

CHIEFLY SPEAKING

Monthly Newsletter for New York State Law Enforcement Leaders

April 2022

Qualified Immunity

About 40 years ago the Supreme Court defined the principle of qualified immunity recognizing the dynamics of situations faced by government officials, including law enforcement, and affording protection from litigation for good faith actions that do not violate established law.

The doctrine of qualified immunity was born from a simple concept: government employees must perform discretionary functions to successfully execute their duties. Holding government employees to strict liability for the consequences of their decisions which routinely occur in a dynamic and unpredictable environment, would result in the reluctance of officials to make any decisions at all. Qualified immunity is a recognition of this concern. Qualified immunity does not apply when a government employee violates a person's constitutional right; and when that right has been clearly established. Think about the second requirement for a moment – the right had to be clearly established. This means that the employee knew or should have known that their conduct would violate a person's rights. This standard of fairness is consistent with how society at large is treated. The police do not arrest people or issue tickets for laws which are not on the books. Citizens of our country are only held accountable for laws they know or should know about. The interpretation of constitutional case law can be complicated and confusing. In fact, even courts sometimes cannot agree on how provisions are to be interpreted. Why should government employees be held accountable for something they could not know is prohibited?

Cops do not have the luxury of having a team of lawyers, advisors and judges to



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FROM THE PRESIDENT CHIEF TIMOTHY PARISI



Legislature Eyeing Search Warrants

Search warrants as you know them may be history! There is a bill currently in the state legislature that would dramatically change the procedures associated with search warrants.

At a time when crime rates have increased sharply, certain members of the state Legislature are seeking to take valuable tools away from law enforcement. Part of Assembly Bill 02683 would restrict no-knock warrants. The sponsor's memo cites the 2020 death of Breonna Taylor in Kentucky who was killed during the execution of a no-knock warrant. While we are all sympathetic to such a tragedy, some legislators are using that case to change how no-knock warrants are handled along with several other provisions which have nothing to do with no-knocks.

Being aware of the inherent hazards in no-knock search warrants, many departments have restricted applications for no-knock warrants. Even under the current law, special authority must be justified in the search warrant application to obtain no-knock authorization which then must be specifically granted by the court. Aside from the no-knock proposal, there is a change proposed to Section 690.10 which would appear to require that an arrest must predicate, follow, or be made contemporaneous to the execution of the search warrant [would authorize the seizure of property if it "...if such seizure is made in connection with a lawful arrest" (A02683)]. What about those cases where a search warrant is sought for property which "...constitutes evidence or tends to demonstrate that an offense was committed ... or that a particular person participated in the commission of an offense..."? Or if the property "...has been used, or is possessed for the purpose of being used, to commit or conceal the commission of an offense..."? – currently valid foundations for a search warrant application. If there is no arrest to accompany the warrant, does that mean that otherwise legitimate evidence is suppressed?

It appears that the bill would also require that when a search warrant application is made requesting no-knock authority, it must be made by a District Attorney or Attorney General. For some departments this may not cause a significant operational change, but for others it may be difficult to get a prosecutor to be able to draft a search warrant in a timely manner. Many search warrants have an element of timeliness to their execution, and particularly in rare cases seeking no-knock authorization – is this an intentional obstacle for law enforcement in the legislation? If you're unsure, read on to see some of the other changes being proposed.

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FROM THE EXECUTIVE DIRECTOR CHIEF/RET. PATRICK PHELAN



The Battle Over Bail Reform Rages On

In December 2021 NYSACOP laid out a path to correct the unintended consequences of bail reform laws passed by the legislature. The original legislation has resulted in record crime increases from New York City to Rochester and everywhere in between. The NYSACOP plan works to correct several categories.

Bail

Currently cash bail is not an option for judges in New York except for a small category of crimes. As a result, defendants who pose a significant threat to the community are released into the community. The NYSACOP plan eliminates cash bail altogether to remedy the financial inequities of the bail system. Instead, defendants will simply either be remanded or released and a Judge will have the ability to consider a defendant's public safety risk and take those defendants most dangerous to the community off the street.

Discovery

The changes to discovery in the original legislation were nothing short of outrageous. The prosecution is now charged with the impossible task of turning over every piece of possible evidence almost immediately. The NYSACOP legislation introduces a tiered system of discovery in which almost all of the evidence is turned over within 30 days and then turn over in a staggered manner. It also allows the prosecution to answer 'ready for trial' if they have substantially complied with discovery.

Appearance Tickets

The original legislation mandated appearance tickets for just about everything and eliminated any penalty for failing to show up for court. The NYSACOP plan expands the list of crimes for which police are not required to issue appearance tickets. It also limits the ability for chronic offenders to continually receive

The NYSACOP plan eliminates cash bail altogether to remedy the financial inequities of the bail system.

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2022 ANNUAL TRAINING CONFERENCE

NEW YORK STATE ASSN. OF CHIEFS OF POLICE, INC.

SUPERIOR TRAINING FOR TODAY'S POLICE EXECUTIVES

REGISTRATION IS OPEN:

The New York State Association of Chiefs of Police Annual Conference has been our premier training event since 1902, bringing together like-minded leaders representing jurisdictions of all sizes. Conference dates: Sunday, June 24 through Wednesday, July 27, 2022.

The rich traditions of our conference draw police leaders who are intent on learning, sharing, and shaping our proud profession. Esteemed speakers will be discussing a variety of issues, particularly, events from the past year which continue to impact the way we perform our jobs. Presentations will also cover areas of officer wellness, professional development, and leadership. We are joined by an array of exhibitors showcasing the latest in technology, products and services.

New this year—dual tracks! Throughout the conference our schedule will include two simultaneous educational platforms: our **Traditional Track** which will feature topics on contemporary issues in law enforcement; and our new **Police Executive Training Track**, specifically developed for new and aspiring police leaders. This new track has been developed based on feedback from our peers who have been seeking relevant training for today's police executives that is often difficult if not impossible to find. Regardless of the track for which you register, attendees may float between tracks in the event they want to attend a topic that is of interest to them. This flexibility affords an even better educational experience for all of our registrants.

Join us at The Historic Queensbury Hotel in Glens Falls—located in the beautiful Lake George-Adirondack Region of New York. The location and facilities provide an excellent atmosphere for learning and networking. Details inside.

REGISTER TODAY:

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Exec Training Track: [LINK](#)

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Exhibitors, and Special Events

Reservations for our host hotel The Queensbury Hotel must be made separately. [LINK](#) Group Code G1506—**SOLD OUT AS OF APRIL 7—PLEASE USE OVERFLOW HOTEL BELOW**

Overflow Hotel: Fairfield Inn [Click here](#)

Visit our website often as we continue to update information about conference speakers, presentation and activities.

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appearance tickets by giving police the authority to deny an appearance ticket to anyone who has received one in the previous 18 months.

Raise the Age

The NYSACOP proposal also addresses *Raise the Age* by allowing judges in Youth Part to see family court records so individuals do not appear in Youth Part as a perpetual first offender. It also amends the statute of limitations so that individuals who commit crimes days before their 18th birthday can be prosecuted after their 18th birthday.

