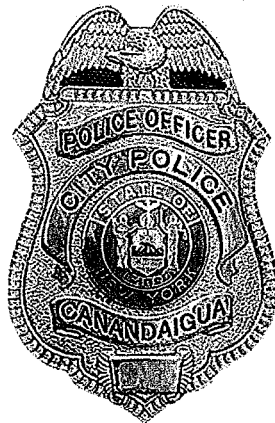
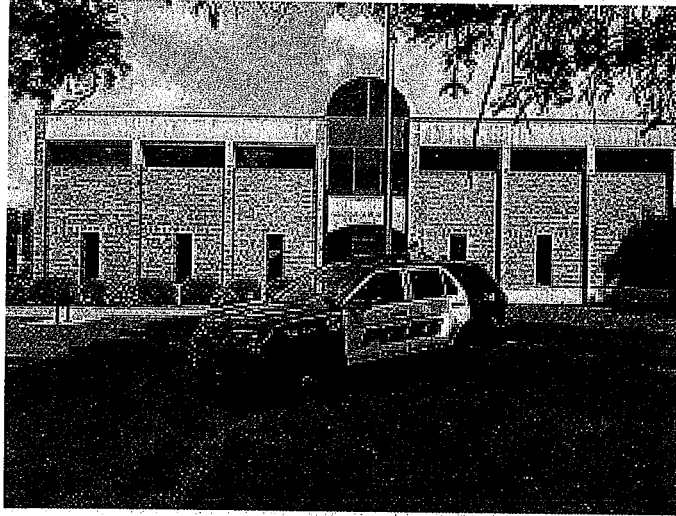


CANANDAIGUA POLICE DEPARTMENT

Internal Investigative Report



Chief Mathew A. Nielsen

Canandaigua Police Department

21 Ontario Street

Canandaigua, New York 14424

585.396.5035

**Canandaigua Police Department
Internal Affairs Division
Report of Internal Investigation
File # 04-2020**

Complainant: City of Canandaigua

Abstract of Allegation: On October 9th, 2020 PO Anthony Liberatore was dispatched to a neighbor dispute. During the complaint, PO Liberatore lost his temper and damaged a civilian's door. The internal investigation was conducted by Lieutenant Lawrence to determine if there were violations of policy or procedure within the Canandaigua Police Department.

Applicable Rules(s): 1. General Order 105; Section VII; Subsection A (1) and (2) for conduct unbecoming
2. General Order 105; Section VI; Subsection B (2) for failure to protect property
3. General Order 105; XXXVI; Subsection B for failure to control temper

Discovery of Additional Rule Violation(s): None

Subject of Complaint / Internal Investigation: PO Anthony Liberatore

Date / Time of Incident: October 9th, 2020 at approximately 0203 Hours

Location of Incident: [REDACTED]

Date Complaint Assigned: October 9th, 2020

Assigned Investigator: Lieutenant Nathan J. Lawrence

Background

On October 9th, 2020 at approximately 0203 hours, PO Liberatore was dispatched to [REDACTED] for a neighbor dispute. PO Liberatore spoke to the complainant, [REDACTED], who appeared to be intoxicated and / or under the influence of drugs. [REDACTED] advised PO Liberatore that she believed her neighbor in apartment 4, [REDACTED] was selling drugs and "shooting up" in her apartment. [REDACTED] became agitated with officers on scene because she wanted [REDACTED] apartment searched for other people and her body checked for needle marks. PO Liberatore advised [REDACTED] that he was not able to arbitrarily searched someone's apartment, which caused her to become even more agitated. PO Liberatore noted in his report that [REDACTED] was, "Yelling at me while invading my space." During that time, [REDACTED] requested that PO Liberatore knock on [REDACTED] door to speak with her about possible drug activity. PO Liberatore stated in his report that he proceeded to knock on the door twice, causing damage to the door with his hand.

The door that was damaged belonged to [REDACTED], who is the landlord of [REDACTED]. The tenant residing in Apartment 4 moved out, letting [REDACTED] live there without [REDACTED] permission. [REDACTED] was supposed to be moving out last weekend. Sergeant Allen made numerous attempts to contact [REDACTED] with negative results. On October 13th, 2020 at 1145 hours Sergeant Allen spoke to [REDACTED] through the front door of Apartment 4. [REDACTED] refused to answer the door stating, "I do not want to talk to you. Have a good day." On October 9th, 2020 at 1500 hours, Sergeant Brownell spoke to [REDACTED] and showed him a picture of the damaged door. [REDACTED] stated that he would have a maintenance man repair the door and did not wish to seek restitution from the City for repairs.

