

# Chiefly Speaking...

Monthly newsletter of the  
New York State Association of Chiefs of Police, Inc.



December 2020

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## CHANGES FOR THE NEW YEAR

With the new year comes several changes for the Association. First, Executive Director Michael Geraci has announced that he will be stepping down to take a new position as a NYSACOP Traffic Safety Outreach Liaison (TSOL) (story on page 3). The Board of Governors has appointed Chief Patrick Phelan, currently serving as President of the Association, to become the new Executive Director. Geraci's appointment as TSOL and Phelan's position as Executive Director are effective on January 1. Chief Phelan will wrap up a 31 year career with Greece PD on December 28.

In recent weeks the Association's grant from the Governor's Traffic Safety Committee (GTSC) has been reformed into a new model. Dominick Macherone, who has served the past 14 years as the Law Enforcement Liaison to the GTSC, will become the Chairman of the NYSACOP Traffic Safety



Chief Patrick Phelan  
President  
New York State  
Assn. of Chiefs of Police

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Happy Holidays!

From the New York State  
Association of Chiefs of Police



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Committee which includes additional Committee members and TSOL's.

For both Phelan and Geraci, this was an opportune time for a change. Geraci said, "Once Chief Phelan decided to retire I believed that he would be best suited to handle the contemporary law enforcement issues facing our chiefs today. At the same time, the opportunity surfaced for me to re-engage in traffic safety which has been the focus of my career." After a 24 year career with Colonie PD, and 5 years as Chief of Police for Schenectady PD, Geraci served for 12 years in various administrative positions with the National Highway Traffic Safety Administration (NHTSA), including Director of Traffic Safety Programs at Headquarters, Regional Administrator for Region 1 (New England), Region 2 (NY, NJ, PA, CT, Puerto Rico, and Virgin Islands), Acting Administrator for Region 5 (Chicago), and Acting Regional Administrator for the Baltimore office. While Geraci is excited about his role in returning to traffic safety, he said this is a good move for the Association. "As President, Chief Phelan is the right person for the job. He has met the extraordinary challenges of 2020 and provides guidance and leadership to our members."

Phelan said, "It was the right time for me. I was looking at other job opportunities when I learned that Mike (Geraci) was interested in the traffic safety position." The positions have been approved by the Board of Governors which will also see some changes. First Vice President (VP) Timothy Parisi (Ilion PD) will assume the office of President on January 1; Second VP Kevin Sylvester (Ossining PD) will ascend to the office of First VP; and Chief Daniel Denz (West Seneca PD) will move from Third VP to Second VP. The Third VP position will remain vacant until the next annual training conference.

Chief Phelan reflected on his career with Greece PD. "My goal was to be a detective, I never thought about being the Chief" said Phelan, adding, "When I was promoted to Lieutenant, I got to supervise the investigations unit. We have a great team, we've solved a number of cases over the years." One of the most challenging and unique cases was a triple homicide in 2010 in which three men were murdered at an apartment complex in Greece. One of the victims was bound to a chair, gagged, and shot in the head. "We put together about 50 investigators from various local, state and federal agencies." After several months, the suspects were tracked to Arizona. A total of 8 people were indicted, including three who carried out the murders. Phelan said, "It was a profound accomplishment for the entire team." After a ten week trial with 65 witnesses, three of the suspects were found guilty of 3 counts each for murder, and conspiracy to distribute marijuana. Each defendant was sentenced to four life sentences.

When Patrick Phelan joined the Greece PD in 1989 his father was serving as Police Chief. Gerald Phelan retired from GPD in 1993. The Phelan's enjoy a unique status in NYSACOP history, too. Not only did they serve as chief of the same department, both also served as President. Pat remembered the installation dinner in 1987 upon his father's election as President of NYSACOP. The keynote speaker

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## DRIVING FORWARD

### Traffic Safety Committee Reorganizes

Since the founding of the New York State Association of Chiefs of Police (NYSACOP) more than a century ago, one area that has continued to evolve is traffic safety. In the early 1900's NYSACOP was a leading voice in the development of the rules of the road which are emulated in today's traffic laws. In recent decades, our members were instrumental in the development and passage of New York's STOP DWI Legislation and Occupant Restraint Laws. We led the nation with the concept of DWI Blanket Patrols and Project Zero, both innovative concepts which earned national recognition and saved countless lives throughout this State and our Nation. Throughout our history the Association has supported traffic safety education, enforcement strategies and technology advancements, all of which have had a meaningful impact in reducing injuries and deaths as a result of motor vehicle crashes.

Through their funding support and with the assistance of the leadership and staff members of the Governor's Traffic Safety Committee, NYSACOP is restructuring one of its longstanding committees, starting with a rebranding of the name from *Highway Safety Committee* to *Traffic Safety Committee (TSC)*. Assistant Chief/Ret. William Georges (Albany PD) said, "Historically the committee used the term "highway" but the true focus of our efforts is not limited to what might be interpreted as interstate and intrastate thoroughfares. A truly comprehensive approach includes local streets, pedestrian issues, motorcycles, bicycles, child passenger safety and more."

The NYSACOP Traffic Safety Committee (TSC) is a standing advisory resource body of the Association. The TSC mission is to assist members in enhancing traffic safety services to reduce crash related fatalities, injuries and economic costs, while also providing additional positive outcomes resulting in

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## Traffic Safety Committee (TSC)

Name changed from *Highway Safety Committee* to *Traffic Safety Committee*

### **Committee Members:**

Chief Daniel Denz  
West Seneca PD

Chief/Ret. Mark Henderson  
Brighton PD

Deputy Insp. David Regina  
Suffolk County PD

Chief/Ret. Michael N. Geraci  
Schenectady PD

Asst. Chief/Ret. William Georges  
Albany PD

### **Chairman:**

Dep. Chief/Ret.  
Dominick Macherone  
Glenville PD

### **Traffic Safety Outreach Liaisons (TSOL):**

Chief/Ret. Michael N. Geraci

Asst. Chief/Ret. William Georges

### **Mission:**

*Assist our members in enhancing traffic safety services to reduce crash related fatalities, injuries and economic costs, while also providing additional positive outcomes resulting in safer roadways and communities.*

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safer roadways and communities.

