

CANANDAIGUA POLICE DEPARTMENT

21 ONTARIO STREET
CANANDAIGUA, NEW YORK 14424

SPECIAL SERVICES DIVISION
DETECTIVE UNIT

March 25, 1993

PATRICK W. McCARTHY
CHIEF OF POLICE

TO: Chief Patrick W. McCarthy
FROM: Internal Affairs Officer Lt. Jon C. Wittenberg
SUBJECT: Investigation of Complaint I.A. 003-93

Accused: P.O. Michael Colacino #111
P.O. Thomas Natoli #106
P.O. Anthony Reish #117
P.O. Ralph Liberatore #101
P.O. Stanley Chizuk #110
Sgt. Charles Bardeen

Complainant: Chief Patrick W. McCarthy

Victim: P.O. Michael Colacino #111
[REDACTED], Manager, Sugar Creek, Farmington
[REDACTED], Employee, Sugar Creek, Canandaigua

Allegations: #1 - Rule #3-38 - Intervention - The investigation indicated that officers may have undertaken an investigation or other official action not part of their official duties without approval of a superior officer.

#2 - Rule #3-2 - Unbecoming Conduct - The investigation indicated officers may have conducted themselves in an unbecoming manner which brought the Department into disrepute and discredit and impaired the operation of the Department.

#3 - Rule #3-31 - Public Statements - The investigation indicated officers publicly criticized the Department by speech which was defamatory, undermined the effectiveness of the Department and made with reckless disregard for truth or falsity.

#4 - Rule #3-41 Abuse of process - The investigation indicated an officer knowingly made false accusations against another.

Evidence: #1 - Personnel Complaint Report
#2 - Statement of [REDACTED]
#3 - Statement of [REDACTED]
#4 - Report of Officer Tom Natoli

Investigation: Interviews were conducted to determine if any intervention occurred due to a rumor in the Department that Officer Michael Colacino was banned from the Sugar Creek Store on South Main Street in Canandaigua during the fall of 1992. Statements were taken regarding the rumor (#2 and #3). These statements indicated that the rumor was untrue regarding Officer Colacino, but did indicate intervention occurred by other members of the Department (#2, 3, & 4). The investigation revealed that one officer intervened in an investigation and brought discredit to the Department in doing so. This officer further publicly criticized the Department with reckless disregard for the truth (See attachment #1).

Finding: Allegation #1 -

P.O. Tom Natoli - Sustained - P.O. Natoli undertook an investigation of an alleged incident at the Sugar Creek Store on South Main Street in Canandaigua involving P.O. Colacino without approval from a superior officer.

P.O. Anthony Reish - Not Sustained

P.O. Ralph Liberatore - Not Sustained

P.O. Stanley Chizuk - Not Sustained

Sgt. Charles Bardeen - Not Sustained

Allegation #2 -

P.O. Michael Colacino - Unfounded

P.O. Tom Natoli - Sustained - P.O. Natoli conducted himself in an unbecoming manner during his investigation by lying to store personnel which brought disrepute and discredit to the Department.

P.O. Anthony Reish - Not Sustained

P.O. Ralph Liberatore - Not Sustained

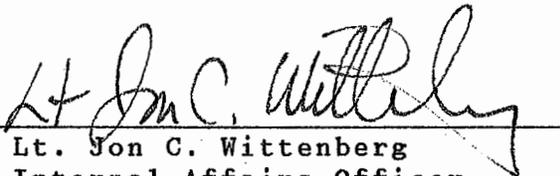
Allegation #3 -

P.O. Tom Natoli - Sustained - P.O. Natoli publicly criticized the Department which was defamatory and undermined the effectiveness of the Department with reckless disregard for the truth by stating to Sugar Creek employees that some officers are favored in the Department and things are "swept under the rug."

Allegation #4 -

P.O. Tom Natoli - Sustained - P.O. Natoli knowingly made false accusations against P.O. Colacino by stating that a complaint had been filed, and the Department showed favoritism and hid facts regarding other officers.

JCW:cb


Lt. Jon C. Wittenberg
Internal Affairs Officer

CANANDAIGUA POLICE DEPARTMENT

21 ONTARIO STREET
CANANDAIGUA, NEW YORK 14424

PATRICK W. MCCARTHY
CHIEF OF POLICE

DATE: September 22, 1993

TO: R. Michael Tantillo
District Attorney

FROM: Patrick W. McCarthy
Chief of Police

SUBJECT: Confidential Investigation

Pursuant to our conversation of September 17, 1993 regarding Canandaigua Police Officer Thomas Natoli and his involvement in an ongoing confidential investigation relating to a Sexual Abuse complaint, the following is a chronological listing of events:

September 15, 1993 - 2:00 p.m.: Complainant [REDACTED] arrived at the Police Station in response to a request by the Police Chief to meet with him to discuss the progress of an internal investigation. After an interview of approximately thirty minutes, [REDACTED] indicated that she wished to alter her statement in which she charged Canandaigua Police Officer Michael Colacino with conduct amounting to sexual abuse. She then related that she falsely accused Officer Colacino at the urging of Canandaigua Police Officer Thomas Natoli. A statement was taken, reduced to writing and signed by [REDACTED]. [REDACTED] concluded her business at the Police Station at approximately 5:00 p.m. During the latter part of her appearance at the Police Station, [REDACTED] expressed concern that Officer Natoli usually contacts her following interviews with Police Department personnel or the District Attorney. To allay her anxiety, [REDACTED] was given the Police Chief's direct number and instructed to call the Chief in the event Officer Natoli persisted in his anticipated attempt to speak with her concerning her complaint.

