

Gordon Graham:

What Police Can Learn
from Maritime Disasters

Chief's Corner:

Don't Forget to
Review the Basics

Counsel's Corner:

Vega v. Tekoh

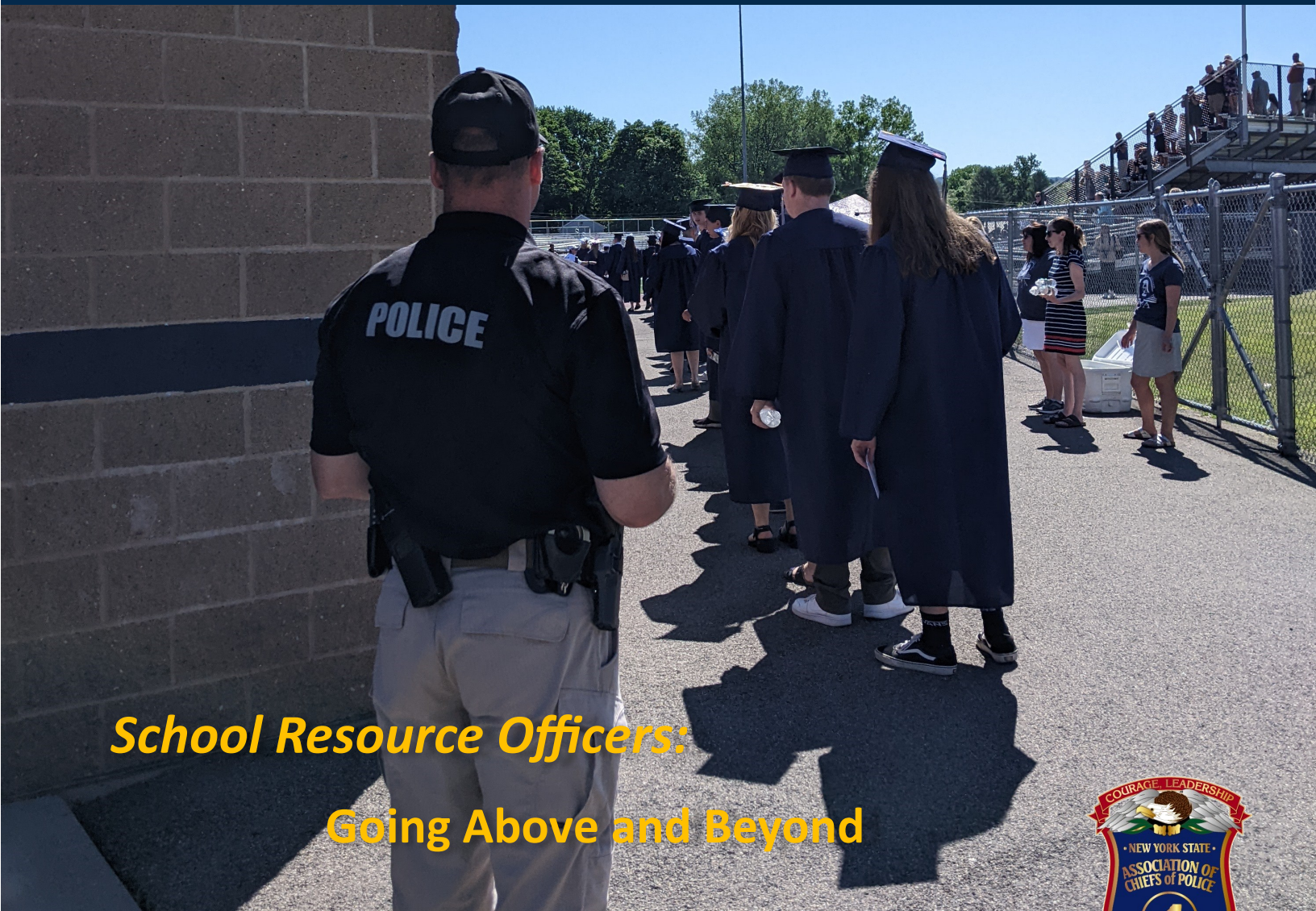
Domestic Violence:

You May Not Know It,
But You May Have
Saved a Life

NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE, INC.

THE CHIEF'S CHRONICLE

SEPTEMBER 2022



*School Resource Officers:
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On the cover

As students return to school this fall many will be met by a School Resource Officer (SRO). In this edition we explore the various models and functions of SROs from our own NYSACOP member agencies. Pictured at right is Homer Police Department SRO Michael Bort watching as seniors line up for graduation. Said Homer PD Chief Robert Pitman about Bort, “What comes to mind is the sheepdog watching his flock as they walk out to start their own lives.” Our special feature profiling the work of SROs is informative and inspirational—if your department doesn’t already have a program, be sure to share this article with your school district.

In this issue

We examine concealed carry law, a SCOTUS case concerning Miranda warnings, body worn camera implementation, animal cruelty, Tonawanda’s proactive EMS program, how police can learn from maritime disasters, and overviews from DCJS about job-related physical ability testing and the firearms training curriculum. We also highlight the bravery of our Medal of Honor recipients from the Town of Webb, and the selfless actions of a pair of North Syracuse PD officers. Be sure to check out Chief’s Corner with Comm./Ret. Stuart Cameron and our Leadership column from Chief/Ret. Greg Veitch and much more!



Photo: Homer PD



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New York State Assn. of Chiefs of Police

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New York State Association of Chiefs of Police

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FROM THE PRESIDENT

**CHIEF KEVIN SYLVESTER
OSSINING POLICE DEPT.**



This year's Annual Training Conference was one to remember! This event was the result of incredible creativity, teamwork, and dedication from the association staff in carrying out the vision of our board to bring you the best available training. When I joined the board I shared my vision for expanded training and greater access to resources. This year we made remarkable progress toward that objective with our traditional learning options and the new Executive Track. These additional education sessions made our conference more accessible to new and aspiring law enforcement executives, something crucial to the long term health of our association. We had more vendors and record attendance. I'm inspired by the environment we have created and humbled by the opportunity to lead this association.

The conference kicked off with a moving keynote address from NYPD Commissioner Keechant Sewell and welcoming remarks from DCJS Commissioner Rossana Rosado. We hosted 18 educational sessions including an inside perspective on the Buffalo Tops mass shooting from Buffalo Police Commissioner Joseph Gramaglia and FBI Special Agent In Charge Stephen Belongia. DCJS Director of Public Safety Johanna Sullivan gave an informative presentation on hiring and decertification. Chief Joe Sinagra and Rueben Lindo explained the law enforcement implications of legalized cannabis. Asheville Police Chief Dave Zack gave a presentation on the Asheville riots and also presented in the executive track on recruitment and retention innovations. Syracuse Police Lieutenant Matt Malinowski gave perspective on perspective with, "How an 8-year-old who stole a bag of chips made national news." It was a remarkable list of presenters speaking to a packed house.

Legislative matters have been a top priority for our board and this year we were honored to be joined by Governor Kathleen Hochul, the first sitting governor

to address our conference in nearly twenty years. We were glad to hear the Governor pledge her support for law enforcement and her commitment to giving NYSACOP a seat at the table to develop policies that will keep New York safe.

At the banquet I had the honor of being installed as President of the New York State Association of Chiefs of Police. It's humbling to consider that a group of professionals I so admire have chosen me as their representative. I hope that our efforts gave every attendee the ability to leave with something new – a new idea, a new tool, a new connection, or a feeling of renewed energy after being away from the office for a few days. My commitment is to spend my term in service to others so that my time as President will create value for our colleagues across New York. I'm glad we could create engagement with everyone from the Governor, to the New York State Senate and Assembly, to the commissioners of our largest agencies, to friends new and old from near and far. I've benefitted tremendously from this association and hope to pass that on to our membership through a year of hard work, strong leadership, and committed advocacy on behalf of New York's police chiefs and commissioners.



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FROM THE EXECUTIVE DIRECTOR

CHIEF/RET. PATRICK PHELAN



Concealed Carry Enactment of State Law Regarding Requirements to Carry a Concealed Firearm

Our legal team has compiled this synopsis of the newly enacted New York State gun laws. It is important to note that NYSACOP engaged with the Governor's office prior to the enactment of these laws and requested exemptions for off duty and retired police officers. These exemptions were included in the laws.

A state bill of interest to the membership regarding license requirements to carry concealed firearms and the designation of restricted areas has been signed into law by Governor Hochul. Chapter 371 of 2022 takes effect on September 1, 2022 with certain exceptions that are noted below, including the re-classification of "body vest" to "body armor," which is now in effect.

Under New York State law, a person was permitted to obtain an unrestricted license to carry a concealed pistol or revolver outside of his or her home only if "proper cause" existed for self-defense. However, the Supreme Court, in the recent decision *New York State Rifle & Pistol Association, Inc. v. Bruen*, ruled that the "proper cause" requirement was unconstitutional. Therefore, the state legislature and Governor repealed the "proper cause" requirement for a license to carry a concealed firearm and enacted the following law changes that outline requirements for a license to carry a concealed firearm as well as designating places where a firearm cannot be possessed:

Sensitive Locations

The new law identifies sensitive locations where carrying a firearm, rifle or shotgun is unlawful. Under new penal law § 265.01-e (criminal possession of a firearm, rifle or shotgun in a sensitive location), it is a

class E felony to possess a firearm, rifle or shotgun in a sensitive location, regardless of whether the person has a concealed carry permit. The following have been identified as sensitive locations under the law:

- a. any place owned or under the control of federal, state or local government, for the purpose of government administration, including courts;
- b. any location providing health, behavioral health, or chemical dependence care or services;
- c. any place of worship or religious observation;
- d. libraries, public playgrounds, public parks, and zoos;
- e. the location of any program licensed, regulated, certified, funded, or approved by the office of children and family services that provides services to children, youth, or young adults, any legally exempt childcare provider; a childcare program for which a permit to operate such program has been issued by the department of health and mental hygiene pursuant to the health code of the city of New York;
- f. nursery schools, preschools, and summer camps;
- g. the location of any program licensed, regulated, certified, operated, or funded by the office for people with developmental disabilities;
- h. the location of any program licensed, regulated, certified, operated, or funded by the office of addiction services and supports;
- i. the location of any program licensed, regulated, certified, operated, or funded by the office of mental health;
- j. the location of any program licensed, regulated, certified, operated, or funded by the office of temporary and disability assistance;

(Continued on page 7)

- k. homeless shelters, runaway homeless youth shelters, family shelters, shelters for adults, domestic violence shelters, and emergency shelters, and residential programs for victims of domestic violence;
- l. residential settings licensed, certified, regulated, funded, or operated by the department of health;
- m. in or upon any building or grounds, owned or leased, of any educational institutions, colleges and universities, licensed private career schools, school districts, public schools, private schools licensed under article 101 of the education law, charter schools, non-public schools, board of cooperative educational services, special act schools, preschool special education programs, private residential or non-residential schools for the education of students with disabilities, and any state-operated or state-supported schools;
- n. any place, conveyance, or vehicle used for public transportation or public transit, subway cars, train cars, buses, ferries, railroad, omnibus, marine or aviation transportation; or any facility used for or in connection with service in the transportation of passengers, airports, train stations, subway and rail stations, and bus terminals;
- o. any establishment issued a license for on-premises consumption pursuant to articles 4, 4-A, 5, or 6 of the alcoholic beverage control law where alcohol is consumed and any establishment licensed under article 4 of the cannabis law for on-premises consumption;
- p. any place used for the performance, art entertainment, gaming, or sporting events such as theaters, stadiums, racetracks, museums, amusement parks, performance venues, concerts, exhibits, conference centers, banquet halls, and gaming facilities and video lottery terminal facilities as licensed by the gaming commission;
- q. any location being used as a polling place;
- r. any public sidewalk or other public area restricted from general public access for a limited time or special event that has been issued a permit for such time or event by a

governmental entity, or subject to specific, heightened law enforcement protection, or has otherwise had such access restricted by a governmental entity, provided such location is identified as such by clear and conspicuous signage;

- s. any gathering of individuals to collectively express their constitutional rights to protest or assemble;
- t. Times Square, as determined and identified by the city of New York, provided the area is clearly and conspicuously identified with signs.

There are certain exceptions to allow for possessing a firearm in a sensitive location including for police officers in New York State, retired police officers who worked in New York State, out of state police officers and retired police officers who are qualified to carry under federal law, designated peace officers, registered security guards while at their work location during their work hours, employees of banking institutions or express companies (i.e. armed truck guards) while in the course of their official duties, judges while in the course of their official duties, corrections officers while in the course of their official duties, persons lawfully hunting, persons operating a program that is a sensitive location out of their residence as long as possession is in compliance with the operation, and active-duty military personnel. **This section goes into effect on September 1, 2022.**

Restricted Locations

The new law also adds a new section 265.01-d to the penal law (criminal possession of a weapon in a restricted location), which makes it a class E felony for a person to possess a firearm, rifle, or shotgun and enter into or remain on or in private property where such person knows or reasonably should know that the owner or lessee of the property has not permitted the possession. A person knows or reasonably should know unless there are clear and conspicuous signs indicating that the carrying of firearms, rifles, or shotguns on the property is permitted or the owner or lessee has given express consent. Under this section, the

(Continued on page 8)

default is that a firearm, rifle or shotgun is not permitted to be carried on private property. The property owner must give affirmative consent by signs or express permission in order for a firearm, rifle or shotgun to be possessed lawfully on the property.

There are certain exceptions to allow for possessing a firearm in a sensitive location including for police officers in New York State, retired police officers who worked in New York State, out of state police officers and retired police officers who are qualified to carry under federal law, designated peace officers, registered security guards while at their work location during their work hours, employees of banking institutions or express companies (i.e. armed truck guards) while in the course of their official duties, judges while in the course of their official duties, corrections officers while in the course of their official duties, persons lawfully hunting, persons operating a program that is a sensitive location out of their residence as long as possession is in compliance with the operation, and active-duty military personnel. **This section goes into effect on September 1, 2022.**

Safe Storage of Rifles, Shotguns and Firearms

Under penal law § 265.45 (failure to safely store rifles, shotguns and firearms in the first degree), it is a class A misdemeanor if a person who owns or is the custodian of a rifle, shotgun or firearm and lives with a person under 16 does not keep the rifle, shotgun or firearm in a locked safe storage depository. The new law changes the requirement so that the owner or custodian of a rifle, shotgun or firearm has to lock it up if he or she lives with a person under 18. It is still not a violation of this law if a person less than 18 has access to: (i) a firearm, rifle or shotgun for lawful use at a pistol range; or (ii) a rifle or shotgun for hunting if the person under 18 has a hunting license.



The new law also adds a new subdivision (2) to penal law § 265.45, making it a class A misdemeanor for a person to store or otherwise leave a rifle, shotgun, or firearm out of his or her immediate possession or control inside a vehicle without first removing the ammunition from and securely locking the rifle, shotgun, or firearm in an appropriate safe storage depository out of sight from outside of the vehicle. The subdivision specifies that a glove compartment or glove box is not an appropriate safe storage depository.

Additionally, the new law mandates that all safe storage depositories are fire, impact and tamper resistant, whether in the home or a car. These changes take effect on September 1, 2022.

“Good Moral Character”

Pursuant to penal law § 400.00, one of the requirements to obtain a license to possess a firearm is that the applicant be “of good moral character.” The new law amends penal law § 400.00 (1)(b) to define “good moral character” as “having the essential character, temperament and judgement necessary to be entrusted with a weapon and to use it only in a manner that does not endanger oneself or others.” This change applies to license applications made on or after September 1, 2022.

Licensing Officers Required to Give Notice

The new law amends penal law § 400.00 (18) to require licensing officers, upon issuing a license, to give the licensee the following information: the grounds for which the license may be revoked, which includes, but is not be limited to, possessing in areas and locations where firearms, rifles, and shotguns are prohibited pursuant to new sections 265.01-d (Restricted Locations) and 265.01-e (Sensitive Locations) of the penal law; notification of the safe storage requirement; and any other information necessary to ensure such licensee is aware of their responsibilities as a license holder.

(Continued on page 9)

The new law also modifies the mandatory written wording of the notice given to license holders regarding safe storage of firearms to reflect the new requirements to store a firearm safely when residing with a person under 18 (instead of 16) and to store a firearm in a safe storage depository when the firearm is in a vehicle and is outside the owner's immediate possession or control. These changes take effect on September 1, 2022

Right to an Appeal Denial of License to Possess a Firearm

The new law amends penal law § 400.00 to create an appeals process for any denial of an application for or renewal or recertification or revocation of a license to possess a firearm. Under penal law § 400.00 (4-a), the licensing officer must issue a written notice to the applicant setting forth the reasons for the denial. The applicant may, within 90 days of receipt of the notice, request a hearing to appeal the denial to the appeals board, which will be created by the Division of Criminal Justice Services ("DCJS") and the superintendent of state police. This provision takes effect on April 1, 2023.

Revocation of a License

Further, pursuant penal law § 400.00 (11), in addition to the conviction of the licensee of a felony or serious offense or a licensee, at any time, becoming ineligible to obtain a license being grounds for revocation of a license, the new law specifies that if a licensee engages in conduct that would have resulted in a denial of a license, such conduct will be grounds for revocation as well. Further, the new law specifies that the licensing officer must revoke any license issued in which an applicant knowingly made a material false statement on the application. A revocation for any reason requires the licensing officer to give the licensee writing notice that includes the basis for the determination, which has to be supported by a preponderance of the evidence, and information on how to appeal the decision. These provisions take effect on December 3, 2022.

Training Requirements for Concealed Carry License

The new law also specifies the training requirements for a license to carry a concealed firearm in the newly

added subdivision (19) of penal law § 400.00. Applicants for a license to carry a concealed firearm or to renew such a license will be required to complete a 16-hour in-person live firearms safety course with curriculum approved by DCJS and the superintendent of state police with a minimum of two hours of a live-fire range training course. The applicant will be required to demonstrate a proficiency level determined by DCJS. The applicant will receive a certificate of completion after meeting the requirements. **The training requirement applies to any application for a concealed carry license made on or after September 1, 2022 and to subsequent renewals.** Note that an applicant for the renewal of a concealed carry license who was issued such a license before September 1, 2022 will only have to complete this training upon the first renewal after September 1, 2022.

Retired law enforcement officers who carry under a New York State license will have to take the training in order to obtain a concealed carry license. The training requirement does not apply to retired officers who are carrying solely because of their status as a "qualified law enforcement officer" under federal law, H.R. 218 or 18 U.S.C. § 926C (Law Enforcement Officers Safety Act of 2004).

License Renewal Period

Pursuant to new paragraph (d) of penal law § 400.00 (10), a license to carry a concealed firearm must be renewed every three years following the issuance of the license. Such licenses that were issued more than three years prior to September 1, 2022 or will expire before September 1, 2023 must be recertified or renewed within one year of September 1, 2022.

Concealed Carry License Disqualification

In addition to the requirements for a license to possess a firearm, as delineated in penal law § 400.00 (1), which includes being free from a felony or serious offense conviction, for a license to carry a concealed firearm, an applicant must also not have been convicted, within five years of the date of the application, of third degree assault under penal law § 120.00; a misdemeanor of driving while under the

(Continued on page 10)

influence of alcohol or drugs in violation of vehicle and traffic law § 1192; or menacing, as defined in penal law § 120.15. A concealed carry license holder committing one of these offenses will be grounds for revocation of such license. Additionally, pursuant to penal law § 400.00, the Department must deny a license to a person who has been involuntarily committed under New York State law. The law now requires the Department to deny a license to a person who has been involuntarily committed pursuant to laws of other states that are substantially similar to New York State law. **These provisions apply to applications for concealed carry licenses made on or after September 1, 2022.**

Additional Requirements for a Concealed Carry License

For a license to carry a concealed firearm, applicants must: meet in person with the licensing officer for an interview and must also, in addition to any other information or forms required by the license application for the purposes of a background check, submit to the licensing officer the following: (i) names and contact information for the applicant's current spouse, or domestic partner, any other adults residing in the applicant's home, including any adult children of the applicant, and whether or not there are minors residing, full-time or part-time, in the applicant's home; (ii) names and contact information of four character references; (iii) certification of completion of the training requirement; (iv) a list of former and current social media accounts of the applicant from the past three years; and (v) any other information required by the licensing officer that is reasonably necessary and related to the review of the licensing application. **These requirements apply to applications for concealed carry permits made on or after September 1, 2022.**

Exemption for Live-Fire Training

Penal law § 265.20 (exemptions) has been amended by adding a new paragraph (3-a) to allow for possession of a pistol or revolver by a person undergoing live-fire range training pursuant to penal law § 400.00 while the person is undergoing training and is supervised by a duly authorized instructor. **This provision goes into effect on September 1, 2022.**

Statewide License and Record Databases and Ammunition Sales

The new law amends penal law § 400.02 to clarify that all records containing granted license applications from all licensing authorities will be checked monthly (instead of periodically) by DCJS, in conjunction with the division of state police, against criminal convictions, criminal indictments, mental health records, extreme risk protection orders, orders of protection, and all other records that are necessary to determine their continued accuracy as well as whether an individual is no longer a valid license holder.

