



SUPERVISOR'S NOTATION

1. NAME:

Sgt. James P. Flynn

2. DATE:

09/18/01

RE: Annual Employee Performance Review, Tpr. ██████████, dated 09/17/01

The subject EPR was prepared by Corporal Thomas Sullivan, a member under your command, and submitted to you for your review prior to presentation to Trooper ██████████. The EPR does not accurately reflect Trooper ██████████' work performance during the assigned rating period [Sept. 2000 to August 2001] and is inaccurate in its assessment that, overall, Trooper ██████████ is considered "Commendable." This report should never have been approved by you, as is.

Category #2 - Work Results

Trooper ██████████ was assigned a rating of "commendable" and the comment of "... if the total number of vehicle contacts were combined, Tpr. ██████████ would probably be one of the highest at the Pocono station." This is simply not accurate. Compared to the other station members, during the same period, Trooper ██████████ was average. In fact, during most of the current evaluation period Trooper ██████████ was below average in total contacts.

A more realistic assessment of Trooper ██████████' work results indicates the following facts:

-For the first 9 months (75% of the rating period) Trooper ██████████' Traffic Enforcement productivity was below station averages. On a monthly average, he wrote:

	<u>1st nine mos.</u>	<u>Station Avg.</u>
<u>Traffic Citations</u>	17.3	27.6
<u>Written warnings</u>	13.5	10.4
<u>Motorist Assists</u>	3.2	2.8
<u>TOTAL CONTACTS</u>	34.0	40.8

In April or May, 2001, based on a conversation with the Troop T, Commanding Officer, I directed you to NOT schedule Trooper ██████████ for any additional voluntary, construction overtime until his statistics, particularly in the area of traffic enforcement, improved. Only after being removed from the overtime list did Trooper ██████████ increase his productivity. His traffic arrests for the last three months vaulted from 17.3 per month to 42.7; likewise his Written Warnings and Motorist Assists virtually doubled. As a Station Commander, this should indicate to you that Trooper ██████████ had the necessary skills, abilities, and job knowledge to have done this all year long. However, he chose to be less productive than the other station members and only responded to ensure he would be scheduled for overtime. This is not "commendable" work results.

Video Deposition of Thomas F. Traister

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1 to work one of the premium
2 holidays.
3 Q: OK and they automatically get
4 double time or whatever it would
5 be?
6 A: Yes sir
7 Q: OK then let's just talk about
8 regular voluntary overtime. How
9 how does the assignment of that
10 work? Do do Troopers have to
11 compete for it? Do you have a
12 problem you know people not working
13 enough overtime? Describe that for
14 me?
15 A: The bulk of our voluntary
16 overtime at Troop T at least in the
17 Eastern Section, is construction
18 overtime.
19 Q: Is that, what does that mean?
20 This is the Trooper who sits by the
21 construction site?
22 A: Sits at the construction site
23 with the red lights and flashers
24 on.
25 Q: They deserve their money for

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1 doing that.
2 A: That is entirely up to the
3 discretion of the Station Commander
4 how to delve that out.
5 Q: OK and and your experience is
6 that something that Troopers, that
7 there's more overtime than there
8 are Troopers who want it or there
9 are more Troopers than overtime to
10 go around?
11 A: It comes and goes in cycles.
12 Right now, there's more Troopers
13 than there is overtime.
14 Q: OK
15 A: Next year like we've had in
16 the past there's a big project so I
17 would anticipate more overtime than
18 Troopers want it. They'll have to
19 not order but.
20 Q: And now and and
21 A: .ask.
22 Q: Is overtime used as as a
23 carrot and the stick in in the
24 personnel administration of
25 Troopers? I mean you might give an

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1 instruction for someone to don't
2 give him overtime until he gets
3 better or give him overtime. You
4 know he deserves overtime. I mean
5 do you show favor or.
6 A: Me personally
7 Q: .You or yes, you
8 A: I do not get involved in the
9 operation or the assignment of
10 overtime.
11 Q: OK
12 A: My only rule to my.
13 Q: OK
14 A: .My only rule to my Station
15 Commanders is that of those members
16 that you're giving it to, make sure
17 they have an equal opportunity,
18 each member gets an equal
19 opportunity to get it.
20 Q: OK here's a document marked as
21 Exhibit 7. This is; this is a
22 supervisor's notation. I guess
23 this is issued to James Flynn,
24 correct?
25 MR. MARCECA: Changing

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1 tape; 2 o'clock; changed tape 2,
2 side 2.
3 MR. OSTROWSKI: OK this
4 is a supervisor notation that you
5 prepared for Sergeant Flynn,
6 correct?
7 MR. TRAISTER: Yes
8 Q: OK and did Sergeant Flynn have
9 continuing problems in this area
10 whatever it was that you're you're
11 communicating to him about an EPR
12 for Trooper [REDACTED] dated 9/17/01?
13 I mean did he have a continuing
14 problem in this area?
15 A: He has had problems off and
16 on.
17 Q: OK so so this, this is dated
18 9/18/01 and this this would not
19 have been purged is that because he
20 has had continuing problems in this
21 area? OK
22 A: I'm not sure if I still have
23 this notation.
24 Q: OK now on the bottom of that
25 it says in April or May 2001 based

Video Deposition of Thomas F. Traister

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1 on a conversation with Troop T
2 Commanding Officer I directed you
3 to not schedule Trooper [REDACTED] for
4 any additional voluntary
5 construction overtime until his
6 statistic particularly in the area
7 of track traffic enforcement
8 improved. That's your statement
9 correct?

