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Mayor

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STRATTON FIRES POLICE OFFICER JOHN LEWIS

Mayor Accepts Hearing Officer's Recommendation to Immediately Terminate Schenectady Police Officer following lengthy Disciplinary Review Process

SCHENECTADY – Mayor Brian U. Stratton today announced the immediate termination of Schenectady Police Officer John Lewis following a lengthy disciplinary review hearing and report issued by an appointed independent hearing officer. Officer Lewis' termination is effective April 12, 2010.

“Today, I have executed the necessary documents to terminate Police Officer John Lewis' employment with the City of Schenectady,” Mayor Stratton said at a City Hall press conference.

In defending his decision to terminate the 16-year veteran of the city's police department, the Mayor referenced the disciplinary report and recommendations of appointed hearing officer, Jeffery Selchick.

“As hearing officer Selchick has stated in his report and recommendations to me, Mr. Lewis has placed his own interests above those of the public he swore to protect and to serve. Time and again, he has acted with complete and utter disregard for the law and for the slightest remorse for his actions or made any effort to accept personal responsibility for his conduct,” Mayor Stratton said.

Mayor Stratton received Selchick's disciplinary report on April 5, 2010, following a nearly two-year review of four Notices of Discipline brought against Officer Lewis. The disciplinary charges directed at Lewis are related to domestic incidents (harassment and violation of protective orders) against his ex-wife, insubordination during an alcohol-related driving incident, an alcohol-related driving incident involving property damage and a domestic incident at the home of his mother.

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Stratton said Officer Lewis' actions clearly set the wrong example for police conduct.

"Officer Lewis' transgressions do not merely represent inappropriate and improper behavior, or an isolated error in judgment, he has repeatedly acted contrary to the expectations of the community, contrary to the high standards we assign, and repeatedly acted in contravention of the laws he swore to uphold and enforce as a Schenectady police officer."

"Time and again, Officer Lewis has acted with complete and utter disregard for the law and for the authority of his superior officers. Perhaps, most unforgivably, he has never expressed even the slightest remorse for his actions or made any effort to accept personal responsibility for his conduct."

"To forgive such misconduct would lead to anarchy within a department that has been repeatedly criticized for abuse of the oath and privileges bestowed upon our police officers by a trusting community."

Public Safety Commissioner Wayne Bennett said, "The Mayor's determination to terminate the employment of Officer John Lewis is clearly the most appropriate disposition given the extensive record of misconduct by this police officer. The process has been expensive and frustrating from a management perspective however, the city had no other recourse than to utilize the process that was available as a result of Civil Service Law requirements and the mandates of an unfavorable decision addressing Police Commissioner discipline. Despite all this, even the most reasonable managers and taxpayers alike would certainly concur that to ignore this flagrant misconduct and allowing this officer to continue as an active police officer, would have set an unacceptable professional standard and potentially exposed the city to a future civil action where these costs would have paled in comparison."

Police Chief Mark Chaires stated, "While I take no personal pleasure in the termination of John Lewis, I do feel relieved for the citizens of this City and John's former fellow officers. The citizens invested their hard-earned tax dollars in John's career. When we weigh the expenses incurred throughout his career against his on- and off-duty performance – it is abundantly clear - Schenectady's citizens have been severely shortchanged and done a tremendous disservice.

The vast majority of Schenectady Police Officers who have conducted themselves as professionals also deserved better. Their hard work will no longer be overshadowed by his misconduct."

The Mayor said the lengthy process and laws which the City of Schenectady is required to operate under for the police disciplinary process will not deter the City from doing all it can to strictly discipline or rid itself of unworthy police officers and bring professionalism to the department.

“No member of this police department should, for one moment, think that we will lessen our resolve to attain the goal of restoring the respect and credibility of the Schenectady Police Department because the laws or established disciplinary review process makes that task more difficult. We will abide by the law, work within the law, but we will not be dissuaded.”

The Mayor said that the observations in the Selchick report also serve as a reminder to each of the 166 sworn officers of the Schenectady Police Department of the higher standards they are held to uphold every day, both on and off duty:

“In the City of Schenectady, we expect our police to set the example. A police officer must be held to a higher standard of personal and professional conduct, both on and off the job. To do otherwise is to betray the office and to tarnish the badge which the new officer is so proud to receive when they take that solemn oath to protect and to serve.”

