

City of Canandaigua Police Department

Internal Investigation Report

I.A. 002-2012

Accused: Police Officer Lawrence T. Hoy

Assignment: Patrol Division

Prepared by Lt. Scott P. Ferguson

Jonathan P. Welch

Chief of Police

Internal Investigation Complaint 002-2012

Accused Member (s): Police Officer Lawrence Hoy
Badge # 811

Complainant: Det. Nate Lawrence, Sgt. Don Feldman

Summary of (2) Complaints Investigated:

Complaint #1 Unsatisfactory Performance while investigating a stolen vehicle / DWI Incident, CR# 1207092.

The Canandaigua Police on August 8th, 2012 investigated an incident involving a "sick or intoxicated" operator complaint. P.O. Hoy was assigned the complaint and subsequently took into custody an individual for DWI. Det. Lawrence was called in as the vehicle the individual was driving was possibly stolen. Det. Lawrence alleges that he observed P.O. Hoy make several errors relating to the investigation that could have compromised the case as well as having an unprofessional demeanor.

Investigation results:

August 13th, 2012

I received a memo written to Sgt. Kadien by Det. Lawrence expressing several observed shortcomings by P.O. Hoy relating to a DWI/stolen vehicle investigation, CR#1207092. A summation of the memo is as follows:

- Det. Lawrence was called out to assist with the investigation. He first meets P.O. Hoy in the PD's booking room, inquires to Hoy if the suspect had been issued his DWI or Miranda warnings. Hoy stated that he had not yet issued the warnings and Hoy read the warnings in the presence of Det. Lawrence. Lawrence remembers being "embarrassed" as Hoy sounded as if he "could not read, stuttered, spoke slowly and was very deliberate with his words." When Hoy had left their proximity, the defendant asked Det. Lawrence, "Is there something wrong with that guy?"
- Det. Lawrence advised Hoy to start an observation period prior to the defendant submitting to a Datamaster test as well as to obtain a voluntary statement from the defendant. It was arranged that P.O. Jackson would operate the Data Master as P.O. Hoy was not certified to do so. Det. Lawrence told P.O. Hoy that when P.O. Jackson relieved him, to come

upstairs to supervise a juvenile suspect in custody. Det. Lawrence observed P.O. Hoy break the observation period, as he left the suspect alone in the booking area prior to P.O. Jackson relieving him. P.O. Jackson had to restart the observation period.

- Det. Lawrence reviewed the voluntary statement that P.O. Hoy took and in his opinion found it to be substandard. The statement consisted of only three questions, those being: "Do you understand your rights?" "Have I made any promises or threats in exchange for this statement?" and "What happened tonight?" After reviewing the statement, Det. Lawrence that it was so insufficient he re-interviewed the suspect and rewrote the statement.
- Det. Lawrence also notes that P.O. Hoy, when asked, had no idea what Leandra's law was nor did he recognize that one of the charges would be grand larceny, for the vehicle theft.

I later confirmed the information written in the memo with Det. Lawrence.

I forwarded a copy of Det. Lawrence's memo to Sgt. Feldman, (Hoy's direct supervisor) for any comments.

August 16th, 2012

I received a written response from Sgt. Feldman. Sgt. Feldman does not doubt anything written by Det. Lawrence. See attached.

I also received a signed complaint from Sgt. Feldman regarding P.O. Hoy's performance regarding a domestic incident handled on 07/07/12.

Complaint #2 unsatisfactory performance when handling a domestic incident on 07/07/12, CR#1206016.

A summation of the complaint is as follows:

- On July 7th, 2012, P.O. Hoy was conducting a foot patrol and at approx. 0020hrs he was approached by 75 year old [REDACTED] who was reporting to him that she was a victim of a domestic violence incident. Information given to Hoy by the complainant should have made Hoy believe that a Felony criminal contempt may have occurred.
- P.O. Hoy directed the complainant to go to the West Ave. Plaza parking lot and wait for an officer to show up. P.O. Hoy then continued his foot patrol. Due to the other personnel being tied up with complaints, the victim waited approx. twenty minutes until the next police contact.
- P.O. Cole and Sgt. Feldman had been investigating another incident and after clearing responded to the West Ave. Plaza. They make contact with the victim and while talking to her, P.O. Hoy arrived. Sgt. Feldman ordered P.O. Hoy to take deposition and report. While taking report, information was relayed to P.O. Hoy by the victim that the suspect has mental health issues,

was often aggressive and possessed many edged weapons ranging from small pocket knives to swords.

- The victim stayed at a hotel room for the evening as suspect was not in custody and was most likely going to return to the house. At approx. 0330hrs, Sgt. Feldman gave orders to P.O. Hoy and Cole that they were going to attempt a warrantless arrest of the suspect at the residence. Sgt. Feldman made it clear that absent an arrest warrant, entry would not be made unless permission was granted. It would be attempted to coax him out of the house and make the arrest.
- Upon arrival, Hoy made contact with the suspect at the entrance door and made no attempt at trying to coax him out of the residence, instead he engaged in a line of questioning regarding the domestic incident. Sgt. Feldman tried for several minutes to subtly entice the suspect [REDACTED] out of the residence. This did not work nor did P.O. Hoy catch on to what he was trying to do.
- Later the suspect did exit the house and walked past P.O. Hoy. He continued and walked along the side the house, turned around and walked back into the house locking the door as Hoy followed. Hoy never made any attempt to take him into custody. Hoy could not adequately articulate as to why. This also put the suspect back in proximity of edged weapons.
- Later they were again successful in getting [REDACTED] to exit the residence. P.O. Hoy again allowed [REDACTED] to walk past him, not taking the suspect into custody. When asked for an explanation, Hoy responded "I thought you wanted to do it."
- In essence, P.O. Hoy is accused of failing to properly handle this incident and failing to recognize an obvious dangerous situation.

August 23rd, 2012

I spoke to the Chief regarding the complaint by Det. Lawrence. He reviewed the memo and assigned me to review the incident further. An Internal Affairs number was subsequently assigned.

I reviewed training records of P.O. Hoy and made copies of the in-service training record that shows him attending a legal issues update training conducted by ADA Hazen where one of the topics was Leandra's Law. I also made copies of the overtime slip the P.O. Hoy prepared for that same training.

August 29th, 2012

I met with Sgt. Feldman and spoke to him about P.O. Hoy's general work performance. He advised that P.O. Hoy is generally a substandard employee. Sgt. Feldman admits that due to a personal/family relationship with P.O. Hoy that he lets him "getaway with being slow" and that he finds it hard to discipline him.

Sgt. Feldman further states that P.O. Hoy is most likely un-trainable and is currently the best he will ever be as it is difficult for Hoy to make his own decisions and he constantly has to be told what to do even for routine police work.

August 31st, 2012

I re-interviewed Sgt. Feldman more specifically about his complaint. Sgt. Feldman reiterated the information written in his letter to me to be accurate. No further information gleaned regarding the incident.

September 5th, 2012

A letter was written to P.O. Hoy notifying him that he was the subject of an internal investigation. The letter was delivered to him via departmental mail. The Chief was copied in.

September 20th, 2012

I obtained and reviewed the incident report for the [REDACTED] domestic, CR#1206016. I also obtained and reviewed the dispatch "event listings" for that same complaint, the foot patrol that Hoy completed as well as the complaint that Sgt. Feldman and P.O. Cole were tied up on.

I did notice that in the incident report that P.O. Hoy completed it does note that he returned to the complainant after he "cleared" from the foot patrol.

October 31st, 2012

I obtained and reviewed the incident report for the DWI/Stolen vehicle, CR#1207092. I also obtained and reviewed the dispatch "event listings" for that complaint as well as a suspicious vehicle complaint. It would appear that the suspicious vehicle complaint is related to the stolen vehicle complaint. At approx. 0114hrs, P.O. Hoy was dispatched to Clark St. as a "red Hibbs truck pulled out of shop W/2 dogs in back and 3 people in the front - backed into neighbor's lawn, left westbound on Clark St. W/no headlights // Last seen nbound on South Pearl."

P.O. Hoy responded to the area within two minutes of being dispatched. He cleared approx. twenty minutes later coding the complaint, (#30, Gone on arrival). ** the appropriate code should have been - #13 - unable to locate vehicle.*

November 14th, 2012

P.O. Hoy was advised via email that he was to meet with me on 11/28/12 at 0500hrs regarding the internal investigation. He was notified of his right to union representation.

November 28th, 2012

I met with P.O. Hoy at 0450hrs. He did not have a union representative present and advised he did not want one present. He was read his administrative warnings and was handed the form from which I read them off of. After reviewing the form he signed it as well as making a notation that he did not wish to have a PBA rep present.

I reviewed the complaint made by Det. Lawrence with him. He stated he remembers the incident but did not remember the specifics regarding the complaint other than being confused about Leandra's Law. He did not recall about the observation time interruption but did say that he had once been a breath test operator, (now expired) and he does know about the twenty minute continuous observation time prior to obtaining a breath sample. He did not dispute that he had received prior training regarding Leandra's Law in May of 2010 taught by ADA Hazen. He seemed unaware that this incident would be part of the internal investigation when previously notified. He believed he may still have his draft of the statement he took, (that Det. Lawrence said was insufficient) and would provide it.

I reviewed the complaint made by Sgt. Feldman to him. He was well aware of this incident and made comment of Sgt Feldman's displeasure with his performance. He realized several mistakes made during that investigation and even made the comment, "I know I screwed up on the [REDACTED] case."

P.O. Hoy was then given written instructions to complete a memorandum addressed to me regarding both incidents. The instructions detailed specific questions that he was to answer for. He was also given any requested documents regarding both incidents from laser fiche. The memo was to be turned into me no later than 12/03/12.

The interview ended at 0540hrs.

December 3rd, 2012

I received P.O. Hoy's Memorandum, a summation is as follows:

- Regarding the observation period - He "believes" that OIC Jackson told him to leave the booking area to assist in watching the other suspects while he administered the breath test. He does not remember if he told P.O. Jackson that he had completed the observation period. He does not recall how or why the prisoner was left alone. *I asked Officer Jackson if he recalled the incident. He stated that he remembers some issue with the observation time but could not recall exactly what it was. He did remember doing his own observation period prior to running the breath test.*
- Regarding the voluntary statement - States that he printed out the voluntary statement that he took from [REDACTED] and that it is "clearly" lengthier than three questions. The only fault is that the start time reads 0227hrs instead of 0257hrs. *P.O. Hoy apparently failed to realize that the statement reads, "Voluntary statement of [REDACTED], DOB: [REDACTED] on 08-08-2012 to Detective Nathan Lawrence...." I made a copy of the statement he*

gave me and showed it to Det. Lawrence. He stated that the statement was a rough draft that he worked on and closely represented the final draft that the suspect had signed. I asked him to highlight and initial areas of the statement that he added or altered after P.O. Hoy was done with it. This as well as the final statement is attached.

- He has no excuse for not being familiar with Leandra's Law.
- In regards to complaint #2 and the delay between initial contact of the victim and follow up - He states that he made a "judgment call" and decided to finish the streets prior to following up with the victim. The victim did not know where the PD was located so he directed her to the West Ave Plaza to wait for police arrival. While doing the streets, he discovered an open door to a business and waited for a representative to respond prior to leaving. After clearing from the open door, and the business district foot patrol he went to the West Ave. Plaza.
- Regarding the arrest procedure, taking the suspect into custody - He claims that once Sgt. Feldman was able to "coax" the suspect outside, P.O. Hoy thought that they were going to "question" the suspect before placing him into custody. He hesitated while the suspect turned and walked back into the house. In P.O. Hoy's own words he states that "I should have stopped the suspect as I was closest to him by the door. In allowing him to do so (*reenter the residence*) I places myself and both Officers in danger."

Summary of Investigation

Officer Hoy continues to demonstrate a pattern of sub-standard performance. He has been previously reprimanded several times and has also received a multitude of counseling memorandums as well as retraining. This investigation of his conduct reinforces the summation of Sgt. Feldman that, "Larry will never be able to progress further than he has to this point."

Complaint #1

It would appear that in this incident, P.O. Hoy had handled himself with a lackluster demeanor. The complaint about his speech mannerisms is consistent with what his supervisor, Sgt. Feldman has indicated a letter written and included. The breath test was administered one hour and three minutes after he was read his DWI warnings. This would lead me to believe that there was an issue with the observation time. Hoy's written response to this is uninspiring as it would have been incumbent of him to advise another officer that an observation time was being conducted. Hoy's "proof" of taking a sufficient written statement is incredible as it clearly has Det. Lawrence's name as the person taking the statement. Larry does admit to being unfamiliar with Leandra's law which he was previously trained upon.

Departmental Rule and Regulation Violations to be considered:

I. GENERAL OBLIGATIONS: Unfounded _____ Sustained ✓

(1 count)
complaint #1

- A. Employees shall not commit or omit any acts, which constitute a violation of any of the rules, regulations, directives or orders of the department, whether stated in this chapter, or elsewhere. (G.O. 625 III. C-2c) *[signature]*
- B. Any member or staff of the Canandaigua Police Department must immediately notify the office of the Chief of Police when charged with a crime of any New York State Law or a violation of the New York State Penal Law.
- C. Staff is accountable for any applicable Rules/Regulations, General Order, Administrative Order, Personnel Order and the City of Canandaigua Personnel Manual.
- D. Members and staff are also accountable to the City of Canandaigua Personnel Manual unless exempted by contractual means or otherwise.

