necessary for the proper performance of their respective assignments.

To Wit: On January 21, 2022, you failed to show for a special duty detail on time. You were one hour late for the lone patrol detail.

MOOP Cpt 2, Art 2.12 Section 1.1 & 1.3 1.1 Personnel - The following members shall be equipped with BWC's in a position on their body that shall be determined by the Commissioner of Police or his/her designee. • All uniformed members, from the rank of Lieutenant to Patrol Officer, assigned to patrol duties. • All members assigned to Special Duty Details. 1.3 When and How to Use the BWC • The BWC will be properly affixed upon the officer's uniform at the beginning of the shift in accordance with the manufacturer's guidelines. • In order to record all situations required by this policy, the officer must maintain the BWC in a constant state of operational readiness.

To Wit: On January 12, 2022, from approximately 0900 to 1113 hrs, you failed to maintain your BWC in an operational state of readiness while on a special duty detail located at Drake Ave. & Main St.

Sub R 2.3. Members of the Department shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department.

Sub R 2.4. All members of the Department shall be courteous and tactful in the performance of their duties and shall demonstrate patience and discretion when dealing with the public.

To Wit: On January 5, 2022, you engaged in a course of conduct that evinced rudeness and displayed a lack of courtesy and tact, and professionalism while dealing with a member of the public.

R&R 1.13. Whenever a member of the Department makes a vehicle stop he/she will notify the police dispatcher and advise him/her of his/her location, the reason for the stop and the plate number of the vehicle stopped. This notification must be made prior to exiting the police vehicle.

R&R 2.4. All members of the Department shall be courteous and tactful in the performance of their duties and shall demonstrate patience and discretion when dealing with the public.

To W/O: On January 4, 2022, you failed to notify HQ of a traffic stop as prescribed, and you were not courteous, tactful, or patient in dealing with a member of the public.

Finding

Sustained

Disciplinary Action Recommended

Loss of (2) Leave Days

Signature of Division Commander

Date

[Signature]

5/6/22

To Be Completed by Officer Charged:

I understand that I do not have to accept the findings and the disciplinary action recommended by my commanding officer. My right to a statutory hearing before a hearing officer has been explained to me and I hereby voluntarily:

Accept the finding and the proposed disciplinary action.

Decline to accept any disciplinary action without a statutory hearing.

Officer's Signature

Date

Witnessed by:

P.O. [Redacted]

6 MAY 22

[EXTERNAL]

Good evening,

I am charged with monitoring and identifying those that may become reportable to your office. I have identified 1 officer who may have reached that threshold, and I ask for assistance in this matter.

- A. The officer in question has 5 complaints since last January, 4 civilian, 1 internal not of a routine matter. (Just establishing I have hit the mark, its 5 separate from different incidents, it does appear to qualify).
- B. I saw the categories for your template; be advised 4 of the 5 concerning this officer are of a rude/discourteous/improfessional/disrespectful nature, and there is no specific category for that. Just confirming that this type of complaint qualifies? And if so, make them all "other"? ...abuse of authority doesn't quite fit. One was alleged bias.

1

FOR 000007-010525 000000

- C. It says to fill out referral template and email back to this address.....is that template on your website? I am viewing a page now that shows the AG online submission form, LEMIO, and advises this form is for new submissions only, then asks to check a box, either member of public or law enforcement officer? Or is this template I need to file something I just create on my own in excel based off the template given in appendix A that was disseminated to NY agencies, copy and paste and attach to email?

Thank you for your guidance.

PS.....can the follow up actions/procedures on your end be elaborated on a bit for our information?

Thank You!

Lt. Robert F. Wenzler
Internal Affairs Unit
New Rochelle Police Dept.
475 North Ave.
New Rochelle, NY 10801
914-654-2327
rwenzler@newrochelleny.com



Wenzler, Robert

From: Molina, Melvin
Sent: Thursday, December 15, 2022 09:15
To: Bomholz, Lawrence; Downs, Ryan; Arias, Mario; D'Erasmo, Paul; Pisano, Vincent; McCullough, David; Castiglia, Adam; Walsh, William; Murphy, Keith; Torres, Juan; Gonzalez, Emmanuel; Salerno, Joseph; Conca, Daniel; Trezza, Mark; Goldman, Samuel; Marelllo, Jeffrey; Childs, Timothy; Zuzulo, Nicholas; Rodriguez, Raul; Wenzler, Robert; Castiglia, Chris
Cc: RE: PO Lane Schlesinger
Subject:

UPDATE:

To further reiterate, PO. Schlesinger is not allowed to perform Court Officer or Front Desk duties.

From: Molina, Melvin
Sent: Tuesday, December 13, 2022 3:15 PM
To: Bomholz, Lawrence <lbomhol@newrochelleny.com>; Downs, Ryan <rdowns@newrochelleny.com>; Arias, Mario <marias@newrochelleny.com>; D'Erasmo, Paul <pderasmo@newrochelleny.com>; Pisano, Vincent <vpisano@newrochelleny.com>; McCullough, David <dmccullough@newrochelleny.com>; Castiglia, Adam <acastigl@newrochelleny.com>; Walsh, William <Wwalsh@newrochelleny.com>; Murphy, Keith <Kmurphy@newrochelleny.com>; Torres, Juan <jtorres@newrochelleny.com>; Gonzalez, Emmanuel <egonzalez@newrochelleny.com>; Salerno, Joseph <jsalerno@newrochelleny.com>; Conca, Daniel <Dconca@newrochelleny.com>; Trezza, Mark <mtrezza@newrochelleny.com>; Goldman, Samuel <sgoldman@newrochelleny.com>; Marelllo, Jeffrey <jmarellio@newrochelleny.com>; Childs, Timothy <tchilds@newrochelleny.com>; Zuzulo, Nicholas <nzuzulo@newrochelleny.com>
Cc: Rodriguez, Raul <RRodrigu@newrochelleny.com>; Wenzler, Robert <RWenzler@newrochelleny.com>; Castiglia, Chris <Ccastigl@newrochelleny.com>
Subject: PO. Lane Schlesinger

To all listed supervisors,

Going forward and until further notice, PO. Schlesinger is no longer allowed to be used for any work duties that involve him leaving the building (HQ) and potentially expose him to dealing with the general public. Basically, nothing other than radio room coverage or DR watch is what should be permitted whenever staffing needs arise. If you need further clarification, feel free to contact Capt. Rodriguez or me.

Thank you for your expected cooperation with this directive,

L. Molina, Melvin
PSD

New Rochelle Police Department Individual Delinquency Record

Last Name Schlesinger		First Name Lane	Rank Police Officer	Employee No. [REDACTED]
Date of Complaint	No.	Digest of Complaint		Disposition
1/29/08	11	R&R 8.4: Failure to inspect vehicle		Reprimand
6/16/08	27	R&R 8.2: Failure to operate vehicle in prudent manner		Reprimand
10/1/08	53	R&R 8.4: Failure to inspect vehicle		Loss of
10/13/08	54	R&R 8.2: Failure to operate vehicle in prudent manner		1 leave day
10/29/09	31	R&R 2.4: Discourtesy		Reprimand
1/4/12	1	R&R 1.2: Failure to conform to work standards/fail to take appropriate action		Loss (1) leave day
8/11/12	26	R&R 1.11: improper Radio transmission 1.29: Memo book violation 2.23: Uncooperative during official investigation 2.39: insubordination.		Loss (3) leave days
7/18/13	30	R&R 7.5: Failure to file charges		Reprimand
3/13 & 3/14/14	3	R&R 8.2: Failure to operate in prudent manner (x2)		Loss (1) leave day
5/23/14	8	R&R 7.1: Failure to appear for traffic trial		Reprimand
9/28/14	18	R&R 8.2: Failure to operate vehicle in prudent manner		Loss (1) leave day
2/1/17	3	R&R 8.2: Failure to operate vehicle in prudent manner		Loss (1) leave day
12/28/17	22.24.25.26	R&R 1.2: Failure to perform duties in competent manner. R&R 1.8: Failed to properly respond to call for service. R&R 8.2: Failure to operate vehicle in prudent manner. R&R 6.1: Failure to report sick 1 hr. prior to tour of duty. R&R 6.3: Failure to submit physicians note.		Loss (4) leave days
9/3/19	19	R&R 6.3: Failure to submit physicians note		Loss (1) leave day
10/14/19	23	R&R 1.16: Failure to be respectful in contacts with the public/provide name and shield. R&R 2.4: Discourteous when dealing with the public		Reprimand
12/12/19	32	R&R 5.4: Late for duty		Reprimand
8/30/21	17	R&R 2.1: Failure to conduct oneself on or off-duty in manner that reflects favorable on the Dept. R&R 1.34: Failure to notify command regarding police-related matter outside of jurisdiction.		Reprimand
12/3/21	27	R&R 2.39: Disrespectful to superior officer. 1.1: Failure to adhere to established procedures. MOP 2.2.12 (1.5) Body Camera violation.		Loss (5) leave days
1/4/22 1/5/22	02	R&R 1.13 Failure to notify HQ for VTL stop R&R 2.4 Discourteous when dealing with the public		Loss (2) Leave days