10 **A: Yes sir**

11 Q: OK I derive from that that you
12 testified falsely about two minutes
13 ago. Is there any reason why I
14 should not derive, why I should not
15 reach that conclusion?

16 **A: I was merely passing along
17 this assignment from the Commanding
18 Officer.**

19 Q: OK but you say you; but you
20 didn't say I'm merely passing along
21 this assignment. You say I
22 directed correct?

23 **A: Correct**

24 Q: OK

25 **A: Based well you gotta read**

1 Q: OK and do you know that
2 November 18, 2003 was the date of
3 the call batching call box incident?

4 **A: I believe that's correct.**

5 Q: OK are you the subject of an
6 ongoing BPR relating to that call
7 box incident?

8 **A: Not that I'm aware of**

9 Q: OK but Sergeant Foose is
10 correct?

11 **A: Yes sir**

12 Q: OK and this is a Duty Roster
13 for for for what, for the range?
14 Or is this this is.

15 **A: It's for the entire King of
16 Prussia Barracks for that day.**

17 Q: OK is your name is on here?
18 Is it?

19 **A: Yes**

20 Q: OK and it's on that first page
21 right?

22 **A: Yes**

23 Q: OK OK now when you testified
24 earlier that you were in Highspire
25 that day correct?

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1 **before it.**

2 Q: OK

3 **A: Based on a conversation with
4 him**

5 Q: OK

6 **A: I'm directing him**

7 Q: OK now then here's a; here's
8 Exhibit 8. I'm sorry. Now this,
9 all these documents refer to the
10 call box incident and actually
11 you're on the page that I was going
12 to start with.

13 **A: OK**

14 Q: And that, do you recognize
15 the; I think let me have that?
16 Actually let me have that sticker
17 over there? OK it would be one,
18 two, three, four the fifth and
19 sixth page of that document. And I
20 have that before you correct?

21 **A: Yes sir**

22 Q: OK do you recognize what that
23 is?

24 **A: It's a Daily Duty Roster for
25 November the 18th, 2003.**

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1 **A: I testified I though I was in
2 Highspire.**

3 Q: OK but or that you either you
4 were in Highspire or you that you
5 were off of work or something that
6 day, correct?

7 **A: Yes**

8 Q: But you were on the firing
9 range doing qualifying that day,
10 correct?

11 **A: I don't recall specifically
12 that I was, but if it's on here, I
13 would tend to believe that yes I
14 was there. I don't have an
15 independent recollection of.**

16 Q: Well L-T T-R-A-I-S-T-E-R

17 MS YERGER: Oh wait, can
18 you say those again please?

19 MR. OSTROWSKI: L-T space
20 T-R-A-I-S-T-E-R then T-H-O-M-A-S
21 then F that's you, right?

22 MR. TRAISTER: Yes

23 Q: OK shift 7:30 to 1530 is that
24 your normal shift?

25 **A: Yes**

July 27, 2004

DESK MEMORANDUM

SUBJECT

BPP

TO (NAME & ADDRESS)

FROM (NAME & ADDRESS)

DATE SENT

DATE NEEDED

PLEASE CALL:	APPROVAL	SEE ME
RETURNED YOUR CALL	AS REQUESTED	COMMENT
INFORMATION & FILE	PREPARE REPLY / REPORT	NOTE AND RETURN
NECESSARY ACTION	SIGNATURE	

RECEIVED BY

DATE

TIME

ROUTE	INITIAL	DATE	ROUTE	INITIAL	DATE

MESSAGE:

*SPOKE w/ Murray ON 03/16/03
 RE: BPP ON QUOTA SYSTEM
 03/24/03 w/ CAP ANDREWS - MURRAY
 STATED HE DOESN'T WANT TO SPEAK w/ THEM
 HE DID NOT REQUEST TO.
 TAG OFFICER ADVISED THAT HE HAS TO
 BE INTERVIEWED.*

TheNewspaper.com editor's note:

BPR = Bureau of professional Responsibility, which conducts internal reviews. The document shows two superior officers -- a sergeant (the author) and a corporal -- spoke with a rank-and-file trooper regarding a pending quota investigation before the investigators had a chance to speak to the trooper.

From: Traister, Thomas [ttraiste@paturndpike.com]
Sent: Tuesday, June 10, 2003 9:33 AM
To: OIC T7; Flynn, James P
Subject: Truck Month

****REMINDER****

As you already know, the Captain is looking for some good stats for truck enforcement this month. Please don't wait until June 31 to get an idea of how your stations are doing so far.

