

# CANANDAIGUA POLICE DEPARTMENT

21 ONTARIO STREET  
CANANDAIGUA, NEW YORK 14424

SPECIAL SERVICES DIVISION  
DETECTIVE UNIT

PATRICK W. McCARTHY  
CHIEF OF POLICE

February 8, 2001

I.A. 002-01

C-1129-01 (delayed case number assignment)

## **Internal Affairs Investigation - Associations with Suspected Criminals**

**Accused:** Police Officer Craig Cummings, Badge 112 Hire Date 08-23-93

**Complainant:** City Of Canandaigua Police Department

**Charges:** 3-28 Associations  
3-2 Unbecoming Conduct  
3-3 Immoral Conduct

**Synopsis:** The Police Department learned that P.O. Craig Cummings had been associating with at least three persons of the community, [REDACTED], [REDACTED], and [REDACTED], known by the police department to be involved in criminal activity and the use and sale of drugs. Cummings involvement with these people has increased to inviting the three of them to stay at his residence and provide transportation for at least one of the to a court appearance.

**Evidence:** (1) Report of P.O. Daniel Ball, CPD dated January 25, 2001  
(2) Oral admissions of P.O. Craig Cummings  
(3) Interview of Det. Michael J. Colacino  
(4) Canandaigua Police Arrest Records

## **Investigation:**

### Report and Interview of P.O. Daniel Ball

P.O. Dan Ball reports that in conversation of [REDACTED] on January 25, 2001, She stated to Ball that on January 23, 2001 she and [REDACTED] made arrangements with P.O. Craig Cummings to have him pick them up on Phoenix Street when Cummings reported off duty at 0400 hours, on the 24<sup>th</sup>. Cummings agreed and did pick the two of them up, along with [REDACTED], and took the three of them to his home from the remainder of the night. [REDACTED] said

that in the morning, Cummings transported [REDACTED] to Canandaigua City Court for her scheduled court appearance.

#### Interview of Det. Michael Colacino

Det. Colacino has been attending roll calls over the past few weeks prior to this incident in efforts to identify a black male named "[REDACTED]" who believed to be living at [REDACTED]. The reason why Colacino was investigating "[REDACTED]" was reports that "[REDACTED]" was selling crack cocaine from the apartment at [REDACTED] from behind a curtain. It was also believed that he was from Rochester and has been in the company of [REDACTED] and [REDACTED] and had weapons of some sort behind this curtain. Colacino was requesting any officer with information to report this information to him or Lt. Wittenberg. Colacino recalls distinctly that Cummings was at one of the roll call briefings that this request was made. Colacino never received any information from Cummings in regard to "[REDACTED]".

#### Interview of Officer Craig Cummings

On February 8, 2001 at about 1245 hours, I interviewed Craig Cummings in regards to this complaint. Cummings was made aware that the interview was being tape recorded and he did not request union representation during the interview process. I advised Cummings what the nature of the interview was and advised him of our on-going investigation in drugs sales at [REDACTED]. I further advised him that the Department had been requesting Officers to identify [REDACTED]. I asked if he had [REDACTED], [REDACTED] and [REDACTED] over to his house towards the end of January. He responded that they had been there about that time. I asked why, and he responded that they needed a place to stay and a ride to court. Cummings said it was below zero that night and they had no place to stay. He said they couldn't go to [REDACTED] house because her mother is dying of cancer. Cummings said that earlier in the evening he gave them five dollars to make up the difference of what they had to afford a motel room. He thought the five dollars would "get them off his back." But, the three continued to "track him down" the entire night and were waiting for him to leave work at 0400 hours by standing out in the road on South Main Street. He stopped and they said they still couldn't find a place to stay and they were wondering if Craig knew of any place. Cummings said the "two options they threw at me" were take them to Rochester, which Cummings did not want to do, or take them to Cummings house until [REDACTED] went to court at 0800 hours. Cummings took the three homes with him. Cummings acknowledged that he knew [REDACTED] and [REDACTED] but when I asked if he knew [REDACTED] he stated he did not. I asked Cummings what the four of them did at his house during the morning hours. He said they sat in the living room and talked. I asked Cummings if he was aware of any drug investigations that the