September 15, 1993 - 5:30 p.m.: Lt. Michael Sheridan, evening supervisor between 3 p.m. and 11 p.m. was directed to set up a surveillance of [REDACTED] residence so that any attempt by Officer Natoli to personally contact [REDACTED] at her residence would be noted and police assistance would be immediately available should it be required. Lt. Sheridan subsequently reported that Officer Natoli, while on duty operating Police Vehicle #44, arrived at [REDACTED] residence at 9:53 p.m. After pulling his vehicle directly in front of [REDACTED] apartment, Officer Natoli momentarily paused and then left the area in his police vehicle. It should be noted that [REDACTED] apartment was unlit and unoccupied at that time. As a precautionary measure, [REDACTED] had made arrangements to spend the night at a friend's house.

September 16, 1993 - 1:40 p.m.: [REDACTED] contacted the Police Chief's Secretary, Cherie Berry, and informed Mrs. Berry that she [REDACTED] had learned that Officer Natoli had been at her apartment the night of September 15th. Officer Natoli had also been calling her friend's house looking for her. As previously mentioned, [REDACTED] did not remain at her residence during that evening. [REDACTED] informed Mrs. Berry that she was in possession of a tape recorder that Officer Natoli had given her and she wanted it returned to him, however, she was emphatic that she did not want to see Natoli in person. Mrs. Berry offered to pick up the tape recorder at [REDACTED] apartment and facilitate its return to Natoli. [REDACTED] agreed to that arrangement.

September 16, 1993 - 2:00 p.m.: Mrs. Berry picked up the tape recorder which was packaged in a sealed manila type envelope addressed to "Tom." Mrs. Berry inquired as to why [REDACTED] had the tape recorder in her possession. [REDACTED] replied that Tom (Natoli) had given it to her on the evening of September 14, 1993 with instructions to record the proceedings of her meeting scheduled the following day with Chief McCarthy. [REDACTED] also stated in her brief conversation with Mrs. Berry that she did not follow Natoli's instructions and did not attempt to record her meeting with the Chief. She also informed Mrs. Berry that Natoli had contacted her boyfriend at 1:00 p.m. on that date

in an attempt to locate her. She further related that Natoli had called her boyfriend repeatedly and had come to her apartment, however, she would not answer the doorbell or her phone which she suspected Natoli was using to try and contact her. She also inquired as to whether the Chief had spoken to Natoli about the situation and was informed the chief had not yet spoken to Natoli.

September 16, 1993 - 3:30 p.m.: [REDACTED] telephoned the Chief's Secretary to inquire if Tom (Natoli) had picked up his recorder. When [REDACTED] was informed that he had not as yet attempted to pick up his recorder, she then requested that Mrs. Berry contact Natoli and advise him that his recorder was at the Police Station. [REDACTED] indicated that this information might lessen Natoli's anxiousness to contact her.

September 16, 1993 - 3:40 p.m.: The envelope containing Natoli's tape recorder was opened by Lt. Jon Wittenberg and the tape contained therein was replayed. It has been identified as Tape #1. It contained a recording from [REDACTED] to "Tom" informing him that she had decided to tell the truth concerning the complaint, that she no longer wanted to participate in the scheme, etc. The tape and the recorder were vouchered and placed into evidence.

September 16, 1993 - 3:45 p.m.: After reviewing the contents of the tape ([REDACTED] message to Tom that she no longer wanted to be a party to the attempt to have criminal charges brought against Officer Colacino), it was decided to enlist [REDACTED] help in attempting to record an anticipated phone call from Natoli to her at her residence. [REDACTED] agreed to cooperate in this matter.

September 16, 1993 - 3:50 p.m.: As Lt. Wittenberg and Mrs. Berry were exiting the Police Station enroute to [REDACTED] residence with recording apparatus, they encountered Officer Natoli in the Police employees' parking lot. Natoli inquired of Mrs. Berry, "Cherie, do you have something for me?" Mrs. Berry replied, "No, that she had given the package to the Chief." Lt. Wittenberg and Mrs. Berry then proceeded to [REDACTED] residence where they deposited the phone recording device and instructed her as to its use.

September 16, 1993 - 4:20 p.m.: [REDACTED] contacted the Chief's Secretary and informed her that "Tom" had called and that she had recorded the conversation as previously agreed upon.

September 16, 1993 - 4:50 p.m.: Lt. Wittenberg retrieved the recording apparatus from [REDACTED] residence and reviewed the contents of the recording (Tape #2). The tape was then vouchered and placed into Evidence.