Mayor Stratton acknowledged the good work of the majority of the officers of the Schenectady Police Department, saying that their performance must not be tainted by the actions of Officer Lewis and others.

“I believe the vast majority of the members of our Police Department are hard-working, dedicated professionals guided by the very standards they have sworn themselves to, and by their own moral compass. They are proud to do their jobs, and we are fortunate to be served by them,” Mayor Stratton said.

But the Mayor also issued a strict warning to other officers who fail to uphold the expected standard of excellence.

“To those whose actions and behavior – on and off duty – would fall below the standards of professional conduct I have articulated today, know this: Your days as a member of the Schenectady Police Department will be numbered.”

A copy of Mayor Stratton’s statement on the termination of Officer Lewis is attached.

Statement of Mayor Brian U. Stratton

Decision to Terminate Employment of Police Officer John Lewis

April 12, 2010

Good afternoon. I have asked for this opportunity to publicly convey my decision following the conclusion of the nearly two-year disciplinary review of Police Officer John Lewis.

I am joined today by Police Commissioner Wayne Bennett, Chief of Police Mark Chaires, our assistant Chiefs of Police, and City Councilmembers and by the City's Corporation Counsel John Van Norden.

Following my statement and remarks, you will be hearing from some of them.

Today, I have executed the documents necessary to immediately terminate the employment of John Lewis as a police officer, in and for the City of Schenectady.

In making this announcement, I have a few comments and observations to convey to the citizens of Schenectady, and to the men and women who serve our citizens as sworn officers of the Schenectady Police Department.

On Monday, April 5th, I received a report from the hearing officer I appointed last year to preside over the disciplinary hearings required by New York State civil service law as a prerequisite to determining if Mr. Lewis should be disciplined or removed from city employment.

I know that I am not alone in expressing my personal frustration over the repeated delays, continual legal proceedings, and rising costs associated with reaching the determination I announce today, and with the other cases that will follow.

I would have preferred a much more expedited process, a less expensive process, and certainly a more open and transparent process.

The fact is, we sought that, we intended that, and we moved forward to provide that ...only to have our efforts stalled for more than a year.

We still await a decision from the NY Public Employee Relations Board - PERB, and the process was set back more recently by an injunction issued last year by State Supreme Court Justice Barry Kramer.

Judge Kramer ruled these disciplinary hearings could not be conducted open to the press and public, and that the City of Schenectady could not under the New York State Second Class Cities Law independently discipline its police officers.

As we move forward, we are appealing Judge Kramer's decision. It has been an extremely frustrating process for all of us.

But frustrations aside, we are a nation governed by the rule of law, and I would be remiss, as would all City officials, if we were to ignore the individual rights protected by law.

In order to move forward with the multiple disciplinary proceedings that had accumulated while we await action by P.E.R.B., I appointed a highly respected attorney and arbitrator Jeffrey Selchick, as hearing officer. It should also be noted that his appointment was embraced and supported by the leadership of the Schenectady PBA.

Our intentions in appointing a hearing officer was to ensure that the process leading to discipline was fair and administered by a neutral party, whose findings and recommendations would be beyond reproach.

Mr. Selchick performed his duties with distinction and I accept his report, agree entirely with his observations, findings and recommendations, and thank him for his service in this case.

Although the factual determinations and disciplinary recommendations contained in Mr. Selchick's report are required by Chapter 50 A of the New York State Civil Rights Law to remain undisclosed, portions of his findings concerning the nature of police service and the professional and personal obligations that go with that office are particularly worthy of noting.

Mr. Selchick's observations provide clear notice to all City Police Officers of the high standard of conduct we as a society expect in the discharge of their obligation to serve and to protect.

Accordingly, I have incorporated some of the spirit of his report in this announcement.

To paraphrase what hearing officer Selchick outlines in supporting his recommendation for the immediate termination of Officer Lewis, the standard of personal and professional conduct expected of a police officer is significantly higher.

Of the many who strive to become a Police Officer, only a few are selected.

After a stringent application process, physical and mental examinations, and background investigations, our police officer recruits attend a 26-week academy, where they are instructed in all aspects of the law, criminal procedure, weapons use, public relations, physical defense, and overall general knowledge.