New Rochelle Police Department Individual Delinquency Record

Last Name Schlesinger		First Name Lane	Rank Police Officer	Employee No.
Date of Complaint	No.	Digest of Complaint		Disposition
1/29/08	11	R&R 8.4: Failure to inspect vehicle		Reprimand
6/16/08	27	R&R 8.2: Failure to operate vehicle in prudent manner		Reprimand
10/1/08	53	R&R 8.4: Failure to inspect vehicle		Loss of
10/13/08	54	R&R 8.2: Failure to operate vehicle in prudent manner		1 leave day
10/29/09	31	R&R 2.4: Discourtesy		Reprimand
1/4/12	1	R&R 1.2: Failure to conform to work standards/fail to take appropriate action.		Loss (1) leave day
8/11/12	26	R&R 1.11: improper Radio transmission 1.29: Memo book violation 2.23: Uncooperative during official investigation 2.39: insubordination.		Loss (3) leave days
7/18/13	30	R&R 7.5: Failure to file charges		Reprimand
3/13 & 3/14/14	3	R&R 8.2: Failure to operate in prudent manner (x2)		Loss (1) leave day
5/23/14	8	R&R 7.1: Failure to appear for traffic trial		Reprimand
9/28/14	18	R&R 8.2: Failure to operate vehicle in prudent manner		Loss (1) leave day
2/1/17	3	R&R 8.2: Failure to operate vehicle in prudent manner		Loss (1) leave day
12/28/17	22.24.25.26	R&R 1.2: Failure to perform duties in competent manner. R&R 1.8: Failed to properly respond to call for service. R&R 8.2: Failure to operate vehicle in prudent manner. R&R 6.1: Failure to report sick 1 hr. prior to tour of duty. R&R 6.3: Failure to submit physicians note.		Loss (4) leave days
9/3/19	19	R&R 6.3: Failure to submit physicians note		Loss (1) leave day
10/14/19	23	R&R 1.16: Failure to be respectful in contacts with the public/provide name and shield. R&R 2.4: Discourteous when dealing with the public		Reprimand
12/12/19	32	R&R 5.4: Late for duty		Reprimand
8/30/21	17	R&R 2.1: Failure to conduct oneself on or off-duty in manner that reflects favorable on the Dept. R&R 1.34: Failure to notify command regarding police-related matter outside of jurisdiction.		Reprimand
12/3/21	27	R&R 2.39: Disrespectful to superior officer. 1.1: Failure to adhere to established procedures. Misc 2, 2.12 (1.5) Body Camera violation.		Loss (5) leave days

*These All
 (2)
 should be in case
 They All were Caption*

**Command Discipline Report
New Rochelle Police Department**

Officer's Name	Rank	Employee Number	Assignment
Schlesinger, Lane	Police Officer	[REDACTED]	PSD 2nd Tour

Investigation has been completed concerning the violation(s) charged herein. The finding and the disciplinary action recommended are indicated below. You may accept the finding and the proposed disciplinary action or decline to accept the finding and the proposed disciplinary action in lieu of a statutory hearing on written charges before a hearing officer.

Summary of Investigation(s) and Disposition(s) of Complaint(s)

PO Schlesinger, you are charged with violation of the following:

MOP Art. 6.01 sub 2.2 Non-supervisory personnel receiving a complaint should immediately refer the complaint to a superior officer. As a general rule the complainant should be referred to the desk officer.

To wit: On or about June 11, 2022 1540 hrs., you failed to notify the Desk Supervisor or any other Superior Officer of a civilian complainant at the Front Desk of Police HQ wishing to make a formal complaint regarding his prior arrest the day before. You instead advised the civilian to come back another time, and did not provide any assistance on proper civilian complaint procedure options.

Finding	Disciplinary Action Recommended
Sustained	Loss of (1) Leave Day
Signature of Division Commander	Date
<i>Capt. [Signature]</i>	<i>9/22/22</i>

To Be Completed by Officer Charged:

I understand that I do not have to accept the findings and the disciplinary action recommended by my commanding officer. My right to a statutory hearing before a hearing officer has been explained to me and I hereby voluntarily

- Accept the finding and the proposed disciplinary action.
- Decline to accept any disciplinary action without a statutory hearing.

Officer's Signature	Date	Witnessed by:
<i>[Signature]</i>	<i>9/22/22</i>	<i>[Signature]</i>

I understand that I do not have to accept the findings and the disciplinary action recommended by my commanding officer. My right to a statutory hearing before a hearing officer has been explained to me and I hereby voluntarily:

- Accept the finding and the proposed disciplinary action.
- Decline to accept any disciplinary action without a statutory hearing.

Officer's Signature

Date

Witnessed by:

PO [Signature]

9/22/22

S. [Signature]

From: Wenzler,Robert <rwenzler@newrochelleny.com>
Sent: Monday, October 16, 2023 11:43 AM
To: Manigo, Simone <Simone.Manigo@ag.ny.gov>
Subject: RE: Executive Law 75(5)(b) Referral - Officer Lane
Schlesinger

In dealing with someone like him, it may be best to just send it with that date and let him adjust accordingly. In addition to the concerns regarding his performance while here, he is also unreliable in merely showing up to work. For instance he is out today on a no-pay day as he has no sick time left in his bank, and has been a sick usage abuser over the years. It is very possible that asking him beforehand what his availability is will most likely be met with some game played on his end. I did look into his schedule and observed that on Nov. 7th he is due to work, and it shows no vacations/ and or personal days to be used for that day.

Thanks.

From: Manigo, Simone <Simone.Manigo@ag.ny.gov>
Sent: Monday, October 16, 2023 11:27 AM
To: Wenzler,Robert <rwenzler@newrochelleny.com>
Subject: RE: Officer Lane
Schlesinger

Download finished Open in...

NEW YORK'S PROMISED POLICE REFORM IS BEING IGNORED — AT THE EXPENSE OF LIVES AND JUSTICE FOR OUR MOST VULNERABLE AND FAMILIES

BY MARC FISHMAN

While headlines swirl around high-profile court cases in New York for the politically-connected and ultra-wealthy, a quieter crisis continues to unfold in plain sight—one that reveals just how far we still are from delivering justice to the communities that need it most. In the wake of the George Floyd murder and subsequent national call to action, we saw glimmers of reform on the horizon. As a disabled Dad who was unjustly arrested by officers with records of extreme misconduct, I was cautiously optimistic about these travesties of injustice being vehicles for positive change.

That hope was especially bright for me, and countless others arrested by officers who skirt the law. In December 2024, when New York State Attorney General Letitia James released the annual report from the Law Enforcement Misconduct Investigative Office (LEMIO), a powerful tool designed to uncover and curb patterns of police misconduct.

Among those listed in the report was my Westchester County arresting officer, Lane Schliesinger—a former member of the New Rochelle Police Department (NRPD) who had been disciplined for no fewer than 25 complaints of misconduct and minor infractions.

Twenty-five. And yet, when I walked into a police station in 2018 seeking to enforce a court-ordered supervised visit with my autistic son, he was still on the job. I was denied that visit. I never even stepped onto the property. Still, I was wrongfully arrested—and have been fighting ever since to clear my name.

I have cognitive and communicative impairments resulting from car accidents. Despite those disabilities, and with no criminal history, I was treated not as a father trying to see his child, but as a threat. My visitation status was falsely marked as "unknown" despite video evidence proving otherwise—evidence that was never admitted into discovery. Meanwhile, my children have waited over 1,559 days to see their father.

What happened to me is not an isolated error. It is a symptom of a system that routinely overlooks misconduct, especially when it's committed against those who are disabled, marginalized, or without influence. Especially in cities like New Rochelle, which has seen police misconduct rates rise.

Unscrupulous officer Schliesinger was eventually reassigned to desk duty. But what does that do for the countless lives affected by his conduct? What does it do for my children, or for the integrity of the legal system? And he wasn't the only one.

Officer Sean Kane, also involved in my arrest (and countless others) was

suspended in 2024 after being caught on body camera allegedly planting drugs on a defendant—an incident that made national news. And yet, despite this public record of misconduct, no action has been taken to revise my case.