In mid-March Governor Hochul introduced a plan to amend bail reform. The Governor's proposal allows judges to make a determination to set bail or remand a person to reasonably ensure the safety of any person or persons or the community for certain murder, weapons, and assault crimes. When making this decision the judge must find: a violation of an order of protection, history of use or possession of a firearm, violent felony conviction in the last five years, significant criminal history that demonstrates a high probability that the individual will re-offend, credible or current threat of serious harm against an identified person or number of people, or a clear and imminent risk of flight. Crimes that are eligible for this determination are Murder 1st, Aggravated Murder, Manslaughter 1st and 2nd, Aggravated Criminally Negligent Homicide, Aggravated Manslaughter 1st and 2nd, Criminal Use of a Firearm 1st and 2nd, Criminal Possession of a Weapon (CPW) 1st and 2nd, CPW 3rd when the weapon is a machine gun, firearm, rifle, or shotgun, CPW on school grounds, and Assault 1st with underlying weapon charge. The Hochul plan also adds to the list of bail eligible crimes, Criminal Possession of a Firearm, CPW 3rd, and Criminal Sale of a Firearm to a Minor. On discovery, the Hochul plan allows prosecutors to answer 'ready for trial' as long as they are in substantial compliance with discovery obligation and considers evidence to be unavailable when, after a good faith effort, it is not in the actual possession of the prosecutor. The Hochul plan does not require discovery for a petty offense that does not carry a sentence of imprisonment, or for a traffic violation. The Hochul plan addresses appearance tickets and matches the NYSACOP plan not requiring an officer to issue an appearance ticket if the person has received an appearance ticket or been charged in the last 18 months. The Hochul plan addresses *Raise the Age* by giving Youth Part Judges the ability to access Family Court records. The plan also states that Youth Part judges can consider whether the defendant possessed a firearm, rather than just displaying it, when determining whether to keep the case. Family court will be

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granted jurisdiction over any person who is charged with committing a crime while under the age of 18 when they are arraigned after turning 18.

Since Hochul's plan was introduced the horse trading has begun in Albany. Legislators are negotiating the terms of the Governor's proposal. While some hope to water the plan down as much as possible before it makes its way into the budget, others feel it does not go far enough. We can expect to see some form of this plan in the budget when it is finally approved, the question is how far it will go? NYSACOP is working hard to make our member's voices heard.

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This legislative bill would require the applicant for a search warrant to specify "an intended course of action if no response is received from the intended suspect of the warrant at the time of execution within 30 seconds." The mere language of this section demonstrates that whoever wrote it has no appreciation for the dynamics of an investigation. First, there may not even be an "intended suspect". The sponsors use similar language in another section [690.50 sub. 7(i), proposed in A02683] which again presumes that all search warrants are directed exclusively for a person rather than for property or evidence. Other parts of the proposal imply that target locations are a residence, not considering other types of properties such as garages, storage areas, commercial buildings, offices, curtilage, etc.

The bill also changes hours for the execution of a search warrant, the hours for which a court can be accessed to consider search warrant applications, requires reporting by police to a new search warrant registry, and would provide for penalties for violations of the new provisions including fines, suspension and termination. (690.65 subd 2 in Proposal/Bill A02683)

This proposal does nothing to support policing or the protection of our communities which is desperately needed during a time of increased violence, homicides, and gun crimes. The proposed legislation shows a level of ignorance to a valuable law enforcement tool which allows police to proactively investigate and solve crimes in our communities. Rather than supporting crime victims and law enforcement, this bill represents another ill-conceived maneuver to embrace criminal suspects, handcuff the police, and ignore crime victims and law-abiding citizens.

-The language of this current proposal may change, so please check out Assembly Bill A02683 or Senate Bill S0011. Thanks to NYSACOP Member and former Police Chief Joseph Angelino, Assemblyman (District 122) for bringing this bill to our attention and standing up for law enforcement.

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accompany them in the field to help make legal assessments and critical decisions. Even when cases are litigated to examine the actions of a police encounter, the facts are routinely argued and deliberated upon over the course of months or years. Qualified immunity affords protection to the reasonable police officer making reasonable decisions under difficult situations.

Consider the fact that every professional sport has some form of instant-replay, an outright acknowledgement that human beings are not capable of making the proper decision under all circumstances. Yet repealing qualified immunity would expect perfection and omnipotent decision making, including the anticipation they may be violating a right that has not been established. Add to this the dynamics faced by police officers during rapidly evolving incidents without the benefit of stadium lighting, multi-angle high definition cameras, drone perspective, and backup ‘referees’ and the sense of the safety of an environment that can be stopped with the sound of a whistle.

There are already safeguards to protect against abuses of qualified immunity. When municipalities make a motion for qualified immunity, the court is required to analyze the case on the facts most favorable to the plaintiff - the person bringing the case - not the municipality. This is a significant advantage to the plaintiff, an aspect often ignored by advocates for repeal, and often results in courts denying qualified immunity.

There are some cases that are repeatedly cited by advocates for repeal that have egregious results. But for most cases, qualified immunity does exactly what it is supposed to do – leave the cases that belong in the judicial system to move forward and remove the ones that do not. Ultimately, the repeal of qualified immunity would hurt the taxpayers and potentially benefit those who choose to commit crimes. It will be the taxpayers who will have to pay the cost of litigation.

Consider the impact of removing qualified immunity on the future of public safety. Our nation is already in a policing crisis. In the wake of extreme reforms in some municipalities we have seen a mass exodus of senior police leadership and veteran officers with extensive field experience. They have said, ‘it’s not worth it anymore.’ Recruitment of persons willing to wear the badge is also suffering. Why would someone want to

Why would someone want to serve and protect their community when they might face civil and criminal exposure for situations that are not of their making and often beyond their control, even when they act rationally?

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Three Officers Shot in Buffalo

Police Commissioner: Officers Are Out There Every Day Trying to Make Our City Safer

A dramatic vehicle pursuit in which several shots were fired at police left three officers and one suspect with wounds from the gunfight following a chase on Tuesday, March 29, 2022. The incident unfolded around 6:00 PM when Buffalo Police attempted to stop a car when the driver fled on Niagara Street in the city of Buffalo. Buffalo Police Commissioner Joseph A. Gramaglia said the suspect vehicle took off on Niagara Street pausing briefly to let one person out of the car, and then a short time after a suspect began shooting at the police vehicle. Gramaglia said that as the pursuit continued the suspect opened fire on police several times. One officer was shot as the suspect fired several rounds through the patrol car windshield as the pursuit traversed Bailey Avenue.



The pursuit continued, said the Commissioner, and another officer was shot. The chase proceeded into West Seneca and then back into the city of

Buffalo, ending in the area of Ferry and Fillmore Streets which is where, the Commissioner said, gunfire was exchanged between the suspect and officers. "There were numerous shots fired. A suspect was shot at that intersection," said Gramaglia, adding that the suspect was taken to the hospital and underwent surgery. The Commissioner said that another suspect was brought to Buffalo Police Headquarters.

"We have a total of 3 police officers who have been shot, one went into surgery and we are happy to report is out of surgery and in stable condition at this time," said Commissioner Gramaglia. Discussing the other two officers, Gramaglia said that one was shot in his bullet resistant vest. "The other officer was shot in the arm and bicep and appears grazed in the ear as well. He's in good spirits and doing well," the Commissioner added.

