



City of Niagara Falls, New York

Police Department

1925 Main Street, Niagara Falls, NY 14305

June 11, 2019

To: OPS File # 19-0002B

Regarding NFPD OPS Case # 19-0002B, a Form 16 regarding Acting Deputy Superintendent Carlton Cain's OPS file missing documents. This investigation was ordered by Acting Superintendent Michael Trane and conducted by Criminal Investigations Division Captain Kelly Rizzo. The crux of the investigation involves Cain's OPS file missing documents that a person of reasonable intelligence would conclude should be in it. In addition, the indication that Deputy Superintendent Cain, by virtue of his position as Office of Professional Standards Commander, had the means and opportunity to remove the files. There is further cause for alarm based on copies of official documents that a former acquaintance of Cain's turned over to the Niagara County District Attorney's office. Captain Rizzo did speak to several police officials that had some knowledge of documents that should have been in the file but failed to take statements under Garrity, a practice the NFPD adheres to. In addition, Captain Rizzo failed to interview Deputy Superintendent Cain and did not complete the investigation in the 30 day time requirement. While there is evidence that indicates the file was purged, there is no proof of who did it and why. In addition to Cain, the following department members have had access to those files in the past several years: Detective Patrick Clifton, Officer Thomas Arist, Officer Kristina Dusher, and Officer Angelo Berti. Detectives Paul Kudela, Shawn Bosi, and myself, all previously in the OPS unit. Retired Detectives Joseph Giaquinto and Daniel Bird both had access. None of these individuals were interviewed. It is possible that Deputy Superintendent Cain had one of these members remove the files or they removed them of their own volition. There is no mention if the entire collection of files had been checked to see if the documents were misplaced in someone else's folder, for example Lamar Cain's folder, Carlton's father. This investigation comes down to missing documents and an assumption that Carlton Cain took them. While that is all together possible, I am not comfortable sustaining that charge based on the investigation presented. Deputy Cain has since retired. If he were still here I would order further investigation into this matter. These accusations are extremely serious and have the weight to seek termination through Civil Service Article 75 Proceedings. Therefore at the time of this correspondence I will refrain from drawing a conclusion of Sustained, Not Sustained, Unfounded, or Exonerated.

Respectfully,

Thomas Licata

Superintendent of Police

This document must be completed, attached to and made part of the investigative file.

OPS # 19-002B



Niagara Falls Police Department Complaint Form Cover Sheet

GO 123.00 VI c 6 OPS or any other NFPD employee assigned to performing the Internal Investigation Function shall interview all civilian witnesses regarding the incident to the extent practicable.

Complaint turn-in date: 1-16-19

Received By (Print): Kelly Rizzo

Investigating Officer: Kelly Rizzo

First letter to complainant & target officers (By whom & Date) Acting Chief Team 1-16-19

Allegations: Deputy Chief Cain, without authorization or permission, removed files from his OPS file

TO BE COMPLETED BY INVESTIGATOR

- | | | | |
|---|------------------------------|--|---|
| Complainant interviewed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A |
| All witnesses interviewed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A |
| Were statements taken? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A |
| Was ever officer given Garrity Warnings? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A |
| Was the accused officer interviewed last? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A |
| Investigation completed in <u>30 days or less</u> ? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A |

COMPLAINT ASSIGNED TO

- OPS (to whom and date): _____
- Shift Level (to whom and date): _____
- Other (to whom and date): Cpt Kelly Rizzo 1-16-19

DATE RETURNED TO UNIT COMMANDER AND BY WHOM (PRINT): _____

DATE RETURNED TO DEPUTY SUPERINTENDENT CAIN: N/A

DATE TURNED IN TO SUPERINTENDENT DALPORTO: LILANA 4-14-19

This document must be completed, attached to and made part of the investigative file.



OPS # _____

TO BE COMPLETED BY SUPERINTENDENT DALPORTO

Determination of the investigation:

- Sustained Not Sustained Exonerated
- Unfounded Policy Failure

Check any that apply:

- Punishment: _____
- Training: _____
- Action/Referral Strategy: _____

TO BE COMPLETED BY OFFICE OF PROFESSIONAL STANDARDS

Final letter to complainant & target officers (By whom & Date) _____

Distribution of Final Disposition Letters (check all that apply):

- Superintendent Personnel Target Officer
- Unit Commander Office of Professional Standards

Date completed: _____

- Investigation completed in 30 days? Yes No
- Was an extension needed? Yes No

If so why: _____

RETURNED FOR CORRECTIONS

- Yes No

Reason for corrections: _____

Date sent back: _____

Date returned to OPS: _____

NFPD INTERNAL INVESTIGATION CHECKLIST

INVESTIGATOR A. Rizzo

START DATE 1-16-19

OPS# 19-0002B

#	ITEM FOR REVIEW	✓
1	If the complaint is against a Captain, the investigation must be handled by OPS.	✓
2	If the complaint is an allegation of serious misconduct, it must be handled by OPS. (Excessive force, police corruption, etc.)	✓
3	Retrieve the formal complaint (form 16) or if you suspect misconduct, initiate the investigation.	✓
4	Ensure the turn-in date has been properly recorded on the form 16.	✓
5	Gather information regarding the officers involved, witnesses, incident dates, incident times, locations, potential sources of evidence, dispatch records, etc.	✓
6	Clarify and document all potential allegations of misconduct (officer rudeness, illegal search, ect)	✓
7	Gather any pertinent documents including the subject officer(s) personnel files, department policies, memos, directives, contract provisions, etc.	✓
8	Create an investigation file containing a plan, log sheet, and copies of any documents or evidence.	✓
9	Conduct a formal interview with the complainant and secure a statement if possible.	/
10	Conduct interviews and gather statements from any civilian witnesses. If a witness does not wish to be interviewed, state as much in your investigation. At a minimum, you must interview all civilian witnesses. If not interviewed, sufficient documentation must be included as to why.	/
11	Gather statements from any police witnesses. Statements must be taken from all police witnesses and Garrity Rights must be read and signed by the officer.	/
12	Secure a Garrity statement from subject officer(s). This must be done last.	/
13	Analyze the results of the investigation and schedule follow-up interviews if necessary.	/
14	Complete your final investigative report, documenting all steps taken by the investigator.	/
15	Any inconsistencies identified during your investigation must be documented in your report.	/
16	For investigations handled at the shift or unit level (not OPS), the investigator must be at least one rank higher than that of the subject officer.	/
17	Document all relevant facts for each individual allegation. OPS will determine a disposition for each allegation.	/
18	The Preponderance of Evidence Standard must be used for all internal investigations. (More likely to have occurred than not, tipping of scales, 51% rule, etc.)	/
19	Complainant must be notified of the case disposition in writing, including the dispositions of each allegation, the general reasoning for each disposition, and any remedial actions taken as a result.	/
20	The entire investigation must be completed within 30 days of turn-in date. If an extension is needed, one must be requested, in writing, from Superintendent DalPorto.	/
21	Upon completion, the entire investigative file, including a written report, must be turned over to a supervisor for review, and then turned over to OPS.	/

Supervisor's Signature 

Date _____

NIAGARA FALLS POLICE DEPARTMENT OFFICER COMPLAINT REPORT

Complaint Name: Captain Kelly Rizzo

Sex: _____ Race: _____

Address: NFPD City: _____ State: _____ ZIP: _____

Phone: () - () - _____ Email: _____

Officer's Name: Carlton Cain

Nature of Complaint:

I was advised by Acting Superintendent Trane that there were OPS files that seemed to be missing from OPS DC Carlton Cain's file, moreover that Cain himself had removed them. He instructed me to complete a Form 16 and investigate the matter as the situation seemed to overlap a separate investigation I was assigned.

