

**City of Canandaigua Police Department**  
21 Ontario Street  
Canandaigua, New York 14424

Investigative Division

Jonathan P. Welch  
Chief of Police

Internal Investigation  
007-009  
CR# 1000194

Accused Member:  
Police Officer Lawrence Hoy

---

Complainant: [REDACTED]  
[REDACTED]  
[REDACTED]

## Summary of Complaint

Officer Hoy is accused of not appropriately investigating a complaint reported by [REDACTED]. On November 27, 2009, [REDACTED] called dispatch and reported she found disturbing pictures on her [REDACTED] ([REDACTED]) cell phone and requested an officer respond to her residence.

Upon Officer Hoy's arrival, [REDACTED] advised Officer Hoy that she had discovered disturbing pictures on her son's cell phone and further advised Officer Hoy that the pictures were of a male's face, his flaccid penis and his erect penis. In addition, [REDACTED] advised Officer Hoy that [REDACTED] told her the male was 28-years-old.

In response to [REDACTED] complaint, Officer Hoy advised her that nothing could be done unless there had been sexual contact between [REDACTED] and the male. Officer Hoy made no effort to interview [REDACTED] view the photos nor did he suggest the matter should be investigated further.

[REDACTED] was disappointed by the lack of action taken by Officer Hoy. Specifically, [REDACTED] was upset that Officer Hoy appeared to have no idea how to handle the complaint and said things to her such as, "I don't know what to tell you" and "I'm not a psychologist."

On December 1, 2009, [REDACTED] reported the incident for a second to Officer Ball. The male who was later identified as [REDACTED] was subsequently arrested for criminal sexual act in the third degree. During the investigation relative to the second report it was determined that on November 26, 2009, [REDACTED] traveled to Canandaigua at which time he provided [REDACTED] with alcohol and sexual abused him.

## Potential Departmental Charges

**I. GENERAL OBLIGATIONS: ~~Unfounded~~ Sustained**

- A. Employees shall not commit or omit any acts, which constitute a violation of any of the rules, regulations, directives or orders of the department, whether stated in this chapter, or elsewhere. *Specifically – Violating General Orders 270 Records Management and Reporting and General Order Sex Crimes Investigations.*
- B. Any member or staff of the Canandaigua Police Department must immediately notify the office of the Chief of Police when charged with a crime of any New York State Law or a violation of the New York State Penal Law.
- C. Staff is accountable for any applicable Rules/Regulations, General Order, Administrative Order, Personnel Order and the City of Canandaigua Personnel Manual.
- D. Members and staff are also accountable to the City of Canandaigua Personnel Manual unless exempted by contractual means or otherwise.

**II. 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.
- B. Unsatisfactory performance may be demonstrated by:
  - 1. lack of knowledge of the application of laws required to be enforced
  - 2. unwillingness or inability to perform assigned tasks
  - 3. failure to conform to work standards set forth in this manual
  - 4. failure to take appropriate action on the occasion of any incident or condition brought to the attention of the member.
- C. In addition to other indications of unsatisfactory performance, the following will be considered prima-facie evidence of unsatisfactory performance; written records of repeated infractions of Departmental rules, regulations, directives or orders.

**III. ENFORCEMENT OF LAWS: Unfounded Sustained**

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.

**IV. UNBECOMING CONDUCT: Unfounded Sustained**

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

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

**V. ATTENTION TO DUTY: Unfounded Sustained**

A. All members and staff shall perform their assigned duties as expeditiously as possible. Once dispatched to a call, members shall respond directly to the scene.

B. Members and staff shall not engage in any personal activities that interfere with the operations of the Department.

C. Members shall remain awake while on duty unless granted permission from a supervisor/command officer.

**VI. DEPARTMENTAL REPORTS: Unfounded Sustained**

C. Members shall submit all reports before the end of their respective tours of duty unless specifically directed or otherwise excused by a supervisor. All reports submitted by members of this Department shall be truthful and complete.