The foregoing is a chronological summary of events for the time period requested.

PWMCC:cb

Patrick W. McCarthy
Chief of Police

CANANDAIGUA POLICE DEPARTMENT

21 ONTARIO STREET
CANANDAIGUA, NEW YORK 14424

PATRICK W. MCCARTHY
CHIEF OF POLICE

September 21, 1993

TO: Acting City Manager Louis L. Loy Jr.
FROM: Patrick W. McCarthy, Chief of Police
SUBJECT: Suspension of Police Officer Thomas Natoli

The following is for your information.

Based upon information developed during an internal investigation, it was determined that Canandaigua Police Officer Thomas Natoli may have engaged in criminal conduct and serious violations of Department Rules and Regulations.

On September 17, 1993, I conferred with District Attorney Tantillo regarding the evidence developed through the Internal Investigation. Mr. Tantillo requested supplemental information so that he could evaluate whether or not to go forward with criminal charges against Officer Natoli. This information is expected to be in Mr. Tantillo's hands on September 22nd.

Due to the serious nature of the conduct Officer Natoli appears to have perpetrated, I have suspended him with full pay, effective 2:00 p.m. September 17, 1993, pending Mr. Tantillo's evaluation. It is my intention to recommend that disciplinary charges be brought against Officer Natoli regardless of the District Attorney's evaluation of the criminal aspects of Officer Natoli's conduct in this case.

Because this matter relates to the possibility of both criminal charges as well as disciplinary charges, it is essential to maintain confidentiality and not release the identity of the suspended officer to the public.

PWMcC:cb

Patrick W. McCarthy
Chief of Police

#1

CANANDAIGUA POLICE DEPARTMENT

PERSONNEL COMPLAINT REPORT

CPD # 2435-93

I.A.# 003-93

Date /Time 3/10/93 1300

Manner Complaint Received: In person Letter Telephone

Location of Occurrence: _____ Date/Time Occurred: _____

Employees: 1. Thomas Natoli 2. _____ 3. _____
involved

CODE: C = Complainant W = Witness O = Other

Code: W Name: _____ Sex: F D.O.B.: unk

Address: Sugarcreek Mgr. City: Farmington State: _____ Phone: 924-4569

Complaint: (if additional space is necessary use CPD# _____
Supplementary Report)

Based on the request of Chief McCarthy's letter, I called _____ at her employment at Sugarcreek in Farmington and asked if I could set up an appointment with her to talk about allegations made regarding Michael Colacino. She responded "I already spoke to one of your officers and I have nothing else to say". I asked her who the officer was and she responded that she could not remember his name, but he was short, about 5'9" dark hair with a moustache. I asked if his first name was "Tom" and she said

NOTICE: PURSUANT TO THE NEW YORK STATE PENAL LAW SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

Complainant

Print Name: _____

Signature: _____

Employee Notified [] Date: _____

Supervisor

Signature: [Handwritten Signature]

D #60

I.A. 003-93

CANANDAIGUA POLICE DEPARTMENT

PERSONNEL COMPLAINT
SUPPLEMENTAL REPORT

CPD NO. 2435-93

I.A. NO. 003-93

DATE / TIME REPORTED 3-10-93 1300

"yes." I asked if she remembered the last name to be Natoli; but she could not remember any last name. She said this officer stated that Ofc. Gardner had been suspended and he was trying to show favoritism within the Department. He told her he knew she had filed a complaint against Colacino. Miss [redacted] told Natoli that she never had filed a complaint with the Department and Colacino was never asked to leave the store.

I requested a time from Miss Cook for her and I to discuss this further but she began to act very unco-operative. She said she couldn't understand how any of this could get back to our department. I asked if I could speak to her this afternoon but she declined and further stated she was going on vacation at 1500hrs today and would not be back until March 15.

I told her I would call her back next week.

NOTICE: Pursuant to the New York State Penal Law Section 210.45, it is a crime punishable as a Class A Misdemeanor to knowingly make a false statement herein.

SUPERVISOR

COMPLAINANT

SUPERVISOR: _____

PRINT NAME: _____



SIGNATURE: _____

CPD #61

EMPLOYEE NOTIFIED[] DATE: _____

CANANDAIGUA POLICE DEPARTMENT

PERSONNEL COMPLAINT
SUPPLEMENTAL REPORT

CPD NO. 2435-93

I.A. NO. 003-93

DATE / TIME REPORTED 3-24-93

On March 22, 1993 I interviewed [redacted] at Sugar-creek, Farmington. She told me that shortly after Ken Gardner was suspended, a police officer from our department named "Tom" came to the Sugarcreek in street clothes and interviewed her regarding Colacino harassing an employee. The Police officer told her that a complaint had been filed with the Dept. When she asked to see the complaint, the police told her he couldn't show it to her. She allowed the interview to take place stating to Tom that there was no harassment that had taken place and that Colacino was not banned from the store. She will provide a written statement of what took place.