- If the above proves true it would violate NFPD Policy 123.00 VI E Record-keeping
1. The OPS shall maintain a central file of disciplinary investigations pursuant to the applicable document retention schedule of the Department and the City. The central file shall contain all complaints, final dispositions, supporting documents, and other investigative material pertaining to disciplinary cases. These records shall be kept confidential, safely secured, and shall be separate and apart from regularly maintained personnel files with allowable access limited to OPS members and the Superintendent of Police.
 2. Records concerning violations of department standards of conduct shall be maintained in the employee's OPS file for the duration of the employee's career with the Niagara Falls Police Department.

Reporting Person: Captain Kelly Rizzo

Location of Alleged Incident: NFPD HQ 1925 Main St

Date of Incident: LINK \ \ \ Time of Incident: \ \ \

Date Report Turned In: \ \ \ Time Report Turned In: \ \ \ AM/PM

Witness: CPT MICHAEL TRANE Phone: (\) \ - \ HOME
Address: _____ Phone: (\) \ - \ CELL

Witness: _____ Phone: (\) \ - \ HOME
Address: _____ Phone: (\) \ - \ CELL

X _____

Signature of Commissioner of Deeds / Notary Public Expires

Capt Kelly Rizzo 2-16-19

Signature of Reporting Person - Date of Birth
Signed to and Subscribed Before Me:
This Day of _____, 2011

X _____
Print Commissioner Name & PR#

Officers Response:

Signature: _____

Date: ____/____/____

Print: _____

Supervisor's Determination: Sustained () Not Sustained () Exonerated () Unfounded () Policy Failure

Inv Start Date: ____/____/____
 1 16 19

Inv End Date: ____/____/____
 1 27 19

Report:

See attached

Action Taken:

Supervisor: _____

Date: ____/____/____

Signature: _____

Print: _____

Unit Commander: () Concur with Supervisor () Other

Supervisor: _____

Date: ____/____/____

Signature: _____

Print: _____

Administrative Captain Determinations: () Concur with Unit Commander () Other

Superintendent's Determination: () Concur with Administrative Captain () Other

() Refer to OPS

Signature: _____

Date: ____/____/____

Print: _____

Distribution: () Superintendent () Administrative Captain () Unit Commander
() Supervisor () Individual () Personnel

~ 2 ~

Subject: Internal Investigation

Reference: OPS Case 19-0002-B - Cain, Carlton

After being advised by Acting Superintendent Trane to conduct an investigation into files missing from Carlton Cain's Office of Professional Standards (OPS) file; Captain Trane advised me that, before being appointed to Acting Superintendent, he had been tasked with collecting the OPS files of Cain, Ligammari and Licata and deliver them to City Hall, specifically to City Administrator Nick Melson. These individuals had applied for the job of Chief of Police and Mr. Melson wanted to review these files as part of the hiring process.

At the time Captain Trane did not have access to said files which is to say that he did not have the key to the room that they are stored in, labeled Storage 277, or the keys to the files cabinets inside the OPS storage room. The only people who have keys to both the room and the files are the Deputy Chief of the Office of Professional Standards; in this case Carlton Cain, and the Superintendent of Police, a position currently vacant and last held by now Captain Bryan DalPorto who had left his set of keys locked in the Chief's office for his successor. The latter was learned in a conversation with Capt. DalPorto. Therefore he had to rely on Cain to gather the requested documents. After receiving the files from Cain, Captain Trane delivered them to City Hall as requested.

On 1/15/19 around 1600, now Acting Superintendent Trane called me to his office, two doors away from the OPS storage room. He stated that Cain had just left for the day and that he had the Chief's keys for the OPS files. He wished to check Cain's file with me as a witness. Upon opening the file cabinet and locating the tab for "CAIN" we both observed only one file for a complaint against Cain and it was a minor complaint by a citizen that had been investigated and found in Cain's favor. Captain Trane stated that this file was not given to him for City Hall by Cain and he did not know why. He further pointed out to me that the file that he did take to City Hall was still in the possession of Mr. Melson.

At this time we could only account for two OPS files for Cain. The investigative block was due to Cain's position putting him in charge of maintaining the records and logs for all OPS files. Therefore the only way to determine if files were missing without alerting Cain was to speak with people I believed had knowledge of the OPS files.

For example, in the early spring of 2007 I had been part of investigation concerning Cain's department issued firearm being stolen from his apartment while he was out of town as part of his Army Reserve commitments. In this case, he never reported the firearm stolen in line with department policy. Further, he found one of the participants in the crime and subsequently drove with this female to the city of Buffalo and purchased it back for \$800 from a narcotics dealer called 'Tank.' This file was not turned over to Mr. Melson.

I spoke with Mr. Melson and he advised me that he had received phone calls from retired Niagara Falls Police Department personnel who advised him of Cain's troubled past that they felt should preclude him from becoming Chief of Police. Mr. Melson said some of these people would have been in a position to have accurate information so he became concerned when Cain's file was, as he stated to me over the phone "empty; there's nothing there." He further explained that there was only one file that was a minor complaint against Cain that was investigated and showed to be unfounded. Mr. Melson stated that even though he has never had access to police records that there should have at least been a file concerning a case of one J [REDACTED] L [REDACTED] who filed suit against the City claiming she was denied employment with the NFPD due to her rejections of romantic requests of then Detective Cain who at that time was a co-director of the Niagara County Law Enforcement Academy. The City had settled that case in early January of 2017 yet it was not in the files handed to Mr. Melson by Captain Trane. Captain Trane said he handed over every file that was under Cain's name. I did locate a Buffalo News article concerning this and have included a copy.

On Friday 1/19/19 I spoke with Captain Angela Munn who had once been the Lieutenant in charge of OPS to ask if she was aware of any files that should have been part of Cain's. Captain Munn stated that she remembers seeing the entire file when she was assigned to OPS and thinking it was quite large compared to most of the members of the department. She said she did not ever go through his file and therefore could not say how many complaints or what they were all for. She was able to recall a complaint that she had taken from a citizen before she was in OPS from a female named T [REDACTED] regarding domestic violence allegations against Cain. She stated she knew that complaint should have been part of Cain's OPS file.

Carlton Cain has been in charge of OPS and the related files since 2013 and prior to that I was in charge of the files as part of my duties as Administration Lieutenant under Chief Chella. This was from November 2010 until Cain took over. At no time did I remove, or authorize the removal of any complaints from Cain's OPS file by him or anyone else.

On January 15th Captain Trane turned over a folder that contained material collected by the Niagara County District Attorney's Investigators. This material was concerning a criminal investigation into allegations of domestic violence against Carlton Cain by a J [REDACTED]. In looking through this material on 1/23/19 I did observe a copy of a document with a heading indicating it is a document from the NFPD, showing the address of the old station located at 520 Hyde park Blvd. The document is titled "SWORN STATEMENT". The document is dated 3/9/2007 and is a statement from a M [REDACTED] T [REDACTED], taken by Captain Leslie Kachurek (Ret.), and is concerning the aforementioned stolen gun investigation that was missing from Cain's OPS file. The other document is a copy of a Niagara Falls Police Department Officer Complaint Report that was signed by Captain Morris Shamrock (Ret.), also concerning the aforementioned issue. Both of these documents would have been part of Carlton Cain's OPS file.