Complaint Statement(s)

NA

Subject Statement(s)

On October 20th, 2020 at approximately 1315 hours, I interviewed PO Liberatore in my office. PO Liberatore was represented by his union rep John Pawlowski during the interview. I recorded the interview and read PO Liberatore his Administrative Warnings. PO Liberatore proceeded to give me an account of the incident and stated the following:

On October 9th, 2020 PO Liberatore responded to [REDACTED] and spoke with [REDACTED]. [REDACTED] was belligerent and intoxicated on something. She was being negative to the police being there, yelling and swearing, and getting into PO Liberatore's personal space. PO Liberatore ultimately admitted to banging [REDACTED] door out of anger, which led to the door breaking. PO Liberatore stated that he let his emotions get the best of him and he took responsibility for breaking the door.

I burned the recorded interview to CD and attached it to the casefile. Refer to the recorded interview for further details.

Disputed Facts

After reviewing the case in its entirety, which includes but is not limited to the SJS report, PO Liberatore's memo, Sergeant Allen's memo, Sergeant Brownell's memo, the 911 transmissions, and Body Worn Camera Footage, I found that PO Liberatore was not fully forthcoming in his memo to Sergeant Allen. PO Liberatore stated, "I knocked on the door twice, damaging the wood paneling with my hand;" however, that does not depict what actually took place or show that PO Liberatore accepted any responsibility for his actions. PO Liberatore did not knock on the door but instead slammed the door twice with his fist out of anger. During my interview with PO Liberatore, he fully accepted responsibility for his actions, making any disputed facts null and void.

Evidence

- General Order 105; Section VII; Subsection A (1) and (2) for conduct unbecoming
- General Order 105; Section VI; Subsection B (2) for failure to protect property
- General Order 105; XXXVI; Subsection B for failure to control temper
- All Body Worn Camera Footage, which has an administrative hold on them and can be found on evidence.com.
- PO Liberatore's interview that took place on October 20th, 2020 at approximately 1315 hours, in my office and it was recorded.
- Copy of the SJS report
- Pictures of the damaged door
- 911 transmissions
- Two memos from Sergeant Allen
- Memo from Sergeant Brownell

Other Relevant Information

There is no other relevant information at this time.

Discussion and Conclusion

In determining the credibility of this complaint, I found the following:

Creditability Assessment – Complainant

NA

Creditability Assessment – Subject Officers

On October 20th, at 1315 hours, I spoke to PO Liberatore in my office. PO Liberatore was truthful when I interviewed him and he had a detailed recollection of the incident. His statements were consistent with the physical evidence, reports and body worn camera footage and he accepted responsibility for his actions. To my knowledge, PO Liberatore has no prior complaint's about untruthfulness.

Member / Employee Accountability

PO Liberatore called Sergeant Allen to the scene right away and advised him that he damaged the door. Even though PO Reynolds witnessed the incident he did not have the opportunity to come forward due to Sergeant Allen promptly responding to the scene.

Did PO Liberatore strike the apartment door out of anger, hence recklessly causing damage and violating policies and procedures outlined in the Canandaigua Police Department General Orders?

After careful analysis of the evidence, I did find the PO Liberatore violated the above listed General Orders of the Canandaigua Police Department. I reviewed the Body Worn Camera Footage and observed PO Liberatore exiting his patrol vehicle. PO Liberatore appeared to be in an agitated state and yelled, "What do you want." PO Liberatore proceeded to get on the radio and stated, "2, why don't you come back up here because she is going to go to jail in a minute," which already demonstrates the level of annoyance he was feeling before dealing with [REDACTED]. PO Liberatore proceeded to open the two front doors and walk upstairs to [REDACTED] apartment. PO Liberatore knocked on [REDACTED] door and when asked who was at the door he stated, "Who do you think?" The conversation proceeded to spiral in a negative direction with [REDACTED] getting increasingly more agitated and PO Liberatore getting angrier. [REDACTED] advised PO Liberatore that she is pissed he is not doing anything at which point he slammed [REDACTED] door with his fist stating, "Ok. There you go. There. Knocked on the door. Open up." PO Liberatore proceeded to raise his voice when striking the door twice with his right hand. Splinters went flying when he struck the door, subsequently causing damage to the left side panel. PO Liberatore then advised [REDACTED], "Close your fucking door" and engaged [REDACTED] in an unprofessional manner, who did nothing wrong. [REDACTED] tried to speak to PO Liberatore after he damaged her door and he told her, "Stop" and "I don't care."