On Mar. 23, 93 I interviewed [redacted] employee of Sugarcreek, Cdga. She stated that shortly after Gardner was suspended, Tony Reish came in in his work clothes (suit) and asked about the details of Colacino's banning of ~~th~~ from the store. She told him he wasn't banned and explained the story.

A couple of days later, Ralph Liberatore came to the store (not in uniform) and inquired also. She explained the incident to him. Miss Smartt prepared a written statement regarding the entire incident on 3-23-93. On 3-24-93 I returned and asked her to continue the state-ment to be more specific regarding Tony + Ralph's involvement. She did so adding two more paragraphs.

She stated Stan Chizuk and Chuck Bardeen only asked her if other policemen had been asking questions regarding Colacino. She explained the above to them.

NOTICE: Pursuant to the New York State Penal Law Section 210.45, it is a crime punishable as a Class A Misdemeanor to knowingly make a false statement herein.

SUPERVISOR

COMPLAINANT

SUPERVISOR: _____

PRINT NAME: _____

SIGNATURE: _____

CPD #61

EMPLOYEE NOTIFIED[] DATE: _____

CANANDAIGUA POLICE DEPARTMENT

PERSONNEL COMPLAINT
SUPPLEMENTAL REPORT

CPD NO. 2435-93

I.A. NO. 063-93

DATE / TIME REPORTED 3-24-93

On March 22, 1993 I interviewed [redacted] at Sugar creek in Farmington. I requested her to provide a statement to me regarding the Police officer who interviewed her and a detailed statement as to the Colacino incident. On today's date she provided me with the statement.

On 3-24-93 at about 1600hrs, Lt Ruggles ordered P.O. Tom Natoli to provide a report regarding his investigation at the Sugar creek in Farmington regarding P.O. Colacino. He did so which was made part of this investigation.

NOTICE: Pursuant to the New York State Penal Law Section 210.45, it is a crime punishable as a Class A Misdemeanor to knowingly make a false statement herein.

SUPERVISOR

COMPLAINANT

SUPERVISOR: [Signature]

PRINT NAME: _____

SIGNATURE: _____

CPD #61

EMPLOYEE NOTIFIED[] DATE: _____

PERSONNEL COMPLAINT
SUPPLEMENTAL REPORT

CPD NO. 2435-93

I.A. NO. 003-93

DATE / TIME REPORTED 9-14-93

9-14-93

At the Chief's request, I contacted [redacted] at the school bus stop at Jefferson Ave and invited her to the Chief's office on 9-15-93 @ 2:00 PM to update her on the status of the investigation.

In the course of the conversation [redacted] stated she was not employed by Taco Bell anymore, she was now receiving unemployment benefits from Taco Bell.

I then ~~went~~ went to Taco Bell and spoke to [redacted] Asst. Mgr. She stated [redacted] was in Penfield (Pittsford) in a two week training session. Upon her return, she requested a two week leave for family reasons. Her request was granted. [redacted] then spoke to her on a Thursday advising her to report to work on a Sunday + Monday. [redacted] never showed up for work and she was terminated. The manager stated she was not on unemployment benefits through Taco Bell.

9-15-93 1400hrs

[redacted] was re-interviewed in the Chief's office by the Chief and secy. Cheryl Berry. At that time [redacted] recanted her story regarding the crime and admitted no crime occurred. She further stated she was "pressured" by Ofc Thomas Natoli to make the accusation. A written statement to these facts ~~was~~ ^{was} taken by me. (see statement)

It is this officer's opinion that no crime had taken place therefore, the investigation of Mike Calacino is unfounded.

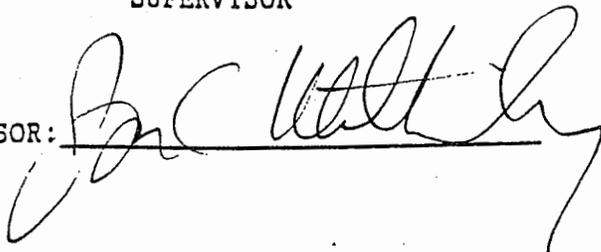
A decision will be made by the Chief of Police directing a further investigation into Ofc T. Natoli.

NOTICE: Pursuant to the New York State Penal Law Section 210.45, it is a crime punishable as a Class A Misdemeanor to knowingly make a false statement herein.

SUPERVISOR

COMPLAINANT

SUPERVISOR: _____



PRINT NAME: _____

SIGNATURE: _____

CPD #61

EMPLOYEE NOTIFIED [] DATE: _____

Memo to File:

Thursday, September 16, 1993

At 1:40 p.m. this date I received a phone call at work [REDACTED] from [REDACTED]. She stated to me that she heard Tom had been at her apartment looking for her the night before (Wednesday, September 15th), but that she wasn't home. She stayed at her boyfriend's house to avoid seeing him. She stated she had a tape recorder that Tom Natoli had given her and wanted to return it to him. I asked her if she wanted to see him. She emphatically replied No. I offered to come to her apartment and pick it up from her and return it to Tom. She eagerly accepted my offer.

