

City of Canandaigua
New York

WILLIAM R. BRIDGEO
CITY MANAGER

716-396-5000

DATE: December 20, 1991

TO: Police Officer Ralph J. Liberatore
Shield No. 101
Patrol Division, Canandaigua City Police Department

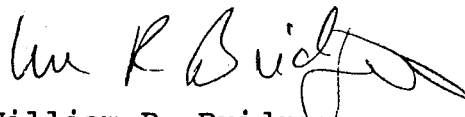
FROM: William R. Bridgeo, City Manager

RE: NOTICE OF DETERMINATION

Disciplinary action related to your acknowledgement of your violation of Article V - 2.1 and 13; Article VII - 7 and 8.

Upon your election not to challenge allegations that you did violate the Rules and Regulations of the Canandaigua City Police Department as specified in the attached Affidavit, the corrective action to be imposed is as follows:

1. That you be formally reprimanded for failure to comply with Departmental Regulations.
2. That you be suspended from duty without pay for three days in the year 1992.
3. That you be fined \$25.00.


William R. Bridgeo
City Manager

WRB/nmg

CANANDAIGUA POLICE DEPARTMENT
21 ONTARIO STREET
CANANDAIGUA, NEW YORK 14424

PATRICK W. MCCARTHY
CHIEF OF POLICE

December 13, 1991

Comm. #244/91

TO: P.O. Ralph J. Liberatore
Shield #101

FROM: Chief Patrick W. McCarthy

SUBJECT: Disciplinary Charges

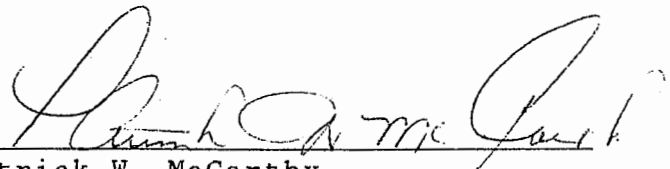
As per our conversation on Thursday, December 12, 1991 regarding the possible adjustment of terms which were agreed to in the adjudication of charges placed against you on December 4, 1991 the following is for your information.

In consideration of all the circumstances connected with this incident including the imminent expansion of your family and the close proximity to the Christmas season, the City Manager has agreed to adjust your penalties connected to the charges of December 4, 1991 to the following:

3 days suspension without pay
\$25.00 fine
A letter of reprimand

A communication containing this information from the City Manager will follow this memo in the near future.

PWMcC:cb
xc: William R. Bridgeo,
City Manager


Patrick W. McCarthy
Chief of Police

CANANDAIGUA POLICE DEPARTMENT
21 ONTARIO STREET
CANANDAIGUA, NEW YORK 14424

PATRICK W. MCCARTHY
CHIEF OF POLICE

December 4, 1991

Comm. #238/91

TO: P.O. Ralph J. Liberatore
Shield #101

FROM: Patrick W. McCarthy
Chief of Police

SUBJECT: Unauthorized Absence from Assignment
November 27, 1991

Based upon the specifics of your explanation regarding the absence from your assignment from approximately 2115 to 2135 hours on November 27, 1991, the following conclusions have been reached.

As you are aware, on the date and time indicated in the foregoing paragraph, your supervisor required your assistance to investigate a reported illegal condition within your assigned sector. At the time you were needed, you were absent from your sector. You vacated this assignment without seeking authorization or without advising the Dispatcher of either your absence or your location during your absence. As you related, you were making a purchase needed by your wife and were at that time in the company of your supervisor. You fully intended to deliver the purchase to your home, but obviously decided not to request authorization to do so, despite the fact that the Sergeant was present in the store at the time of purchase. Your absence, unknown to anyone within the Department, was discovered because you did not respond to a radio transmission directed to you. Your supervisor, unaware of your location at your residence and assuming you were in your assigned area of patrol, was dependent upon you to aid him in an investigation at a licensed premises.