In conclusion, after reviewing the evidence and conducting my investigation, PO Liberatore struck the door out of anger, letting [REDACTED] get him upset. PO Liberatore's actions, tone of voice, body language, and facial expressions throughout the entire incident is clearly depicted on body cam footage.

Training and Policy Recommendations

There are no training issues identified in this case.

Recommended Findings

General Order 105; Section VII; Subsection A (1) and (2) for conduct unbecoming: SUSTAINED
The investigation disclosed a preponderance of the evidence that PO Liberatore actions did not reflect favorably upon the department, specifically said actions brought the department into disrepute or the potential thereof and conduct that reflects discredit upon the member as an employee of the department; in violation of General Order 105; Section VII; Subsection A (1) and (2).

General Order 105; Section VI; Subsection B (2) for failure to protect property: SUSTAINED
The investigation disclosed a preponderance of the evidence that PO Liberatore did not protect property and in fact recklessly caused damage to property; in violation of General Order 105; Section VI; Subsection B (2).

General Order 105; XXXVI; Subsection B for failure to control temper: SUSTAINED

The investigation disclosed a preponderance of the evidence that PO Liberatore was not tactful in the performance of his duties, did not control his temper, and did not exercise the utmost patience and discretion, nor prevent himself from engaging in argumentative discussions even in the face of extreme provocation; in violation of General Order 105; Section XXXVI; Subsection B.

Prepared by:



Lieutenant Nathan Lawrence
Internal Affairs Division

Approved by:



Chief Mathew A. Nielsen
Chief of Police

Attachments

Email from Chief Nielsen initiating Internal Affairs Investigation

Canandaigua Police Department SJS Report

Printout of Photos Logged into the BEAST

Canandaigua Police Department Photo Identification Worksheet

Interdepartmental Memorandum from PO Liberatore to Sergeant Allen

Two Interdepartmental Memorandum from Sergeant Allen

Interdepartmental Memorandum from Sergeant Brownell with Picture

Interdepartmental Memorandum to PO Liberatore

Signed Administrative Warnings

PO Liberatore's Time Off Banks

911 Archival Recording Request

DVD of 911 Transmissions

DVD of PO Liberatore's Recorded Internal Affairs Interview

DVD of PO Liberatore, PO Reynolds and PO Allen's BWC Footage

1. Agency CANANDAIGUA POLICE DEPARTMENT	2. Div/Precinct PATROL	3. ORI NY0342900	5. Case No. 2046331	6. Incident No. 53096
7,8,9. Date Reported (Day, Date, Time) FRIDAY 10/09/2020 02:03		10,11,12. Occurred On/From (Day, Date, Time) FRIDAY 10/09/2020 02:03		13,14,15. Occurred To (Day, Date, Time)
16. Incident Type DISTURB.-NEIGHBORHOOD TROUBLE			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 0	24. No. of Suspects 0	26. Victim also Complainant? No
Location Type MULTIPLE DWELLING				


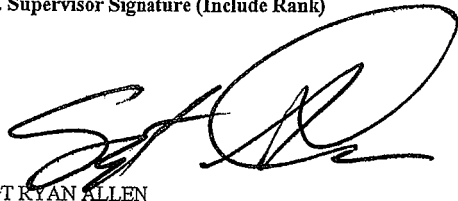
ASSOCIATED PERSONS

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

NARRATIVE

Date of Action	Date Written	Officer Name & Rank
10/09/2020	10/09/2020	LIBERATORE, ANTHONY (PO)
Narrative		
<p>On 10/9/20, I responded to [REDACTED] for the check the welfare of a female who was repeatedly texting 911 dispatch incoherently and not making sense. Upon arrival, I spoke to [REDACTED] who was visibly intoxicated or under the influence of a drug. [REDACTED] stated that she suspected that her neighbor in #4, [REDACTED] was consistently conducting drug deals and "shooting up" in her apartment. [REDACTED] stated that she never did in fact see drug activity, however, she heard it. [REDACTED] became increasingly agitated with officers on scene because she wanted [REDACTED] apartment searched for other people and her body checked for needle marks. When I advised [REDACTED] that I was unable to do those things arbitrarily, she became even more agitated and started yelling at me while invading my space. During that time, [REDACTED] requested that I knock on [REDACTED] apartment door to speak with her about possible drug activity. As I proceeded to knock on the apartment door twice, I damaged the wood paneling with my hand. Officer Reynolds made contact with [REDACTED] who was nervous about [REDACTED] behavior and invited us in to check the apartment. No other individuals were located inside of the apartment and nothing seemed consistent with drug activity while a brief observation was done. [REDACTED] stated that she wanted nothing to do with [REDACTED] and denied any allegations that were said. I advised [REDACTED] of the damage to her door to which she stated that she would inform her landlord, [REDACTED]. [REDACTED] was advised to stay inside of her apartment and not interact with [REDACTED] for any reason. [REDACTED] stated that she would follow up with detectives in regards to information that she had on drug dealers and suspicious people. I took photos of the damaged apartment door and logged them into The Beast. BWC used.</p> <p>Closed by investigation.</p>		