Gramaglia explained to reporters that there were several crime scenes throughout the city, and that BPD officers, along with federal, state and county law enforcement partners were assisting Buffalo PD in the investigation. "It's going to be a long and busy night processing all of these crime scenes." He said.

At a press conference immediately after the shooting, Commissioner

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"We have a total of 3 police officers who have been shot, one went into surgery and we are happy to report is out of surgery and in stable condition at this time."

*Commissioner
Joseph Gramaglia
Buffalo PD*

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Gramaglia praised the work of his officers saying, “These police officers are out there every day trying to make this city safer, and they are going into gunfire, literally. They are going into the danger to make this community safer. They did their jobs, they did it with honor and respect today, and thank God that they are all going to be going home.”

Addressing a question from a news reporter, Gramaglia said, “Our officers arrest a significant amount of people and take a significant amount of guns that are illegally possessed. They need to be prosecuted, (and) the district attorney’s office prosecutes them fully. They need to spend time behind bars, out of public. I’m very clear on this. We are constantly combatting gun crimes. Our shootings have been a significant problem for the last several years. We’ve made a lot of progress through a lot of great the work by the officers – the very officers who are now in here bring treated – on removing guns from our streets. They need to spend time in prison. When gun defendants, and sometimes with multiple gun possession arrests, walk out of custody because they either have too low bail and are sometimes released without bail, that’s a problem, that’s a real problem. We are here to make our community safe and we need those possessing guns behind bars,” Gramaglia concluded.

Buffalo Police later announced that Kente Bell, age 28, was being charged with three counts of attempted murder of a police officer and criminal possession of a weapon. Commissioner Gramaglia noted that Bell was also on probation for a prior gun crime.

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serve and protect their community when they might face civil and criminal exposure for situations that are not of their making and often beyond their control, even when they act rationally?

There are many reforms that law enforcement can get behind and support. This is not one of them. The elimination of qualified immunity is not a constructive approach in the debate on police reform. The fallout from such a move would seriously curtail the ability of the police to serve and protect our communities.

Gun arrest on I-684

Bedford, New York – On March 4, 2022, the New York State Police from the Somers barracks arrested Andrew Mancuso, age 31, of Greenwood, NY, for Criminal Possession of a Weapon in the 2nd degree, a class C felony, Criminal Possession of a Controlled Substance in the 7th degree, a class A misdemeanor, and Unlawful Possession of a large capacity ammunition feeding device, a class B misdemeanor.

At approximately 7:00 p.m., Troopers conducted a traffic stop of a 2008 Hyundai Elantra on Interstate 684 for violations of the vehicle and traffic law. Investigation determined the operator, identified as Mancuso, was in illegal possession of approximately 4 grams of alprazolam and a Glock 43 9mm handgun.



Mancuso was arraigned before the town of North Castle Court and remanded to the Westchester County Jail in lieu of \$10,000 cash bail or \$10,000 bond.

Press release: New York State Police



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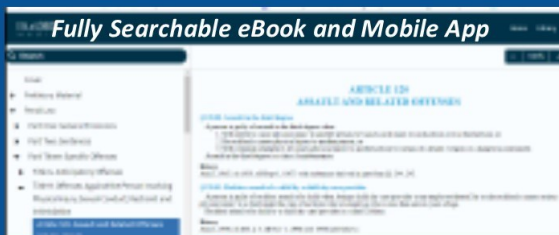
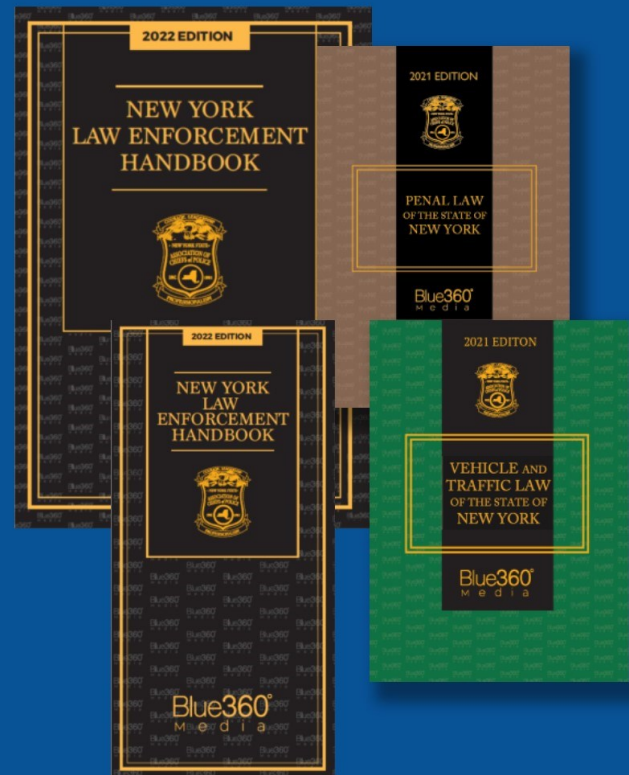


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- Raise the Age Guide
- Federal Crimes
- HIPPA Guidelines
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◀ Podcast describes content and changes to 2022 Law Enforcement Handbook—[Click Here](#)

Last months' winner of a free New York State Law Enforcement Handbook was Chief Kyle Berardi (Ulster PD) for correctly answering our monthly trivia question. Congratulations Chief Berardi! —your free New York State Law Enforcement Handbook is on the way from Blue 360° Media!

Monthly Winner!

Individuals with Prior Cannabis-Related Offenses to Comprise Early Adult-Use Cannabis Supply Chain

Governor Kathy Hochul announced on March 10, 2022 the first-in-the-nation Seeding Opportunity Initiative, which will position individuals with prior cannabis-related criminal offenses to make the first adult-use cannabis sales with products grown by New York farmers. This farm-to-store initiative makes sales in New York possible before the end of 2022, jumpstarts New York's Cannabis Industry, guarantees support for future equity applicants, and secures an early investment into communities most impacted by the disproportionate enforcement of cannabis prohibition.

"New York State is making history, launching a first-of-its-kind approach to the cannabis industry that takes a major step forward in righting the wrongs of the past," Governor Hochul said. "The regulations advanced by the Cannabis Control Board today will prioritize local farmers and entrepreneurs, creating jobs and opportunity for communities that have been left out and left behind. I'm proud New York will be a national model for the safe, equitable and inclusive industry we are now building."

The Cannabis Control Board at its March 10 meeting advanced two components of the Seeding Opportunity Initiative.

First, it advanced to public comment regulations for Conditional Adult-Use Retail Dispensaries. As part of the Seeding Opportunity Initiative, this subset of dispensaries must be owned by equity-entrepreneurs with a prior cannabis-related criminal offense who also have a background owning and operating a small business. They will be the first to open and make sales in New York State, establishing equity-owned businesses at the front-end of New York's adult-use market.

Second, the Board approved a license application for hemp farmers seeking to grow adult-use cannabis this spring – called the Adult-Use Conditional Cultivator License. The license was made possible by legislation Governor Hochul signed last month. The Board designated March 15 as the opening date for the application portal.

