

CANANDAIGUA POLICE DEPARTMENT

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

Patrick W. McCarthy
Chief of Police



June 21, 2004

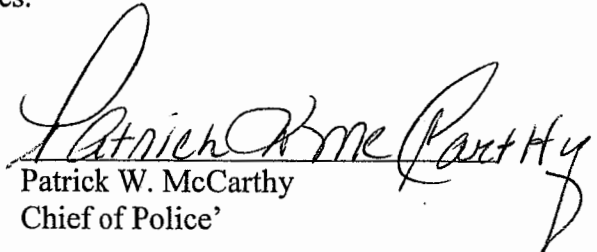
TO: Police Officer Craig S. Cummings
FROM: Chief Patrick W. McCarthy
SUBJECT: Command Discipline

Based upon your decision to accept Command Discipline as contained in a June 16, 2004 communication to you outlining the charges preferred against you and acknowledging your waiver of a Section 75 Hearing as per N.Y. Civil Service Law, the following penalty is imposed:

Loss of one (1) vacation day in 2004 – Subject vacation day to be identified by you no later than June 25, 2004 in writing to the undersigned.

As discussed with you, this penalty is lenient considering the overall results of your delay in responding to this particular call for service. You may rest assured that in the event of a recurrence of this performance, the penalty will be more closely aligned with the gravity of the circumstances.

PWMcC:cb


Patrick W. McCarthy
Chief of Police

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June 16, 2004

TO: Police Officer Craig S. Cummings

FROM: Chief Patrick W. McCarthy

SUBJECT: **Disciplinary Charges – Unsatisfactory Performance**

As you know, Lt. Charles Walker conducted an investigation into the circumstances involving a delayed response to a 911 call pertaining to two suspicious youths observed by employees of Dobbs Service Station, at about 0933 hours on April 27, 2004. These two youths subsequently perpetrated a burglary and a grand larceny before being apprehended a few days later.

The results of Lt. Walker's investigations reveal a positive unaccounted for delay of 6 minutes with a probable minimum delay of 15-20 minutes following your assignment to this call. These time frames were calculated with the use of event display documents provided by the 911 Center and statements from witnesses. In addition to the delayed response it was also noted that a signal 10-97 was never transmitted upon your arrival at the scene.

As a result of the findings of this investigation, the following disciplinary charges are preferred against you.

Violation of Rules and Regulations – 3-11 Unsatisfactory Performance:

Charge #1 – Delayed response to an assignment involving suspicious persons

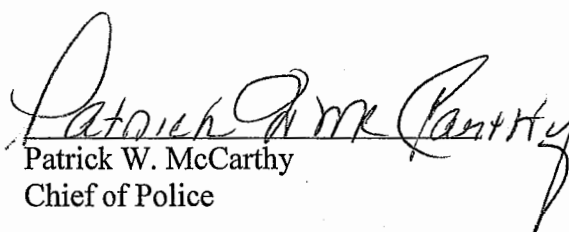
While in uniform, assigned to radio motor patrol as Officer-in-charge on April 27, 2004, you were alerted to a suspicious condition by 911 at 0934 hours. Investigation reveals at time of assignment you were in the Police Station and your radio transmission at 1018 was the first indication that you had responded to the assignment.

Charge #2 – Neglect to follow Police Department's Radio Transmission Protocol

Upon arrival at the scene of reported suspicious activity, you neglected to notify the dispatch operator of your arrival on the scene (10-97).

Based upon the foregoing, you are entitled to a formal hearing under Section 75 of the Civil Service Law. You are also entitled to utilize the provisions of G.O. 18.02 Section E – Command Discipline. Should you wish to utilize the Command Discipline provision, you must endorse this memo which will formally record your waiver of a right to a Section 75 Hearing.

PWMcC:Cb


Patrick W. McCarthy
Chief of Police

I hereby waive my right to a Section 75 Hearing and request charges be adjudicated through the provisions of Command Discipline _____


Police Officer Craig S. Cummings

DEC. 29th

I hereby request a hearing in regard to the foregoing charges _____

Police Officer Craig S. Cummings

CANANDAIGUA POLICE DEPARTMENT
Supervisor's Complaint Report

CPD NO. _____ I.A. NO. 404012 DATE: 6/14/08

COMPLAINANT Cdga PD SEX — RACE — DOB —

ADDRESS — CITY — STATE — PHONE —

MANNER COMPLAINT TAKEN: ☐ In Person; ☐ Telephone; ☐ Letter N/A

COMPLAINT CATEGORY: Delayed Response

LOCATION OF INCIDENT: Dobbs Family Auto DATE 4/27/14 TIME 0933

ACCUSED MEMBER: Pd Cummings BADGE NO. 812

WITNESSES: _____ PHONE _____

_____ PHONE _____

_____ PHONE _____

NARRATIVE:

Pd Cummings was dispatched to a
Report of two males acting suspicious behind Dobbs
Approx 0934 hrs.