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

**VII. REQUESTS FOR ASSISTANCE: Unfounded Sustained**

A. When any member of this Department receives a request for assistance, advice, complaints or report, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Departmental procedures

## Investigation Notes

(1) Reporting Officer viewed the initial complaint called in by [REDACTED] on November 27, 2009. That complaint was coded 31. The comments section of the complaint card reads "Concerned RE: 16 YO with inappropriate pictures on cell phone."

A printout of the original event is attached to this report.

(2) On December 17, 2009, Reporting Officer interviewed [REDACTED] regarding her complaint. [REDACTED] provided a supporting deposition regarding what she told dispatch and Officer Hoy and his response.

A copy of [REDACTED] supporting deposition is attached to this report.

(3) On December 17, 2009, Reporting Officer interviewed [REDACTED] who said Officer Hoy never contacted him regarding this matter.

(4) Reporting Officer obtained a CD of the initial report, radio transmissions and a call placed to dispatch from Officer Hoy.

1738: Officer Hoy was dispatched for a juvenile problem regarding inappropriate pictures on a cell phone.

17:47: Officer Hoy called on-scene

1753: Status check – Officer Hoy responded he was "all set"

1812: Officer Hoy called dispatch asked how it was coded, advised them "he [REDACTED] hasn't done anything" that he was just being a "smartass" and the mother "just had a bunch of questions" because she "doesn't know how to raise him." Officer Hoy then had dispatch change the complaint from a juvenile problem to an assist the citizen and coded it 31.

The CD provided by the 911 Center is attached to this report.

(5) On December 21, 2009, Reporting Officer interviewed Officer Hoy regarding this matter. PBA President Jeff Cook was present at Officer Hoy's request. Prior to the interview Officer Hoy was provided summary of the allegations against him and was advised of his Administrative Warnings. Both Officer Hoy and PBA President Cook signed a form acknowledging the same.

The following is a summary of the interview:

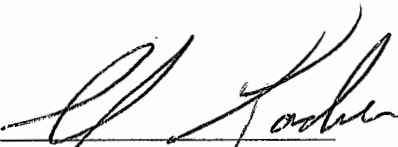
- Officer Hoy admitted he was dispatched to the [REDACTED] a complaint related to naked pictures of a male on [REDACTED] cell phone. He further acknowledged he was advised of Aaron's age and the approximate age of the male in the pictures.
- Officer Hoy said at the time of the complaint he handled it more as answering questions than a criminal investigation. He admitted he did not complete an incident report for the complaint.
- Officer Hoy admitted he told [REDACTED] that nothing could be done unless there had been sexual contact.
- Officer Hoy admitted he made no effort to review the photos himself. In fact, Officer Hoy admitted he told [REDACTED] to attempt to retrieve the photos herself and call the police back.
- Officer Hoy admitted he made no effort to interview [REDACTED].
- Officer Hoy admitted he should have made an attempt to interview or have another member of the Police Department interview [REDACTED]
- Officer Hoy admitted that he knows that a 16-year-old possessing sexually explicit pictures of an adult could be criminal in nature in and of itself but failed to take any actions towards the enforcement of the law
- Officer Hoy admitted that a 16-year-old having sexually explicit pictures of an adult could be indicative of sexual abuse related crimes but failed to take any actions towards the enforcement of the law
- Officer Hoy admitted that he knows it is the responsibility of the police to collect evidence of a potential crime not civilians but failed to take actions towards the preservation and collection of any potential evidence
- Officer Hoy admitted he is aware that it is the policy of the Department to complete incident reports when responding to a report of the crime
- Officer Hoy said he could not remember if he coded the complaint via radio or telephone.