Department had going on with [REDACTED], he responded that he did not. I asked if he discussed any departmental business with the three and he responded that he did not. I asked Cummings if he understood the position that he has put himself into by associating with these three people and he responded "Oh, yea." He said, "better judgment did not take place that night, and I know that." But he said its, "after the fact," and that he was "caught between a rock and a hard place" and didn't really know what to do. He said that he had a good rapport with [REDACTED] and [REDACTED], and they have given Cummings good information about criminal activity in the past. Cummings said that he didn't want to jeopardize that. But, Cummings said that he could have used "better judgment", but didn't know what better judgment would have been except saying "no". But, that would have "pissed" them off. Cummings said that it didn't seem to be that big of a deal at that time.

I asked Cummings a second time if he recalled the Department being interested in the identity of [REDACTED] and once again, he had no idea that anyone was interested in his identity. I asked Cummings if he realized at the time that if it was learned by the Department of his association with these individuals that this association would not be favorable by the Department, and he responded, "no doubt in my mind, now that it has come back that way." "Trying to be a nice guy and it bites you in the ass." "That's happened more than once to me."

Two days after my interview of Craig Cummings, Cummings issued a ticket to [REDACTED] for speeding, 49 in a 30 on North Main Street, on February 10, 2001 at 6:08pm.

### **Conclusion:**

Craig Cummings statements in this incident carry no creditability. Cummings, himself, has arrested [REDACTED] for Criminal Mischief, Harassment and speeding. Other arrests include Petit Larceny, Tampering with a Witness and Aggravated Harassment. Cummings, himself, has arrested [REDACTED] for Consuming Alcohol in a Motor Vehicle. These "informants" that Cummings has stated that offers him information regarding crimes in the community has led Cummings to no arrests. [REDACTED] is only 19 years of age and has had eight Penal Law charges placed against her by this Department alone. Both of these girls also have juvenile records with our Department. I will not be able to determine why Cummings took these girls and [REDACTED] to his home. What I can determine is that he didn't do it because he was concerned that he would be losing valuable informants to further his police investigations.

Craig Cummings is aware that the [REDACTED] has an extensive criminal record for a girl 19 years of age. Craig Cummings is aware that [REDACTED] was involved with the males who robbed and stabbed a man on Phoenix

Street in the fall of 2000. Craig Cummings was aware that the Department was attempting to identify [REDACTED], his third houseguest for the night. Craig Cummings is aware that these three people live, or have lived at [REDACTED] a residence that this Department has responded to more than one complaint per week in the past year.

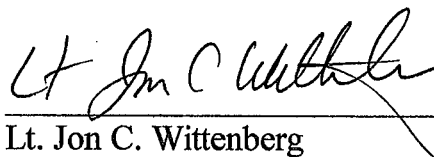
Finally, Craig Cummings is aware that “nice guys really don’t get bit in the ass”, but liars do.

**Findings:**

3-28 Associations – **Sustained** - Cummings fails to avoid associations with persons whom he knows, or should know, are persons under criminal investigation or has a reputation in the community or department, in criminal behavior.

3-2 Unbecoming Conduct – **Sustained** - Cummings actions of associations with [REDACTED] and [REDACTED] reflects discredit upon the Department. His actions of having these people as houseguests and his actions of transporting one of them to our City Court to answer one of our Departments’ charges brought the Department into disrepute.

3-3 Immoral Conduct – **Sustained** - Cummings participated in the association with these individuals, which deprived the department’s moral standards and impairs the ability of all Department members to perform their duties when future incidents with these three ultimately occur.



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Lt. Jon C. Wittenberg  
February 17, 2001