Remember, the "Be creative- Utilize PTC trucks, Civilian Clothes Patrol, etc." advice from the old man.

Please remind your corporals to stress this at each roll call. Citations, Written warnings, Faulty equipment notices, whatever will generate some enforcement stats. Everyone should be on-board and helping out.

Lieutenant Thomas F. Traister
Pennsylvania State Police
Troop T, King of Prussia
☎ (610) 292-3754
✉ Ttraiste@PaTurnpike.com



SUPERVISOR'S NOTATION

1. NAME

Trooper [REDACTED]

2. DATE

08/01/03

3. THIS IS TO ADVISE YOU

During the month of July 2003, you had two patrol contacts. You also had 118 hrs of patrol duty as listed on your 10 day reports. Troop T's mission is Traffic Enforcement. The station average for contacts is approximately 41. Your lack of effort cannot go unnoticed. If you require further supervision in order to bring your statistics in line with other members of the Station, it will be provided for you.

4. SUPERVISOR'S SIGNATURE

[Handwritten Signature]

6. SUBORDINATE'S SIGNATURE

[REDACTED]

5. BADGE NO. (IF APPLICABLE)

[Handwritten]

7. BADGE NO. (IF APPLICABLE)

APR

DAILY ACTIVITY SYSTEM
MONTHLY ACTIVITY SUMMARIES BY INDIVIDUAL FOR 2001
TROOP T (2280) - POCONO

PENNSYLVANIA STATE POLICE
BUREAU OF TECHNOLOGY SERVICES

BADGE # [REDACTED] JOB/ASSIGNMENT - PATROL

HOURS	STATION																		
	JAN	FEB	MAR	1QTR	APR	MAY	JUN	2QTR	JUL	AUG	SEP	3QTR	OCT	NOV	DEC	4QTR	YR TOT	IND/AVG	AVERAGE
PATROL DUTY	55	58	56	169	73	85	56	214	57	83	52	192				575	63.9	56.8	
ACCIDENT INVESTIGATION	10	1	5	16	2	7	1	10	1	4	2	7				33	3.7	4.9	
SUPPLEMENTAL ACC. INVEST																1	.1	.2	
O.R. 325 SERVICE																		.0	.0
GARAGE INVESTIGATION	3	14	13	30	12	16	12	40	18	16	8	42				112	12.4	15.5	
RADAR DUTY																		.0	.0
WEIGHT DETAIL DUTY																		.0	.8
MCSAP DUTY																		.0	.8
PRELIMINARY CRIMINAL INV									7	7	1	15				15	1.7	1.0	
SUPPLE/CRIMINAL INVEST									1	3	.4					4	.4	.3	
BACKGROUND INVESTIGATION																		.0	.0
COURT ATTENDANCE	3	2	2	7	4	5	4	13	8	4	1	13				33	3.7	4.1	
WARRANT SERVICE	11			11												11	1.2	.2	
SPECIAL ASSIGNMENT	28	37	37	102	102	86	89	277	54	86	45	185				564	62.7	52.4	
DESK AND COMMUNICATIONS	26	16	22	64	11	22	1	34	3			3				101	11.2	7.5	
COMMUNITY SERVICE																		.0	.2
TRAINING	24			24	16			16	16	8	8	32				72	8.0	8.4	
SUPERVISION ADMINISTRAT																		.0	12.3
SUPERVISION FIELD DUTY																		.0	6.0
***** TOTAL HOURS *****	136	152	136	424	220	221	163	604	164	209	120	493				1521	169.0	170.8	

ACTIVITIES	2	1	5	8	3	1	4	1	1	1	1	3							
ACCIDENT INVESTIGATIONS												15	1.7	1.8					
SUPPLE/ACCIDENT INVEST												1	.1	.1					
PRELIMINARY CRIMINAL INV												3	.3	.2					
SUPPLE/CRIMINAL INVEST												2	.2	.2					
INTELLIGENCE MEMORANDUMS													.0	.0					
BACKGROUND INVESTIGATION													.0	.0					
TRAFFIC ARRESTS	11	37	30	78	30	33	34	97	34	41	30	105	280	31.1	33.8				
TRAFFIC ARRESTS DUI														.0	.1				
CRIMINAL ARRESTS SUMMARY													1	.1	.0				
CRIMINAL ARR MISD/FELONY														.0	.1				
MCSAP DRIVER/VEH INSP.	3	1	3	7	3	3	4	10	2	2	2	6	23	2.6	2.4				
MOTORISTS ASSISTED																			
WARNING NOTICES ISSUED	2	4	4	10	7	19	10	36	16	8	3	27	73	8.1	11.2				

INDIVIDUAL SIGNATURE *[Signature]* DATE 04/29/02 SUPERVISORS SIGNATURE *[Signature]* DATE 04/30/02

ON 6/29/02, THE [REDACTED] ADVISED STATISTICS FALL WITHIN ACCEPTABLE LEVELS. ALSO ADVISED OF STATISTICS DUTY REQUIREMENTS FOR SPEED ENFORCEMENT DUTY