On 1/23/19 I met with J [REDACTED] in my office for the purposes of taking a statement regarding her allegations against Cain in a matter separate from this one. However, as she is the person that provided the copies of documents from Cain's OPS file. When I inquired as to how she came to be in possession of these copies she told me that due to infidelity in their relationship she was also checking up on him. She states that near the end of their relationship in 2016 she found a file box in his closet that she kept some personal items in. She stated that she opened the box and saw what she believed to be police reports. She began to read them and "realized that these reports were about things Carl had done." [REDACTED] states that she took some pages of these reports because he had done some bad things to her and she wanted proof in case people did not believe her. She states that she took a few hoping he would not notice. She recalled reading one where he had admitted to wrongdoing but she left that one as she felt he may notice that one missing. She stated that while she did give the NC DA investigators copies of these reports she still has the original in her possession.

In conclusion Deputy Chief Carlton Cain was given the very important responsibility of maintaining the NFPD's internal files which included his own. NFPD Policy 123.00 VI E spells out the specifics of what the files should contain, where they should be kept and for how long; the duration of which extends for the duration of the employee's career with the Department. As Cain was still actively employed as a member of the NFPD, his files should have been complete.

The following facts show that his file was certainly missing large portions:

- Captain Munn's recollection of a complaint she took from a T [REDACTED] for domestic violence allegations was not in the file when examined by myself and Captain Trane, nor was it turned over to Mr. Melson.

It should also be noted that one of the pages of documents provided by [REDACTED], the complainant M [REDACTED] T [REDACTED] alleges that Cain asked her to commit retributive acts against a T [REDACTED] lending more credibility to Captain Munn's recollection of M [REDACTED] filing a complaint with the agency.

- My recollection of an internal investigation into the theft of Cain's service weapon, his non-reporting of same and him then buying the weapon back from a drug dealer for \$800 while not recovering the magazine of ammunition. This was further supported by [REDACTED] producing reports from this very investigation. This was not in the file when examined by myself and Captain Trane, nor was it turned over to Mr. Melson.
- City Administrator Nick Melson's recollection of the City settling a law suit for \$36,000 due to a complaint filed by a J [REDACTED] I [REDACTED] against Carlton Cain. Again, this is supported by a Buffalo News article. This was not in the file when examined by myself and Captain Trane, nor was it turned over to Mr. Melson.

Each of these complaints was missing from Cain's OPS file in contradiction of the NFPD policies concerning same. Not only is it obvious the files are missing but it is an obvious fact that they were removed by Cain himself as they were then discovered in his apartment by a civilian, [REDACTED] who still has them in her possession.

Further, the fact that as Cain was the person responsible for maintaining the logs showing what should be in each officer's file, there is no way to determine what other files, his or others, are missing. More concerning is the fact that it is also apparent that the method in which he handled the files proven to be missing was such that a civilian was able to find them, read them and take them undetected from his home.

The potential for litigation and embarrassment to the Department in having members' internal affairs files exposed to the public is enormous.

There is no other alternative in the matter of OPS #19-0002-B other than to deem it SUSTAINED.

Due to the nature of the facts surrounding this case there was no reason to interview Cain.

Submitted by: Captain Kelly J. Rizzo

Date: 1/27/19



Niagara Falls Police Department Addendum

1. Continuation of Type of Report Burglary	2. Date/Time of Report 030307 0810	3. Date/Time of Incident 022207 0900	4. Location of Incident [REDACTED] 12 ST	5. CR # 07-9044
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6. Complainant Name Cain, Carlton	7. Address [REDACTED]	8. Phone [REDACTED]
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Block No.	9. Narrative (Indicate block No. from original in left margin)
	<p>DAMAGE THROUGHOUT THE APARTMENT CRIME SCENE WAS COMPROMISED. CONSTRUCTION DECONTAMINATION PROCEDURES WERE ALSO STARTED IN CRIME SCENE AREA. MR CAIN STATED THAT THE INCIDENT OCCURRED SOMETIME BETWEEN 1000 HRS ON FEB 22 AND 0900 HRS ON FEB 23, 2007. INCIDENT WAS NOT REPORTED IMMEDIATELY DUE TO MILITARY COMMITMENTS.</p> <p>DESK CT MAZIKOWSKI NOTIFIED OF INCIDENT.</p> <p>MR CAIN INDICATED HE SPOKE WITH NEXT DOOR NEIGHBORS WHO INDICATED THEY DID NOT OBSERVE ANYONE ENTER THE RESIDENCE.</p>

10. Reporting Officer (Print) PTM JASON G. SYKES	11. PR # 15103H	12. Supervisor (Print) [Signature]	13. PR # 660	14. page 2 13 of 32 pages
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Niagara Falls Police Department Supplemental Report

1. INCIDENT TYPE Burglary Second Degree	2. DATE/TIME OF REPORT 03/09/2007 2030	3. DATE/TIME OF INCIDENT 02/22/2007 1000	4. LOCATION OF INCIDENT [REDACTED]	5. CR # 07-9044
6. Complainants Name Cain, Carlton		7. Classification of Incident (After investigation)		

Block No. 8. Narrative (Indicate block No. from original in left margin)

On 3/9/2007 at about 1945 hours writer received a message from Det. James Galie Jr. to call Det. [REDACTED] of the Buffalo Police Dept. Writer called Det. [REDACTED]. She said that she is assigned to the Mobil Response Unit. She said that tonight they stopped a car in an area known for Heroin trafficking. The car was being driven by V [REDACTED] T [REDACTED], and his passenger was C [REDACTED]. Det. [REDACTED] said that C [REDACTED] told her that she knows where a gun is. She said that the gun belongs to a Niagara Falls Police Officer named Carl. She said that V [REDACTED]'s sister, M [REDACTED] T [REDACTED] has been having sex with Carl in exchange for money. C [REDACTED] said that M [REDACTED] stole his gun and she sold it in Buffalo, at a house on Whitney Street, where they sell heroin. C [REDACTED] said that the gun was sold for \$700.00. Writer also spoke to Det. [REDACTED] boss, Inspector G [REDACTED], phone [REDACTED]. He added that C [REDACTED] is from Niagara Falls, and she has a case going with K [REDACTED] (NCSD).

Writer notified Det. Captain Palmer.
Investigation to continue.

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10
11
12
13
Total

9. Inquiries (Check all that apply) <input type="checkbox"/> DMV <input type="checkbox"/> Warrant <input type="checkbox"/> Crim. Hls <input type="checkbox"/> Scoff law <input type="checkbox"/> NCIC <input type="checkbox"/> Other <input type="checkbox"/> Stln Propert			10. NYSPIN Message #		B use cover sheet
11. Reporting Officer (Print) Det. Lt. William Thomson		12. PR # 838	13. Supervisor (Print) <i>Det. W. Palmer</i>		14. [Signature]
15. Case Status <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed (If closed, check box below) <input type="checkbox"/> Arrest <input type="checkbox"/> Juvenile <input type="checkbox"/> Warrant Adv <input type="checkbox"/> Vlm refused to coop <input type="checkbox"/> Unfounded <input type="checkbox"/> Unknown <input type="checkbox"/> Adm Closed			16. Status Date 03/09/2007	17. Notified/TOY 1 of 1	

Man shot in stomach during home invasion

A West Avenue man was listed in fair condition Monday in Erie County Medical Center after he was shot in the stomach, Buffalo police reported.

