

City of Canandaigua Police Department

Internal Investigation Report

I.A. 004-2019

Accused: PO Anthony Liberatore

Assignment: Patrol Division

Prepared by Lt. ~~Scott~~ P. Ferguson

A handwritten signature in black ink, appearing to read 'S.A. Hedworth', with a long horizontal stroke extending to the right.

Stephen A. Hedworth

Chief of Police

Internal Investigation Complaint 004-2019

Accused Member (s): PO Anthony Liberatore

Complainant: PO Joshua Raymond

Summary of Complaint Investigated:

A police officer made a complaint to a supervisor relating to the unsatisfactory performance of another officer during a domestic dispute.

Investigation results:

July 17th, 2019

I received an email from Sgt. Mastracy stating that on 07/12/19, PO Raymond was in the dispatch area and said to him, "Somethings got to be done." When Sgt. Mastracy asked him to elaborate, PO Raymond went on to describe a domestic incident that he and PO Liberatore responded to (also with PO Catalfamo who was on FTO with PO Raymond) and expressed that the complaint was PO Liberatore's responsibility (occurred in his post), PO Liberatore should have made an arrest but realized that he "was not going to do anything" and PO Raymond "didn't want any part of it." Officer Liberatore did not make an arrest and PO Raymond didn't think PO Liberatore properly did his job.

When hearing this, Sgt. Mastracy was signing in at the start of his tour. Sgt. Mastracy dressed for duty then again spoke to PO Raymond in the sergeant's office. PO Raymond reiterated what he previously stated. Sgt. Feldman, who Sgt. Mastracy was replacing, entered the sergeant's office and Sgt. Mastracy inquired if he knew of PO Raymond's complaint. He hadn't and PO Raymond gave him a synopsis and Sgt. Feldman told PO Raymond to memorialize his complaint in memorandum form and give it to Sgt. Mastracy.

Sgt. Mastracy had yet to receive the memorandum from PO Raymond (5 days had past). I reminded Sgt. Mastracy that since a supervisor directed PO Raymond to complete a memo, he was obligated to do it.

I received another email from Sgt. Mastracy. He ordered PO Raymond to provide him the memorandum by the next day. PO Raymond responded saying he was just

"Venting" and did not want to make a "formal" complaint. Sgt. Mastracy reiterated to complete the memorandum.

I conferred with Chief Hedworth regarding the complaint. Chief Hedworth advised to have Sgt. Feldman review the BWC footage of the incident and give his opinion as to whether he believed the matter should move forward as a formal internal investigation or be handled by a first line supervisor. * *Sgt. Feldman has previously formally counseled PO Liberatore regarding work performance.*

July 22nd, 2019

Sgt. Feldman viewed the BWC footage of PO Liberatore, PO Raymond and PO Catalfamo. He believed the complaint was not properly handled and due to his personal knowledge of some past performance issues PO Liberatore he recommended that a formal internal be conducted. He brought up issues with both Officer Raymond and Liberatore's performance. Sgt. Feldman advised to issue a memorandum to me regarding such.

Incident and domestic incident reports were obtained from laser fiche and reviewed.

July 23rd, 2019

I received the memorandum from PO Raymond via Sgt. Mastracy. In summary it states:

- On 07/12/19 at approx. 1528hrs he was PO Catalfamo's FTO and they were "unofficially out of service" due to being not caught up from a backload of paperwork from previous days.
- At that time, they heard a call of a female in distress at [REDACTED] Since they were close by, they responded. Once on scene it was determined that a domestic incident had taken place.
- A male, [REDACTED] was outside the residence holding onto a small child. He explained to PO Raymond that [REDACTED] had attacked him over a claim of infidelity. PO Liberatore arrived and PO Raymond went upstairs to interview [REDACTED] with PO Catalfamo. When doing so he observed an "overwhelming odor of freshly burnt marijuana in the apartment.
- [REDACTED] said that she and [REDACTED] got into an argument which turned physical (both parties did have scratches and redness apparent). The young child (8-month-old) was in proximity during this fight sitting in a 'play seat'.
- [REDACTED] admitted to physically engaging [REDACTED] and alleged that [REDACTED] picked up and threw a knife which struck a refrigerator in proximity of the child.
- PO Raymond and Catalfamo went outside and interviewed [REDACTED] who stated that it was [REDACTED] who threw the knife.
- PO Raymond describes himself looking at PO Liberatore and PO Liberatore told him to tell [REDACTED] that "it was a cross complaint, and to be done with it." Raymond describes how he "could tell that Liberatore was in the mindset that he was not going to entertain any portion of the incident."
- PO Raymond then returns to where [REDACTED] was and explained "that if I was the primary officer on the case it would be a dual arrest." PO Liberatore came up and

"began to delegate" with both and arranged for [REDACTED] to leave for work. Raymond feels irritated because to him the incident was serious as a baby was present.

- PO Raymond reiterates how back-logged they were and all of the work needed to be done as PO Catalfamo was moving on to the next phase of field training. He said that he feels that since the complaint was not on "his side" he shouldn't be responsible for investigating or making the "proper decisions set forth by the evidence provided."
- They cleared leaving PO Liberatore at the scene. When they returned to the station PO Raymond explained to PO Catalfamo that an arrest should have been made.
- Out of frustration he "vented to Sgt. Mastracy. Sgt. Feldman overheard the through the doorway of the sergeant's office, and ordered me to write this memo."