The TSC will initially be comprised of six members including its Chair, Deputy Chief/Ret. Nick Macherone (Glenville PD) who has served for the past 14 years as NYSACOP's Law Enforcement Liaison to the Governor's Traffic Safety Committee. Macherone said, "The members of our Association have a tremendous amount of talent in addressing traffic concerns in their communities. This new model will enlist their expertise to help address both traditional concerns for traffic safety in our communities as well as strategizing ways to address new issues."

Traffic Safety Outreach Liaisons (TSOLs) will include Chief/Ret. Michael Geraci (Schenectady PD; and former NHTSA Region 2 Administrator), who is stepping down as the NYSACOP Executive Director to take on this new role, (see article about leadership changes, page 1); and Assistant Chief/Ret. William Georges (Albany PD) who also serves on the Highway Safety Committee of the International Association of Chiefs of Police. Their vast traffic safety knowledge and experiences at the local, state, national and international levels will undoubtedly provide the Committee and our Association with great insight and opportunities.

NYSACOP TSC members will include Chief Daniel Denz (West Seneca PD), Chief/Ret. Mark Henderson (Brighton PD), and Deputy Inspector David Regina (Suffolk Co. PD), along with TSOL's Chief/Ret. Michael Geraci, and Asst. Chief/Ret. William Georges. The Committee will examine contemporary issues and benefits related to traffic safety including enforcement, engagement, crash causation and investigation, training, and other traffic safety related functions.

A priority challenge that the TSC will address is the need to view traffic safety as a core mission of each law enforcement agency. In the midst of a global pandemic and public demands for criminal justice reform some law enforcement agencies have significantly curtailed or even suspended traffic safety activities. With a renewed focus on the benefits of a comprehensive traffic safety program, the TSC will encourage our members and support those programs throughout New York State. Some of the ways in which the TSC will serve its members and its objective of improving traffic safety include:

- Creating a share point for special programs, promising practices, and innovations in traffic safety engagement, enforcement and education
- Serving as a think tank for the exploration of unconventional and nontraditional approaches to traffic safety
- Liaison to county, state and federal partners in the mission of improving traffic safety
- Clearinghouse for external resources which inform, support, and promote traffic safety
- A voice for proactive traffic safety measures and public statements which promote safety-oriented concepts and strategies

Do you have a question about the Traffic Safety Committee, a traffic safety idea or best practice? Please let us know at [Traffic@NYchiefs.org](mailto:Traffic@NYchiefs.org).



## Traffic Safety Report

### Traffic Safety Highlights

- Traffic Tuesdays webinar: EDR Basics for Prosecutors and Law Enforcement
- Click It or Ticket Mobilization
- NYS STOP-DWI Holiday Season Enforcement Crackdown

#### Traffic Tuesdays-National Traffic Safety Resource Prosecutors (TSRP) Webinar Series:

As part of the continuing TSRP training initiative entitled Traffic Tuesday's, the next scheduled webinar on Tuesday December 15, 2020 from 2:00 p.m. – 3:30 p.m. (EST) will feature a presentation on "EDR Basics for Prosecutors & Law Enforcement" by Sgt. Mark Eastty, Pinellas County (FL) Sheriff's Office.



**Dominick Macherone**  
NYSACOP-GTSC  
Liaison

Description: In DUI Manslaughter and Vehicular Homicide Cases, some of the most critical information in determining causation is related to a suspect's vehicle and the dynamics of that vehicle's motion and speed. Such information is often readily available to prosecutors and law enforcement as most modern vehicles are equipped with a "black box" known as an "Electronic Data Recorder" or EDR. However, many prosecutors and law enforcement are unfamiliar with the specifics of this technology and how it can assist in these important cases. This session will explain the basics of EDR technology so that both prosecutors and law enforcement will be familiar with the types of data such devices record, which vehicles are equipped with such devices and how one is able to accurately and reliably obtain this crucial information from EDRs. It will also examine case studies to explain how such EDR technology and the data provided by such technology can be useful to both prosecutors and law enforcement to enhance the investigation and prosecution of DUI Manslaughter & Vehicular Homicide Cases. Registration [here](#)

**2020 Buckle Up New York Click it or Ticket Mobilization:** The Buckle Up New York - Click It or Ticket mobilization ended on November 29, 2020. We extend our appreciation to all law enforcement agencies who actively engaged in this 14-day high visibility enforcement campaign aimed at reducing crashes and save lives. We also encourage our law enforcement partners to keep occupant restraint enforcement at the forefront of your routine traffic safety efforts. GTSC grantees are encouraged to include their campaign activity in their GTSC mid-year reports.

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**National Law Enforcement Liaison Program Webinar – Reinvesting in Traffic Safety Post 2020:**

On December 9, 2020, 2:00 – 2:30 PM, law enforcement agencies across the country are struggling with re-establishing a normal workflow following shutdowns and social distancing recommendations resulting from the COVID-19 pandemic. Agencies respond by adjusting to a “new normal” based on their community needs. If lives are to be saved, traffic safety must remain a priority in the day-to-day operations of law enforcement agencies. December’s webinar takes the next logical step by suggesting an approach to resuming education and enforcement efforts. This traffic safety outreach initiative is offered in partnership with the National Highway Traffic Safety Administration. Presentation collaborators include Ohio State Patrol Colonel/Ret. Ken Morckle, Nevada Highway Patrol Colonel/Ret. John O’Rourke and Winter Park Police Chief/Ret. Brett Railey. Learn more and register for the webinar at: [LEL December Webinar: Reinvesting in Traffic Safety Post 2020 – National Law Enforcement Liaison Program \(nlelp.org\)](#)