Raphael L. Martinez, 18, was at a house at 32 Hampshire St. just before 1 a.m. when he was shot during a home invasion by three people, police said.

A witness at the Hampshire Street address told police that he got a telephone call from a man named "Chino" to go outside of his house.

While he was outside, three Hispanic men ran up behind him, shoved him aside and ran inside his house where they shot Martinez once in the stomach, police said. The assailants then fled on foot south on Niagara Street.

Niagara Falls Police Dept.

PS1191S1

3/09/07

Jacket Activity

ORI# . . . : NY0310000
 Name . . . : K [REDACTED]
 Address . . : [REDACTED]
 Ct/St/Zp : NIAGARA FALLS NY [REDACTED]
 DOB . . . : [REDACTED] 83 Age: 19 Race : W Sex : F Hgt : 000 Wgt : 000
 DL# . . . : State: Hair : Eyes :

Jacket #: 000116251 A
 Phone: 716- [REDACTED]
 Work : 716- [REDACTED]
 SS# : 000-00-0000
 Hgt : 000 Wgt : 000
 Eyes :

Type options, press Enter.

5=Display 10=Close 11=Delayed Close 12=Open

Opt	Date	Description		Number	Type
—	09/10/2004	EXPIRES: 09/10/2009	Petitioner	2004-0001393	ORDR PROT
—	11/05/2003	EXPIRES: 11/05/2008	Petitioner	2003-0001736	ORDR PROT
—	06/16/2003	CANCELLED: 12/03/2003	Petitioner	2003-0000977	ORDR PROT
—	01/15/2007	11:52:00 SEQ#: 001	*SexOffens	2007-00002325	*VICT/SOC
—	09/25/2004	15:04:00 SEQ#: 001	*Aggrharas	2004-00040918	*VICT/SOC
—	06/16/2003	10:28:00 SEQ#: 001 PRIM	*Domestic	2003-00022628	*VICT/SOC
—	06/08/2003	17:40:00 SEQ#: 001	*Domestic	2003-00021406	*VICT/SOC
—	08/25/2002	17:27:00 SEQ#: 001 PRIM	*Aggrharas	2002-00027744	*VICT/SOC

More...

F3=Exit F9=Date/Activity Order F12=Cancel F17=Profile Sheet

**NIAGARA FALLS POLICE DEPARTMENT
OFFICER COMPLAINT REPORT**

Name: Carlton Cain	PR# 17006
Assignment: NCLEA	Supervisor: Capt. John DeMarco
Nature of Complaint: Violation of Rules and Regulations	
Location of Alleged Incident: [REDACTED]	
Date of Incident: February 2007	
Reporting Person: M [REDACTED] T [REDACTED]	Address: [REDACTED] Niagara Falls NY [REDACTED]
Date of Report: 3-9-07	Time of Report: 1445

Narrative: Article#2 Section #1 Sub 10 states: "When an officer's badge, identification card, police weapon, uniform, or any issued equipment, or parts of it, are lost, misplaced stolen or damaged, the officer shall immediately report it to his supervisor and in writing to the superintendent of police."

Article #2 Section #2 Sub 4 states: "Officers shall report immediately, in writing, to the superintendent of police and their superior the loss or theft of their service weapon. If the loss or theft occurs while off duty, the officer shall report this information immediately to the on-duty shift commander."

Article #3 Section #1 sub 5a states: "Officers shall report all crimes, attempted crimes and other important matters that come to their attention. They shall not repress, conceal or distort the facts of any incident."

Article #1 Section #6 Sub 1 states: "Officers shall conduct their private and professional lives with dignity and in such a manner to avoid bringing the department into disrepute. No officer shall act in any manner or perform any act that it prejudicial to the good order, discipline or reputation of the department, despite whether said act is specifically prohibited by any rule or order."

Article #7 Section #1 sub 1 states: "Any officer violating his oath and trust by committing an offense punishable under the laws or statues of the United States, State of New York, or City of Niagara Falls; or any officer violating any provision of the rules

and regulations or general orders, disobeys any lawful order or is incompetent to perform his duties, is subject to appropriate disciplinary action.”

Article #7 Section #1 sub 2 states: “Any officer of the department may be discharged or suspended from the department, or may be subject to reprimand, reduction in rank or other disciplinary action, pursuant to provisions of current collective bargaining agreements and Article 75 of the New York State Municipal Law, upon being found guilty of: k. conduct detrimental to the good order of the police department, or that which brings discredit upon the department; or sub. n. conduct unbecoming an officer.”

Article #1 Section #1 sub 7 states: Officers shall study and thoroughly understand the Department’s rules and regulations . . .When improper action or breach of discipline occurs, it will be presumed that the member was familiar with the law, rule or policy in question.

On March 9th 2007 one M [REDACTED] T [REDACTED] requested to speak with a supervisor of the Niagara Falls Police Department claiming that she had important information concerning, among other things, the service weapon of Detective Carlton Cain. Ms. T [REDACTED] relayed the following information upon which this 16 is based. It should be noted that Ms. T [REDACTED] was currently being held in the Niagara Falls City Jail for a violation of her Drug Court provisions.

Ms. T [REDACTED] claims she has had a sexual relationship with Detective Carl Cain for approximately 10 years. She further alleges that on several occasions Det. Cain gave Ms. T [REDACTED] money in exchange for sex. She claims that within the last three weeks he has paid her \$60, \$45 and \$20 respectfully for sexual intercourse.

She also alleges that Det. Cain drove her to heroin houses and given her money for the drug while he waited outside. This is alleged to have occurred around three years ago.

Ms. T [REDACTED] claims that Det. Cain offered her \$150 to report Det. Cain’s former girlfriend T [REDACTED] was harassing her.

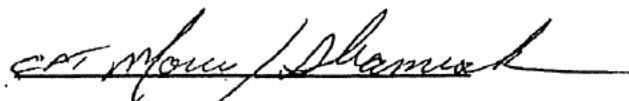
Most recently Ms. T [REDACTED] states that in mid to late February 2007 Det. Cain told her that his house at 440 Memorial Parkway had been burglarized and several items were taken including a NFPD video camera and his NFPD issued service weapon. Ms. T [REDACTED] claims that after learning about the stolen weapon, she was in Buffalo buying heroin in a house near the intersection of 7th and Whitney. She states that she saw a black handgun on the table and she noticed it had a badge engraved on the side. She knew this must be Det. Cain’s weapon as she had seen the logo before on his gun.