The Seeding Opportunity Initiative is composed of three programs:

Equity Owners Lead Program: Provides a Conditional Adult-Use Retail Dispensary License to eligible equity-entrepreneur applicants, putting them at the front-end of the adult-use market. This first-round, equity-licensing opportunity will be supported with renovated or renovation-ready retail locations and wraparound services with dispensaries sited in high-traffic areas.

Applications for these priority licenses will open in the summer of 2022. The first licenses are expected to be



distributed by late summer or early fall 2022. This positions equity-entrepreneur-owned dispensaries to make the first adult-use cannabis sales in New York State by the end of 2022 while speeding the delivery of investments into communities across the state that were most impacted by the disproportionate enforcement of cannabis prohibition.

The Board directed the OCM to post for public comment the proposed regulations for the Conditional Adult-Use Retail Dispensary License. Under the proposed regulations, to be eligible for this initial license, applicants must:

Have a cannabis-related offense that occurred prior to the passage of the Marijuana Regulation and Tax Act (MRTA) on March 31, 2021, or had a parent, guardian, child, spouse, or dependent with a pre-MRTA cannabis offense in the State of New York.

Have experience owning and operating a qualifying business in the State of New York.

Additionally, the regulations include information for what application materials will be needed to apply for a Conditional Adult-Use Retail Dispensary License and sets the parameters for how the Office will review and evaluate applications. A subsequent regulation package will outline the requirements for safely operating a retail dispensary.

Farmers First Program: Provides an Adult-Use Conditional Cultivator License to eligible New York cannabinoid hemp farmers, giving them the first chance to grow cannabis for New York's adult-use market. Farmers must adhere to quality assurance, health, and safety requirements developed by the OCM. They must also take part in sustainability and equity mentorship programs that will help build the first generation of equity cannabis owners across the entire supply chain. These conditional licenses make it possible for farmers to grow cannabis in the 2022 growing season.

The Board approved the application for the Adult-Use Conditional Cultivator License and set the opening of the application portal for March 15. The license was made possible by legislation recently signed by Governor Hochul on February 22. Further information on eligibility requirements and what's allowed with the license can be found [here](#).

The New York Social Equity Cannabis Investment Program: Governor Hochul proposed this \$200 million program in her FY 2023 Executive Budget, the nation's first to make funding available for equity entrepreneurs at the forefront of the adult-use cannabis market. Through the program, industry licensing fees and private equity would support the development of dispensary facilities for equity-entrepreneurs with a Conditional Adult-Use Retail Dispensary License. Under the proposal, the Dormitory Authority of the State of New York (DASNY) would provide support with its leasing and construction services to site dispensaries at prime locations and renovate them to meet health, safety, and security requirements. The Social Equity Cannabis Investment Program's funding and accompanying services would reduce barriers to entry and position these equity-entrepreneur owners for long-term success. The proposal remains under discussion with the Legislature.

Source: Press Release NYS Office of Cannabis Management, Mar. 10, 2022

National Heatstroke Prevention Day is May 1, 2022

Heatstroke is one of the leading causes of vehicular not-in-traffic non-crash-related deaths for children. Sadly, since 1998 906 children have died from heatstroke in a hot car.

Yet, this tragedy is 100% preventable.

While it seems like an impossible mistake to make, every parent or caregiver can potentially become distracted, and distractions often fuel this devastating situation. No one is immune.

We each have a role to play to help keep our kids safe. Help us share life-saving tips and resources with as many people as we can.

Take Action. Act Fast. Save a Life.

Click [here](#) for 2022 campaign materials.



Arrest in Auburn Murder

Auburn Police announced the arrest of Shameek Marie Copes, age 28, in the shooting death of John Wesley Smith III outside of Swifty's Tavern on March 15, 2022. About one week after the shooting Auburn Police informed the public that they were looking to speak with Copes as a "person of interest", citing that the Auburn, New York native also had ties to North Carolina, Texas, and Atlanta areas. The Auburn Police Department (APD) said that on March 28 a warrant was issued for Copes' arrest on the charge of murder in the second degree. According to a press release from APD, soon after the issuance of the arrest warrant, Copes surrendered to Rock Hill Police Department in South Carolina. Copes is being held in South Carolina while extradition arrangements are being made by the Cayuga County District Attorney. APD thanked several law enforcement agencies that assisted in the search for Copes, including the Cayuga County District Attorneys' Office, Cayuga County Sheriff's Office, New York State Police, United States Marshal's Service, Texas Rangers, North Carolina and Virginia departments.



Shameek Marie Copes

Awaiting Extradition from South Carolina on a charge of Murder Second Degree

Statement on the Recent Announcement by Governor Hochul

The members New York State Association of Chiefs of Police are encouraged to learn that Governor Hochul intends to include amendments to bail and discovery reform legislation in her 2022 budget proposal. We are hopeful that the discussion will continue to sculpt the legislation and ensure that the safety of all New Yorkers is made a priority. We stand ready to lend our experience and expertise to the process and create law that is fair to all our residents.

As we previously stated, criminal justice reform was necessary to address the historic inequalities in the criminal justice system. However, in attempting to correct these real inequities, New York's reforms tipped the balance so far in favor of the accused that public safety has been jeopardized. Victims have been forgotten in the process. We believe that it is possible to create a system in which the rights of the accused are respected while the rights of victims and the public are also respected. Public safety must be a priority. We look forward to working with Governor Hochul and the legislature to identify the proper path forward.

Chief Lefancheck Appointed Chair of IACP Regional Committee Representing North Atlantic States in SACOP Division

On March 24, 2022 Chief Michael Lefancheck (Baldwinsville PD) was elected as Chairperson of the North Atlantic Division of State Associations of Chiefs of Police (SACOP) at their midyear meeting in Seattle, Washington. The International Association of Chiefs of Police (IACP) North Atlantic SACOP Region encompasses the states of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland and Delaware and serves as a liaison between the individual state associations and the IACP, acting as a voice for policy issues, training and resource concerns. Chief Lefancheck said, "My goals as the North Atlantic Chairperson are to foster greater collaboration amongst all of the states within our region and to act as a conduit to exchange information to/from the IACP and our state associations. Also, I plan to operationalize many of the IACP initiatives and resolutions at the region level, in order to enhance the law enforcement mission that we are all tasked with." Lefancheck told *Chiefly Speaking* he looks forward to his new role, saying, "The opportunity to be more involved with the IACP at the regional level is an exciting one and I am very much looking forward to representing NYSACOP in this new role."



Chief Michael Lefancheck
Chairperson
North Atlantic Division
IACP SACOP

Lefancheck was President of NYSACOP from 2017-2018 and has been the New York representative on the committee since 2017. He has served as the Chief of Police in Baldwinsville, New York for more than 13 years.

Bart R. Johnson of Albany International Airport, named TSA Federal Security Director of the Year

ALBANY, N.Y. –Bart R. Johnson has been named as the 2021 Transportation Security Administration (TSA) Federal Security Director of the Year for medium size airports across the country.

As the Federal Security Director (FSD), he is the top TSA official for 13 airports in the state of New York in areas outside of the metropolitan New York City area, including all of the airports in Upstate New York (UNY). He is responsible for mitigating threats against aviation and other transportation sectors by providing leadership and direction to TSA personnel engaged in intelligence-based security operations.