At 2:00 p.m. I drove to [REDACTED] apartment ([REDACTED]), met her outside, and she handed me a package containing the tape recorder. I asked her why she had it. She stated Tom had given it to her and told her to record yesterday's meeting in Chief McCarthy's office.

She stated Tom had also called her boyfriend's house at approximately 1:00 p.m. looking for her. Her boyfriend told him she was not there.

She asked me if the Chief had talked to Tom yet. I told her no. She stated he had been calling her boyfriend's house repeatedly and come to her house, but she would not answer the door. She suspected he had been calling her house but she hasn't been answering the phone either.

At 3:30 p.m. [REDACTED] called me again and asked if Tom had been to the station to pick up the recorder yet. I stated no. She asked me to call him and tell him to come and get it so he wouldn't bother her anymore. I informed Chief McCarthy and Lt. Wittenberg of her call. They suggested we ask her to start answering her phone and if Tom calls her to record the conversation. I called her back and she agreed to do this.

At 3:50 p.m. Lt. Wittenberg dropped me off at her apartment. I took the tape recorder in, showed her how to use it. She was very willing to record the conversation. I explained to her that the reason we wanted this was because Tom would probably try and deny having any contact with her and this would prove otherwise.

At 4:20 [REDACTED] called and said Tom had called her and she recorded the conversation. I told her I would leave the recorder at her house and come get it in the morning. If he called her again, to record it, and if he came to her house, don't answer the door.

Cheryl A. Berry
9/16/93 - 4:25 p.m.

CANANDAIGUA POLICE DEPARTMENT

PERSONNEL COMPLAINT
SUPPLEMENTAL REPORT

CPD NO. _____

I.A. NO. _____

DATE / TIME REPORTED _____

9-21-93 1515 hrs

I interviewed [redacted] @ his home @ [redacted]. I asked him if he was aware of the criminal investigation involving [redacted]. He said he was. He further stated [redacted] had called him and told him of the complaint to the Police Dept. I asked what did he say and he said he referred her to womens groups. I asked what womens groups and, after a noticeable hesitation he said "Victims Assistance."

I told him [redacted] made several statements to the Police Dept and I was attempting to verify her statements. I told him she stated that he told her to go to the newspapers. He responded "only as a last resort." I stated, "so she called you once." He said, "a couple of times." I asked if ~~she~~ he knew her. He said "yes." I ~~ask~~ stated, "so you have met her." He said "NO," I've seen her several times.

I then concluded the interview. I thanked [redacted] for his time and left.

9-21-93 1700 hrs.

In [redacted]'s second statement she said she also talked to a woman ~~wh~~ she thought was named "Sandy" "... the girl on council." I interviewed [redacted] [redacted] did not know who [redacted] was nor had she ever had conversation with her.

NOTICE: Pursuant to the New York State Penal Law Section 210.45, it is a crime punishable as a Class A Misdemeanor to knowingly make a false statement herein.

SUPERVISOR

COMPLAINANT

SUPERVISOR: LT J. C. [Signature]

PRINT NAME: _____

SIGNATURE: _____

CPD #61

EMPLOYEE NOTIFIED[] DATE: _____

Memo to File

Sept. 29.

3:30 PM - This date

(Councilman) called

me and stated "The next time you send your henchmen down give me prior notice so I can obtain a lawyer."

I responded that if he is referring to Lieutenant Wittenberg he was wrong calling him a henchman, he was one of my best. I also told him he didn't need an attorney as we weren't accusing him of a crime, just verifying the veracity of a written statement.

He replied that he "didn't trust you guys" and still insisted on a prior notice. I told him I couldn't promise that. He replied "Then he'll do what he has to do."

CANANDAIGUA POLICE DEPARTMENT

PERSONNEL COMPLAINT
SUPPLEMENTAL REPORT

CPD NO. 2435-93

I.A. NO. 003-93

DATE / TIME REPORTED 6-30-93

6-30-93

At 1310 hrs I spoke with [redacted] At her home at [redacted] I asked her if she could provide me with any information regarding a harassment complaint at the Sugarcreek Store late last year involving ofc. Colacino. She indicated she had information and wanted to file a personnel complaint against Ofc. Colacino but would not do so unless "Dan" (ofc. Starr) or "Tom" (ofc. Natali) were present. She stated that she has talked to these two officers on several occasions and would not make any statements without them present. She further stated that ofc. Starr was handling the investigation. When I asked if he told her that, she stated "No... But I heard it from somewhere"

I advised her that the Dept does not include other Police Officers in on personnel matters, especially officers who are not involved. She then stated that if the two of them were not in the same room then she wanted them "close by."