Ms. T [REDACTED] states that she informed Det. Cain of this when she returned to Niagara Falls. She further alleges that after informing Det. Cain of this he drove her in his

personal car, a Lincoln, back to the drug house in Buffalo and gave her \$300 to buy the gun. She spoke to someone she only knows as "Chino" stated that he had sold the gun to "Tank" and that it would cost her \$800 to retrieve it. She went back to Carl and told him about the cost. Ms. T [REDACTED] alleges that Det. Cain gave her an additional \$500, which she then gave to "Tank" at which time she was given the weapon. She returned to Det. Cain's vehicle with the weapon and turned it over to him. At this time Det. Cain is alleged to have checked the weapon and noticed that there were no bullets inside. Det. Cain told her to go back inside and get the bullets, which she did only because Det. Cain threatened to have her arrested if she did not. However she was not able to get the bullets, as "Tank" wanted \$150 for them. Det. Cain had no more money so the two returned to Niagara Falls but not before making several calls from his cellular phone telling people who are unknown to Ms. T [REDACTED], "Call off the dogs. I got it back."

Ms. T [REDACTED] claims that "Tank" still has the bullets and the camcorder in his possession and that she may be able to buy them back.

If these allegations prove to be true then Det. Carlton Cain is in violation of the top four listed rules and regulations of the Niagara Falls Police Department including several violations of conduct unbecoming and acting in a way not to bring embarrassment to the Department.



Capt. Morris Shamrock
Narcotics Intelligence Division

Officers Response:

Supervisor's Determination: () Unfounded () Counsel () Charges/Departmental/Other.

Supervisor:

Deputy Superintendent's Determination: () Concur with Supervisor () Other

Signature:

Superintendent's Determination: () Concur with Deputy Superintendent () Other

Signature of Superintendent:

Date Signed:

Distribution: () Superintendent () Supervisor () Deputy Superintendent
() Personnel () Individual

Niagara Falls Police Department
520 Hyde Park Blvd.
Niagara Falls, N.Y. 14302
716-286-4711

SWORN STATEMENT

March 9, 2007

I, M [REDACTED] T [REDACTED], D.O.B. [REDACTED] 76, reside at [REDACTED] Niagara Falls, N.Y. [REDACTED]. My telephone number is [REDACTED]. I hereby affirm that I have completed twelve years of formal education and can fluently read, write, and understand the English language. [REDACTED]

On 03/09/07 at approximately 1230 hours, I was in Niagara Falls Municipal Court on a Violation of Probation Warrant for failure to pay approx. \$400.00 restitution. I asked Detention Aide Donohue if I could speak to someone in a position of authority about misconduct committed by NFPD Detective Carlton Cain. She made a phone call and then introduced me to a police officer who identified himself as Les Kachurek, a police captain. [REDACTED]

I gave the following information to Captain Kachurek. The information was of my own free will and true and correct to the best of my knowledge: [REDACTED]

About ten years ago I accompanied my brother to court at the City of N.F. Public Safety Building on Hyde Park Blvd. There, I met Carlton Cain. He bought me a slice of pizza and he asked if he could call me. I said yes and he did. Since that time, I have been involved with him in an "on-again / off-again" relationship. On numerous occasions throughout the years, [REDACTED]

On many occasions, he gave me money for sex, knowing that I had a drug problem and I would spend the money on drugs. This occurred most recently about ten days to two weeks ago. Within the past three weeks he has paid me \$60.00, \$45.00, and \$20.00 for sexual intercourse. [REDACTED]

About two weeks ago, Carlton said his house on 12th St. was burglarized and his service pistol and bullets were stolen, along with a camcorder. The camcorder was also property of the NFPD. The black purse like case containing the camcorder had words something to the effect of, "Property of Niagara Falls Police Internal Affairs," engraved on it. [REDACTED]

While Carlton was recently away on military duty I was at an apartment on 7th St. in Buffalo, N.Y. I went there to buy drugs. While there, I saw a black pistol on the kitchen table. It looked like Carlton's gun. It had the NFPD logo engraved on it. Later that day, I told Carlton about the gun. He drove me in his Lincoln car back to 7th St, gave me

\$300.00 U.S. cash and told me to buy the gun back. Specifically, he told me to only give the guy, a Hispanic male, known to me only as "Tank," \$300.00 until I actually had the gun in my hand and ask him to accept \$300.00 for it. Tank said, "No." Carlton gave me \$500.00 more dollars and I bought the gun for \$800.00. I gave the gun to Carlton immediately and he had it on his lap. He then made about seven phone calls from his Cricket cellular phone - 716 [REDACTED]. I don't know he called but he said things to the effect, "Call off the dogs. I got it back." Carlton promised me that if I got his gun back he would help me with my current legal problem. I phoned him and asked for his help but he has not returned my call and has not helped me. [REDACTED]

Tank told me he still has the bullets from Carlton's gun and the camcorder. Carlton asked me try and get the bullets back. I was not able to, because Tank wanted another \$150.00 dollars for them. Carlton asked me to ask for half the bullets. Tank said, "No." [REDACTED]

Another Hispanic male known to me as "Chino," also hangs out at the 7th St. drug house. He told me that he sold the gun to Tank for \$300.00 dollars, but it would cost \$800.00 to get it back. [REDACTED]

Carlton wrote down some license plate numbers outside of the 7th Street drug house. He told me I'd go to jail for ten to fifteen years for every stolen bullet if I didn't get them back. [REDACTED]

About three or four years ago Carlton drove me to a different drug house in Buffalo for the purpose of buying drugs. He even gave me the money, about \$30.00 or \$40.00 dollars, for the drugs. [REDACTED]

About two years ago Carlton paid me \$80.00 dollars to making harassing phone calls to his former girlfriend, T [REDACTED]. He offered me another \$150.00 to sign a legal statement that she was harassing him. I didn't want to get in trouble so I declined. [REDACTED]

I think I can get the bullets and camcorder back from Tank, as long as I pay him for them. [REDACTED]

I swear under penalty of perjury that the above statement is true and correct to the best of my knowledge. Furthermore, I will fully cooperate with Lieutenant Kelly Rizzo of the Niagara Falls Police Department's Office of Professional Standards during any related internal and criminal investigation. I do not desire to add, delete or amend this statement in any way. [REDACTED]

M [REDACTED] T [REDACTED]
[REDACTED]

Sworn to Commissioner of Deeds:

Carlton [Signature] # 17013
03/09/2007 @ 1512 hours
Expires 03/30/2008

STATE OF NEW YORK)
COUNTY OF NIAGARA) SS
CITY OF NIAGARA FALLS)

DATE
03/14/07

I, [REDACTED] [REDACTED] BEING DULY SWORN, DEPOSE AND STATE THAT I AM 24 YEARS OF AGE AND MY DATE OF BIRTH IS [REDACTED] 82. I RESIDE AT [REDACTED] 12TH STREET. I HAVE COMPLETED 11 YEARS OF SCHOOLING AND I CAN READ AND WRITE THE ENGLISH LANGUAGE. I AM GIVING THE FOLLOWING STATEMENT TO DET. FASO IN THE NARCOTICS INTELLIGENCE DIVISION AT THE NIAGARA FALLS POLICE DEPARTMENT. I AM GIVING THIS STATEMENT OF MY OWN FREE WILL AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SOMETIME AROUND THE 17TH OR 18TH OF FEBRUARY AROUND 10 a.m. MY SISTER M [REDACTED] [REDACTED] AND MY STEP BROTHER W [REDACTED] [REDACTED] AND I WERE AT MY HOUSE AT [REDACTED] 12TH. STREET. WE WERE TRYING TO GET SOME MONEY TOGETHER TO BUY HEROIN. CARL CAIN LIVES ACROSS THE STREET FROM OUR HOUSE SO MY SISTER M [REDACTED] SUGGESTED THAT WE BREAK INTO HIS HOUSE BECAUSE SHE KNEW CARL CAIN WAS NOT HOME AND WAS STAYING AT A LOCAL HOTEL BECAUSE HIS APARTMENT SUFFERED WATER DAMAGE TO THE CEILING. M [REDACTED] KNEW THAT THE BACK DOOR TO HIS HOUSE WAS OPEN AND SAID THAT CARL HAD SOME TELEVISIONS IN HIS HOUSE SO W [REDACTED] AND I DECIDED TO GO INTO CARL'S HOUSE AND TAKE THE TELEVISIONS. I PUT ON GLOVES AND WENT TO CARL'S HOUSE WITH W [REDACTED].