The airports that Johnson oversees for TSA include Albany International, Syracuse-Hancock International, Buffalo Niagara International, Frederick Douglass Greater Rochester International, Niagara Falls International, Elmira-Corning Regional, Greater Binghamton, Ithaca Tompkins International, Adirondack Regional, Plattsburgh International, Massena International, Watertown International and Ogdensburg International Airports. With respect to geography, his area of responsibility covers 46,280 square miles, has a population of approximately 6 million and is larger than 18 states and more populated 33 states.

In an area of responsibility this diverse and large, Johnson successfully developed the “One UNY” theme in the transportation security arena. Johnson embraced a multimedia approach to sharing information through individualized, in-person meetings, phone calls, email, video-teleconferences, and system-oriented communications that has brought statewide transportation stakeholders together to ask questions, share innovations and ideas and learn collectively.

Johnson’s partnership with the New York Aviation Management Association and the executive directors of the airports has yielded regular inter-organizational forums that emphasize partnership and collaboration in support of stakeholder objectives and the TSA mission.

Johnson has demonstrated a commitment to the TSA workforce that has been showcased during the pandemic, and the subsequent recovery and goal to return to normal operations. He remains committed to ensuring that the workforce is kept informed regarding the evolutions of the pandemic, and is positioned to effectively mitigate exposure risks. He implemented emergent policy and procedural changes associated with the pandemic that has allowed the TSA workforce at his airports to navigate pandemic response and recovery



Bart R. Johnson
TSA Federal Security Director

(TSA Photo)

efforts with mission-focus and workforce protection in the forefront.

Johnson spearheaded the development of a COVID-19 action plan and associated tactical response plan for both internal and external stakeholders; an infection control monitor protocol that was recognized as a national best practice; and in May 2021, a normalizing operations training curriculum aimed at re-familiarizing TSA officers with security policies and procedural applications, while building workforce confidence and setting expectations as travel volume increased.

In addition to ensuring the overall well-being of the workforce throughout the pandemic, Johnson regularly meets and interacts with security officers, compliance inspectors, and his leadership team – both virtually and in-person – engaging them to ensure they receive the level of support needed to perform their duties.

Johnson has participated in initiatives and pilot programs related to computed tomography checkpoint optimization and other security equipment evolutions; TSA surface transportation security program development and inter-agency partnership initiatives; TSA pandemic response procedures evolutions; TSA efficiencies analyses; queueing dynamics; and the TSA model officer program. Johnson also served on the TSA National Pay and Compensation Board, where he lobbied for improved compensation for the officer workforce based on their position as the last line of defense, and highlighted the cognitive burden faced by officers in the course of their daily duties.

Johnson has always attributed the innovations and initiatives developed in UNY to the leadership team that he works with daily. Without their support, their collective commitment to the mission and their untiring dedication to keeping the public safe from harm, UNY would not have realized the success of these programs this past year under his leadership.



Bart R. Johnson interacting with a TSA officer at Albany International Airport.

(TSA photo)

Johnson joined TSA in April of 2014, first as an Assistant Federal Security Director and in September of 2015 became a Federal Security Director. His professional career spans more than four decades and has always been focused on the related fields of security, intelligence and law enforcement. Johnson came to TSA from the International Association of Chiefs of Police, where he served as the organization's Executive Director. Prior to that, he served as the Principal Deputy Under Secretary for Intelligence and Analysis at the Department of Homeland Security where he was responsible for integrating the department's intelligence efforts. Johnson also served as Director of Homeland Security and Law Enforcement in the Office of the Director of National Intelligence. In this capacity, Johnson began his career with the New York State Police, where he served for 24 years and retired with the rank of Colonel.

TSA Press Release; March 16, 2022

Chicopee Superintendent of Schools Arrested for False Statements

Allegedly Threatened Police Chief Candidate

BOSTON – The Chicopee Superintendent of Schools was arrested on April 6 for making false statements in connection with sending threatening messages to a candidate for Chicopee Chief of Police.

Lynn Clark, 51, of Belchertown, was charged by criminal complaint with one count of making false statements. Clark will make an initial appearance in federal court in Springfield on April 6.

According to the complaint, in December 2021, the City of Chicopee was in the process of hiring a new Chief of Police. On Dec. 3, 2021, law enforcement received a report that a candidate for the position was receiving threats intended to force the victim to withdraw their application for Chicopee Chief of Police. Specifically, in November 2021, after submitting their application for Chief of Police, the victim received numerous text messages from unknown numbers containing threats to expose information that would cause the victim reputational harm. As a result, the victim withdrew their application, and the City delayed the selection process.

It is alleged that a total of approximately 99 threatening messages were sent from fictitious phone numbers purchased through a mobile app. Phone and internet records revealed that these numbers were allegedly purchased by Clark and that the purchased numbers sent each of the threatening messages.

Clark allegedly denied sending the messages on numerous occasions to investigators and cast suspicion onto other individuals. Specifically, over the course of the investigation, Clark allegedly suggested that the messages could have been sent by other City employees, the victim's colleagues and a member of Clark's own family. Clark later admitted that she indeed sent the messages.

The charge of making false statements provides for a sentence of up to five years in prison, up to one of supervised release and a fine of up to \$10,000. Sentences are imposed by a federal district court judge based upon the U.S. Sentencing Guidelines and statutes which govern the determination of a sentence in a criminal case.

The details contained in the complaint are allegations. The defendant is presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

-Press Release; U.S. Attorney's Office, Boston, MA

Hotel Rooms Almost Gone

NYSACOP Conference in Queensbury, NY: There is still time to get a room at the Queensbury for the 2022 Conference in Glens Falls July 24th – July 27th. But there are not many left and we will sell out soon. It is best to call the hotel to book at 518-792-1121. Don't miss out on the best training conference in New York!

IACP Conference in Dallas, TX: We have two rooms left at the Homewood Suites, 1 room left and the TownePlace Suites and we just blocked an additional 20 rooms at the Fairfield Inn & Suites Dallas Medical/Market Center (IACP Conference dates: October 15-18, 2022)



Counter
Terrorism

Cyber Incident
Response Team

Kathy Hochul
Governor



Something
you have



Something
you are



Something
you know

Multi-Factor Authentication (MFA)

Multi-factor authentication creates a layered defense that combines two or more independent credentials: what the user knows (passwords), what the user has (security token) and what the user is (biometric verification).

- Only 28% of people are using multi-factor authentication
- 67% of people share their passwords with friends, family, or colleagues
- Around 81% of data breaches have been the result of weak or stolen passwords

Multi-factor authentication makes it difficult for an unauthorized person to gain access to your data even if your password is compromised.

- Data breaches involving disclosure of passwords are commonplace
- If your password has been compromised through a data breach or other means, a second factor such as a physical security token or mobile device push notification may be all that stands between a would-be attacker and your data

Common multi-factor authentication methods:

- Hardware authenticators (Smart Cards, YubiKey, Titan)
- Time-based tokens (physical or app-based RSA token)
- Mobile application push notifications
- SMS/text message code notifications

You should use MFA whenever possible, especially when it comes to your most **sensitive** data!