That's why we have an appeals process. That's why LEMIO was created—to serve as an external mechanism for accountability. But what good is a watchdog if no one listens to it?

District Attorney Susan Cacace, elected to presumably bring fresh oversight to Westchester County, has ignored multiple requests to review my case, even after it became clear that one of the arresting officers had engaged in a "pattern or practice of misconduct, excessive force, or acts of dishonesty," as documented by the Attorney General. Meanwhile, she very publicly dismissed competing candidate William Wagstaff's plan to expand a conviction review unit. I'm fortunate enough to have the resources to fight, and ability to write—but it brings to question: How many other cases involving officers flagged in the LEMIO go unchallenged by those arrested? How many others are being quietly ignored?

This is not fair prosecution. This is persecution. And I am not alone.

In 2022, I was honored with the New York State Senate Commendation Award for my disability rights advocacy, after successfully fighting for ACA accommodations in family court. But I shouldn't have had to fight that hard just to be seen and heard. I'm fortunate to have the ability to advocate for myself, but there are so many others—especially disabled individuals—who are denied that same opportunity.

We must stop pretending that publishing a report is the same as achieving reform. The LEMIO report offers a roadmap. It offers evidence. But it also demands action—by district attorneys, by judges, by state leaders who promised to root out injustice and restore public trust in law enforcement.

When those in power ignore the tools meant to protect the vulnerable, they send a chilling message: that misconduct will be tolerated, and that the lives it destroys are acceptable collateral damage.

Justice delayed is justice denied. But justice ignored? That's a failure of conscience. New York has the data. It has the mandate. It just needs the will.

MESSAGES THAT MOVE BEYOND THE MIC: LEGACY BUILDING

Strategic Soul Work—Helping Black Leaders Build What They Believe In

BY DOMINIQUE BRIENNE

The pastor stands at the pulpit, delivering a sermon that has the congregation on their feet. The entrepreneur cuts the ribbon at her new storefront while cameras flash. The community leader delivers an impassioned speech at the town hall. Powerful moments. But what happens after the final amen, the ribbon is snipped, and the enthusiastic applause fades?

As a Bronx native and Mount Vernon resident who has spent years helping teachers, authors, and entrepreneurs design communication systems that drive lasting change, I've witnessed a pattern: our community doesn't lack vision. It's actually abundant; we often lack the systems that turn vision into legacy.

The Gap Between Inspiration and Transformation

We live in an era of 24/7. The Sunday sermon that moves us to tears but doesn't move us to action by Tuesday. The business launch that generates excitement but not sustained customer engagement. The community initiative that starts with passion but ends when the passionate leader burns out. This gap exists not because the message lacks power, but because it lacks an infrastructure that connects that moment to the movement. Legacy isn't built on powerful moments. It's built on purposeful systems. So, how do we build these systems around our moments?

Beyond Words: Designing Communication Systems for Transformation

1. **Connect Every Touchpoint to Purpose**
Too often, we treat different communication channels as separate entities. The sermon stands alone from the mid-week announcement reminders. The ribbon-cutting is disconnected from the social media strategy. The community announcement is separate from the website updates and email campaigns. Within your communications ecosystem, every touchpoint should reinforce your core purpose. When I worked with The Paige Fraser Foundation (TPFF)—a nonprofit promoting movement and wellness in the Bronx—they had the impact but needed better ways to share it with the community. We created a brand identity and content system where every touchpoint—from social media graphics to event materials to email campaigns—amplified their mission consistently. This cohesive approach increased engagement, event participation, and created more local partnerships, proving that aligned messaging creates sustainable momentum.

Your Move: Map each way people interact with your message—from social media to signage, from the website to follow-up emails, from apps to texts. Then ruthlessly align each touchpoint to reinforce your core purpose. When someone moves from hearing your speech to visiting your website to receiving your email, they should experience an intentional journey, not random messages.

2. **Build Participation Pathways**
The most powerful messages aren't just heard—they're acted upon. Yet many speakers and leaders focus exclusively on crafting what they'll say, not designing what others will do. Create clear, structured pathways that move people from passive listeners to active participants. For every message you deliver, create three levels of next steps: something small someone can do immediately, a medium commitment they can make within days, and a deeper engagement opportunity for those ready to fully embrace your vision. Have your team design these pathways before you step to the podium.

Your Move: Use ceremonial moments to build your community. Have a simple way to collect email addresses at events, with a clear explanation

of what value people will receive. The sermon should activate a discipleship system. The ribbon cutting should trigger a customer journey. The community speech should launch an engagement pathway. Remember, the moment isn't just a time to inspire; it's a strategic opportunity to create ongoing invitation and participation.

3. **Create Message Carriers**
True legacy builders understand that their vision must eventually be carried by others. The question isn't whether your message will be repeated, but whether it will be repeated accurately. Create tools that help others transmit your vision with integrity. When Preston High School faced unexpected closure early this year, I saw firsthand how the right tools could mobilize a movement. As part of the team, we created talking points, email templates, and visual assets that equipped hundreds of supporters to accurately share our message. We developed simple ways for people to understand what was true, what wasn't true, and exactly what steps they should take next. This wasn't just about consistent branding; it was about providing frameworks that allowed others to effectively carry the core message forward. This resulted in a landmark \$8.5 million deal that saved the school. The message moved from a single Zoom call to a community-wide movement because we built systems, not just statements.

Your Move: Create simple frameworks, memorable metaphors, and clear templates that others can use to carry your message forward. The goal isn't word-for-word repetition, but conceptual fidelity, enabling others to express your vision authentically without distorting its essence.

Systems That Serve the Vision

Effective communication systems should amplify your purpose, not complicate it. I've seen well-meaning leaders create elaborate follow-up processes that become too complex to maintain. When designing your communication infrastructure, apply these three filters:

1. **Sustainability:** Can this system function without your constant direct involvement?
2. **Scalability:** Will this approach still work when your audience grows tenfold?
3. **Simplicity:** Can someone grasp the system quickly enough to actually use it?

The community leader who builds simple, sustainable systems will always outpace the charismatic speaker who relies solely on the power of their presence.

The Legacy Response

The ultimate test of your message isn't the response in the moment, but the transformation that follows. Ask yourself: "If I never spoke on this topic again, would the transformation I seek still happen through the systems I've built?" For Black leaders, this question carries particular weight. Our communities need more than inspiring moments—they need infrastructure that sustains positive change even when external support wanes or opposition arises. Your message deserves more than a moment. It deserves mechanisms that ensure it continues to transform lives long after the service ends, the ribbon is cut, or the speech concludes. Because legacy isn't just about what you say—it's about the systems you build to ensure what you say continues to matter.

Dominique Brienne is a strategist, writer, and creative partner who helps visionaries get out of their head and into the world. With a decade of experience in brand messaging, content strategy, and, now, AI-powered communications, she brings structure to bold ideas, turning them into lasting transformation. Learn more at dominiquebrienne.com.

NEW YORK'S PROMISED POLICE REFORM IS BEING IGNORED — AT THE EXPENSE OF LIVES AND JUSTICE FOR OUR MOST VULNERABLE AND FAMILIES

BY MARC FISHMAN

While headlines swirl around high-profile court cases in New York for the politically-connected and overwhelmingly a quieter crisis continues to unfold in plain sight—one that reveals just how far we still are from delivering justice to the communities that need it most. In the wake of the George Floyd murder and subsequent national call to action, we saw glimmers of reform on the horizon. As a disabled dad who was unjustly arrested by officers with records of extreme misconduct, I was cautiously optimistic about these promises of justice being vehicles for positive change.

That hope was especially bright for me and countless others arrested by officers who did the job in September 2024 when New York State Attorney General Letitia James released the annual report from the Law Enforcement Misconduct Investigative Office (LEMO), a powerful tool designed to uncover and curb patterns of police misconduct.

Reading these letters is the report was my Westchester County arresting officer, John Spadonago—a former member of the New Rochelle Police Department (NRPD), who had been disciplined for no fewer than 25 complaints of misconduct and major infractions.

Twenty-five? Not yet. When I walked into a police station in 2016 seeking to enforce a court-ordered wage order that with my autistic son, he was still on the job, was denied that. I never ever stepped onto the property. Still, I was wrongfully arrested—and have been fighting ever since to clear my name.

Law violations and communication impairments resulting from car accidents, COVID-19 restrictions, and with no criminal record, I was treated not as a father trying to see his child, but as a threat. My disabled status was falsely marked as "offensive" despite clear evidence proving otherwise—evidence that was never admitted into testimony. Meanwhile, my disabled twin waters over 1,000 days to see their father.