Additionally, the new law adds a new subdivision (2) to penal law § 400.02 to create a statewide license and record database specific for ammunition sales to be maintained by the division of state police. Under this new provision, no later than 30 days after the superintendent of state police certifies that the statewide license and record database established for ammunition sales is operational, a licensed firearms dealer or ammunitions seller cannot sell ammunition unless the dealer or seller contacts the statewide license and record database and is given a unique identification number to certify that the buyer is eligible to possess ammunition, and the seller has verified the identity of the buyer by examining a valid identification issued by the Department of Motor Vehicles or, if the buyer is not a resident of New York, a valid identification document issued by the buyer's state or country of residence containing a photograph of the buyer.

All records containing granted license applications from all licensing authorities will be checked monthly by DCJS, in conjunction with the division of state police, against criminal conviction, criminal indictments, mental health, extreme risk protection orders, orders of protection, and all other records as are necessary to determine their continued accuracy as well as whether an individual is no longer a valid license holder. DCJS will also check pending applications against the records to determine whether a license may be granted. All

(Continued on page 11)

state and local agencies must cooperate with DCJS in making their records available for such checks.

Granting City Additional Authority

The new law also adds penal law § 400.30 (application), which states that nothing in penal law article 400 (licensing and other provisions related to firearms) is to be construed to impair or in any way prevent the enactment or application of any local law, code, ordinance, rule or regulation that is more restrictive than any requirement set forth in or established by the article. Therefore, the city of New York will have authority to enact further gun regulations.

Body Vest Re-Classified as Body Armor

The state had previously passed a law banning the purchase or sale of body vests (See DCLM 12-72/2022 attached). The law was amended by reclassifying “body vest” as “body armor.” Therefore, the definition of “body vest” is repealed and the definition of “body armor” is set forth in penal law § 270.20 (2) as “any product that is a personal protective body covering intended to protect against gunfire, regardless of whether such product is to be worn alone or is sold as a complement to another product or garment.” This definition includes hard body armor.

This reclassification also applies to general business law § 396-eee (unlawful sale or delivery of body armor) and executive law § 144-a (eligible professions for the purchase, sale and use of body armor). A police officer is an eligible profession.

These changes are in effect.

Point of Contact State for NICS

For the purposes of the National Instant Criminal Background Check System (“NICS”), New York is not currently a point of contact state. As a result, in New York, firearms dealers initiate the background check required by federal law by contacting the FBI directly. However, this new law makes New York a point of contact state. Under the new executive law § 228, the division of state police will be the point of contact for NICS. Background checks will, therefore,

be initiated by firearms dealers contacting NICS directly.

This new section also mandates that the division of state police create and maintain a statewide firearms license and records database, which will contain records held by the division of state police and any records that it is authorized to request from DCJS, office of court administration, New York state department of health, New York state office of mental health, and other local entities. Such database will be used for the certification and recertification of firearm permits under section 400.02 of the penal law, assault weapon registration under subdivision (16-a) of section 400.00 of the penal law, and ammunition sales under section 400.03 of the penal law. The database will also be used to initiate a national instant criminal background check upon a request from a licensed dealer.

Further, the new law adds section 400.06 (national instant criminal background checks) to the penal law. Under this new section, it is a class A misdemeanor for any dealer in firearms to sell, deliver or otherwise transfer any firearm without contacting the division of state police to conduct a national instant criminal background check pursuant to executive law § 228.

These provisions go into effect on July 15, 2023.

Expanding the Definitions of Rifle and Shotgun

The new law also amends the definitions of rifle and shotgun to include those where each projectile is loaded individually before use. Penal law § 265.00 (11) is amended so that the definition of “rifle” is a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive to fire only a single projectile through a rifled bore for each single pull of the trigger using either: (a) fixed metallic cartridge; or (b) each projectile and explosive charge are loaded individually for

(Continued on page 12)

each shot discharged. In addition to common, modern usage, rifles include those using obsolete ammunition not commonly available in commercial trade, or that load through the muzzle and fire a single projectile with each discharge, or loading, including muzzle loading rifles, flintlock rifles, and black powder rifles.

Penal law § 265.00 (12) is also amended so that the definition of “shotgun” is a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive to fire through a smooth or rifled bore either a number of ball shot or a single projectile for each single pull of the trigger using either: (a) a fixed shotgun shell; or (b) a projectile or number of ball shot and explosive charge are loaded individually for each shot discharged. In addition to common, modern usage, shotguns include those using obsolete ammunition not commonly available in commercial trade, or that load through the muzzle and fires ball shot with each discharge, or loading, including muzzle loading shotguns, flintlock shotguns, and black powder shotguns.

These provisions go into effect on September 1, 2022.

Paying It Forward

On August 12, 2022, a Village of North Syracuse teen, Shawn M., stopped in to North Syracuse Police Headquarters to ask for help because his bike was broken, his leg hurt and he was trying to take it to a bike shop to get it fixed. Officer John Murray responded and with the assistance of North Syracuse DPW was able to get the bike to a bike shop. Then, Officer Murray (pictured right with Shawn Mitton), out of the kindness of his own heart, paid for a new chain and to have it installed. After repairing the chain the bike shop staffed advised the front tire was flat. CNYACOP

member, Sgt. Jeff Tripp, then paid for the tire to be fixed. Shawn was able to ride his bike home.



Shawn Mitton, the teen who was helped, posted on Facebook, “This is Shawn M. Thank you Officer Murray and Sargent Tripp for helping me out today and thank you for the generous act and I hope you guys have a great day”

Shawn’s mother, Gladys Mitton, posted on Facebook, “I’m the mom who was stuck at work when his bike broke. To know he was in such good hands eased my heart. To find out they had gone above and beyond made me cry. Thank you Officer Murray and Sargent Tripp for your kindness and generosity. What you did today will always be remembered in our family.”



A Unique Transition in the Chief's Office

Husband Passes Reins to Wife in Crystal City

By Chief/Ret. Mark A. Spawn

Come October, the City of Corning will be seeing a change in the Police Chief's Office – but the last name on the door won't be changing. As Chief Jeffrey Spaulding retires in October, he will pass the torch to his wife, Kenzie Spaulding. Kenzie, who currently serves as First Lieutenant, has been selected to become the next Police Chief in the Steuben County community known as the Crystal City. The cop couple understands that their situation is rather unique, but both say they have spent their careers keeping their relationship from impacting the job. Jeff Spaulding said, "What makes it more unique is that I have never directly supervised my wife. That is until July 5th when she was promoted to First Lieutenant which is the second in command here at the Corning Police Department."

So now, I directly supervise her from 8 AM to 4 PM, and she directly supervises me after 4 PM," quipped Jeff.

Corning's next police chief said that she graduated from high school without a set path. Kenzie Spaulding attended Corning Community College where she obtained her degree and went on to pursue Psychology. When she went looking for a summer job, her uncle – a police officer – suggested that she could be a police dispatcher. Having done a police ride-along in high school for a school report, Kenzie said that she always had an interest in law enforcement, but didn't see

herself becoming a police officer. "I started working part time as a police dispatcher. It was exciting," said Kenzie. "Then, a switch went off. I was listening to the calls that police were going on and decided that I don't want to be sitting in here. I want to be on the street. That was the moment that I decided this is what I wanted to do." And that would be the start of a police career that has spanned 23 years. Kenzie began her police career



Corning Police Chief Jeffrey Spaulding and First/Lt. Kenzie Spaulding who will take over the Corning Police Department upon her husband's retirement in October.

in Wayland in 1999, and one year later started with Corning PD.

She reflected on how sentiment toward law enforcement has changed since her early years in a post-9/11 world where law enforcement was more respected. "It ebbs and flows," said Kenzie Spaulding. "I do believe that 99% of society supports law enforcement, but there's the 1% with the loudest voices. They are the ones creating a lot of this drama that makes everyone think that the police are bad, when that's not really the case. The

(Continued on page 14)

“I started working part time as a police dispatcher. It was exciting. Then, a switch went off. I was listening to the calls that police were going on and decided that I don’t want to be sitting in here. I want to be on the street. That was the moment that I decided this is what I wanted to do.”

**First Lt. Kenzie Spaulding
Corning Police Dept.**

reality is that we have much more support than we may realize.”

Both of the Spauldings noted that recent legislation relating to Raise the Age and Bail Reform have not necessarily had the results which were perhaps intended. Said Kenzie Spaulding, “If the whole reason for CAP arraignments was for the benefit of the defendant, you’re actually hurting more defendants than you’re helping by this process. I was fingerprinting a woman for shoplifting and she was talking about her heroin addiction. And she told me that she would not have gotten off of heroin if she hadn’t gone to jail. I told her, I’m taking you to Albany with me to talk to the legislators. And she said, ‘I absolutely would go. Because if I hadn’t been sent to



First Lt. Kenzie Spaulding

jail I probably would have died. I wouldn’t have been able to get off of heroin”, recalled Kenzie. “Sometimes they need to have time out, because they’re not making conscious, rational decisions.

They need that break so they can sober up, dry out a little, so they can think rationally and reasonably about what their next step is. And they’re just continually committing crimes, a lot of it because of either mental health or drug addiction, and there’s never a down moment when they can eat well, sleep well, have some intervention services. As police officers it makes our lives easier if these people are getting the help and support they need.”

Jeff Spaulding noted that drugs have seriously impacted the lives of so many people that they come into contact with on a regular basis. “Probably the biggest change in my career is that, in my small community, we have a number of walking zombies. People who we deal with regularly - small offenses, quality of life offenses. These people who are having mental health issues, and they need a program. Prior to bail reform the judge would work with police and the whole system and would set a relatively low bail. They would go to jail a few days they would detox, get into a program. Some would relapse – not every case was a success. Now we have individuals taking us on high speed chases, said Chief Spaulding. Discussing the bail reform system where there are no opportunities for realistic judicial intervention to help short-circuit defendants from committing serial crimes, Chief Spaulding recalled the chronology of a recent case involving a single defendant: “Stolen car – arraigned and released; steals another car – arraigned and released; steals a third car – arraigned and released; gets caught for a burglary – arraigned and released; and now for the fifth time during the month of July, we get him again for a burglary – he’s going to be arraigned and released. And that’s not fair to him either, he is drug dependent. And now he’s got 3-4 felonies on him. Without a doubt he is going to go to prison.”

As Chief Jeff Spaulding reflected on his career, he said that there have been a number of changes since he started in 1988. “We were a

30 member department, now we're 21 sworn which is a big hit to a small department. The technology changes are also huge. Everything's computerized, no more written blotters. Everything from parking tickets to traffic tickets, appearance tickets, and



Chief Jeffrey Spaulding

informations/complaints.” He added, “Today, probably 3 out of every 5 people we arrest are drug-dependent. I’m blown away at the amount of hard core drugs we are encountering today.” While Jeff’s wife described how she became interested in law

enforcement after high school, she said that her husband was “born to be a cop.” Jeff was inspired by Adam-12 as a child. “It was that positive image of Adam 12. I loved the TV show,” he said. “We lived out in Virgil in southern Cortland County, so we watched TV shows and played. And I hunted and fished with my dad and brother. The main law enforcement influence I had was my neighbor who lived a mile away and he was a State Environmental Conservation Police Officer. And I loved the stories that he told.” Jeff continued, “He would stop by the house when he was working and let me play with his handcuffs. He was a positive law enforcement role model for me, and I really thought I was going to get into EnCon, but when I

“Today, probably 3 out of every 5 people we arrest are drug-dependent. I’m blown away at the amount of hard core drugs we are encountering today.”

Chief Jeff Spaulding

was considering a career, he urged me to consider a municipality if I wanted the real cops-and-robbers stuff, and that’s the way I went.”

Chief Jeff Spaulding is running unopposed for Coroner in Steuben County. He looks forward to working with law enforcement in his retirement.

Ed. Note: Thank you to Chief Spaulding and First Lt. Spaulding for interviewing with The Chief’s Chronicle from the offices on their anniversary.



Suffolk County Police Hold Traffic Safety Press Conference

Law enforcement agencies in Suffolk County recently held a GTSC Pre-Labor Day Impaired Driving news conference at the LIE Welcome Center in Melville. Speakers included DMV Executive Deputy Commissioner Christian Jackstadt, SCPD Chief of Patrol Gerard Hardy, and SCPD Officer Tim Thrane. Also present were representatives of the New York State Police, Suffolk County Sheriff’s Office and Garden City Police Commissioner Ken Jackson.

Pictured from Suffolk County PD is Inspector Matthew McCormick, Commanding Officer 7th Pct.; Officer Timothy Thrane, 7th Pct.; Inspector David Regina; and Chief of Patrol Gerard Hardy.

COUNSEL'S CORNER

CHIEF/RET. MICHAEL RANALLI, ESQ.
LEXIPOL PROGRAM MANAGER—LEXIPOL



Vega v. Tekoh: Does the SCOTUS Case Really Change Anything about Miranda Warnings?

Can a police officer be sued for a violation of a person's federal civil rights under 42 U.S.C. §1983 (§ 1983) if the officer failed to administer *Miranda*¹ warnings as required? This was the issue addressed by the Supreme Court of the United States (SCOTUS) recently in *Vega v. Tekoh*.² The majority, in a 6–3 decision, ruled the *Miranda* warning is a “prophylactic rule” protecting the Fifth Amendment right against self-incrimination, not a constitutional right itself. Therefore, the majority reasoned, a violation of *Miranda* does not constitute a violation of the Fifth Amendment and does not confer a right to sue under §1983 for any violations. As a reminder, *Miranda* warnings are required for any person who is 1) in custody and 2) subject to interrogation. Whether both components are present in a case is typically a mixed question of law and fact to be determined in court.

Vega v. Tekoh has a complicated procedural history, and the majority went through a detailed analysis of past related precedents to come to its conclusion. For law enforcement, however, the more significant analysis is what impact this case has, or does not have, to police officers conducting investigations and interviews.

Vega v. Tekoh

Terence Tekoh worked at a Los Angeles medical center and was accused by a female patient of sexual assault. The county sheriff's department was called, and Deputy Vega responded to investigate the claim. Vega questioned Tekoh at the hospital in a private MRI reading room. As frequently happens in these cases, the description of what happened during the interview differed dramatically between Vega and Tekoh.

What is undisputed is that Vega never read Tekoh *Miranda* warnings, and a statement written by Tekoh

apologizing for his actions was produced during the interview. Under Tekoh's account, the interview was coerced, his request for counsel was ignored, Vega refused to let Tekoh leave the room after he denied involvement, and the content of the statement was dictated by Vega and written under duress. According to Vega, the conversation was congenial and Tekoh readily admitted to and seemed regretful for his actions.

At the criminal trial, the judge apparently believed Vega's account, as the statement was admitted into evidence against Tekoh. But the jury ultimately returned a verdict of not guilty. The civil action then commenced, and the case wound its way to the SCOTUS.

First, the simple part. This decision means that if officers fail to administer *Miranda* warnings when required by law, they cannot be sued under § 1983 for a constitutional violation. It does not, however, change the fact that statements taken in violation of *Miranda* cannot be introduced into evidence against a defendant in a direct case. In this case, the issue hinged on whether Tekoh was determined to be “in custody.” The criminal court judge ruled he was not.

What if Tekoh were deemed to be in custody? Asking a person to write out what happened would clearly be considered a form of interrogation and so the statement would not have been admissible. But the admissibility of the statement would have been the only difference; a §1983 action would still not be permissible.

So, we are done, right? If that is the extent of case's impact, what more do we need to talk about?

Complex Issues During Custodial Interviews

Sometimes it is as important to understand what cases such as *Tekoh* do *not* do. Officers who do not fully

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understand the implications of a ruling may—in good faith—get procedurally creative. So, we need to cover what the case did not say to prevent officers from drawing erroneous conclusions.

First, this case should change nothing in the way you handle your investigations and custodial interviews. *Miranda* – mere “prophylactic rule” or not – is a rule police are required to follow to properly secure confessions and help build successful criminal cases. No officer should be making decisions relevant to investigations based on whether they may be civilly liable.

Second, all confessions, regardless of *Miranda*, are still potentially subject to a challenge of whether the confession was involuntary and/or coerced. Importantly, in cases where *Miranda* warnings are administered and a waiver obtained, it is very difficult to prove that a confession was involuntary. As the SCOTUS has explained:

The requirement that *Miranda* warnings be given does not, of course, dispense with the voluntariness inquiry. But as we said in *Berkemer v. McCarty*, 468 U.S. 420, 104 S.Ct. 3138, 82 L.Ed.2d 317 (1984), “[c]ases in which a defendant can make a colorable argument that a self-incriminating statement was ‘compelled’ despite the fact that the law enforcement authorities adhered to the dictates of *Miranda* are rare.”³

In other words, proof of adherence to *Miranda* with a proper waiver by the person helps to ensure the admissibility of any statements. With the proliferation of video capabilities in interview rooms, it should be common practice to record every minute of an interview.



This allows the administration of warnings to be permanently memorialized, which greatly enhances the validity of the statement obtained.

Beware of Procedural Creativity

So, what did I mean when I stated previously that officers can sometimes get procedurally creative? An example can be found in the underlying facts of the SCOTUS case *Missouri v. Seibert*.⁴ Officers investigating an arson used a two-step interview practice called “question first” during custodial interviews, which had been widely taught by a national training organization. The practice involved intentionally withholding *Miranda* warnings until the suspect confessed to the suspected crime. After a brief delay, *Miranda* warnings would then be administered, and the investigator would get the suspect to repeat the incriminating statements if the person waived their rights. The latter statement would then be admissible in court because it followed *Miranda* warnings.

This practice was apparently based on a SCOTUS precedent, *Oregon v. Elstad*, which held that prior unwarned statements would not automatically make subsequent fully warned statements inadmissible.⁵ The *Seibert* court ruled, in a 5-4 decision but in a plurality opinion, that this practice was designed to circumvent the protections afforded by, and was incompatible with, the rule of *Miranda*. The court affirmed the suppression of the statements, which effectively put an end to that practice.⁶

The *Elstad* case did not involve police officers intentionally circumventing *Miranda*. Instead, the initial admission was made voluntarily during a brief exchange with officers as the subject was being arrested. Such things will sometimes happen during rapidly unfolding events without any bad intent by the officer. In such cases the *Elstad* rule makes sense. But officers and trainers seized on the *Elstad* rule and expanded it beyond the holding.

Any practice, such as that in *Seibert*, designed to circumvent or shortcut a rule or established practice is detrimental to the growth of an officer – or any person for that matter. Interviewing is a skill that can be learned and enhanced with time and practice. The ability to administer the warnings effectively is a critical component of an interview and, therefore, is part of the overall skill needed to obtain confessions.

(Continued on page 18)

This may sound obvious, but the interviewers got confessions. Did they really need to use this “question first” practice that could cast doubt on the totality of the interview? All they ended up doing was to potentially raise the question of what happened prior to the warnings. Use your video, if you have it, to record the entire interview and develop your skills so you don’t need to take shortcuts to get the confession.

Skipping *Miranda* for any substantive part of a custodial interview can increase the possibility of a claim the confession was involuntarily made. Procedural shortcuts that involve circumventing established rules can also promote a culture of “the ends justify the means.”⁷ Does that end with small, insignificant rule deviations? Or will some officers take it further?

Also not discussed in any detail in the *Tekoh* case was the fact that determining compliance to *Miranda* is just one issue related to the voluntariness of a confession. While officers may not be held civilly liable in a §1983 case for a *Miranda* violation, they may be sued for an actual violation of the Fifth Amendment prohibition on self-incrimination if a confession is deemed coerced and involuntarily obtained. Such coercion could also rise to the level of a violation of the Fourteenth Amendment due process clause. Granted, police actions that would rise to the levels necessary to sustain an action for any of these constitutional violations would be far more significant than failing to administer *Miranda* warnings. Another possibility not addressed by *Tekoh* is a violation of the Sixth Amendment right to counsel. With or without the warnings, continuing an interview and refusing to acknowledge a person’s clear requests for an attorney could rise to this level.

When *Miranda* May Not Apply

The rule of *Miranda* is simple and straightforward – you must have both custody and interrogation. If one component is missing, *Miranda* does not apply and the warnings do not need to be administered. There are circumstances in *non-custodial* settings where officers consciously and legitimately do not administer *Miranda* warnings. I have seen this done many times where confessions were successfully obtained. But such interviews need to be carefully planned.

A common practice is to emphasize to the person they are not in custody, they do not have to speak to you, and they can leave at any time. Then take any voluntary statement, recorded whenever possible, the person is willing to give. At the conclusion of the interview the person is sent on their way with an appointment to return with their attorney for subsequent arrest processing.



The risk with this strategy is a judge may rule that the person was in custody, despite your intent and actions, which is why it is important to follow the suggested steps. I have found through practice and case law that if the person leaves the presence of the police without being arrested at that time, the case is often successful.

This approach is inappropriate for more serious crimes, but it can be a viable option for nonviolent offences. It is also not an example of being “procedurally creative.” This is different than the practice used in *Seibert*. It is adhering to the law as it exists and being open and honest about it. If, during any such interview, the person refuses to answer questions or requests an attorney, then the interview needs to cease immediately.