I received the memo from Sgt. Feldman, (attached).

The 911 job card of the incident was printed and reviewed.

PO Liberatore was advised via email that he was the subject of an internal investigation. PO Liberatore did acknowledge the email the same day.

I attempted to view the BWC footage but due to an issue with Axon, it was unable to be viewed or downloaded. Axon support was contacted to remedy the issue.

July 24th, 2019

The BWC footage from PO Liberatore, PO Raymond and PO Catalfamo was downloaded and copied to disk.

Examination of BWC footage

Officers Raymond and Catalfamo arrive first and the male half, [REDACTED] is in the front yard of the residence holding his eight-month-old child he has in common with [REDACTED]. He appears agitated and paces about but is not aggressive. PO Catalfamo enters the building and goes to the second floor where the involved live. PO Raymond stays with [REDACTED]. After about two minutes, PO Liberatore arrives at which time PO Raymond enters the building and goes upstairs with PO Catalfamo. [REDACTED] claims to physical contact between her and [REDACTED] that would not appear to rise past a violation level offence. [REDACTED] alleges that [REDACTED] threw a knife which struck a refrigerator and came in close proximity to the 8-month-old and also damaged property within. PO Raymond observed an odor of marijuana, questions [REDACTED] about it. [REDACTED] admits to her and [REDACTED] smoking it in the bathroom area and they do so to keep it away from the child. [REDACTED] stated that she does not want [REDACTED] to go to jail but there does appear to be probable cause accumulating for an arrest for their conduct in front of the child. After approximately six minutes both PO Raymond and Catalfamo come downstairs to where PO Liberatore and [REDACTED] are.

While PO Catalfamo and Raymond were speaking with [REDACTED], PO Liberatore stayed with [REDACTED]. PO Liberatore engages [REDACTED] with casual small talk and does not ask any questions of him relating to the call for service.

When PO Raymond comes down, he first asks PO Liberatore, "Who's side is this?" to which PO Liberatore reply's, "East side, my side, what's up?" PO Raymond, then describes the incident to PO Liberatore as "Apparently mutual, physical." PO Raymond then begins to question [REDACTED] who:

- Repeatedly denies to putting his hands on or striking [REDACTED]
- claims not to have thrown a knife,
- accuses [REDACTED] of throwing the knife
- insists [REDACTED] started the altercation, accusing [REDACTED] of cheating on her
- shows officers marks she caused on him (small scratching and redness)
- claims he was trying to leave the residence to go to work

[REDACTED] describes how he was trying to get away from [REDACTED] and leave for work and that's how he previously has diffused the altercations with her and PO Liberatore interjects saying, "She good with that? Is that what... she's good?" to which Raymond replies to him, "Well we talked to her and came down and were about to go up and see what she wants to do." Liberatore states, "I mean if he's leavin', she can get the baby... fine, advise her about cross complaints too, I'm sure she doesn't want that, and we'll be done."

PO Raymond goes back upstairs with PO Catalfamo and speaks again with [REDACTED]. He explains to her how, 'If it were up to him' he would arrest them both and explains order of protection possibilities. Not long after, PO Liberatore comes into the apartment with [REDACTED] where [REDACTED] retrieves the child and [REDACTED] begins gathering items to leave the area. PO Raymond states to Liberatore, "You going to stand by for that or what? (keep the peace function) I really don't give a fuck; I'm going to leave." Po Raymond then turns off his BWC as he is walking down the stairs leaving the apartment. PO Liberatore then stands by until [REDACTED] retrieves some property then as [REDACTED] begins walking down the sidewalk away from the residence, PO Liberatore enters his patrol vehicle and turns off his BWC.

** Note that he is not seen completing the domestic incident report and giving it to either parties as notated on the DIR. PO Liberatore also did not have enough information to accurately fill out a DIR and the DIR reflects such.*

August 22nd, 2019

Email notification made to PO Liberatore requesting him to meet on 08/26/19 at 1400hrs. The next day I received a reply that he acknowledged and would be brining representation.

August 26th, 2019

At 1400hrs I met with PO Liberatore and his union representative John Pusloskie from the Local CWA. PO Liberatore gave a general account of the incident and stated he did not review his BWC footage since the incident (confirmed on audit). He and Pusloskie then watched the Liberatore's BWC footage of the incident.

He was asked first if he gave a copy of the domestic incident to [REDACTED] to which he replied, "I didn't think I did, I meant to mail it." He later reaffirmed that he did not give either party a copy of the DIR nor completing it on scene.

I asked him if he thought there was an arrest to be made in the incident. PO Liberatore said, "No it was a cross complaint all day." He was very insistent that with the information he had at the scene and what PO Raymond had told him an arrest was not warranted.

PO Liberatore was then asked to explain why he made little to no effort to effectively interview [REDACTED] when he arrived on scene. PO Liberatore explained that he is very familiar with both [REDACTED] and [REDACTED] and had responded to many disturbances involving them. Due to his experience he "had an idea of what happened, the incident wasn't at a "significant level" and with [REDACTED] holding onto the child his goal was to keep him calm. He didn't want to risk provoking him with probing questions and was waiting to hear what information Raymond had to give him. With what information PO Raymond gave him and his observations, he stands by how the incident was handled.