If you suspect a cyber incident, immediately contact:

CIRT is an initiative of the New York State Division of Homeland Security and Emergency Services.
For additional information, visit dhses.ny.gov/cyber-incident-response-team

"If You See Something, Say Something" used with permission of the NY Metropolitan Transportation Authority.

FREE COURSE:

Courtroom Training

For Certified **DRUG RECOGNITION EXPERTS**

DATE AND LOCATION:

April 12-13, 2022

(Tentative Schedule Attached)

**Amherst Police Department
Training Facility**

4220 Bailey Avenue Amherst, NY 14226

INSTRUCTORS:

Mary Tanner-Richter

NYS Traffic Safety Resource Prosecutor, Albany
County District Attorney's Office

Jennifer Tibbitts Knudsen

Traffic Safety Resource Prosecutor,
Colorado District Attorneys' Council

Jared Olson

Traffic Safety Resource Prosecutor,
Idaho Prosecuting Attorneys Association

COURSE FEES AND REGISTRATION:

Participation in this course is free due to
generous sponsorship by the National
Highway Traffic Safety Administration
National Association of Prosecutor
Coordinators and NYS Governor's Traffic
Safety Committee

Students are responsible for their own travel,
meals, and lodging accommodations.

**Scan To
Register**



REGISTER NOW...SPACE IS LIMITED

This free two day 16-hour course is intended to prepare law enforcement officers with current certification as Drug Recognition Experts (DRE), to excel when testifying in the courtroom on drug-impaired driving cases. Having expertise in drug recognition does not make one an expert in testifying.

This interactive course will partner DRE officers with prosecutors to focus on how to be an expert witness in drugged driving cases. DREs and prosecutors will work collaboratively to learn how to take their training, experience and knowledge in drug impairment and transfer it to the witness stand in a manner that is helpful to the factfinder, whether it be a judge or jury.

AUDIENCE AND PREREQUISITES

This course is designed primarily for police officers who meet the IACP International standards of the drug evaluation and classification program and who have successfully completed certification training using the IACP/NHTSA approved DRE curriculum.
**ALL DRES SHOULD SUBMIT A CV WITH
REGISTRATION.**

Prosecutors who handle drugged and intoxicated driving cases are also encouraged to attend this training.

Fail Reform

On March 9, 2022 at approximately 10:38 AM, Derik M. Winn was arrested after an officer attempted to perform a vehicle and traffic stop for speeding in a school zone, on the vehicle Winn was driving. Winn accelerated his vehicle and refused to stop. He led the officer in a pursuit into the Town of Granby where Winn lost control of the vehicle that he was driving, crashing into a garage. Shortly thereafter, the vehicle was reported as stolen. Winn was charged with the following:

- Speeding in a School Zone- Violation
- Failed to Comply with Lawful Order- Violation
- Unlicensed Operator- Violation
- Aggravated Unlicensed Operator in the Third Degree- Unclassified Misdemeanor
- Unauthorized Use of a Motor Vehicle- A Misdemeanor

On April 3, 2022 at approximately **3:03 AM**, Derik M. Winn (33), was arrested after a vehicle and traffic stop. He was charged with the following:

- Aggravated Unlicensed Operator in the Third Degree- Unclassified Misdemeanor
- Unlicensed Operator- Violation
- Uninspected Motor Vehicle- Violation
- Unregistered Motor Vehicle- Violation
- No/Inadequate Lights- Violation

On the same date, at approximately **5:54 AM**, Derik M. Winn was arrested after a vehicle and traffic stop. He was charged with the following:

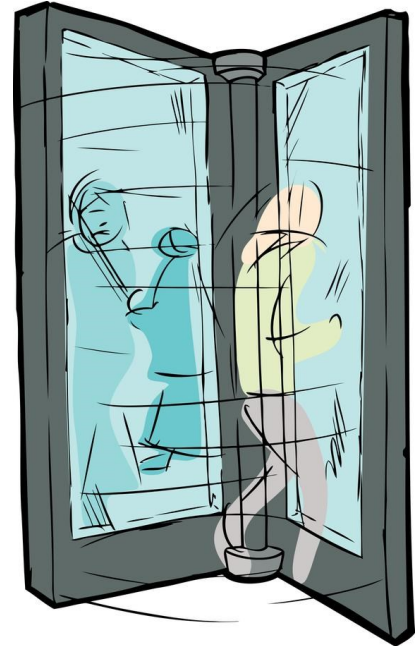
- Aggravated Unlicensed Operator in the Third Degree- Unclassified Misdemeanor
- Uninspected Motor Vehicle- Violation
- Operating Vehicle without Insurance- Violation
- Moved from Lane Unsafely- Violation
- Unregistered Motor Vehicle- Violation
- Unlicensed Operator- Violation
- Inadequate Muffler- Violation

On the same date, at approximately **8:23 AM**, Derik M. Winn was arrested after a vehicle and traffic stop. He was charged with the following:

- Aggravated Unlicensed Operator in the Third Degree- Unclassified Misdemeanor
- Unlicensed Operator- Violation
- Unregistered Motor Vehicle- Violation
- Uninspected Motor Vehicle—Violation
- Operating Vehicle without Insurance- Violation

On each occasion, Winn was released per New York State Bail Reform, as his charges did not fit the requirements for bail or arraignment.

-Fulton PD



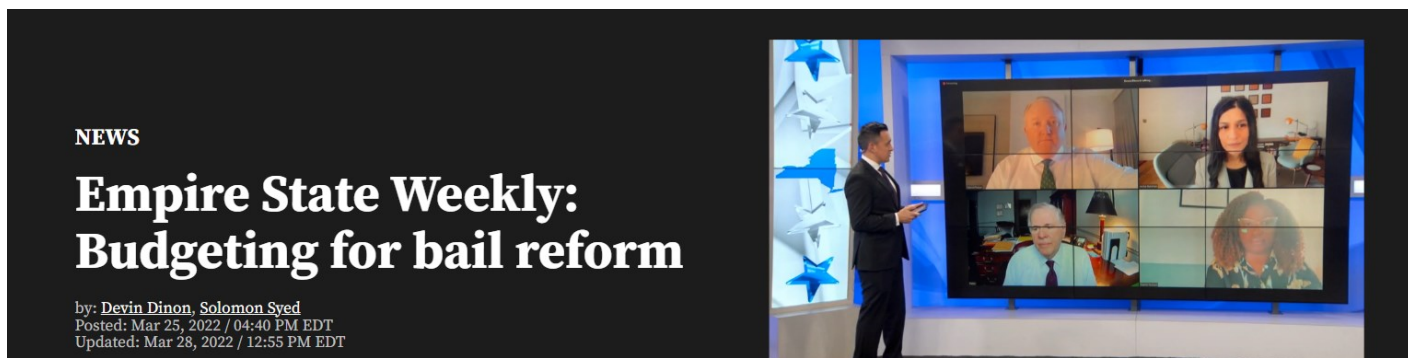
Dutchess County Chiefs

Recently NYSACOP Executive Director Patrick Phelan attended a meeting of the Dutchess County Chiefs of Police at which he congratulated their new President Paul Ciacca.