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The legal landscape pertaining to interrogations and confessions can be complicated and confusing for officers to navigate. But some things are simple and straightforward. The *Tekoh* ruling is one of these simple things and it should be a non-event for all law enforcement officers. *Miranda* warnings should be administered as they were before the case was decided.

¹*Miranda v. Arizona*, 86 S.Ct. 1602

²142 S.Ct. 2095 (2022)

³*Dickerson v. U.S.*, 120 S.Ct. 2326 at 2336 (2000)

⁴124 S.Ct. 2601 (2004)

⁵See *Oregon v. Elstad*, 105 S.Ct. 1285 (1985). The *Seibert* decision does not overrule *Elstad* as there are circumstances when a subsequent fully warned statement is sufficiently attenuated from the initial unwarned statement to allow its admission. The key to the *Seibert* decision was the fact the two-step process used was designed to circumvent the rule of *Miranda*.

⁶The *Seibert* court ruled 5-4 in favor of affirming the suppression of the statements but with a plurality opinion.

⁷Do a Google search for “police noble cause corruption” – there will be plenty for you to read.



IACP 2022
October 15-18, 2022
Kay Bailey Hutchison
Convention Center
Dallas, Texas

State Police issue over 25,000 tickets during ‘Speed Week’ crackdown

The New York State Police today announced that Troopers issued 25,199 total traffic tickets during the special “Speed Week” traffic enforcement campaign. “Speed Week,” which was conducted from Monday, August 15, 2022, to Sunday, August 21, 2022, targeted speeding, and other unsafe driving behaviors, including distracted driving and violations of the Move Over Law.

Troopers issued 14,008 tickets for speeding, 531 for distracted driving, 476 for Move Over law violations, and arrested 214 people for drunk and impaired driving. State Police also responded to 206 personal injury crashes, including five fatal crashes.

During the August 2021 Speed Week detail, State Police issued 32,922 total tickets, including 18,358 for speeding. In 2021, “Speed Week” ran for a total of 9 days opposed to 7 days in 2022 and 518 tickets were issued per day in 2021 compared to 631 tickets issued per day in 2022.

The State Police supplemented regular patrols statewide, including the use of Concealed Identity Traffic Enforcement (CITE) patrol vehicles to better locate drivers talking or texting on hand held devices. These unmarked vehicles blend in with every day traffic but are unmistakable as emergency vehicles once the emergency lighting is activated.



New York State Police Press Release

FEATURE STORY: SPECIALIZED UNITS

SCHOOL RESOURCE OFFICERS: GOING ABOVE AND BEYOND

PROTECTION, CRIME PREVENTION, EARLY INTERVENTION, MENTORSHIP

BY CHIEF/RET. MARK A. SPAWN

As students return to the classroom this September, some will find a School Resource Officer (SRO) to greet them. While not every district can afford an SRO, many have found a way to ensure that there is a police officer as part of their school-based team. The terminology for a School Resource Officer varies somewhat, with some referred to as Community Engagement Officers (Schenectady), or School Information Resource Officers (Manlius), but their mission is the same – providing security and services to students, parents, and staff. And while removing SROs from schools was part of a national debate, the experiences of our NYSACOP members demonstrates that communities truly value police in their schools.

Schenectady Police

In Schenectady, Police Chief Eric Clifford said that they recently brought Community Engagement Officers (CEO) back into the schools after an absence of almost ten years. “They have engaged with the student population by assisting the para-

professional staff, helping students where needed, and providing safety.” Chief Clifford said that CEOs have broken up fights, stopped a student from bringing an imitation handgun into the school, and worked closely with school safety officers to create a school safety plan. Clifford added that there are plans to

expand the total number of CEOs from 3 to 6 by September 2023. “It is imperative that students learn to trust and respect the police, ask questions, and understand the importance of police in our ever-changing and challenging society,” added Chief Clifford.

Manlius Police

Chief Michael Crowell said that the Town of Manlius has been using School Information Resource Officers for more than 27 years, deployed among the elementary, middle and high schools. Funded through combined municipal and school budgets, 10 SRO’s serve two



Sgt. Michael Poole of Seneca Falls SRO enjoys lunch with some of the students at Frank Knight Elementary School in the Seneca Falls School District.

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school districts in Crowell’s jurisdiction. Manlius Police also use Special Patrol Officers, retired law enforcement officers who are part-time peace officers paid through the school district. Chief Crowell said that SRO’s help police in developing partnerships with students at an early age, assisting with problem solving through effective communication with students, parents and staff. When some negative rhetoric was urging the removal of police from schools, Crowell said that his jurisdiction wanted more police. “Because of our success, both school districts have requested additional officers exceeding our original staffing levels. This is due to the great partnerships we have with the schools and our community,” said Crowell.

Herkimer Police

In Herkimer, Chief Michael Jory said their program has been very successful. “Our SRO program started with one officer at the junior-senior high schools. Due to its success we were asked to provide an additional SRO at the elementary school.” Jory said the SRO’s recently started a “Counselor’s Corner” program with school social workers where they offer educational resources to parents. “To date they have

presented How to Recognize Your Child is On Drugs, Social Media Awareness, and Current Trends.” Jory said that SROs have also worked with principals to increase attendance through truancy checks. He said there are also plans to begin an after-school Criminal Justice Club. Jory noted that the bond between SROs and students can be lost during summer break, but his department tries to maintain those relationships through other opportunities such as through the public parks. “By utilizing the SROs in our parks over the summer they are able to maintain contact with the students,” said Chief Jory.

Tupper Lake Police

In Tupper Lake, Chief Eric Proulx praised the work of his SROs. “They provide security and education to the school district, employees, and students. They also alleviate the extra work load for regular patrols involving children by handling most of the issues that arise right in

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The Saugerties School Resource Officer made sure that seniors had every opportunity to attend their senior Prom. The SRO bought haircuts for 22 male students and arranged through a wedding/prom store to provide dresses for female seniors.



Schenectady PD School Resource Officers

the school. They also have a close working relationship with child protective services and family court to deal with child-family issues.” The involvement of SROs in Tupper Lake schools has been met with overwhelming public support. Chief Proulx said, “Our program was started in collaboration with the school superintendent and myself and brought to various government bodies for discussion and approval. In order to make the program become a reality, it was left up to the voters of the school district to approve \$150,000 in an additional tax burden. When put to a vote, the community voted 99% in favor of funding this program. In the years since, I am consistently told by

In order to make the program become a reality, it was left up to the voters of the school district to approve \$150,000 in an additional tax burden. When put to a vote, the community voted 99% in favor of funding this program. In the years since, I am consistently told by the public that they are extremely happy to see cops in the schools every day and glad that we did not cave to the state’s police reform suggestion that the school districts do away with SRO’s.”

Chief Eric Proulx—Tupper Lake PD

the public that they are extremely happy to see cops in the schools every day and glad that we did not cave to the state’s police reform suggestion that the school districts do away with SRO’s.” Despite having difficulties in maintaining minimum police staffing in his department, Chief Proulx said that he will not touch the SRO program. “I could have pulled back my SRO’s to patrol duties in order to remain open 24 hours a day, but the community insisted that the SRO’s stay in the schools.”

Seneca Falls Police

In Seneca Falls, the creation of an SRO position was one of Police Chief Stuart Peenstra’s primary goals upon being appointed police chief in 2012. “I believe the School Resource Officer provides an integral part in connecting the community with our department. It provides a resource for students, families, and school staff to promote education, emphasize prevention, and identify interventions, all for the purpose of helping students achieve overall success, growth, and development. The SRO further strengthens the already-strong and collaborative working relationship between the school district and police department.” Said, Peenstra, “If your community is not plugged into this, you are not plugged into your community.” Peenstra said that his community fully supports the SRO program. “It has allowed parents, relatives, and children to see our department in a different light. There has never been mention to defund the program.”

Chester Police

Chief Daniel Doellinger of the Chester PD said that the SRO in his school district serves two primary roles. “He provides an extra level of security to the schools, supplementing unarmed security guards hired by the school district. And he works to maintain a

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relationship between school staff, administration, and the student body.” Doellinger added that the SRO also assists by teaching blocks of instruction in the classroom and representing the department at school functions and activities. Doellinger said that SRO program was defunded for a few years but that new school administration has revived the program which is supported by the community.

Bethlehem Police

In Bethlehem, Chief Gina Cocchiara said their SRO program is funded within the police and school budgets, serving the middle and high schools, depending on need. Chief Cocchiara said, “They are

community policing officers, able to serve the families within our jurisdiction.” Supported by the community, Cocchiara said that SRO’s have a great relationship with school staff and children. “They work inside the classroom as well, teaching relevant material while keeping a vigilant presence to keep the school a safe learning environment for all.”

Lynbrook Police

In Lynbrook, Officer Robert Meier said that their SRO has been an asset for the department. “We are seeing a large increase in population and student-aged youths. The SRO has been able to create friendships both with the youths who have contact with the police and those who have not. These friendships have assisted us in decreasing our repeat offenders while increasing the respect the youths are displaying toward the police.” Among the programs administered by the Lynbrook SRO is a Youth Council for high school students. “This program allows the students a platform to address issues that youth are seeing in our community and those affecting school safety. The students have open conversations about these issues and come up with their own way of how they feel the issue should be dealt with, while the SRO offers a law enforcement response to the issue and explain why a police officer may act in a certain situation.” Meier is a firm believer in the benefit that SRO’s bring to the schools. “The SRO should be a program that is instituted in every school across America.

Homer Police

In the Village of Homer, Chief Robert Pitman also noted the value of SROs in the school and is proud of how well engaged his officers are with the school community. “Our SROs help with the overall police mission by building relationships with the students and



SRO Michael Bort (Homer PD) looks on as seniors line up for commencement exercises. Said Homer PD Chief Robert Pitman about Bort, “What comes to mind is the sheepdog watching his flock as they walk out to start their own lives.”

(Continued on page 24)

staff. Those relationships build trust – both ways – and the trust leads to students and staff feeling comfortable about reporting matters to officers which can help in preventing incidents.”

Pitman noted that his SRO’s have provided leadership with special programs in his jurisdiction, adding that they are the usually the most recognized officers in the police department. Officer Quentin Giles, who is assigned to the Homer Elementary School, recognized the need for a child safety education not just for the elementary school students but for all of the students in the Homer School District. Once he recognized the need he contacted the National Child Safety Council and initiated a program within the schools, which consisted of fundraising in order to purchase needed items. His efforts generated over \$2,400 in donations from businesses and people within the community.

Officer Michael Bort, who is assigned to the Homer High School, participates in various classes

throughout the year where he shares his experiences as a police officer. He is also instrumental during the New York State Governor’s Traffic Safety Committee “No Empty Chair Campaign” where he speaks with students regarding the dangers of drinking and driving.

At the end of the school year the SRO's provide security during graduation, which is held on the football field at the high school. Officer Bort has been present during graduation to congratulate the students and to wish them luck in their future. (I have included a picture of Officer Bort with this survey from this past weekend watching the graduates walking out for commencement. What comes to my mind is an old sheepdog watching the flock he watched over and took care of walking out to start their own lives.

Depew Police

Detective Scott Hossfeld from Depew PD said, Participation in parades and village functions and afterschool activities helps to create a positive connection between students and police. “The SRO is not just a law enforcement officer in the schools. Way more often they assist in counseling and educating students by helping with problems and also in teaching classes pertaining to school safety, violence prevention, and anti-drug use.”

Saugerties Police

Chief Joseph Sinagra said that with the negativity about police over the past couple years, SROs provide an opportunity for students to have real conversations with actual police officers. “Students learn firsthand that police officers are no different than their own parents. It is through this type of positive interaction with law enforcement that dispels the negativity spewed from those on the far left,” said Chief Sinagra. He provided the example of one of his SRO’s who went above



Some of the Manlius PD School Resource Officers who are deployed among the various schools throughout the township.

(Continued on page 25)

and beyond what could have been expected of any SRO. “In September 2018 Officer Travis Winchell was assigned to the Saugerties School District. He quickly established rapport with students and faculty. Officer Winchell became a mentor to many students and a confidante to many of the faculty. Throughout the school year, Winchell spent many hours after the school day was over tutoring students who were having trouble keeping up with their studies. He took special interest in those 12th graders who were failing and in jeopardy of not graduating. In the end, Winchell’s efforts paid off. Many faculty members have credited their high graduation rate in 2018 to Officer Winchell’s unrelenting time spent tutoring those students whom otherwise would have surely failed.” Sinagra said that Winchell learned during the school year that some seniors were not able to attend their senior prom. “Not wanting them to miss out on this once-in-a-lifetime experience, Winchell took 22 male students out for haircuts at his own expense, and working with a local wedding and prom store, was able to get prom dresses donated for some of the female seniors,” he added. Chief Sinagra said that his department is fortunate to have a community that has embraced his officers. “The SRO program has given our agency the opportunity to interact with parents and students on several fronts toward addressing everything from school safety to adolescent bullying, and internet safety.”

Crawford Police: Leadership and Law Program Borne from the SRO Program Becomes Model for Others

The Pine Bush School in Orange County, NY has a special program that has been changing the lives of their students. Now in its 22nd year the program is called the Leadership and Law Academy, the brainchild of then-SRO Dominick Blasko and Assistant Principal Aaron Hopmayer. Hopmayer described how the program came about. “It was the two of us sitting in his office at the time throwing a football back and forth and we were brainstorming on how we could change the culture of our school to create a cadre of leaders who would come back in

September.” Dominick Blasko was the first School Resource Officer and now serves as Chief of Police for the Town of Crawford PD which has a total of 7 SRO’s throughout the district, all funded by the school district. He recalled how gangs had infiltrated the school and fights occurred with frequency. “We decided that arresting students was not working for us, so we went to a restorative justice process,” said Chief Blasko. “That reduced the fights in the building tremendously that year, but we noticed that we had no student leaders in the building. So we wanted to develop some sort of a junior police academy but we also wanted an educational component and that was how we came up with the Law and Leadership Academy.”

Principal Hopmayer said that the curriculum for the Leadership and Law Academy is 108 hours of instruction. “It is a military structure, they’re in platoons. It includes incoming freshmen to incoming seniors.” He added, “We’ve had everybody from the leader of the gang to the valedictorian sometimes in the same class and same platoon,” added Hopmayer. “There’s a significant physical part of this, there’s a mental part of it, and there’s a number of guest speakers who come in and give their time, from police officers to politicians, federal service organizations, veterans groups, these kids are getting exposed to a lot of different opportunities that the normal traditional schooling would not provide.”

Chief Blasko, who previously served as a DARE Officer prior to becoming the first SRO, said that police are not present to make arrests. “If we have to arrest a student out of the building then we have failed. We want to be there to prevent, to interact with leaders within the school, “They take care of themselves and of some of the drama that

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arises.”

Asked about the magnetism of their program, Hopmayer said, “Can you imagine learning about search and seizure from a police officer who is explaining reality rather than from a teacher who is talking about the Constitution? Having guest speakers in the field coming in really made it special. The military component, the drill and ceremony, and deportment is also a part of it.” Some of the speakers include former students who once attended the same classes. Among them is a police officer with the rank of Major, and a student who recently graduated from the U.S. Air Force Academy.

Principal Hopmayer said that his school of 1800 students is a diverse group of kids who become very engaged in the program. “We have kids doing push-ups, running, doing burpees – this is not your typical summer school.” And the program has helped kids to understand the role of police in society. “These kids have a level of respect for leadership and for law enforcement.”

Chief Blasko, Principal Hopmayer and the Army have presented the Leadership and Law program around the country. Hopmayer said the program brings a lot of value. “It’s good for kids, it’s good for our community, and it’s good for this country to teach civics and leadership.”

When students graduate from the program they appreciate that it is “a big deal,” says Hopmayer. “They know they did something special. It’s more than just academics. There’s a significant physical part of this, there’s a mental part of it, and there’s a whole lot of guest speakers who come in and give their time, from police officers to politicians, federal service organizations, veterans groups, these kids are getting exposed to a lot of different opportunities that the normal traditional schooling would not provide.” Hopmayer said that one of the most telling facts which demonstrates the popularity of the program is that teens are willing to participate during the summer break. This year the program

has about 300 kids attending, 80 of them because of failed classes. When you see these kids at their graduation it is something to be inspired by. And when you see the transformation, it is incredible, added Hopmayer.

The statistics bear out the success of the Leadership and Law program at Pine Bush High School. Hopmayer said that their student disciplinary incidents have been reduced by 92-98% reduction involving graduates of the Leadership and Law Academy. When Hopmayer came to the district two decades ago the high school had an 80% graduation rate. He said, “I cannot tell you that the Academy is the sole reason, but it is the driving force behind the change that brought us 22 years later to a graduation rate of 97%.” Graduates of the Academy received credit in Government Economics, but beyond that, Hopmayer and Blasko say there are other benefits which transcend the program. “These kids are civic minded, they’re doing service, they’re advocates, they’re leaders. And they’re learning a lot.”

Principal Hopmayer praised the commitment by Chief Blasko, describing him as the best SRO he has had the opportunity to work with. “And now as Police Chief, his understanding of the value of the SRO program is the reason why the partnership in this high school is where it is.” Aside from the Leadership and Law Academy, the Town of Crawford PD partners with the Pine Bush HS on a variety of initiatives. Hopmayer credits Chief Blasko for the success of the Leadership and Law Academy. “He is the real deal,” said Hopmayer. “We have kids who really excel because of these experiences.”

Blasko said, “We’re at the tip of the spear, we’re going to prevent as much as we can, and be the resource for kids that they need.” [for more information search: Pine Bush Leadership and Law Academy on *YouTube*}

Blue360° Media Now Hosts Entire Looseleaf Law Catalog Of Publications

Blue360° Media is pleased to announce that it is adding publications from Looseleaf Law Publications, Inc. to its portfolio of products for law enforcement professionals. Founded over 50 years ago, Looseleaf Law publishes over 150 resources for law enforcement and criminal justice professionals, including Magill Manuals for NYS Local Courts, Connecticut Criminal and Motor Vehicle Laws, Effective police leadership and criminal and traffic laws serving police academies.



“We are very pleased to add these high quality publications to our product offerings and are honored to have the opportunity to serve Looseleaf Law’s clients,” said Susan Hancock, CEO of Blue360° Media. Blue360° Media will maintain the update procedures that customers have become accustomed to, and over the next few months, in addition to traditional print versions, will make loose-leaf law publications available through e-books and mobile apps on the Blue360° Media website.

Blue360° Media also announces that Looseleaf Law product champions Mike and Mary Loughrey will join Blue360° Media as editors of the Looseleaf Law product line. “By joining Blue360° Media, we are able to continue to serve the community to which we are so dedicated, while expanding technology services to our loyal

customers,” said Mike and Mary Loughrey.

About Looseleaf Law Publications, Inc.

Looseleaf Law Publications, Inc. has been a leading provider to the legal profession and criminal justice services for over 50 years, providing practical loose-leaf editions, as well as authoritative paperbacks and legal aids that provide essential knowledge to law enforcement and criminal justice practitioners, lawyers and other legal professionals. In addition to its inventory of universally relevant titles, Looseleaf provides a region-specific legal update service in multiple states.

About Blue360° Media

Blue360° Media is America’s largest provider of legal publications for the law enforcement community and features a national collection of resources created by a dedicated team of experienced legal writers, attorneys and former law enforcement officers. By providing legislative highlights, search and typing tips, and an e-book/mobile app with its codebooks, Blue360° Media helps law enforcement stay abreast of changing laws, increase efficiency and reduce organizational risk. To find out more, visit us at www.blue360media.com.

DCJS Is Hiring! Field Advisor positions in Buffalo and Goshen

The Law Enforcement Strategic Guidance Unit provides hands-on strategic advising to New York State law enforcement agencies focusing on evidence-based policing practices, community trust building and the implementation of reform and reinvention collaboratives. See below for more information and how to apply.

[Hudson Valley Field Advisor](#)

[Western NY Field Advisor](#)

PIONEERS IN NEW YORK STATE EMS:

TONAWANDA CONTINUES GROUNDBREAKING WORK

BY CHIEF/RET. MARK A. SPAWN

In Tonawanda, the township has a longstanding and robust paramedic program, one that began in 1974, one of the first in New York State. Police Chief Jim Stauffiger administers the paramedic budget as part of his responsibilities, noting the close relationship between police and paramedics who are dispatched simultaneously for EMS calls. “It’s response time more than anything,” said Stauffiger. “Our paramedics are right here in the community. They have fly cars that are assigned in different areas. Our paramedics respond with police, but our paramedics are often on the scene before our patrol officers,” he added.

Tonawanda paramedics do not transport patients. The town contracts with an ambulance service for patient transport. Matthew DeRose, Paramedic Supervisor for the Town of Tonawanda said, “If the patient requires advanced life support (ALS), our medic goes in the ambulance with the patient to the hospital. If it doesn’t require ALS, like a sprain, strain, orthopedic injury, something that doesn’t require pain management, Twin City Ambulance, a private company, does the transports for us. They provide the

ambulance and EMT, we provide a paramedic when it requires ALS.”

Chief Stauffiger said that in addition to the town budget for EMS, there is also a paramedic foundation – the James V. Ryan Paramedic Foundation. “We have a Board we work with, they provide a lot of equipment. We collect donations for them. Through the foundation we buy vehicles, AEDs and other equipment.” Stauffiger said that they are expanding the program this year because of an increasing workload. “We have an older community, and it continues to get older, and our call volume continues to increase.”