**2020 STOP-DWI NY Holiday Season (National) Crackdown—Drive Sober or Get Pulled Over:**

December 17-January 1, 2021: The holiday season is known for being merry and bright, but it is also known for being the deadliest season when it comes to impaired driving. While STOP-DWI efforts across New York have led to significant reductions in the numbers of alcohol and drug related fatalities, still too many lives are being lost because of crashes caused by drunk or impaired drivers. Highly visible, highly publicized efforts like the STOP-DWI Crackdown Campaign aim to further reduce the incidence of drunk and impaired driving. Sobriety checkpoints and saturation patrols play a key part in raising awareness about the problem. Through increased statewide enforcement efforts, raising public awareness through paid, earned, and social media, and by maximizing partnerships and local resources, we can help prevent injuries and save more lives on our roadways. In planning your mobilization visit NHTSA’s Traffic Safety Marketing page for the latest campaign materials and resources to maximize your agency’s enforcement efforts at: <https://www.trafficsafetymarketing.gov/get-materials/drunk-driving/drive-sober-or-get-pulled-over/holiday-season>. Additional resource materials are also available on the Traffic Programs Page of the NYSACOP website at [www.nychiefs.org](http://www.nychiefs.org), and the STOP-DWI New York homepage at [www.stopdwi.org](http://www.stopdwi.org).

Visit the Governor’s Traffic Safety Committee [website](#) for additional traffic safety information and resources. Contact GTSC Staff at (518) 474-5111 with questions or for assistance with your traffic safety programs. NYSACOP Law Enforcement Liaison Dominick Macherone can be reached at [traffic@nychiefs.org](mailto:traffic@nychiefs.org) or at (518) 857-9943



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was U.S. Attorney Rudy Giuliani. In 2019 when Patrick Phelan was installed as President, the keynote speaker at his induction was James P. Kennedy, also a United States Attorney (Western District of New York).

As Executive Director, Phelan said that his mission will be to ensure that the Association continues to help chiefs to navigate the challenges of today. “Our members look to us to break down new legislation and regulations and provide resources and training to help them do their job better.” He continued, “We will also continue to increase our membership. That is where our strength lies in providing a voice and insight.” Phelan said that this is already yielding positive results. “The Attorney General’s office reached out to us recently to ask us for input on the expansion of the Office for Special Investigations (OSI), that is huge”, said Phelan. The OSI was established in 2015 under Governor Cuomo’s Executive Order 147 “...which appointed the New York State Attorney General as special prosecutor in incidents where a law enforcement officer causes the death of an unarmed civilian, or where there is a significant question as to whether the civilian was armed and dangerous.”<sup>1</sup> During the summer of 2020, the scope of OSI was expanded to include the Office of Law Enforcement Misconduct which will become operational in April 2021.



**NYSACOP Installation in 1987 of then-President Gerald Phelan (third from left), father to President Patrick Phelan. In center is then-U.S. Attorney Rudy Giuliani. At the Hotels at Syracuse Square.**

Other changes include two new appointments to the NYSACOP Board of Governors: Deputy Commissioner Oleg Chernyavsky is the new NYPD Liaison, and Chief Michael J. Crowell is the new Zone 7 Representative (see story on page 15.) For Association business, our mailing address has changed to 3177 Latta Road, Suite #230, Rochester, NY 14612.

Chief Phelan concluded, “I am very interested in any suggestions from our members. I will do everything I can do to make their job easier, and I welcome their input. When COVID eases, I look forward to travelling around the state to meet our members in person.” Suggestions and comments can be sent to [pwhelan@nychiefs.org](mailto:pwhelan@nychiefs.org)

<sup>1</sup> New York State Office of the Attorney General; Office of Special Investigations and Prosecutions; <https://ag.ny.gov/SIPU>; Accessed Nov. 30, 2020

# Traffic Safety Take-Out Menu

## Online Training Opportunities & Resources

**National Center for Rural Road Safety Website:** News & Events, Training & Education, Research & Resources, & more: [LINK](#)

**GHSA Webinar: Speeding: Diverse Approaches to Culture Change:** This roundtable discussion examines behavioral approaches to speed management, pandemic speeding trends, and highway safety community countermeasures. [LINK](#)

**National Law Enforcement Liaison Program Recorded Webinars:** Register for the December 9, 2020 webinar – Reinvesting in Traffic Safety Post 2020. Click [here](#) for a listing of all webinars.

**DCJS Online Training - Ignition Interlock Devices:** This training provides a comprehensive overview and enforcement guidance for NYS police officers on Ignition Interlock Devices. It was produced by the NYS Association of Chiefs of Police and funded by NHTSA with a grant from the Governor’s Traffic Safety Committee. [LINK](#)

**Governors Highway Safety Association (GHSA) Publications, Reports and Resources:** [LINK](#)

### NYSACOP PODCAST Releases:



Students Against Destructive Decisions



Traffic Safety Leadership

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**PLEASE NOTE OUR NEW ADDRESS:**

**NYSACOP**  
**3177 Latta Road, #230**  
**Rochester, NY 14612**





## NYSACOP Members Leading at the IACP

Two of our members are representing you and your colleagues at the International Association of Chiefs of Police (IACP).

Chief Shawn Butler (Auburn PD) is the Northeast Regional Chair to the IACP Executive Committee. This division is responsible for providing a voice within the IACP organization for leaders of law enforcement agencies that range in size from 50 to 999 sworn members. This gives executives of these agencies an opportunity to share not only information but unique challenges faced by midsized agencies. Also and as stated by IACP specifically, “The Division is further committed to embracing and leveraging the special capacity and flexibility of these agencies to innovate and drive progressive change within the profession, with the goal of better policing worldwide.”



