

# CANANDAIGUA POLICE DEPARTMENT

21 ONTARIO STREET  
CANANDAIGUA, NEW YORK 14424  
(716)396-5035 Phone  
(716)396-5034 Fax  
Dial 911 for All Emergencies

Patrick W. McCarthy  
Chief of Police



April 7, 1999

**TO:** Police Officer Craig Cummings

**FROM:** Chief Patrick W. McCarthy

**SUBJECT:** Internal Affairs Investigation #003-99

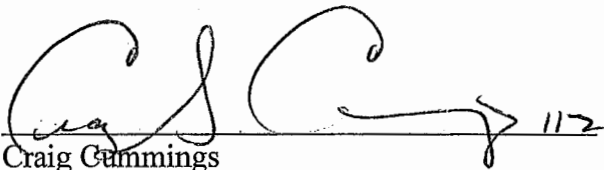
1. Based upon a civilian complaint received by the Police Department alleging that on March 26, 1999 at approximately 1610 hours you entered Case's Liquor Store and accepted a bottle of alcoholic beverage and returned to your assigned vehicle. Subject alcoholic beverage gratuitously provided to you. This incident alleged to have occurred while on duty and in uniform.
2. Subsequent investigation disclosed the following:
  - A - Violation Rule 3-13 - Bringing alcoholic beverage into a police vehicle
  - B - Violation Rule 3-9 - Leaving duty post without authorization
  - C - Violation Rule 3-2 - Unbecoming Conduct
  - D - Violation Rule 3-43(c) - Operating police vehicle outside corporate limits of city without authorization
3. Having been charged with the foregoing violations of the Department Rules and having plead guilty as charged, and desiring to accept discipline as per G.O. 18.02, Paragraph E, Command Discipline, the following penalties are imposed.
  - A - Violation Rule 3-13 - Bringing alcoholic beverage into a police vehicle  
**Penalty: 4 hours vacation time 1999**
  - B - Violation Rule 3-9 - Leaving duty post without authorization  
**Penalty: Counseling Memo**
  - C - Violation Rule 3-2 - Unbecoming Conduct  
**Penalty: 4 hours vacation time 1999**
  - D - Violation Rule 3-43(c) - Operating police vehicle outside corporate limits of city without authorization  
**Penalty: Counseling Memo**

Memo to Craig Cummings

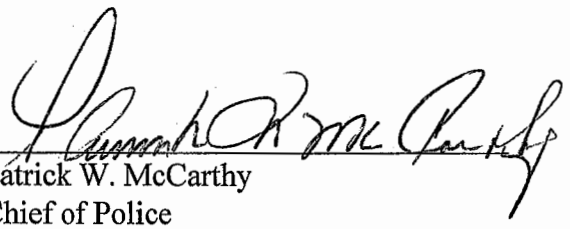
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April 7, 1999

The foregoing penalties are acknowledged.

P.O.   
Craig Cummings  
Police Officer

Date: 4/7/99

  
Patrick W. McCarthy  
Chief of Police

Date: April 7, 1999

PWMcC:cb

## CANANDAIGUA POLICE DEPARTMENT

## PERSONNEL COMPLAINT REPORT

CPD # 902289I.A.# 003-99Date /Time 3-30-99 435pmManner Complaint Received: ☐ In person ☐ Letter ☐ TelephoneLocation of Occurrence: Case's Liquor Store Date/Time Occurred: 3-26-99 4:10 PmEmployees: 1. Craig Cummings 2. \_\_\_\_\_ 3. \_\_\_\_\_  
involved

CODE: C = Complainant W = Witness O = Other

Code: C Name: [REDACTED] Sex: M D.O.B.: \_\_\_\_\_Address: DBA Butcher Shoppe City: Adga State: N.Y. Phone: \_\_\_\_\_Complaint: (if additional space is necessary use CPD# \_\_\_\_\_  
Supplementary Report)

On March 26, 1999 I was in my shoppe on Macedon Rd when I observed a Canandaigua Police Car #44 pull into the parking lot. A uniformed Police officer who I personally know to be Craig Cummings exited the Police car and entered Case's Liquor Store which adjoins my store. A short time later, Cummings exited the liquor store carrying a brown bag. He got back into the police car and drove off. I asked the liquor store clerk if Cummings just purchased some liquor and she replied no, but he was picking up a donation that was made by the owner of the liquor store.