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 RYAN ALLEN	80. ID 827
81. Status CLOSED BY INVESTIGATION	82. Status Date 10/09/2020	83. Notified/TOT	



Canandaigua PD
Department Case Report
Department Case Number: 2046331

Related Case #'s:

Case Information

Case Officer: 801 - Anthony Liberatore
Offense Date/Time: 10/08/2020 - 02:03Hrs
Offense Location: [REDACTED]
Offense Type: 90 - OTHER
Expiration Date: 10/08/2021
Jurisdiction: City of Canandaigua
Court Date:
Disposition:
Disposition Date:
Case Comments:

Case Names

Name Type: Owner

Name: [REDACTED]	Sex: F	Race: H	DOB: 06/19/1990	Home Phone#:
Address: [REDACTED]				ID#:
Additional Name Information:				SSN#:

Case Items

Item Number: 1001

Container #:	Process: Hold for investigative purposes
Current Custody: Item Submitted Into Property - Evidence Photographs	
Collection Date/Time: 10/09/2020 - 02:20Hrs	Collection Purpose: Evidence
Collected By: 801 - Anthony Liberatore	
Collection Location: [REDACTED]	
Packaging/Quantity/Item Type: Unpackaged item - 5 - Photographs	
Detail Description: SCENE PHOTOS	
Item Notes:	

Case Officer Signature

Date

Supervisor Signature

Canandaigua Police Department
Photo Identification Worksheet

CR# 2046331

Incident: DOOR DMG

Date: 10/9/20

ID Tech: LIBERATORE

Nate

From: Mathew A. Nielsen
Sent: Friday, October 9, 2020 4:27 PM
To: Nate
Subject: Internal Affairs Investigation

Lieutenant Lawrence,

Per our conversation, you are being assigned internal investigation #04-2020 involving Officer Anthony Liberatore, which was initiated on October 9th, 2020. The allegations surround Officer Liberatore losing his temper and damaging an apartment door while handling a neighbor trouble 911 call at [REDACTED], which would be violations of the following general orders;

- General order 105; Section VII; Sub section A (1) and (2) for conduct unbecoming,
- General order 105; Section VI; Sub section B(2) for failure to protect property,
- General order 105 ; XXXVI; Sub section B for failure to control temper,

Please proceed with the investigation as discussed.

Mathew A. Nielsen
Chief of Police
City of Canandaigua Police Department
21 Ontario Street
Canandaigua NY, 14424
(W) 585-337-2112
(C) 585-698-9539
(F) 585-396-5034



**City of Canandaigua Police Department
21 Ontario Street
Canandaigua, NY 14424
(585)396-5035**

*Mathew A. Nielsen
Chief of Police*

*New York State Accredited Agency
Equal Opportunity Employer*

Interdepartmental Memorandum

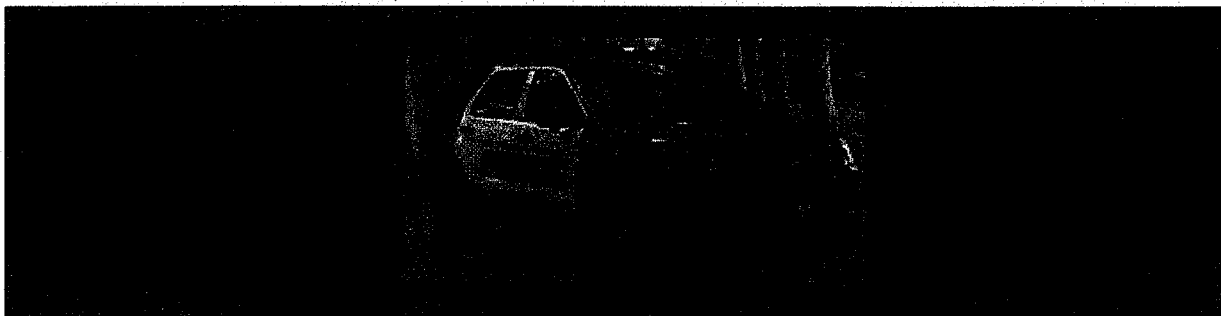
TO: Sgt. Allen
FROM: PO. Liberatore
DATE: 10/9/2020
SUBJECT: Damaged Apartment Door

Sir,

While investigating a complaint of possible drug use in an apartment at [REDACTED] I was speaking with the caller, [REDACTED] who was highly agitated with police in regards to how the situation was being handled. [REDACTED] proceeded to yell at me and invade my space while demanding that I knock on the apartment door of #4 to ask about drug use. In an effort to satisfy [REDACTED] and end the encounter as fast as I could, I knocked on the door twice, damaging the wood paneling with my hand. I took photographs and advised the occupant of the damage to the door.