**Chief Shawn Butler**  
Auburn PD

Chief Butler said, “As a police chief of an agency at the smaller end of the midsized agency scale (67), it is my belief and vision that we face challenges different and apart from our larger counterparts in that our officers are often forced to be specialized in multiple fields rather than having a larger agency that can have specialized units for each discipline. Being a liaison and a voice in order to facilitate and share ideas, opportunities and develop solutions is what I feel my role in this position is specifically targeted towards. This does not mean that I cannot do the same for those larger agencies in this division which I believe can also benefit from a smaller agency perspective as well.”

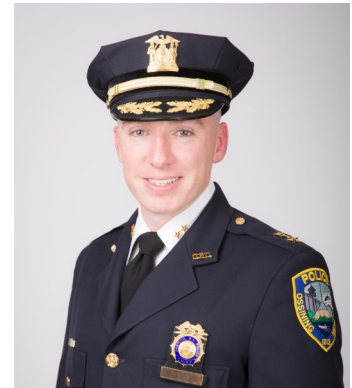
Chief Butler noted that, according to IACP there are 2,333 midsize agencies in the United State and 344,037 officers within this division. He said, “That is a lot of knowledge, concerns, and problems to conquer. Being intimately involved especially in these unparalleled times in policing is exciting to me. I am a problem solver by nature and like to be involved in finding a solution, not only for my own agencies benefit but for our profession as a whole and that’s what I am hoping to be able to do with my involvement in this capacity.”

*Chiefly Speaking* asked Chief Butler for his advice to colleagues. He said, “Collaboration at all levels! I truly believe that a direct correlation to my success has been my ability to facilitate and build partnerships in all facets of this position. Working within silos is no longer a viable avenue. We must work hand-in-hand with everyone, from the citizens we serve, to advocate groups, social services, mental health professionals, medical professionals, business owners, and other police agencies. The idea of a team, though simple, is true and relevant and will be the pathway to success and will make our jobs so much easier. As we become tasked with more and more of society’s ills, we need assistance from everyone and if we are able to build these partnerships, naturally our burdens will become less.”

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Chief Kevin Sylvester (Ossining PD) was elected Vice Chair of the Public Information Officer (PIO) Section of IACP at the annual conference. He is also serving his second year of a two year term having been appointed to the IACP Police Professional Standards, Ethics, and Image Committee.

Chief Sylvester said that the PIO Section provides networking opportunities, peer support, training, and education to public information officers and police executives looking to improve their department's communications. He said, "The PIO Section is made up of sworn members serving as information officers, non-sworn civilian staff, and executives who are either handling the duties directly, or who want a better understanding of how to support their staff. Additionally, the section is involved in advocacy work to promote internal and outward communications as a means of improving employee morale and building relationships between law enforcement agencies and the communities we serve."



**Chief Kevin Sylvester**  
Ossining PD

Noting that the Police Professional Standards, Ethics, and Image Committee has a broad scope working with IACP's Policy Council Chief Sylvester said, "We've created national recruiting models and are currently working on a code of ethics and a branding campaign in partnership with members of the PIO Section."

Collaboration and asset sharing are some of Chief Sylvester's values that wants to facilitate. "As an active member of the IACP my hope is to be a part of the team that brings best practices to agencies who need their support." Sylvester continued, "I see amazing work happening all over the country and it's an honor to be able to help share those successes and provide opportunities for agencies to adapt in order to continue raising the standard for law enforcement professionals everywhere. I've been given so many opportunities and received so much support from more experienced chiefs, I see this as my opportunity to repay the favor. I've always felt that the best way to honor those who gave to me is to pass it on to others."

During a time when police reform is being discussed across the nation, meaningful communication with the communities served by police is more essential than ever. Chief Sylvester urges departments to find the best way to engage with their constituents and make a communications plan. "I'm a huge proponent of taking good risks with regard to communication. My style for public information isn't for everyone, but I'm also not suggesting others attempt to recreate my style; it's for chiefs to develop their own strategy based on their department's personality. Our neighbors need and deserve to know what's happening in our community. If you're not taking advantage of social media as a means to connect on your own terms you're missing a huge, nearly free option for helping people understand your mission. I often hear chiefs say, 'you would let your cops speak on behalf of the department?' Absolutely. We give them that authority every day when we send them on patrol wearing our uniform. Applying that to the digital world, it shouldn't be so scary to train an officer, delegate authority, and reap the benefits of a clear communication plan." Sylvester continued, "That's what we aim to provide – options for chiefs who want to take chances but need some guidance in getting started."

## Real Risk Management

### The Top ~~Ten~~ Two Financial Issues Facing Police Agencies

By Gordon Graham

*Editor's note: This is the latest installment in the Real Risk Management series, designed to introduce the breadth and depth of risk management by organizing risk into 10 Families. To request earlier articles from the series, please contact Shannon Pieper, [Lexipol Sr. Director of Marketing Content](mailto:Lexipol Sr. Director of Marketing Content), at 949/276-9938 or [spieper@lexipol.com](mailto:spieper@lexipol.com).*

Gordon Graham here and hello again. As I continue to write about Family Nine of the 10 Families of Risk, my brain goes back 15 years or so when our daughter was off to university. This was a new adventure for me and Mrs. G and I was concerned about the risks involved.

In the late '60s when I went off to college, it was not a substantial change in my life. I worked all the way through St. Ignatius High School (now a college preparatory school), living at home. While attending San Francisco State College (now a university, and if you are doing the math, yes those were the years of Samuel Ichiye Hayakawa—Google that name if you don't recognize it) I still lived at home, so nothing really changed for me.

But having our daughter 400+ miles away and living in a dorm concerned me. So I went through my Rolodex and sent an email to everyone who had “college” or “university” on their business card—this included teachers, administrators, cops, firefighters and others. I asked them, “What are the top 10 risks an incoming student faces today in university?” A great many of them responded. As I read their thoughts, I saw many similarities in their lists, including drugs, drinking, not paying attention, the dangers of sororities, risks involved in pranks and initiations and many other things.