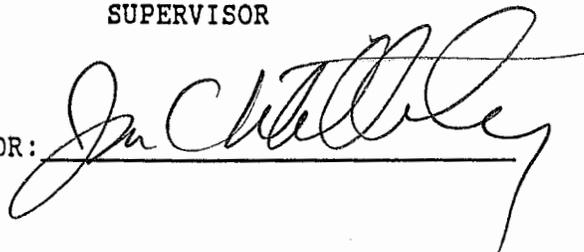
I advised her that that decision would be made by the Chief of Police. She stated that she wanted to talk to the Chief so I told her to come to the Police Station on July 6 or 7 at 1000am and I would set up an appointment with the Chief and myself.

She agreed to do so.

NOTICE: Pursuant to the New York State Penal Law Section 210.45, it is a crime punishable as a Class A Misdemeanor to knowingly make a false statement herein.

SUPERVISOR

COMPLAINANT

SUPERVISOR: 

PRINT NAME: _____

SIGNATURE: _____

CPD #61

EMPLOYEE NOTIFIED[] DATE: _____

CANANDAIGUA POLICE DEPARTMENT
21 ONTARIO STREET
CANANDAIGUA, NEW YORK 14424

PATRICK W. MCCARTHY
CHIEF OF POLICE

June 25, 1993

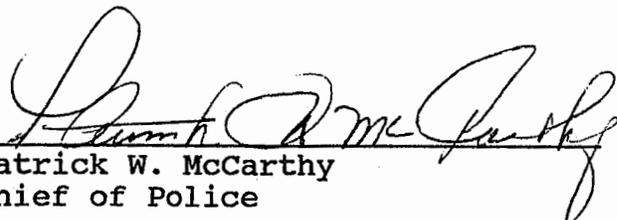
Comm. #94/93

TO: Police Officer Thomas M. Natoli
FROM: Chief Patrick W. McCarthy
SUBJECT: Command Discipline

Pursuant to an agreement reached at our meeting of June 4, 1993 regarding your violation of Department Regulation 3-38, the Police Department will apply the provisions of General Order 18.02 Sub. E - Command Discipline. Said discipline will consist of a letter of reprimand which will be entered into your Personnel File and retained for a minimum of three years.

Please sign this memo indicating your acceptance of the foregoing.

PWMcC:cb
xc: Personnel File


Patrick W. McCarthy
Chief of Police

I have read this memo and agree to the settlement as described in the foregoing.

Thomas M. Natoli

Witness

Date

CANANDAIGUA POLICE DEPARTMENT

Reop "A"

SUPPORTING DEPOSITION
SEC. 100.20 CPL

STATE OF NEW YORK

County of ONTARIO
City of CANANDAIGUA

394-1105

On	DATE 7-20-93	at	TIME STARTED 1145 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	I,	FULL NAME [REDACTED]	[REDACTED]
NO. & STREET [REDACTED]				CITY [REDACTED]	STATE [REDACTED]	

state the following: During the month of September, 1992 between 11PM-7AM while I was employed by the Sugarcreek on S. Main St in the City of Canandaigua. During my employment I met Michael Colacino who I knew to be a policeman in Canandaigua. During this time frame (Sept.-Oct) ofc. Colacino would come into the store in the night-time on duty, when no one else was in store and he would pin my hands behind my back and then would fondle my breasts to start and then continue downward and fondle my buttocks and crouch. He would sometimes say "Nice breasts" "nice butt." For approximately two + one half weeks Colacino would come into the store and do this, sometimes five times a night. He was always in uniform and there was never anyone in the store. He would sometimes walk me around the store with my hands behind my back. ~~He~~ I would tell him to stop, he was hurting me but he wouldn't stop. I would guess this type of sexual contact happened 15-20 times during this time frame. I told my boss [REDACTED] and she said that she called the Chief of Police and he said Colacino was sent to school and would not be coming in anymore. I didn't see Colacino after that, and I quit the job in November, 1992.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

CPD NO. 18
4/84

[REDACTED]		(SIGNATURE OF DEPONENT) Jon C. [Signature] / Cheryl Berry	
(WITNESS) J.C. [Signature]		TIME ENDED 1200	AM <input type="checkbox"/> PM <input checked="" type="checkbox"/>
(NAME OF PERSON TAKING DEPOSITION)		(DEPOSITION)	

CANANDAIGUA POLICE DEPARTMENT

SUPPORTING DEPOSITION
SEC. 100.20 CPL

STATE OF NEW YORK

County of Ontario
City of Canandaigua

On	DATE 9/15/93	at	TIME STARTED 3:40	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	I,	FULL NAME [REDACTED]	DATE OF BIRTH [REDACTED]
NO. & STREET [REDACTED]			C/T/V [REDACTED]			STATE [REDACTED]	

state the following:

Q: In June of 1993 a complaint to the Canandaigua Police Department was made by you that Mike Colacino sexually harassed you.

A: I was forced into making that complaint.

Q: Is the statement that you made in June of 1993 against Mike Colacino true?

A: No.

Q: What did happen?

A: In September of October of 1992, Mike Colacino touched me sexually but not to mean any harm. I think it was more joking and fooling around.

Q: Where did he touch you sexually?

A: Breasts.

Q: Did he say anything?

A: No.

Q: But he touched you in a joking fashion?

A: Yeah.