PO Liberatore told that in subsequent conversations with PO Raymond, PO Raymond told him that he didn't want to write the memorandum as directed by Sgt. Mastracy and that Sgt. Mastracy threatened that he wouldn't be promoted if he didn't. PO Raymond also told him that on his original memorandum he had a heading that said something to the effect that he was writing the memo under duress and under threat that he would never be promoted. PO Liberatore questioned if this was an ethical tactic by a supervisor.

August 27th, 2019

I spoke to Sgt. Mastracy regarding the circumstances of PO Raymond providing him with the memorandum. The explanation is detailed in the attached memorandum from Sgt. Mastracy to me.

Summary of Investigation:

The domestic incident was mishandled by both PO Liberatore and Raymond. PO Catalfamo was under the direct supervision of PO Raymond and was not considered for council or reprimand. Violations listed below are regarding PO Liberatores conduct. PO Raymond's conduct was handled separately by Sgt. Feldman.

Departmental Rule and Regulation Violations to be considered:

(SA) 850

IV. UNSATISFACTORY PERFORMANCE: Unfounded _____ Sustained ✓

- 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.

XVIII. DEPARTMENTAL REPORTS: Unfounded _____ Sustained ✓

- B. No members or staff shall knowingly enter or cause to be entered any false, inaccurate or improper information on any document filed in the performance of their duties.

Attachments:

Email correspondence from Sgt. Mastracy to author X2
Email correspondence from author to PO Liberatore X2
Memorandum from PO Raymond to Sgt. Mastracy
Keystone 911 printout
Incident report for CR 1923635
DIR from CR 1923635
Memorandum from Sgt. Feldman to author
Administrative warnings form
Memorandum from Sgt. Mastracy to author
BWC footage of PO Raymond for CR 1923635
BWC footage of PO Liberatore for CR 1923635
BWC footage of PO Catalfamo for CR 1923635
Audio of call form the 911 Center for CR 1923635

Scott Ferguson

From: Peter J. Mastracy
Sent: Wednesday, July 17, 2019 4:43 AM
To: Scott Ferguson
Subject: Complaint

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Lieutenant Ferguson,

I'm writing to inform you of a complaint I received regarding one officer against another officer within our department. On July 12, 2019 at around 3:45pm when I arrived for my overtime shift before my regular C tour, as I was signing into the log book, Officer Raymond was in the patrol office and stated, "something's got to be done". I inquired what he was talking about and he stated, "Tony". I asked what happened today and he stated that him and Officer Catalfamo (who was on FTO with Officer Raymond) responded to a domestic and observed drug paraphernalia "all over the place". Officer Raymond stated that it was his opinion that an "obvious arrest" was warranted. Officer Raymond stated that this particular call for service was "Tony's side". Officer Raymond stated that when Officer Liberatore arrived, he spoke with Officer Liberatore and that Officer Liberatore stated, "It's a cross complaint so whatever.". Officer Raymond stated that he realized that Officer Liberatore was "not going to do anything" and Officer Raymond didn't want any part of it. Officer Raymond stated that Officer Liberatore did not make an arrest and it appeared he didn't do his job. I then got dressed for my shift which was going to begin at 4:00pm and was in the Sergeant's Office when Officer Raymond came in and sat down. I inquired Officer Raymond to inform me again on what took place and he reiterated what was stated above. During this time, Sergeant Feldman came up to the Sergeant's Office and I inquired if he was aware of what took place prior to my arrival. Officer Raymond gave a brief synopsis and Sergeant Feldman requested Officer Raymond to provide me with a memo containing the details because I was the Sergeant that he gave this information to. Due to the call volume, Officer Raymond was not able to complete the memo on that date. Sergeant Feldman advised to not have Officer Catalfamo complete a memo as you may possibly desire to interview him yourself.

On July 13, 2019 at 8:19pm I sent Officer Raymond a text message inquiring if he was going to have a memo ready for me when I arrived for my regular C tour. He stated he would complete same and shortly after I arrived for duty, I observed Officer Raymond in the upstairs patrol office typing a report and Officer Catalfamo was present. After my C tour began and when there was nobody else around, I inquired if he was able to complete the memo. He advised that due to the call volume, he was unable to complete it but will complete it when he returns for his next shift.

July 14, and July 15 were my pass days.

On July 16, 2019 after I conducted C tour roll call, I inquired Officer Raymond if he had completed the memo. Officer Raymond's body language appeared to be reluctant in completing same but he advised that he would have it completed tonight (July 17, 2019) when I arrive for my C tour. It is obvious to me that Officer Raymond is having a difficult time with completing a memo regarding conduct of another Officer, especially one who is on the same shift as him. He has expressed to me that he feels like a "buddy f*****" and I have explained that if an Officer is not doing their job then it is that Officer who is causing damage to themselves.

I am scheduled to be off July 18-July 22.

The process regarding this complaint is new to me and I respectfully request direction on how you would desire me to proceed. I believe the call for service that Officer Raymond is referring to is C# 1923635. If this is the correct job, it is coded a 31 in Keystone but there is an incident report in SJS under C# 1923635 and the box for completed DIR is

checked. I am not aware of any further details other than what I have provided above due this alleged incident occurring while I was off duty. Thank you in advance for any assistance in this matter and I will keep you advised of what transpires regarding Officer Raymond providing a memo tonight.