What happened to me is not an isolated error. It is a symptom of a system that routinely marginalizes, especially when it's connected to people who are disabled, marginalized, or without influence. Especially in cases like New Rochelle, where the police have a history of abuse.

More reports of Mr. Spadonago was eventually reassigned to Westbury, but what does that do for the countless times affected by his conduct? What does it do for my children, or for the integrity of the legal system? And the best? The only one.

John Spadonago was wrongfully arrested in my arrest and countless others, was

suspended in 2024 after being caught on body camera allegedly planting drugs on a defendant—an incident that made national news. And yet, despite this public record of misconduct, no action has been taken to revisit my case.

That's why we have an appeals process. That's why LEMO was created—to serve as an external mechanism for accountability. But what good is a watchdog if no one listens to it?

District Attorney Susan Cacace, elected to purportedly bring fresh oversight to Westchester County, has ignored multiple requests to review my case, even after it became clear that one of the arresting officers had engaged in a "pattern or practice of misconduct, excessive force, or acts of dishonesty," as documented by the Attorney General. Meanwhile, she very publicly dismissed competing DA candidate William Wagstaff's plan to expand a conviction review unit. I'm fortunate enough to have the resources to fight and ability to write—but it brings to question how many other cases involving officers flagged in the LEMO go unchallenged by those arrested? How many others are being quietly ignored?

This is not fair prosecution. This is persecution. And I am not alone.

In 2022, I was honored with the New York State Senate Commendation Award for my disability rights advocacy, after successfully fighting for ADA accommodations in family court. But I shouldn't have had to fight that hard just to be seen and heard. I'm fortunate to have the ability to advocate for myself, but there are so many other—especially disabled individuals—who are denied that same opportunity.

We must stop pretending that publishing a report is the same as achieving reform. The LEMO report offers a roadmap. It offers evidence—but it also demands action—by district attorneys, by judges, by state leaders who promised to root out injustice and restore public trust in law enforcement.

When those in power ignore the laws meant to protect the vulnerable, they send a chilling message: that misconduct will be tolerated, and that the lives of disabled are acceptable collateral damage.

Justice delayed is justice denied. But justice ignored? That's a failure of conscience. New York has the data. It has the mandate. It just needs the will.

New Rochelle Police Department
475 North Ave
New Rochelle, NY 10801



Main: (914) 654-2300

January 16, 2025

Marc Fishman

To Marc,

We received your request for "(1) The number of days former police officer Lane Schlesinger was assigned desk duty from 2022-2024

- 2022 - 112 days
- 2023 - 155 days
- 2024 - 57 days

(2) All correspondence, photos, disciplinary reports, notes, letters, emails, faxes, sent to the New York attorney general Latisha James concerning the 1/6/2022 referral of Lane Schlesinger police misconduct and or any other incidents/infractions or discipline in atty general file 1-793542917 and any other disciplinary file or complaint sent to the New York atty general for Lane Schlesinger." Your request has been denied under 87 (g) are inter-agency or intra-agency materials which are not:

- i. statistical or factual tabulations or data;
- ii. instructions to staff that affect the public;
- iii. final agency policy or determinations; or
- iv. external audits, including but not limited to audits performed by the comptroller and the federal government;

(3) List of names of any other NRPD referred to the New York atty general for pattern misconduct from 1/1/200-present.

- Lane Schlesinger.

Any person denied access to a record may within thirty days appeal in writing such denial to the head, chief executive or governing body of the entity, or the person therefor designated by such head, chief executive, or governing body, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought. This appeal should be made to the Law Department of the City of New Rochelle.

Sincerely,

Lt. R. LaBarbera



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LAW ENFORCEMENT MISCONDUCT INVESTIGATIVE OFFICE

May 24, 2024

Police Commissioner Robert Gazzola
New Rochelle Police Department
475 North Avenue
New Rochelle, New York 10801

Via Email

Re: Executive Law 75(5)(b) Referral of Police Officer Lane Schlesinger
OAG Matter No. 1-793542917

Dear Police Commissioner Gazzola,

We have reviewed your agency's January 26, 2022, referral of Officer Lane Schlesinger pursuant to Executive Law §75(5)(b). Based on our review, we conclude that Officer Schlesinger engaged in a pattern of misconduct involving the abuse of authority in connection with on- and off-duty incidents. Officer Schlesinger was subject to discipline by your agency in connection with these incidents, and it is our understanding that he is currently assigned to desk duty with limited interaction with members of the public.

Following receipt of the referral, personnel from the Office of the New York State Attorney General ("OAG") reviewed NRPD's internal investigative files, disciplinary outcomes, relevant police paperwork, video footage, and policies that governed the alleged misconduct. We also reviewed materials, including video footage, from the North Shore University Hospital, the site of one of the referred incidents. We interviewed several individuals who made complaints against Officer Schlesinger, witnesses to those incidents, and Officer Schlesinger himself.

This letter sets forth the OAG's findings, conclusions, and recommendations relating to NRPD's Disciplinary Procedures and Uniform Traffic Ticket and Enforcement Policy pursuant to Executive Law § 75(5)(c).

I. FINDINGS

The findings of fact described below are based on an evaluation of the evidentiary record using a preponderance of the evidence standard.

A. Officer Schlesinger's Employment at NRPD

Officer Schlesinger commenced full-time employment at the New Rochelle Police Department on July 31, 2006, as a police officer. Since January 2008, Officer Schlesinger has been disciplined for twenty-five complaints of misconduct and minor infractions.

Since mid-2022, Officer Schlesinger has been assigned to desk duty in an assignment that does not put him into contact with members of the public.

B. Complaint #1

On January 21, 2021, Officer Schlesinger conducted a traffic stop involving Complainant # 1, an African American female who was operating a van. Following the traffic stop, Complainant # 1 lodged a complaint with NRPD and reported that she was "randomly pulled over by two officers for no reason." One of the officers informed her that she was pulled over because she drove a van without the appropriate license plate, but she alleged that she was racially profiled. NRPD provided our office with in-car camera video footage of the traffic stop. We were not able to view the in-car camera video footage but were able to retrieve the audio contained therein.

Based on Officer Schlesinger's in-car camera's audio, he approached Complainant # 1 and asked for her license and registration. He explained that he wanted to know if she had a "passenger vehicle" on her registration and that if she was using her vehicle for "work" it would be a "big problem." She explained that she had three vans for personal use. Officer Schlesinger responded, "why would you have three vans, that's my question" and told her work vans usually have commercial plates and hers does not have commercial plates affixed. Officer Schlesinger returned to his police vehicle and verified that she had a valid class C license. He returned to the driver and handed her license and registration and told her to "have a nice day." He did not issue a summons. The driver stated that she has never been pulled over "ever in her life like this, for driving a van."

During Officer Schlesinger's interview with the OAG, he recalled stopping Complainant #1's van because he believed it was being used as a livery service or other commercial purpose since it had twelve to fifteen seats. He asked Complainant # 1 for identification and Complainant # 1 became "combative" and accused him of racially profiling her. He informed Complainant # 1 that he stopped her because she drove an extended van with multiple seats, which indicated that the van was intended to be used for a commercial purpose. She responded that it was her personal vehicle. He ran "checks" of the driver's license and van and learned that the license and registration were valid. He did not remember issuing a summons but explained that he usually did not issue summonses when drivers are compliant and cooperative and there is a "good interaction."

During NRPD's internal investigation, Officer Schlesinger stated at various points that he had pulled over Complainant # 1 for a violation of VTL § 402 for improper plates because the vehicle appeared to be used as a commercial vehicle with passenger license plates, that he pulled over Complainant # 1 for a violation of § 106.3 of the New York State DMV Rules and

Regulations, and that § 390.5 of the Federal Motor Carrier Regulations was another basis for the traffic stop. He denied conducting the stop based on race, creed, color, or gender. He stated that he could not see the driver's race when he initiated the traffic stop because he pulled up from behind Complainant # 1's vehicle.

NRPD concluded that the vehicle stop was not "reasonable." Officer Schlesinger did not have a reasonable suspicion that Complainant # 1 committed a traffic offense and that he could not stop Complainant # 1's vehicle based on federal regulations for interstate commerce or DMV rules and regulations. His delinquency record did not show that discipline was imposed even though that allegation was sustained but, according to IAU, he was verbally counseled. The internal investigation did not sustain allegations that Complainant # 1 was racially profiled and stopped as a result of Officer Schlesinger's of hate or bias because the investigation could not prove or disprove them.