Q: Were you attracted to Mike?

A: Yes.

Q: Then what happened?

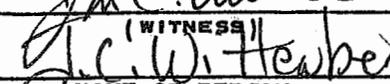
A: He just joked and fooled around. I did attempt to too. He put my arms behind my back...all just in fun.

Q: In June of 1993 the Police Department was notified that [REDACTED] wanted to make a sexual harassment complaint. Why did you want to make that complaint?

A: I didn't.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

CPD NO. 18
4/84

	(SIGNATURE OF DEPONENT)
	(WITNESS)
(NAME OF PERSON TAKING DEPOSITION)	TIME ENDED 4:20 (DEPOSITION)

**VOLUNTARY STATEMENT
(CONTINUATION SHEET)**

Date September 15, 1993 Page No. 2

STATEMENT OF:

[REDACTED]

Q: Why?

A: I just wanted to bring it to the Chief's attention. I didn't want to make a complaint.

Q: Why did you want to make the complaint?

A: I was forced into making it.

Q: Who forced you?

A: Tom Natoli.

Q: How did he force you into making this complaint?

A: He came to me in the spring of 1993 and asked what Mike Colacino did and he said that Danny Starr was investigating what happened at Sugar Creek and that he needed to interview me about what happened and that I should make a complaint and asked me if I ever thought about suing the City. He gave me some attorneys names. I used his car to drive to Rochester to see those attorneys, but they rejected it.

Q: How many times has Tom Natoli contacted you about this complaint?

A: About 7 or 8.

Q: How did he contact you?

A: By phone or he would come over.

Q: What was his concern.

A: He just wanted to know what was going on and how the investigation was going?

Q: Did he ever give you his opinion?

A: He said that Colacino was the Chief's right-hand man, he could do no wrong. The Chief didn't like anyone in the union. Mike (Colacino) was kicked out of the union for not paying his dues or something.

Q: Did Natoli continue to pressure you to make this complaint?

A: Yes.

Q: When did you NOT want to make this complaint anymore?

[REDACTED]

3/24/93

SOME TIME AGO I HAD HEARD A RUMOR THRU THE DEPT THAT [REDACTED] AT SUGAR CREEK HAD FILED A CIVILIAN COMPLAINT AGAINST MIKE COLACINO FOR SEXUAL HARASSMENT AND THIS CIVILIAN COMPLAINT WAS SQUASHED BY THE CHIEF, I, ANGERED AT THIS ALLEGATION DECIDED TO ASK [REDACTED] IF THIS WAS TRUE. I TALKED TO HER ON MY OWN TIME AT FARMINGTON SUGAR CREEK. SHE STATED THAT NO SHE DID NOT FILE A CIVILIAN COMPLAINT AGAINST MIKE COLACINO, HOWEVER MIKE DID SEXUALLY HARASS HER AT SUGARCREEK IN FRONT OF CUSTOMERS SOMETIME LATE IN 1992. SHE WAS NOT AMUSED AND THREW HIM OUT OF SUGARCREEK, SHE ALSO STATED THAT HE WAS PROBABLY JOKING AROUND, SATISFIED THAT SHE WAS TELLING THE TRUTH I LEFT AND AT A LATER DATE I INFORMED SGT BARDEEN OF THE ALLEGATION OF SEXUAL HARASSMENT AND OF THE SERIOUSNESS OF THE INCIDENT. I BELIEVE THAT EVEN THOUGH THERE IS NO CIVILIAN COMPLAINT, MIKE COLACINO SHOULD BE COUNSELED ABOUT THIS BEHAVIOR BECAUSE IT REFLECTS ON THE DEPARTMENT IN WHOLE. I KNOW IF THESE CHARGES WERE BROUGHT AGAINST ME I PROBABLY WOULD BE SUSPENDED, THAT WAS WHY I WAS ANGERED AT THE ALLEGATION OF THIS BEING SQUASHED,

(T.M.N.)

P.O. Thomas M. N. #106

(T.M.N.)

Left on answering machine sometime between 1630 hours Friday,

August 13, 1993 and 0800 hours Saturday, August 14, 1993

"Hi Jon, this is [REDACTED]. I will agree, I do agree to talk with the District Attorney, and I don't think this is far from being over, but, but I read it in the paper tonight and I will agree to talk with the District Attorney. My number is [REDACTED] I am working at Taco Bell Monday from 8 a.m. til whenever. You can just leave a message with my mother. Thanks."

(I read it in the paper tonight refers to an article in The Daily Messenger on Page 3, August 13th, headlined "Cop accused of sexual harassment" referring to [REDACTED] allegations against Officer Colacino. No names were mentioned in the newspaper.)