IV. UNSATISFACTORY PERFORMANCE: Unfounded _____ Sustained ✓

(4 count) (3 count) Complaint #1

- A. Members shall maintain sufficient competency to properly perform and discharge their duties and assume the responsibilities that accompany their position of rank. They shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of this Department. *[signature]* 1 count
- B. Unsatisfactory performance may be demonstrated by:
1. lack of knowledge of the application of laws required to be enforced *[signature]*
 2. unwillingness or inability to perform assigned tasks
 3. failure to conform to work standards set forth in this manual
 4. failure to take appropriate action on the occasion of any incident or condition brought to the attention of the member. *[signature]* 1 count

- C. In addition to other indications of unsatisfactory performance, the following will be considered prima-facie evidence of unsatisfactory performance; written records of repeated infractions of Departmental rules, regulations, directives or orders. *[signature]* 1 count

III. UNBECOMING CONDUCT: Unfounded _____ Sustained ✓

(1 count) (1 count) 2

All members and staff shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming a member shall include that which:

1. Brings the Department into disrepute
2. Reflects discredit upon the member as an employee of the Department
3. Impairs the operation or efficiency of the Department or the member.

complaint 1

Complaint #2

I find it inconceivable that he did not immediately start investigating the domestic incident after being approached by the victim, an elderly female. Instead, P.O. Hoy sent her away to wait in a parking lot while he continued a door check of the business district. He further delayed his response by locating an open door and waiting for the representative to respond. This action does not foster a compassionate, caring representation of the department. P.O. Hoy's action during the arrest of the suspect clearly demonstrates a lack of understanding of basic police procedure and tactics. His inaction potentially endangered himself and other officers as there was previous knowledge of the suspects' propensity for violence as well as his affinity for edged weapons.

Departmental Rule and Regulation Violations to be considered:

I. GENERAL OBLIGATIONS:

Unfounded _____ Sustained ✓

1 Count

- A. Employees shall not commit or omit any acts, which constitute a violation of any of the rules, regulations, directives or orders of the department, whether stated in this chapter, or elsewhere. (G.O. 630 II – A. & C.) *J*
- B. Any member or staff of the Canandaigua Police Department must immediately notify the office of the Chief of Police when charged with a crime of any New York State Law or a violation of the New York State Penal Law.
- C. Staff is accountable for any applicable Rules/Regulations, General Order, Administrative Order, Personnel Order and the City of Canandaigua Personnel Manual.
- D. Members and staff are also accountable to the City of Canandaigua Personnel Manual unless exempted by contractual means or otherwise.

IV. UNSATISFACTORY PERFORMANCE:

Unfounded _____ Sustained ✓

2 Count

- A. Members shall maintain sufficient competency to properly perform and discharge their duties and assume the responsibilities that accompany their position of rank. They shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of this Department.

B. Unsatisfactory performance may be demonstrated by:

1. lack of knowledge of the application of laws required to be enforced
2. unwillingness or inability to perform assigned tasks
3. failure to conform to work standards set forth in this manual
4. failure to take appropriate action on the occasion of any incident or condition brought to the attention of the member. ✓

C. In addition to other indications of unsatisfactory performance, the following will be considered prima-facie evidence of unsatisfactory performance; written records of repeated infractions of Departmental rules, regulations, directives or orders. ✓

V. **UNBECOMING CONDUCT:** Unfounded _____ Sustained ✓ 1 unit

All members and staff shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming a member shall include that which:

1. Brings the Department into disrepute
2. Reflects discredit upon the member as an employee of the Department
3. Impairs the operation or efficiency of the Department or the member. ✓

Investigation report submitted by:

Lt. Scott P. Ferguson

Lt. Scott P. Ferguson

Attachments:

Complaint by Det. Lawrence written to Sgt. Kadien

Complaint by Sgt. Feldman

Letter by Sgt. Feldman

Copy of letter Addressed to P.O. Hoy advising of internal investigation

Copy of email sent to P.O. Hoy notifying him of interview

Administrative warnings notification form signed by P.O. Hoy

Memorandum request addressed to and signed by P.O. Hoy

Response letter by P.O. Hoy

Voluntary statement submitted to me by P.O. Hoy

Copy of above with notes by Det. Lawrence

Copy for final prepared and signed voluntary statement

Copy of incident report, CR# 1207092 (stolen veh/DWI)

Copy of DWI Bill of particulars for above

Datamaster DMT printout for CR# 1207092

Copy of in-service training record of P.O. Hoy's regarding Leandra's Law training

Overtime slip for above training

Dispatch event printout for CR# 1207092 (3 pages) - Stolen veh/DWI

Dispatch event printout for CR# 1207091(1 page) - Sick or intox

Copy of incident report, CR# 1206016 (Domestic incident)

Dispatch event printout for CR# 1206016

Dispatch event printout for CR# 1206014 (Foot patrol by P.O. Hoy)

Dispatch event printout for CR# 1206017 (Open door 2 pages)

Dispatch event printout for CR# 1206015 (Suspicious condition 825/817)

City of Canandaigua Police Department

Jonathan P. Welch Chief of Police

21 Ontario Street, Canandaigua, New York 14424 • PHONE (585) 396-5037

TO: Detective Sergeant Scott Kadien

FROM: Detective Nathan Lawrence

DATE: August 8, 2012

SUBJECT: Stolen Vehicle / DWI CR# 1207092

*Scott, please look into this further. Advise if you believe it is appropriate. Thanks
850*

Per your request I am writing a memo in regards to CR# 1207092, which I was called out for on August 8, 2012 at approximately 0230 hours. I was advised by you to entail problems that I had with PO Hoy.

I initially spoke to PO Hoy in the booking room. I asked PO Hoy if he read the suspect his Miranda Warnings and he stated that he did not. PO Hoy read the suspect his Miranda Warnings and Chemical Warnings and I remember being embarrassed. He sounded as if he has never read a suspect his Miranda or Chemical Warnings as he stuttered, spoke very slowly and was very deliberate with his words. It sounded as if he could not read. When PO Hoy left the booking room the suspect asked me, "Is there something wrong with that guy?"

After I was done speaking to PO Hoy I advised him to start the observation period and obtain a voluntary statement from the suspect. I responded upstairs to speak to one of the juveniles and his mother. After I was speaking to the juvenile, I called PO Hoy and asked him if the observation period was over. PO Hoy stated yes; however, he could not run the Datamaster because he was not certified. I told PO Hoy that I would have OIC Jackson respond to booking to complete the Datamaster test. Once OIC Jackson relieves him, I told PO Hoy to come upstairs and watch the remaining juvenile suspect. A couple minutes later PO Hoy came upstairs before OIC Jackson relieved him. This broke the observation period, which OIC Jackson had to start all over.

I spoke to PO Hoy when he came upstairs and asked him how the voluntary statement was coming. PO Hoy said he was done. I reviewed the statement and saw that it consisted of three questions regarding the stolen vehicle and DWI. Those questions were, "Do you understand your rights," "Have I made any promises or threats in exchange for this statement," and "What happened tonight." I took PO Hoy's name off of the voluntary statement and rewrote it asking an additional ten questions. Furthermore I learned that he wrote the wrong start time on the voluntary statement or never changed it from his old statement. This caused me to have to note in the report that the start time for the statement was wrong and should indicate 0251 hours instead of the 0227 hours that was typed.

During the course of the investigation PO Hoy advised me that the charges "looked like they were going to be an unlicensed operator and DWI." I advised PO Hoy that the charges were DWI common law, the Leandra's (1192 2AB) and Grand Larceny 3rd for stealing the vehicle.

PO Hoy was very confused and did not know what the Leandra's law was and thought it had to deal with stealing the vehicle. I advised him what the Leandra's law was and he still thought it was associated with the Grand Larceny. After a minute of me explaining it multiple times it seemed as if a "light bulb" went off and it finally clicked.

Respectfully submitted,

Det. Nath J. Lawrence #803
Detective Nathan J. Lawrence

Memo

To: Lt. Scott Ferguson
From: Sgt. Donald J. Feldman
Date: 8/15/2012
Re: P/O Hoy

On 7/7/2012 at 2356 hrs., P/O Hoy stepped out to walk the east side streets on his foot patrol. He was approached at about 0020 on 7/8/12, while still walking the streets by [REDACTED], a 75 year old female. [REDACTED] reported to Hoy that she and her son had just been in a fight on Eastern Blvd and he had thrown a container of watermelon at her while she sat in her car. [REDACTED] stated that the watermelon had hit her in the chest and face and gone all over the car. Her son, [REDACTED] had been violent in the past and there was a refrain from order of protection in place between them. As a result, [REDACTED] was concerned that if she went home that [REDACTED] would return and hurt her. [REDACTED] had been left on Eastern Blvd when [REDACTED] drove off to get away from him. P/O Hoy directed [REDACTED] to drive to the West Ave Plaza and wait there for an officer to assist her.

P/O Cole and I were at Baker Park where two vehicles were parked un-occupied. One of the vehicles returned to a male sex offender and the second returned to another male but was obviously being used by a young female. A purse left in the unlocked car contained a drivers license of a 17 year old girl. P/O Cole, Investigator Visingard and I were searching the woods in the area and attempting to locate the young female, therefore we were unavailable. We cleared that complaint at about 0026⁴³ when we had just located the female and dispatch notified me via radio of the complaint reported to Hoy.

P/O Cole and I immediately responded to West Ave and began speaking to [REDACTED] when Hoy pulled up. I directed Larry to handle the complaint which he did by taking a full report with deposition and domestic report before he escorted [REDACTED] to her home so she could get belongings to spend the night at a hotel.

At about 0330 hrs., I checked in with P/O Hoy to find out the status of the case and the location of the suspect. Hoy told me that [REDACTED] might be at home at this point as he had no money or other place to go. During her interview, [REDACTED] had informed Hoy that [REDACTED] was psychotic manic depressive with paranoia and that he was often aggressive. He also was a knife collector and had many in the house ranging from little pocket knives to swords. As a result, I directed Hoy and P/O Cole to go with me to the house so we could initiate an arrest on the criminal contempt charges. Prior to leaving, I directed Hoy that we could not arrest [REDACTED] until we had him outside the house as we had no warrant.

On arrival at the house on Gibson Street, Hoy approached the side door of the house which was a double stairway parallel to the house leading to a landing. The stairway and landing area were protected by a railing on the outer edge by the driveway. The landing area was about three foot by three foot square and faced the single door. Hoy knocked and proceeded to stand directly in front of the door which was answered by [REDACTED]. Hoy then began asking [REDACTED] questions about what happened earlier in the night but continued to stand blocking the door. As the conversation continued, I began trying to entice [REDACTED] out of the house and to the back patio as Hoy was not trying to get [REDACTED] out of the house. After several minutes, I was unsuccessful in getting [REDACTED] to come out or to get Hoy

to understand what I was trying to do. I walked towards the front of the house and was a few feet up the driveway to where P/O Cole was standing. The conversation had turned to [REDACTED] having to leave the house because [REDACTED] wanted him out. [REDACTED] mentioned that he would need to get his shoes and I told him that he could get his shoes as I was still hoping that he would then come out of the house. At that point, without his shoes, [REDACTED] walked out of the house and turned towards the patio.

As stated previously, I had been on the patio earlier when trying to get [REDACTED] out of the house. I had observed on the patio several pipes and glass bottles on the ground that could be used as weapons. There was also a metal patio table and chairs set. As [REDACTED] walked out of the house, Hoy stepped aside to allow him out. [REDACTED] walked down the steps to the driveway and turned right to go behind the house to the patio. P/O Hoy followed him. I quickly went to the far side of the patio to prevent [REDACTED] from getting out into the yard and away from police. I was on the far side of the patio table and [REDACTED] was walking along the house with P/O Hoy walking behind him. [REDACTED] then turned around and walked past P/O Hoy and went back into the house locking the door before I could get near him. P/O Hoy made no attempt to take [REDACTED] into custody at any point.

When I asked P/O Hoy why he had not taken [REDACTED] into custody he stated that he thought I had said that [REDACTED] could get some shoes. P/O Hoy seemed to have no understanding of the circumstances or danger that had been created. I explained again that we could not go into the home to get [REDACTED] (Exigent circumstances seemed not to apply since we did nothing to attempt to secure him when we had the chance.) who had psychiatric issues and had now been allowed back into the home where there were numerous weapons that could be used against police.

We began looking through windows to attempt to see what [REDACTED] was doing inside the home and found he was sitting at a table in the kitchen. I directed P/O Hoy to knock again and get [REDACTED] out of the house and arrest him. [REDACTED] came to the door and out past Hoy again to the patio area. I grabbed [REDACTED] hands and placed him in handcuffs. Later when I asked P/O Hoy why he had not grabbed hold of [REDACTED] this time, he stated that I had grabbed his hands so he thought I had wanted to do it.

A handwritten signature in black ink, consisting of stylized initials and a long horizontal line extending to the right.

August 15, 2012

Scott,

Your note has prompted me to complete a memo that I have been working on for over a month. I have delayed completing the enclosed memo as every time I start to work on it my blood pressure spikes and I have to walk away.

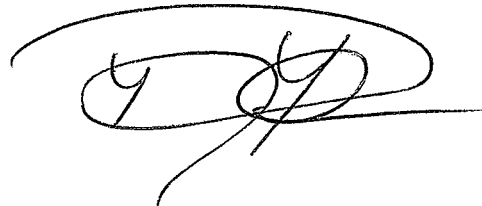
To answer your question, I have no doubt about anything Nate wrote in his memo. There have been two occasions that I am aware of that people have asked if Larry is "retarded." One was brought to my attention by Ryan Allen. That case entailed a victim or witness having to sit for an hour or more while Larry took a simple and basic statement. The second was along the same lines but I do not recall who told me about it.