PJ

Sergeant PJ Mastracy
City of Canandaigua Police Department
Road Patrol Division
21 Ontario Street
Canandaigua, NY 14424
(585) 396-5035 (main line)
(585) 396-5034 (fax)

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Scott Ferguson

From: Peter J. Mastracy
Sent: Thursday, July 18, 2019 4:53 AM
To: Scott Ferguson
Subject: RE: Complaint

Lieutenant,

Upon my arrival for duty last night, I spoke to Sergeant Jackson who stated that the B tour remained steady. I observed Officer Raymond to be completing a report in the upstairs patrol office. I spoke with Officer Raymond after roll call and I instructed him to provide me with a memo by the next day he is working.

I know I'm off for the next four nights and wanted to provide you with as much information as possible regarding additional conversations I've had with Officer Raymond. Officer Raymond has stated that he wasn't filing a formal complaint with me but was just "venting". I had mentioned in my previous email that it was complaint and just wanted the little details known. He has added that he did not desire any action other than me listening to him. I'm under the assumption that this may not change anything but just wanted you aware that a formal complaint wasn't made as of yet. I apologize if I caused any inconvenience or misrepresented anything regarding this incident.

Respectfully,
PJ

Scott Ferguson

From: Anthony R. Liberatore
Sent: Tuesday, July 23, 2019 3:46 PM
To: Scott Ferguson
Cc: Stephen Hedworth
Subject: RE: Complaint

Received.

Thank you.

From: Scott Ferguson <spf@canandaiguanewyork.gov>
Sent: Tuesday, July 23, 2019 3:29 PM
To: Anthony R. Liberatore <Anthony.Liberatore@canandaiguanewyork.gov>
Cc: Stephen Hedworth <SH@canandaiguanewyork.gov>
Subject: Complaint

This email is to notify you that I am looking into the handling of a domestic incident that you were involved with. The nature of the allegation is unsatisfactory performance. Since you have been counseled previously for such, the results of this inquiry may lead to discipline. I will contact you in the near future to set up a time to discuss the incident.

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."

INTEROFFICE MEMORANDUM

TO: Sgt. Mastracy

FROM: Officer Josh Raymond

DATE: 07/19/2019

RE: Domestic/EWOC, [REDACTED]

On July 12th, 2019, at approximately 03:28 pm, I responded with my recruit to [REDACTED] Dispatch advised that they had received a 911 Call and that all they could ascertain from the emergency call was that a female was in distress.

On this date, my recruit and I were unofficially "out of service" because we had a large workload resulting from several arrests, and involved cases stemming from the days prior. Since we were in close proximity to the location of the distress call, we responded to get an officer on scene quickly.

When we arrived, I observed that the call came in as a result of a physical domestic between [REDACTED] and his girlfriend, [REDACTED]. [REDACTED] was outside carrying an infant in his arms. He expressed that [REDACTED] had attacked him over a claim of infidelity. The sector car for that side of the city, P.O. Liberatore showed up, and I went upstairs to interview [REDACTED] with my recruit. There was an overwhelming odor of freshly burnt marijuana in the apartment.

[REDACTED] was sitting on a bed in the main room of the apartment. She began to explain that the two of them got into an argument that turned physical. Both subjects showed what appeared to be scratches, and redness on their bodies. It was ascertained that the young child was in the immediate vicinity of this fight, sitting in a small play-seat in the doorway between the main room, and the kitchen.

During the interview with [REDACTED], she admitted to engaging [REDACTED] physically. She also made an allegation that [REDACTED], out of anger, picked up a knife, and threw it across the apartment. The knife supposedly struck the refrigerator, and that the child was nearby.

I came outside and advised Officer Liberatore, who was standing outside. [REDACTED] was then questioned by myself, and my recruit in regards to the knife being thrown. [REDACTED] stated that [REDACTED] was the one who threw the knife. Regardless, a knife was thrown during mutual combat in close proximity to an infant. I looked at Liberatore, as it was his sector of the city, and he stated that I needed to tell [REDACTED] that it was a cross complaint, and to be done with it. I

could tell that Liberatore was in the mindset that he was not going to entertain any portion of the incident.

I then went upstairs where I explained that if I was the primary officer on the case it would be a dual arrest. Officer Liberatore came up, and began to delegate with the subjects. Since [REDACTED] had to work, he was going to have [REDACTED] leave for work, and be done with it. At this time, I felt irritated, because to *me*, it was a serious issue in regards to the baby being present.

With the amount of casework needed to be completed with my recruit before he moved on to his next phase of field training, I felt that we could not afford to take on another dual arrest, nor should we have had to in this instance. I am under the belief that the sector car assigned to that side of the city is responsible for investigating an incident and making the proper decisions set forth by the evidence provided. Just because the officer assigned to that sector does not want to take action, it should not fall on the back-up officer to pick up the caseload. I advised my recruit that Liberatore was "all set", and we cleared the scene.

I returned to the station, where I had to explain to my recruit that an arrest should have been made. My recruit was under the impression that it was a mandatory arrest, that the parents should have been charged, and a notify to CPS should have been made. It put me in a very uncomfortable position to have to explain the real reason why an arrest was not made.

Out of frustration with the situation, I vented to Sgt. Mastracy. Sgt. Feldman overheard through the doorway of the Sergeants office, and ordered me to write this memo.

The incident was captured on BWC.

I have nothing further.

Respectfully submitted,

Officer Joshua Raymond #811

A handwritten signature in black ink that reads "J. Raymond #811". The signature is written in a cursive style with a large initial "J" and "R".