Respectfully submitted,

PO A. Liberatore



**City of Canandaigua Police Department
21 Ontario Street
Canandaigua, NY 14424
(585)396-5035**

Mathew A. Nielsen
Chief of Police

New York State Accredited Agency
Equal Opportunity Employer

Interdepartmental Memorandum

TO: Lt. Nate Lawrence
FROM: Sgt. Ryan Allen
DATE: 10/12/2020
SUBJECT: [REDACTED] / Liberatore

Lt,

As per our discussion, I have made multiple attempts by phone to contact the tenant of apartment 4, [REDACTED] with negative results. She does not answer her phone nor am I able to leave a voice mail due to the mail box being full. I have stopped by the apartment on two occasions. Both times her vehicle was in the driveway and her apartment lights were on; but she doesn't answer the door. I left a business card in the door, but as of this memo, I have not heard from her.

As far as the night in question is concerned, I was summoned to respond by PO Liberatore. Upon arrival, I immediately noticed the damage to the door. He stated he may have knocked a little too hard. I knew just by looking at the damage, he lost his temper. I will say attempting to speak with the complainant that night, [REDACTED], it wouldn't take long for any one of us to lose our temper with her. This is no excuse for PO Liberatore's behavior, he clearly could have walked away and taken a breath. Upon reviewing the video, PO Liberatore struck the door simply out of anger and loss of patience. Further review of the video also indicated once [REDACTED] learned the damage was caused by the police and not [REDACTED], she did not seem to care much and actually chuckled a couple times. She also mentioned more than once about moving out in a week.

I did speak with PO Liberatore after clearing the scene about his anger issues. He acknowledged a second time he may have knocked a little hard. I reminded him of the consequences of his actions, not only internally, but also regarding the landlord. I directed him to submit a memo explaining his actions at which time he complied. In his memo, he still refuses to accept he struck the door out of pure rage and anger; still describing it as "knocking".

I spoke with PO Liberatore a second time prior to the end of our tour; again about dealing with his anger issues. He became more receptive but began to mention "walking away or quitting" this line of work. I genuinely feel he is in a downward spiral with police work in general. He is very unhappy with the direction this profession has headed and will continue to head. I grow more concerned as time goes on with his inability to

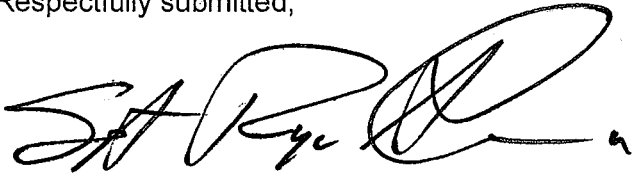
control his outbursts. He is extremely volatile, loses his temper in seconds and gets easily agitated to a level that he is unable to control.

I view Tony as a highly capable and competent police officer with many good qualities. Unfortunately, he is letting this job consume him to a level that is becoming impossible to manage; putting the department and it's members at risk every time he allows his anger to take control. He doesn't accept responsibility for his actions and expects others to clean up after him.

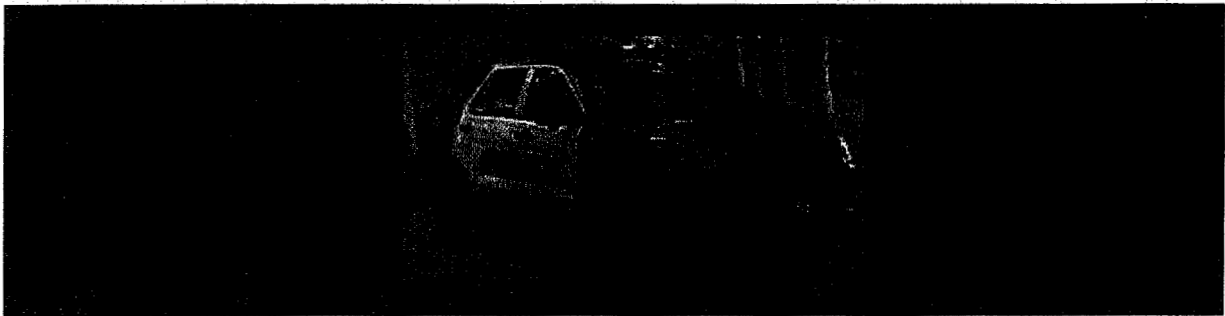
I highly recommend to the department that he seek assistance with his anger issues, either through EAP, or some other type of counseling.