- Officer Hoy admitted his comments about [REDACTED] made to the dispatcher were not appropriate
- Officer Hoy had no explanation why his response time was approximately 9 minutes
- Officer Hoy denied saying, "I'm not a psychologist" to [REDACTED]
- Officer Hoy said he could not remember if he wore his uniform hat as required
- Officer Hoy admitted if he had investigated the complaint properly it would have prevented [REDACTED] from having to report it a second time.
- Officer Hoy admitted that he was aware [REDACTED] was subsequently arrested for sex crimes committed against [REDACTED]
- Officer Hoy admitted that his failure to investigate the matter properly could have subjected [REDACTED] and other potential victims to further abuse
- Officer Hoy admitted that he did not investigate this complaint properly and that his inaction brought discredit to the Department. In his words he "fucked up" and deserves "some beach time."
- Officer Hoy offered no excuse for his inaction. When asked whether the Department could assist in some way Officer Hoy said, "No."

## Conclusion

After reviewing the above information, there appears to sufficient evidence to substantiate all of the above listed potential departmental charges as well other underlying violations of the General Orders.

Report respectfully submitted by:

  
\_\_\_\_\_  
Scott J. Kadien, Sergeant

My Site

Events By Situation

Event Search

Master Name Search

Unit History

Application

- Cad Inq
- Dispatch
- Gun Regi
- Master N

KOPS EVENT DISPLAY CD3641

Event No	R093610026	Area	22	C CANANDAIGU	CS	U-Cntrol	
Reported	08	JUVENILE PROBLEMY					
Found	109	ASSIST THE CITIZEN					
Priority	4	Priority	4	Event Time			
How Reported	Telephone	Started	HAMEL A/C	11/27/09	17:56:42		
Alarm No		Start Date		11/27/09	17:57:45		
		Completed		11/27/09	18:12:54		
Back Drop	[REDACTED]						
Comments	CONCERNED RE: [REDACTED] WITH SHARP PROPRITARE PICTURES ON CELL PHONE						
Call User Name	SHERRY SMREKAR						
Call User Phone	[REDACTED]						
Age		Conscious		Breathing			
Stations	[REDACTED]						
Units	B11AP						
Companions	[REDACTED]						
				OK	Cancel		
Notes	Records	Form	Unit Disp	Business	Supplemen	Unit Mann	
Wreckers	Locations	DL Reg	Unit Alarm	Geobase	XV Coord	Print	



**SUPPORTING DEPOSITION  
SECTION 100.20 CPL**

**STATE OF NEW YORK**

**County of Ontario  
City of Canandaigua**

Date: December 17, 2009

Time started: 3:10 pm

I, [REDACTED], am 42-years old, my date of birth is [REDACTED]. I reside at [REDACTED] New York and I give the following statement to Detective Sergeant Scott J. Kadien of the City of Canandaigua Police Department of my own free will and no promises or threats have been made to me.

At about 4:30 pm on November 27, 2009, I was looking through my son's [REDACTED] cell phone when I discovered a picture of an adult man's face, a picture of a flaccid penis and a picture of an erect penis. The picture of the man on the phone looked like that of a person in his 30's. [REDACTED] caught me looking through his phone. He took his phone, told me his was not gay that he was bisexual and went into room. Shortly after that he left the house to walk around town. Just prior to [REDACTED] leaving the house he told me the man in the picture on his cell phone was twenty-eight.

At about 5:30 pm on November 27, 2009, I called the City of Canandaigua Police Department and requested to speak to an officer about the pictures. I told the dispatcher that I needed some advice about finding some disturbing pictures on my sixteen-year-old son's cell phone.

Shortly after I called the police, Officer Hoy came to my front door. I know Officer Hoy from dealing with him in the past. Officer Hoy was in uniform but he was not wearing a uniform hat. I explained to Officer Hoy that I found the disturbing pictures on [REDACTED] cell phone, told him about the difference in age between the man and [REDACTED] and asked Officer Hoy what I could do.