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Tonawanda paramedic fly-car; Town of Tonawanda Paramedics Facebook Page

Paramedic Supervisor Matt DeRose said that some of their paramedics are specially trained to deploy with police in certain high risk scenarios. “We have 2 SWAT paramedics who have gone through specialty certification. They are civilians just like the rest of the paramedics, part of the civilian division of the police department. When the SWAT team goes out they go with the SWAT Team and provide on-site medical care.” DeRose said that they have recently changed their deployment protocols for responding with police. “Now, I respond with our Medical Director in case something happens on scene, to back-up our paramedics. The doctor and I set up around the corner and we bring Twin City ambulance with us so if we need to transport someone we’ve got everything, inclusive, right there.”

When it comes to working with persons with mental illness, Tonawanda EMS has been using a Behavioral Health Specialist to help provide better service while not overwhelming the hospital emergency room. DeRose said that Molly Morgan, the Behavioral Health Specialist, has likely diverted a couple hundred people. “She has been instrumental, and she is developing quite a rapport with the population as she has gotten to know people on a regular basis. It’s been fantastic.” DeRose added, “We have a couple detectives in our Family Offense Bureau who handle people with issues with social services. As paramedics we see some of those people who are at-risk and try to connect them with social services. Molly has added another layer to

that for us.”

DeRose said that they recently began a program to better serve persons with addiction. He said, “We are going to be part of a statewide pilot program involving our paramedics through NY Matters. Our new medical director, through the University of Buffalo is actually a part of this program where we are going to be doing tele-medicine for some of our patients. “If we have a patient who has been reversed with Narcan, we are going to set up a tele-medicine visit right there on the scene, and be able to have the referral through New York Matters to a clinic, (and whether or



The evolution of EMS services in Tonawanda - Tonawanda paramedic ambulance from about 1975. Paramedics transported patients in the 1970's. Today, the township contracts with a private ambulance service for patient transport.
Town of Tonawanda Paramedics Facebook

not the patient is transported to the hospital) they’re going to walk away with a referral within 3-5 days for long-term treatment. And our Behavioral Health Specialist will actually follow-up with that in 24 hours to make sure the person is on the right track. Our paramedics

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are in line to be prescribing their own Suboxone through this telemedicine program. We are waiting for DEA approval but that's in the works right now." DeRose added, "With the doctors being involved in this NY Matters program, our paramedics can set everything up, they can communicate directly with a doctor and they can prescribe Suboxone until the patient can get into a follow-up treatment program. One of the things that

We have a couple detectives in our Family Offense Bureau who handle people with issues with social services. As paramedics we see some of those people who are at-risk and try to connect them with social services.

*Matt DeRose, Paramedic Supervisor
Town of Tonawanda*

our Medical Director was insistent on is that, if we're going to do this process, whether they go to the hospital or not, they get the referral through New York Matters, and we will be leaving a Narcan kit behind for the patient and the family to use. Those are provided through NY Matters by the county Department of Health and the New York State Department of Health – they all work together to make sure we have the supplies that we need."

Stauffer and DeRose are proud of the work of their town's EMS programs. Said DeRose, "We are changing a lot, we've come a long way. We are now moving to surgical airways, we are going to be doing rapid sequence intubation, and we're looking at doing ultrasounds in the prehospital realm."

NYSACOP Annual Conference a Success

Glens Falls Provides Exquisite Backdrop for Second Year in a Row

The 2022 Annual Training Conference of the New York State Association of Chiefs of Police brought attendees in large numbers from all parts of the state for a phenomenal event spanning the course of four days in beautiful Glens Falls, New York. Beginning Sunday, July 24 with registration and a President's Reception at the Queensbury Hotel, delegates, guests and exhibitors enjoyed the opportunity to meet, learn and exchange ideas. This year's exhibitor floor featured representatives from 50 different businesses showcasing the latest in services, technology and equipment.

"Monday's agenda kicked off with welcoming ceremonies in the newly renovated Adirondack Ballroom of the Queensbury Hotel, and featured



Keechant Sewell
NYPD Commissioner

local dignitaries. The keynote speaker was NYPD Police Commissioner Keechant Sewell. The training agenda which followed opening events featured two separate learning tracks –

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our traditional main track with topics selected for police leaders on contemporary topics in law enforcement, and the Police Executive Training Track with topics of interest to new and aspiring police executives.

Presentations in the Main Track included Expediting Crime Gun Intelligence to Local Agencies by Mark Heller, John Riegert of DCJS and SAC John DeVito, ATF; The Cannabis Industry – Implications for Law Enforcement by Chief Joseph Sinagra and Ruben J. Lindo; Inside Perspective – The Buffalo Mass Shooting by Comm. Joseph Gramaglia (Buffalo PD) and SAC Stephen Belongia (FBI); Presentations in the Police Executive Training Track included Police Hiring and Decertification by DCJS OPS Director Johanna Sullivan; The Changing Culture of Policing

“The tracks were all good. I wanted to go to different ones at the same time. It truly gets better every year!”
-NYSACOP Conference Attendee



Attorneys Jacklyn Goldberg (at podium) and Lance Klein spoke to delegates about police disability and discipline. by

Chief Anthony Geraci; Eliminating the Normalization of Deviance: Application of the Duty to Intercede and Root Cause Analysis as Tools to Mitigate Risk by Chief/Ret. Michael Ranalli.

The installation banquet was held on Monday evening at which a new slate of officers took their oaths of

office. Outgoing President Chief Timothy Parisi (Ilion PD) welcomed Incoming President Kevin Sylvester (Ossining PD) who will lead the Association for the 2022-2023 term. Executive officers who were sworn included First Vice President Joseph Sinagra (Saugerties PD), Second Vice President Shawn Heubusch (Batavia PD) and Third Vice President Paul Oliva (Mt. Pleasant PD). Zone representatives installed for 2022-2023 included Chief

Martin Flatley (Southold PD), Comm. Kenneth Jackson (Garden City PD), Asst. Chief Shawn Montgomery (MTA PD), Chief Greg Austin (Rye Brook PD), Chief Dominick Blasko (Crawford PD), Chief Michael Woods (Colonie PD), Chief Michael Crowell (Manlius PD), Chief Patrick Garey (Endicott PD), Chief Joseph Geer (Avon PD), Chief Shane Krieger (East Aurora PD), NYPD Liaison Oleg Chernyavsky (NYPD), Retired Member Representative Chief/Ret. Michael Geraci, and U.S. Attorney’s Liaison Chief/Ret. Samuel Palmiere. Former President Chief Michael Lefancheck (Baldwinsville PD) served as Master of Ceremonies for the evening’s activities. President Kevin Sylvester officiated the Medal of Honor Presentation to Town of Webb Police Officers Michael Uhl and Thomas “Jamie” Furlong for their heroic efforts in the response to a homicide in September 2020 (see story).

Tuesday’s opening events featured comments from Governor Kathy Hochul, followed again by an aggressive schedule of training: In the Main Track, Police Officer Disability Cases Under Section 207-c by attorneys Jacklyn Goldberg and Lance Klein; Reviewing the Three R’s – Riots, Retention and Recruiting by

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Chief David Zack (Asheville NC PD); and Traffic Safety Engagement in Today’s World facilitated by NYSACOP Traffic Safety Committee (TSC) Chair Bill Georges with DMV Deputy Comm. Owen McShane, Inspector David Regina (Suffolk Co. PD), Chief Joseph Sinagra (Saugerties PD) and Chief Kevin Sylvester (Ossining PD). A special presentation by the Westchester County Domestic Violence

Lethality Assessment Program Team captivated attendees with the research and application of a program being used in Westchester which has been identifying victims at risk of future violence through the use of a validated data collection instrument. Led by Chief David Ryan (Pound Ridge PD), with co-presenters ADA Frederic Green, Susan Carroll, Esq., (Pace Women’s Center), Licia Sandberg (Westchester Medical Center), and the dramatic story of “Reese” a survivor who credits the Westchester County team with her survival. In the Police Executive Track, Sgt. Mark Rusin presented on the topic of Officer-Involved Shootings and Critical Incidents, Asst. Chief/Ret. Bill Georges of the TSC provided a traffic safety presentation; Chief David Zack spoke on Recruitment Challenges and Innovations, and representatives of Total Technology Solutions spoke about Cybersecurity.



Buffalo Police Commissioner John Gramaglia and FBI SAC Stephen Belongia provided delegates with an inside perspective of the Tops Mass Shooting. -NYSACOP Photo

Tuesday’s classroom events adjourned to Lake George where attendees enjoyed a luxurious dinner cruise about the Luc de Sacrement steamboat on scenic Lake George. A happy hour and virtual reality display, hosted by Axon, greeted attendees upon their return to the hotel from the cruise.

On the final day of the conference – Wednesday, members attended the final classes of the conference before closing ceremonies and a prize raffle in which delegates won prizes such as Glock pistols, and a flat screen TV. Main Track presentations included a presentation by Lt. Matthew Malinowski (Syracuse PD) on Managing the Crisis in which he described how an 8-year-old who stole a bag of chips made national news. Deborah Emerson of LexisNexis Coplogic Solutions presented on the topic of Data Sophistication. In the Police Executive Track, Capt./Ret. Jeff Rinaldo (Buffalo PD) spoke about Police-Media Relations, and Det./Ret. Brian Ross (Buffalo PD) spoke about Officer-Involved Critical Incident Investigations and Policy Development.



Police executives from across New York State were able to meet with 50 exhibitors throughout the conference showcasing the latest in technology, equipment, and services.

Establishing Job-Related Physical Ability Testing Standards

MPTC & DCJS Seek Participation of Departments to Identify the Demanding Physical Capacities Common to Police Officer Functions



By nature, the job of a law enforcement officer requires physical demands that transcend the vast majority of employment occupations within the United States. The nature of policing has always demanded a high level of physical ability in meeting both the routine, as well as the infrequent but critical tasks inherent to it. These demands have become increasingly complex and dangerous and place an additional emphasis on the job's essential functions. It is necessary for agencies to hire, train, and deploy police officers who are physically capable of providing for the safety of fellow officers and the people they serve, in addition to safeguarding property they protect. To accomplish this, law enforcement agencies must properly screen prospective candidates for their ability to perform the physical tasks associated with the job of a police officer. They must be physically capable of completing the requisite training associated with academy graduation.

Screening provides employers with a tool to remove candidates from the selection process who may be at an elevated risk of physical injury while participating in the basic academy training. Removing these candidates reduces excessive hiring and training costs incurred by agencies on candidates who are more likely to resign, be injured, or be terminated, prior to completing the basic training. This is based on their inability to complete the physical performance aspects of training. This risk of injury extends further when an officer is out in a real-world environment. These potential injuries exhibit a lack of success in the physical fitness hiring standards to appropriately select prospective employees that can physically perform the job of a police officer.

In the most simplistic terms, any valid test must demonstrate the capacity to successfully predict the difference between an individual that knows or does not know something; or one who can or cannot do

something. As such, physical ability testing standards must be able to discriminate with reasonable accuracy. Standards must be clear and established on an objective performance-related basis for those individuals who possess a high probability of success in their work, versus those with critical deficiencies or with propensities toward injury.

These standards must comply with federal employment law and must be demonstrably associated with bona fide occupational qualifications directly linked to the business necessity of the job. As such, the utilization of an objectively reliable job-related performance standard, that demonstrates a valid relationship to the physical tasks of a police officer, is a critical component of any effective hiring process.

Any physical performance test requirements must adhere to the Federal Uniform Guidelines on Employee Selection Procedures. Following these guidelines enables the employing agency to make the assertion that the physical ability test incorporates content that is representative of, and relevant to, the job of a police officer, avoids any unnecessary adverse impact on protected groups (e.g., age or gender) that job-related physical performance tests may engender, and can thus be applied when screening police officer candidates for Academy entrance.

The Municipal Police Training Council (MPTC), in collaboration with the New York State Division of Criminal Justice Services (DCJS), has begun the process of exploring the implementation of a physical performance standard that is relative to the critical, arduous

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and/or frequent physical tasks of a police officer. These physical tasks performed are not defined by an officer's age or gender, but rather the mission of the job itself. As such, the goal of the project is to establish a legally defensible standard that employs a single cut score for all candidates without unnecessary impact on protected groups, regardless of an individual's gender, gender identity expression, or age, that is a valid predictor of a police officer candidate's potential to perform the required physical tasks of the job. In return, law enforcement agencies will be able to maximize their investment by selecting police officer candidates who can perform the rigors of academy training and have the physical ability to effectively protect the communities they serve.

To begin the process of establishing a job-related physical ability testing standard that is representative of, and meets the hiring needs of agencies, the MPTC and DCJS will need to work with a demographically diverse sample of incumbent officers from agencies across the state. As such, the Chief or Sheriff of these selected law enforcement agencies should expect to receive, in the very near future, a direct outreach from DCJS to begin the first phase of the project. Executives will be tasked with identifying a point of contact within their agency that will work with DCJS in facilitating a select few of their incumbent officers, to complete a survey instrument for the purpose of identifying the demanding physical capacities common to police officer functions. Depending on the results of the data, further outreach should be expected for other aspects of the study. In the meantime, while agencies standby for the initial outreach, any questions related to the project can be sent to OPS.GeneralPolicing@dcjs.ny.gov.

On behalf of the MPTC, DCJS looks forward to this future collaboration with police officer employers across New York State, in developing a job-related physical ability test that is representative of municipal agencies across the state and their hiring needs. Thank you in advance for your assistance in this important endeavor.



@nysacop

Chief Kevin Velzy Retires from SUNY Oswego

Traffic Safety Highlights His Career

Chief Kevin Velzy concluded a 33 year career on September 1, 2022 from the State University Police at Oswego, NY. During his tenure Velzy became involved with traffic safety – something

that would shape both him and his university. “It was in the early 2000’s when I was nominated to fill a position on the Traffic Safety Board (TSB).” Chief Velzy said that the TSB was examining



Chief Kevin Velzy

local data and

began work on education and outreach. “We were involved in child car seat checks and becoming certified installation technicians, and bringing bicycle safety to every elementary school.”

To further his work in improving traffic safety in his community Velzy began applying for grants through the Governor’s Traffic Safety Committee (GTSC). One of the program areas included seat belt education and enforcement. “We used funds for overtime details for Buckle Up New York.” But the high-visibility seat belt enforcement initiative set an enforcement priority around Memorial Day, a time when students were off-campus. “They (GTSC) were flexible with our program and we were able to move that up to the end of April. We did the education component in the resident halls, and we also did an enforcement component – we wrote a lot of tickets.” Velzy said the results were impressive. Pre-enforcement

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From left: Jacy Good, Chief Velzy, Steve Johnson; Good and Johnson are national speakers for distracted driving awareness and phone-free roads. Good was partially paralyzed in a 2008 crash that claimed the lives of her parents, caused by a distracted driver

surveys showed a compliance rate of only 75%, with post-enforcement surveys showing greater than 90% compliance in their inaugural enforcement period. “The majority of that was our employees who would get in a state vehicle and not wear their seat belt. We did a lot of education of enforcement with them and brought that compliance rate up, too,” added Velzy.

Another traffic program led by Velzy was the “Live Safe, Drive Safe” traffic safety awareness program for teens and college students featuring nationally recognized speakers like Jacy Good who speaks on the hazards of distracted driving. “Those were well attended. The first year we had about 500 students show up,” said Velzy. “I see a shift since I was a student, there seems to be less alcohol on campus.” Velzy attributes that to raising the age for possession of alcoholic beverages. “Today we have more serious students, not just a party thing. The party rooms have been changed into fitness centers, it’s a different atmosphere than what it once was.”

Velzy had the opportunity to showcase the traffic safety programs of SUNY Oswego to a statewide and national audience through the Law enforcement Challenge. “We participated in the Challenge for 7 years in a row. We were nominated four times for national recognition which was great.” Velzy noted that SUNY Oswego was one of the first campuses that conducted night time seat belt enforcement.

Asked how he got his start in law enforcement, Velzy said that he had worked a number of factory jobs. “After receiving my business degree in college, I worked for a major insurance company for a couple years. It wasn’t satisfying for me. I wanted something more challenging. It might sound cheesy, but I wanted to help people.” And for 33 years Chief Velzy has been helping college students, families, and staff in a number of ways. “I got a lot of satisfaction when we could solve a case, return

(Continued on page 36)

someone's property, or get justice for a victim. That, for me, was very important."

One case that Chief Velzy will never forget was the stalking of a female professor, the target of violent threats. "She was getting threatening letters left at her office, it was very upsetting for her." During the investigation, Velzy was in plainclothes shadowing the professor at a couple of events over concerns for her safety. "I set up a camera outside her office and caught a person in the act of dropping off one of these threatening



Velzy working a child car seat inspections checkpoint.

letters. And when I made that arrest, that was a relief to her and her family." Velzy said the suspect was charged with various crimes.

Under Velzy's leadership, SUNY Oswego was recognized by the NHTSA Law Enforcement Challenge award winning first place in 2015, and second place in 2013, 2014, and 2016. Velzy was also recognized in 2016 with the John Kimball O'Neil Certificate of Achievement from the New York State Division of Criminal Justice Services for his dedication and commitment in obtaining Accreditation status for SUNY Oswego Police.

In retirement Velzy plans on camping in the state parks, spending time with his family, and

New Hartford Police Chief Reflects on Four Decades

New Hartford Police Chief Michael Inserra knew from a young age that he wanted to be a police officer. "I

always looked up to police officers.

Whenever I saw a police car as a kid I waved." The paramilitary lifestyle of law enforcement suited him, he said. "I came from a large Catholic family – very strict. I had 9



Chief Michael Inserra

siblings. We toed the line." After graduating from high school Inserra attended SUNY Oswego where he received his Bachelor's Degree in Public Justice in 1982. Then he immediately set out on his goal, knocking at the door of the newly formed Whitestown Police Department in Oneida County, not far from his hometown of New Hartford. "The Chief and pretty much hired me on the spot – he sent to me to full-time police academy even though I was only going to be a part-time position." When he completed the police academy, he spent about one year at Whitestown before transferring to nearby Kirkland PD where he worked the next four years. In 1988 Inserra finally got his opportunity to work in the area he most loved.

After almost 40 years in policing, Inserra retired from the New Hartford Police Department in June 2022 where he served the last 12 years as Chief of Police. Serving a community of about 25,000

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residents, New Hartford is the primary business and commercial center of the Oneida-Herkimer-Madison County area.

Looking Back

Reflecting on changes over the past four decades, Inserra said that law enforcement has come a long way, noting that education is critical to the success of today's police officers. "You have to be good with paperwork, the ability to write good reports, and to meet deadlines. We also have a lot of structure, rules, and regulations. It's a job where you want to find educated recruits who came come in and perform well," he said. Chief Inserra noted that recent events have caused a degree of turmoil in police departments. "There's

"There's a lot more stress on officers today, dealing with bail reform, raise the age, and other police reforms. It has impacted the work that they do."

Chief Michael Inserra

a lot more stress on officers today, dealing with bail reform, raise the age, and other police reforms. It has impacted the work that they do." Inserra noted that there has been a lot of good that came about from reform discussions, but he said that the negativity demonstrated in some areas has affected morale, recruitment, and retention. He said, "We are well respected agency, in a nice community with great neighborhoods. We've always been able to recruit through lateral transfers, but that pipeline dried up. There are not as many officers available any more. It's hard to find good police officers. We are the point now where we may have to start new recruits and send them to the police academy, something we haven't had to do for a long time." Inserra noted that there is no incentive for some officers to want to stay on once they have reached their 20 years of service.



Officer Michael Inserra (left) in 1992 with Officer Robert Philo.

Planning for his own succession in his department, Inserra said that his Lieutenant was prepared to take over upon Inserra's retirement "He had 22 years on and told me he was going to retire. A lot of my officers are getting out at a young age and starting a new career." Inserra noted that feelings toward law enforcement do change from time to time depending on current events. "It is cyclical. Law enforcement is wanted and appreciated, and then all of a sudden there's political changes and the winds change and you get that anti-law enforcement sentiment out there."