They told me things I had not considered, which cemented my thinking about knowledge—individually you know a lot; collectively we know everything. That led to a “College Contract” between Mrs. G and me as parents and our daughter as student: If we are paying the freight for this, we expect certain behaviors on your part. Here are some control measures to make sure you don't go off the rails. (If you have a child headed off to college or university and you want a copy of this contract—redacted!—drop me an email and I will be happy to send it to you.)

All this brings us to the promise I made you in my last writing of this column: the top 10 financial problems facing police agencies. While I know a lot about this topic, I wanted to make sure I was not missing anything, so I sent an email to scores of my favorite chiefs of police around this great country



Gordon Graham

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and beyond. Once again, the replies were similar to my list, but there were a couple items that surprised me.

So without further ado, here is the promised top 10 financial issues facing police agencies:

1. Personnel who are financially illiterate. This one was a bit of a surprise to me. I was aware of it from my experiences as a divorce lawyer for 20 years, but I was taken aback when almost every chief I contacted mentioned this. I could spend the rest of this article talking about #1, but I will not. Suffice it to say you as a chief must think about educating your personnel early (perhaps at the Academy) about money. Too many have no clue about early planning for retirement, interest rates, leasing vs. buying, checking accounts, savings accounts, dollar cost averaging and other basic financial planning tools. Be careful to not bring in some financial advisor who is trying to drum up personal business but rather someone who can lay out a plan to help your officers retire debt-free and live nicely until that time. Not to bore you, but one of my classmates (and still a good friend) at the CHP Academy back in 1973 took this seriously and is now worth north of \$50 million. He has taught his approach to scores of other cops who have paid attention and are also doing very well.

2. Overtime issues. This ties into #1. The bottom line is cops get way too dependent on overtime and when it dries up there are a whole bunch of consequences. At the risk of boring you, let me illustrate what I mean. There is a law in California that employers must pay their employees at least once every two weeks, with an exception for state employees who get paid once a month on the last day of the month. This was a bit of a shock to me when I was new on the job because I got paid weekly in the various jobs I had in high school (now college preparatory) and college (now university). I had to adjust and organize my monthly payments to be due on the fifth of the month so I could get them paid in a timely manner.

BUT there was a second check on the 15th of the month for overtime. Many times, my OT check was larger than my monthly paycheck. There was the court overtime, some overtime at the end of my shift for late arrests or investigations and some special detail overtime. When the TV show CHiPs was being filmed in Central Los Angeles CHP (where I worked for my first 20 years on the job), the production company wisely contracted with the CHP and the CHP billed them for the OT

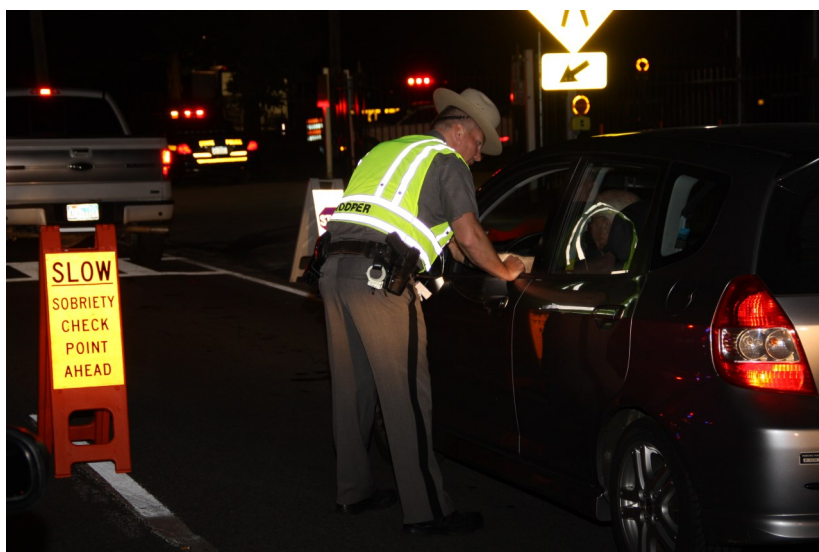
***“...you as a chief must think about educating your personnel early (perhaps at the Academy) about money. Too many have no clue about early planning for retirement, interest rates, leasing vs. buying, checking accounts, savings accounts, dollar cost averaging and other basic financial planning tools.”***

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# Traffic Safety Take-Aways from the 2020 Summit

## *Leadership, Investment, and Adapting in a COVID Environment*

The topics discussed at the joint Leadership Summit hosted by the New York State Association of Chiefs of Police and the New York State Sheriff's Association in October were diverse. Emerging issues of 2020 included protests, riots, new legislation such as bail and discovery reform, community engagement, transparency, the pandemic, and the impact of COVID on traffic safety. Panelists for the traffic safety module included facilitator Asst. Chief/Ret. William Georges (Albany PD), Chief/Ret. Brett C. Railey (Winter Park, FL PD), and Asst. DMV Commissioner Chuck DeWeese of the Governor's Traffic Safety Committee and Chair of the Governors Highway Safety Association, a nationwide organization.



increased. Law enforcement leaders must re-engage their personnel to increase enforcement efforts. Traffic crashes are responsible for deaths, injuries, and related financial losses that negatively impact every community. Data shows that impaired driving, speeding and non-use of occupant restraints are the largest contributing crash causation factors resulting in related injuries and deaths.

In response to the unknowns of the COVID pandemic, many of our member agencies curtailed or suspended traffic enforcement. While we are not critical of the precautions taken to protect the public and our personnel, we must also be cognizant of the benefits brought about through traffic safety programs. Said Asst. Chief/Ret. William Georges (Albany PD) at the Summit, "Traffic safety is public safety and traffic enforcement is law enforcement!" He added, "A comprehensive, balanced and non-biased traffic safety program will produce several positive outcomes in your community: reducing harm and improving quality of life, crime prevention and reduction and provide opportunities for outreach and community service."