We concur with NRPD's conclusion that Officer Schlesinger did not conduct a reasonable vehicle stop and find that it was in violation of NRPD policy and unlawful. NRPD's Uniform Traffic Ticket and Enforcement policy mandates officers to strictly enforce New York's Vehicle and Traffic Law based on reasonable suspicion that a motorist committed a VTL violation.¹ Under the agency's policy, he did not have a reasonable suspicion that Complainant # 1 violated VTL § 402 considering that large vans can be driven for personal use. Furthermore, NRPD's traffic policy does not give officers the authority to enforce § 390.5 of the Federal Motor Carrier Regulations and § 106.3 of the New York State DMV Rules and Regulations.

C. Complaint # 2

Complaint 2 involves an off-duty incident that took place on August 30, 2021, at the North Shore University Hospital in Manhasset, New York. NRPD was notified of this incident by the hospital's security director.

The following account is based on the statements of hospital security staff, video from the hospital, and Officer Schlesinger's statements to NRPD and to the OAG.

While off-duty, Officer Schlesinger went to the hospital to visit his mother, who was a patient. He entered the hospital at the security check-in and approached a triage nurse. On August 30th, visiting hours were suspended due to the COVID-19 pandemic. The security officer, who was posted at the security check-in area, overheard the triage nurse inform Officer Schlesinger that visitation hours were suspended. Officer Schlesinger ignored this statement and walked past the triage nurse and toward the Emergency Department ("ED"). The triage nurse called 911 to report Officer Schlesinger's unauthorized entry into the hospital.

One of the security officers attempted to prevent Officer Schlesinger from entering the ED. According to the security officer, when he approached Officer Schlesinger, Officer Schlesinger said to him, "lay hands me," and moved towards him. The security officer stepped

¹ In section II, we recommend that NRPD amend its traffic enforcement policy to provide that officers have the authority to conduct a traffic stop when they have *probable cause*, a higher standard than reasonable suspicion, based on the New York Court of Appeals decision in *People v Hinshaw*, 35 NY 3d 427 [2020].

back. Officer Schlesinger showed his police badge and said he was a police officer, and told the security officer to call his supervisor. The security officer responded that he could not give him a pass. Officer Schlesinger continued to walk toward the ED and gained entry when someone exited through the ED's locked doors. The security officer radioed a message to another security officer, who was posted inside the ED, and informed her that there was an unauthorized visitor inside the ED.

While Officer Schlesinger disputed that he told the security officer to lay hands on him, asserted he was a police officer, or showed his badge, we find the statements of hospital security staff more persuasive, as they had no motive to distort the day's events and presumably would not have known that Officer Schlesinger was a police officer unless he had told them as much.

The second security officer observed when Officer Schlesinger first entered the ED. She started to follow him and observed him look inside patients' rooms and enter an adjacent area of the ED referred to as the "gold" area. Another security officer observed Officer Schlesinger in the triage area and followed him to the adjacent ED area. He told Officer Schlesinger that visitors were not allowed. The security officers attempted to get Officer Schlesinger's attention and talk to him, but Officer Schlesinger appeared to be upset and acted aggressively. He told them, "Don't touch me." As Officer Schlesinger walked about the ED, he caused a commotion as the hospital's nurses questioned why he was there.

Officer Schlesinger eventually found his mother on a hospital bed in a hallway inside the purple area. As he walked toward her, two security officers continued to follow him. As he stood at the head of her hospital bed, two security officers remained close by. The security officer asked him to leave the hospital. Officer Schlesinger turned to her and said, "What are you going to do, put your hands on me?" Officer Schlesinger eventually walked out of the ED and exited the hospital.

Nassau County police officers arrived at the hospital. One of the Nassau County officers approached Officer Schlesinger. Officer Schlesinger informed him that he was armed and was a police officer. Nassau County officers requested his identification and Officer Schlesinger complied with their request and handed them his driver's license. The hospital employees did not press charges against Officer Schlesinger, who was permitted to leave, but he was banned from the hospital.

NRPD concluded that Officer Schlesinger's off-duty conduct inside of North Shore University Hospital resulted in multiple violations of departmental policy, including failure to immediately notify his Division Commander for a police related matter outside of the jurisdiction of the City of New Rochelle, failure to notify his Division Commander about his involvement in an off duty incident in which several marked police vehicles and police officers were called to the scene and present during an inquiry into Officer Schlesinger's actions during the August 30, 2021 incident, and acting in a manner that did not reflect most favorably on the NRPD or himself as a member of the department. NRPD also noted that Officer Schlesinger tried to use his status as a police officer to gain access to ED and he was reprimanded for the violations of departmental policy. After the internal investigation, Officer Schlesinger was informed that he would receive positive discipline in the form of a letter of counseling. He

believed that NRPD chose this form of discipline because the Nassau County police department did not generate a police report for the incident at North Shore University Hospital. He told the OAG that after the internal investigation was concluded, he was informed that NRPD would issue a written "letter of counseling." He believed that this letter was issued because Nassau County police officers did not generate a police report. He became "curious what was documented, if anything" and decided to call the Nassau County precinct. He asked the precinct if a report was written for an event on August 31, 2021, and the precinct told him that no report was taken. He did not tell the IAU detective lieutenant who conducted the internal investigation that he called the precinct.

We concur with IAU's decision to sustain the allegations. We find that Officer Schlesinger's off-duty conduct was not in a manner as to reflect most favorably on the agency as required by NRPD's Rules and Regulations for Personal and Professional Conduct.² We also find that this conduct constituted an abuse of authority. During the OAG interview, he was not forthcoming about the incident. He did not provide a full account about how often security officers tried to prevent him entering and remaining in the ED and the extent to which he ignored them. We credit the security officer's account that Officer Schlesinger tried to use his badge and status as a police officer to gain unauthorized access to the ED.

In addition, we note that Officer Schlesinger called a Nassau County precinct to find out if a police report was generated about the incident. If he invoked his position as an NRPD officer during that call, this too could constitute abuse of authority.

D. Complaint # 3

On December 3, 2021, Officer Schlesinger's sergeant submitted an interdepartmental correspondence to a NRPD lieutenant because, on the same date, Officer Schlesinger declined to read and sign a letter of counsel related to a violation of NRPD Rules and Regulation 1.5 concerning Officer Schlesinger's meal period on December 2, 2021. The interdepartmental correspondence did not discuss the underlying incident but focused on Officer Schlesinger's refusal to read and sign the letter of counsel as constituting an act of insubordination.

In the sergeant's interdepartmental correspondence, he described that on December 3, 2021, he and Officer Schlesinger met inside of the tour commander's office regarding the December 2, 2021 incident. He explained to Officer Schlesinger that he would receive a letter of counsel, which he refused to read and sign. The sergeant explained that the letter of counsel was not the same as command discipline or formal discipline, as they are issued for minor infractions or violations of NRPD rules, regulations, and procedures. Officer Schlesinger told the sergeant that he was refusing to sign the letter of counsel because he did not agree with its account of the December 2, 2021 incident. He told his sergeant that he would speak to a PBA representative about the letter of counsel. Later that day, the sergeant ordered Officer Schlesinger to sign it, but Officer Schlesinger refused. He turned on his body worn camera to record their conversation. According to the sergeant, as soon as Officer Schlesinger turned on his body worn camera, Officer Schlesinger began to "aggressively question" him and repeatedly stated, "You are ordering me to sign a piece of paper that is not true." The sergeant told him that he had until the

² NRPD Rules and Regulations Chapter 2 Personal and Professional Conduct § 2.1

end of tour to sign the letter of counsel. The sergeant described Officer Schlesinger's conduct as "wholly inappropriate," "rude, disrespectful, and borderline insubordinate," and "unacceptable, unprofessional, hostile, argumentative, and not in line with the professionalism and strong moral character our officers display on a daily basis."

The agency provided Officer Schlesinger's body worn camera footage and it captured the conversation with his sergeant while they were inside the tour commander's office. The video's audio began the moment Officer Schlesinger told his sergeant, "Are you telling me that what you are writing in this letter, no matter what it is, I have to sign this, no matter what you write?" The sergeant responded and stated, "No, I'm telling you to read it and I'm telling you to sign it, if you want, I will give you another hour and you can have a representative with you while you read it." Officer Schlesinger complained to the sergeant that the letter had inaccuracies and that he should not have to sign it. He abruptly exited the sergeant's office. Officer Schlesinger walked to another office at the precinct, approached PBA representatives, and turned off his body worn camera seconds later.

During Officer Schlesinger's interview with the OAG, Officer Schlesinger stated that he spoke to PBA representatives about the encounter with the sergeant and ultimately decided not to make a complaint against him. He admitted to turning on his body worn camera to record the conversation and described it as a "mistake in judgement."