Etched in His Memory

Chief Inserra recalled two specific incidents that demonstrated to him just how valued the police were to members of his own community. In 2006, New Hartford Police Officer Joseph Corr was in pursuit of an armed jewelry store robbery suspect who shot and killed the young officer. Inserra will remember that day for the rest of his life. It was a day fraught with emotion and adrenaline, along with the need to keep focused on the job to find Corr's killer. Said Inserra, "We would occasionally get violent crimes here but we never had an officer-involved shooting, let alone an officer shot and killed in the line of duty. It was the lowest point in my career and for our

(Continued on page 38)

department and community.” Inserra said that a gang had been involved in committing jewelry store robberies along the east coast, targeting stores carrying Rolex watches. Corr, 30 years old, responded to the robbery call and pursued one of the suspects on foot, apparently ambushed by the suspect during the foot chase. Inserra said the lack of any sense of humanity by Joe Corr’s killer was telling. “We caught one of the guys in the getaway car. I was assigned to interview him back at the station. He was a cold, heartless person.” But there were still other suspects at large, including the suspected killer of Officer Corr. Information led police to believe the suspects were heading toward Pennsylvania. Inserra was part of the team which now included State Police and U.S. Marshals. Inserra went to the home of the suspected shooter’s parents. The suspect called his parent’s home and Inserra spoke with him. “We were on a first name basis on that call. I’m calling him Walt, he’s calling me Mike. He said, ‘Mike, I’m not going back to jail.’ Through that conversation, even though I didn’t know the area, I was able to get out of him enough information that we were able to track down the house he was staying at. I told him, ‘we’re watching you.’ He said, ‘I know, I know, I saw that SUV with four white guys in it.’ I knew we had two task forces out there watching a dozen different spots heavily. When I got off the phone with him I called the U.S. Deputy Marshal and I asked, how many SUVs are out there. He said, ‘One.’ I then asked, ‘How many guys in it?’ he said, ‘four.’ Then I asked, ‘where’s he sitting?’ The answer was ‘818 McDonald Street.’ And that’s where he was, that’s how we tracked him down. I told the U.S. Marshal’s, ‘he’s also got the gun that killed Joe.’ And he already told me that he wasn’t going back to jail.

During the phone call (with the shooter) I said to him, “Walt, you’re telling me you regret shooting and killing my officer, but you’re also telling me you’re not going back to jail. Are you going to

get in a shooting again?. He said, ‘yup’. Then I said, ‘If I try and show up and talk to you Walt... He interrupted me and said, ‘You don’t want to do that Mike, I’ll shoot you.’ That information led the Marshal’s Service to get a lot more reinforcements. And as they approached the house he just came out onto the steps shooting and they shot back.”

Vividly remembering every detail of that tumultuous

“Walt, you’re telling me you regret shooting and killing my officer, but you’re also telling me you’re not going back to jail. Are you going to get in a shooting again? He said, ‘yup’. Then I said, ‘If I try and show up and talk to you Walt... He interrupted me and said, ‘You don’t want to do that Mike, I’ll shoot you.’

Michael Inserra’s phone call with Walter Richardson, the suspect who shot Officer Joseph Corr in 2006. Soon after the phone call, Richardson was killed in a shootout with police.

day, Chief Inserra said, “I spoke with that guy on the phone for about 45 minutes. And he was just like the guy I interviewed back in New Hartford. I never dealt with people who were this ruthless. It showed me a different side of the people who are out there.” But Inserra said the silver lining was how the community came together to help their local police. “It’s during those times of tragedy that the support of the community really picks us up. And it shines. You realize that the community really does want law enforcement, they do support us. And our community was one of the biggest things that got our police department back on our feet.” Inserra said he was impressed by the turnout for Joe Corr’s funeral. As he recounts the day, he is still awestruck by the

(Continued on page 40)

TRAINING ANNOUNCEMENT

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9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
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response from his own community as well as from law enforcement. “That was when I realized what being in law enforcement was all about. The camaraderie – I will never forget it. There were hundreds of police officers at Joe’s funeral from all over, and agencies that I had never heard of.

The other big case that made international news



Sgt. Michael Inserra in 2006 as pallbearer for Officer Joseph Corr.

involved a homicide at the Word of Life Church, a religious cult. In 2015 two teenage brothers aged 17 and 19 years –were severely beaten for hours at the New Hartford church. One of the teens died. The

defendants included the deceased’s parents and the church pastor. Seven persons were charged in the beatings with charges including manslaughter, assault and gang assault. Inserra said, “That was another time when our community was devastated. Being from a small agency we couldn’t manage that investigation ourselves. But Utica Police and the New York State Police helped us and we were able to handle it. They gave us 20 investigators for a couple of months. It was only possible because of the cooperation between police agencies – local, state and federal to help each other out and work cases side by side.”

Belonging to the Association

Asked about his membership with the New York State Association of Chiefs of Police, Inserra said, “I’m a kind of guy who operates in the shadows. But I see, hear, and read everything. Absolutely, NYSACOP has been instrumental in getting information out to the departments. Especially for an agency my size, I read everything you put out. It’s a great organization that keeps us Chiefs of Police up to date on everything that is going on. I will remain a member for the rest of my life.”

Plans for the Future

Originally Inserra had no plans to work in his retirement, but once news got out that he was going to retire in June 2022, a couple job offers come his way. So he is now contemplating the idea of taking one of those job opportunities. “Being a police chief was a 24/7 job, so the idea that I was going to cut it off completely was just a dream,” he added.



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Programs, Photos, Retirements...

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Redesigning Recruit Firearms Training Program for Real-World Performance

MICHAEL PUCKETT, ASSOCIATE TRAINING TECHNICIAN
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

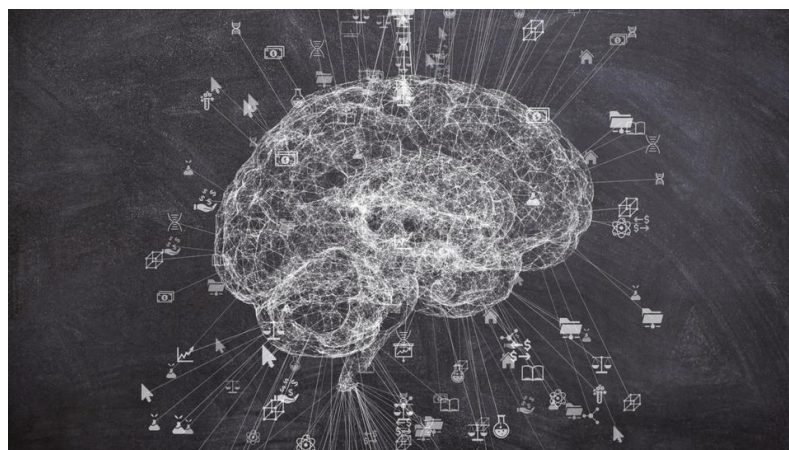


As a police training professional, I have often pondered what it means to “teach” someone something? It’s a question that deserves some thought from all of us – trainers and non-trainers alike. Training resources are limited and one thing that just about everyone can agree on is that police need more and better training, not less. Before we can answer the question of what it means to teach, we must first understand the process of learning because without learning, the act of teaching is a futile endeavor.

How We Learn

Here at the Office of Public Safety, we have dedicated a significant amount of time in recent years to updating the Basic Course for Police Officers and its derivative courses such as Basic Course for Peace Officers and Campus Public Safety Officer Course. As part of that review, we are finalizing the new section designed to teach recruits firearms skills. As we began work on this new section, we sought to better understand what it meant to learn and to teach.

Many readers will be familiar with the research on academy skills retention in which traditional training methods were identified as particularly problematic for long-term retention. As it turns out, there were others asking similar questions as it relates to the training of armed professionals. Dustin Salomon, a former Naval officer and author of *Building Shooters*, had been thinking about the challenges of training armed professionals for the better part of twenty years. He has taken a deep dive into neuroscience research by evaluating what is understood about the brain and



applying it to the curriculum design process. In collaboration with New York law enforcement officers, we have been working with Dustin to apply the concepts of his work, which are summarized below, to redesign recruit firearm training for real-world performance.

It is well-understood that learning anything, whether that be information such as where the Declaration of Independence was signed, or a skill such as managing the recoil of a firearm, requires physical changes to the structure of the brain. The ability of the brain to adapt in this way is referred to as *Neuroplasticity*.

The brain is an information system like that in a computer. And while it may not be perfect analogy, it is useful to understand how the process of learning takes place. In this system, we have two components, short-term memory and long-term memory. Within the long-term memory there is long term storage – like a computer’s hard drive – which can be either a) *declarative* – meaning the information contained within must be consciously

accessed – or b) *procedural memory* – which means the information or skills can be unconsciously accessed. Clearly, the fact that firearms skills will be utilized under periods of high stress means that these skills must

be “proceduralized” into long-term memory in

(Continued on page 43)

order for them to be useful.

Information or skills must be stored in long term memory in order to be considered learned, but nothing is immediately stored there. This information must first pass through the other component, the short-term memory, but even before information can make it into this memory space, it must first get through the learner's attentional filter.

All humans have an attentional filter, and in fact, it is necessary due to the enormous number of stimuli that are present in the environment. It would be impossible to process all the sensory inputs that bombard your brain at any one time, so our brains do a good job filtering out most of those signals to focus only on that which it deems to be important. The problem is that what our brains deem to be important and what is necessary to learn aren't always the same thing. The result is that much of the information that is delivered by instructors never makes it past the attention filter into the brain in a way that allows for it to be learned.

One tried and true method of ensuring that information passes into the short-term memory system is through the use of "priming." Priming involves exposure to information in a way that prepares the attentional filter to recognize the information as important – essentially

biasing the brain to recognize the information in the future and thus allowing it through the attentional filter more readily. In this model, priming is defined as teaching without the expectation that learning will occur, and the use of this technique is a feature of the newly designed curriculum. For example, the instructor would deliver instruction for the purposes of priming the attention filter and then deliver it again after the trainee has slept. The information will pass through the filter into short-term memory because it is now recognized as having relevance. Later, enhancement and stabilization of those skills are programmed into the delivery as well.

What it Means to Teach

Understanding this process by which the brain learns becomes important as we develop training programs designed to produce long-term retention of skills. It becomes necessary to lay out the curriculum in such a way that acknowledges the realities of the brain's ability to learn if we truly want the information to be retained and retrievable for the officer in the field. This is especially true with skills that must be



proceduralized such as those involving firearms. Knowing what we know about this process, we are seeking to developing teaching strategies that align with the way the brain stores and retrieves information.

Not only is design and delivery important, but how these skills are relatable to their real-world application must also be considered. There is hardly a firearms instructor around that hasn't lamented the challenges presented by attempting to prepare officers for the real-world through the use of "static" range training.

You see, the changes in the brain required for learning actually involve the building of "physical circuits." These connections between neurons form when the brain learns a new skill or new information. As that skill is repeated through practice, the network becomes stronger and more insulated resulting in increased performance of that particular skill. It's the reason behind the adage "practice makes permanent." What is also true is that this increase of speed and refinement of technique for that particular skill performance results in it being more difficult for the brain to command the body to perform skills that differ from the sequence which has been "wired together."

Real-world firearms performance for police most often involves movement, two eyes open, a visual cue to start AND stop shooting, spatial relationships and the incorporation of decision-making based upon context and subject behavior. Traditional police training is almost exactly the opposite of what's expected of police officers in the field and often involves auditory cues, one eye closed, round counting, and static shooting positions, especially early in the development of these skills. However, given what we know about how the brain builds the necessary "circuitry" this method builds circuits that are harmful to real-world performance. This new curriculum is designed so that these operationally relevant skills are learned in a way the recognizes the real-world performance that is expected and does not intentionally build circuitry that will be counterproductive to these expectations. And importantly, the new curriculum is rooted in the evidence-based decision training model which has been proven to improve both skills and decision-making performance.

The implementation plan for this new curriculum involves instructor updates for content and curriculum delivery. We have piloted a draft of the curriculum recently and are planning a second course pilot later this

year. If all goes well, we plan to present the curriculum to the Municipal Police Training Council for approval later this year and will work with academy firearm instructors to prepare them for the future transition to the new curriculum. Keep an eye out for DCJS announcements about the new curriculum, including instructor updates and feel free to contact me with any questions.

Michael.Puckett@dcjs.ny.gov

¹Hebb's Law named for Canadian psychologist Donald Hebb, says that "Neurons that fire together, wire together." This rule refers to the process of a strengthening connection between neurons that occurs over time leading to an increase in speed and efficiency of that neural pathway.

Retiring Soon?

**Be sure to update your
NYSACOP profile with your
new contact information.**

**Many active members use
their department email
and mailing addresses.**

**Make sure that you don't miss any
our communications, publications
and other opportunities**



INTERSECTIONS:

**FROM THE NEW YORK STATE ASSOCIATION
OF CHIEFS OF POLICE TRAFFIC SAFETY
COMMITTEE**

BY ASST. CHIEF/ RET. WILLIAM GEORGES, CHAIR



The NYSACOP Traffic Safety Team and Traffic Safety Committee (TSC) remain busy both serving our members and promoting traffic safety engagement throughout the State. The Traffic Safety Team consists of Chief (ret.) Dan Denz (West Seneca PD), Traffic Safety Services Coordinator, Chief (ret.) Mike Geraci (Schenectady PD), Traffic Safety Outreach Liaison and Assistant Chief (ret.) Bill Georges (Albany PD), Traffic Safety Outreach Liaison and TSC Chairman. The team along with the TSC possesses a wealth of knowledge and works tirelessly to provide information, resources and assistance to all our members, their agencies and allied organizations. If you would like our assistance please don't hesitate to contact us at Traffic@nychiefs.org.

Let's talk training! Both GTSC and DCJS provide ongoing training in traffic safety related areas. Training courses are routinely announced in the NYSACOP weekly bulletins and also on the website so please be on the lookout for them. Drug Recognition Expert (DRE) training is being offered often as impaired driving, especially drug impaired driving, is on the rise, and thus more DREs are needed statewide. One important point re: DRE training is that proficiency in Standardized Field Sobriety Training (SFST) is critical so if you are considering becoming and/or sending personnel to DRE training you should consider attending an SFST refresher course first.

We work closely with the New York State Sheriff's Association's (NYSSA) Law Enforcement Liaison and recently they have released a County Crash Dashboard where you can easily get crash data for your jurisdiction. If you haven't seen/used it yet please take a look! We sent out information on how to access the dashboard to all NYSACOP Traffic Safety Points of Contact (POC) so if you need additional information you can contact your agency's POC or us directly.

The NYSACOP Annual Conference was held on July 24-27 at the Queensbury Hotel in Glens Falls and was a huge success! We had a panel discussion at the conference entitled, *Traffic Safety Engagement in Today's World – What We Know, What We See and What We Must Do*. Panelists included DMV/GTSC Deputy Commissioner Owen McShane, Ossining Chief and NYSACOP President Chief Kevin Sylvester and TSC members Saugerties Chief and 1st Vice President Joseph Sinagra and Suffolk County Inspector David Regina. We also conducted a Traffic Safety Leadership presentation for the Executive Training Track.

Have you seen the recently released NYSACOP Traffic Safety Position Statement and Talking Points? If not, please take a look at them on our website. They were developed to assist our members re: why traffic safety engagement/enforcement is an important component of public safety. While the pandemic resulted in a temporary decrease in enforcement for many agencies, data now clearly shows that both nationally and here in New York State, traffic fatalities have increased while enforcement has decreased. These days it is commonplace to see unsafe/illegal driving on our roadways! Despite all of the hardship and death that the pandemic has caused, people are still dying and/or being seriously injured in traffic crashes and the proven best way to combat this critical issue is data-driven, fair and balanced enforcement with companion public information & education. We must all continuously strive to remedy this dangerous situation and recent polls have shown that the public supports traffic safety.

(Continued on page 46)

As I said, we've been busy however we are never too busy to support your efforts! We are constantly looking for information that we believe would be beneficial for you and distribute these materials/information through NYSACOP bulletins, our Traffic Safety Points of Contact (POC) and on our website. We hope that you find these materials/information helpful and if you haven't checked out the Traffic section on the website lately, please take a look when you have time.

As always, we welcome your comments, suggestions and involvement and also would very much like to hear about what your agency is doing to promote traffic safety so please let us know so we can showcase your efforts. For further information or if you would like our assistance, please contact Dan Denz, Mike Geraci and/or me at Traffic@nychiefs.org. Thank you and stay safe!

Moving On

It has been my pleasure to have served as the Editor of *The Chief's Chronicle* and *Chiefly Speaking*. I would like to thank all of our contributors and members for providing stories, articles and leads on a variety of activities which reflect on the proactivity and professionalism of New York State law enforcement. It has been my privilege to help to tell the stories of our members and their agencies. I will be pursuing other opportunities now and wish all of my colleagues the best.

Mark A. Spawn
Chief of Police/Ret.

mark@spawnsgroup.com



Visit www.nychiefs.org for the latest NYSACOP News, Events, Resources, Bulletins, Publications and Podcasts.

State Police Arrest a Canandaigua Resident for Criminal Sex Act 1st Degree and Criminal Sale of Controlled Substance 3rd Degree

On August 24th, 2022, 43 year-old Jeffrey V. Kuney of Canandaigua NY, was arrested for Criminal Sex Act 1st Degree, (Class B Felony), and Criminal Sale of Controlled Substance 3rd Degree, (Class B Felony), for crimes which occurred in the town of Canandaigua. These charges are the result of an additional victim coming forward after learning of Kuney's arrest for Rape 1st Degree on July 25th. Additional investigation led Investigators to the seizure of cocaine and prescription drugs which Kuney reportedly provided one of his victims.



Kuney was processed at SP Canandaigua and is currently awaiting centralized arraignment at Ontario County Jail.

Investigators believe Kuney has had relations with women in the Central New York Region. Troopers are asking other victims to contact the New York State Police, Troop E Bureau of Criminal Investigation, at (585) 398-4100.

New York State Police Press Release, August 26, 2022

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A TRAGIC CONNECTION: POLICE CAN LEARN FROM MARITIME DISASTERS

BY GORDON GRAHAM



My fascination with maritime tragedies started early in my life. My father, Francis Gordon Graham, served in World War II as a chief engineer in the U.S. Merchant Marine. With no disrespect intended to the other branches of the United States war machine during this major conflict, after Pearl Harbor the casualty rate among merchant mariners was by many accounts the highest of all the services during the war. One in every 26 merchant mariners was killed in WWII, compared with one in 34 Marines—such

The Japanese and German militaries were not stupid. They knew if they could break up the supply chain from the United States to the war efforts across the Pacific and Atlantic oceans, they could win the war.

were the perils of being a merchant seaman.

The Japanese and German militaries were not stupid. They knew if they could break up the supply chain from the United States to the war efforts across the Pacific and Atlantic oceans, they could win the war. War materials manufactured in the U.S.—and fuel—had to get to where they were needed, and that was the job of the Merchant Marine. With this in mind, I am indeed lucky to have been born.

Dad did not talk about his war experiences with me back then, but he loved watching a TV show called “Victory at Sea” as I was growing up at our home in San Francisco. A

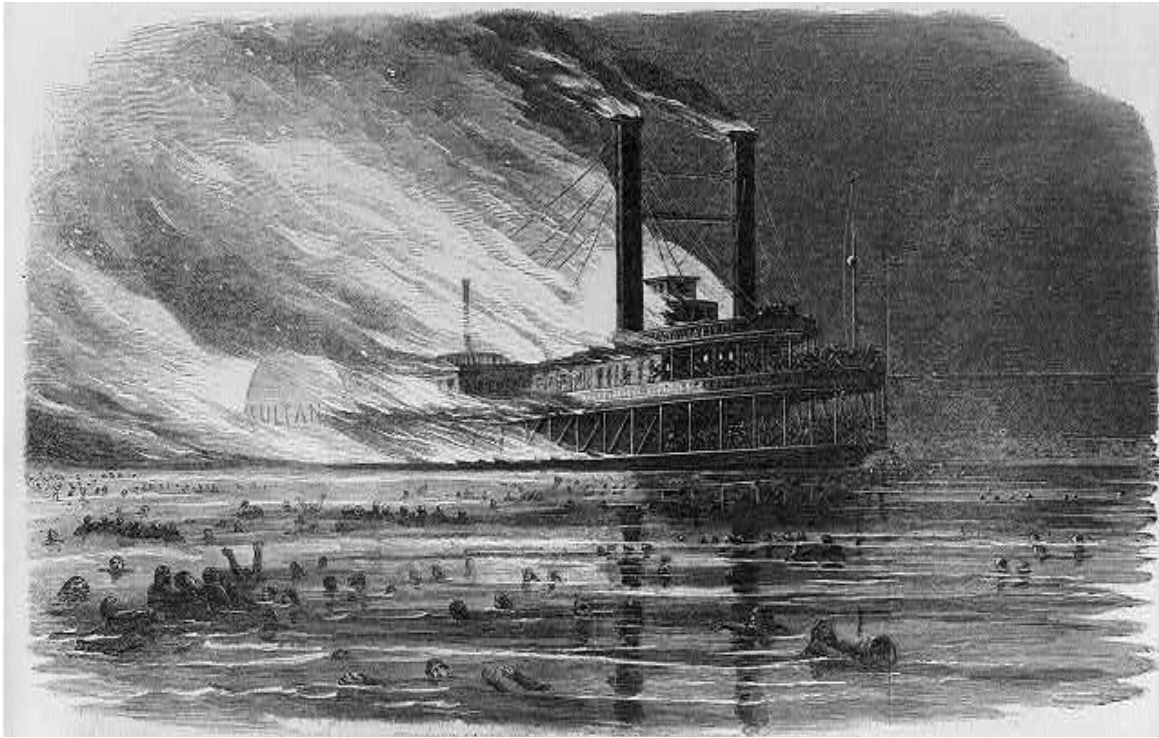
quick search on YouTube for “Victory at Sea – Main Theme” provides the music, composed by Richard Rodgers, that accompanied the show. I heard it regularly emanating from the television; the show helped me understand what Dad did during the war. I quickly learned how dangerous the ocean is, with massive ships being tossed around like they were small toys in a large swimming pool.