Chief/Ret. Brett Railey (Winter Park, FL PD) discussed how law enforcement should reinvesting in traffic safety in the new year. Railey said, "With all the talk about 'reimagining policing' and concerns nationwide about police/public interactions, it simply makes sense that we look at how we move forward with one of the

The discussion included an update on current statistics in light of the pandemic. Some people would presume that safety on our nation's roadways increased during lockdown due to work-at-home and school-at-home platforms, but the opposite is true. The COVID-19 pandemic has negatively impacted traffic enforcement efforts as many agencies have scaled back/restricted related efforts. While vehicle miles traveled (VMT) are down, fatalities are up from this time last year and violations (especially speed) have also

most basic and vital functions policing serves – saving lives through our traffic safety efforts.”

Speaking about the pandemic restrictions and the impact on vehicular travel, Railey noted, “In the May 11th edition of the Washington Post, the headlines read, ‘The coronavirus pandemic emptied America’s roadways. Now speeders have taken over.’ So, the problem with speeding isn’t going away in the COVID-19 era, it has actually been exacerbated!”

Discussion at the Summit focused on not only the importance of traffic safety in protecting communities, but getting agency buy-in to the benefits of traffic programs including reduced fatalities, and injuries, and reductions in crime. Panelists agreed that traffic safety requires leadership at all levels within an agency and should include: timely and accurate data collection and analysis, 21st Century policing strategies, intelligent deployment of resources, development and implementation of effective policies and procedures, and identifying and cultivating strategic partners and stakeholders.

The National Highway Traffic Safety Administration (NHTSA) provides a number of resources to assist departments in community awareness to several risk areas relating to traffic and highways: impaired driving, distracted driving, speeding, seat belts and child passenger safety, among others.

Chief Railey said that today’s police executives are forced to confront some troubling choices, “We are facing challenges today that are much different than any time in recent memory. With the current COVID-19 pandemic and the Defund the Police movement we have additional challenges that must be taken into consideration. Police leaders are torn between what they have known traditional “policing” to be and external pressures to “reimagine policing”. But what happens when we cut back our police force - particularly to traffic safety issues?”

Asst. Commissioner DeWeese reiterated his support for law enforcement and encouraged our members to apply for annual GTSC grants. While funds are limited and are awarded through an application process, funding can assist with dedicated traffic safety overtime deployments. Our Association will be making a concerted effort this spring to assist all members with data-driven applications.

The TSC will be contacting members to request that they appoint a designee from their agency to be the liaison to the TSC on related matters.

Please contact our NYSACOP Traffic Safety Chairman, Deputy Chief/Ret. Nick Macherone, to discuss any of these related issues at [traffic@nychiefs.org](mailto:traffic@nychiefs.org)

*Read more about traffic safety and engagement in Driving Forward, on page 3.*

***“Police leaders are torn between what they have known traditional ‘policing’ to be and external pressures to ‘reimagine policing’. But what happens when we cut back our police force - particularly to traffic safety issues?”***

***Chief/Ret.  
Brett Railey  
Winter Park, FL***

## Welcome New Board Members

The New York State Association of Chiefs of Police welcomes two new Board Members: Assistant Deputy Commissioner Oleg Chernyavsky (NYPD Liaison) and Chief Michel Crowell (Zone 7 Representative), filling the posts previously occupied by Chief John Donahue (NYPD) Chief Thomas M. Winn (Camillus PD), respectively.

Oleg Chernyavsky, joined the New York City Police Department as an Attorney in October 2002, assigned to the Legal Bureau. He was promoted to Agency Attorney - Level II in 2005; to Agency Attorney - Level III in 2009; to Executive Agency Counsel with the designation of Director in 2015, and to Executive Director in 2018. He has served in the Civil Enforcement Unit, Criminal Section and Legislative Affairs Unit of the Legal Bureau. While assigned to the Civil Enforcement Unit, Assistant Deputy Commissioner Chernyavsky spearheaded the reconstruction of the Department's vehicle forfeiture program and prosecuted nuisance abatement actions. During his time in the Criminal Section, he advised and trained members of the Department on a variety of topics and advised the Detective Bureau on numerous investigations, including high-profile and newsworthy crimes.



**Oleg Chernyavsky, Esq.**  
**Asst. Deputy Commissioner**  
**NYPD Legal Bureau**

As Director and then Executive Director of Legislative Affairs, Assistant Deputy Commissioner Chernyavsky, handled a complex combination of significant legal and policy matters impacting the Department. The Legislative Affairs Unit is the Department's liaison, clearinghouse and analytic center for legislative matters concerning all three levels of government. His duties included, the development of the Department's affirmative legislative agenda; the review, analysis of, and commentary on the potential impact of thousands of pieces of legislation on the Department annually; preparing testimony for, and assisting, Department witnesses participating in legislative hearings before the City Council, State Legislature and Congress; routinely testifying before the City Council and State legislature on a variety of topics; and monitoring legislative activity affecting the Department and the city as a whole.

As Assistant Deputy Commissioner he maintains direct oversight of the Department's Legislative Affairs Unit, Criminal Section, Legal Bureau Operations and Projects, Legal Training Unit, and the Investigative Support Unit. He is also called upon to interpret and enforce state, federal, and local laws; ensure that the policies and practices of the department are lawful and are fairly applied; provide legal guidance on myriad issues affecting the Department; counseling the Police Commissioner and executive staff; provide guidance to legal bureau staff, and assist in the day-to-day operations of the Office of the Deputy Commissioner Legal Matters and Legal Bureau.