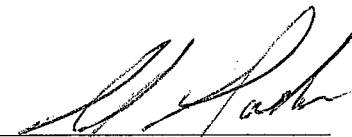
Officer Hoy asked me a couple of questions, including whether I knew if there had been any sexual contact between [REDACTED] and the man on the cell phone. I told Officer Hoy that I didn't know of any sexual contact between the two. Officer Hoy then told me he wasn't a psychologist, that he'd been dealing with [REDACTED] for years and there wasn't anything that could be done unless there had been sexual contact between [REDACTED] and the man.

I was disappointed and a little upset with Officer Hoy's assessment that nothing could be done because I felt that a child under seventeen shouldn't be allowed to have pornographic pictures of an adult male on this phone. I also felt that Officer Hoy seemed like he didn't know what to do. It was the way Officer Hoy kept saying things like, "I don't know what to tell you" and "I'm not a psychologist" that gave me the feeling he didn't know what to do.

To my knowledge Officer Hoy never talked to [REDACTED] nor did he say he planned on having anyone follow-up on my report.

That following weekend [REDACTED] started talking about him and the man in the pictures having met in person and how he drove the guy's car. [REDACTED] said they met in Canandaigua on Thanksgiving but he wouldn't go into details about anything else. After hearing [REDACTED] talk about his I reported the incident again to Officer Dan Ball when I saw him on December 1, 2009.

**NOTICE: False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law of the State of New York.**

  
Sergeant Scott J. Kadien

  
[REDACTED]

Time ended: 3: 45 pm

829

KOPS

EVENT DISPLAY

CD3641

Event No.	P093310026	Area	29 C CANANDAIGU	C3 U-Cntrl
Reported	38 JUVENILE PROBLEM			
Fund	103 ASSIST THE CITIZEN			
Priority	Priority 4		E911 Time	
How Reported	Telephone	Started	TAMELALC	11/27/09 17:36:42
Alarm No.			Sent Disp	11/27/09 17:37:48
		Cmpltd	31	11/27/09 18:12:54
Location	[REDACTED]			
Comments	CONCERNED RE: 16 YO WITH INAPPROPRIATE PICTURES ON CELL PHONE			

Caller Name/Addr	[REDACTED]	Age	Conscious	Breathing
Caller Phone	[REDACTED]			
Stations				
Units	811AP			
Companions				Canine Used

(P)rint, \*\*\* See Notes/Comments, Records \*\*\*

537 - 39 811  
 547 36 - 87  
 553, 31 ✓

53858 612.06 - 811 phone

ORIGINAL

**Internal Affairs Investigation – 007-2009**

Officer Lawrence Hoy this is your notification that an internal affairs investigation has been initiated regarding the way in which you handled CR 910725. The focus of the investigation is aimed at determining whether you followed Department policies, orders, rules and regulations relative to this complaint and whether you appropriately investigated this matter in your capacity as a Police Officer employed by the City of Canandaigua.

*Allegation being that policies, orders, rules & regulations were not followed & you did not appropriately investigate this matter. WTH*

**ADMINISTRATIVE WARNINGS**

*QTC*  


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.

*PO [Signature] #811*

OFFICER'S SIGNATURE

*Jeffrey Cook PBA President*

WITNESS'S SIGNATURE

DATE: *12/21/09*

TIME: *1709 HRS*

*[Signature]*

2009

**Internal Affairs Investigation – 007-2009**

Officer Lawrence Hoy this is your notification that an internal affairs investigation has been initiated regarding the way in which you handled CR 910725. The focus of the investigation is aimed at determining whether you followed Department policies, orders, rules and regulations relative to this complaint and whether you appropriately investigated this matter in your capacity as a Police Officer employed by the City of Canandaigua.

*ALLEGATION BEING THAT POLICES, ORDERS, RULES & REGULATIONS WERE NOT FOLLOWED & YOU DID NOT APPROPRIATELY INVESTIGATE THIS MATTER.*

**ADMINISTRATIVE WARNINGS**

*off*  
*(initials)*

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.