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: [Signature]

Employee Notified [ ] Date: \_\_\_\_\_

Supervisor

Signature: [Signature]

# CANANDAIGUA POLICE DEPARTMENT

21 ONTARIO STREET  
CANANDAIGUA, NEW YORK 14424

SPECIAL SERVICES DIVISION  
DETECTIVE UNIT

PATRICK W. McCARTHY  
CHIEF OF POLICE

April 6, 1999

I.A. 003-99

C-902289

Internal Affairs Investigation - Transporting Alcohol on Duty

Complainant - [REDACTED] - D.B.A. [REDACTED], Macedon Rd. Canandaigua

Accused: P.O. Craig Cummings, Badge 112 - Hire Date 08/23/93

Charges: Rule 3-13 Alcoholic Beverages and Drugs in a Police Installment

Rule 3-9 Leaving Duty Post

Rule 3-2 Unbecoming Conduct

Rule 3-20 Gifts, Gratuities, Bribes, or Rewards

Rule 3-43 Operating Vehicles

## Synopsis:

On Friday, March 26, 1999 at about 1610 hours, P.O. Craig Cummings while on duty in a marked patrol vehicle, left his sector assignments and also left the City limits to proceed to Cases Liquor Store on Macedon Road in the Town of Canandaigua to retrieve a donated bottle of wine. The wine was donated by the liquor store for the Canandaigua Lake Duck Hunter's Association dinner that was to be held on March 27. P.O. Cummings then transported the wine in the patrol vehicle to his personal vehicle..

## Evidence:

- (1) The written complaint of [REDACTED] CPD 60
- (2) Statements of [REDACTED] (sic), owner of Cases Liquor Store
- (3) My interview with P.O. Craig Cummings

## Investigation:

On Saturday, March 27, 1999 I was informed that P.O. Craig Cummings picked up an alcoholic beverage from Case's Liquor Store while on duty in a marked police car with an

unclear intent. On March 30, 1999 at 1000 hours, I interviewed [REDACTED], owner of Case's Liquor Store. She said that she had been solicited by the Canandaigua Lake Duck Hunter's Association to provide a donation to the annual dinner last Saturday night. She left a bottle of wine out next to the cash register and instructed her clerk to provide the bottle to the organization. On Friday, P.O. Cummings picked the bottle up.

On March 30, at about 1635 hours, I interviewed [REDACTED], owner of the [REDACTED] which adjoins Case's Liquor. [REDACTED] stated that he observed Craig Cummings, in uniform, driving Canandaigua police car #44 pull into the parking lot on Friday, March 26, at about 1610 hours, exit the car and enter the liquor store. A short time later, Cummings returned to the police car carrying a brown paper bag. He then drove off. [REDACTED] went to the liquor store and asked the clerk if Cummings just purchased liquor. She said that he didn't purchase the liquor, but it was left as a donation and Cummings had just picked it up. A written statement was taken from [REDACTED].

According to Department records, P.O. Cummings was working the "B" tour on Friday, March 26, 1999 and was assigned to sectors 1,3 and 4. Cummings was assigned police car #44 and was on duty at the time of the alleged violation.

On April 4, 1999 at 1300 hours I interviewed P.O. Craig Cummings in regard to this incident. I advised him of the complaint that he transported alcohol in a police car on duty and allowed him union representation. He declined a union representative and acknowledged that the interview was being tape recorded.

Cummings confirmed that he was working on March 26, 1999, "B" tour and during the time of the alleged offense. He was unsure what sectors he was assigned. He admitted to going to Case's Liquor Store on Macedon Road to check with [REDACTED] to see if she was going to give a donation to the Canandaigua Lake Duck Hunter's Association in which Cummings is an officer of. The donation was for their dinner that was to be held the next evening. He said that she was just leaving and had her coat on when he arrived. When he asked about the donation, she handed him a bottle that had wicker around it. Cummings asked her if she could put it in a bag because he didn't want "anyone to see the obvious of me walking out of a liquor store with a bottle". He said that he asked her if he could pick the bottle up later but she said she was not going to be there. With that, Cummings put it in a paper bag and drove the police car back to the police station and put the donation in his truck. I asked if he knew it was an alcoholic beverage and he responded "I assumed it was seeing it came from a liquor store."