Officer Schlesinger's sergeant reported Officer Schlesinger's actions to a lieutenant. An internal investigation was conducted and allegations for insubordination and failure to adhere to departmental policies and procedures for body worn camera usage were sustained. Officer Schlesinger's actions constituted multiple violations of NRPD policy, including, the requirement that all members of the department will not be insubordinate or disrespectful towards superior officers and will obey and comply with any lawful order given by a superior officer, and that body worn cameras shall not be used to record communications with other police personnel without their permission. Negative discipline, namely the loss of five leave days, was imposed by way of NRPD's command discipline process.

We concur with the internal investigation's decision to sustain the allegations. We find that Officer Schlesinger abused his authority when he turned on his body worn camera to record his conversation because it was a clear violation of NRPD's body worn camera policy.

E. Complaint # 4

On January 5, 2022, a New Rochelle resident reported that his parked vehicle had been struck by another vehicle. Officer Schlesinger was assigned to conduct a preliminary investigation. Earlier that morning, Complainant # 4 had struck the vehicle after a storm that caused icy road conditions. After striking the vehicle, he spoke to a neighbor of the vehicle's owner. Complainant # 4 informed the neighbor that he would return to the accident location because he had to take his elderly father, who was his passenger, to a doctor's appointment. He provided the neighbor with his contact information and left.

Officer Schlesinger and his partner went to the accident location as part of their preliminary investigation. He spoke to the owner of the parked vehicle and observed the damaged vehicle. The owner informed him that his vehicle was struck earlier that morning and that a neighbor took of a picture of the vehicle that struck it. He provided Officer Schlesinger with Complainant #4's name and address and license plate number. Officer Schlesinger and his partner did not speak to the neighbor but went directly to Complainant # 4's home to speak with him.

Minutes later, Officer Schlesinger arrived at Complainant # 4's home and spoke to Complainant # 4 in front of his home. Officer Schlesinger's body worn camera recorded their conversation. Officer Schlesinger asked Complainant # 4 why he left the location of the accident. He ordered him to provide his license and registration because he intended to issue him a summons for leaving the accident location pursuant to VTL § 600(1)(a). Complainant # 4 and his elderly father tried to explain that they had left the scene of the accident to take the father to the hospital. He stated that he had intended to return to the accident location before Officer Schlesinger's arrival. Complainant # 4's elderly father tried to mediate the conversation between Officer Schlesinger and Complainant # 4 asking Officer Schlesinger to show empathy because he was a sick man and needed to go to the hospital.

While Complainant # 4 explained the reason for leaving the accident, he referred to Officer Schlesinger as "brother." Officer Schlesinger told Complainant # 4 to stop calling him "brother" and asked why he called him "brother." Complainant # 4 responded that he called him brother as a "courtesy." Officer Schlesinger responded that it was "demeaning actually." Complainant # 4 provided Officer Schlesinger with his license and registration and Officer Schlesinger issued him a summons. Before leaving Complainant # 4's home, Officer Schlesinger told Complainant # 4 "try not to hit anymore cars today."

During Officer Schlesinger's interview with the OAG, he stated that more than three hours passed from the time the accident occurred to when Officer Schlesinger arrived at Complainant # 4's home, though in actuality, the internal investigation found that approximately one hour elapsed from the time of the accident to when Officer Schlesinger spoke to Complainant # 4.

Complainant # 4 contacted NRPD to make a complaint about Officer Schlesinger's discourteous conduct during the issuance of a traffic summons. He stated that he was not upset about the issuance of the summons but rather the way Officer Schlesinger spoke to him and his father.

On January 18, 2022, IAU interviewed Officer Schlesinger about the incident. According to Officer Schlesinger, he spoke to the owner of the parked vehicle as part of his preliminary accident investigation. Officer Schlesinger was informed that the parked vehicle was struck sometime in the morning and a neighbor took a photograph of the driver's vehicle. Officer Schlesinger did not speak to the neighbor but conducted a search using the license plate number and obtained Complainant # 4's name and address. He went to the Complainant # 4's home and spoke to him and his father. He described that he attempted to obtain the driver's license and registration, but Complainant # 4 and his father tried to explain why they left the

scene of the accident. Officer Schlesinger informed IAU that he did not believe their version of events because the damage to the parked vehicle indicated that the driver was not driving in the direction of the hospital. He said that he explained this discrepancy to Complainant # 4 and his father. The internal affairs investigator played his body worn camera during the interview, which revealed that Officer Schlesinger did not explain that discrepancy to them.

Officer Schlesinger stated that he asked Complainant # 4 not to call him brother because he was not friendly with him and did not have a relationship with him. He further stated that "if I called a black guy, a brother, would they like that?"

The internal investigation sustained Complainant # 4's allegations of discourtesy and found that Officer Schlesinger was "dismissive, condescending, disrespectful, and overall displayed a pattern of behavior that evinced rudeness." NRPD concluded that his actions violated two provisions of NRPD's rules and regulations; namely § 2.1 that require officers to conduct themselves in such a manner as to reflect most favorably on the department and § 2.4 that requires officers to be courteous and tactful in the performance of their duties and demonstrate patience and discretion when dealing with the public. The agency imposed negative discipline, namely the loss of two leave days, through the command discipline process for this encounter and other incidents alleging misconduct and expressed concerns regarding Officer Schlesinger's pattern of behavior.

We concur with the internal investigation's findings.

II. CONCLUSIONS AND RECOMMENDATIONS

Executive Law § 75(5)(b) requires that the OAG "determine whether the subject officer...has engaged in a pattern or practice of misconduct, use of excessive force, or acts of dishonesty." To identify a pattern of misconduct for purposes of Executive Law §75(5)(b), we look to whether the subject officer engaged in multiple acts of similar misconduct. Based on our findings, we conclude that Officer Schlesinger engaged in a pattern of abuse of authority by a preponderance of the evidence with respect to the following acts:

- Stopping and temporarily detaining Complainant # 1 for driving a van without probable cause that she committed a traffic infraction or other offense on January 21, 2021;
- Invoking his badge and status as a police officer to enter a restricted area at the North Shore University Hospital without authorization on August 30, 2021;
- Using his body worn camera to record a supervisor in violation of NRPD policy on; and
- Exhibiting unprofessional and condescending towards a member of the public on January 5, 2022.

Abuse of authority is a serious form of police misconduct and allegations of abuse merit scrutiny. Police officers "entrusted to protect the safety and rights of the public" and "hold an elevated position within the criminal justice hierarchy [that] confers upon them a greater

responsibility of office.”³ The OAG acknowledges that abuse of authority can take many forms and has defined it to encompass misuses of police power during police interactions with the public. Courts routinely subject these police interactions with the greatest scrutiny. In *People v. Debour*, the New York Court of Appeals noted that an officer’s role to prevent crime is highly susceptible to subconstitutional abuses; for whereas a policeman’s badge may well be a symbol of the community’s trust, it should never be considered a license to oppress.⁴ Recently in *Matter of Lynch v NY City Civilian Complaint Review Bd.*, 206 AD3d 558 [1st Dept 2022], the Appellate Division granted police oversight agencies latitude to define conduct that amounts to abuse of authority because of their expertise in studying and investigating police disciplinary matter. See also *DiGiacomo v NY City Civilian Complaint Review Bd.*, 214 AD3d 531 [1st Dept 2023]. OAG assesses allegations of abuse of authority based on the availability of credible information showing that committed constitutional abuses against members of the public and violations of their agency’s rules for professional conduct.

To address Officer Schlesinger’s pattern of abuse of authority, we recommend that NRPD continue to curtail Officer Schlesinger’s engagement with members of the public and closely monitor his conduct. His reassignment to desk duty is appropriate given that the potential for encounters with the public has been foreclosed.

We also recommend that NRPD consider the following policy changes:

- (1) Limit the use of the command discipline process for officers, like Officer Schlesinger, who repeatedly violate policy.

NRPD imposed the loss of two leave days for Officer Schlesinger’s conduct during the encounter with Complainant # 4 on January 5, 2022. That same penalty also covered four unrelated internal complaints involving other lower-level infractions such as the failure to notify headquarters of a traffic stop on January 4, 2022, failure to maintain his body worn camera in an operational state on January 12, 2022, and failure to act while on special detail and appear for a special detail on time on January 12, 2022, and January 21, 2022. To impose and document the loss of two leave days, the agency assigned the complaint number associated to Complainant # 4 to the four internal complaints (for minor infractions) and imposed the loss of two leave days under that complaint number.