CANANDAIGUA POLICE DEPARTMENT

SUPPORTING DEPOSITION
SEC. 100.20 CPL

STATE OF NEW YORK

County of _____
_____ of _____

On	DATE 3-23-93	at	TIME STARTED <input type="checkbox"/> AM <input type="checkbox"/> PM	I,	[REDACTED]	DATE OF BIRTH
NO. & STREET 395 South Main St. CdgA.			(Sugar Creek)	C/T/V		STATE

state the following:

While [REDACTED] was working here at Sugar Creek she informed [REDACTED] and myself that Mike Colacino would come in for a cup of coffee or use the phone and would chat with her. She later informed us that she took off her rings so that he would notice she was single. Mike had a girlfriend and was not interested. He never made accusations that he was. When [REDACTED] had a confrontation with Mike's girlfriend she became upset and told us that Mike was harrassing her. I have known Mike since he started here in CdgA. and never have seen him or thought of him harrassing anyone.

In the first week of October, Mike came in on his shift to use our phone. That's when [REDACTED] told him that if he was going to harrass the people that worked here then he didn't have to come in. At that time, being accused of something he didn't do, Mike took it upon himself not to come in. Later [REDACTED] apologized and said that she knew he didn't harrass anyone and that she had other things on her mind that caused her to blow up at him. (he just walked in at the wrong time) Mike was not banned from the store.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

CPD NO. 18 IA-003-93
4/84

(SIGNATURE OF DEPONENT)	
(WITNESS)	TIME ENDED <input type="checkbox"/> AM <input type="checkbox"/> PM
(NAME OF PERSON TAKING DEPOSITION)	(DEPOSITION)

VOLUNTARY STATEMENT
(CONTINUATION SHEET)

Date _____ Page No. _____

STATEMENT OF:

_____ worked here from 8/18/92 - 11/6/92
She quit SugarCreek not because of Mike's
other reasons.

Tony & Ralph came in asking what had happened
with Mike Colacino & his being banned from the
store. I explained that he wasn't banned but just
hasn't been coming in.

Stan & Chuck just asked if people had been
questioning me about it and who. They didn't
come into SugarCreek to ask me. I ran into
them while getting their hair cut.

Right after _____ was suspended Tony
came in dressed in work clothes and asked
the questions regarding Mike's banning from the store.
That's when I told him the story.

Probably a couple days later, Ralph came in
but not in uniform asking the same things. I
then told him the whole story.

After I explained to both of them, neither had
anything good or bad to say about Mike Colacino.

[Signature]

CANANDAIGUA POLICE DEPARTMENT

SUPPORTING DEPOSITION
SEC. 100.20 CPL

STATE OF NEW YORK

County of _____
_____ of _____

On	DATE 3-24-93	at	TIME STARTED <input type="checkbox"/> AM <input type="checkbox"/> PM	I,	FULL NAME [REDACTED]	DATE OF BIRTH [REDACTED]
NO. & STREET Sugar Creek			C/T/V Farmington		STATE	

state the following:

Five (maybe more) months ago a cashier by the name of [REDACTED] came to me very upset stating that Mike Colisino was harassing her while she was working. She never went into detail but she wanted to quit immediately. I calmed her down + told her I would speak to Mike about it. A day or so later Mike came in and I told him to stop harassing [REDACTED] & if he didn't he was not welcome in Sugar Creek any longer. I came to find out [REDACTED] was attracted to Mike and made advances towards him. When he didn't respond she "made up" that he was harassing her because she was quite embarrassed. She used to take off her wedding rings + say sexual comments about Mike in front of myself [REDACTED]

Mike did not come into Sugar Creek again while I was working there. My opinion is that he wanted to stay away from [REDACTED].

A few months later an officer came into the Farmington Sugar Creek Store (I think his name is Tom) to question me about the incident with Mike Colisino. I was very surprised + didn't understand why (months later) he was questioning me! He asked me about the "Sexual Harassment" complaint I filed with the department [REDACTED]

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CPD NO. 18 IA003-93
4/84

[REDACTED SIGNATURE]	
(SIGNATURE OF DEPONENT)	
(WITNESS)	TIME ENDED <input type="checkbox"/> AM <input type="checkbox"/> PM
(NAME OF PERSON TAKING DEPOSITION)	(DEPOSITION)

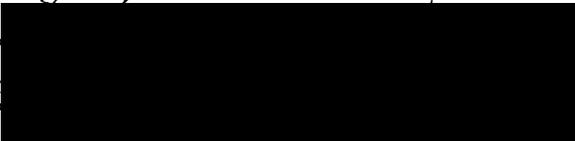
VOLUNTARY STATEMENT
(CONTINUATION SHEET)

Date 3/24/93

Page No. 2

STATEMENT OF:

I NEVER filed any complaint against Mike Colistro (especially a sexual harassment complaint) nor did I have him banned from Sugar Creek. (Tom also said this) He told me the reason why he was ~~there~~ questioning me was because some cops are being favored & he wanted to prove that this incident was "swept under the carpet." He also told me his friend Kenny was being suspended for something not even half as bad as what Mike supposedly did. He stressed he wasn't trying to get anyone in trouble but show the favoritism in the force. I don't know how this got "blown out of the water" but that is what it seems to me. Someone is obviously making more out of the incident than what actually happened.



In addition the officer who was not in uniform did not supply me with the complaint even though I asked to see it.