My grandfather on my dad’s side was a “dredger” in San Francisco Bay prior to WWII and cut the shipping channels that allowed ships to navigate the Bay from and to the Pacific to the ports in Oakland and “The City.” Dad would regularly take us down to the wharf. He seemed to know everyone there and I often got the chance to board military vessels in port and listen to seamen tell stories. I developed a great respect for the power of the oceans as I soaked up quotes like, “The sea is a cruel mistress, and the stupid will be punished.”

For those of you who have read my previous articles, you know I tend to digress, so here is my first veering from the point of this piece. One of

“The sea is a cruel mistress, and the stupid will be punished.”

(Continued on page 49)



Explosion of the steamer Sultana, April 28, 1865; Library of Congress; <https://www.loc.gov/>

my great joys in life is taking my old wooden boat from its dock in Alamitos Bay in Long Beach, Calif., around the Naples area and occasionally out into the Pacific. I keep my PFD in the trunk of my car and upon arriving at the marina I put it on, long before I get to my assigned slip. Over the decades I have been fortunate to own a boat, I have heard many comments—too many negative—about my wearing my PFD long before I get on my boat and long after I get off the boat.

Very recently I stopped in the bathroom at the marina prior to boarding (remember I am 70 and there is a basic rule at that age to never pass up a bathroom) and as I was washing my hands a very, very old fellow adjacent to me said, “You are smart wearing your PFD. Most of these idiots who own boats here have no clue how dangerous boating is.” I thanked him for that, remembering that “the stupid will be punished” and the countless maritime tragedies I have read and studied throughout my life. I did not mention to him that my 23-foot boat is also equipped with a Winslow life raft system—again for the “just in case I ever need it” category.

During my tenure in graduate school in the mid-1970s at the Institute of Safety and Systems Management at the University of Southern California, I was exposed to the studies of hundreds of maritime tragedies. Many of you have been to my live lectures over the years. The

“Tragedy Titanic” is a classic story I repeat often in my lectures because everyone thinks they know the story behind the deaths of roughly 1,500 people (numbers vary between 1490 and 1635; the exact number of deaths is uncertain). The Titanic tragedy was caused by an iceberg, right? In fact, the iceberg was the last link in a long chain of “problems lying in wait” that ultimately led to this well-known tragedy.

A lesser-known tragedy is “The Titanic of the Mississippi”—the Sultana sinking, which occurred 47 years prior to Titanic. An estimated 1,800 Union troops (formerly POWs held by the South during the Civil War) died in that maritime tragedy when the 260-foot ship with an authorized capacity of 376 was laden down with over 2,000 soldiers. While “boiler failure” is listed as the cause of the explosion, it was again a series of problems lying in wait that ultimately killed those soldiers.

I could bore you with scores of major maritime tragedies. Ships of the Persian Fleet in 492 BC, ships of Roman Fleet in 255 BC, the Mongolian/Korean Fleet tragedy in 1281, the Spanish Armada in 1588, the British Convoy tragedy in 1811, the General Slocum tragedy in 1904, the Empress of

(Continued on page 50)

Ireland in 1914 and the Mont Blanc munitions ship tragedy in 1917 in Halifax Harbor and ... the list is very long indeed.

Every American needs to read about what happened to the USS Fitzgerald off the coast of Japan in 2017, in which the Fitzgerald collided with another ship in the middle of the night. ProPublica has put together an excellent [visual and written overview](#) that is likely to sicken you, as it did me. How could this happen in the United States Navy?

“Gordon – we are now two pages into this—is there a point here? These tragedies have nothing to do with me. I don’t go on cruises, I am not in the Navy or the Merchant Marine. I don’t go out in the ocean often, and when I do it is just a fishing charter close to shore, so none of this applies to me.”

OK—then I recommend you do a quick check of a [fishing charter tragedy](#) that occurred in 2003 in Oregon in which nine people died. Nine people just like you and me who paid money to a charter captain to go out in the ocean to have a great day fishing. A simple excursion that happens hundreds of times a day in coastal cities around our nation—a simple excursion that ruined a lot of families.

Like the massive maritime events that killed thousands, this tragedy occurred because there were “problems lying in wait” that people were aware of—and in spite of their knowledge, they acted in a manner that led to the deaths.

My word count has already exceeded the limit set by Madame Editor—yes, the same editor who made my prior series of ramblings over the last five-plus years readable and understandable—but in my next visit with you I will take apart the NTSB investigation into this tragedy to identify what really caused this loss of life.

My goal here is to show you that the causes of maritime tragedies are often the same “problems lying in wait” linked to tragedies in law enforcement operations. As we move through this planned series of writings, I will share tragedies in other high-risk industries, including trucking, aviation, pipeline, nuclear, mining, railways and others.

I am convinced—and I hope to convince you—that we need to study and learn from these events that are seemingly unrelated to police operations, when in fact the problems are very much the same. Additionally, I am hopeful that revisiting tragedies in other industries

may cause you to think and be more aware of risks in other businesses and industries in which you might have some involvement.

Until our next visit, please work safely and remember that *predictable is preventable*.

Gordon Graham is a 33-year veteran of law enforcement and is the co-founder of [Lexipol](#), where he serves on the current board of directors. A practicing attorney, Graham focuses on managing risk in public safety operations and has presented a commonsense approach to risk management to hundreds of thousands of public safety professionals around the world. He holds a master’s degree in Safety and Systems Management from University of Southern California and a Juris Doctorate from Western State University.



SAVE THE DATES

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CHIEF'S CORNER

AS WE RETURN TO NORMAL DON'T FORGET TO REVIEW THE BASICS

BY COMMISSIONER/RET. STUART CAMERON



Over the last two years the COVID-19 pandemic has significantly impacted the lives of so many. Throughout the pandemic most people have pondered when things will return to some semblance normalcy. One group in particular that has been substantially impacted by the pandemic and all of its related consequences are those in the law enforcement profession. Law enforcement officers have not only borne the brunt of enforcing COVID-19 restrictions, they have also had to deal with substantial criminal justice reforms, widespread disruptions in the criminal justice system, increasing crime rates and unprecedented civil unrest, all while continuing to go to work during a serious health crisis that endangers them and their families on a daily basis. None of this has been easy, but policing the recent protests and demonstrations has been especially challenging as these demonstrations have been directed at the profession of those who are there to keep the peace; directed at those who must retain their neutrality to properly perform their mission.

Those who have served as police executives over the last two years have done so during one of the most challenging times in American policing history. Law enforcement leaders who have been successful in guiding their departments through these highly demanding times should take some pride in their

accomplishments. It certainly has not been easy; however, a new transition is now afoot.

One of the direct consequences of the measures that were taken to limit the impact of the COVID virus was the imposition of restrictions that significantly reduced the size and number of large gatherings. Students were remotely educated, entertainment venues were closed and the occupancy of many retail establishments was restricted. Unfortunately, as these restrictions have been lifted and the normalcy that has been so desperately sought returns, so too does an increase in the horror and tragedy of mass shootings. Sadly, mass shootings seem to have become a part of the American norm and as large gatherings return, so too, do the target venues for those determined to kill others *en masse*.

As we move into a new phase of the COVID pandemic, one where fewer restrictions are imposed and people begin to resume gathering together in stores, entertainment venues and schools, law enforcement leaders should take the time to review the basics and ensure that their departments are prepared. The pandemic seems to have negatively affected the mental health of many people to varying degrees and it has also further polarized people, potentially adding to the risk for increased violence.

The Basics

Every law enforcement leader should be concerned about the possibility of an act of mass violence occurring in their communities. A retrospective missive that the community involved has always been peaceful and that there was no indication that a mass shooting could occur, would likely be seen by the public as nothing more than an acknowledgement

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of a lack of preparation by the police. The ubiquitous, ‘I never thought it could happen here’, should be reserved for a post event media sound bite and not a statement from a chief of police. Not only must law enforcement leaders prepare their sworn staff to respond quickly to stop an act of mass violence, they must also prepare holistically for all the other elements of a proper and comprehensive response plan, including the delivery of medical trauma care to victims and a proper reunification with their family members.

The tactics that were developed after the Columbine school shooting in 1999 were dubbed rapid deployment or immediate action rapid deployment. Both titles clearly indicate that one of the very basic elements of the proper response to an active shooter event is time, or a lack thereof, for law enforcement. Unlike a traditional hostage barricade, time is not on law enforcement’s side, and in fact anything that delays a police response will likely result in further casualties. This applies to both stopping the attacker, as well as getting medical attention to any of the victims. In many cases those who have been wounded during one of these attacks have only minutes to live without medical intervention. Even agencies that have no direct day-to-day role in medical care within their

communities need to ensure that it can be delivered during this type of ongoing threat environment.

Those who have engaged in this form of random violence have also recognized that time is one of the most critical elements to fully exploit the situation. Attackers wish to maximize their time to kill and to do so as rapidly as possible, while likely aware that the police will be coming quickly. This is perhaps why many attackers have now incorporated assault style rifles into their attacks. These weapons were designed to shoot and reload rapidly. They are also very accurate and very lethal to both victims and to responding law enforcement personnel. Some attackers have even devised ways to slow down responding law enforcement officers to buy themselves extra time, for example, by locking entrances, strategically parking vehicles and placing false improvised explosive devices.

In order to formulate a comprehensive response plan, law enforcement leaders should review the tactics that have been and that are currently being used. As the saying goes, those that don’t know

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history are doomed to repeat it. One thing that does seem clear is that many of these attackers are reviewing and studying the methods of those who have come before them, with some even expressing the desire to outdo previous attackers. In many cases a failure for law enforcement to respond properly is less a reflection on rank-and-file officers and more of an indication that the agency head hasn't worked diligently to prepare their department to respond.

Training

Clearly one of the most basic and necessary preparations is training all officers in immediate action rapid deployment. Fortunately, there are several well-developed training curricula that can be adopted, however a commitment to fully incorporate the training, both for recruits and for in-service officers, is essential. There is no substitute for this type of training and it must be kept current with regular and ongoing refresher sessions. It is essential that rapid action be emphasized during this training and that officers be given the leeway to take action while alone or in pairs, if necessary. Solo responding officers have stopped previous attacks. But again, proper training is crucial to successful intervention.

Incorporating potential target venues into training can be mutually beneficial. Officers will be able to receive more realistic training and become familiar with the layout of various buildings within their areas of responsibility, while those who operate these facilities can be made aware of how police will respond and what they can do to enhance this response. Departments should also work proactively with these venues to review response plans and harden these potential targets. Having officers present during active shooter drills at schools and other venues to provide input can be very useful for both parties.

Equipment

Officers also need to be properly equipped to respond to an incident of this nature. In many cases they will be facing a very committed adversary who may be armed with an assault rifle, which can penetrate standard law enforcement soft body armor. Many departments have purchased heavy body armor, and/or ballistic plates and helmets to protect officers when they are responding to an active shooter attack. Equipping officers with breaching tools is also critical, whether the officers are

denied access because the attacker took some type of action to delay them or the building is simply completely locked down, as many schools now routinely operate. Having a way for responding officers to rapidly gain access is critical.

In order to ensure that responding officers are not completely out gunned, many departments have instituted patrol rifle programs. Responding to a call of a shooter armed with an assault rifle while only carrying only a hand gun stacks the deck against responders. A comprehensive patrol rifle program should include the careful selection of the weapon platform given the potential for close quarter engagement and due consideration to the accessories that the rifle is equipped with, such as holographic sights and weapon slings. Additionally, both initial and routine in-service training for accuracy of fire and proper tactics should be delivered. Measures to safeguard the weapon while it is out on patrol must also receive due consideration.

Prompt access to proper medical supplies could save lives. Equipment like tourniquets, and clotting gauze can slow or temporarily stop blood loss until victims can reach the hospital. Department leaders will need to decide whether they will train their officers to use this equipment or train with existing EMS resources

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who have committed to entering a potentially hazardous area to treat victims while being supported and protected by police. Neither solution is perfect. The ultimate decision on how medical care will be delivered will likely be based in part upon the size of the police agency and how involved they already are in the delivery of medical care within their communities.

It is very likely that many law enforcement agencies have cut back on a variety of training due to the COVID-19 pandemic over the last couple years. Bringing large groups of officers and other first responders together has had the potential to spread the virus. As more responders are vaccinated and treatment options are expanded, routine training should return with proper health precautions. Drills and exercises are also very advantageous, especially if other law enforcement or first responder agencies are a critical part of the response plan. Very few agencies have the resources to handle this type of event without some type of outside support, so exercising together on a regular basis is vital to achieve success.

Technology

The advancement of technology has affected every aspect of modern-day society and accordingly it has helped law enforcement to become much more efficient and effective. This applies not only to routine policing, it also applies to tactical situations, like an active shooter response. Technology, such as cameras, electronic access control, robots and drones could all play a vital role in an active shooter response. Technology should be utilized whenever possible to assist law enforcement in rapidly dealing with this type of situation. In many cases public/private partnerships can be developed to allow law enforce to gain access to existing remote camera feeds and access control for use during an emergency situation. Drones could be deployed to help locate an attacker in a large area and to rapidly direct officers to the proper location while supplying useful tactical information about the suspect.

Reunification

Perhaps one of the most challenging and vexing issues to be dealt with is reunification. This is especially true when the attack has occurred in a school facility. Family members must be reunited with those present during the attack while complete accountability is maintained. Some victims will have been transported for medical care and others will likely be deceased in the attack venue. Determining the identities of the injured and deceased

rapidly and with infallible accuracy is essential to mitigate the trauma to family members. Family members of the injured should be at the hospital with their loved ones and the families of the deceased should be informed in the most humane manner as rapidly as possible. Young children seldom carry identification on their person, which would no doubt impede these efforts.

Most law enforcement leaders hope that the effort they put into preparing for an active shooter attack in their communities is never needed. However, these efforts can be useful during other incidents as well. The close coordination developed while training and exercising with other area law enforcement agencies and first responders can reap benefits in numerous other situations. While increasing the tactical training and equipment capabilities of the patrol force will no doubt provide opportunities for officers to respond in a more effective and safe manner during other types of emergency calls involving armed or dangerous suspects.

Unfortunately, as society begins to return to normal unintended consequences can occur. An awareness of and preparation for these consequences is essential. While there are many positive aspects of a gradual return to normal life, there are also some unfortunate certainties. Be aware, be prepared, and remember the basics.



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The New York State Division of Criminal Justice Services (DCJS) is bringing together criminal justice professionals from around New York State and beyond for the 2022 Public Safety Symposium. This Symposium is being held in Albany, NY from **September 27 – 29, 2022** at the Empire State Plaza Convention Center.

The goal of the symposium is to convene executives, police command staff, prosecutors, community supervision, crime analysts, researchers, community members and criminal justice practitioners from around the state and country. Over the course of three days, attendees will share innovative ideas, evidence-based violence reduction practices, as well as updates on police reform and reinvention collaborations.

The Symposium is open to all members of the criminal justice community in New York State. Additionally, members of the Law Enforcement Training Directors Association of New York State (LETDANYS) will have a track of presentations that is specific for training directors.

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- Community Supervision
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We look forward to seeing you in September.

Raymond Neves, Associate Training Tech-Police; Gun Involved Violence Elimination (GIVE) Initiative
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Body Worn Camera Implementation at a Midsize Upstate New York Law Enforcement Agency: An Erosion of Trust on Trial

Kyungseok Choo, James C. Brown, and Caitlin A. Hopkins; Department of Economic Crime, Justice Studies & Cybersecurity, School of Business & Justice Studies, Utica University

Body-worn cameras (BWCs) have emerged as a perceived solution to many complex issues facing policing today. The foundational framework of this study is laid as many law enforcement agencies struggle with analyzing the effects of BWC technology as these pertain to their core functions and relationships with the communities they serve. An examination of the BWC implementation process of local law enforcement agencies, therefore, provides a unique understanding of “what is going on” from a practical point of view that can be transformed into important policy implications. Using multiple research methods, the study was conducted to provide detailed information on a local law enforcement agency’s BWC operation, challenges of implementation, and perceptions of officers of the BWC program before and after the application of BWCs in upstate New York. The results of this study show the experience and attitudes regarding BWCs among the study participants were conclusively more positive than negative. In general, officers believe the BWC program protects officers against liability and unfounded complaints as well as helps them monitor their own behaviors when interacting with citizens. The majority of participants in the study supported the

BWC program, which enhanced the agency’s transparency and accountability as well as officer professionalism. However, the results also indicate that the officers participated in fewer self-initiated activities since BWC implementation. Moreover, many officers shared their hesitancy, nervousness, or tendency to second-guess when they engaged in situations requiring force. The study also revealed that privacy issues and administrative sanctions regarding the BWC video footage were the primary concerns among participants. Participating officers shared additional concerns about the BWC design flaws and malfunction tendencies as well as their hesitancy to spend extra time downloading and tagging BWC video footage. The current study provides practitioners and leaders of policymaking with new insights into a quick turnaround assessment that would allow for the more manageable review and implementation of a BWC program in both small and mid-sized law enforcement agencies.

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The past five years of BWC research in the US and the UK shows the relative inconsistency in their approaches and overall outcomes of BWC effectiveness (Yokum, Ravishankar, & Coppock, 2017, p. 2-4). The predominant literature remains scattered, with no seemingly unifying thread or truly “integrated conceptual framework” (Wren, 1994) that binds together common approaches to BWC research. This may result in a confusing message to leaders in law enforcement including policymakers and elected officials who are looking for direction when faced with dilemmas related to the implementation of new technology within their organizations. Moreover, most evaluation studies on current BWC adoption in law enforcement have focused on large agencies. The current study provides practitioners and leaders of policymaking with new insights into a quick turnaround assessment that would allow for the more manageable review and implementation of a BWC program in both small and mid-sized law enforcement agencies.

Research Methodology

The overarching research methodology for the study was mixed-method, using a cross-sectional design (Creswell, 2005, p. 355) to measure “what is going on” with the new BWC initiative at a local level. A new BWC Law Enforcement Interview Tool and a Field Observation Tool of the BWC Operation were developed and utilized to measure the BWC implementation process along with potential challenges relative to this study.

Results

Brief Background of the BWC History

The local agency selected in this study underwent the following stages to initiate the BWC program implementation: undergoing a replacement assessment of the old technology, securing the BWC funding source, testing a number of available BWC equipment, communicating with its corresponding District Attorney’s Office, and developing a written policy. Before the BWC implementation in 2015, the agency had used the in-car camera system (dashboard camera equipment) to enhance officers’ safety. According to the agency’s chief of police, a major impetus of the in-car camera was to provide some type of usable evidence in the event that a police officer was in danger in the line of duty. After obtaining about \$250,000 for this program’s budget, the in-car camera system was put into full effect. However, the agency soon realized there were multiple problems with the in-car cameras including its 24/7 operation, operational issues during rough weather conditions, vibrations of the car hindering recording efficiency, frequent equipment breakdown, and excessive repair time and cost.

Since the agency had no feasible plan to sustain the in-car camera system, now being questioned due to the reasons above, the agency replaced the old dashboard camera program with the BWC program in 2015. It took more than two years for the agency

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to secure the BWC start-up funding due to the city government's tight budget. When the final BWC was selected, the agency had communicated with its corresponding District Attorney's Office to explain the BWC program and get help for the BWC written policy development.

Although many officers rejected the idea of achieving additional safety from their BWC, the study participants all agreed that BWCs protect officers from liability and unfounded complaints against them. The assistant district attorney also confirmed the BWC's role regarding liability and protection against unfounded complaints.

Half of the officers in the study also admitted that BWCs made them second-guess their actions for fear of citizen complaints. When asked if BWCs contributed to fewer arrests or citations, most officers responded seeing no significant difference before and after the BWC implementation.

Lessons Learned

Three specific recommendations were identified for small or mid-sized law enforcement agencies planning to implement the BWC program: detailed policy, pilot testing, and budget planning. The Assistant District Attorney suggested that a very detailed BWC policy development process was critical before implementing the BWC program within an agency. The second recommendation was somewhat related to the first one; this suggestion involved conducting a pilot program for BWCs before full implementation. The third recommendation was budget planning. The chief of police stated: "Certainly, don't rush into it. Expect that there is going to be a cost to this. And expect that that cost is going to be associated around storage rather than the initial purchase of the cameras."

Overall, the results of this study conclude that the experiences and attitudes regarding BWCs among the study participants were conclusively more positive than negative. In general, officers believe the BWC program protects officers against liability and unfounded complaints as well as helps them monitor their own behaviors when interacting with civilians. The majority of participants in the study supported the BWC program, which enhanced the agency's transparency and accountability as well as officer professionalism. However, the results also indicate that the officers participated in fewer self-initiated activities since BWC implementation. Moreover, many officers shared their

Overall, the results of this study conclude that the experiences and attitudes regarding BWCs among the study participants were conclusively more positive than negative. In general, officers believe the BWC program protects officers against liability and unfounded complaints as well as helps them monitor their own behaviors when interacting with civilians.

hesitancy, nervousness, or tendency to second-guess themselves when they engaged in situations requiring force. The study also revealed that privacy issues and administrative sanctions regarding BWC video footage were the primary concerns among participants. Participating officers shared additional concerns about the BWC design flaws and malfunction tendencies as well as their hesitancy to spend extra time downloading and tagging BWC video footage.