WE GOT INTO THE HOUSE THROUGH A BACK DOOR THAT LED UP TO THE ATTIC THEN DOWN ONTO THE FIRST FLOOR OF THE HOUSE. ONCE I WAS INSIDE I WENT TO A BEDROOM I BELIEVE IS CARL'S AND I TOOK A SMALL TELEVISION SET. WHILE I WAS IN THE BEDROOM W [REDACTED] CAME IN AND OPENED A DRESSER DRAWER. W [REDACTED] TOOK OUT A BLACK HAND GUN THAT WAS INSIDE A BLACK LEATHER HOLSTER. W [REDACTED] PUT THE GUN INTO HIS COAT AND WE LEFT THE ROOM. I TOLD W [REDACTED] NOT TO MESS WITH THE GUN BUT HE WOULD NOT LISTEN TO ME. AS WE WERE LEAVING THE HOUSE W [REDACTED] GRABBED A BLACK BAG AND PUT IT AROUND HIS NECK. I FOUND OUT LATER THERE WAS A CAMERA IN THE BAG. WE WENT DOWN THE ALLEY TOWARDS FERRY THEN ACROSS THE STREET AND BACK UP THE OTHER ALLEY TO MY HOUSE. WE PUT THE TELEVISION SET I TOOK AND A BIGGER TELEVISION SET THAT W [REDACTED] TOOK ON THE SIDE OF MY HOUSE AND I CALLED MY FATHER TO PICK US UP.

A SHORT TIME LATER MY FATHER DROVE UP AND ME, W [REDACTED] AND MY SISTER M [REDACTED] GOT INTO HIS CAR. WE DROVE TO 7TH STREET IN BUFFALO TO A HEROIN HOUSE RUN BY "CHINO". W [REDACTED] OFFERED TO SELL CHINO THE GUN FOR THREE HUNDRED DOLLARS. W [REDACTED] PULLED OUT THE GUN AND HANDED IT TO CHINO, CHINO GAVE HIM SOME MONEY AND HEROIN. AFTER THE TRANSACTION WITH CHINO WE WENT TO HAMPSHIRE STREET TO SELL THE TELEVISIONS AND THE CAMERA TO "TANK" WHOM CHINO SELLS HEROIN FOR. TANK GAVE W [REDACTED] FOUR HUNDRED AND FIFTY DOLLARS IN CASH FOR THE TELEVISIONS AND THE CAMERA. AFTER THE TRANSACTION WE WENT BACK HOME TO NIAGARA FALLS AND SPLIT UP THE HEROIN BETWEEN THE THREE OF US.

ABOUT THREE DAYS LATER CARL CAME TO MY HOUSE AND SPOKE TO MY SISTER M [REDACTED]. LATER THAT DAY CARL PICKED UP M [REDACTED] AND DROVE HER TO BUFFALO. WHEN SHE CAME BACK M [REDACTED] TOLD ME THAT SHE WENT TO 7TH STREET TO BUY CARL'S GUN BACK. M [REDACTED] SAID CARL HAD TO PAY SEVEN HUNDRED DOLLARS TO GET THE GUN BACK.

[REDACTED]
3-14-07

[Handwritten Signature]
Signed and sworn before me
This 14TH day of MARCH 2007
Comm. of deeds exp. 6-30-08

STATE OF NEW YORK)
COUNTY OF NIAGARA) SS
CITY OF NIAGARA FALLS)

DATE
03/15/07

I, M [REDACTED] T [REDACTED] BEING DULY SWORN, DEPOSE AND STATE THAT I AM 30 YEARS OF AGE AND MY DATE OF BIRTH IS [REDACTED] 76. I RESIDE AT [REDACTED] [REDACTED]. I HAVE COMPLETED 12 YEARS OF SCHOOLING AND I CAN READ AND WRITE THE ENGLISH LANGUAGE. I AM GIVING THE FOLLOWING STATEMENT TO DET. FASO IN THE NARCOTICS INTELLIGENCE DIVISION AT THE NIAGARA FALLS POLICE DEPARTMENT. I AM GIVING THIS STATEMENT OF MY OWN FREE WILL AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SOMETIME NEAR THE END OF FEBRUARY MY BROTHER J [REDACTED] T [REDACTED] AND MY STEP BROTHER W [REDACTED] T [REDACTED] AND I WERE AT MY MOTHERS HOUSE AT [REDACTED] 12TH. STREET. I BELIEVE IT WAS AROUND 11 :00 a.m. J [REDACTED] AND W [REDACTED] WERE TRYING TO GET SOME MONEY TOGETHER TO BUY DRUGS. I TOLD THEM THAT CARL HAD NICE THINGS IN HIS HOUSE AND THAT HE WAS NOT HOME SO IT WOULD BE SAFE TO GO THERE AT THAT TIME. THEY BOTH LEFT THE HOUSE. ABOUT TWENTY MINUTES LATER J [REDACTED] AND W [REDACTED] CAME BACK. J [REDACTED] HAD A SMALL TELEVISION UNDER HIS COAT AND A BLACK CAMERA BAG OVER HIS SHOULDER. W [REDACTED] HAD A LARGER TELEVISION UNDER HIS COAT. THEY PUT THE TELEVISIONS ON THE SIDE OF MY MOTHER'S HOUSE AND W [REDACTED] CALLED HIS MOTHER AND TOLD HER TO COME RIGHT AWAY. WE WENT INTO MY MOTHER'S HOUSE AND AT THAT TIME W [REDACTED] PULLED OUT A BLACK HAND GUN AND SAID LOOK WHAT I GOT. J [REDACTED] SAID HE TOOK CARL'S GUN. A SHORT TIME LATER MY FATHER, J [REDACTED] AND [REDACTED] CAME AND J [REDACTED] W [REDACTED] AND I GOT INTO HIS CAR AND WE DROVE TO 7TH. STREET IN BUFFALO.

WHEN WE GOT TO THE DRUG HOUSE IN BUFFALO ME, W [REDACTED] AND J [REDACTED] WENT UPSTAIRS. W [REDACTED] PULLED OUT THE GUN AND PUT IT ON THE TABLE. W [REDACTED] TOLD CHINO HE WANTED A PACK FOR THE GUN. I STARTED TO CRY AND LEFT THE HOUSE A SHORT TIME LATER. J [REDACTED] AND W [REDACTED] CAME OUT. W [REDACTED] HAD MONEY IN HIS HAND. W [REDACTED] GAVE ME TWENTY DOLLARS. WE GOT INTO MY FATHER'S CAR AND DROVE TO HAMPSHIRE STREET.