Once selected and trained, a police officer takes an oath--to uphold and enforce the laws of this City, the County, the State and the Nation.

It is an oath taken publicly, seriously and given with great commitment, as all realize that in the performance of his or her duties, a police officer may be called upon to place themselves in harm's way.

And we, as the grateful recipients of that commitment, recognize and honor those police officers who have made the ultimate sacrifice and have given their lives in selfless service to us.

Mr. Selchick correctly notes that a police officer is also held to a higher standard of conduct because he or she is entrusted with a badge and a weapon, symbols of the legal authority granted to an individual to exercise the power of government, the legal authority to exercise control over others.

One of those obligations is to conduct oneself in an exemplary manner, maintaining high standards of personal conduct and behavior. By doing so, the police officer shows his respect for the very laws that he has sworn to enforce and uphold.

To do otherwise, is to betray the oath of office, and tarnish that very badge which he is so proud to receive when he takes that solemn oath.

In the City of Schenectady, we expect our police to set the example.

The record of the hearing upon which my decision is based demonstrates to me, as it would I believe to anyone who were able to read Mr. Selchick's report, that Officer Lewis has clearly placed his own interests above those of the public he swore to protect and to serve.

Time and again, he has acted with complete and utter disregard for the law and for the authority of his superior officers in the department.

Perhaps most unforgivably, he has never expressed even the slightest remorse for his actions or made any effort to accept personal responsibility for his conduct.

In reality and by his own actions, Mr. Lewis is exactly the opposite of what the people of Schenectady expect and deserve from its police officers.

The residents of Schenectady should not be made to assume the risks that would certainly follow if an individual with such a demonstrated lack of control and respect for the law were he allowed to remain a member of our police department.

Nor, should the other officers of this department be tarnished or even endangered by such misbehavior of an individual.

Officer Lewis has repeatedly acted contrary to the expectations of the community, contrary to the high standards we assign to one who exercises the authority of government.

He has repeatedly acted in contravention of the laws he swore an oath to uphold and enforce, the same laws we expect all citizens to respect and obey.

To forgive such misconduct would further compromise a department that has been repeatedly criticized for abuse of the oath and privileges bestowed upon its officers by a trusting community.

Excusing Mr. Lewis' litany of transgressions would only perpetuate the unjustified public perception that the Schenectady Police Department is beyond control.

This department is not beyond our control, although the law restricts the manner and speed by which we wield that control and effectively respond to scandals like those it has repeatedly endured.

My decision today to sustain Mr. Selchick's recommendation and to move forward with the immediate termination of Officer Lewis should also provide a clear message to all of our Police Officers.

Notwithstanding the restrictions and pace of the established disciplinary review process, as it currently exists, no member of this department should for one moment think that we will lessen our resolve to attain the goal of restoring the respect and credibility of the Schenectady Police Department because the law makes that task more difficult or time consuming.

We will abide by – and work within the law --- but will not be dissuaded or deterred.

As you know, several other disciplinary cases are continuing and we await those findings and recommendations of hearing officer Selchick. Not every infraction or even every series of infractions that continue under review will warrant termination of the police officer in question.

I trust that when dismissal is warranted, Mr. Selchick will express that recommendation.

But I also trust that when dismissal is not warranted, he will likewise make the recommendation that the law requires.

As Mayor, I will make the final decision.

I would much prefer that the public be an open witness to the process, but we must proceed as prescribed by the Courts and by State Law until the Court's respond to our appeal for change.

Finally, to those officers who serve this community every day with pride, with honor and with distinction, I express the immeasurable thanks and admiration of a grateful City.

We appreciate your selfless and tireless work protecting our homes, the safety of our children, and our lives.

And to those whose actions and behavior -- both on duty and off-duty -- would fall below the standards of conduct I have articulated today . . . know this:

Your days with the Schenectady Police Department will be numbered.

I would also remind our citizens that I believe the vast majority of the members of our Police Department are hard-working, dedicated professionals guided every day by the very standards they have sworn themselves to, and by their own moral compass.

They are proud to do their jobs, and we are fortunate to be served by them.

Thank you.

And now I want to introduce Commissioner Bennett for comment.