A second call was received that the kids were
headed towards the cemetery.

Complainant - Dobbs never saw a police car
in the area or no police ever stopped by the gas station.

Investigation reveals a delayed response by
Pd. Cummings. How much time the delayed response
occurred I could not pinpoint. Pd. Cummings
never called his arrival time on scene. Pd Cummings

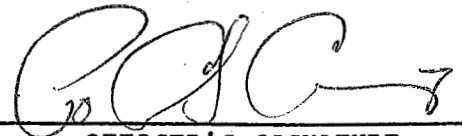
ADMINISTRATIVE WARNINGS

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 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 which 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: 5/21/04

TIME: 1305

PO Cummings

05/31/04 – follow up re: Dobb's Family Auto

Location - Lt.'s Room

Q. – How soon arrival? 812 - I don't recall

Q. Where were you when you rec'd the complaint? 812- I don't remember

Q. Were you ever notified from someone at the PD that two kids were missing from school? (Phone call complaint transferred from 911 center) 812- No

Q. Six minutes later – Lori called you from the desk and you were on portable? Your location? 812 – I believe that I was in the bathroom upstairs.

Q. Why didn't you stop by Dobb's? - 812 I was told to disregard. The kids headed towards the cemetery

05/22/04 – Interview with Officer Hoy in Lt's Room.
C#404012

Re: the morning of patrol being dispatched to Dobbs Sunoco for suspicious persons. PO Hoy advised he was helping Officer Welch with a vehicle impound when PO Cummings was given the call with two persons acting suspicious behind Dobbs. Officer Hoy advises that he had to wait awhile for the tow to pick up the car at Camelot. Officer Hoy advises it was at least 15-20 minutes later, when he cleared from Camelot and went to the PD to pick up the keys for the impound area. PO Cummings was leaving the police department parking lot. PO Hoy advises that it was a few minutes later that he heard Officer Cummings talk over the air that he was unable to locate the persons.

Lt. Walker

INSTRUCTIONS TO ADDRESSEE

1. Write Reply on Bottom
2. Return White Copy and Retain Yellow Copy
3. Use Fold Marks on Right Edge of Form for Window Envelope

INSTRUCTIONS TO ORIGINATOR

1. Detach Pink Copy
2. Send White and Yellow Parts to Person Addressed
3. Use Fold Marks on Left Edge of Form for Window Envelope

From

Police Department

City of Canandaigua

21 Ontario Street

Canandaigua, New York 14424

PLEASE RETURN THIS
MESSAGE REPLY TO

Telephone: 585.396.5035

Fax: 585.396.5034

To

LT. WALKER

DATE

5/9/04

SUBJECT

SUSP. PERSON
COMPLAINT

Message

IN RESPONSE TO YOUR MEMO ABOUT C#403218. I ARRIVED AT THE SCENE SOON AFTER DISPATCH CALLED ME AGAIN STATING THE 2 MALES LEFT DOBB'S AND WERE SEEN WALKING THROUGH CEMETERY. I CHECKED THE CEMETERY WITH NEGATIVE RESULTS. I THEN WENT THROUGH JUBILEE PARKING LOT, DOWN PARK AVE TO W. GIBSON, W. GIBSON TO N. PEARL ST., N. PEARL ST TO WEST AVE. I GOT OUT OF CAR AND WENT BEHIND 156 WEST AVE, THEN DROVE BEHIND THE MOST EASTERN HOUSE (CITY DPW AREA), ALL WITH NEGATIVE RESULTS. SPOKE TO BUS DRIVER AT DOLLER GENERAL AND 2 LADIES WALKING ON PARK AVE. I THEN WENT TO BUFFALO ST TO LOOK FOR A MISSING PERSON BEFORE (SII'S JOB) COMING BACK TO WEST AVE. AREA TO CHECK AGAIN. I WASN'T ABLE TO LOCATE THE 2 PEOPLE IN QUESTION.