The assignment of the same complaint number to cover Officer Schlesinger’s unrelated complaints may have streamlined the disciplinary process, but considering Officer Schlesinger’s lengthy record of substantiated violations, he should not have benefited from a minimal loss of leave time, namely two days, to cover five unrelated complaints.⁵ The International Association of Chiefs of Police (“IACP”) advocates for the documentation of allegations of misconduct, the resulting investigation, and any corrective action so that agencies consider the accumulation of repeated

³ See *Concept & Issues Paper, Standards of Conduct*, Int’l Ass’n of Chiefs of Police, July 2019, at 7, <http://www.theiacp.org/sites/default/files/2020-06/Standards%20of%20Conduct%20June%202020.pdf>

⁴ *People v De Bour*, 40 NY2d 210 [1976]

⁵ NRPD Manual of Procedure Chapter 6 Disciplinary Procedures Article 6.01

behavioral problems or minor infractions of policy and procedures when determining future penalties for misconduct.⁶ Moreover, IACP recommends that each complaint should receive a unique tracking number.⁷

We recommend that division commanders who choose to implement negative discipline through NRPD's command discipline process should impose a separate penalty for each complaint with sustained allegations of misconduct or minor infractions. NRPD's division commanders should refrain from proposing a single penalty to cover unrelated complaints because this practice does not accurately capture the number of complaints and the associated corrective measures or discipline imposed and may inhibit progressive discipline.

- (2) Define "minor infraction" and "repeatedly engage in such conduct," as used in the Disciplinary Procedures. The definition of "Command Discipline" and other provisions refer to "minor infractions" without providing guidance as to what conduct falls within this category. Supervisory Responsibility section provides that officers who "repeatedly engage in such conduct," referring to "minor violations," should be formally written up and departmental charges should be preferred, but it does not define what constitutes repeated conduct. Supervisors should have a clear understanding of the agency's expectations for disciplining officers and, similarly, officers should be assured that supervisors will fairly apply the Disciplinary Procedures under these circumstances.
- (3) Similarly, to ensure fairness and consistency across officers, NRPD should consider developing a disciplinary matrix to provide guidance on appropriate penalties.
- (4) Amend the description of supervisors' reporting requirements in Supervisory Responsibility section. Currently, § 1.1 of the Disciplinary Procedures currently makes it discretionary for supervisors to document and forward complaints for further action for incidents involving officers committing minor infractions, but § 1.7 requires supervisors to make a record of any disciplinary action. Section 1.1 should be amended to have the same reporting requirement as § 1.7 to allow supervisors to track all complaints and the corresponding corrective action or discipline and ensure progressive discipline in the future.
- (5) Update Chapter 2, Article 2.03 § 3.1 of the Uniform Traffic Ticket and Enforcement Policy to reflect the proper bases for a lawful traffic stop as set forth by the New York Court of Appeals in *People v Hinshaw*, 35 NY3d 427 [2020]. Currently, NRPD's traffic enforcement policy provides that officers have the authority to conduct a traffic stop when they *reasonably suspect* a motorist committed a traffic offense. However, under *Hinshaw*, officers in New York state must have *probable cause*, a higher

⁶ See *Concept & Issues Paper, Standards of Conduct*, supra note 3, at 3-4.

⁷ See *Concepts & Issues Paper, Investigation of Allegations of Employee Misconduct*, Int'l Ass'n of Chiefs of Police, April 2019, at 1, <https://www.theiacp.org/sites/default/files/2020-08/Investigation%20of%20Allegations%20of%20Employee%20Misconduct%20-%20FULL.pdf>

standard than reasonable suspicion, to conduct a traffic stop based on their observance of a traffic offense.

Pursuant to Executive Law § 75(5)(c), we request that your agency inform the OAG within ninety days of the actions it is taking in response to this letter.

Sincerely,

LETITIA JAMES
Attorney General of the State of New York

By: **Assistant Attorney General Simone Manigo**
Law Enforcement Misconduct Investigative Office

Overview of LEMIO and Executive Law Section 75

Executive Law Section 75 was enacted in June 2020 following state- and nation-wide protests regarding high-profile law enforcement abuses and a perceived lack of accountability. Its passage reflected the legislature's recognition of the need for a stronger system of independent statewide oversight to preserve civil rights and civil liberties, protect public safety, and help increase public trust in law enforcement.

A. Executive Law 75

Under Executive Law Section 75, LEMIO's jurisdiction extends to more than 500 local enforcement agencies (known as "covered agencies") across New York state, ranging from the New York City Police Department (NYPD) to county sheriffs to smaller police departments in towns and villages. Every agency that employs police officers as defined in N.Y. Crim. Proc. Law 1.20 is a covered agency for purposes of Executive Law Section 75, other than agencies under the jurisdiction of the Metropolitan Transportation Authority Inspector General, the Port Authority Inspector General, and the State Inspector General.³

Executive Law Section 75 empowers LEMIO to "receive and investigate complaints from any source or [on] [its] own initiative, concerning allegations of corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse in any covered agency," to review policies and procedures of covered agencies with regard to the prevention and detection of misconduct, and to "investigate patterns, practices, systemic issues, or trends identified by analyzing actions, claims, complaints, and investigations."⁴

The statute also authorizes LEMIO to determine whether disciplinary action, civil or criminal prosecution, or further investigation by an appropriate federal, state, or local agency is warranted, to prepare and release written reports of investigations, and to recommend remedial action.⁵ LEMIO and other units within OAG also may bring civil litigation against covered agencies, as appropriate, to address patterns of misconduct and seek structural changes to protect civil rights.⁶

LEMIO is required to inform the New York State Division of Criminal Justice Services (DCJS) and the heads of covered agencies of allegations of misconduct and the progress of its investigations unless special

3. N.Y. Exec. Law Section 75(1).

4. N.Y. Exec. Law Section 75(3)(a), (c) & (g).

5. N.Y. Exec. Law Section 75(3)(c), (d) & (f).

6. See, e.g., *New York City Policing During Summer 2020 Demonstrations*, No. 20-cv-0824, 2020 WL 2894784, at *7 (S.D.N.Y. Jan. 6, 2021) (finding that the statute grants power to pursue Section 87(2)(b) claims against the New York City Police Department); *New York + Town of Westcoast*, No. 20-cv-0826, 2021 WL 1261136, at *9 (S.D.N.Y. Mar. 16, 2021).

Head of New Rochelle Police Special Investigations Unit Suspended for Tampering with Evidence (Drugs)



Robert Cox

01 Aug 2024 — 1 min read



NYPD Lt. Sean Kane at promotion ceremony on February 10, 2024 at New Rochelle City Hall

NEW ROCHELLE, NY (August 1, 2024) — It would be difficult to overstate the

implications of the allegations that Lieutenant Sean Kinn, the head of the Special Investigations Unit of the New Rochelle Police Department, tampered with evidence. The case that precipitated the internal police investigation had already been tossed out and the officer involved suspended and referred to the Westchester County District Attorney's Office for investigation. It will get worse before it gets better.

- All convictions where he played a role may be tossed out as has already happened with the immediate case that triggered an internal NRPD investigation.
- There will be an even greater push to give disciplinary authority outside the chain of command to the Civilian Complaint Review Board.
- Long-standing complaints against the NRPD, especially in the Black community, will appear to be validated (and for many they would strike the word "appear" from that sentence).
- Police Commissioner Robert Gazzola will be under intense pressure to resign which may lead to his early retirement.
- It will likely be an ongoing investigation as the New York State Attorney General's Office issues its much anticipated report on the officer-involved shooting of Jerrell Garris which is likely to exonerate the officers and paint Garris in a negative light.

I learned off all this yesterday. I sent inquiries to the NRPD and WCDA but did not hear back until today so held off running a story given the incendiary nature of the allegations.

The NRPD issued a statement at 1:10 pm on August 1, 2024. The WCDA is sending me a statement soon and the story linked below will be updated with the statement.

SEE: [Senior New Rochelle Police Officer Suspended; Investigation by DA for](#)

4:48 AM

Signal strength, Wi-Fi, and battery icons

<  Ann Eliot Supervi... ▾ ⋮

2:16 PM

Friday, December 14, 2018

Please conform tomorrow's visit and pickup time. Thank you. Miss my kids and they miss me. Very hard having hannukah without the kids.

5:08 PM

Saturday, December 15, 2018

9am pick up

4:18 AM

I'm downstairs when u get here

6:07 AM

✕

E-46.1 "G"

Supreme Court of the State of New York
Appellate Division, Second Judicial Department

D62153

C/afa

ADM

Submitted - January 2, 2020

REYNALDO E. RIVERA, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
PAUL WOOTEN, JJ.