I asked him when he arrived at Case's if he called out of service on the radio. He responded "no". I asked him if his supervisor had any idea of what he was doing and he responded "no." I asked if he was aware that transporting alcohol on duty for non-departmental purposes was a violation of our rules and regulations and he responded,

"I'm sure it is." With that, I asked him for what reason did he do this and he responded that as a "benefit to the club", and being an officer of the club, he does not have time to go out and collect donations. However, because of his rapport with Case's, and their apparent hesitation to donate, he checked on this donation, along with several others. All were done prior to work hours. He said he actually stopped at Case's Convenient Store to get a drink and while he was there, he went to the liquor store to see if [REDACTED] was going to be able to help them out. Cummings had no idea what the donation was going to consist of. He said he intended to come back after work to pick it up but because [REDACTED] was leaving at that time, he took it then. He said that he didn't think it was that "big of a deal" to collect a donation for an non-for-profit organization that was putting the money right back into the community. In his last statement to me he said that he truly would never do anything like this again especially if it is something that was going to jeopardize his job with Canandaigua.

### **Conclusion:**

Ofc. Craig Cummings admitted that he left his assigned sectors without permission of his supervisor. Although he stated that he left his sector to obtain a drink from Case's Convenient Store and then while there, he decided to check on a donation from Case's Liquor Store, the evidence in this case does not sustain this action. The complainant clearly stated to me that Cummings pulled into the parking lot, exited his patrol car was went directly to the liquor store. When he left the liquor store with a brown bag in hand, he returned to his police vehicle and drove away. I do not believe Cummings is truthful in his initial intent to obtain a drink.

Also, Cummings told me in our interview that there was another unidentified patron in the liquor store when he picked up his donation. His comments to me led me to believe that he thinks this unidentified person is the complainant in this case. Regardless of his beliefs, this simply multiplies the number of citizens who observed his actions.

P.O. Craig Cummings clearly violated Departmental Rules and Regulations with his actions on this day.

### **Findings:**

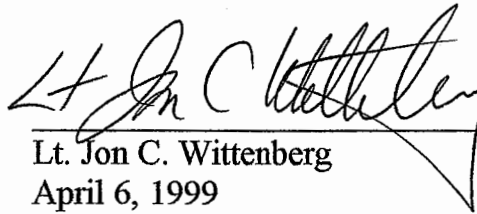
**Rule 3-13 - Alcoholic Beverages and Drugs in a Police Installment - Sustained -**  
P.O. Cummings did "bring into a police vehicle" an alcoholic beverage that was not being held as evidence or for any other departmental purpose.

**Rule 3-9 - Leaving Duty Post - Sustained** - P.O. Cummings left his duty sectors without permission and without assigned coverage to his sectors.

**Rule 3-2 Unbecoming Conduct - Sustained** - Through Ofc. Cummings actions, he failed to conduct himself in such a manner as to reflect most favorable on the Department.

**Rule 3-20 - Gifts, Gratuities, Bribes, or Rewards - Unfounded** - There was no evidence that Ofc. Cummings solicited this alcoholic beverage on duty, nor did this gift influence any action of official nature or alter any performance of an official duty.

**Rule 3-43 (C) - Operating Vehicles - Sustained** - Ofc. Cummings did operated a city police car outside of the corporate limits of the City without authorization or in immediate pursuit of a law violator.



Lt. Jon C. Wittenberg  
April 6, 1999

Agg. W. Del. Ct.

April 7-94

P.O. Craig Cummings was the subject of a civilian complaint for an incident that took place on March 26 at approx. 1610 Hours.

Craig was observed by complainant going into Casco's Liquor Store on North Road in Annapolis and leaving with a package containing a bottle of liquor. The complainant stated that liquor was for police Party 5. He stated that liquor store clerk told complainant why liquor was given to Craig at no charge.

Internal affair investigation disclosed the complaint to be substantially true with exception that the donated liquor was provided on behalf of Craig's Hunting Club.

- Craig was charged with
1. Alcohol in Police Vehicle
  2. Unauthorized absence from Sector
  3. Conduct Unbecoming
  4. Operating outside City without authorization

Craig plead guilty, asked for Command Discipline and was disciplined as per his request.

Please be aware of his behavior in the future.

PMO

XC - Sgt. Okeriden