P.O. [Signature]

SIGNED

Reply

DATE

SIGNED

ORIGINATOR FOLD MARKS

ADDRESSEE FOLD MARKS

ORIGINATOR: Detach Pink Copy, Forward Balance of Set Intact

ADDRESSEE: Detach Yellow Copy and Keep for Your Records, Return White Copy

Event No.	P041180010	Area	29	C CANANDAIGUA	C2 U-Cntrl	
Reported	46	MISSING PERSON				
Found	46	MISSING PERSON				
Priority	Priority 2 : Lights		E911 Time			
How Reported	Telephone		Started	KATHYA	04/27/04	10:13:07
Alarm No.			Sent Disp		04/27/04	10:15:33
			Cmplt'd	31	04/27/04	13:33:15
Location	CANANDAIGUA MIDDLE SCHOOL. [REDACTED]					
Comments	[REDACTED] 13YO WM NEVER SHOWED AT SCHOOL//STAFF SAW HIM IN AREA OF N MAIN AND PLEASANT AND BUFFALO ST //WEARS A SWEATSHIRT SHORT DK HAIR 5'3"//LIVES AT [REDACTED]					

Caller Name/Addr	[REDACTED]						
Caller Phone	[REDACTED]	Age		Conscious	<input type="checkbox"/>	Breathing	<input type="checkbox"/>

Stations						
Units	811R					
Companions					Canine Used	<input type="checkbox"/>

Options...

OK

Cancel

Event No.	P041180009	Area	29	C CANANDAIGU	C3 U-Cntrl	
Reported	71 SUSPICIOUS CONDITION					
Found	71 SUSPICIOUS CONDITION					
Priority	Priority 2 ; Lights		E911 Time			
How Reported	Telephone		Started	WILLIA	04/27/04	09:33:20
Alarm No.			Sent Disp		04/27/04	09:34:19
			Cmplt'd	30	04/27/04	10:18:19
Location	DOBB'S FAMILY AUTO, [REDACTED]					
Comments	2 MALE S ABOUT 14 Y/O "ACTING STRANGE" BEHIND DOBBS					

Caller Name/Addr DOBBS

Caller Phone [REDACTED] Age [REDACTED] Conscious ☐ Breathing ☐

Stations [REDACTED]

Units 812E

Companions [REDACTED] [REDACTED] [REDACTED] [REDACTED] Canine Used ☐

Options... OK Cancel

Memo

To: Chief Patrick McCarthy
From: Lt. Charles B. Walker
Date: 5/22/2004
Re: Suspicious Complaint –Dobbs Family Auto

Chief,

In looking at the complaint received from Dobbs Family Auto Service on April 27, 2004, I find the following facts from listening to the 991 tapes:

09:32 hrs – PO Cummings was dispatched by 911 for a complaint of two kids acting strange to the rear of Dobbs's Family Auto. PO Cummings answered on portable.

09:36 hrs – 911 advises PO Cummings that the subjects were going thru the cemetery. PO acknowledge on portable.

09:38 hrs. – PD desk calls PO Cummings and advises phone message at desk for him. PO Cummings acknowledges on portable.

10:11 hrs. – 911 receive a call from [REDACTED] and transfers call to the PD desk.

10:12 hrs - 911 center receives call back from PD desk. [REDACTED] advises 911 a student is missing are from a school ([REDACTED]) as well as another student is missing.

10:17 hrs – PO Cummings calls over car radio and advises dispatch that he was unable to locate.

10:21 hrs – Officer Hoy is dispatched to the middle school for two students matching same description as kids behind Dobbs Family Auto.

On 05/11/04 – I/O spoke with employees of Dobbs – [REDACTED]. [REDACTED] called the police when the kids were behind Dobbs Family Auto and then called to let the police know kids went back to the cemetery.

[REDACTED] watched the kids for at least ten to fifteen minutes behind Dobbs and then watch them go across the cemetery. One of the kids kept ducking as to not be seen when a car went by. The kids eventually went towards Park Ave. Steve thought the kids were at least in the cemetery for another five minutes before walking toward Park Ave.

[REDACTED] didn't see any police during the time the kids were in the area and didn't see any police later.

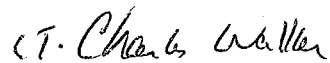
PO Cummings never called his arrival time to the scene.

No internal investigation started at this time. Officer Cummings in his memo reply to me that he arrived soon after being dispatch.

The 911 tapes indicate to me that Officer Cummings was on portable for least eight minutes after being advised of the call. Officer Cummings radio transmission over the police radio approximately 40 minutes later after call was received.

Officer Cummings did not respond promptly and properly to the call.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Lt. Charles B. Walker".

Lt. Charles B. Walker