Debating Proposals to Alter Bail Reform

NYSACOP Executive Director Patrick Phelan recently appeared on [Empire State Weekly](#) with New York State Sheriff's Association Executive Director Patrick Phelan and Insha Rahman of the Vera Institute of Justice to discuss Governor Hochul's anticipated changes to address bail reform. Click below.



Retired Members Urged to Attend Conference

NYSACOP Retired Member Representative Chief Ret. Joe DelBianco encourages retired members to attend the Annual Training Conference in Glens Falls from July 24 to July 27. Chief DelBianco said, "Glens Falls is a nice town is within a short driving distance to Lake George and Saratoga. At the Conference you will enjoy the camaraderie, training, exhibitors, and many social events including the Hospitality Room, open daily. The President's Cocktail Reception, installation dinner, and more are also available to registered delegates." A registration fee of \$150 is available to qualifying retired members—visit nychiefs.org for information and details.



Looking Back...



*Chief Daniel Wolff of the Yonkers Police Department
NYSACOP Member in 1915*

Chief Leigh Hunt 1940-2022

Lifelong Career in Law Enforcement from State Police to Syracuse Police

Leigh F. Hunt passed away on March 23rd at the age of 81. Leigh was born in Brooklyn, New York and was a long time resident of Syracuse, New York. Having been in fourteen different school districts growing up, he graduated from Colonie Central High School. Leigh attended Hudson Valley Community College, Russell Sage and the State University at Albany, earning a masters degrees in Public Administration.

Leigh had a prominent career with the New York State Police that lasted twenty four years. As he rose through the ranks he was awarded many times for his expert marksmanship on the pistol team. He was a diver and was part of the original planning committee for the 1980 Lake Placid Winter Olympics. He ended his career serving as Major, Director of Training.

After retiring from the New York State Police Leigh became the Chief of Police in Syracuse, New York where he led with honor the men and women in blue. He received a diverse array of honors but none of those honors could compare to the satisfaction he received from being the proud leader of those serving the residents of the city of Syracuse.

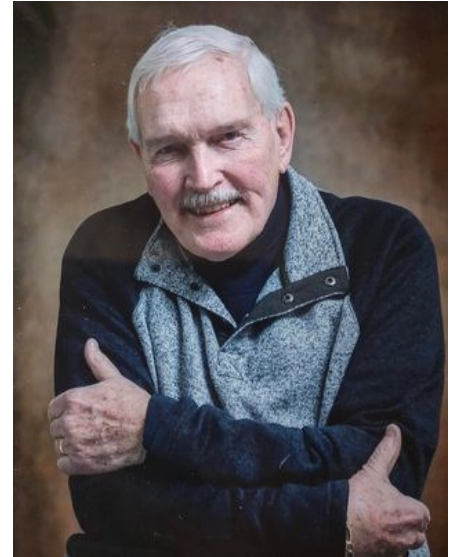
Following his time with the Syracuse Police Department Leigh was enlisted by then New York State Governor Mario Cuomo to head the Office of Indian Affairs. This brought his career full circle as he was a trusted friend of the Native American people from his days with the New York State Police. Leigh never stopped serving and these people were always close to his heart.

He then went on to establish his own private security firm which he ran for many years. His work took him all over the county. One of his final jobs was serving as a consultant for the St. Regis Mohawk Tribe Police where he renewed many friendships from his state police days.

Leigh is deeply missed by his wife, Ann, his children, Morgen, Jillian, Sean and Chip Hunt, his grandchildren, Zachary Komar, Walker, Allana and Jared Bickford, Marissa and Christopher Maloof, Thomas Jr., Connor and Alissa Hunt and Shawna, Anthony, Sean Jr. and Briseis and many nieces and nephews.

Calling hours Services were held at St. Lucy's Church on March 28-29 in Syracuse.

In lieu of flowers please make a donation in Leigh's name to the Signal 30 Benefit Fund at: NYS Troopers 48 Howard St, Albany, NY 12207 and/or the American Cancer Society.



Chief/Ret. Leigh Hunt
Photo: Courtesy Hunt Family

Obituary: Edward J. Ryan and Son Funeral Home



COP TALES

ASST. CHIEF/RET. BRIAN SMITH,
CALIFORNIA HIGHWAY PATROL

It Only Got Worse

As a Commander of a highway patrol office, I was notified of a possible multiple fatal on the outskirts of town. When I arrived, I noticed the highway patrol helicopter on the berm of the aqueduct, other rescue workers and a highway patrol officer that I will call Officer X. I was told a van with a bunch of people crashed into the aqueduct and the divers were going to search for the bodies. Officer X and I stood there watching as the divers raised up one body after another from the water. They pulled out a woman, then an infant, then another child, then another. It seemed to never end. Every one of them was deceased. It was a horrific scene.

As I learned later, it turned out that the father went to work and realized he forgot his lunch, so he called his wife and asked her to bring it to him. She was not an experienced driver, but she put her four young children and her twelve-year-old niece who was visiting them for the week in her van and dropped off his lunch. On her way back home, she took a curve too fast and instead of hitting the brakes, she hit the accelerator and the vehicle went through the fence and into the aqueduct. The vehicle plunged to the bottom.

After all the bodies were pulled out and a license plate was obtained from the van, I went to the registered owner's house to make notification, but no one was home (I didn't know he was at work). On the way back to the scene, I stopped to buy the officers and firemen refreshments. While I was there, my dispatcher called to notify me that Officer X's wife had committed suicide. I knew her very well. I asked how Officer X was handling the news. The dispatcher advised he did not know yet and someone had to tell him. Officer X was at the scene with that whole family that perished and now I had to tell him about his wife? It seemed like it took me forever to get to him. When I returned, I asked him to take a walk away from the accident scene and I broke the news to him. I can't even describe his reactions. I then asked the highway patrol helicopter pilot to take us to her location. When we got there, I went in to see his wife. I didn't know how he would ever get through something like that. He had two small children and he knew he had to be there for them (which he always was).

My day was not over yet. I then had to return to the husband/father's house of the earlier crash and tell him he lost his entire family. He was home when I was there that time. That was so long ago, but every memory of that day is still stuck in my head.

The author served four years in the United States Marine Corps, and retired as an Assistant Chief with the California Highway Patrol. He resides in Bakersfield, CA. If you have a personal "Cop Tale" to share, please contact Brian at bmsmith778@gmail.com

Training Calendar



MPTC Use of Force for Correction Officers [Online Training Questions](#)

Detecting Financial Exploitation: Identification Strategies and Resources for Law Enforcement— Webinar Recording Available [View](#) [Questions](#)

Disability Awareness for LE Instructor Level Training—various virtual and inperson dates;
[Information](#) [Registration](#) [Questions](#)

Cryptocurrency Investigations (NCTC/free) Hilbert College, Hamburg, NY.
[Register](#) or call 717-861-2070

Advanced Group Crisis Intervention (Erie Co.) - Apr. 8-9 [Details](#)

Advanced Assisting Individuals in Crisis (ICISF) - Onondaga Co.—Apr. 12-13 [Details](#) [Register](#) [Questions](#)

Video Surveillance for Investigator Training—(Albany) pre-requisites and early registration apply; April 12-14—
[Register](#) [Questions](#)

ALERRT Active Attack Integrated Response Train the Trainer (Albany Co.) April 11-15; May 16-20 [Register](#)
[Questions](#)