Attached is the incident report and his memorandum.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sgt. Ryan Allen", with a stylized flourish at the end.

Sgt. Ryan Allen



**City of Canandaigua Police Department
21 Ontario Street
Canandaigua, NY 14424
(585)396-5035**

Mathew A. Nielsen
Chief of Police

New York State Accredited Agency
Equal Opportunity Employer

Interdepartmental Memorandum

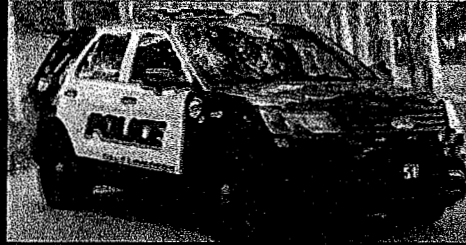
TO: Lt. Nate Lawrence
FROM: Sgt. Ryan Allen
DATE: 10/13/2020
SUBJECT: [REDACTED]

Lt,

On 10/13/20 at 1145 hours I made a third attempt to speak with [REDACTED] regarding the incident the other night. She again refused to answer the door stating "she does not want to talk to me and to have a good day". I acknowledged and left it that. BWC was used.

Respectfully submitted,

Sgt. Ryan Allen



**City of Canandaigua Police Department
21 Ontario Street
Canandaigua, NY 14424
(585)396-5035**

*Mathew A. Nielsen
Chief of Police*

*New York State Accredited Agency
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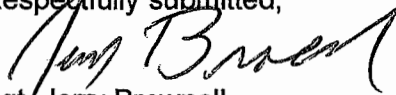
Interdepartmental Memorandum

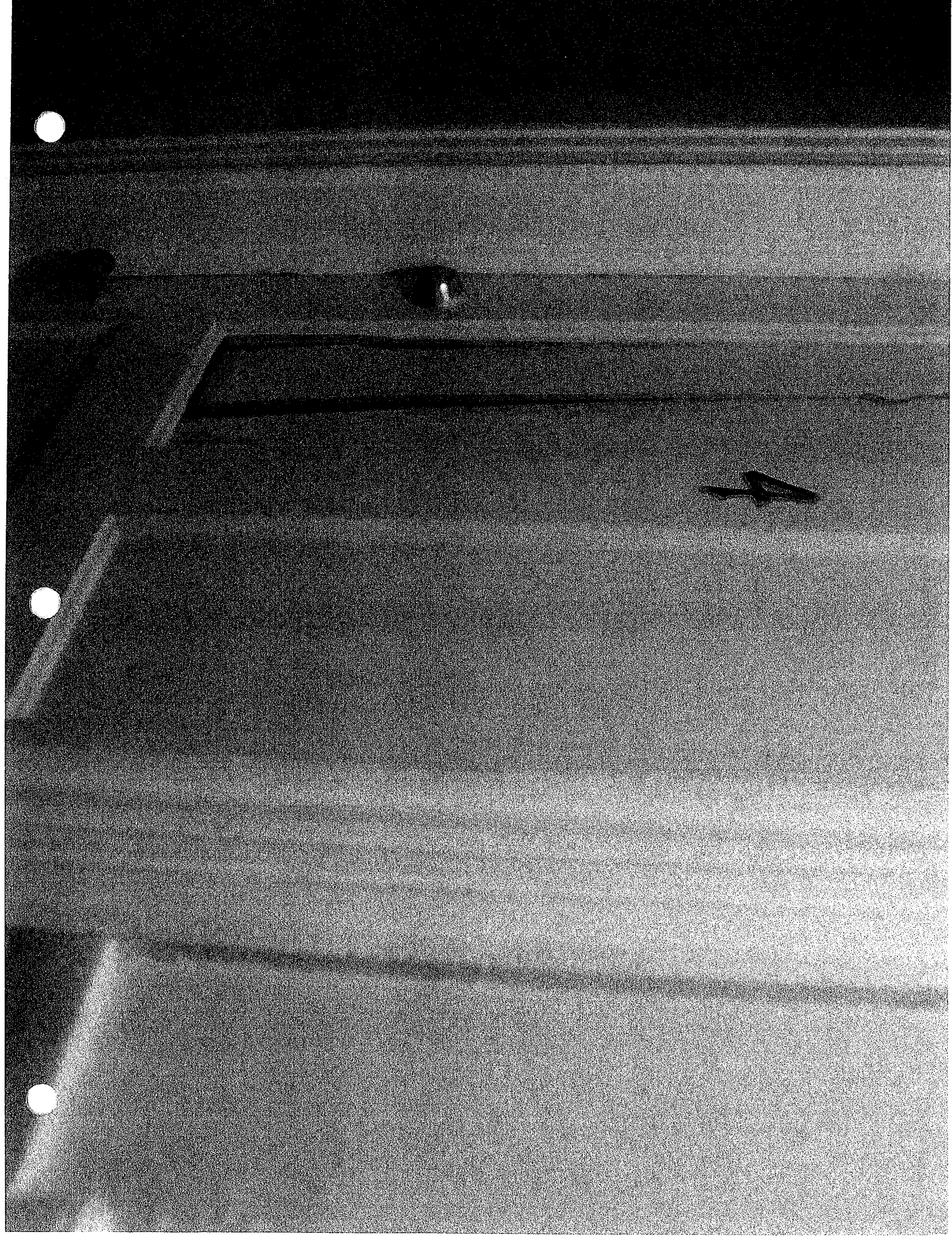
TO: Lt. Lawrence
FROM: Sgt. Brownell
DATE: 10/9/2020
SUBJECT: meeting with [REDACTED]