It has become a matter of routine to correct and guide the activities and work of Officer Hoy. This has become a continuous and ongoing process that only ends in my frustration. Larry does not seem to possess the ability to apply logic to a situation to complete an investigation on some occasions. On others he performs just fine. He does not have a strong knowledge of the penal law outside of the most simple but he manages to meet expectations. I usually tell him to add charges that he does not think of. He needs to be continually guided and checked upon to make sure that he is performing his duties without error or omission.

This however is not a change for him. He has worked at the same level of competence since he went through a second FTO period two years ago. He has not made any progress but I also do not think that he has slipped back.

I am not sure what the case is with Larry. After two years as his supervisor, I have given up trying to motivate or improve him. I have tried to push him to perform at a higher level with no results no matter what tactic I use. I have given him friendly advice, direction as a supervisor and direct orders but all have been met with the same nonchalance and blank face. I have trained him and sent him to training but he still fails to perform what he learns (i.e., SFST). The only time I have seemed to make any change is when he is written up for a violation of general orders. While I get no response from Larry, he does not seem to make the same mistake twice and he certainly is not motivated by it.

As I stated in my evaluation at that time or his retraining, Larry will never be able to progress further than he has to this point. He does not seem motivated to or able to progress and he cannot see the errors that he makes even when pointed out. I recommended at the time that he be discharged from service. I have no idea how to fix or assist him with his issues.

A handwritten signature in black ink, consisting of a large, stylized 'Y' followed by a series of loops and a long horizontal stroke extending to the right.

City of Canandaigua Police Department

21 Ontario Street
Canandaigua, New York 14424

Patrol Division
Lt. Scott P. Ferguson

Jonathan P. Welch
Chief of Police

TO: Officer Larry Hoy

FROM: Lieutenant Scott P. Ferguson

DATE: 09/05/12

RE: Internal investigation

This letter is to inform you that two separate internal investigations are being conducted relating to your duty performance. Events being investigated are believed to have occurred on or about July 8th, 2012 and August 8th, 2012. You will be notified at a later time when an interview with me will be scheduled.

Cc: Chief Welch

Scott Ferguson

From: Scott Ferguson
Sent: Wednesday, November 14, 2012 2:11 PM
To: Larry Hoy
Cc: Jon Welch
Subject: Meeting

Larry,

You are to meet me in my office on 11/28/12 at 0500 regarding an internal investigation. You are entitled to union representation if you so wish.

Lt

Lt. Scott P. Ferguson
Canandaigua Police Department
21 Ontario Street
Canandaigua, New York 14424
585-396-5032, fax. 585-396-5034

"This message may contain confidential, sensitive and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

General Order #335

ADMINISTRATIVE WARNINGS

I wish to advise you that you are being questioned as part of an official investigation of the Canandaigua Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

However, I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges that may result in your dismissal from the Department. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

Any member being questioned in respect to possible disciplinary charges shall have the right to representation by the PBA President or his designee before making any written statement. The members shall be allowed reasonable time to procure such representation.


OFFICER'S SIGNATURE

DO NOT REQUEST A PBA REP
WITNESS'S SIGNATURE

DATE: 11/28/12 SR

TIME: 0453

City of Canandaigua Police Department

21 Ontario Street
Canandaigua, New York 14424

Lt. Scott P. Ferguson
Police Operations Commander

Jonathan P. Welch
Chief of Police

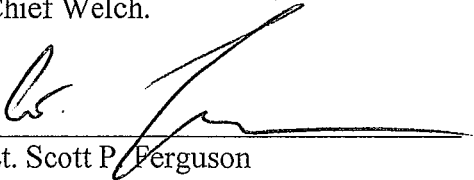
TO: Police Officer Lawrence T. Hoy
FROM: Lt. Scott P. Ferguson
DATE: 11/28/12
RE: **Internal Affairs Investigation 002-2012**

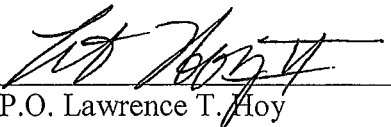
Officer Hoy,


You are hereby directed to complete a memorandum to my attention with explanations to each of the following situations:

- While investigating/dealing with a DWI/Stolen vehicle incident, (CR#1207092) on August 8th,:
 - Why you left an individual suspected of DWI unsupervised during an observation period, prior to a breath test being completed.
 - Why the voluntary statement you took from S-Case consisted of only three questions and required to be rewritten by Det. Lawrence.
 - Why you were unable to determine the proper charges and your unfamiliarity with the term "Leandra's Law" which had to be explained to you by Det. Lawrence.
- While investigating/dealing with a Domestic incident, (CR#1206016) on July 8th:
 - Why was there such a delay between your initial contact with victim, [REDACTED] and your follow up investigation.
 - Explain the circumstances of the warrantless arrest of the suspect and why you did not take the suspect into custody at the first opportunity that presented itself.

It is necessary to be specific in the requested explanations in each one of these cases. I expect to have your written response by 12/03/12 at 0830hrs. If you have any questions in my absence, see Chief Welch.


Lt. Scott P. Ferguson


P.O. Lawrence T. Hoy


PBA Representative

TO: Lt. Scott P. Ferguson

FROM: Police Officer Lawrence T. Hoy

DATE: 12/01/12

RE: **Internal Affairs Investigation 002-2012**

On 11/28/2012 I was directed to complete a memorandum to your attention with explanation to each of the following situations:

-While investigating/dealing with a DWI/Stolen vehicle incident,(CR#1207092) on August 8th,:

Situation #1- Why I left an Individual suspected of DWI unsupervised during an observation period, prior to a breath test being completed.

Answer: During the meeting in your office on 11/28/2012, you told me that I had been directed by detective Lawrence to perform an observation period on the suspect and during that time I left to report to another location in the building to watch other prisoners. I believe I was directed by OIC Jackson to leave the booking area to assist with watching the other suspects while he administered the breath test of my suspect. At this time I do not recall if I informed Officer Jackson that I was currently performing the observation period. I also do not recall how or why the prisoner was left alone.

Situation #2- Why the voluntary statement I took from S-Case consisted of only three questions and required to be rewritten by Det. Lawrence.

Answer: I have printed out a copy of [REDACTED] voluntary statement that I took from him that morning in the booking area and have attached it to this memorandum. It is clearly more than three questions long. I do find myself at fault with the time on the Voluntary Statement that reads 0227 hours. I suspect it should have read 0257 hours instead.

Situation #3- Why I was unable to determine the proper charges and my unfamiliarity with the term "Leandra Law" which had to be explained to me by Det. Lawrence.

Answer: I have no excuse. I was originally going to charge the driver with just DWI having forgotten the new Leandra Law which had to be explained to me again by Det. Lawrence.

-While investigating/dealing with a Domestic incident, (CR#1206016)on July 8th :

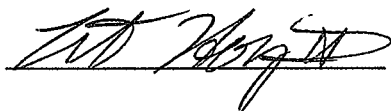
Situation #1- Why was there such a delay between your initial contact with the victim, [REDACTED] and your follow up investigation.

Answer: When the Victim, [REDACTED] stopped me in her vehicle to report the incident I was currently on my foot patrol on the east side walking south bound on Beeman Alley. [REDACTED] stated she was unfamiliar with Canandaigua and did not know where the City Police department was located. She did state that she knew where the West Avenue Plaza was located and it was determined that she would wait there for me to respond back to her as she could not go home because she lived with the suspect. I could not have another unit respond to assist her at this time as they were both tied up on another matter. As it would have taken me several minutes to walk back to my patrol vehicle and my foot patrol was about two-thirds finished, I made a judgment call to attempt to quickly finish my foot patrol thinking it would only take a couple of extra minutes so I would not have to return later to finish the job. As it happened I located an open front door at the Canandaigua Carpets store which took about ten minutes for a rep to respond to lock-up the building. I then responded the West Ave Plaza where the complainant was waiting for me.

Situation #2- Explain the circumstances of the warrantless arrest of the suspect and why I did not take the suspect into custody at the first opportunity that presented itself.

Answer: Myself, Officer Cole and Sgt. Feldman responded to the suspects address to arrest him on a warrantless arrest. Sgt. Feldman was able to coax the suspect outside his residence and into the driveway. During this time I thought we were going to question the suspect before placing him into custody. When the suspect turned and walked back into the house I hesitated in stopping him and allowed him back inside. I should have stopped the suspect as I was the closest to him by the door. In allowing him to do so I placed myself and both other Officers in danger.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence Hoy", written over a horizontal line.

Officer Lawrence Hoy

Received from Hwy
12/03/12

**VOLUNTARY STATEMENT OF [REDACTED], DOB: [REDACTED] GIVEN ON 08-08-2012
TO DETECTIVE NATHAN LAWRENCE AT THE CANANDAIGUA POLICE DEPARTMENT
LOCATED AT 21 ONTARIO STREET, CITY OF CANANDAIGUA, ONTARIO COUNTY,
NEW YORK.**

Time began: 0227hrs

I, [REDACTED] BEING DULY SWORN, AM [REDACTED] MY ADDRESS IS ON [REDACTED] CANANDAIGUA, NEW YORK. I HAVE BEEN DULY WARNED BY DETECTIVE NATHAN LAWRENCE, WHO HAS IDENTIFIED HIMSELF AS A POLICE OFFICER AND THAT I HAVE THE RIGHT TO REMAIN SILENT, THAT ANYTHING I SAY CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW. THAT I THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH ME WHILE I AM BEING QUESTIONED. IF I CANNOT AFFORD TO HIRE A LAWYER, I UNDERSTAND ONE WILL BE APPOINTED TO REPRESENT ME FREE OF CHARGE BEFORE ANY QUESTIONING. I UNDERSTAND AT ANY TIME I CAN EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

Q: Do you understand your rights?

A: Yes, I understand.

Q: Do you want a lawyer at this time?

A: No.

Q: Have any I made any promises or threats in exchange for this statement?

A: No

Q: What happened tonight?

A: I was at my friend [REDACTED] house. She lives on [REDACTED] I don't know what the address is. Me, [REDACTED] and [REDACTED] left and went looking for cigarettes. We walked down Phoenix to Main Street. We walked around Main Street looking for cigarettes. We couldn't find one at all. We decided to go car hopping. [REDACTED] and [REDACTED] wanted to steal stuff out of cars and I was the look out for them. When we were on Clark Street we found the Hibbs truck. They checked the vehicle and I saw that the key was in the ignition. We decided to drive it around being stupid. I drove up the street and went to Walmart. We came back to town. I saw a couple of my friends, [REDACTED] and [REDACTED] on Main Street. I drove to the Canandaigua National Bank Parking lot I parked the truck to talk to them. They said I was stupid and told me to put it back where I found it. I was dumb, I didn't put it back, and I didn't listen. I got back in the truck, started it and drove away again. I drove down Clark Street to drop off the truck but I didn't know what to do so I drove away. I drove down Phelps Street and that's when the cops pulled me over. I was wearing a rubber glove so not to get fingerprints on anything.

Q: What did the truck look like?

A: It was a red Hibbs truck. IT was an F150 or 250.

Q: Did anyone take anything from the truck?

A: I don't know.

Q: Did you have permission to take the truck?

A: No I did not.

Q: Do you have a license?

A: No I do not.

Q: How much did you have to drink tonight?

A: While I was driving the truck I drank about half a bud light 12 oz. can of beer then I chucked it out the window. This was about 15 minutes before I got pulled over by the police.

Q: Is there anything else you want to add?

A: No sir.

IT IS A CRIME, PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Affirmed under penalty of perjury
This 8th day of August 2012

WITNESS

Received from Hwy
12/03/12

VOLUNTARY STATEMENT OF [REDACTED] [REDACTED] GIVEN ON 08-08-2012
TO DETECTIVE NATHAN LAWRENCE AT THE CANANDAIGUA POLICE DEPARTMENT
LOCATED AT 21 ONTARIO STREET, CITY OF CANANDAIGUA, ONTARIO COUNTY,
NEW YORK.

Time began: 0227hrs

NOTATIONS MADE BY DET LAWRENCE

I, [REDACTED] BEING DULY SWORN, AM [REDACTED] MY ADDRESS IS ON [REDACTED] ANANDAIGUA, NEW YORK. I HAVE BEEN DULY WARNED BY DETECTIVE NATHAN LAWRENCE, WHO HAS IDENTIFIED HIMSELF AS A POLICE OFFICER AND THAT I HAVE THE RIGHT TO REMAIN SILENT, THAT ANYTHING I SAY CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW. THAT I THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH ME WHILE I AM BEING QUESTIONED. IF I CANNOT AFFORD TO HIRE A LAWYER, I UNDERSTAND ONE WILL BE APPOINTED TO REPRESENT ME FREE OF CHARGE BEFORE ANY QUESTIONING. I UNDERSTAND AT ANY TIME I CAN EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

Q: Do you understand your rights?

A: Yes, I understand.

Q: Do you want a lawyer at this time?

A: No.

Q: Have any I made any promises or threats in exchange for this statement?

A: No

Q: What happened tonight?

A: I was at my friend [REDACTED] house. She lives on [REDACTED] I don't know what the address is. Me, [REDACTED] and [REDACTED] left and went looking for cigarettes. We walked down Phoenix to Main Street. We walked around Main Street looking for cigarettes. We couldn't find one at all. We decided to go car hopping. [REDACTED] and [REDACTED] wanted to steal stuff out of cars and I was the look out for them. When we were on Clark Street we found the Hibbs truck. They checked the vehicle and I saw that the key was in the ignition. We decided to drive it around being stupid. I drove up the street and went to Walmart. We came back to town. I saw a couple of my friends, [REDACTED] and [REDACTED] on Main Street. I drove to the Canandaigua National Bank Parking lot I parked the truck to talk to them. They said I was stupid and told me to put it back where I found it. I was dumb. I didn't put it back, and I didn't listen. I got back in the truck, started it and drove away again. I drove down Clark Street to drop off the truck but I didn't know what to do so I drove away. I drove down Phelps Street and that's when the cops pulled me over. I was wearing a rubber glove so not to get fingerprints on anything.