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Assistant Deputy Commissioner Chernyavsky earned a Bachelor's degree from St. John's University, a Master's degree in International Relations from Syracuse University's Maxwell School, and a Juris Doctor degree from Syracuse University School of Law.

Chief Michael J. Crowell, a graduate of Columbia College, is currently serving his 32nd year in Law Enforcement. Crowell began his law enforcement career in 1989 when he was hired as a Police Officer for the Village of East Syracuse Police Department. Crowell learned early in his police career the value and importance of Community Oriented Policing and problem solving. During his tenure at East Syracuse, Crowell became a DARE officer, Bike Patrol Officer, Defensive Tactics Instructor, Pepper Spray Instructor, Citizen Police Academy Instructor and started teaching at the Citizen and Central New York Police Academy.



**Michael J. Crowell**  
**Chief**  
**Manlius PD**

In 1995, Crowell moved further east in Onondaga County and transferred to the Town of Manlius Police Department where he was quickly moved to an administrative assignment and was later promoted to the rank of Sergeant. While at TMPD Crowell helped to develop and coordinate the Town of Manlius Police Department In-Service Training program which still exists to this day. Crowell became interested in Law Enforcement Accreditation and served as the agencies Accreditation Manger for many years earning the agency several initial and reaccreditation awards to include the most recent CALEA “Flagship” award, the highest accreditation honor in the country.

In September of 2012, Crowell retired from the Town of Manlius Police only to continue his law enforcement career as the Police Chief for the Village of North Syracuse Police Department. While at NSPD Crowell was instrumental in starting a formal In-Service training program and earned the department a New York State Law Enforcement Accreditation Award.

In October of 2017, Crowell saw a great opportunity to return to his home and was selected as the next Town of Manlius Police Chief.

Chief Michael J. Crowell is thrilled about the future of the organization and considers it a great honor to once again wear the TMPD uniform. Crowell considers his role as Chief an incredible privilege and thoroughly enjoys serving in such a wonderful community.





(Continued from page 12)

and the cost of the CHP vehicles and then distributed it to the extras and advisors for the show—more overtime pay for me.

I mention this to you because back then we got a paper check for salary at the end of the month and for the overtime on the 15th of the month. In retrospect I am glad I got a paper check for so many years because it forced me to go to the bank once a month and make the deposit. There was this bank teller who always had a long line of customers because she was so darn pretty and nice and I got to talk to her once a month. Now I talk to her every day, as I have for the last 38 years (for the lieutenants reading this, that means she is my lovely bride).

But again, I digress. In the late 80s the state decided to do direct deposit rather than paper checks—and the divorces skyrocketed! Some officers kept the OT check to themselves and did not bring it home, only telling their spouses about the salary check. When the state went to direct deposit that OT started showing up in the account, and many spouses (then mostly wives) said, “What is this deposit on the 15th?” and the involved officer said, “That is the overtime payment,” and then the question was, “What have you been doing with the overtime payments for the last 10 years?” And things went downhill for those officers rapidly (uphill for me personally as I was doing the divorces, but that is another story!)

I know this is a lot of rambling, but in the financial literacy class I suggested in #1 above, there has got to be some talk about the dangers of overtime and how getting dependent on it is a huge problem lying in wait. If you are overextended that leads to other issues including fraud, falsification, internal affairs investigations, and—you will not believe this but it is true—RICO investigations by the feds. How, you ask? There have been cases of idiot cops using the department email to send a message to another cop: “Hey Pat, I see you are working on Thursday and I am working on Friday. Why don’t you call in sick on Thursday and I will backfill you on overtime, and I will call in sick on Friday and you can backfill me?” And other similar criminal conspiracies designed to cheat the city out of resources. The consequences for this are significant indeed.

***“...there has got to be some talk about the dangers of overtime and how getting dependent on it is a huge problem lying in wait.”***

And speaking of consequences, I have already exceeded my word count and to garner the wrath of Madame Editor would not be a good thing, so I will save the remaining eight of the top 10 for my next writing. And if by some chance said Editor has not caught and fixed all the run-on sentences in this article by the time you read it, remember I went to “college” not a “university.”

(Continued on page 21)

# *Looking Back...*

*One of our advertisers for the 1914 annual conference in Buffalo, New York.*



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*...revisiting the rich history of the  
New York State Association of Chiefs of Police*

# Town of Tonawanda hosted Veterans Day Ceremony at Milton J. Brounshidle American Legion Post 205

by FALISHA OSER Reporter (KenTon Bee)

November 18, 2020—As in years past, a Veterans Day ceremony was hosted by the Milton J. Brounshidle American Legion Post 205 and Veterans of Foreign Wars Harry E. Crosby Post 2472, in conjunction with the Town of Tonawanda. But this year included certain changes to the event due to the COVID-19 pandemic. “This isn’t traditionally the way we do things in the Town of Tonawanda,” said Post 205 Commander Ted Balbierz. “But with the permission of the [Town of Tonawanda] supervisor, we were able to have our event instead of canceling, like other events across Western New York. Hopefully, 2021 is going to be a better year, and hopefully, next year we’ll be back to normal, celebrating Veterans Day on the Municipal Building steps.”

“Today is still a very important day where we pay tribute to the men and women who have served honorably in our nation’s military services,” said Town of Tonawanda Supervisor Joe Emminger. The ceremony included the presentation of colors, placing a wreath in front of the monument at the front of Memorial Hall, a presentation of arms and comments by the guest speaker, Town Police Chief James Stauffiger, an honorably discharged sergeant of the U.S. Marine Corps. “Veterans Day to me is about taking the time to learn about other veterans’ stories and their selfless service. We don’t think about it; we just do it. That’s having a servant’s heart. Each veteran has a servant’s heart and a story to tell,” said Stauffiger. “Share that story with someone else and leave an everlasting impact on their life, like my father and my family did for me.”



