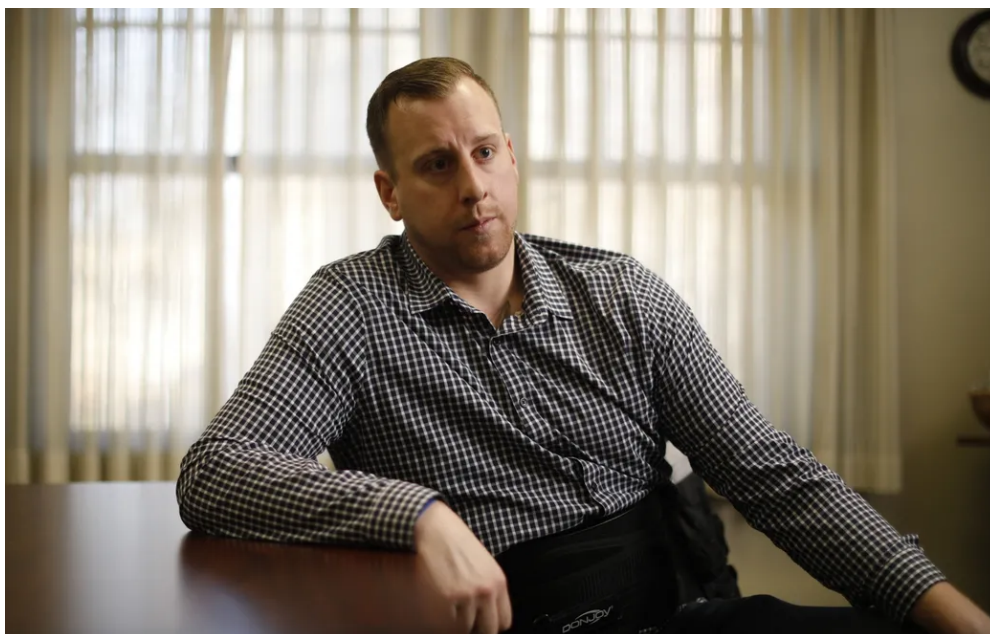


THE BUFFALO NEWS

Fellow officers accused fired Lockport cop of misdeeds, records show



Mark S. Wallace was a Lockport police recruit who suffered a permanent disability that he says resulted from training at the Niagara County Law Enforcement Academy in 2018. (Derek Gee/Buffalo News)

By Thomas J. Prohaska

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Mark S. Wallace, who was fired from the City of Lockport Police Department in 2018, was the target of numerous complaints from fellow officers, including falling asleep on the job, according to documents the city's lawyer filed in State Supreme Court Thursday.

But despite a series of allegations against his job performance and character, the city allowed Wallace to attend the Niagara County Law Enforcement Academy and didn't fire him until the day he fell short of the required time in a 1.5-mile run.

That was six months after an internal investigation of the complaints, the filings show.

"If these were issues, how come there was no discipline?" asked Paul D. Weiss, Wallace's attorney.

"He was still on probation at the time, he was still at the academy and there was no reason they had to make (the decision) so immediately," said Michael B. Risman, the city's lawyer.

An affidavit and an investigative memo by Lt. Travis Mapes, contained in Thursday's court filing, said Wallace, who was assigned to the police department communications room before entering the academy, was accused of falling asleep on duty, using an "unprofessional tone" with callers and trying to show a nude photo of his girlfriend to two other officers, one male and one female.

"I wanted to ask their opinion on these, pursuing the relationship with the girl and what they thought given the status that she had social media with those pictures," Wallace testified during a Workers Compensation Board hearing Oct. 29, 2018. Its transcript also was filed in court.

When asked if he had been accused of falling asleep on duty, Wallace answered, "Correct, which was never brought to my attention, nor do I remember that happening."

Steven C. Preisch, the acting police chief who fired Wallace, testified that the July 6, 2018, firing was the culmination of a series of "red flags."

"I made the final determination based on the falling asleep on duty, the – you know, trying to show a female officer pictures that were inappropriate, especially while on duty, some of the other things I talked about. It was the totality of all those things that – that I came to the determination that – to let Mark Wallace go," Preisch testified in the hearing.

"While you're on probation you should be on your best behavior," Preisch testified. "You should walk on eggshells, and if this was an indication of what his best behavior was like, I felt he wasn't mature enough at this point in time to continue with the department."

Wallace underwent spinal fusion surgery last year to repair damage he said was caused by being forced to run on an injured ankle. He said he was hurt during a Feb. 27, 2018, run at the academy.

He contended Preisch told him he was fired because he failed to complete the final 1.5-mile run in the time allowed.

Wallace has two pending lawsuits: against the city over its denial of disability benefits, and against the academy, alleging mistreatment by instructors.

One of the instructors, John Faso, now deputy police superintendent in Niagara Falls, said in an affidavit that after the reported injury, he saw Wallace carrying his crutches from the parking lot, and not using them until he entered the academy building.

"This activity led Lt. (Shawn) Grapes and I to question the severity of any alleged injury as well as the character of this recruit," Faso said.

Faso said Wallace also bought an AR-15 assault rifle at a store frequented by police. Faso said he thought the purchase was illegal because Wallace wasn't a sworn officer.

Wallace, who testified in the Workers Comp hearing that he had been sworn in, sold the rifle to another officer that day, Faso said.



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