Edited
this
paragraph
[initials]

Q: What did the truck look like?

A: It was a red Hibbs truck. IT was an F150 or 250.

Q: Did anyone take anything from the truck?

A: I don't know.

(12) Q: Did you have permission to take the truck?
A: No I did not.

(13) Q: Do you have a license?
A: No I do not.

(13) Q: How much did you have to drink tonight?
A: While I was driving the truck I drank about half a bud light 12 oz. can of beer then I chucked it out the window. This was about 15 minutes before I got pulled over by the police.

(12) Q: Is there anything else you want to add?
A: No sir.

IT IS A CRIME, PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Affirmed under penalty of perjury
This 8th day of August 2012

WITNESS

from case file

VOLUNTARY STATEMENT

City of Canandaigua
County of Ontario
State of New York

August 8, 2012
Time started: 02:27 am

I, [REDACTED], am [REDACTED] date of birth is [REDACTED] I have been duly warned by Detective Nathan J. Lawrence and PO Hoy, who has identified himself as a Police Officer with the Canandaigua Police Department, that I have the right to remain silent and don't have to say anything if I don't want to, that anything I say can be used against me in a court of law, that I have the right to talk to a lawyer before making any statement and to have a lawyer here with me, that if I can't pay for a lawyer, one will be given to me before I make any statement, if I wish. I understand what my rights are and I am willing to make a statement. I do not want a lawyer at this time. No promises or threats have been made to me to induce me to make this statement.

Q: Do you understand your rights?

A: Yes, I understand.

Q: Do you want a lawyer at this time?

A: No.

Q: Have any I made any promises or threats in exchange for this statement?

A: No

Q: What happened tonight?

A: I was at my friend [REDACTED] house. She lives on [REDACTED] I don't know what the address is. Me, [REDACTED] and [REDACTED] left and went looking for cigarettes. We walked down Phoenix to Main Street. We walked around Main Street looking for cigarettes. We couldn't find one at all. We decided to go car hopping. [REDACTED] and [REDACTED] wanted to steal stuff out of cars and I was the look out for them. When we were on Clark Street we found the Hibbs truck. They checked the vehicle and I saw that the key was in the ignition. We decided to drive it around being stupid. I drove up the street and went to Walmart. We came back to town. I saw a couple of my friends, [REDACTED] and [REDACTED] on Main Street. I drove to the Canandaigua National Bank Parking lot I parked the truck to talk to them. They said I was stupid and told me to put it back where I found it. I was dumb, I didn't put it back, and I didn't listen. I got back in the truck, started it and drove away again. I drove down Clark Street to drop off the truck but I didn't know what to do so I drove away. I drove down Phelps Street and that's when the cops pulled me over. I was wearing a rubber glove so not to get fingerprints on anything.

Q: What did the truck look like?

A: It was a red [REDACTED] truck. It was an F150 or 250.

Q: Did anyone take anything from the truck?

A: I don't know.

Q: Did you have permission to take the truck?

A: No I did not.

Q: Do you have a license?

A: No I do not.

Q: How much did you have to drink tonight?

A: While I was driving the truck I drank about half a bud light 12 oz. can of beer then I chucked it out the window. This was about 15 minutes before I got pulled over by the police.

Q: Is there anything else you want to add?

A: No sir.

NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law of the State of New York. This statement consists of (3) pages.

Affirmed under penalty of perjury Sec. 210.45 – Penal Law

Affirmed under penalty of perjury
This 8th day of August 2012

Det. Rath J #823

WITNESS



1730 HRS

Q: What date and time did you steal the vehicle?

A: August 8th around 1am.

Q: How long did you drive it around for?

A: 45 mins

Q: What was damaged and thrown out the window?

A: Pat pulled the visor off. I don't know if he threw it out the window. I can't remember if anything was thrown out the window.



Det. Rath J #823

Witness

1. Agency CANANDAIGUA POLICE DEPARTMENT		2. Div/Precinct PATROL		New York State INCIDENT REPORT		3. ORI NY0342900	5. Case No. 1207092	6. Incident No. 33945
7,8,9. Date Reported (Day, Date, Time) WEDNESDAY 08/08/2012 02:03			10,11,12. Occurred On/From (Day, Date, Time) WEDNESDAY 08/08/2012 02:03			13,14,15. Occurred To (Day, Date, Time)		
16. Incident Type DRIVING WHILE INTOXICATED-DRUGS					17. Business Name			
19. Incident Address (Street Name, Bldg. No., Apt. No.) SALTONSTALL STREET								
20. City/State/Zip CANANDAIGUA NEW YORK 14424								
21. Location Code (TSLED) CANANDAIGUA CITY 3529			23. No. of Victims 1		24. No. of Suspects 3		26. Victim also Complainant? No	
Location Type STREET								

22. OFF No.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE	GTS
1.	PL	145.05		E	F	3	C	CRIMINAL MISCHIEF - 3RD	1
2.	VTL	1227	01		I	0	C	DRINKING ALCOHOL IN MOTOR VEHICLE ON HIGHWAY	1
3.	VTL	0509	01		I	0	C	OPERATE MV BY UNLICENS'D DRIVER	1
4.	VTL	1192	03	U	M	0	C	DRIVING WHILE INTOXICATED- 1ST OFFENSE	1
5.	PL	155.35	01	D	F	3	C	GRAND LARCENY 3RD DEGREE: PROPERTY VALUE EXCEEDS \$3000	1
6.	VTL	1192	2-AB	E	F	0	C	AGGRAVATED DWI: WITH A CHILD-PASSNGER LESS THN 16-1ST OFF	1

ASSOCIATED PERSONS

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg., Apt. No., City, State, Zip	Res Phone Bus Phone
SUSPECT	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
VICTIM	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
SUSPECT	JUVENILE ARREST, 13441			
LEGAL GUARDIAN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
SUSPECT	JUVENILE ARREST, 13442			
LEGAL GUARDIAN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
COMPLAINANT	LENARD, ALAN		[REDACTED]	[REDACTED]
COMPLAINANT	SCARBOROUGH, ANTHONY H	[REDACTED]	[REDACTED]	[REDACTED]
VICTIM	NEW YORK STATE		NY	

VICTIM

Name	27. DOB	28. Age	29. Gender	30. Race	31. Ethnicity	32. Handicap	33. Residence Status
[REDACTED]	[REDACTED]	44	MALE	WHITE	NOT HISPANIC	UNKNOWN	RESIDENT

Victim DID receive information on Victim's Rights and Services pursuant to New York State Law ☐ Yes ☐ No

Name	27. DOB	28. Age	29. Gender	30. Race	31. Ethnicity	32. Handicap	33. Residence Status
NEW YORK STATE		NA		NOT APPLICABLE	NOT APPLICABLE		NOT APPLICABLE

Victim DID receive information on Victim's Rights and Services pursuant to New York State Law ☐ Yes ☐ No

SUSPECT

Person ID # 34711	34. Type/No. SUSPECT	35. Name (Last, First, Middle) [REDACTED]				
37. Apparent Condition APPEARS TO BE IMPAIRED WITH ALCOHOL		38. Address (Street Name, Bldg., Apt. No., City, State, Zip) [REDACTED]				
39a. Home Phone [REDACTED]	39b. Work Phone [REDACTED]	40. Social Security [REDACTED]	41. DOB [REDACTED]	42. Age 16	43. Gender MALE	44. Race WHITE
45. Ethnicity NOT HISPANIC	46. Skin LIGHT	47. Occupation				
48. Height 5 ft. 10 in.	49. Weight 184 lbs.	50. Hair RED	51. Eyes BROWN		52. Glasses NO	53. Build NORMAL
54. Employer/School			55. Employer Address			
56. Scars/Marks/Tattoos /Description						
36. Alias/Nickname/Maiden Name						
Last Name		First Name		Middle Name		

Person ID # 39535	34. Type/No. SUSPECT	35. Name (Last, First, Middle) JUVENILE ARREST, 13441				
37. Apparent Condition		38. Address (Street Name, Bldg., Apt. No., City, State, Zip)				
39a. Home Phone	39b. Work Phone	40. Social Security	41. DOB	42. Age 14	43. Gender MALE	44. Race WHITE
45. Ethnicity NOT HISPANIC	46. Skin	47. Occupation				
48. Height	49. Weight	50. Hair	51. Eyes		52. Glasses	53. Build
54. Employer/School			55. Employer Address			
56. Scars/Marks/Tattoos /Description						
36. Alias/Nickname/Maiden Name						
Last Name		First Name		Middle Name		

Person ID # 39537	34. Type/No. SUSPECT	35. Name (Last, First, Middle) JUVENILE ARREST, 13442				
37. Apparent Condition		38. Address (Street Name, Bldg., Apt. No., City, State, Zip)				
39a. Home Phone	39b. Work Phone	40. Social Security	41. DOB	42. Age 15	43. Gender MALE	44. Race WHITE
45. Ethnicity HISPANIC	46. Skin	47. Occupation				
48. Height	49. Weight	50. Hair	51. Eyes		52. Glasses	53. Build
54. Employer/School			55. Employer Address			
56. Scars/Marks/Tattoos /Description						
36. Alias/Nickname/Maiden Name						
Last Name		First Name		Middle Name		

VEHICLE

59. Vehicle Status DESTROYED/DAMAGED/VANDALIZED		60. License Plate No. 17855MB	61. State NY	62. Exp. Yr.	64. Value \$30,000.00
63. Plate Type	65. Year 2007	66. Make 67. Model FORD F150			
68. Style PICKUP		69. VIN		70. Color(s) RED	
71a. Towed By		71b. Towed To			
72. Vehicle Notes DAMAGE TO VEHICLE.					
59. Vehicle Status STOLEN AND RECOVERED		60. License Plate No. 17855MB	61. State NY	62. Exp. Yr.	64. Value \$30,000.00
63. Plate Type PASSENGER AUTOMOBILE (REGULAR PLATES)	65. Year 2007	66. Make 67. Model FORD F250			
68. Style PICKUP		69. VIN		70. Color(s) RED	
71a. Towed By DOBB'S		71b. Towed To IMPOUND YARD			
72. Vehicle Notes DAMAGE TO VEHICLE.					

NARRATIVE

Date of Action	Date Written	Officer Name & Rank
08/08/2012	08/09/2012	HOY, LARRY (PO)

Narrative

On 08/08/2012 at about 0111 hours, I was dispatched to a sick or intox complaint. Dispatch stated the vehicle was a red [REDACTED] construction pick-up truck driving with no lights on. The vehicle turned north bound onto Pearl Street from Clark Street. I searched the area and did not locate the vehicle. I spoke with the complainant, [REDACTED], who stated he saw the pick-up truck pull into his driveway with no light on. He stated it backed up out of his driveway and struck the curb across the street and proceeded to back up on to the lawn by several feet. He said there were three people in the pick-up truck. He stated the vehicle drove west bound on Clark Street then turned right onto South Pearl still with the lights off. See CR#1207091.

At about 0203 hours, I was dispatched to speak with another complainant, [REDACTED], on South Main Street in front of the Byrne Dairy. Upon arrival Scarborough stated he observed a red Hibb's construction vehicle drive around the block from South Main Street to Beeman Street then come back out onto Main Street from Saltonstall Street, a couple of times in the last ten minutes. He stated the vehicle only had its parking lights on and whoever was inside the vehicle was throwing items out of it. Scarborough handed me the vehicle registration that he found laying on the road after it was thrown out the window. The registration came back to a red 2007 Ford, New York Reg: 17855MB registered to Hibbs enterprises Inc. from [REDACTED]

About fifteen minutes later while searching for the vehicle, dispatch came over the radio stating the vehicle was just seen heading south on South Main Street. I was driving south on Jefferson and when I came to Saltonstall Street the Suspect vehicle passed me traveling eastbound on Saltonstall Street. I immediately got behind the pick-up truck and activated my emergency lights and called out with the vehicle location. The pick-up truck pulled into the DPW parking lot and stopped. I approached the vehicle and observed three teenage males in the vehicle. I asked the driver for his license and the registration. The driver stated he did not have a driver's license. I asked him if he has ever had a license and he stated he was sixteen and has not gotten a driver's license yet. I asked if he had any identification and he stated no. I asked him his name and he stated he was [REDACTED]. I asked the other two occupants their names and they identified themselves as [REDACTED] age 14 and [REDACTED] age 15.

Officer Callin arrived on scene and I requested he take [REDACTED] and [REDACTED] out of the vehicle. I then asked [REDACTED] where he had taken the vehicle from. He stated he observed two males running from the vehicle where it was parked on Tillotson Street. He said the three of them got in with him in the drivers seat. He stated the keys were in the ignition and he started the vehicle and drove it away. He stated they drove the pick-up truck around town for about half an hour to forty five minutes. I asked him why he had taken the truck and he said he was going to drive it back to Hibb's on Clark Street but he had got nervous and decided to just keep drive it around town instead.

During the conversation with [REDACTED] I detected the strong odor of an alcoholic beverage coming from the pick-up truck. I asked [REDACTED] if he's been drinking tonight and he stated he had drank 1/2 of a 12oz can of Bud light beer. I asked how long ago he had drank it. He stated about fifteen minutes ago while he had been driving around. I asked if the can was still in the vehicle and he stated he had thrown it out the window while he was driving.