Start Dt	Time	Situation/Description	HR	PR
07/12/19	15:24:24	FND: 23 DISTURBANCE	5	0

Call Taker: CHRISTOPHERMF Pos: P37 Dispatcher: KARAAM Pos: P20 Weather:

Location	C/A	USE	OPER
Town: C CANANDAIGUA	29		PHERMF

Caller Information (How Received: E911)
female caller

Cause/Extent: FEMALE ON THE CRYING - YELLING SHE CAN'T DO THIS ANYMORE

C-1923635

Suspect Info: female on the crying -

Rpt No	Officer	District	Citations
I1923635	CATALFAMO, ANTH	P29 C CANANDAIGUA	

Notes

[07/12/19 15:32:17 KOPS] Unit 811 Late Safety
 [07/12/19 15:32:17 KOPS] Unit 805 Late Safety
 [07/12/19 15:26:57 CHRISTOPHERMF] FEMALE ON THE CRYING - YELLING SHE CAN'T DO THIS ANYMORE
 [07/12/19 15:26:19 CHRISTOPHERMF] PHYSICAL PROBLEM WITH A MALE - FEMALE KEEPS HANGING UP THE PHONE
 [07/12/19 15:25:01 CHRISTOPHERMF] Suspect: female on the crying -
 [07/12/19 15:25:01 CHRISTOPHERMF] FEMALE ON THE CRYING -

Sent Disp	CC	Comp. Dt	Time	Cleared	Susp	Unsus	Under Ctl
15:25:01	31	07/12/19	15:55				

SERVICES RENDERED

Unit	Dispatch	Enroute	Arrived	Okay	Area Chk	Avail	Cleared	Stat
801	15:25:25	15:25:25	15:27:18	15:32:54		15:45:10	15:45:10	R
801	15:25:28	15:25:28	15:27:16	15:32:54		15:45:10	15:45:10	R
801	15:28:56	15:28:56	15:33:18			15:55:51	15:55:51	AP

E911 Information: 07/12/2019 15:23:00
 MOBIL VERIZON +042.880411 -077.268047 0000000
 Units Dispatched at Alarm Levels
 1 805 811 801

Run Card: 3 Type:

1. Agency CANANDAIGUA POLICE DEPARTMENT	2. Div/Precinct PATROL	New York State INCIDENT REPORT	3. ORI NY0342900	5. Case No. 1923635	6. Incident No. 50004
7,8,9. Date Reported (Day, Date, Time) FRIDAY 07/12/2019 15:24		10,11,12. Occurred On/From (Day, Date, Time) FRIDAY 07/12/2019 15:24		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.) [REDACTED]					
20. City/State/Zip CANANDAIGUA NEW YORK 14424					
21. Location Code (TSLED) CANANDAIGUA CITY 3529		23. No. of Victims 2	24. No. of Suspects 2	26. Victim also Complainant? Yes	
Location Type SINGLE FAMILY HOME					

22. OFF. No.	LAW SECTION	SUB	CL	CAT	DEG	AUT	NAME OF OFFENSE	CTS
1	PL	240.26	01	V	2	C	HARASSMENT 2ND- PHYSICAL CONTACT	1

ASSOCIATED PERSONS

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

VICTIM

Name [REDACTED]	27. DOB [REDACTED]	28. Age 21	29. Gender FEMALE	30. Race WHITE	31. Ethnicity NOT HISPANIC	32. Handicap NO	33. Residence Status RESIDENT
Victim DID receive information on Victim's Rights and Services pursuant to New York State Law <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
Name [REDACTED]	27. DOB [REDACTED]	28. Age 23	29. Gender MALE	30. Race BLACK	31. Ethnicity NOT HISPANIC	32. Handicap NO	33. Residence Status RESIDENT
Victim DID receive information on Victim's Rights and Services pursuant to New York State Law <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							

SUSPECT

Person ID # 27065		34. Type/No. SUSPECT		35. Name (Last, First, Middle) [REDACTED]					
37. Apparent Condition				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 23	43. Gender MALE	44. Race BLACK
45. Ethnicity NOT HISPANIC		46. Skin BLACK		47. Occupation LABORER					
48. Height 5 ft. 10 in.		49. Weight 165 lbs.		50. Hair BLACK		51. Eyes BROWN		52. Glasses NO	53. Build SMALL
54. Employer/School						55. Employer Address			
56. Scars/Marks/Tattoos /Description									
36. Alias/Nickname/Maiden Name									
Last Name			First Name			Middle Name			

Person ID # 45870		34. Type/No. SUSPECT		35. Name (Last, First, Middle) [REDACTED]					
37. Apparent Condition				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 21	43. Gender FEMALE	44. Race WHITE
45. Ethnicity NOT HISPANIC		46. Skin LIGHT		47. Occupation SERVICE OCCUPATIONS					
48. Height 5 ft. 4 in.		49. Weight 180 lbs.		50. Hair BROWN		51. Eyes GREEN		52. Glasses NO	53. Build NORMAL
54. Employer/School						55. Employer Address CANANDAIGUA			
56. Scars/Marks/Tattoos /Description 3 TATTOOS: RIGHT FOREARM- CROWN. LEFT FOREARM- FLOWER. RIGHT SHOULDER- 2 HEARTS									
36. Alias/Nickname/Maiden Name									
Last Name			First Name			Middle Name			