WE WENT TO A DRUG HOUSE ON HAMPSHIRE STREET. W [REDACTED], J [REDACTED] AND I MET TANK J [REDACTED] AND W [REDACTED] SHOWED HIM THE TELEVISIONS AND THE CAMERA. TANK GAVE W [REDACTED] A WAD OF MONEY FOR THE STOLEN ITEMS AND W [REDACTED] SPLIT IT WITH J [REDACTED]. THEY GOT BACK IN THE CAR AND WE DROVE BACK TO NIAGARA FALLS.

ABOUT THREE DAYS LATER CARL CAME TO MY HOUSE AND SPOKE TO MY MOTHER. CARL ASKED HER IF SHE KNEW ANYTHING ABOUT SOMEONE STEALING HIS TELEVISIONS. MY MOTHER CAME IN THE HOUSE AND ASKED IF I KNEW WHO STOLE CARL'S TELEVISIONS. I WENT OUTSIDE AND TALKED TO CARL. CARL TOLD ME ALL HE CARED ABOUT WAS GETTING HIS GUN BACK. I STARTED TO CRY AND TOLD HIM I COULD GET HIS GUN BACK.

CARL AND I DROVE TO THE DRUG HOUSE ON 7TH. STREET IN BUFFALO I WENT IN AND TALK TO CHINO. I TOLD CHINO THAT I NEEDED THE GUN BACK BECAUSE IT BELONGED TO A FRIEND OF MINE THAT IS A COP. CHINO SAID IT WOULD COST EIGHT HUNDRED DOLLARS TO GET IT BACK. CHINO TOLD ME TO COME BACK AT NIGHT AND GO TO THE SPOT ON HAMPSHIRE. AROUND SIX OR SEVEN THAT NIGHT CARL AND I WENT TO THE SPOT ON HAMPSHIRE. I MET WITH TANK AND GAVE HIM THREE HUNDRED DOLLARS. TANK LEFT FOR ABOUT A HALF HOUR. WHEN TANK CAME BACK WE WENT INTO THE BASEMENT OF THE HOUSE. I GAVE TANK THE REST OF THE MONEY AND HE PUT THE GUN IN MY PURSE. I LEFT THE HOUSE AND RETURNED TO CARL'S CAR. CARL TOOK THE GUN OUT OF MY PURSE AND CHECKED IT OUT. HE SAID THAT THE BULLETS WERE MISSING BUT I WAS TOO AFRAID TO GO BACK INTO THE HOUSE. CARL AND I DROVE BACK TO NIAGARA FALLS.

CARL AND I WENT TO A MOTEL ON NIAGARA FALLS BLVD. I PUT THE ROOM IN MY NAME. WE GOT SOME FOOD FROM KENTUCKY FRIED CHICKEN. AFTER WE WERE DONE EATING CARL TOOK ME HOME. THE NEXT DAY I SAW CARL AT HIS HOUSE WITH SOME PEOPLE, THEY WERE HELPING CARL MOVE OUT OF HIS HOUSE. CARL TOLD ME NOTHING BETWEEN US WAS GOING TO CHANGE. THAT WAS THE LAST TIME I SPOKE TO CARL.

I HAVE HAD A RELATIONSHIP WITH CARL FOR THE PAST TEN YEARS. OVER THE PAST THREE YEARS WE HAVE BECOME MORE INTIMATE. I HAVE HAD A SUBSTANCE ABUSE PROBLEM DURING THAT THREE-YEAR PERIOD. THE SUBSTANCE I USE IS HEROIN. DURING THAT SAME THREE YEAR PERIOD I WOULD GET SICK FROM WITHDRAW AND I WOULD CALL CARL FOR MONEY TO BUY HEROIN. THIS HAS HAPPENED AT LEAST FORTY OR FIFTY TIMES FOR AMOUNTS RANGING FROM TWENTY TO THIRTY DOLLARS. CARL WOULD GIVE ME THE MONEY AND I WOULD PURCHASE HEROIN WITH IT. ON ABOUT FOUR OR FIVE OCCASIONS CARL DROVE ME TO BUFFALO AND I PURCHASED HEROIN. THE UNDERSTANDING BETWEEN CARL AND I WAS THAT THE MONEY WAS GIVEN TO ME IN EXCHANGE FOR SEX. AT TIME CARL WOULD GET MAD IF I DIDN'T SHOW UP TO HAVE SEX WITH HIM.



3/15/07

Carla Morris

Signed and sworn before me
This 15TH day of MARCH 2007
Comm. of deeds exp. 6-30-08

Niagara Falls Police Department
520 Hyde Park Blvd.
Niagara Falls, N. Y. 14302

SWORN STATEMENT

March 19, 2007

I, Carlton Cain, state that I am a Detective with the Niagara Falls Police Department and have been employed with the NFPD for 17 years and I am giving this statement to Det. Lt. Kelly Rizzo after being advised of my Garrity Rights.

On March 19th I came to police headquarters to speak with Det. Capt. Shamrock and Det. Lt. Rizzo who advised me that they were conducting an internal investigation concerning allegations made by a long time friend of mine named M [REDACTED] T [REDACTED]. These allegations stemmed from the burglary to my home at 440 12th St. When the burglary took place, I was staying at a local motel due to water damage that had happened in my home. Due to the water damage I had hired several contractors to remove damaged items, take items to storage as well as salvage items. I gave keys to these contractors, my insurance agent, a neighbor and a friend as I was due to leave town for military obligations and wanted the work to proceed.

On February 27th I went to my house and I noticed that my two televisions were not at my house. However, because I had so much work going on at my house and had movers take items to storage for me, I thought that perhaps the televisions were there. Plus when I arrived home both of my doors were locked with no damage to either to show forced entry. I started making inquiries to the companies that were conducting the work and it took a few days to speak with everyone.

On February 28th I opened my dresser drawer and saw my badge lying there. I always have my gun and badge together so I wondered where I might have put it. I then began to check through all the items in my home trying to locate the gun. When I didn't find it I checked my mother's house, my locker at the NFPD and the Armory in Buffalo where I am in the Army reserves. I kept expecting it to turn up and felt as though I just put it somewhere out of the ordinary because of all the contractors in my house. On March 2nd after speaking to all the contracting companies about my missing televisions I realized my home had been burglarized.

I spoke to my neighbor [REDACTED] to ask if she had any knowledge about the burglary to my home. She said she didn't but that she would speak to her daughter M [REDACTED] T [REDACTED] to see if she knew anything about it. I saw M [REDACTED] and approached her about the burglary. This was around 1400 hrs. She denied any knowledge about it but when I told her that my gun was missing she became very concerned. I told her there was a possibility I could lose my job over this and she began to cry and said that someone named 'Genito' had it. She further said that she might be able to help me get it back but

CAC

that Genito sold it for \$300. I proceeded to tell her how I knew a [REDACTED] had stolen my things because as a trained police officer I was able to tell the difference in fingerprints. She bought it and became more upset saying that it wasn't her it was Genito and he was a [REDACTED] too. She agreed to help me so we got into my car and drove to a house in Buffalo that [REDACTED] directed me to.