I had [REDACTED] exit the vehicle. He had to hold onto the door as he was getting out. I noticed he was wearing a rubber glove. I asked why he was wearing it and he stated so he wouldn't leave fingerprints in the vehicle. I later found another glove in his pants pocket. Both gloves were placed into evidence Invoice# 21196. I directed [REDACTED] to a flat portion of the parking lot and had him perform a series of field sobriety tests which he completed to a substandard level. While instructing [REDACTED] on the tests I observed he had bloodshot and watery eyes. I also detected a strong odor of an alcoholic beverage coming from his mouth. Based on the totality of the circumstances, at 0236 hours, [REDACTED] was placed under arrest for DWI. [REDACTED] was handcuffed, searched incidental to arrest, and placed in the back seat of my patrol vehicle, RMP 44.

Officer Callin did tech work on the Pick-up truck and then had it placed into impound by Dobb's towing.

I transported [REDACTED] to the booking area at the PD. Once there I was met by Detective Lawrence who confirmed [REDACTED] identity as he has had prior dealings with [REDACTED]. At 0251 hours I read [REDACTED] his Miranda Warnings and at 0255 hours I read him his Chemical Test Warnings. [REDACTED] stated he understood his rights and agreed to give a written statement and take a breath test. Officer Jackson responded to the PD to give the breath test. At 0358 hours, the breath test was administered, and [REDACTED]'s BAC was measured at .11%. [REDACTED] was arrested by me for Felony Driving while intoxicated under the Leandra law, consumption of alcohol in a motor vehicle, and unlicensed operator. [REDACTED] was transported to the Ontario County Jail to be held for arraignment at 0830 hours at the Canandaigua City Court.

Date of Action	Date Written	Officer Name & Rank
08/08/2012	08/08/2012	BARTOLOTTA, DARRIN (PO)

Narrative

SUPPLEMENTAL BY OFFICER BARTOLOTTA

On August 8th, 2012 at 0800 hours I met with victim [REDACTED] regarding this incident. [REDACTED] was brought inspect his vehicle for damage and missing items. He stated the interior of the vehicle was damaged in several places along the dashboard; the passenger sun visor was broken off and missing; and the passenger handrail above the door was broken off and missing. He said the vehicle is worth \$30,000 and damage amounts to around \$800. He will obtain a repair estimate and turn it into us. He said the was a large amount of paperwork missing, but could not determine a value to the papers. He did not believe that there were any missing tools. He stated the vehicle was parked at [REDACTED] the keys inside and the doors unlocked.

[REDACTED] was brought to the PD where he was deposed. [REDACTED] brought his employee, [REDACTED] with him during this process, because [REDACTED] usually drives this vehicle. No further actions by me.

Date of Action	Date Written	Officer Name & Rank
08/08/2012	08/08/2012	LAWRENCE, NATE (DET)

Narrative

Supplemental by DETECTIVE LAWRENCE

On 08/08/12 I was called by dispatch for a stolen vehicle complaint.

I responded to the police department and spoke to OIC Jackson. OIC Jackson stated that three juveniles stole Rhuel Hibbard's pick up truck and drove it around the Canandaigua area. OIC Jackson further stated that the driver, [REDACTED], was arrested for DWI.

I went to the booking room to speak to [REDACTED]. At approximately 0251 hours PO Hoy read [REDACTED] his Miranda Warnings. [REDACTED] admitted to stealing Hibb's pick-up truck with [REDACTED] and [REDACTED]. [REDACTED] further admitted to drinking alcohol before and during the time the vehicle was stolen.

I obtained a voluntary statement from [REDACTED] (see attached voluntary statement). Note that the start time on the voluntary statement is incorrect and should show a time of 0251 hours.

At approximately 0321 hours I spoke to [REDACTED] in the presence of his mother, [REDACTED]. I read [REDACTED] his Miranda Warnings and he agreed to talk to me. [REDACTED] admitted to drinking alcohol and stealing the vehicle.

I wrote a supporting deposition entailing my conversation with [REDACTED] (see attached deposition).

At approximately 0412 hours I spoke to [REDACTED] in the presence of his mother, [REDACTED]. I read [REDACTED] his Miranda Warnings and he agreed to talk to me. [REDACTED] corroborated [REDACTED] and [REDACTED] account of the incident. [REDACTED] further went into detail on the exterior damage they caused to the vehicle and items that they threw out the window.

I wrote a supporting deposition entailing my conversation with [REDACTED] (see attached deposition).

I referred both juveniles to probation and filed a juvenile referral. Neither juvenile is currently on probation.

At approximately 1230 hours I spoke to PO Bartolotta who gave me multiple pictures that [REDACTED] gave him showing further damage to the exterior and tires of the vehicle (see attached pictures). Po Bartolotta later advised me that [REDACTED] wanted to speak to me.

I spoke to [REDACTED] who stated that he no longer wanted to pursue charges because he is friends with [REDACTED] father. I advised [REDACTED] that this was not an option. I inquired if he wanted to pursue charges on the criminal mischief for the damage to his vehicle and he stated that he did not at this time; however, will call me within the next 24 hours if he changes his mind.

Case closed by juvenile referral.

LAWRENCE

Date of Action	Date Written	Officer Name & Rank
08/08/2012	08/08/2012	LAWRENCE, NATE (DET)

Narrative

Supplemental by DETECTIVE LAWRENCE

On 08/08/12 I spoke to [REDACTED] who stated that he did wish to pursue charges for criminal mischief. [REDACTED] stated that he would drop off an estimate to the police department tomorrow.

A felony complaint for criminal mischief will only be filed per DA's request. Restitution is an issue.

No further action was taken by this detective.

LAWRENCE

ADMINISTRATIVE

74. Inquiries DMV	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank)		78. ID No. 811	79. Supervisor Signature (Include Rank) PO JEREMIAH JACKSON
80. ID 819			
81. Status ARREST - ADULT	82. Status Date 08/08/2012	83. Notified/TOT	

Arrest #
13439

D.A. #

Court #

Misc.
1207092

Canandaigua COURT: CITY OF: CANANDAIGUA

STATE OF NEW YORK: COUNTY OF ONTARIO

THE PEOPLE OF THE STATE OF NEW YORK
against

☐ SUPPORTING DEPOSITION

☐ DWI BILL OF PARTICULARS

 W DEFENDANT
(Last) (First) (Middle)

The above "DEFENDANT" is charged by Simplified Traffic Information (TSLED) Number(s): **CR44005P6H, CR44005Q6H**
(or attached accusatory instrument) with OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL contrary to Section 1192 of the Vehicle and Traffic Law. A Supporting Deposition and/or Bill of Particulars pursuant to Sections 100.25 & 200.95, respectively, of the Criminal Procedure Law are hereby provided, as follows: THE UNDERSIGNED COMPLAINANT, upon direct knowledge unless otherwise specified, avers that the defendant, on or about the 8th of August, at or about 0218 (MIL), operated a (color) Red YR 2007 (make) Ford motor vehicle, bearing State of New York registration number 17855MB in a East arly direction on Saltonstall Street a public highway/parking lot in the City/Town/Village of CANANDAIGUA County of ONTARIO State of New York, while in an intoxicated condition and/or having a .11 % blood alcohol content.

1. GENERAL INFORMATION

Arrest Date: 08 / 08 / 12 Arrest Time: 0236 (MIL)

Date of Birth: Sex ☒ M ☐ F ☐ U

License State: Motorist I.D. No.:

no drivers license

Defendant's Address/Phone No.:

Vehicle: ☒ Impounded ☐ Towed ☐ Left

Road Conditions: Dry

Traffic: lite Weather: clear

☐ PRIOR CONVICTIONS

Sections	How Many	Date(s)	As a Felony
1192.1			<input type="checkbox"/>
1192.2			<input type="checkbox"/>
1192.3			<input type="checkbox"/>
1192.4			<input type="checkbox"/>
1192.5			<input type="checkbox"/>

Out of State

REASONS FOR STOP/DESCRIPTION OF VIOLATIONS

☒ Erratic Operation: backed into lawn
explain

☐ VTL Violation of Section(s):

☐ Accident: ☐ Property Damage ☐ Injury

☐ Injury to Other than Driver

☐ "SPI" (Serious Physical Injury)

☐ "D" (Fatality)

☒ Civilian Complaint

☐ Roadblock

☐ Other:

Time of Stop: 0218 (MIL)

3. VEHICLE OPERATION SHOWN BY:

☒ Complainant's Observations

☐ Civilian Witness(es) Identification

☒ Admissions (see Number 9)

☒ Further Observations as follows:

☒ Defendant at the Wheel

☒ Defendant near the Vehicle

☒ Keys in the Ignition

☒ Motor Running

☐ Defendant Injured in Crash

☐ Other:

4. PROBABLE CAUSE FOR ARREST:

A. Observation of the Defendant's:

☒ Driving

☒ Odor of Alcoholic Beverage

☐ Odor of Marijuana

☒ Glassy Eyes

☒ Impaired Speech

☒ Impaired Motor Coordination

☐ Other Odors:

☒ Performance of Field Test(s) ☐ Refused

☒ Gaze Nystagmus

☒ Walk and Turn

☒ One Leg Stand

☐ Finger to Nose

☐ Finger Count

☐ Reciting the Alphabet

☐ Other:

☐ Defendant Disabled

Fail Pass

☐ ☐

☐ ☐

☐ ☐

☐ ☐

☐ ☐

☐ ☐

☐ ☐

☐ ☐

☐ ☐

B. Admissions By The Defendant

☒ Oral (See Number 9)

☐ Conduct:

☐ Screening Test Refusal

☐ Chemical Test Refusal

☐ Resisted Apprehension

☐ Other:

C. Other Evidence as Follows:

☐ Open Container of an Alcoholic Beverage

☐ Positive Breath Screening Test:

Time: (MIL)

☒ Civilian Witness(es)

☐ Other:

5. NO ALCOHOL AFTER STOP SHOWN BY:

☒ Continual Police Observation

☒ Admissions (See Number 9)

☐ Civilian Witnesses

☐ Video

☐ Other:

6. CHEMICAL TEST INFORMATION

Time of Test: 0358 (MIL)

Location of Test: Canandaigua Police Department

Witness to Test:

☐ Blood (Results to be delivered later)

☒ BREATH TEST B.A.C. 0.11 %

Breath Test Operator: PO Jackson

☐ Other Test: B.A.C. 0. %

Inst # 126106 Model # DMT

Sim Lot # 12080

Blood Test Drawn By:

☐ Nurse ☐ Physician ☐ EMT ☐ Lab Tech

☐ Court ordered blood test:

Judge:

Location of lab for analysis:

☐ Refusal

☐ No Test Administered

7. PRESENT CHARGES:

☐ DWAI 1192.1

☒ DWI 0.08% BAC or Greater 1192.2 AB

☒ DWI INTOX 1192.3

☐ DWAI DRUGS 1192.4

☐ Felony 0.08% BAC or Greater

[1192.2 and 1193.1(c)]

☐ Felony DWI [1192.3 and 1193.1(c)]

☐ Consumed Alcohol Under 21 [1192-a]

☒ Other VTL Violation(s) 509-1,1227-1

☒ Other Offense(s) Grand Larceny 3rd

☐ Current Susp./Revoc (Sec. 511)

8. VERIFICATION:

False Statements made herein are punishable as a Class "A" misdemeanor pursuant to Section 210.45 of the Penal Law.

Canandaigua Police

Police Agency

Arresting Officer (Signature)

Arresting Officer (Print Name)

Shield # 811 Precinct/Troop/Zone/Station

☐ Supporting Deposition Served on Defendant

Date Officer's Initial Defendant's Initial

DCJS - 3204 (6/08)

710.30 NOTICE

City COURT City OF Canandaigua

13439

PLEASE TAKE NOTICE THAT THE PEOPLE, PURSUANT TO SECTION 710.30 OF THE CRIMINAL PROCEDURE LAW, INTEND TO USE ALL STATEMENTS OR ADMISSIONS REFLECTED HEREIN MADE BY THE DEFENDANT TO A LAW ENFORCEMENT OFFICIAL.