*PO Lawrence Hoyt #811*

OFFICER'S SIGNATURE

*Jerry J. Cook PBA President*

WITNESS'S SIGNATURE

DATE: *12/21/09*

TIME: *1709 HOURS*

*(Signature)*

# Canandaigua Police Department

Jonathan P. Welch  
Chief of Police

Michael J. Colacino  
Operations Commander

Internal Investigation

8-2009

01/10/10

Accused Member:  
Police Officer Lawrence Hoy

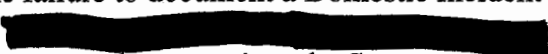
# Canandaigua Police Department

Jonathan P. Welch  
Chief of Police

Michael J. Colacino  
Operations Commander

To: PO Lawrence Hoy   
From: Chief Welch  
Date: 01/10/10  
Re: I/A # 8-2009 PO Hoy-Failure to complete reports

---

On December 28, 2009 you received a counseling memo from Sgt. Spychalski regarding the failure to document a Domestic Incident Report that occurred on 12/17/09 at 1846 hrs at  (CR#911317). Further that you failed to document the report into the Spectrum Justice System.

The failure to generate a domestic incident report and the SJS report is enough evidence on its face that you failed to follow policy. If you feel otherwise, please submit a memo explaining your failure to document this call for service.

It is apparent that you violated the below section of the General Order. I find that the below charge is **Sustained** without the need for a further investigation.

## General Order 105 Rules and Regulations

### GENERAL OBLIGATIONS:

- A. Employees shall not commit or omit any acts, which constitute a violation of any of the rules, regulations, directives or orders of the department, whether stated in this chapter, or elsewhere. *Specifically violating General Order 270 Records Management and Reporting and General Order 630 Domestic Violence.*

I/A # 8-209 Assigned

**City of Canandaigua Police Department**  
21 Ontario Street  
Canandaigua, New York 14424

**Lt. Michael J. Colacino**  
Police Operations Commander

**Jonathan P. Welch**  
Chief of Police

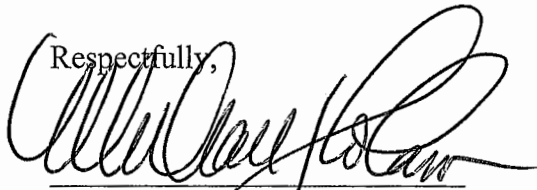
To: Chief Jon Welch  
From: Lt. Michael J. Colacino  
Date: January 2, 2010  
RE: Police Officer Lawrence T. Hoy

I am in receipt of a Counseling Memo that was issued by Sgt. Spsychalski to Police Officer Lawrence T. Hoy.

In light of the most recent incident in which Officer Hoy received Command Discipline, I wanted to make sure you were advised of the additional memorandum of counsel sent to Officer Hoy.

If you have any questions, please contact me.

Respectfully,



Lt. Michael J. Colacino  
Operations Commander

**City of Canandaigua Police Department**  
**21 Ontario Street**  
**Canandaigua, New York 14424**  
Jonathan P. Welch, Chief of Police

**Counseling Memorandum**

To: Police Officer Larry Hoy

From: Sgt. Dean Spychalski

Date: December 28, 2009

Re: **CR- 911317- Disturbance at** [REDACTED]

This counseling memo is to advise you of your failure to complete reports related to an incident at [REDACTED] occurred on 12/17/09 at approximately 1846 hrs.

[REDACTED] called the police department on 12/18/09 to inquire as to why she was unable to press charges against her daughter's ex-boyfriend, [REDACTED] for pushing her while at her daughter's house at [REDACTED] 12/17/09. [REDACTED] stated she was at the residence with her daughter [REDACTED]. Also present was [REDACTED] ex-boyfriend [REDACTED] and his ex-wife, [REDACTED]. There was some dispute over the removal of property, and the fact that [REDACTED] brought his ex-wife to [REDACTED] house.