NARRATIVE

Date of Action		Date Written		Officer Name & Rank	
07/12/2019		07/12/2019		LIBERATORE, ANTHONY (PO)	
Narrative					
<p>On 7/14/19, I responded to [REDACTED] or the physical disturbance. Upon arrival, [REDACTED] told officers that she and [REDACTED] had got into an argument over her thinking that he was cheating at which time he got in her face and pushed her. [REDACTED] stated that she then began hitting [REDACTED] and scratching him until he went outside of the apartment. When I spoke to [REDACTED], he stated that [REDACTED] had scratched him to which he had minor marks on his neck and back area. [REDACTED] stated that he wished to go to work and did not want to file any criminal charges against [REDACTED]. [REDACTED] stated that she was fine with him leaving and did not wish to press criminal charges as well. Both parties refused medical attention. DIR completed. BWC used.</p>					
Closed by prosecution declined.					

ADMINISTRATIVE

74. Inquiries	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank)  PO ANTHONY LIBERATORE	78. ID No. 801	79. Supervisor Signature (Include Rank)  SGT DONALD FELDMAN	80. ID 808 805
81. Status CLOSED - PROS. DECLINED	82. Status Date 07/12/2019	83. Notified/TOT	

Memo

To: Lt. Scott Ferguson
From: Sgt. Donald J. Feldman 
Date: 7/23/2019
Re: Sgt Mastracy complaint email

Lieutenant,

You asked me to review the email that was sent by Sgt. Mastracy in reference to complain #1923635, a disturbance complaint between [REDACTED] and [REDACTED] at [REDACTED] on July 12, 2019 around 1530 hours. The following is my evaluation and response.

On Friday July 12th, I was just turning command over to Sgt Mastracy when I went upstairs and into the sergeant's office. PO Raymond was speaking to Sgt Mastracy in the sergeant's office when I came in. PO Raymond, stated that a knife had been thrown in the area of a baby and PO Liberatore would not do anything about it, he just blew off the complaint. I don't remember anything about the drug paraphernalia that is mentioned in the email as I was focused on the EWOC.

I stood by for several minutes and listened to the rest of what PO Raymond had to say which in sum and substance was that PO Liberatore did not make an arrest on a complaint on his side that clearly needed to have an arrest made. PO Raymond stated that he was tired of carrying the work load for Liberatore and that something needed to be done. I then requested that PO Raymond complete a memo in reference to his complaint about PO Liberatore and submit that memo to Sgt Mastracy as I was going out of service for 9 days. I also directed PO Raymond to have PO Catalfamo complete a memo but I later withdrew that directive as I did not want PO Catalfamo involved at this point. With Catalfamo still in the recruit stage I felt it better that he not complete a statement but be interviewed later by you if needed. I then asked Sgt Mastracy to follow up with the complaint as I had to leave for another engagement and PO Raymond had approached him with the issue.

The case incorporates accusations of physical contact by both parties and both parties admit to their portion of that contact. There were marks visible on [REDACTED] and he complained about them at least twice to PO Liberatore. There is an accusation by [REDACTED] that [REDACTED] threw a knife at the refrigerator which bounced off. The knife when it struck caused a dent in the refrigerator. When the knife was thrown and bounced off, the baby was in a walker about 3 feet away and off to one side of the refrigerator, well within the potential injury area to the baby had the knife flown towards it. [REDACTED] states that [REDACTED] threw the knife not him.

[REDACTED] was the original caller but she was so upset when she called that dispatch was unable to get a name. [REDACTED] stated that she and [REDACTED] got into a fight after [REDACTED] threw the knife at the refrigerator. She says that they both started yelling and she pushed him first because he could have hurt the baby. [REDACTED] states that [REDACTED] then began punching her everywhere and she started to hit him back. [REDACTED] stated that when she called 911, [REDACTED] started yelling in the

background that she threw the knife. The knife in question was on the stove top when Catalfamo asked [REDACTED] where it was. [REDACTED] stated that [REDACTED] had picked it up off the floor after he threw it.

[REDACTED] further states that [REDACTED] smashed a bunch of her belongings when [REDACTED] threw them on the floor. One of the items thrown was the urn that contained [REDACTED] mothers remains. Both parties at some point during the officer interviews warned the officers of the glass on the floor so they would not get cut.

Both parties involved are on probation. When officers entered the home, there was a smell of marijuana in the home. Questions were asked about the marijuana and admissions were made that both parties smoked marijuana in the bathroom, allegedly away from the baby. Officers then found packed bowls with marijuana in the bathroom.

Through all of this, I did not even once hear any of our people ask if either of the individuals in the home would complete a supporting deposition statement. Both parties are less than stellar people with a sketchy history of telling the truth but after seeing the video I feel that the female, [REDACTED] is more credible with the knife portion of the incident and [REDACTED] was the primary aggressor. [REDACTED] showed signs of physical contact in the form of scratches while [REDACTED] did not and she admitted to pushing [REDACTED] first. Again, I believe that was a reaction to [REDACTED] throwing the knife near the baby. An arrest for either an EWOC or harassment would have resulted in the issuance of an order of protection and separated the parties for a period of time.

Officers Raymond and Catalfamo were the first car on scene and Liberatore was just finishing up an impound release, arriving about two minutes into the call. When Catalfamo and Raymond arrive, Catalfamo separated the parties went upstairs with [REDACTED] and started doing a halfway decent interview while trying to calm [REDACTED], while Raymond stayed downstairs where [REDACTED] was extremely agitated and had the baby in his arms. When Liberatore showed up, Raymond went upstairs with Catalfamo and looked around while interjecting questions to [REDACTED] What he and Catalfamo heard was enough to justify an arrest had a statement been taken. I believe [REDACTED] would have completed one in this instance.