Discussion and Policy Implication – Actions for Practitioners

The measurement and related study of the effect upon individuals being watched in the performance of various tasks and how those tasks are performed and related behaviors is not new (McCambridge, Witton, & Elbourne, 2013; Yokum, Ravishankar, & Coppock, 2017). Known as the Hawthorne effect, this germinal research conducted in the early 20th century (1924-1933) at the Western Electric manufacturing factory near Chicago, Illinois, yielded the basic premise that people act differently when being watched (McCambridge, Witton, & Elbourne, 2013; Yokum, Ravishankar, & Coppock, 2017). BWCs should not be viewed as a panacea. We also noticed that most evaluation studies on current BWC adoption in law enforcement have focused primarily on large agencies. For this reason, our study was conducted to provide detailed information on the BWC operation, challenges of implementation, and perceptions of officers before and after the implementation of the BWC program within a mid-sized law enforcement

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agency. From initial planning to full-fledged implementation of the BWC program, it would be beneficial to provide an orientation for all BWC stakeholders including judges, prosecutors, and defense attorneys describing the philosophies, policies, and procedures specific to the BWC program. This will help all individuals belonging to the justice system achieve a solid understanding of BWC technology as well as its realistic challenges and limitations. We also suggest the development of a training manual for officers including not only the general policy for using, downloading, and tagging BWC video footage, but also for practical strategies aimed toward overcoming challenges and concerns.

For a complete copy of this research study, please contact co-author, Dr. James C. Brown at jbrown@utica.edu.

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The three specific recommendations by the study participants will be especially helpful for the leaders of small or mid-sized law enforcement agencies planning on utilizing the BWC program: detailed policy, pilot testing, and budget planning.

The three specific recommendations by the study participants will be especially helpful for the leaders of small or mid-sized law enforcement agencies planning on utilizing the BWC program: detailed policy, pilot testing, and budget planning. To exercise these recommendations, we also suggest each agency take a pre-mortem approach focusing on the potential challenges of BWC implementation, which is a project management strategy by which one should imagine a project has likely failed and then work backward to determine what potentially led to the failure of the project (Klein, 2007). This approach will be beneficial to many local law enforcement agencies considering BWC technology adoption in the near future since most cannot afford the post-mortem approach, which provides lessons and possibly exhausting resources following the failure of the project.

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LEADERSHIP

THE ISOLATION PROBLEM

BY CHIEF/RET. GREG VEITCH



Leadership can be lonely. This is a statement that almost all experienced leaders will agree with. It is one of the burdens of leadership. Even if we feel that we are constantly surrounded by people, answering non-stop emails and in meetings all day long, leaders often feel isolated. At the highest levels of an organization leaders often are, in fact isolated.

Some people work great all alone. Give them a task, let them put their head down to get after it, and the results can be astonishing. Other people do not need or want to be part of a team, it is just not their thing.

But leaders do not have that option. If you are a leader, you must have at least one follower. You are not and cannot be alone. Leadership involves groups of people.

Isolation is a problem for leaders. Throughout our leadership journey we must deal with the problem of isolation. Most of the time it starts as a feeling.

Imagine you are a sergeant on the midnight shift. It is 2:00 AM and suddenly you hear a pursuit being called out over the radio. You are not worried; you know the policy. The officers call in the location, speed, suspect description, and traffic conditions.

You are a good sergeant, so you recognize right away that the officers have not yet called in the reason for the pursuit. You also know that your department policy does not allow for pursuits for traffic infractions only, but that historically supervisors have allowed such pursuits to continue

for a few minutes and sometimes for much longer. In fact, when you were an officer, you chased some traffic violators yourself.

Being a diligent supervisor, you call for the reason for the stop and as soon as the answer comes back, “fail to signal,” you order the pursuit to be terminated.

You made a good decision. The right decision. This is as much a solid leadership decision as it is a risk management or policy-based decision. We would like all our first line supervisors to make these good decisions, in real time, on the street.

The following day at roll call, it is unlikely that you will get positive feedback from the officers involved. After all, other supervisors have allowed pursuits to continue before, and who knows, maybe the guy was running because he just killed somebody.



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But since you stopped them from catching a bad guy, they aren't going to be slapping you on the back and thanking you for following the policy and saving them from a possible lawsuit if the pursuit ended in a fiery crash. More likely, you might get the cold shoulder for a little while.

In addition, the pursuit lasted all of fifteen seconds before you called it off. There was no damage, no arrest and maybe not even a report. Will your command staff even know that you called off a pursuit? Forget *atta-boys* from the troops, you probably won't even get an email from the chief thanking you or at least acknowledging that you made the right call on this.

Even though most of the officers understand we can't conduct vehicle pursuits like we have in the past, and even though the command staff and the chief would certainly appreciate the sergeant's decision if they knew about it, the impression left with the sergeant is that they had to make the decision all alone and that it has gone unappreciated.

As we move up the chain of command, isolation only gets more real and more detrimental to the leader.

Take feedback, for example. A sergeant is still interacting on a regular basis with line-officers, lieutenants, and other sergeants. Even if they feel alone when making some decisions, they

still have informal feedback opportunities from those below, above and at the same level in the organization on a daily basis.

How does this work for the chief? It is not a shock that the higher one goes in an organizational hierarchy, the less feedback they receive. It happens in all organizations, and it may be a particular problem in para-military type agencies.

Many departments have performance appraisal systems. Annually, each employee is rated by their superior officer. Some departments have a place for subordinate officers to also provide feedback (although many are reluctant to rate their supervisor).

But who rates the chief? Has the head of the department become exempt from appraisal by others simply because they have attained the top spot in the organization? Do you think that a CEO of an organization would benefit from feedback? How about a parent in the home? Might a lack of honest, frequent, or formal feedback lead to stagnant executive leadership? If we are honest with ourselves, it is clear that being isolated from feedback is not in our best interest.

Often the nature of your position will foster isolation. Let's face it, if you are a command level supervisor, many of your employees are

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afraid of you. Even if you are the kindest and most gentle person in your department, the fact that you are the chief often induces fear in others.

People who fear the captain, deputy chief or chief are not likely to bring forward problems and issues on their own. The feeling many chiefs have, is that they have to drag negative information out of their subordinates. Feeling like you don't know what is going on in the department is further isolating for the top levels of command.

Another way in which the nature of the position further isolates the individual in the chief's chair is that the chief is expected to have all the answers and is ultimately responsible for the activities of the department.

The response to this situation by many police chiefs is a tendency to dominate discussions and decisions. Police staff meetings are generally not open and frank discussions of issues. It is more likely that debate is monopolized by the chief who will give all the answers and make all the decisions. Sometimes this may be necessary, but in the long term, it may not be the best for the leader or the organization.

The crush of administrative work forces executives into the office, further disconnecting them from the day-to-day activity of the department. Open door policies are great in principle, but no one ever takes advantage of them.

The isolation problem is real for leaders, especially executive leaders. It is difficult for isolated leaders to improve and grow. Stagnant leaders are not good for the organization nor for their followers. The first step in finding a solution to the isolation problem is to recognize that you are, or have become, isolated and to take proactive steps to alleviate the problem.

Perhaps you need to get out of the office more. MBWA (Management-by-Walking-Around) works. Even if it is just to keep contact with the line-level employees in your agency. Conversations are more impactful when they are conducted in the detective bureau, on the street or

in the hallway. This is where relationships are built. Not so much in your office where very few people are coming to (voluntarily anyway). Get out, into their world, and seek out the feedback you are missing.

The research tells us that successful leaders usually had multiple mentors. The best leaders seek out a diversity of opinion. Much ancient wisdom recognizes the need a leader has to have many advisors. Proverbs 15:22 tells us that "Plans fail for lack of counsel, but with many advisors they succeed."

You won't get many advisors sitting in your office all the time. You have to go find them. Do not make the mistake of thinking that you can only be the mentor because you are at the top of the organization chart. Police chiefs need wise advice and counsel, just like any other leader at any other level of the organization, but because of the isolation issue, many executives must actively seek out those people in their lives.

So go looking for wise and experienced advisors. They may be outside the agency, profession or even at a lower level of the organizational chart. A police chief would be smart to seek out and take wise counsel wherever they can find it.

One of the burdens of leadership is that it can be lonely. "It is lonely at the top" is a common refrain because it is true. Recognizing the isolation problem and taking steps to alleviate it is something great leaders do, and, in the process, they benefit their departments, their followers, and themselves.



MEDAL OF HONOR

21 Minutes: Safeguarding Bystanders, Extracting Gunshot Victims, Administering First Aid, Apprehending Shooter

BY CHIEF/RET. MARK SPAWN



Sitting at the northern part of Herkimer County the picturesque Town of Webb is an Adirondack treasure. Tourism is a key part of their economy, while many live here year round. Homes, cabins and chalets dot the 452 square mile township, the largest town by landmass in New York State, with its majestic mountains and scenic lakes providing a peaceful and serene life for those who work, live and visit here.

But on September 5, 2020 around 8:30 PM, a flurry of 911 calls to the Herkimer County 911 Center signaled trouble – ‘shots fired’, ‘multiple people shot’, and ‘home invasion’. Two officers were on duty that evening in separate cars – Officer Michael Uhl and Officer Thomas “Jamie” Furlong. Only Uhl was scheduled for duty, but Furlong was working an overtime shift that evening, comprising 2 of the 10 officers who work for the town. Uhl was fueling his cruiser when the call came in. He unlocked his patrol rifle before heading to the call, not knowing what he would find at the scene but anticipating something serious. Officer Furlong, farther away, was responding in a brand new patrol car. Enroute to Dan Bar Acres Road, an upscale rural neighborhood along First Lake, the officers suspected that this would not be a nuisance call. Officer Furlong said, “We really didn’t know what we were headed into. Everybody’s had their ‘shots fired’ calls that turn out to be fireworks. 90% of the time it’s nothing. But we had 2 calls on this – one was for a home invasion and the other was shots fired, people down.”

As Uhl neared the scene he was flagged down by a group of hysterical people on the side of the road – even though he had not yet reached the address given by the radio dispatcher. “I thought this must be the scene, but it was different than the dispatch address,” said Uhl. “As I was trying to get information from the large group, they said, ‘it happened down the road’.” At that point people started running down the road toward the scene which created a safety concern for Uhl, the lone officer on the scene at that time, still unaware of the shooter’s location and how many victims there were.

Chief Ronald Johnston (Webb PD) reflecting on the incident said that his officers were faced with a number of challenges that evening. “When they rolled up, not only was it a glass front house, but there were 30-40 people in front of the house screaming.” Johnston said that the people on the road were friends and family members of the two shooting victims. “The officers didn’t have a lot of time to plan. They didn’t have a lot of options.”

As Officer Uhl directed the crowd back, one of the bystanders directed Uhl’s attention to the house. “I saw the house, it was at the corner of Dan Bar Acres and Fletcher Road. I took cover behind my vehicle and assessed the scene. I immediately saw a UTV (utility terrain vehicle) in the driveway and could see a guy slumped over it, and I saw another body on the driveway in front of the UTV,” said Uhl. “There was nobody else outside. Now I was yelling to all of the people

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approaching to get back, because the whole front of this camp is glass – it’s all windows.” Uhl continued to direct the several bystanders to get back. “I told them, you have got to get out of here.” Uhl was still alone as he tried to assess where the shooter was, the condition of the victims in the driveway, and the crowd that was hovering nearby, but Officer Jamie Furlong arrived moments later. Uhl said, “I gave Jamie (Furlong) a quick synopsis about the two victims and the crowd of people.”

Officer Furlong said, “When we rolled up we didn’t know who was a suspect, or who was a victim.” The suspect had called in the report of a home invasion as an apparent defense for his shooting of the two neighbors. But that was unknown to officers at the time. “We had to process it one step at a time and treat everything as a threat,” added Furlong. Both officers would draw upon their previous training with Rome PD where they began their careers. Furlong served for about 5 years with Rome PD before transferring to Webb PD in 2019, and Uhl served for 10 years in Rome prior his transfer in 2018. They are among a total of four Webb PD officers who came from the Oneida County agency.

Uhl assumed a strategic position to assess the scene as he was armed with his patrol rifle. Furlong was armed only with his sidearm, as his new police car was not yet outfitted with a rifle. Uhl positioned himself behind a tree with a perspective encompassing a substantial section of the scene. Officer Furlong continued to direct the crowd to move back and away from the house which appeared to be the location of their primary threat. “And then all of a sudden, the garage door opens,” said Uhl who directed his full attention on the man who would turn out to be their suspect. Furlong also focused his attention on the subject. With his rifle trained on the subject, Uhl directed the man backward about 30 yards toward himself while providing cover for himself and Officer Furlong. Then, Furlong handcuffed the man. At this point the officers could not be certain that this was the shooter, and if so, if he was the only threat. Uhl told Furlong to stay with the suspect while Uhl moved up to check on the two subjects at the UTV in the driveway. Said Uhl, “I moved up, and at this point I could hear the guy, struggling for words. You could tell he was injured and in need of assistance. The guy on the

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The crime scene as seen by the responding officers on the night of September 5, 2020, including the bank of glass windows facing the driveway from which officers extracted two gunshot victims; Photo: Webb PD



The same scene during daytime hours the following day.

Photo: Webb PD



NYSACOP President Kevin Sylvester presents the Medal of Honor to Town of Webb Police Officer Thomas “Jamie” Furlong as Chief Ronald Johnston (Town of Webb PD) looks on; Medal of Honor Recipient Police officer Michael Uhl pictured far right.

—NYSACOP Photo

driveway was motionless, I did not get reaction from him.”

Still unsure what other threats remained in the house, Uhl advanced to the garage and announced that it was clear. Then he withdrew and joined Furlong in front of the house.

Police Chief Ronald W. Johnston heard the initial radio call and responded from his residence, arriving at the crime scene 21 minutes after the dispatch. Johnston took custody of the suspect so that Uhl and Furlong could turn their attention to the victims.

By this time, Officer Terpening from Inlet PD had also arrived to assist. Uhl held his rifle on the residence while Furlong and Terpening triaged the two men and developed a plan to extract them from the line of fire. The front exposure of the house was all windows – if someone was inside the dark house, they would have a strategic advantage over everyone standing outside. Furlong placed a tourniquet on one of the victim’s arms where he observed a bullet wound. The officers dragged both

victims into the shadows so that they could bring in EMS which had staged nearby, waiting for clearance from police. Officer Uhl said, “We got EMS in there, they pronounced the one guy right away. The other guy they got quickly out of there and transported.”

Then, Officers Uhl and Furlong set out to systematically clear the house. After searching the entire premises, they declared ‘all clear’. Officer Uhl recalled that the suspect had a shotgun behind a couch right by the front windows which overlooked the driveway, as well as ammunition and rifles which were found upstairs. “We found the weapon that was used right on the kitchen table,” said Uhl.

Asked about the events leading up to the shooting, Chief Johnston said the shooter had been invited to attend a housewarming hosted by the recently retired FDNY firefighter nearby. “This guy always wanted to befriend himself, but others didn’t want to be around him. The fireman

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saw him and said, stop over.” Johnston said that the man became obnoxious toward some of the guests and was asked to leave. Sometime later, the man called the firefighter to apologize, and insisted that he come over to his house so that he could apologize. “He set them up,” said Johnston. “The two guys go over on the Kubota UTV and he starts to unload on them with his Glock.” The shooter, who had no previous contacts with Webb PD, was charged with murder and attempted murder and stood trial. He was found guilty on January 12, 2022.

“...the man called the firefighter to apologize, and insisted that he come over to his house so that he could apologize. He set them up. The two guys go over on the Kubota UTV and he starts to unload on them with his Glock.

Chief Ronald W. Johnston

Officers Uhl and Furlong stressed the importance of their police training, crediting specifically Lt. Mark Liddy (Rome PD). As Uhl was armed with his patrol carbine, he provided cover against any evolving threats. His experiences with the Special Response Team in Rome afforded him a tactical advantage in one of the most contentious calls of either officer’s career. Furlong said that the operation was choreographed as well it could have been under those circumstances, “We were trained the same way, we were on the same page. With Mike (Uhl) having the SRT (Special Response Team) training, he took point, and I was there right with him; from calling the suspect out, to clearing rooms, we never stepped on each other’s toes.”

In his nomination of Officers Uhl and Furlough, Chief Johnston said, “Unfortunately, one victim, a recently retired FDNY firefighter and 9/11 hero

succumbed to several gunshot wounds. The combined efforts of Officer Michael Uhl and Officer Jamie Furlong saved the life of the other victim who also suffered multiple gunshot wounds.” Chief Johnston lauded the expertise and coordination of his officers in assessing the scene, taking command, providing cover and concealment, addressing a large number of bystanders, extracting the two victims, taking the suspect into custody, coordinating EMS response, and clearing the house. Johnston is proud of his officers, citing their “... outstanding bravery, tactical excellence, and lifesaving efforts...” under adverse conditions.



Chief Michael Ranalli’s received the Editor’s Award from Chief/Ret. Mark Spawn at the annual conference in Glens Falls. Ranalli’s *Counsel’s Corner* column in *The Chief’s Chronicle* magazine is must-read material for every police officer in New York State. With advice on topics ranging from use of force, discipline, risk management, to the review of the latest court decisions, Chief Ranalli’s insights provide unique New York State-specific guidance through his careful selection of meaningful topics and engaging delivery.

You May Not Know It— But You May Have Saved a Life

How Domestic Violence High Risk Teams and Lethality Assessment Tools Can Improve the Safety of Survivors of Domestic Violence

**FREDERIC I. GREEN, SECOND DEPUTY DISTRICT ATTORNEY
AND CHIEF OF SPECIAL PROSECUTIONS DIVISION,
WESTCHESTER COUNTY DISTRICT ATTORNEY'S OFFICE**



A woman reports she is the victim of domestic violence at the hands of her intimate partner. In conjunction with the completion of a Domestic Incident Report (“DIR”) she articulates to first responders a variety of factors present in her circumstance indicating that she is at heightened risk of becoming a homicide victim. Once the police leave, her safety may be determined in large part by what if any follow-up takes place following her disclosures.

In 2017, a group of Domestic Violence experts in Westchester County gathered to discuss a serious problem plaguing the County: an alarming number of homicides of women and children were occurring in cases where domestic violence existed in homes that also had risk factors of lethality that had not been identified. This combination of domestic violence and lethality risk factors appeared to lead to the tragic results.

Here are a few examples. In New Rochelle, the day after a man and his wife signed divorce papers, he murdered their 9 year old daughter. In Pound Ridge, a man who was a pillar of his community, murdered his wife and daughter and then killed himself. A White Plains man- a recently retired police officer with a spotless record- murdered his two



teenage daughters while they slept. He also killed the family dogs, then himself, all after a series of minor arguments with his wife.

These crimes were just a fraction of the cases the experts identified and discussed. This group represented a variety of disciplines: prosecutors, advocates, police, civil legal service attorneys, mental health professionals and local government officials. Using these extreme cases, they examined ways to identify warning signs of elevated risk for further violence and homicide associated with these domestic violence cases. Their premise: if lethal risk factors could be identified earlier in domestic violence scenarios, steps could be taken to implement victim safety plans, potentially averting similar tragedies.

The Westchester group based their initiative on training by Dr. Jacquelyn Campbell, a nurse and researcher at Johns Hopkins University who studied the linkage between domestic violence risk factors and homicide. They decided to form the County's first domestic violence high-risk team: the Northern Westchester Risk Reduction Team (“NWRRT”). The

NWRRT consisted of several Westchester domestic violence service providers (“DVSP”), the Westchester

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County District Attorney's Office, the Westchester County Departments of Probation, Public Safety and Mental Health and leaders from five Northern Westchester police departments. The Team is led by the County Office for Women ("OFW").

The mission of the "NWRRT" is to work with survivors in Northern Westchester to help prevent escalation of violence by using Dr. Campbell's risk assessment program. The Team realized that in cities and busier urban centers of the county, victims often had better access to larger police departments as well as the headquarters of advocacy agencies, while residents in Northern Westchester did not have those resources locally available. The Team concept is rooted in the idea that the safety of domestic violence victims should not depend on where they reside. Even as the Team was commencing its work, a Mamaroneck woman murdered her 2 year old daughter when a Family Court judge ordered that custody of the child would be changed to the father.

The Lethality Assessment Tool

When police respond to a domestic incident, the responding officer completes the required Domestic Incident Report ("DIR") and then asks a series of questions included in a lethality risk assessment instrument. We refer to this process as the Lethality Assessment Program or "LAP". Dr. Campbell's research established a direct link between risk factors addressed in the questions, and the risk of homicide. Dr. Campbell also worked with the Jeanne Geiger Crisis Center in Massachusetts, who used Dr. Campbell's research to create the first ever model high-risk team and a process to use evidence-based risk assessment for police grounded in the idea that "escalation of domestic violence to lethal levels often follows predictable patterns" and that the warning signs can help with prevention.[1]

The screening tool used by law enforcement in our County, the "DA-LE" Danger Assessment for Law Enforcement adapted by the Geiger Center and based on Dr. Campbell's research, includes the following questions: "Has he/she ever used a weapon against you or threatened you with a weapon"; "Has he/she ever threatened to kill you or your children"; "Do you think he/she might try to kill you"; "Does he/she have a gun or can he get one easily"; "Has he/she ever tried to choke you or obstructed your breathing"; "Is he/she violently or consistently jealous or does he/she control

most of your daily activities"; "Have you left him/her or separated after living together or being married"; "Is he/she unemployed"; "Has he ever tried to kill himself"; "Do you have a child he/she knows is not his"; "Does he/she follow or spy on you or leave threatening messages"; and "Is there anything else that worries you about your safety."