At some point during the verbal dispute between [REDACTED] and [REDACTED], [REDACTED] got involved and was pushed by [REDACTED]. [REDACTED] "went after" [REDACTED] and he pushed her again. After your arrival, it was determined that no arrest would be made, because they were both at fault. You stood by to keep the peace while [REDACTED] removed some belongings. 911 records show you were on this call from 1855-2031, and put a code 31 (services rendered) on it.

Whether or not an arrest or arrests were warranted is not the issue. This is an incident which requires reporting. There was clearly some dispute between [REDACTED] and [REDACTED] who were recently involved in an intimate relationship and recently living together. It is our policy to document these types of incidents on a Domestic Incident Report. Also, we are required to document all offenses reported to us on an SJS incident report. Clearly, an offense was reported, whether or not an arrest was made.

Please remember that a DIR is required for all domestic incidents (offense or not) that we respond to. Also, any time an offense is reported, an SJS incident report is required.

Sgt. Dean Spychalski

Cc: Lt. Colacino  
Chief Welch



Event\*Number: P093510033

Page 1

Start Dt	Time	Situation/Description	HR	PR
12/17/09	18:46:43	FND: 40 KEEP THE PEACE	5	2
		RPT: 23 DISTURBANCE		

Call Taker: CHRISMB Pos: P14.17 Dispatcher: TERRYLP Pos: P14.19

Location	C/A	USE	OPER
[REDACTED]	29	HRISMB	

Caller Information (How Received: E911)

Cause/Extent: HUSBAND IS MOVING OUT OF EX GIRL FRIENDS HOUSE // WAS HIT BY EX GRL FRNDS MOTHER // UNK INTOX AND WEAPONS

Rpt No	Officer	District	Citations
I0911317	HOY, LARRY T	P29 C CANANDAIGUA	

Notes

[12/17/09 19:00:38 KIS] Unit 811 Late Safety  
 [12/17/09 18:51:48 CHRISMB] CALLER WEARING A WHI JKT AND JEANS, HUSBAND WEARING BLK JACKET, JEANS // FRND WEARING TANK TOP AND JEANS // THEY ARE WAITING OUTSIDE

Sent	Disp	CC	Comp.	Dt	Time	Cleared	Susp	Unsusp	Under	Ctl
18:48:58	31		12/17/09	20:31						

SERVICES RENDERED

Unit	Dispatch	Enroute	Arrived	Okay	Area Chk	Avail	Cleared	Stat
811	18:53:21	18:53:21	18:55:37	20:03:53		20:31:59	20:31:59	AP

E911 Information:

MOBIL AT&T MOBILITY [REDACTED] 077.287766  
 Units Dispatched at Alarm Levels  
 1 811

Run Card: 3 Type:

---

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

**CITY OF CANADAIGUA**

**STIPULATION  
AGREEMENT**

-against-

Lawrence Hoy, Employee.

---

**WHEREAS**, I, the undersigned employee, have agreed to the results of the internal affairs investigation #07-2009 and #08-2009.

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

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

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

1. Employee acknowledges violating the following General Orders of the Canandaigua Police Department (summary attached).
  - I/A 7-2009-General Orders 105 Rules and Regulations (7 Counts).
  - I/A 8-2009- General Orders 105 Rules and Regulations (1 Count).
2. Employee hereby waives any rights and entitlements he has pursuant to Section 75 of the Civil Service Law and accepts the within discipline in satisfaction of a potential Disciplinary Action for incompetence and/or misconduct.