Liberatore stayed outside with [REDACTED] when he got on scene and did nothing to find out what was going on. [REDACTED] was literally saying small things that would lead any other police officer to ask follow-up questions but Liberatore asked none. He clearly did not participate in police work in any way on this case. There was a brief exchange between Raymond and Liberatore in reference to whose side this complaint was on and Liberatore said it was his side. I would have to relisten to the video but I did not hear Raymond tell Liberatore that he needed to pick up the complaint nor did Raymond explain the incident. Raymond did ask [REDACTED] a couple questions in front of Liberatore in reference to who threw the knife to which [REDACTED] stated that [REDACTED] did.

The issue in question was who should have handled this case? It was Liberatore's side as Raymond and Catalfamo had been assigned to back up and told to complete their backlog of paperwork. However, Raymond and Catalfamo were the first car on scene and had most of the details before Liberatore arrived and while they did make a small effort to brief Liberatore about the case so he could start his own interview or arrest process, that effort was not significant. In the end, we have two officers and a cop in field training that failed to perform their duty and enforce the law in any way. According to the job card, this case was closed with a 31 by Liberatore but Liberatore then completed an SJS and domestic incident report so he knew he was responsible for the job and thought he better cover his back after words. That to me speaks volumes in itself. After looking at the DIR, Liberatore noted that arrest was declined but in fact it was never offered and a family offense harassment could have been completed without cooperation based on the statements made and the injuries to [REDACTED] Further the DIR indicates that the DIR was completed on scene which also just is not true. My recommendation is that both officers receive disciplinary or corrective action in reference to this case.

Scott Ferguson

From: Anthony R. Liberatore
Sent: Friday, August 23, 2019 1:08 PM
To: Scott Ferguson
Subject: RE: Complaint

No problem. I'll be there with representation at 1400.

Thank you.

From: Scott Ferguson <spf@canandaiguanewyork.gov>
Sent: Thursday, August 22, 2019 2:11 PM
To: Anthony R. Liberatore <Anthony.Liberatore@canandaiguanewyork.gov>
Subject: Complaint

Tony,

I would like to meet with you regarding the previously referenced complaint regarding CR#1923635. I would like to meet August 26th at 1400hrs. It is your choice if you would like union representation.

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.

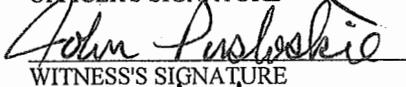
You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

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



WITNESS'S SIGNATURE

DATE: 8/26/19

TIME: _____

Memo

To: Lieutenant Scott Ferguson
From: Sergeant P.J Mastracy
Date: 8/27/2019
Re: Memo regarding Officer Raymond and Officer Liberatore

Lieutenant Ferguson,

As you have been previously aware, Officer Raymond was instructed to provide me a memo regarding statements he made about Officer Liberatore. It became obvious to me that Officer Raymond was very reluctant in providing written documentation of his verbal statements about Officer Liberatore and a call for service at [REDACTED]

There came a time that I spoke with Sergeant Feldman, in private, and we discussed how difficult it is for a member to provide a memo regarding conduct of another Officer of the same rank but as a Sergeant, it is something that comes with the job. Sergeant Feldman and I made mention that it was known Officer Raymond had desires to advance his career and that he would need to come to terms with having to do difficult tasks at times because sometimes Sergeants have to set personal feelings/friendships aside to get the job done.

While speaking with Officer Raymond on a separate occasion, I informed him that Sergeant Feldman and I discussed we knew he desired to advance his career and I suggested he get used to making difficult decisions and completing difficult tasks. I advised him that he was in the "top three" and even though he desired not to complete a written statement, he could look at this as preparing himself for the position of Sergeant by showing he can overcome personal feelings.

A couple days before Officer Raymond provided me with a written memo, while speaking with Sergeant Lawrence, he informed me that Officer Raymond had reached out to him and apparently Officer Raymond was under the impression that if he didn't complete a memo then it would put his chances at Sergeant in jeopardy. I assured Sergeant Lawrence that nothing was mentioned to that effect.

After speaking with Sergeant Lawrence, I immediately called Officer Raymond and spoke to him. I informed him that him completing the memo about Officer Liberatore affects him in no way regarding any possibility of promotion. I informed him that I never stated it would affect him and then I informed him again that him completing the memo about Officer Liberatore has no effect on promotion. I then instructed him to provide the memo to me by my next scheduled day and that he didn't have a choice. He stated he understood and the phone call was ended.

On my next scheduled day, I received a memo from Officer Raymond and in the beginning, he stated something similar to that he was completing the memo under threat of being denied career advancement. I asked him who threatened him and he stated I did. I informed him that I never threatened him and in fact told him the exact opposite. Officer Raymond replied, "Okay.", and I instructed him to take out the part of threat of career advancement because it was untrue. I advised him that he could leave in the part that he was being instructed to complete the memo against his will if he desired. Officer Raymond then completed an edited memo, submitted same to me, and I turned it over to you via department mail.