A. CONVERSATION AT ARREST SCENE

Time: 0218 (MIL) Date 08/08/12

To Whom: Officer Hoy

DEFENDANT SAID THAT HE/SHE:

- ☒ Had been drinking:
 How Many 1/2 Type Bud light beer
- ☒ Where in vehicle
- ☒ Operated the Vehicle
- ☐ Did Not Drink since Operation of Vehicle Ceased
- ☐ Was Driving to: _____
- ☒ Was Driving from: South Main Street
- ☐ Had Prior Alcohol Convictions
- ☐ Is Currently DWI Susp/Revoc
- ☐ Would Not Take a Screening Test
- ☐ Would Not Take a Chemical Test
- ☒ AS IN ATTACHMENT HERETO
- ☐ OTHER _____

B. CONVERSATION

Time: _____ (MIL) specify location Date _____

To Whom: _____

DEFENDANT SAID THAT HE/SHE:

- ☐ Had Been Drinking
 How Many _____ Type _____
- ☐ Where _____
- ☐ Operated the Vehicle
- ☐ Did Not Drink since Operation of Vehicle Ceased
- ☐ Was Driving to: _____
- ☐ Was Driving from: _____
- ☐ Had Prior Alcohol Convictions
- ☐ Is Currently DWI Susp/Revoc
- ☐ Would Not Take a Screening Test
- ☐ Would Not Take a Chemical Test
- ☐ AS IN ATTACHMENT HERETO
- ☐ OTHER _____

C. IDENTIFICATION OF DEFENDANT

- ☐ Confirmation (at or near scene)
- ☐ Observation (of operation or upon other occasion)

D. VIDEO

☐ Yes ☐ No

E. WARNINGS GIVEN

- ☒ Refusal Time: 0255 (MIL)
 Given by: Officer Hoy
 Location: Booking Room
- ☒ Miranda Time: 0251 (MIL)
 Given by: Officer Hoy
 Location: Booking Room

F. 710.30 Notice served on Defendant

Date	Officer's Initials	Defendant's Initials
------	--------------------	----------------------

DCJS - 3204 (6/06)

Arrest - 0236

Warnings - 0255 - 1 hr 3 min

Test - 0358

SUBJECT TEST

CANANDAIGUA CITY
POLICE DEPT
DATAMASTER dmt: 126106

Date: 08/08/2012

SUBJECT NAME:

██████████
CASE/TICKET NUMBER: 120 7092
OBSERVATION TIME BEGAN: 03:32
SUBJECT ADVISED: Y
SUBJECT DOB: ██████████ SUBJECT SEX: M
IID INSTALLED: N
CHILD IN VEHICLE: YES
ARRESTING AGENCY/DEPT:
CANANDAIGUA CITY PD
ORI #: 0342900
ACCIDENT INVOLVED: N
INJURIES: 0 # FATALITIES: 0
ARREST LOCATION:
SALTONSTALL ST
COUNTY OF ARREST: ONTARIO
DRIVERS LICENSE NUMBER: 999999999
STATE ISSUED: NY
ARRESTED/DETAINED FOR:
1192
LAST DRINKING LOCATION:
EASTERN BLVD
ARRESTING OFFICER NAME:
LARRY HOY
OPERATOR NAME:
JEREMIAH JACKSON
OPERATOR PERMIT NUMBER: 34147
OPERATOR AGENCY/DEPT:
CANANDAIGUA CITY PD
REFERENCE STANDARD NUMBER:
12080

--- BREATH ANALYSIS ---

BLANK TEST	0.00	03:56
INTERNAL STANDARD	VERIFIED	03:56
SUBJECT SAMPLE	0.11	03:57
BLANK TEST	0.00	03:58
REFERENCE STANDARD TEMP	33.99c	
REFERENCE STANDARD	0.09	03:58
BLANK TEST	0.00	03:59

I, T. Jackson, am employed by the Canandaigua PD., a government agency, and, having been delegated by my employer to do so, certify that the above record of blood alcohol content analysis was made in the regular and ordinary course of business of this agency; that it is the regular and ordinary course of business of this agency to perform analysis of blood alcohol content and to make records of such analysis at the time they are performed; that the entries appearing on the above record were made at or soon after the time of the acts, transactions, occurrences, or events stated thereon; that this record, if a copy, is a complete and exact duplicate of the original thereof; and that it is part of my employment responsibilities to maintain custody or control of this record.

8-8-12

Date

J. Jackson

Signature

Police Ofc.

Title

Operator Name, Rank and Department:

PO T. Jackson Canandaigua P.D.

Permit Number:

34147

LESSON PLAN # NIA (Assigned by the Chief)

City of Canandaigua Police Department

Record of In-Service Training

Name/Rank: Hoy, L. Date: 5/28/10
Badge # 811

Type of Training	
<input type="checkbox"/> Firearms	<input checked="" type="checkbox"/> Legal Updates/Policy
<input type="checkbox"/> Use of Force	<input type="checkbox"/> Use of Deadly Force
<input type="checkbox"/> Defensive Tactics/Baton	<input type="checkbox"/> OC Pepper Spray
<input type="checkbox"/> Other (Specify) _____	

Lesson Plan Submitted/Approved by Chief prior to training: ~~YES~~ NO NIA
Circle one

Length of Training: 1 Hour

Training Time: _____ On Duty: _____

Instructor: ADA Kirk Hazen

General Topics Instructor: YES NO (circle yes or no)

Location: Fire Station #1

Comments/Grading:

Supporting Depositions/Facial Sufficiency

Felony Complaints

LEANDRA'S Law

1192 (4) DRE/Scheduled Drugs

Interlock Devices

AUO 1st/ Conditional License

Blood Search Warrants

Fog Lines

Presented by ADA Kirk Hazen

CPD # _____

CANANDAIGUA POLICE DEPARTMENT

TIME RECORD SHEET

L. Hoy
Friday, May 28, 2010

OFFICER'S NAME - L. Hoy

TODAY'S DATE - 6/2/2010 5:59

TYPE OF TIME - TRAINING TIME ☐

DATE OF TIME WORKED - 05/28/10 ☐

- 8:25 (HRS : MIN)

- 12:30 (HRS : MIN)

NUMBER OF BLOCKS - One 4 Hour Block

TOTAL HOURS / MINUTES - 4:00 (HRS : MIN)

REASON - Law Day; Legal updates; Hazmat

LATE
SLIP

I certify that the above stated time is just, true and correct.

OFFICER'S SIGNATURE

SQUAD LEADER'S SIGNATURE

APPROVED

APPROVAL DATE

SUPERVISOR'S SIGNATURE

DISAPPROVAL REASON

TRAINING TIME

Friday, May 28, 2010

DAY OF THE WEEK

Training Block(s): 4.00 hours

TRAINING TIME

Event Number: P122210003

Page 1

CR# 1207092

Start Dt	Time	Situation/Description	HR	PR
08/12	02:03:49	RPT: 68	5	2

Caller Info: SEE THE MAN ON FOOT AT BYRNE DAIRY - SAYS HIBBS TRUCK IS
DRIVING RECKLESS AND WITH NO LIGHTS//LAST SEEN TURNING ON TO
BRISTOL ST//CALLER HAS REG THAT BLEW OUT OF BACK OF TRUCK

Alarm No	Location	C/A	USE
	BYRNE DAIRY, 254 SOUTH MAIN ST		29

Oper: SABRINAMM
Town: C CANANDAIGUA

Caller Information

(How Received: E911)

Initial Units: 811

Rpt No	Officer	District	Citations
I1207092	HOY, LARRY T	P29 C CANANDAIGUA	

Drivers Info: [REDACTED] W 030396 M

Registration Info: 17855MB

FND: 68 ~~STICK OR INTOX DRIVER~~

Sent	Disp	CC	Comp	Oper	Comp. Dt	Time	Cleared	Susp	Unsus	Under	Ctl
02:05:10		05			08/08/12	06:27					

(ARREST REPORT FILED

Notes

[08/08/12 06:21:46 BRUCEAM] EM 77412.8
[08/08/12 06:14:24 NATHANDM] 801 77701.6
[08/08/12 06:04:29 SABRINAMM] 801 WILL BE TRANSPORTING TO OCJ
[08/08/12 03:28:45 NATHANDM] MESSAGE LEFT FOR [REDACTED]
[08/08/12 03:21:58 NATHANDM] 818 TECH WORK ON SALTONSTALL
[08/08/12 03:17:19 NATHANDM] 818 @ PD
[08/08/12 03:16:11 NATHANDM] 818 77406 1F AND 1JUV TO THE PD
[08/08/12 03:08:43 NATHANDM] 818 79 CHAPIN ST
[08/08/12 02:44:49 SABRINAMM] 811 16 YR OLD FOR 1192
[08/08/12 02:44:20 SABRINAMM] N 0244-0244 08/08/12 MSGID#
70B8B1FB-E124-11E1-9768-B1B1B1B1B1B1 PART 1 OF 1
NYMV DALL EOSO 0244

[REDACTED] 030396M

NOT ON FILE C01676 03045 261955-96

Event Number: P122210003

Page 2

[08/08/12 02:44:02 BRUCEAM] EM SAME
[08/08/12 02:41:14 SABRINAMM] JASON RICCI - HEADED HOME - 2684 RT 21
DOWNSTAIRS APT - CALL IF NECESSARY
[08/08/12 02:40:26 BRUCEAM] SM 77104
[08/08/12 02:36:15 NATHANDM] 811 Arrest:
[08/08/12 02:33:33 NATHANDM] 819 ENRTE TO THE DPW
[08/08/12 02:32:20 NATHANDM] 811 OUT WITH TESTS
[08/08/12 02:30:03 NATHANDM] 818 2ND JUV DETAINED
[08/08/12 02:26:33 NATHANDM] 818 1 JUV DETAINED
[08/08/12 02:24:04 NATHANDM] 819 @ CDGA NATIONAL BANK ON CHAPIN ST
[08/08/12 02:20:29 NATHANDM] N 0218-0218 08/08/12 MSGID#
EF03761C-E120-11E1-9768-B1B1B1B1B1B1 PART 1 OF 1
NYMV RALL EOSO 0218

NPL17855MB

HEDR/H69055 44376 121442-48

LIC/17855MB. LIY/2013. LIT/CO.

VIN/1FTSF21P67EA35220. VYR/2007. VMA/FORD. VMO/F25. VST/PK. VCO/RED

2 7 FORD F250 SUPERCAB, RED PICK-UP TRUCK, 9600 POUNDS

** REGISTERED TO **

HIBBS;ENTERPRISES;INC

LICENSE PLATE: 17855MB DMV REGISTRATION CLASS: COM (076)

STYLE: GOLD LOGO: GOLD LEGEND: COMMERCIAL

PLATE ISSUED: 2011-04-21

INSURANCE: EXCELSIOR INS CO (116)

REGISTRATION EXPIRATION DATE: 2013-04-30

STATUS: VALID

Event Number: P122210003

Page 3

[08/08/12 02:18:43 NATHANDM] 811 @ DPW LOT
[08/08/12 02:11:54 KIS] Unit 811 Late Safety
[08/08/12 02:05:10 SABRINAMM] SEE THE MAN ON FOOT AT BYRNE DAIRY - SAYS
HIBBS TRUCK IS DRIVING RECKLESS AND WITH NO LIGHTS//LAST SEEN TURNING ON TO
BRISTOL ST//CALLER HAS REG THAT BLEW OUT OF BACK OF TRUCK

Unit	Dispatch	Enroute	Arrived	Okay	Area Chk	Avail	Cleared	Status
811	02:05:10	02:05:10	02:06:54	02:12:04		06:27:26	06:27:26	ASP
818	02:17:28	02:17:28	02:19:15			06:27:26	06:27:26	AS
819	02:23:48	02:23:48		05:34:06		06:27:26	06:27:26	E
823	02:37:38					06:27:26	06:27:26	H
801	06:04:19	06:04:19				06:27:14	06:27:14	R

Unit	EnSta	ArSta	EnHosp	ArHosp	Hospital	EnJail	ArJail	Unavail
811	02:38:30	02:40:39						
818	02:39:44	02:44:04						
819								
823								
801						06:14:29	06:21:51	

Supplement: 08/08/12 02:19:18 Operator: NATHANDM

Caller: JASON RITCHIE [REDACTED]

Comments:

LS IN CDGA NATL BANK LOT-WAS DRIVING AROUND IN CIRCLES AND DROPPED TOOLS IN
THE LOT.LS DOWN BY THE OLD LUMBERYARD

CR# 1207091

Start Dt	Time	Situation/Description	HR	PR
08/12	01:11:14	RPT: 68	5	2

Caller Info: RED HIBBS TRUCK PULLED OUT OF SHOP W/ 2 DOGS IN BACK AND 3 PEOPLE IN FRONT - BACKED IN TO NEIGHBORS LAWN, LEFT WESTBOUND ON CLARK ST W/ NO HEADLIGHTS//LAST SEEN NBOUND ON SOUTH PEARL//INT IF NEEDED

Alarm No	Location	C/A	USE
	CLARK ST / SOUTH PEARL ST	29	
Oper: SABRINAMM			
Town: C CANANDAIGUA			

Caller Information (How Received: E911)

Rpt No	Officer	District	Citations
I1207091	HOY, LARRY T	P29 C CANANDAIGUA	

FND: 68 SICK OR INTOX DRIVER

Sent	Disp	CC	Comp	Oper	Comp. Dt	Time	Cleared	Susp	Unsus	Under Ctl
01:12:46	30				08/08/12	01:35				

GONE ON ARRIVAL - G.O.A.

Notes

[08/08/12 01:12:46 SABRINAMM] RED HIBBS TRUCK PULLED OUT OF SHOP W/ 2 DOGS IN BACK AND 3 PEOPLE IN FRONT - BACKED IN TO NEIGHBORS LAWN, LEFT WESTBOUND ON CLARK ST W/ NO HEADLIGHTS//LAST SEEN NBOUND ON SOUTH PEARL//INT IF NEEDED

Unit	Dispatch	Enroute	Arrived	Okay	Area Chk	Avail	Cleared	Status
811	01:14:46	01:14:46			01:16:22	01:35:59	01:35:59	ACP

1. Agency CANANDAIGUA POLICE DEPARTMENT		2. Div/Precinct PATROL		New York State INCIDENT REPORT		3. ORI NY0342900	5. Case No. 1206016	6. Incident No. 33655
7,8,9. Date Reported (Day, Date, Time) SUNDAY 07/08/2012 00:47			10,11,12. Occurred On/From (Day, Date, Time) SATURDAY 07/07/2012 22:00			13,14,15. Occurred To (Day, Date, Time)		
16. Incident Type DOMESTIC-DOMESTIC DISPUTE					17. Business Name			
19. Incident Address (Street Name, Bldg. No., Apt. No.) EASTERN BLVD.								
20. City/State/Zip CANANDAIGUA NEW YORK 14424								
21. Location Code (TSLED) CANANDAIGUA CITY 3529			23. No. of Victims 1		24. No. of Suspects 1		26. Victim also Complainant? Yes	
Location Type STREET								

22. OFF. No.	LAW	SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE	CTS
1.	PL	145.00		A	M	4	C	CRIMINAL MISCHIEF - 4	1
2.	PL	240.26	01		V	2	C	HARASSMENT 2ND- PHYSICAL CONTACT	1
3.	PL	215.51		E	F	1	C	CRIMINAL CONTEMPT 1ST	1

ASSOCIATED PERSONS

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg., Apt. No., City, State, Zip	Res Phone Bus Phone
SUSPECT				
VICTIM/COMPLAINANT				

VICTIM

Name	27. DOB	28. Age	29. Gender	30. Race	31. Ethnicity	32. Handicap	33. Residence Status
		75	FEMALE	WHITE	NOT HISPANIC	YES	RESIDENT
Victim DID receive information on Victim's Rights and Services pursuant to New York State Law <input type="checkbox"/> Yes <input type="checkbox"/> No							

SUSPECT

Person ID # 38549	34. Type/No. SUSPECT		35. Name (Last, First, Middle) 					
37. Apparent Condition APPEARS TO BE MENTALLY DISORDERED			38. Address (Street Name, Bldg., Apt. No., City, State, Zip) 					
39a. Home Phone 	39b. Work Phone 	40. Social Security 	41. DOB 	42. Age 	43. Gender MALE	44. Race WHITE		
45. Ethnicity NOT HISPANIC		46. Skin LIGHT	47. Occupation UNKNOWN					
48. Height 6 ft. 1 in.	49. Weight 240 lbs.	50. Hair BROWN		51. Eyes BROWN		52. Glasses NO		53. Build HUSKY
54. Employer/School				55. Employer Address				
56. Scars/Marks/Tattoos /Description BOTH LOWER SHINS SURGERY SCARS.								
36. Alias/Nickname/Maiden Name								
Last Name			First Name			Middle Name		

PROPERTY

58. Name [REDACTED]		Property Status DESTROYED/DAMAGED/VANDALIZED	
Property Type STRUCTURES - SINGLE OCCUPANCY DWELLINGS		Make or Model / Drug	
Serial No.	Qty/Measure 0	Value \$50.00	
Description PLEXI-GLASS WINDOW.			

