

April 17, 2008

Michael R Lawson  
Officer-in Charge  
Germantown Police Department.

Town Clerk,  
Town Supervisor,  
Germantown Town Board

To the Town Clerk, Town of Germantown I request that this letter be read to the Town Board at the April 21, 2008 Board meeting.

I had planned to attend this board meeting in person but I however have a prior commitment to attend to for our community. I bring to the attention of the Town Board the recent unauthorized release of the draft copy of the Police policy manual by Town Board member Smith. His decision to release this document against the Board vote not only has endangered the safety of all your Police Officers but also was a crime, Mr. Smith has committed a Misdemeanor under the New York General Municipal Law section 805-b

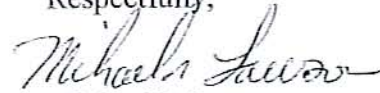
Any "draft" of a policy does not fall under the provisions contained with in the Freedom of Information Law and therefor should not even have been considered for a FOIL request. As for the final version of the manual that should have eventually been adopted by the Board, it in its entirety is also not subject to a FOIL request. This under the New York State General Municipal Law and New York State Public Officers Law sections 87-2E subs I, II, III, IV, and 87-2F.

In regards to the safety issue, since this release every Officer of this Police Department has been severely compromised in the regards to their safety, like the job already did not have enough hazards. I on behalf of myself and the other Officers of this Police Department, insist that you the Board declare the existing "draft" null and void. A new Policy manual needs to be constructed, reviewed and approved. I ask you the Board a question, would any of you knowing the current publicity of the draft have any of our Officers not wear their bulletproof vests while on patrol? I don't think so, declare the current draft void.

Now about the actions of Mr. Smith, he intentionally provided a draft copy of the manual to others, this was not only immoral but illegal. He and only he has severely jeopardized the safety of your Police Officers and has committed a crime, his providing of this document to others was nothing more than an act to repay those that campaigned with and for him, or assisted him to win the vote for his council seat. This is a clear act for personal gain and is a misdemeanor under the General Municipal Law section 805-b. Mr. Smith may claim ignorance, but any student in law school can tell you that ignorance is not a valid civil or criminal defense. Mr. Smith may also issue an apology for his recent actions, but by saying "I'm sorry" this simply does not cut it. A recent topic under continued scrutiny by many of Mr. Smith supporters, including the curator of the web site containing the draft manual is the action of one of our Officers at a public meeting. That Officer did nothing illegal and apologized promptly for his actions and that has not been good enough for some of those concerned. Mr. Smith has violated the law and he may be sorry, but that's just not good enough for your Police Officers, nor should it be good enough for the lawful general public.

In closing, you the Town Board are the employer, you need to have a Policy Manual for the Police Department that works for the Officers and that works for the Town Board. Again the current draft needs to be resolved as void and work to reconstruct a new one needs to begin as soon as possible. I also ask that one of you FOIL the State Police or Sheriff's Department for their entire Policy Manual and let me know what you get. The Officers of this Department need to know that they have support from the full Town Board and not a split free lancing Town Board. This recent disclosure of the draft has been a stab in the back to your Police Officers by a Board Member, please don't stab us again by just letting this issue pass.

Respectfully,

A handwritten signature in cursive script that reads "Michael R Lawson".

Michael R Lawson