When we arrived I dropped her off right in front and she entered the house. She told me that she would need \$20 so that the people inside would know she had money. M [REDACTED] was inside for about twenty minutes and she got back into the car and told me that the gun was not at this house and that it would cost me \$600 to get it back because the guy that had it paid \$300 and he wanted to make some money. M [REDACTED] told me that the guy sells drugs from the house we were in front of from 9-5 and then moves to another house to sell after 6:00 pm and that the gun was at this location.

M [REDACTED] and I came back to Niagara Falls and headed back to Buffalo at 1800 hrs. This time we went to a second house that M [REDACTED] directed me to. At this location I parked down the street where I was not directly in front but could still see M [REDACTED] the whole way to the house. The people at the house were leery about getting arrested so they kept making M [REDACTED] go back and forth from the house to my car. After about an hour the guys left the house and then returned. They contacted M [REDACTED] by calling my cell phone. They told her that she could come get the gun and to bring the \$600. I gave M [REDACTED] the money and told her that if she came back without the money or gun that everyone on this street was going to prison. M [REDACTED] left and returned a short time later and got in my car. She had my gun with her so I pretended to make a phone call telling someone to "Call off the dogs. I got it back." I did this because after realizing M [REDACTED] had information about the gun I kept making things up to prove I could get it without her, but that if I had to do that, I was going to have her arrested. I also had told her that the engraved badge on the slide was a homing device that I could have activated to find the gun. I examined the weapon and noticed that it was my gun but that there were no bullets inside. I sent M [REDACTED] to get the bullets and she returned saying that they wanted \$200 for them and that I couldn't get them until the following day.

The following day was the third of March and also the day I was leaving for New Jersey for the military. I sat in front of M [REDACTED]'s house beeping so that she would come with me to get my bullets but she never came out of the house. Before I left for New Jersey I called the station to report the other items missing from the burglary and filed a report.

Around the 8th of March I received a voice mail from M [REDACTED] stating that she was in jail and that I owed her a favor and she wanted me to get her out. I never responded to this call.

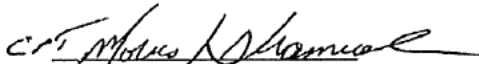
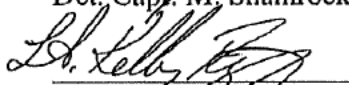
On March 16th I received a voice mail from Capt. Shamrock asking me to return his call. I did return his call and he told me that when I returned from my military obligations I would contact him again so we could speak in person.


CAC

After being handed a copy of the Form 16 I realized for the first time since this began that the camera was missing. Again, due to all the damage at my house, items in storage and in boxes I never noticed its absence.

As for the allegations of my paying M [redacted] for sex, driving her places to purchase drugs and asking her to file a false complaint against T [redacted] in exchange for cash, all I have to say is that this is patently untrue. As a friend of M [redacted] I knew she didn't have much money. Occasionally she would ask to "borrow" money from me but I jokingly told her to quit asking to borrow because she knew she was never going to repay me. I told her if you want money just ask. I never gave her more than 5 or 10 dollars and never in a situation that could have been misconstrued as a money for sex exchange. In fact, several times I would leave the money in my mailbox for her to get.

When this happened, my intentions were simply to immediately recover the missing weapon as soon as possible and not to violate the rules and regulations of the Niagara Falls Police Department.


Det. Capt. M. Shamrock

Det. Lt. Kelly Rizzo


Cain, CARLTON L.
1977/02/07

Niagara Falls Police Department

Public Safety Building

520 Hyde Park Blvd.

P.O. Box 69

Niagara Falls, New York 14302



John R. Chella
Superintendent of Police

April 23, 2007

Det. Carl Cain
Niagara Falls Police Department
520 Hyde Park Blvd.
Niagara Falls, NY

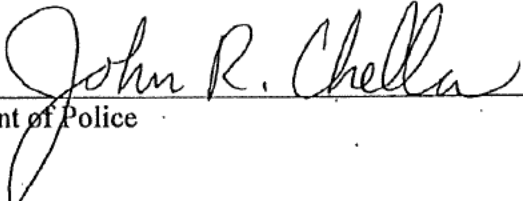
RE: O.P.S. Investigation

Carl:

Let this letter serve as the Administration's resolution to the O.P.S. Investigation initiated on March 9, 2007 regarding the statements of M [REDACTED] T [REDACTED], J [REDACTED] T [REDACTED], and W [REDACTED] T [REDACTED]. I know you are aware of the content of the investigation and after much discussion with Capt. Shamrock, Capt. DeMarco, and yourself, I feel I can render a decision on punishment after examining all the evidence and analyzing the situation. I know we agree that not reporting the weapon missing was the major point and I am trying to have the punishment be consistent with the violation of policy. I am fully aware of your living conditions and the hardship you have had to endure with the damage to your apartment. I believe you when you say that confirmation of the weapon being stolen could not be verified and quickly thereafter, you were able to secure the weapon from Buffalo.

As we discussed informally on April 17, 2007 at 0830 hours in my office, I believe 3 days without pay is sufficient. As I stated earlier, if acceptable, I would recommend that the three days be spread out over three pay periods. I do not want to make your current financial hardship any more grave than what it is now. As for the missing N.F.P.D. digital camera, you cannot determine its location because of your Possessions not being centrally located and easily accessible. I ask that, when possible, you make every effort to verify where you have the camera or not. If we make the determination that you do not have the item, then we need to discuss the process for its replacement.

In closing, I ask that you either give me written acceptance of the described punishment or notification that it is not acceptable.



Superintendent of Police

FAX COVER SHEET

TO: Chief Chella

From: Carl Cain

DATE: 23APR07

Pages: 3

Niagara Falls Police Department
Public Safety Building
520 Hyde Park Blvd.
P.O. Box 69
Niagara Falls, New York 14302



John R. Chella
Superintendent of Police

April 23, 2007

Det. Carl Cain
Niagara Falls Police Department
520 Hyde Park Blvd.
Niagara Falls, NY

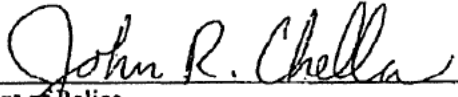
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Let this letter serve as the Administration's resolution to the O.P.S. Investigation initiated on March 9, 2007 regarding the statements of M. T. J. T. and W. T. I know you are aware of the content of the investigation and after much discussion with Capt. Shamrock, Capt. DeMarco, and yourself, I feel I can render a decision on punishment after examining all the evidence and analyzing the situation. I know we agree that not reporting the weapon missing was the major point and I am trying to have the punishment be consistent with the violation of policy. I am fully aware of your living conditions and the hardship you have had to endure with the damage to your apartment. I believe you when you say that confirmation of the weapon being stolen could not be verified and quickly thereafter, you were able to secure the weapon from Buffalo.

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In closing, I ask that you either give me written acceptance of the described punishment or notification that it is not acceptable.



Superintendent of Police

TO: Chief Chella

FROM: Carl Cain

Re: Investigation

DATE: 23 APR 07

Let this serve as written acceptance of the described punishment from your letter dated April 23, 2007

Carl Cain
23 Apr 07

A handwritten signature in black ink, appearing to read "Carl Cain", with a long horizontal line extending to the right. Below the signature, the date "23 Apr 07" is written.