Total Property Value: \$50.00

NARRATIVE

Date of Action	Date Written	Officer Name & Rank
07/08/2012	07/11/2012	COLE, MICHAEL (PO)

Narrative

*** Supplemental Technician's Report by PO Michael Cole ***

TECHNICIAN'S EVIDENCE REPORT

Complaint #: - 1206016

Date: - 07/08/12

I.D. Technician: - Michael Cole #817

Time On Scene: - 0133 hrs.

Time Clear: - 0142 hrs.

Actions Taken: - Photographs

Property / Evidence

Taken Into Custody? YES [] NO [X]

INVOICE # -

Photos Taken? YES [X] NO []

How Many: - 34

Processed For Prints? YES [] NO [X]

Prints Lifted? YES [] NO [X]

How Many: -

Notes: (Include other technical work performed) - ET took 22 digital photographs of the east side door of 301 Gibson St. The plexi-glass window of the door was broken. ET located a large portion of the window on the stairs inside the residence leading to the basement.

ET also took 12 digital photographs of the suspects injuries sustained during arrest while in the booking area of the Canandaigua Police Dept.

Date of Action	Date Written	Officer Name & Rank
07/08/2012	07/08/2012	HOY, LARRY (PO)

Narrative

On 07/08/2010 at about 0020 hours, while I was on routine foot patrol downtown a vehicle pulled up besides me. The driver identified herself as [REDACTED] and she stated about fifteen minutes ago she was at Wegmans with her son, [REDACTED] (age 44), and they got into a verbal argument. She stated he wanted to borrow her credit card and when she refused to give it to him he became angry and started to walk home. She stated when she pulled along beside him while he was walking on Eastern Blvd. she rolled down the passenger window and asked him to get into the vehicle. She said he started yelling at her and he threw a package of watermelon, that he had been carrying, through the window at her striking her in the face and chest. She stated she was not injured, but was fearful of her son and did not want to go home.

When I cleared the foot patrol I responded with Officer Cole to the West Ave. parking lot. [REDACTED] stated her son, [REDACTED] is Bi-polar and psychotic manic depressive with paranoia. She stated he is under a doctors care, but only believes he takes his medication sporadically and his mood swings have been getting worse over the past eight months. I asked if there were any orders of protection between her and her son and she stated no. She said she had one a long time ago but it has since expired. While enroute to her residence at [REDACTED] dispatch run her son. Dispatch informed me that there was an active refrain from order of protection protecting [REDACTED] from [REDACTED] that did not expire until November of this year. Once at [REDACTED] residence I asked her about it and she stated she had had her son arrested in May of this year for unauthorized use of a motor vehicle.

[REDACTED] allowed myself and Officer Cole to search her house, but the suspect was not located inside. While there she also informed officers that at 2200 hours, just prior to her and [REDACTED] leaving to go to Wegmans her and [REDACTED] got into an argument and he punched his fist through the plexi-glass side door window to the house. Officer Cole took photographs of the damaged window. I took a written deposition from [REDACTED] where she stated she wanted her son arrested for harassment and criminal mischief. [REDACTED] packed a bag and left her house stating she was going to spend the night at the super 8 in Canandaigua. Officers then cleared.

At about 0430 hours myself, Officer Cole, and Sgt. Feldman responded back to [REDACTED] [REDACTED] was found to be at home. [REDACTED] was directed to step out of the house and he complied after several minutes. [REDACTED] was handcuffed and searched incidental to arrest. While escorting [REDACTED] down his driveway to my patrol vehicle, [REDACTED] suddenly collapsed to the ground. He stumbled due to an old ankle injury. I sustained a minor abrasion to my right knee as I also fell because I had a hold of [REDACTED] arm when he fell. [REDACTED] sustained an abrasion to his left knee when he fell and had to be helped by officer Cole and Sgt. Feldman in to the back of my patrol vehicle. While at the pd the Canandaigua Ambulance arrived and looked over [REDACTED] injured knee. When they determined he had a minor abrasion [REDACTED] stated he did not want to be transported to the hospital. Officer Cole took photo's of [REDACTED] injury.

[REDACTED] was finger printed and photographed then transported to Canandaigua City Court where he was arraigned before Judge Schuppenhauer for criminal contempt 1st, criminal mischief 4th and harassment 2nd. Judge Schuppenhauer had [REDACTED] sign a stay away order of protection in favor of his mother and committed [REDACTED] to jail in lieu of \$2,500 cash/\$5,000 bond. I then transported [REDACTED] to OCJ. His next court appearance is on 07/09/12 at 0830 hours at the Canandaigua City Court. Case closed.

ADMINISTRATIVE

74. Inquiries	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank) PO LARRY HOY	78. ID No. 811	79. Supervisor Signature (Include Rank) SGT DONALD FELDMAN	80. ID 825
81. Status ARREST - ADULT	82. Status Date 07/08/2012	83. Notified/TOT	

C.A.D.

Event Listing For: P121900003

09/20/12

Event Number: P121900003

Page 1

Start Dt Time Situation/Description
08/12 00:26:21 RPT: 27

HR PR
2 0

1206016

Caller Info: WALK UP TO 811 OF A DOMESTIC SITUATION THAT OCC'D ON EASTERN
BLVD//FEMALE HALF WAITING IN LOT AT ABOVE//MALE HALF ON FOOT
POSS HEADED BACK TO [REDACTED]

Vehicle Info: FDP7839

Alarm No Location

WEST AVE PLAZA, WEST AVE

C/A USE
29

Oper: SABRINAMM

Town: C CANANDAIGUA

Caller Information
OFFICER HOY

(How Received: Radio)

Initial Units: 811

Rpt No Officer District Citations
I1206016 HOY, LARRY T P29 C CANANDAIGUA

Drivers Info: [REDACTED] 100467 M

Registration Info: FDP7839

FND: 27 FAMILY TROUBLE

Sent Disp CC Comp Oper Comp. Dt Time Cleared Susp Unsusp Under Ctl
0 26:53 01 07/08/12 02:01
INCIDENT REPORT FILED

Notes

811, 817 AND 825 STEPPED BACK OUT AT [REDACTED] 0431, ARREST MADE BY 811
AT 0444

[07/08/12 01:33:49 SABRINAMM] 817 OUT AT [REDACTED] TECH WORK

[07/08/12 01:07:44 SABRINAMM] 817 OUT AT [REDACTED]

[07/08/12 01:07:44 SABRINAMM] 811 OUT AT [REDACTED]

[07/08/12 01:04:45 SABRINAMM] 817 EN RT TO [REDACTED] FOLLOW UP

[07/08/12 01:04:45 SABRINAMM] 811 EN RT TO [REDACTED] FOLLOW UP

[07/08/12 00:51:19 ISKME] Unit 811 Late Safety

[07/08/12 00:51:19 ISKME] Unit 817 Late Safety

[07/08/12 00:28:20 SABRINAMM] WALK UP TO 811 OF A DOMESTIC SITUATION THAT
OCC'D ON EASTERN BLVD//FEMALE HALF WAITING IN LOT AT ABOVE//MALE HALF ON
FOOT POSS HEADED BACK TO [REDACTED]

[07/08/12 00:27:29 SABRINAMM] N 0026-0026 07/08/12 MSGID#

213591B3-C8B5-11E1-9E4B-B1B1B1B1B1B1 PART 1 OF 1

NYMV DALL EOSO 0026

[REDACTED] 121436F

TODAYS DATE: 2012-07-08 00:26:49

CLIENT ID: [REDACTED]

DOB: [REDACTED]

SEX: FEMALE

HEIGHT: 5 FEET 07

EYES: BLUE

C.A.D.

Event Listing For: P121900003

09/20/12

Event Number: P121900003

Page 2

CANANDAIGUA NY 14424

COUNTY: ONTARIO

MOTORIST ID #: M01647 92413 907852-36000

LICENSE CLASS: *D*

EXPIRATION: 2018-12-14

STATUS: VALID

RESTRICTIONS: CORRECTIVE LENSES

TYPE: CLASS CHANGE DATE: [REDACTED]

IMAGE CAPTURE DATE: 2010-10-25 IMAGE: KEPT

***** CONVICTIONS/BAIL FORFEITURES *****

1) CONVICTION: SPEED IN ZONE 45/30

VIOLATION: 2012-06-24 CONVICTED ON: 2012-07-02 POINTS: 04

LOCATION: ONTARIO COUNTY, CITY OF CANANDAIGUA

PENALTY: \$90 FINE

***** ACCIDENTS *****

2009-04-24 PERSONAL INJURY & PROPERTY DAMAGE

COUNTY: MONROE

CASE NUMBER: 33020991 POLICE REPORT FILED

[07/08/12 00:27:15 SABRINAMM] N 0026-0026 07/08/12 MSGID#
1DA19548-C8B5-11E1-9E4B-B1B1B1B1B1B1 PART 1 OF 1
NYMV RALL EOSO 0026

FDP7839

HEDR/M01647 92413 907852-36

Event Number: P121900003

Page 3

LIC/FDP7839. LIY/2012. LIT/PC.

VIN/4S3BH806027627831. VYR/2002. VMA/SUBA. VMO/LEG. VST/LL. VCO/BLK

2002 SUBARU LEGACY, BLACK SUBURBAN, 3715 POUNDS

** REGISTERED TO **

DOB/ [REDACTED] SEX/FEMALE.

LICENSE PLATE: FDP7839 DMV REGISTRATION CLASS: PAS (016)

STYLE: GOLD LOGO: GOLD LEGEND: PASSENGER

PLATE ISSUED: 2010-10-15

(INSURANCE: PREFERRED MUTUAL INS CO (287)

REGISTRATION EXPIRATION DATE: 2012-10-14

STATUS: VALID

[07/08/12 00:26:53 SABRINAMM] WALK UP TO 811 OF A DOMESTIC SITUATION THAT
OCC'D ON EASTERN BLVD

Unit	Dispatch	Enroute	Arrived	Okay	Area Chk	Avail	Cleared	Status
811	00:26:53					00:44:10	00:44:10	A
8	00:47:44	00:47:44	00:47:44	00:51:26		02:01:54	02:01:54	A
817	00:43:24	00:43:24	00:46:19	00:51:26		01:42:28	01:42:28	RP

C.A.D.

Event Listing For: P121890039

09/20/12

Event Number: P121890039

Page 1

Start Dt Time Situation/Description
07/12 23:56:40 RPT: 92

CR 1206014

HR PR
2 4

Alarm No Location
EAST SIDE FOOT PATROL SOUTH MAIN ST

C/A USE
29

Oper: SABRINAMM
Town: C CANANDAIGUA

Caller Information
OFFICER HOY

(How Received: Radio)

Initial Units: 811

Rpt No Officer District
I1206014 HOY, LARRY T P29 C CANANDAIGUA

Citations

FND: 92 FOOT PATROL

Sent Disp CC Comp Oper Comp. Dt Time Cleared Susp Unsusp Under Ctl
23:56:49 32 07/08/12 00:47
CHECKED SPECIAL ATTENTION - ALL O.K.

Unit	Dispatch	Enroute	Arrived	Okay	Area Chk	Avail	Cleared	Status
811	23:56:49	23:56:49	23:56:49			00:30:35	00:30:35	RP

Start Dt Time Situation/Description
0 J8/12 00:29:48 RPT: 54

CR#
1206017

HR PR
2 1

Caller Info: OPEN DOOR

Alarm No Location

CANANDAIGUA CARPETS, [REDACTED]

C/A USE
29

Oper: SABRINAMM

Town: C CANANDAIGUA

Caller Information

(How Received: Radio)

Initial Units: 811

Rpt No	Officer	District	Citations
I1206017	HOY, LARRY T	P29 C CANANDAIGUA	

Drivers Info: 224601117

FND: 54 OPEN DOOR

Sent	Disp	CC	Comp	Oper	Comp. Dt	Time	Cleared	Susp	Unsus	Under Ctl
00:30:25		33			07/08/12	00:46				

MATTERS ADJUSTED

Notes

[07/08/12 00:41:44 SABRINAMM] N 0041-0041 07/08/12 MSGID#
2 821C6-C8B7-11E1-9E4B-B1B1B1B1B1B1 PART 1 OF 1
NYMV DLIC EOSO 0041

LIC224601117

TODAYS DATE: 2012-07-08 00:41:15

CLIENT ID: [REDACTED]

[REDACTED] DOB: [REDACTED] SEX: MALE

[REDACTED] HEIGHT: 6 FEET 00 EYES: BLUE

[REDACTED] COUNTY: ONTARIO

MOTORIST ID #: W09450 19678 646215-90000

LICENSE CLASS: *D*

EXPIRATION: 2019-09-27

STATUS: VALID

TYPE: CLASS CHANGE DATE: 2008-05-13

IMAGE CAPTURE DATE: 2011-09-27 IMAGE: KEPT

C.A.D.