**Town Police Chief James Stauffiger was the guest speaker at the Veterans Day ceremony, located at Kenmore Memorial Hall/Brounshidle Post.**

Kenmore East High School student Esther McDonald sang “The Star-Spangled Banner” as well as “God Bless America.” Normally after the Veterans Day ceremony, the public is invited into the hall for refreshments. This year, the building’s capacity limit of 25 people put a damper on those plans. “Obviously, this is our home, this is your home,” Balbierz told the public. “If you can find the time to come through when you have the opportunity, as long as we’re under our [capacity] count during this time of ‘yellow’ restrictions, we’d welcome you.”

“The next few months could be long months, not only in terms of physical health but also our mental health. Take care of yourself and always continue to wear your mask,” said Brounshidle Post Commander Balbierz. “I know you’re sick and tired of hearing that, but I can’t emphasize enough that we still have to do those things. Our veterans fought in wars and they’ve endured a lot more than what we’ve had to do endure these past eight months.”

Reprinted with permission; KenTon Bee.

# NYSACOP Legislative Agenda

## Priorities for 2021

The Association's Board of Governors has developed a legislative action plan for 2021, identifying key priorities for the year ahead. President Patrick Phelan said, "It was the deliberation of the Board at our most recent meeting that there are key issues where we will focus our attention for 2021. Our



collective concerns range from the impact of bail reform on violent crime, providing courts with accurate information about juvenile arrest history, to training needs." Phelan continued, "Additionally, we are also calling for reforms to the civil service system. This is a pivotal time for law enforcement. These are serious concerns for a serious time."

Priorities include:

**Bail reform:** Change the bail reform law to at least make remand an option for suspects caught with an illegal gun. Most regions of New York have seen a rise in illegal gun arrests only to see suspects released immediately and often reoffend.

**Juvenile records:** Allow youth part judges access to juvenile records to protect against perpetual first offenders. Youth part judges have no access to juvenile records so everyone that comes before them appears to be a first offender.

**Funding for training:** The New York legislature is requiring municipalities to "reimagine" their police department and suggesting training in areas such as de-escalation and fair and impartial policing. Training is expensive and must be funded by the state.

**Civil service reform:** The current civil service system created multiple roadblocks for hiring a diverse workforce. This antiquated and rigid system is in need of reform to allow for a more manageable and feasible system of hiring and promotion.

The Board of Governors welcomes your input and feedback on these legislative matters. If you have a comment or suggestion, or would like to assist the Legislative Committee, please contact President Phelan at [pphelan@nychiefs.org](mailto:pphelan@nychiefs.org).

## New Members

Chief Michael Sliwinski  
Cheektowaga PD

Chief Robert Hertman  
WallKill PD

## Congratulations Life Members

Chief Donald L. Morris  
Liverpool PD

Chief Paul K. Crowe  
Hornell PD

Chief/Ret. Michael Walsh  
Syracuse and Geddes PD



## Officers & Staff

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Chief Patrick Phelan  
Greece Police Department

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Immediate Past President  
Chief John Aresta  
Malverne Police Department

## Board of Governors

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Baldwinsville Police Department

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Zone 2  
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Garden City Police Department

Zone 3  
Asst. Chief Sean Montgomery  
MTA

Zone 4  
Chief Gregory Austin  
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Zone 5  
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Zone 6  
Deputy Chief Michael D. Woods  
Colonie Police Department

Zone 7  
Chief Michael J. Crowell  
Manlius Police Department

Zone 8  
Chief F. Michael Catalano  
Cortland Police Department

Zone 9  
Chief Shawn L. Heubusch  
Batavia Police Department

Zone 10  
Chief Joseph Wehrfritz  
Orchard Park Police Department

Retired Member Rep.  
Chief (Ret.) Joseph DelBianco/Mamaroneck

## Liaisons

U.S. Attorney's Office  
Chief (Ret.) Samuel M. Palmiere

NYSACOP Law Enforcement Liaison  
Dep. Chief (Ret) Dominick Macherone

NYPD  
Dep. Comm. Oleg Chernyavsky

(Continued from page 17)

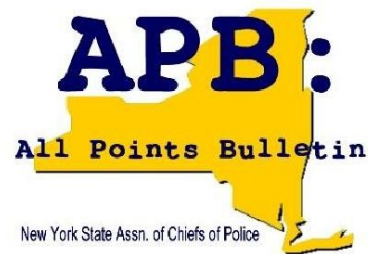
**Timely Takeaway**—In earlier articles in this now three-year series, I spoke about fatigue and how many tragedies are assigned a proximate cause of “X” when the real problem lying in wait was a grossly fatigued cop. Do you have some control measures in place in your agency to make sure your personnel are getting sufficient rest—and are not working too much overtime?

*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.*



Check out the December edition of our magazine, *The Chief's Chronicle*. Click on 'Publications' at [nychiefs.org](http://nychiefs.org)

Check out our podcast library at [nychiefs.org](http://nychiefs.org)





## Instagram Post of the Month

Chief Terrance Monahan—NYPD

Even during this unprecedented year, we remain thankful. I'm especially grateful for the men and women in blue who continue to tirelessly serve New Yorkers in the face of unparalleled challenges — many who are working this #Thanksgiving away from loved ones.



## Are You Retiring?

Let us know:

[APB@nychiefs.org](mailto:APB@nychiefs.org)

## Contact Us

Share your stories, photographs, and questions:

Office: 518-355-3371

Fax: 518-571-1212

Editor:

Chief/Ret. Mark A. Spawn

[APB@nychiefs.org](mailto:APB@nychiefs.org)

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New York State Association

of Chiefs of Police

3177 Latta Rd., Ste. 230

Rochester, NY 14612



## Facebook Post of the Month

**From  
Camillus PD:**

Chief Tom Winn recognized Officer James Alvarez was awarded the "Stork" award for successfully delivering a healthy baby girl.