Dr. Campbell's research found that the presence of combinations of these factors can be predictive of risk of homicide or serious risk of harm to people in intimate partner relationships. Her research also

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Westchester County Screening Tool Questions:

Has he/she ever used a weapon against you or threatened you with a weapon;

Has he/she ever threatened to kill you or your children;

Do you think he/she might try to kill you;

Does he/she have a gun or can he get one easily;

Has he/she ever tried to choke you or obstructed your breathing;

Is he/she violently or consistently jealous or does he/she control most of your daily activities;

Have you left him/her or separated after living together or being married;

Is he/she unemployed;

Has he ever tried to kill himself;

Do you have a child he/she knows is not his;

Does he/she follow or spy on you or leave threatening messages;

Is there anything else that worries you about your safety.

established that a determination of high risk based on the answers, or based on the officer's observations, meant that a victim should immediately be connected to an advocate for safety planning. An affirmative answer to any one of the first three questions, the so called "Big 3", also warranted the immediate contact to a victim advocate.

Dr. Campbell's research was also based on the premise that safety planning and access to supportive resources early on can help mitigate the risk of greater violence. Additionally, identifying risk factors with a victim helped make the danger seem more real to them when discussing the results with law enforcement and victim's advocates.

Her research also indicated that 95% of victims said the screen was easy to understand, and 82% of police indicated the screen was easy to administer. The Westchester high-risk team embraced the long-held belief that survivors of domestic violence are generally safer and usually fare better when they are involved with advocacy agencies, when they have been provided needed services and when they can obtain orders of protection or other legal remedies from a court.[2]

How high-risk teams work

In Westchester, we took the premise of connecting victims to an advocate when high risk cases are identified, to a higher level of responsiveness by following the Geiger Center blueprint and forming a team to collaborate in high-risk cases. The key to a successful and effective high-risk team is reliance on strong partnerships between the stakeholders and professionals working to prevent domestic violence. Positive results and victim safety are unlikely when police, prosecutors or advocates work in their own silos. Instead, the success of a team approach to combating high danger situations depends on the connectivity of partners who trust one another and who have strong relationships. Our community is fortunate to enjoy those strong relationships and our partners look to the Westchester County District Attorney's Office as a leader in these endeavors.

Using the lethality assessment instrument, certain cases are identified as high risk and survivors who agree to accept services, are immediately connected to an advocate for safety planning. Anecdotal evidence suggests that having police connect victims with an advocate while they are at the scene of a domestic incident increases the likelihood that victims will

obtain services, thereby increasing their safety. Many victims will not follow up on their own after the police have left the scene. Thus, the team abandoned the practice of only having police give information and referrals for future connections with advocacy agencies.

Our approach ensures that once a case is identified as high risk based on answers to the lethality screen, a victim is immediately put in touch with an advocate in the presence of the police at the scene. Our partners at Westchester Medical Center staff a 24-hour high risk call-in center, and victims can talk to an advocate at any time. Thereafter, a representative of the NWRRT team contacts the victim within 48 hours, as additional follow-up and continues to assist as the lead case manager. The entire team is then poised to act. DIR's flow freely between police and the team so there is information sharing, and victim safety and offender accountability are our priorities. With the victim's consent, high risk cases then receive the combined follow up by the entire high-risk team.

The NWRRT, meets monthly to discuss cases. At these meetings, each discipline has an opportunity to share their work supporting the victim and to share ideas to improve safety. The prosecutor may give an update on court activity while the advocacy agency might describe an issue related to the victims housing or a potential violation of the order of protection unreported to police. Police can offer insight from their perspective in the community, and can follow-up with the victim at their home or conduct other proactive law enforcement functions such as increased presence on the victim's street or increased patrols in the victim's neighborhood. All wraparound services that any of the partner agencies can offer or provide to make the victim safer are thoroughly discussed and safety plans are created and implemented through the collaboration of all team members.

Significantly, the high-risk team approach is not limited to discussions at a monthly meeting. The team approach is nimble. When urgent issues arise, the team immediately assembles and addresses these issues, on existing cases or on any new case. For example, in a recent case, the team learned that a man in another state was observed in a residential psychiatric facility where he was living, researching

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how to get a gun, and that he had made threats to come to Westchester to kill his ex-wife and her new husband. The team immediately convened and took proactive steps related to the victims' safety. These measures included setting up a notification system with the facility in the event of the abuser's release, having the suspect's license plate entered into an alert system in the license plate reader system ("LPR") for the area of their home, attempting to communicate with the suspect's doctor to try to thwart his release, connecting the family to Family Court, notifying employers about risk and orders of protection, and spending considerable time talking to the intended victims about safety planning. While these proactive protective actions made the victims cautious, they also reassured them that interventions were made to make them safer. The case involved four states and numerous law enforcement agencies working together to implement a plan to best protect this family of two adults and two young children.

The "NWRRT" team approach became so successful in the northern part of Westchester County, that it has now become a county-wide initiative. The county-wide Domestic Violence High Risk Team ("DVHRT") has

grown upon the success of the NWRRT. Using the blueprint of collaboration among the partners, cases are identified based on the Campbell/Geiger lethality screens. Calls to the 24-hour call-in center are increasing daily.

Training is a significant component of the teams. Westchester is a unique county. Located in the Hudson Valley region of the state, just north of New York City and adjoining Bronx County, Westchester is made up of just over a million people, and the county has six cities, fifteen towns and twenty villages. More than forty-five police agencies exist in the county. Securing their cooperation and establishing a unified and consistent approach to investigating high risk domestic violence cases is a critical focus of the county-wide team. A training module explaining the team's function, the lethality screening tool and how to complete it, is offered to every police department in Westchester County. Currently, over 150 training sessions have been completed and almost thirty police departments have been trained. Some departments can be trained in a few days. Larger departments will, most

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While the Westchester County team meets monthly, they also assemble as needed to handle potential emergency situations.

Stock photo—Pond 5

likely, take longer. In Yonkers, the team worked with the department over a three month period - 6 times a week conducting over fifty training sessions to ensure that every member of the 600-person department trained. In the City of New Rochelle-13 trainings were necessary to train the entire department. More trainings are always on the horizon and the goal is to train every officer in every department in Westchester County. The team also conducts in-service trainings at the Westchester County Police Academy. The Academy has adopted this training as part of the basic curriculum at new police recruit training. The Team and representatives of all participating police departments, meet quarterly to exchange ideas and troubleshoot for any problems and a smaller group of core Team representatives meet weekly to address any emergent issues that inevitably arise.

Another key component of the training is the importance of engaging in trauma aware interactions and survivor interviews. Police learn about the importance of a trauma-centered approach while interacting with victims from prosecutors in our Special Victim Bureau. This approach has been determined to be the best way to assist in addressing gaps in memory caused by trauma. Trauma-centered interviewing also fosters better rapport with survivors and increases trust between police officers and survivors of domestic violence. The training also includes support from police chiefs and other senior law enforcement officials, whose stature and expertise reinforce the program's importance.

The value of law enforcement hearing from survivors of domestic violence cannot be overstated and a survivor story and perspective should be included in any domestic violence training. Our training team in Westchester is fortunate to collaborate closely with a survivor of domestic violence who endured years of abuse in her home by her husband. Eventually she reported the abuse to her local police department, resulting in her husband's felony conviction. She participates in every training, and her words are frequently cited in post training evaluations as being the most impactful pieces of the instruction. A survivor's perspective is also valuable in reminding police officers about risks to their own safety in responding to domestic violence cases.

Finally, our training reminds police of the importance

of addressing issues related to the presence of guns in homes where domestic violence exists. We know that more than half of the intimate partner homicides each year in the United States involve use of a firearm[3]. In fact, domestic violence victims are five times more likely to be killed when their abuser has access to a firearm, and women in the United States are twenty-

The value of law enforcement hearing from survivors of domestic violence cannot be overstated and a survivor story and perspective should be included in any domestic violence training. Our training team in Westchester is fortunate to collaborate closely with a survivor of domestic violence who endured years of abuse in her home by her husband. Eventually she reported the abuse to her local police department, resulting in her husband's felony conviction. She participates in every training, and her words are frequently cited in post training evaluations as being the most impactful pieces of the instruction.

one times more likely to be killed by a firearm than women in other countries. Police in Westchester County receive extensive training from our high-risk team focused on New York's new Safe Homes and Families Act and the gun surrender provisions in orders of protection. Police officers who are responding to homes on calls involving family offenses must always be aware of the presence of guns in these homes, and when appropriate, seize those guns.[4].

Of all sad words of tongue or pen, the saddest are these – “it might have been!”[5]”

A case prosecuted several years ago in Westchester

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County, still stands as a grim reminder of how the absence of a lethality assessment can end tragically. In 1997, a young woman named Christine Ferguson was assaulted by her boyfriend, Rohan Myers, in Mount Vernon, New York. Ferguson received enormous pressure from the defendant's family to withdraw her cooperation and she eventually decided to drop the charges against Myers. She stated that she still cared for the defendant and that she thought he wouldn't hurt her again. She believed she was not at risk and that she no longer needed or wanted an order of protection. A year later, Myers murdered Christine, shooting her in the face in their apartment using a handgun he access through people he worked with.

At the time of Christine's murder, danger assessments and lethality screens were not used by law enforcement. But a retrospective analysis of the facts of her case strongly suggests that had a lethality assessment been completed when she was deciding to withdraw the charges against Myers, she might have answered at least 5 of the lethality assessment questions in the affirmative. This would have likely included "yes" answers to Myers' jealousy and controlling behavior and the presence of a child in their relationship who was not his. Myers continually tried to control where Christine went and what she did. Two of the major risks identified by Dr. Campbell's research--that he had access to a firearm and that she was planning to leave their relationship--would also likely have been answered yes.

Indeed, a letter written by Christine two weeks before her murder and addressed to the father of her child was found in a dresser belonging to Myers. In the letter, Christine indicated she was preparing to leave Myers. Unfortunately, her letter was never mailed as it appears to have been intercepted by Myers and likely was a spark that contributed to her murder. Consider what might have been, had a lethality assessment screen been discussed with Christine. Her case is a stark reminder of the importance of diving deep below the surface of domestic violence cases to learn what may be churning below that surface and to take proactive measures to try to avert tragedy.[6]

Conclusion

Domestic violence cases are complex and often contain circumstances indicating disturbing warning signs in relationships and the presence of elevated risks of greater violence and homicide. Using a high risk team provides

the ability to identify and closely monitor these cases, through the collaboration of disciplines in the community who are dedicated to reducing danger and making victims safer. Using the lethality assessment originated by Dr. Campbell, and the team approach guided by one of the Geiger Center's core beliefs ("what is predictable, is preventable"), you may not know it, but you may save a life.

Endnotes

Jeanne Geiger Crisis Center.org/ domestic violence homicide prevention.

The Danger Assessment/Validation of a Lethality Risk Assessment for Intimate Partner Femicide, Jacquelyn C. Campbell, Journal of Interpersonal Violence, April 2009.

Giffords (organization dedicated to savings lives from gun violence and led by former Congresswoman Gabrielle Giffords).

Criminal Procedure Law §140.10(6)(a) effective November 1, 2020.

"Maud Muller", John Greenleaf Whittier.

Rohan Myers was convicted after a jury trial of Murder in the Second Degree in Westchester County on December 11, 2001. After Christine's murder in 1998, Myers made a few stops in Mount Vernon to get a haircut and McDonalds, and then he drove to Kennedy Airport and immediately fled the United States for Jamaica, West Indies that same night. Christine was discovered in her apartment by her brother. A live cartridge with Myers' fingerprint was found near her body. At the time of her murder, Christine was 25 years old and her daughter was aged 4. A nurse's aide student, Christine's study notes were found near her body. Myers was located near Montego Bay two years after the homicide and was returned to Westchester County by Mount Vernon Police Detectives. After arriving at Kennedy Airport, he led police directly to the location outside Christine's home where he had hidden the gun he had used to kill her. When detectives found it, the gun was still in its hiding spot, loaded, cocked and rusted in place. Myers was sentenced to 18 to life on February 4, 2002. At his sentencing, Christine's mother and older sister referred to her affectionately as a young person who was the "voice of the downtrodden".

What Police Officers Should Know About Investigating Animal Cruelty

BY RENO DiDOMENICO, VICE PRESIDENT FOR
LAW ENFORCEMENT AT LOLLYPOP FARM,
THE HUMANE SOCIETY OF GREATER ROCHESTER



Every Police Officer's Responsibility

I'm an animal person and always have been. Even in my career as a road patrol deputy I would always interact with or help animals I came into contact with, both domestic and wild. In 2006, when my wife and I were looking for a new dog after our shepherd mix, Shilo, died, I figured we'd buy a puppy from a breeder. But my wife had other plans and told me about dog rescue groups, which are made up of volunteers who foster pets in their homes until they can adopt them out. I didn't realize it at the time, but this small thing would end up being a big turning point in my life that would lead me to my current career in humane law enforcement.

When I was a deputy with the Monroe County Sheriff's Office, I worked closely with our victim assistance/domestic violence counselor. In 1999, New York State passed Buster's Law, which made the intentional killing of a companion animal a felony. As most of us know, there was never any training on animal abuse back then.

This got me curious about this new law, because what is a companion animal, anyway? I discovered that there was a whole article of criminal offenses I never knew about in the NYS Agriculture & Markets Law. These criminal offenses would give any officer more tools to prevent violence to people and could be used as probable cause in other criminal investigations, in particular, child abuse and domestic violence. My research into the law led me to discover scientific studies that linked animal violence to human violence — and that nearly all serial killers had tortured animals prior to killing people. As for domestics, in 80% of homes where interpersonal violence is present, the pets in that home are being abused as well.

We ended up adopting our German shepherd,

Cartwright, from a local German shepherd rescue. When the rescue group volunteers found out I was a police officer, they asked if I would join their group. I began learning even more about animal welfare and protection. Animal abuse awareness was becoming increasingly more popular in New York. It led the NYS Department of Criminal Justice Services and American Society for the Prevention of Cruelty to Animals (ASPCA) to offer a class in animal cruelty investigations. Of course I jumped at the chance and requested permission from my captain to attend the training.

My goal was to prevent violence against people by investigating crimes against animals—if we can charge someone with a crime involving animal abuse, we can hopefully get them into the system before their behavior escalates to violence against people. This should also be a goal for every police department because the NYS Ag and Market Law (section 371) states that police officers must investigate and make arrests on any reports of animal cruelty. Who knew? I know I did not at the time, but I learned as an officer that many times I had more evidence or needed less

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proof of harm to arrest a person for animal abuse than under the penal law.

Today, as vice president for law enforcement at Lollypop Farm, the Humane Society of Greater Rochester, we hold the SPCA (Society for the Prevention of Cruelty to Animals) designation for Monroe County. There can only be one SPCA agency per county. Many counties in this state do not have SPCAs, and the local police need to fill in and take complaints of animal abuse and take them seriously. SPCAs operate differently throughout New York State. I manage a department of four humane law enforcement officers (peace officers)—most of my officers are retired police officers. We use our full authority under the law and keep up with required training. However, we still rely on our local partners to assist us in responding to cases of abuse and neglect. Since we assist our adjoining counties without SPCAs, we may not always be available in emergency situations.

SPCAs vs. Animal Control Agencies

As stated above, an agency that has been designated by New York State as an SPCA, employs peace

officers who have attended a regional training academy and enforce the state’s animal cruelty laws. Just like a police officer, they have the authority to investigate and arrest people for violating state laws. This is not the function of animal/dog control. Here’s an easy way that I use to explain the differences between the two: Animal control protects people from animals, and an SPCA protects animals from crimes caused by people.

As an SPCA, in our work in humane law enforcement at Lollypop Farm, we encounter domestic violence, child abuse, violent criminals, gang members, sex offenders, and more—in other words, we deal with the same people that local police officers are dealing with.

Some police agencies might say, “We hire an animal/dog control officer to handle our animal calls.” Under the NYS Criminal Procedure Law, there are only five dog control agencies with peace officers who can conduct cruelty investigations. Most dog control officers are civilians or have local peace officer status for enforcing local ordinances. This does not mean that your DCO does not have the knowledge or ability to conduct an animal cruelty investigation. My

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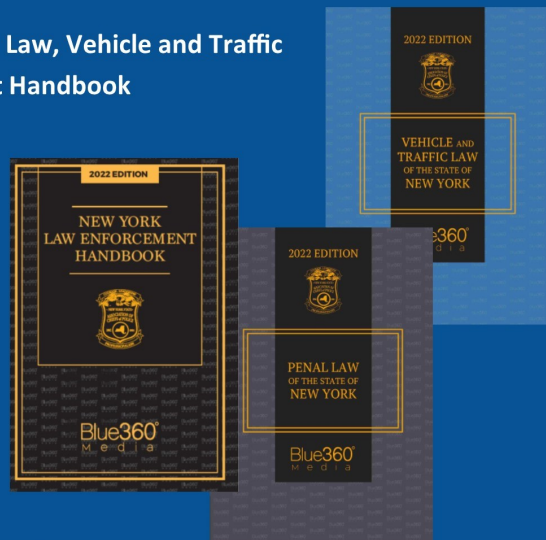
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suggestion is that a trained police officer is the lead investigator, whether the DCO is employed by you or not.

It is my experience that many officers pass off criminal offences involving animals because they believe it is “not their job,” which leaves the dog control officer with the inability to hold people accountable for the abuse of animals. I have seen felony domestic violence go unreported because police agencies have sent their dog control to investigate a complaint of abuse to an animal that stemmed from an assault to the animal’s owner by the suspect.

Early in my career I went to a domestic where no violence had occurred but we were familiar with the combatants. The wife was screaming about her husband hitting her dog. I asked if he had hit her, and she replied “No.” I was unaware of the animal cruelty laws, so nothing was done. If I had known, I could have arrested him for a class A misdemeanor for striking the dog. You see, to prove animal abuse I just need to show an act of unjustifiable physical pain, suffering, or death. If the husband had hit her, I would have only had a harassment violation for physical pain.

Animal Cruelty and Human Violence Statistical Reporting

The National Link Coalition (nationallinkcoalition.org) has an important rule of thumb about the link between animal cruelty and violence toward people: “When animals are abused, people are at risk; when people are abused, animals are at risk.”

In 2016, working with The National Link Coalition and the National Sheriffs’ Association, the FBI started tracking animal abuse cases in the National Incident-Based Reporting System (NIBRS) database. They are currently collecting data from participating law enforcement agencies on acts such as gross neglect, torture, organized abuse, and sexual abuse. Before 2016, animal abuse crimes were lumped into an “all other offenses” category in the FBI’s Uniform Crime Reporting (UCR). As more agencies and states opt in to the new NIBRS system and the FBI phases out the UCR, more data will be collected. This will give law enforcement a better data set to study the association of animal abuse with other violent crimes.

As more agencies in New York State also move toward NIBRS reporting, it is important that police agencies begin to document reports of animal cruelty in your jurisdictions. Right now, only police agencies report their

crime reports statistics to the DCJS Office of Criminal Records. The more police agencies that investigate and report animal cruelty, the more accurate the data will be.

Due to how we are labeled as a law enforcement agency, my department and other SPCAs in NYS are unable to report to DCJS. My department has anywhere between 700–800 reportable cases a year. Beginning next year, we are teaming with the Monroe County Sheriff’s Office to report our cases through their RMS system, again giving a more accurate account as to the animal cruelty cases in Monroe County at the state level. I am no analyst or research scientist, but if I can do my part to provide the data needed to predict and prevent violence to humans or animals, then I will provide the data.

Resources to Learn More about Animal Cruelty Investigations

Beyond this article, a few ways to learn more about animal cruelty investigations as a police officer are:

- (1) Look for training provided by local training facilities, or your SPCA can come to your agency and educate your officers on enforcing animal cruelty laws. I travel and teach a number of police in-service courses across western and central New York.
- (2) Look for a national training course. There are a number of organizations that provide weeklong basic animal cruelty investigation classes. Such as NACA, National Animal Care & Control Association and University of Missouri, Animal investigation school.
- (3) Look for online webinars. There are a number of organizations that have generic lectures about identifying abuse and neglect that allow an officer to apply the information to state laws. See websites from ASPCApro, Justice Clearing House and HSUS, Humane Society of the United States.

Reno Di Domenico is currently the vice president for law enforcement at Lollypop Farm, the Humane Society of Greater Rochester. Reno oversees the daily operations of the department. He served 22 years with the Monroe County Sheriff’s Department. Reno’s experience assists him with his current duties of training police recruits and veteran officers on animal cruelty laws and training police officers in dog encounter training.

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