Radiological Fundamentals, Preparedness, and Training (Virtual) —FBI and NNSA—Apr. 14 1:00 PM ET [Register](#)

DWI Detection and Standardized Field Sobriety Testing Refresher Course—Orange Co. April 14; Westchester Co. April 28;

ICISF Group Crisis Intervention - Allegany Co. (Free) - April 18-19; (Allegany Co.); [Application](#) [Questions](#)

Use of Force Updates - 2 Day Refresher (NYC) - Apr. 22-23 [Application](#) [Questions](#)

Principled Policing Instructors Course (Westchester) Apr. 26-29 [Register](#) [Questions](#)

ALERRT First Responder Medical Train the Trainer May 9-11 [Register](#) [Questions](#)

2022 NYS Police Officers Memorial Remembrance Ceremony—May 10 [Invitation](#) [Instructions](#)

Fundamental Crisis Intervention Skills for Law Enforcement: Instructor Level Training - (Broome, Jefferson, Suffolk) -
[Details and prerequisites](#)

Webinar- From Over the Counter: The Role of Prescription Drugs in Impaired Driving—May 13 [Info](#) [Register](#)
[Questions](#)

Suicide Prevention, Intervention and Postvention (\$125) May 13-14 (Cheektowaga) [Registration Questions](#) [Curriculum](#)
[Questions](#)

MPTC Defensive Tactics Instructor Course (Chautauqua) - May 16-27, 2022 [Register](#) [Questions](#)

(Continued on page 27)

(Continued from page 26)

St. Lawrence Co. May 4;
Monroe Co. May 12; Oneida
Co. May 25 (All times 12N-
4PM) [Register](#) [Questions](#)

DWI Detection and
Standardized Field Sobriety
Testing Instructor Refresher
Course—Orange Co. April 14;
Westchester Co. April 28;

RADAR/LIDAR Instructor
Course - May 4 (Ontario Co.);
May 25 (Dutchess Co.) [Register](#)

St. Lawrence Co. May 4; Monroe Co. May 12; Oneida Co. May 25 (All
times 12N-4PM) [Register](#) [Questions](#)

Fundamental Crisis Intervention Skills for Law Enforcement: Instructor
Level Training - NYC/John Jay College – April 5-7; Schenectady County
- May 9-11 (TBD: LI, Broome Co., Jefferson Co.) [Register](#) [Send Docs](#)
[Questions](#)

Open-Source Intelligence - Oneida County: May 9-11,
2022 [Announcement](#) [Register](#) [Questions](#)

Mass Casualty Response—FBINAA; May 9-10 (Saratoga Spgs.) fees
apply [Register](#)

Street Gang Investigations (NCTC/free) May 9-11; Hilbert College,
Hamburg NY. [Register](#) or call: 717-861-2070

IPTM Traffic Crash Reconstruction Course - Oneida Co.—May 9-13 and
May 16-20, 2022 [Announcement](#) [Register](#) [Questions](#)

DRE Training/Certification—Phase I & II June 6-17 (Suffolk;) Phase III
Jax, FL June 26-Jul. 3 [Application](#) [Questions](#)

ALERT Active Shooter Level 1- Train the Trainer (Westchester) June
20-24 [Register](#) [Questions](#)

Supervisor Leadership Institute (FBI-LEEDA) —June 20-24 (Bath NY)
[Info](#) [Register](#) [Questions](#)

Crisis Intervention Team Training—Aug. 8-12 Cortland Co.—[Info](#)

Interview and Interrogation Training Seminar—Sept. 15-16 (9AM-
5PM—Cortland Co.—[Info](#)



Welcome New Members

Chief Michael Brandenburg
East Rochester PD

Deputy Chief Kevin Branzetti
Manhattan District Atty. Ofc.

Deputy Chief Joseph Esposito
MTA PD

Chief Daniel Grasso
Erie Co. Sheriff's Ofc.

Deputy Chief Wade Hardy
Westchester Co. District Atty. Ofc.

Asst. Chief Swarendra Jatindranath
MTA PD

Jennifer Kelly
MTA PD

Chief Dennis Kohlmeier
Webster PD

Chief Kenneth Lack
Brookville PD

Alexander Lindsay
MTA PD

Chief Robert Long
Gates PD

Chief David Ryan
Pound Ridge PD

Capt. Brenton White
DeWitt PD

Inspector/Ret. Terence O'Toole
NYPD

Contact Us

Share your stories, photographs,
comments and questions:

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Fax: 518-571-1212

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Visit us on the web at www.nychiefs.org
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3177 Latta Rd., # 230
Rochester, NY 14612

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Zone 2

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MTA

Zone 4

Chief Gregory Austin
Rye Brook Police Department

Zone 5

Chief Dominick Blasko
Crawford Police Department

Zone 6

Chief Michael D. Woods
Colonie Police Department

Zone 7

Chief Michael J. Crowell
Manlius Police Department

Zone 8

Chief Patrick J. Garey
Endicott Police Department

Zone 9

vacant

Zone 10

Chief Shane Krieger
East Aurora Police Department

Retired Member Rep.

Chief (Ret.) Joseph DelBianco/Mamaroneck

Liaisons

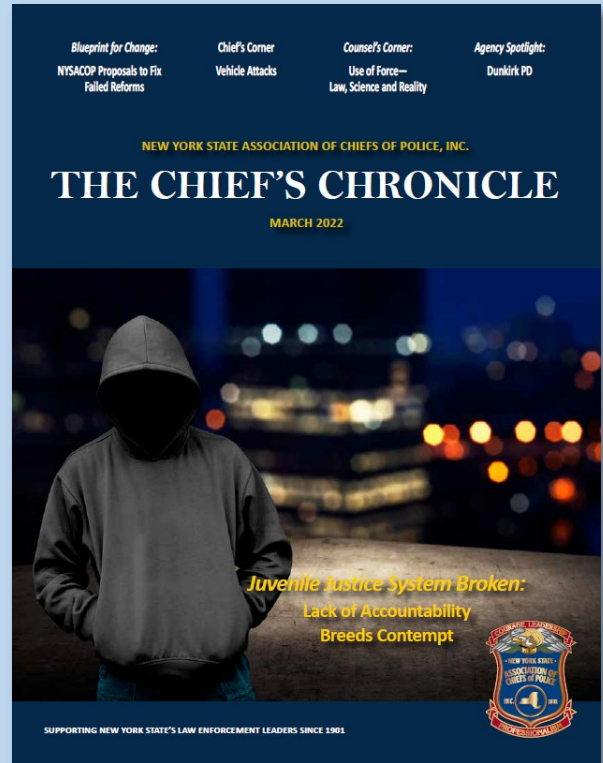
U.S. Attorney's Ofc.—Chief (Ret.) Samuel M. Palmieri

NYPD—Dep. Comm. Oleg Chernyavsky

State University Police—Chief Chris Bartolomei

Check out the
March edition
of our
magazine,
*The Chief's
Chronicle.*

Click on
Publications
at nychiefs.org



Facebook Post of the Month

Ardsey PBA

The Ardsley Police would like to welcome our newest member to our department. Police officer Lindsay Braig.

3/22/2022