I assure you that I did not threaten Officer Raymond in any way. If his perception was that he was threatened, it was in no way intentional on my part. My comments to him about difficult decisions as a Sergeant were meant to shed light on how difficult this position can be at times and to help him understand that he may have to go against personal feelings and put friendships aside in order to fulfill the position of Sergeant properly. I understand he has a

viable chance of being promoted and my comments to him were to help prepare him in the event he was promoted, in addition to help him fully grasp how much different the position of Sergeant is compared to Patrolman.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P.J. Mastracy", written over a horizontal line.

Sergeant P.J. Mastracy

ORIGINAL

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

CITY OF CANADAIGUA

**STIPULATION
AGREEMENT**

-against-

Anthony Liberatore, (Employee)

WHEREAS, I, the undersigned employee, have agreed to the results of the internal affairs investigation #004-2019.

WHEREAS, I have been informed that the City has the right to initiate 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 actions and violations of the General Orders listed in this agreement.

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

Employee acknowledges they failed to thoroughly investigate a Domestic Incident that occurred at [REDACTED] on July 12th, 2019 at approximately 1524 hrs. Employee acknowledges they failed to take appropriate police action and also acknowledges that the reports which were completed in regards to this incident were inaccurate, insufficient and incomplete. Employee acknowledges violating the following General Orders of the Canandaigua Police Department during the investigation into this incident;

General Orders 105 Rules and Regulations

VI. Unsatisfactory Performance (1 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 (General Order 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, written records of repeated infractions of Departmental rules, regulations, directives or orders will be considered prima-facie evidence of unsatisfactory performance. Employee has two prior counseling memos for similar violations within the previous 18 months.

II. Departmental Reports (1 count):

- A. No members or staff shall knowingly enter or cause to be entered any false, inaccurate or improper information on any document filed in the performance of their duties.

WHEREAS, Employee hereby waives any rights and entitlements he has pursuant to current labor agreement, Section 75 of the Civil Service Law or article 78 of the CPL, and accepts the within discipline in satisfaction of potential disciplinary action and hearing for incompetence and/or misconduct.

WHEREAS, the disciplinary action shall consist of;

- **Written Reprimand entered into Personnel File**

- **Re-medial training on the proper handling of Domestic Incidents and completion of Domestic Incident Reports**
- **Loss of 2 Vacation Days**
- **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, or Civil Service Law Section 75, 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. At the time that Employee entered into this Agreement he was not intoxicated or otherwise impaired. 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: 9/16/19



Anthony Liberatore
Employee

Union Representative (Optional)

Dated: 9/16/18



Stephen A. Hedworth
Chief of Police

I do not accept the above and wish to proceed at a Section 75 hearing. I am fully aware that if I choose this hearing, disciplinary action is at the discretion of the hearing officer.

Anthony Liberatore
Employee

Dated

Union Representative
(Optional)

Dated

Stephen A. Hedworth
Chief of Police

Dated

ORIGINAL

INTEROFFICE MEMORANDUM

TO: OFFICER ANTHONY LIBERATORE
FROM: CHIEF STEPHEN HEDWORTH
SUBJECT: WRITTEN REPRIMAND FOR INTERNAL INVESTIGATION 004-2019
DATE: SEPTEMBER 16TH, 2109

SN
Delivered
9/16/19

Officer Liberatore,

This memo serves as a **written reprimand** that is being placed into your personnel file, and is the result of internal affairs investigation 004-2019. It also serves as written documentation for our conversation regarding, which took place in my office on August September 13th, 2019.

The internal investigation involved your failure to take proper actions and investigative steps surrounding a Domestic Incident, which occurred on July 12th, 2019. The internal investigation also involved the inaccurate and incomplete reports that were filed by you, as part of the investigation.

The findings of the investigation determined that that you failed to properly investigate the incident and failed to take appropriate police action as required by General Order 105 and General Order 630. The domestic incident involved allegations of Domestic Violence on behalf of both involved parties, as well as clear evidence of open drug use within the residence. In addition, an infant child was present during the time of the incident and the well-being of the child was clearly endangered by the actions of the involved parties.

There was no formal police action taken on your part. The most severe violations of policy and oversight are outlined below;

- A proper interview of the victim/complainant was never completed by you, however the Domestic Incident Report you completed clearly contradicts the events described by the victim. The information required to properly and accurately complete the report could only be obtained if the victim was properly interviewed on scene.
- A domestic incident report was never completed on scene and left with the victim as required, even though the DIR report indicates otherwise.

ORIGINAL

- The victim was never given information about victim assistance, domestic violence services, family court options or order of protection options.
- The child involved is not listed anywhere on the Domestic Incident Report.
- The fact that a knife was allegedly thrown in the vicinity where the child was seated is not documented anywhere in the Domestic Incident Report. Further investigation in regards to charges for endangering the welfare of a child never occurred.
- There was clear evidence and admissions of illegal drug use in the home which was never documented.
- A referral to Child Protective Services was never made even though there was ample evidence to indicate the welfare of the child was endangered
- Both parties involved were under the supervision of Probation and no notification was made to Probation as required.

The allegation that you violated General Order 105 and General Order 630 in your handling of this incident have been sustained. This written reprimand will be entered into your personnel file and you will receive remedial training with Sergeant Allen in regards to the proper investigation and handling of Domestic Violence related calls. Your failure to properly investigate and document incidents in the future could subject you to further discipline.

CC: personnel file of Officer Liberatore

AA
9/16/19

ENTERED