



CITY OF UTICA

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MAYOR

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There have been a number of rumors, mistruths and allegations regarding recent incidents involving the Utica Fire Department.

The public deserves to know the truth and facts. In an effort to provide accurate and factual information, the following is as much information the City can legally disclose.

1. On March 14, 2018 Mayor Robert Palmieri received nineteen (19) pages of text messages from Deputy Fire Chief Mark Ambrose between Temporary Chief John Kelly and Carmen Ambrose, the 23-year-old son of Deputy Chief Ambrose. This is the first time anyone in the Administration was made aware of the situation.
2. The Mayor immediately notified Police Chief Mark Williams and Corporation Counsel William Borrill, and on the same day directed the Utica Police Department's Professional Standards Unit to investigate the 19 pages of text messages Deputy Chief Ambrose provided to determine if there was any misconduct or violation of department procedure.
3. On March 15, 2018 the investigators from the Professional Standards Unit of the Utica Police Department commenced the investigation and six persons were interviewed during the investigation, including Temporary Chief Kelly, Deputy Chief Ambrose and Carmen Ambrose.
4. On June 5, 2018 the Professional Standards Unit concluded their investigation and reported violation of department policy pursuant to the text messages. **Additionally, Carmen Ambrose never alleged, filed a complaint or claimed any sexual contact whatsoever occurred between him and Temporary Chief Kelly. Furthermore, during the investigation, Carmen Ambrose affirmed no sexual contact between him and Temporary Chief Kelly occurred at any time.**

5. While there was no crime or sexual contact, based on the facts of the investigation from the Professional Standards Unit, Chief Kelly was disciplined for a violation of department policy.
6. The discipline was the subject of a Settlement Agreement on June 15, 2018 between the City, as the appointing authority, and Temporary Chief Kelly. **It's important the public realizes, pursuant to Civil Service Law, the City could only implement discipline for non-criminal conduct that took place within the previous 18-month timeframe. Given the fact the majority of the text messages referenced conduct going back to 2015-2016 the City was limited to the specific events it could potentially address in a discipline proceeding.**
7. Under N.Y.S. Civil Rights Law §50-a all personnel records in regard to Police and Fire Departments used to evaluate performance, including discipline, must remain confidential. Disclosing such records would violate the law and subject the City to liability.
8. In years' prior, investigations involving members of the Utica Fire Department were handled internally within the Department. The Mayor's Administration implemented a policy in which the Utica Police Department is the entity that investigates incidents within any City department. This policy and all proper protocol was followed in this investigation.
9. The Ethics Committee for the City of Utica does not have the authority or jurisdiction to investigate and/or discipline members of the Utica Fire or Police Departments.
10. By law, an outside agency cannot impose discipline on a City employee. The only entity that can impose discipline on a City employee is the appointing authority.
11. During the time period in question, Carmen Ambrose was granted permission by Chief Russell Brooks to (1) do ride-alongs with the Utica Fire Department; (2) work on UFD's Facebook page and (3) stay at the firehouse. The Mayor's office neither authorized nor was apprised of this arrangement.
12. When Deputy Chief Ambrose brought the text messages to the Mayor's attention on March 14th, 2018, Deputy Chief Ambrose was on the Fire Chief's list for promotion and his son, Carmen Ambrose, was on the Fire Department's Civil Service list as a candidate.

13. Carmen Ambrose was not reached on the Civil Service list as only individuals who scored a 90 or higher were interviewed and hired. Carmen Ambrose scored an 85.
14. At no point was Carmen Ambrose promised a job by Temporary Chief Kelly or any member of the Utica Fire Department or City Administration, per the Utica Police Department's Professional Standards Unit's investigation.
15. The Oneida County District Attorney's Office reviewed the details of the Utica Police Department's Professional Standards Unit's investigation and did not see any prosecutable criminal conduct on the part of Temporary Chief Kelly or any undue influence for a job that took place.
16. Chief Brooks cannot be reinstated as Chief due to his ongoing, continuing medical status which has not changed.