Sir,

On October 9, 2020 at 1500 hours, I met with [REDACTED] at his Office located on South Main Street regarding the damage that occurred to a door of his rental unit located at [REDACTED]. I explained to [REDACTED] that during a call for service, one of our Officers knocked on the door of apartment number 4 with too much force and caused damage to a wood panel on the door. I showed [REDACTED] a picture of the damage and explained that we are responsible for the damage and asked if he would like to be reimbursed for the cost to repair the door. After inspecting the picture, [REDACTED] explained that he would have his maintenance man repair the door and did not seek any money from the City to repair the door. A copy of the photograph is attached to this letter for reference.

Respectfully submitted,


Sgt. Jerry Brownell





**City of Canandaigua Police Department
21 Ontario Street
Canandaigua, NY 14424
(585)396-5035**

Mathew A. Nielsen
Chief of Police

New York State Accredited Agency
Equal Opportunity Employer

Interdepartmental Memorandum

TO: PO Anthony Liberatore
FROM: Lieutenant Nathan J. Lawrence
DATE: October 13th, 2020
SUBJECT: Pre-Interview Notice

PO Liberatore,

This memo is to advise you that you are a subject of an internal investigation (IA# 04-2020) regarding an incident that took place at [REDACTED] on October 9th, 2020 at approximately 0203 hours. The allegations surround you losing your temper and damaging a civilian's apartment door, which violates the following General Orders:

General order 105; Section VII; Sub section A (1) and (2) for conduct unbecoming
General order 105; Section VI; Sub section B (2) for failure to protect property
General order 105; XXXVI; Sub section B for failure to control temper

You are directed to meet with me to discuss this issue on October 20th, 2020 at 1330 hours, in my office. As a potential subject of disciplinary action, you have the right to union representation during the interview. You also have a right per the PBA Contract to review your Body Worn Camera footage 48 hours before our meeting. If you would like a copy of your BWC, please let me know via email and I will supply you a copy of the footage.

Sincerely,

Lieutenant Nathan J. Lawrence

General Order #335

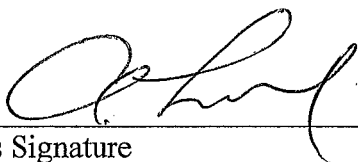
ADMINISTRATIVE WARNINGS

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:

10/20/20

Time:

13:17

TIME OFF BANKS:

VACATION – 7 DAYS

HOLIDAYS – 13.5 DAYS

PERSONAL – 1 DAY

AWARDED – 1 DAY

COMP – 1 HOUR

**ONTARIO COUNTY SHERIFF OFFICE OF EMERGENCY COMMUNICATIONS
ARCHIVAL RECORDING REQUEST**



REQUIRED INFORMATION

Today's date: October 13th, 2020

Person Requesting/Agency: Lt. Nathan J. Lawrence / _____

Signature: _____

Reason/Incident: Neighbor Dispute

Date of Incident: October 9th, 2020 Channel(s) Requested: All radio traffic

Time of Incident: 0203 Hours CR #: 2046331

Communications Officer Assisting: _____

Requestor's Supervisor's Signature: *Lt. Nathan J. Lawrence*

Type of Request

1) ☐ Review of Recording

2) ☒ CD of Incident

☐ Electronic Copy of Incident

CD/E-copy of Incident made by: _____

CD Turned over to: _____

Date: _____ Time: _____

Signature of Person Receiving CD: _____ Date: _____

NYS County Law, § 6 Section 308, subdivision 4 states: Records, in whatever form they may be kept, of calls made to a municipality's E911 system shall not be made available to or obtained by any entity or person, other than that municipality's public safety agency, another government agency or body, or a private entity or a person providing medical, ambulance or other emergency services, and shall not be utilized for any commercial purpose other than the provision of emergency services.