Event Listing For: P121890040

09/20/12

Event Number: P121890040

Page 1

Start Dt Time Situation/Description
07/12 23:57:11 RPT: 73

1206015

HR PR
2 2

Caller Info: OUT W/ 2 VEHS IN THE LOWER LOT

Vehicle Info: FJJ8650

FJJ7850

Alarm No Location

C/A USE

BAKER PARK, 185 BUFFALO ST

29

Oper: SABRINAMM

Town: C CANANDAIGUA

Caller Information

(How Received: Radio)

Initial Units: 817

Rpt No Officer District
I1206015 COLE, MICHAEL J P29 C CANANDAIGUA

Citations

Registration Info: FJJ8650

FJJ7850

FND: 73 SUSPICIOUS VEHICLE

Sent Disp CC Comp Oper Comp. Dt Time Cleared Susp Unsusp Under Ctl
23:57:36 25 07/08/12 00:43

SUSPICIOUS VEHICLE OR PERSON - ALL O.K.

Notes

[07/08/12 00:42:38 817(MDT)] CONTACTED VEH OWNERS - VEHICLES ARE GOING TO BE MOVED.

[07/08/12 00:17:16 SABRINAMM] 825 WALKING IN THE WOODS

[07/08/12 00:17:16 SABRINAMM] 817 WALKING IN THE WOODS

[07/08/12 00:14:40 ISKME] Unit 825 Late Safety

[07/08/12 00:03:14 SABRINAMM] 817 BOTH VEHS UNOCCUPIED, WALKED THE PARK - NEGATIVE RESULTS

[07/08/12 00:02:36 ISKME] Unit 817 Late Safety

[07/07/12 23:58:46 SABRINAMM] N 2357-2357 07/07/12 MSGID#

OFA9851C-C8B1-11E1-812E-B2B2B2B2B2B2 PART 1 OF 2

NYMV DALL EOSO 2357

012666M

TODAYS DATE: 2012-07-07 23:57:41

CLIENT ID:

SPINA, THOMAS, R

DOB:

SEX: MALE

HEIGHT: 5 FEET 08

EYES: BLUE

COUNTY: ONTARIO

MOTORIST ID #: S16343 59739 451153-66000

LICENSE CLASS: *D*

EXPIRATION: 2020-01-26

Event Number: P121890040

Page 2

STATUS: VALID

TYPE: CLASS CHANGE DATE: 1991-06-25

IMAGE CAPTURE DATE: 1995-01-09 IMAGE: KEPT

***** SUSPENSION/REVOCATIONS *****

1) SUSPENSION: 2007-11-15 ORDER #: T055562

REASON: FAILURE TO ANSWER A SUMMONS

CLEARED ON: 2010-12-08 SCOFFLAW ANSWERED

LOCATION: ONEIDA COUNTY, TOWN OF MARCY

***** CONVICTIONS/BAIL FORFEITURES *****

1) CONVICTION: OPERATING WITHOUT A LICENSE

VIOLATION: 2009-03-19 CONVICTED ON: 2009-04-16

LOCATION: ONTARIO COUNTY, TOWN OF FARMINGTON

> MOR

[07/07/12 23:58:34 SABRINAMM] N 2357-2357 07/07/12 MSGID#
1170B098-C8B1-11E1-812E-B2B2B2B2B2B2 PART 2 OF 2
NYMV DMOR EOSO 2357

[REDACTED] 012666M

PENALTY: \$40 FINE

2) CONVICTION: SPEEDING IN A WORK ZONE OR ON A RESTRICTED HIGHWAY

Event Number: P121890040

Page 3

VIOLATION: 2007-06-21 CONVICTED ON: 2010-11-24 POINTS: 06

LOCATION: ONEIDA COUNTY, TOWN OF MARCY

PENALTY: \$150 FINE

***** ACCIDENTS *****

2012-05-18 PERSONAL INJURY COUNTY: ONTARIO

CASE NUMBER: 34306338 POLICE REPORT FILED

CLEARED OUT OF STATE SURRENDER: 1990-06-12

DOCUMENT SURRENDER DATE: 1990-05-16 STATE: NY

[07/07/12 23:58:19 SABRINAMM] N 2357-2357 07/07/12 MSGID#
0A5DEE9B-C8B1-11E1-812E-B2B2B2B2B2B2 PART 1 OF 1
NYMV RALL EOSO 2357

NPLFJJ7850

HEDR/S16343 59739 451153-66

LIC/FJJ7850. LIY/2013. LIT/PC.

VIN/1G1NE52J02M653250. VYR/2002. VMA/CHEV. VMO/MAL. VST/4D. VCO/BLK

2002 CHEVROLET MALIBU, BLACK FOUR-DOOR SEDAN, 3040 POUNDS

** REGISTERED TO **

DOB/ [REDACTED] SEX/MALE.

Event Number: P121890040

Page 4

[REDACTED]
LICENSE PLATE: FJJ7850 DMV REGISTRATION CLASS: PAS (016)

STYLE: GOLD LOGO: GOLD LEGEND: PASSENGER

PLATE ISSUED: 2011-05-02

INSURANCE: NGM INS CO (226)

REGISTRATION EXPIRATION DATE: 2013-05-01

STATUS: VALID

[07/07/12 23:58:09 SABRINAMM] N 2357-2357 07/07/12 MSGID#
OC1C1976-C8B1-11E1-812E-B2B2B2B2B2B2 PART 1 OF 1
NYMV DALL EOSO 2357

[REDACTED] 052859M

TODAYS DATE: 2012-07-07 23:57:34

CLIENT ID: [REDACTED]

[REDACTED] DOB: [REDACTED]

SEX: MALE

[REDACTED] HEIGHT: 5 FEET 10

EYES: BROWN

[REDACTED] COUNTY: ONTARIO

MOTORIST ID #: B05432 69990 613718-59000

LICENSE CLASS: *DM*

EXPIRATION: 2017-05-28

STATUS: VALID

TYPE: CLASS CHANGE DATE: 1992-10-06

Event Number: P121890040

Page 5

IMAGE CAPTURE DATE: 2009-09-09 IMAGE: KEPT

CLEARED OUT OF STATE SURRENDER: 1992-10-06

DOCUMENT SURRENDER DATE: 1986-03-19 STATE: PA

[07/07/12 23:57:41 SABRINAMM] N 2357-2357 07/07/12 MSGID#
083716C0-C8B1-11E1-812E-B2B2B2B2B2 PART 1 OF 1
NYMV RALL EOSO 2357

N FJJ8650

HEDR/B05432 69990 613718-59

LIC/FJJ8650. LIY/2013. LIT/PC.

VIN/1FMYU931X4KA27583. VYR/2004. VMA/FORD. VMO/ECP. VST/LL. VCO/BLU

2004 FORD ESCAPE, BLUE SUBURBAN, 3247 POUNDS

** REGISTERED TO **

DOB [REDACTED] SEX/MALE.

LICENSE PLATE: FJJ8650 DMV REGISTRATION CLASS: PAS (016)

STYLE: GOLD LOGO: GOLD LEGEND: PASSENGER

PLATE ISSUED: 2011-06-23

Event Number: P121890040

Page 6

INSURANCE: ERIE INS CO OF NEW YORK (149)

REGISTRATION EXPIRATION DATE: 2013-06-22

STATUS: VALID

[07/07/12 23:57:36 SABRINAMM] OUT W/ 2 VEHS IN THE LOWER LOT

Unit	Dispatch	Enroute	Arrived	Okay	Area Chk	Avail	Cleared	Status
817	23:57:36	23:57:36	23:57:36	00:03:17		00:43:11	00:43:11	AP
825	00:04:46	00:04:46	00:09:40	00:14:45		00:43:11	00:43:11	A
825	00:27:05	00:27:05	00:30:08			00:43:11	00:43:11	A

825 + 817

In the Matter of a Disciplinary Proceeding
Pursuant to Section 75 of the Civil Service Law

CITY OF CANADAIGUA

**STIPULATION
AGREEMENT**

-against-

Lawrence Hoy, Employee.

WHEREAS, I, the undersigned employee, have agreed to the results of the internal affairs investigation #002-2013

WHEREAS, I have been informed that the City has the right to initiate a Disciplinary Action against me under Section 75 of the Civil Service Laws of New York, wherein I would have the right to a hearing at which the City must prove any charges and I would be given an opportunity to be heard at the hearing and present evidence or witnesses on my behalf; and

WHEREAS, in lieu of a Disciplinary Action and hearing I am desirous of making an agreement with the City relative to my misconduct and/or incompetence.

NOW THEREFORE, it is stipulated by and between the parties as follows:

1. Employee acknowledges violating the following General Orders of the Canandaigua Police Department for my actions on July 7, 2012 and August 8, 2012 for incompetence.
 - General Orders 105 Rules and Regulations (11 Counts, charges are attached)
2. Employee hereby waives any rights and entitlements he has pursuant to Section 75 of the Civil Service Law and accepts the within discipline in satisfaction of a potential Disciplinary Action for incompetence and/or misconduct.

3. MY DISCIPLINARY ACTION/TRAINING SHALL CONSIST OF THE FOLLOWING:

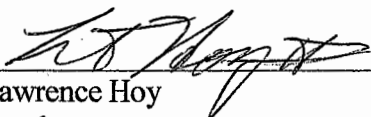
- **Loss of 4 vacation days**
- **8 days of forced time off (utilizing your time bank) as determined by the Chief of Police.**
- **16 hours (or as determined by the Chief of Police) of intensive one on one training concerning tactics and officer safety to be conducted during the above 8 forced days off. During the training you will be paid either training time or perform the training on duty (time off will be credited back).**
- **You must attend 3 sessions with the Corporate Care (EAP) in relation to helping you deal more effectively with stressful situations. This must be done during your 8 forced days off. My office will coordinate the meetings.**
- **After the 8 forced days off, you will be required to complete ²⁸ days of remedial field training.** *16 days*
- **You agree that this is a last chance agreement in reference to the successful completion of the attendance of the EAP counseling, remedial field training program and passing an evaluation three months from completing the remedial field training program as determined by the Chief of Police will subject you to dismissal from service in lieu of any other disciplinary procedure, including, but not limited to Civil Service Law Section 75 and/or the current collective bargaining agreement. The decision and penalty of the Chief of Police shall be final and binding, and shall not be subject to**

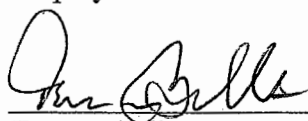
challenge or appeal under the collective bargaining agreement, the Rules and Procedures of the City of Canandaigua Police Department, Civil Service Law Section 75, CPLR Article 78 or any other law, rule, regulation, or theory.

- **By agreeing to the terms of this settlement offer you knowingly and voluntarily waive your right to any of the above procedures.**

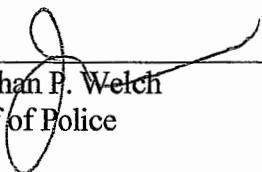
4. Employee knowingly, freely, and voluntarily enters into this Stipulation Agreement. Employee consents and agrees to be bound by its terms and conditions and understands the contents thereof. Employee further understands that he is entitled to be represented by an attorney and hereby waives any such representation.

Dated: 3/15/13


Lawrence Hoy
Employee


Truman Bells
Union Representative

Dated: 3-15-13


Jonathan P. Welch
Chief of Police

City of Canandaigua Police Department

21 Ontario Street
Canandaigua, New York 14424

Lt. Scott P. Ferguson
Police Operations Commander

Jonathan P. Welch
Chief of Police

TO: Chief Welch
FROM: Lt Scott P. Ferguson
DATE: 03/18/13
RE: Officer Hoy

Per your directive, Officer Hoy recently completed a remedial training session which consisted of the following:

- Four hours of one-on-one training consisting of deadly and non deadly use of force scenarios utilizing Simunition converted firearms.
- Four hours of one-on-one firearms training consisting of live fire drills focusing on tactical movements, cover and concealment.
- Four hours of one-on-one defensive tactics training focusing on scenarios commonly encountered by police officer.
- A mandatory read of "Tactical Defensive Training for Real Life Encounters" and review/understanding of the contents with defensive tactics instructor.
- Four eight hour shifts working the A shift paired with Sgt. Spsychalski who is a trained 'field training' officer.
- Four eight hour shifts working the B shift paired with Sgt. Hedworth who is a trained 'field training' officer
- Four eight hour shifts working the C shift paired with Sgt. Feldman who is a trained 'field training' officer.

Daily observation reports were completed by each Sergeant for each shift worked. After this training, I 'shadowed' officer Hoy, pairing with him for four eight hour shifts working the B shift. I also completed a daily observation report for each shift worked.

Hoy's performance was discussed with each Sergeant. It is the view of each Sergeant as well as my own that P.O. Hoy is not performing to an acceptable level of standards nor ever will. This is based on current observation of performance as well as his past performance and his lack of ability to improve and meet standards.

Respectfully submitted,