As an experienced Police Officer with an excess of eight years service with this Department, it is difficult to conceive that you are not aware of the necessity, while in uniform and on patrol, of being available at a moment's notice to render support and assistance to your brother officers and the public. To desert your area of responsibility and permit your co-workers and supervisors to be deceived into believing you are available to provide a backup when in fact you are in your residence on the other side of the City is both dangerous and unfair.

Your actions as described in the foregoing constitute several violations of Department Rules and Regulations. Specifically:

Article V - Specific Duties

Rule 2.1 - Know and conform to Department Rules and Regulations orders and procedures.

Rule 13 - Remain on duty assignment and leave only for a police matter, meals, or personal necessity. If required to leave, record time of departure and report to Desk Officer as soon as possible.

Article VII - Rules of Conduct

Rule 7 - Being absent from duty without proper authorization.

Rule 8 - Leaving duty assignment without being properly relieved or without proper authorization.

In summary, this incident appears as a continuation of your negative attitude toward the Rules and Regulations of the Department as evinced in previous violations of regulations in the recent past. It also demonstrates a callous disregard for the welfare of your brother officers as well as for the security of your assigned area of responsibility.

In view of the foregoing, the Department intends to proceed with formal disciplinary action against you. In connection with these charges, the following is submitted for your consideration.

In the event you wish to waive your right to a hearing on the aforementioned violations of the Department Rules and Regulations, as per the provisions of Article 75 of the New York State Civil Service Law, the Department will not seek your termination. You will be subject to a fifteen (15) day suspension without pay, a one hundred dollar (\$100.00) fine, a formal written reprimand and a warning letter emphasizing the fact that any future serious violations of the Department's Rules and Regulations or procedures will be cause to dismiss you from the Department. Should you prefer a hearing on these violations of Department Rules and Regulations, you may feel free to so indicate.

Upon receipt of this communication you may have five business days to decide which alternative you wish to take. If no response is received, the Department will proceed with arrangements for an Article 75 hearing.

I ACCEPT THE ABOVE CONDITIONS.

[Handwritten signature]

12-12-91

[Handwritten signature]
Patrick W. McCarthy

PWMcC:cb

xc: William R. Bridgeo

12/12/91

Chief of Police

City Manager

[Handwritten signature]

January 2, 1992

TO: P.O. Ralph J. Liberatore
Shield #101

FROM: Lt. Robert F. Ruggles, C.O.
Patrol Division

SUBJECT: Disciplinary Action

Pursuant to a letter dated December 13, 1991 from Chief McCarthy advising you of disciplinary action in relation to charges on December 4, 1991, this will advise you that I have scheduled your three days off without pay to be SUNDAY, JANUARY 19, 1992, MONDAY, JANUARY 20, 1992, AND TUESDAY, JANUARY 21, 1992.

If you have any questions in this regard, please contact me.

RFR:cb
cc: Chief McCarthy
Lt. Wittenberg

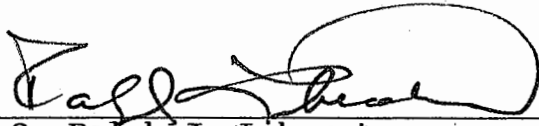
Lt. Robert F. Ruggles, C.O.
Patrol Division

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21 ONTARIO STREET
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PATRICK W. MCCARTHY
CHIEF OF POLICE

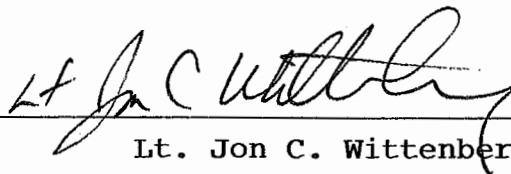
December 5, 1991

I hereby acknowledge receipt of a memo dated
December 4, 1991 to myself from Patrick W. McCarthy.



P.O. Ralph J. Liberatore

Delivered to me by:



Lt. Jon C. Wittenberg