3. MY DISCIPLINARY ACTION SHALL CONSIST OF THE FOLLOWING:

- **Loss of 4 Vacation days**
- **Loss of 2 Personal Days.**
- **Loss of OIC privilege until January 1, 2011.**
- **PO Hoy will be assigned the following General Orders to be reviewed with a Sergeant assigned by the Chief of Police: 105 Rules and Regulations, 270 Records Management and Reporting, 615 Sex Crimes Investigation. Further PO Hoy will be assigned to a Sergeant to cover Penal Law, Article 130 Sex Crimes.**

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

Dated: 1/14/10

PO [Signature]

Employee

Dated: 1-10-10

[Signature]  
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, termination may result.**

\_\_\_\_\_  
Employee


\_\_\_\_\_  
Date

# CANANDAIGUA POLICE DEPARTMENT

21 ONTARIO STREET  
CANANDAIGUA, NEW YORK 14424  
(585) 396-5035 Phone  
(585) 396-5034 Fax  
Dial 911 for All Emergencies

Jonathan P. Welch  
Chief of Police

January 11, 2010

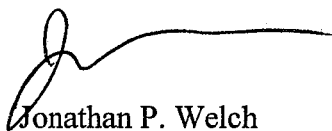
  
On November 27, 2009 Officer Lawrence Hoy was called to your residence regarding inappropriate pictures on your 16 year olds phone. It is my understanding that you were less than satisfied with the actions of Officer Hoy.

Since that time, the department conducted an internal affairs investigation surrounding all the facts, relating to the actions of Officer Hoy.

Although State Law prohibits my office from sharing the results of the investigation with you, be assured that your complaint was investigated and taken seriously.

If I can be of any further assistance, please do not hesitate to contact me.

Respectfully,




Jonathan P. Welch  
Chief of Police

*P-File  
cc. Hoy*

# Canandaigua Police Department

Jonathan P. Welch  
Chief of Police

Michael J. Colacino  
Operations Commander

To: PO Lawrence Hoy  
From: Chief Welch   
Date: 01/10/10  
Re: **Discipline I/A # 7-2009 and # 8-2009**

---

**In accordance with progressive discipline, the following review of your personnel file reveals the following:**

02/24/04- Counseling Memo-Inaccurate MVA reports  
08/12/05-Letter that indicated PO Hoy's failure to act during a DWI offence.  
10/20/05-Counseling Memo-Failure to discover obvious "break ins" in your sector.  
07/31/06-Failure to show up for court.  
01/14/07-Counseling Memo-Patrol car being stuck in the mud.  
03/30/07-Counseling Memo-Failure to complete a report.  
10/8/08-Counseling Memo-Expectations and Attitudes.  
02/12/09- Counseling Memo-Insufficient paperwork/unsatisfactory performance.  
02/13/09-Written Reprimand- Relation to 03/30/07, 10/08/08 and 02/12/09 Memos.  
03/10/09-Issued Training Memo-Failed to complete as ordered.  
04/09/09-Counseling Memo-Failed to take appropriate action.  
04/10/09-IA#4-2009 and #6-2009 commenced regarding 3/10/09 and 4/09/09 memos.  
06/17/09- Agreed discipline into the above matter resulting in the loss of:

- 1 P-Day
- 1 V-Day
- 8 hrs of Compensatory time
- Loss of OIC for 12 months

11/17/09-Failed to take appropriate action on a sex crime investigation. I/A #7-2009 commenced.  
12/28/09-Counseling Memo-Failure to document a Domestic Incident.  
01/10/10- All 7 departmental charges were sustained from I/A # 7-2009.  
01/10/10- 1 Departmental Charge was sustained for failing to document a Domestic Incident, I/A #8-2009.

**I have attached a stipulation agreement for your review and consideration in lieu of the Department filing formal charges at a Section 75 hearing regarding I/A # 7-2009 and 8-2009. Please return the stipulation agreement within 5 days indicating your acceptance or desire to be heard at a Section 75 Hearing.**

# CANANDAIGUA POLICE DEPARTMENT

21 ONTARIO STREET  
CANANDAIGUA, NEW YORK 14424  
(585) 396-5035 Phone  
(585) 396-5034 Fax  
Dial 911 for All Emergencies

Jonathan P. Welch  
Chief of Police

## WRITTEN REPRIMAND

DATE: February 13, 2009

TO: P.O. Hoy

I am in receipt of a counseling memo dated February 12, 2009 written by Sgt. Hedworth directed towards you in regards to your unsatisfactory performance and insufficient paperwork from CR# 901139. Upon further review of your personnel file, I located similar counseling memos dated March 30, 2007 and October 8, 2008 which are attached. It is apparent that the two previous counseling memos have not been sufficient to correct your insufficiency in your paperwork and performance.

