330 Pleasant Avenue
Herkimer, NY 13350
June 21, 2022

Michael Jory
Chief of Police
Herkimer Village
120 Green Street
Herkimer, NY 13350

Complaint of the Conduct of Officer Jason Crippen at 328 Pleasant Avenue on 6/16/2022

Dear Chief Jory,

This is a complaint regarding the conduct of Herkimer police officer Jason Crippen on 6/16/22.

Crippen and two other officers responded to a 911 call from Kimberly Vargas, tenant at 328 Pleasant Avenue, alleging that my wife, Linda Kaidan, was endangering children in Vargas's care by using foul language in our driveway at 330 Pleasant Avenue, adjacent to Vargas's front porch. The Vargases are always home, heavy smokers and the most likely source of frequent emptied ashtray contents in our driveway, which Kaidan cleans up. On 6/16, she spoke about this firmly to Vargas, from our driveway, in language typically used by Vargas, to drive home her point. Vargas called 911, misrepresented herself as a licensed day care provider and alleged that Kaidan was endangering the safety of the children by her use of foul language.

During his response, Officer Crippen misrepresented the law, denounced me as a liar, made false accusations against me, supported Vargas in her absurd allegations of child endangerment by Linda Kaidan, and several times threatened Kaidan with arrest for child endangerment due to her use of foul language on her own property.

Enclosed please find a USB flashdrive with two videos: one is the footage of the incident from my body camera, the other the non-audio video from one of our CCTV cameras recording the incident and verifying the time and participants. Also on the drive is an electronic copy of this document. (MS Word.)

The below timeline refers to the body camera video:

Minute

4:23 Kimberly Vargas, day care provider, falsely states that she is "a mandatory reporter who works for the county." Vargas repeats multiple times throughout the incident that she is a licensed daycare provider, and that she is legally required to report foul language as child endangerment, with which Officer Crippen obviously agrees.

5:32 – 5:41 Officer Crippen advises Linda Kaidan that "if you swear in front of kids you can be arrested."

6:05 Crippen states to Stephen Berry “everything you report to us [police] is false.”

6:38-6:42 Crippen again threatens Kaidan with arrest for swearing “as it endangers the welfare of a child.” Ignores Kaidan’s invitation to arrest her.

7:00 “Dog Enticement Officer” – From a post containing a previous encounter with Officer Crippen, who accused us of dog enticement: ***Herkimer Child Trafficking – Why It Took Us 2 Years to Notice***: https://herkimerpost.com/index.php/2018/04/27/herkimer-child-trafficking-took-us-2-years-notice/

08:25 Crippen repeats that swearing in front of children constitutes child endangerment.

08:55 Crippen says it’s legal to smoke marijuana with children present, apparently even for a licensed daycare provider, which Vargas asserts she is.

09:25 Crippen says that Vargas’s previous on-camera threat to kick Berry’s teeth down his throat, to which incident he was the responding officer, was “civil stuff” and not subject to criminal statutes. Denigrates Berry’s correct response that it constituted harassment when Berry can’t cite the reference number of the applicable statute. Crippen has a history with us of refusing to take even well-documented harassment complaints: see our post ***Herkimer Police and the Nanny Nanny Boo Boo***: https://herkimerpost.com/index.php/2016/09/10/herkimer-police-the-nanny-nanny-boo-boo/

9:50 Crippen states to Berry that “your reports of child trafficking were reported to the Herkimer and State Police and found false.” (They weren’t reported to either agency-the FBI has sole jurisdiction over child trafficking matters.)

We were interviewed by the State Police about our widely read Herkimer child trafficking articles after the Governor’s office was apparently deluged with concerns. An item of discussion raised with us by the state police investigator was the conduct of Officer Crippen when responding to the trespassing complaint one of the alleged child traffickers lodged against us. (See above, 7:00 ***Herkimer Child Trafficking – Why It Took Us 2 Years To Notice)***

10:30 Berry tells Crippen he’ll soon have yet another complaint in the police complaints database.

As you’ll note, in a heated part of my exchange with Officer Crippen, I refer to “other complicit cops.” To the best of my knowledge, those I suspected have gone since you took charge of the department. With the exception of Crippen, all of your officers have been very supportive of us and often gone out of their way to offer encouragement and support during some very stressful incidents, and have treated us as concerned citizen partners.

We’re very optimistic about the future of Herkimer.

Thank you for your ongoing support and resolution of this matter.

Yours truly,

Stephen A. Berry