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 #004-2020.

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 a 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 control their temper while investigating a neighbor trouble complaint that occurred at [REDACTED] on October 9th, 2020 at approximately 0203 hrs. Employee further acknowledges they failed to protect the property of [REDACTED] by pounding with their fist on a door at the location with such force that the door was damaged. Employee acknowledges violating the following General Orders of the Canandaigua Police Department during the investigation into this incident;

General Orders 105 Rules and Regulations**VII. UNBECOMING CONDUCT (2 count):**

- A. All members and staff shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming a member shall include but not be limited to the following:
1. Actions that bring the Department into disrepute or the potential thereof.
 2. Conduct that reflects discredit upon the member as an employee of the Department
 3. Conduct that Impairs the operation or efficiency of the Department, that member or another member.

VI. ENFORCEMENT OF LAWS (1 count)

- A. It shall be the duty of every police officer/supervisor/command officer of the Canandaigua Police Department to actively enforce all city, state and federal laws.
- B. Members shall:
1. Prevent crime
 2. Protect life and property
 3. Regulate the movement of vehicular and pedestrian traffic
 4. Detect, apprehend and if appropriate arrest all violators in accordance with the law and departmental procedures or at the direction of a supervisor/command officer.

XXXVI. COURTESY (1 count)

- A. Members and staff shall be courteous to the public at all times.
- B. Members and staff shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions, even in the face of extreme provocation.
- C. In the performance of their duties, members and staff shall not use coarse, violent, profane or insolent language or gestures.
- D. Members and staff of Canandaigua Police Department shall not express prejudice concerning race, sex, religion, politics, national origin, life style or similar conditions or circumstances.

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

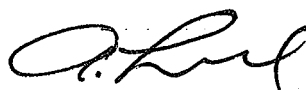
the within discipline in satisfaction of potential disciplinary action and hearing for incompetence and/or misconduct.

WHEREAS, the disciplinary action shall consist of;

- **Written Reprimand entered into Personnel File**
- **Anger Management Training provided by Employee Assistance Group**
- **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.**

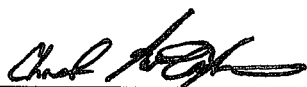
4. Employee knowingly, freely, and voluntarily enters into this Stipulation Agreement. At the time that Employee entered into this Agreement he was not intoxicated or otherwise impaired. Employee consents and agrees to be bound by its terms and conditions and understands the contents thereof. Employee further understands that he is entitled to be represented by an attorney and hereby waives any such representation.

Dated: 10/21/20


Anthony Liberatore
Employee

Union Representative (Optional)

Dated: 10/21/2020


Mathew A. Nielsen
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

Mathew A. Nielsen
Chief of Police

Dated



**City of Canandaigua Police Department
21 Ontario Street
Canandaigua, NY 14424
(585)396-5035**

Mathew A. Nielsen
Chief of Police

New York State Accredited Agency
Equal Opportunity Employer

Interdepartmental Memorandum

TO: Officer Anthony Liberatore
FROM: Chief Mathew Nielsen
DATE: October 21st, 2020
SUBJECT: Written Reprimand for Internal Investigation 004-2020

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 004-2020.

The internal investigation involved your failure to control your temper and then causing damage to a door while knocking on it during a Neighbor Trouble investigation on October 9th, 2020.

The findings of the investigation determined that you did fail to control your temper when faced with provocation by an involved citizen and you did subsequently knock (pound) on a neighbors door with your fist out of anger and with such force that the door was recklessly damaged, thereby creating the potential of an unfavorable image of the department.

The allegations that you violated several provisions of General Order 105 related to Unbecoming Conduct, Enforcement of Laws and Courtesy are hereby sustained. This written reprimand will be entered into your personnel file and you will be mandated to attend Anger Management training provided and managed by Employee Assistance Group.

Continuing issues related to failing to control your temper will result in further disciplinary action.

Chief Mathew A. Nielsen

cc: Personnel file of Officer Liberatore

ENTERED
10/21/2020