If you receive any further counseling memos relating your paperwork and/or your lack of performance as a police officer in the next six months, departmental charges or command discipline will be lodged.

On a side note, please let your immediate supervisor know if there is anything that the department can do to help you become more proficient in your police duties.

JPW:cb



Jonathan P. Welch  
Chief of Police

ENTERED  
FEB 13 2009  
PERSONNEL FILE

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

## Patrol Division

ENTERED

FEB 13 2009

PERSONNEL FILE

### Counseling Memo

**To: Officer Lawrence Hoy**

**From: Sgt. Stephen Hedworth**

**Date: February 12<sup>th</sup>, 2009**

**RE: Insufficient Paperwork/Unsatisfactory Performance**

---

On February 6th, 2009 at about 1947 hours you (Officer Hoy) were dispatched to a family trouble complaint (CR# 901139). The complaint involved a 19 year old suspect striking a five year old sibling in the leg, and also spitting in the five year old child's face. After conducting your investigation you had sufficient probable cause to make an arrest, however, you failed to do so because the legal guardian of the children indicated she did not want to file criminal charges. Upon learning of the circumstances, you were directed to return to the scene, obtain a supporting deposition from the legal guardian (witnessed incident) and arrest the suspect.

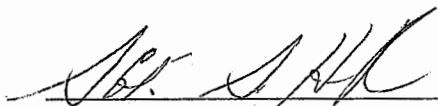
On February 10<sup>th</sup> 2009, I reviewed your paperwork from the incident. Upon doing so, I found serious errors and deficiencies in the paperwork, which you completed. Some of the concerns included you incorrectly filing an information against the suspect which was based on your personal knowledge, an insufficient voluntary statement taken from the suspect, failure to have the suspect sign/date the voluntary statement, failure to complete a Domestic Incident Report, failure to contact the NYS Child Abuse Hotline and numerous informational items that were omitted from both the incident and arrest reports. After reviewing the case my concerns were two-fold.

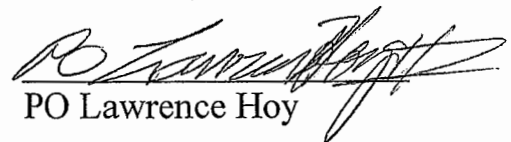
First, your failure to make an arrest in this case could have exposed the victim in this case to future acts of violence, and the possibility of being physically injured if left in the situation. There was an inherent responsibility on your part as a police officer to ensure the safety of the child, and to recognize the potential for future liability against this department if the appropriate actions were not taken to ensure that child's safety.

Secondly, the preparation of the paperwork in this case was clearly insufficient and unsatisfactory. Your paperwork is a reflection of your abilities as a police officer, and is viewed by many eyes. Your paperwork plays an important role in the successful prosecution of any person you arrest. I suggest that in the future more that more time, attention and detail be given to the accuracy and completeness of your case files.

An officer with your years of experience is expected to perform at a level much higher than you did in this case. As a senior officer, who frequently works as an "Officer in Charge", and you are expected to have a solid understanding of when and how an arrest should be made. Furthermore, you are expected to have the ability to properly prepare and complete basic paperwork that is required when making an arrest.

Receipt Acknowledged By:

  
Sgt. Stephen Hedworth  
2/12/09

  
PO Lawrence Hoy

Received by Lt. Colacello  
02-12-2009  
16:12 HRS.

ENTERED  
FEB 13 2009  
PERSONNEL FILE