2018-08743
2018-08934

DECISION & ORDER

In the Matter of Jennifer Solomon, respondent,
v Marc Fishman, appellant.
(Proceeding No. 1)

In the Matter of Marc Fishman, appellant,
v Jennifer Solomon, respondent.
(Proceeding No. 2)

(Docket Nos. V-8186-14/15B/17P, V-8187-14/15B/17P,
V-8188-14/15B/17P, V-8189-14/15B/17P)

Del Atwell, East Hampton, NY, for appellant.

Legal Services of the Hudson Valley, White Plains, NY (Nicole E. Feit of counsel),
for respondent.

Kathleen M. Hannon, Scarsdale, NY, attorney for the children.

In related proceedings pursuant to Family Court Act article 6, the father appeals from (1) an order of fact-finding of the Family Court, Westchester County (Michelle L. Schauer, J.), dated June 13, 2018, and (2) an order of protection of the same court, also dated June 13, 2018. The order of fact-finding, after a hearing, granted the mother's petition to modify the parties' so-ordered agreement dated May 5, 2014, so as to award her sole legal and residential custody of the parties' children, and denied the father's cross petition to enforce that agreement. The order of protection, inter alia, directed the father to stay away from the children, their home, and their schools, except for certain supervised parental access, until and including June 13, 2019.

February 26, 2020

Page 1.

MATTER OF SOLOMON v FISHMAN
MATTER OF FISHMAN v SOLOMON

ORDER) that the order of fact finding is affirmed, without costs or disbursements, and it is further:

ORDER) that the appeal from the order of protection is dismissed as academic, without costs or disbursements.

The parties were divorced in 2012, and are the parents of four children. On May 5, 2014, the parties entered into a court-ordered agreement providing, *inter alia*, for joint legal custody of the children, with the mother having physical custody and final decision-making power, and the father having alternate weekend and midweek parental access with the children (hereinafter the May 2014 agreement). Thereafter, the mother filed certain petitions, including a family offenses petition against the father, and the Family Court entered temporary orders of protection and interim parental access orders. In 2015, the mother filed a petition to modify the May 2014 agreement, so as to award her sole legal and residential custody of the children. The father cross-petitioned to enforce the May 2014 agreement. After a fact-finding hearing, the court granted the mother's petition and denied the father's cross petition. Further, the court issued an order of protection directing, *inter alia*, the father to stay away from the children, their home, and their schools, except for certain supervised parental access, until and including June 13, 2019.

The order of protection expired by its own terms on June 13, 2019, and the determination of the appeal from that order would, under the facts of this case, have no direct effect upon the parties (see *Matter of Linda F. [Jose F.]*, 119 AD3d 944, 945). Further, under the facts of this case, the issuance of that order of protection did not constitute a "permanent and significant stigma which might indirectly affect the [father's] status in potential future proceedings" (*Matter of McClure v McClure*, 176 AD2d 325, 326 [internal quotation marks omitted]; see *Matter of Melikishvili v Grigolava*, 20 AD3d 569, 570). Accordingly, we dismiss the appeal from the order of protection as academic.

"Modification of an existing court-sanctioned custody or [parental access] arrangement is permissible only upon a showing that there has been a change in circumstances such that a modification is necessary to ensure the continued best interests and welfare of the child[ren]" (*Matter of Spencer v Killoran*, 147 AD3d 862, 863, quoting *Matter of O'Shea v Parker*, 116 AD3d 1051, 1051; see *Matter of Lewis-Daniel v Daniel*, 176 AD3d 940). "[I]nasmuch as custody determinations turn in large part on assessments of the credibility, character, temperament, and sincerity of the parties, the [court's] determination should be disturbed only if it lacks a sound and substantial basis in the record" (*Bondarev v Bondarev*, 152 AD3d 482, 482, quoting *Matter of Bacchi v Clancy*, 101 AD3d 993, 993).

Here, the Family Court's determination that there had been a change in circumstances requiring a transfer of legal custody is supported by a sound and substantial basis in the record (see *Matter of Lewis-Daniel v Daniel*, 176 AD3d at 940; *Bondarev v Bondarev*, 152 AD3d at 482). Moreover, the court's determination that an award of sole legal and residential custody to the mother would be in the children's best interests is supported by a sound and substantial basis in the record (see *Bondarev v Bondarev*, 152 AD3d at 482). The record demonstrates that certain behavior by the father has resulted in both fear and anxiety in the children. Moreover, the parties' relationship deteriorated after they entered into the May 2014 agreement. Therefore, we agree with the court's

NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES
CHILD ABUSE AND MALTREATMENT REGISTER
P.O. BOX 4487 ALBANY NY 12244-0487

Unfounded
Let's
no evidence on
abuse

Shelli J. Pease
Acting Commissioner

August 22, 2014
Re Case ID 25878590
Intake Stage ID 29673663
Date of Intake 06/11/2014

Mart Fishman
1000 Rockefeller Ave
APT C
Brooklyn, NY 11241-3417

Dear Mart Fishman:

Recently you were notified of the existence of a report of suspected child abuse or maltreatment under the above Case ID. The original notification explained that the matter was under investigation.

We can now inform you that as a result of the assessment made by the local child protective service, no credible evidence was found to believe that the child(ren) has been abused or maltreated. Therefore, the report has been determined "unfounded."

In accordance with the Section 422(3) of the Social Services Law, all information that in any way would identify persons named in this report has been legally sealed from the New York State Child Abuse and Maltreatment Register (State Central Register). The local child protective service has also been notified to legally seal all identifying information from the local Child Abuse and Maltreatment Register.

Please note: If you had previously been informed by the local Department of Social Services that a different report under the above referenced Case ID had been "indicated", then that report will remain on record with the State Central Register. Additionally the sealing of this particular report will not affect any eligibility for services you may be currently receiving as a result of being the subject or an other person named in a previously indicated report.

An "unfounded" report will remain legally sealed and may only be made available under limited circumstances including: to a local child protective service or State agency investigating a subsequent report of abuse or maltreatment involving the same subject of the report, or child named in the legally sealed unfounded report, or the child's sibling; or to the subject of the report where the subject requests access to the unfounded report. Legally sealed "unfounded" reports will be expunged 10 years after the receipt of the report.

The expungement of information is done routinely and does not require any action by you. However, if you have any questions concerning this letter please contact the New York State Child Abuse and Maltreatment Register and provide the Case ID and Intake Stage ID given in the upper right-hand corner of this letter.

Sincerely,

Linda A. Joyce, Director
State Central Register
Child Welfare
and Community Services

Wendy P. ...
County Executive

Department of Social Services

Artem M. ...
Commissioner

Date: August 13, 2014

Honorable Judith Klein

Family Court Judge

New Rochelle Family Court

420 North Ave

New Rochelle, New York

Re: Fishman-Solomon

Docket # V-07866-14/14A

File # 131794

Dear Judge Klein:

This report is being submitted by the Westchester County Department of Social Services, Child Protective Services, in response to Your Honor's request on July 22, 2014 to conduct an investigation regarding the above named family.

Case ID: 25878530

Oral Report Date: June 11, 2014

Case Composition: Jennifer Solomon

Marc Fishman

Kiara Fishman, Joanna Fishman

Alden Fishman, Jonah Fishman

The State Central Registry contained the following allegations

inadequate supervision, incarceration, bruising, welts and swelling that were unresponsive

The following individuals were interviewed in connection with this report

1. Jennifer Solomon

2. Marc Fishman

3. Kiara Fishman, Joanna Fishman

4. Alden Fishman, Jonah Fishman

5. [Illegible]

6. [Illegible]



the children have their own beds and Juanna has her own bedroom. Marc Fishman's home was assessed by the caseworker from the Administration of Children Services. That caseworker reported that initially, Marc Fishman refused him access into his home. He stated that by the end of the investigation he gave him access to the home. He stated that the children sleep on mattresses on the floor. Marc Fishman sleeps on the couch. Reportedly, one of the bedrooms had a mildew smell due to the mold that was in the furnace. The home does not have a functioning kitchen, he is not able to prepare meals for the children.

The home was not observed because:

As a result of our investigation, the report has been unfounded.

Unfounded reports are legally sealed pursuant to Social Services Law Section 422. Pursuant to Social Services Law Section 422, once a report has been unfounded, the Department should "request of the court that any copies of such reports produced in any court proceedings be redacted to remove the names of the subjects and other persons named in the report."

During the course of our investigation the following indicated reports were found:

None

We hope that the above information will be of assistance to the Court.

Sincerely,



NAME

Sr. Caseworker, CPS

Mount Vernon, NY

SUPERVISOR NAME:

Supervisor of Casework, CPS

cc: CPS Program Office