

Chiefly Speaking...

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



June 2020

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FROM THE PRESIDENT

The New York State Association of Chiefs of Police is a family of New York law enforcement leaders who collectively denounce the actions that led to the death of George Floyd in Minneapolis. It is heartbreaking to see that the actions of a few, tarnish the honorable work of the overwhelming majority of our dedicated police officers. Our members and their officers strive for ethical excellence and procedural justice on a daily basis in service to our communities. While we support peaceful and productive protest in search of social justice, we condemn illegal actions that result in personal injuries on our streets and the destruction of property in our neighborhoods. As civil unrest continues in many of our cities, we pray for the safety of all police officers and the public who we serve across New York.



Chief Patrick Phelan
President—NYSACOP

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Regional Chiefs Associations; Membership database;
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www.NYchiefs.org

PRESIDENT'S COLUMN

Constitutional Policing During a Pandemic

Police agencies across the country have worked diligently to restore and maintain trust, engage our communities, and be transparent. For some elected officials, law enforcement reforms were a campaign platform, promising “open dialogue”, and “rebuilding of confidence”. And for all the progress we have made, in some areas the same politicians and press are willing to throw us under the bus by making us the pawns of the questionable edicts.

In my last [article](#) I discussed the constitutional aspect of enforcing executive orders, an issue facing law enforcement and something that has become a regular item in the daily news.

Constitution Not Suspended During a Crisis

As I said before, the constitutional rights of our citizens should always come first. There has been a lot of discussion about the merits of executive orders, to the point where the U.S. Attorney General William Barr has directed his Assistant AG for Civil Rights to coordinate with other federal partners for potential “overreach” into Constitutional liberties.¹ The balance of public safety versus preservation of civil rights is not always going to be an easy analysis. But Barr put it very succinctly in his memo, saying, “Many policies that would be unthinkable in regular times have become commonplace in recent weeks, and we do not want to unduly interfere with the important efforts of state and local officials to protect the public. But the Constitution is not suspended in times of crisis. We must therefore be vigilant to ensure its protections are preserved, at the same time that the public is protected.”²

We’ve heard the constitutional debates and seen protests in some areas of our country. Understandably, people want to get back to normal. But in many states, a single person is making the decisions. The New York State Assembly Minority introduced a bill recently to put controls on the governor’s executive authority. Senator Patrick M. Gallivan, (59th Senate District) said, “Under our Constitution, the Legislature is not only a co-equal branch of government, it is intended to serve as a check on both the Executive and Judicial branches.” He continued, “Executive orders should never be used to circumvent the legislative process or limit the input of elected representatives.” Gallivan’s bill would make the governor accountable to the Legislature and limit the scope of disaster declarations, which could then be extended for cause.³

Options for Law Enforcement

Litigation of the Constitutionality of some of these executive orders will take months. In the meantime, when police are called to investigate a violation of an executive order, what are the options? Our role in the enforcement of executive orders can be to educate and attempt to negotiate voluntary compliance. If circumstances dictate that you go the final step to enforcement, you should be very careful and deliberate. First, consult with your local district attorney or municipal attorney before taking enforcement action, if possible, for a second opinion on proper charges and if an arrest is even necessary. Second, consider what that enforcement action is going to look like, take your time. Quick decisions need to be made when bullets are flying, not when someone is operating a barber shop or holding a church service. If I were in a situation in

which I had no option but to take an enforcement action, and that enforcement was legal and constitutional, I would make every effort to make it non-custodial. There is almost no situation in which a custodial arrest is necessary in these situations. An appearance ticket can be issued at the scene and in doing so you have satisfied your enforcement role. The defendant will later appear in court and receive due process. The last thing I would want as a Police Chief is an image of one of my officers hauling someone off in handcuffs because they were on a closed beach, worshiping in a church parking lot, using a closed playground, or working out in a gym. We have seen these exact situations play out across the country and it is not a good look. When I see these videos my emotions range from disbelief to disappointment, and even anger. I am always the first to defend my brother and sister officers, but some things are indefensible without 'shooting ourselves in the foot.'

Take Your Time

There are organized groups with the sole mission of driving an anti-police narrative to drive a wedge between the police and our community and promote a lack of trust in the police. Many of these groups are well funded and work at this mission all day, every day. Videos of the scenes previously mentioned play right into the hands of the police haters. One bad decision by one cop or agency can be painted as the evil intent of every cop in America. These enforcement decisions are important for our entire profession, not just your agency. If you have been through Integrating Communications, Assessment, and Tactics (ICAT) training it addresses and challenges "the culture of speed" and the concept that we are usually in a hurry to get one job taken care of as quick as possible so we can move on to the next. I would like to address what I call the "culture of winning." I have heard many times over my career, often in training scenarios that "we always win." It's a great concept and I agree with it. If you are in a gunfight or a physical battle for your life, you need to employ that concept and fight for your life knowing, "we always win." But in less serious matters this concept can get us into difficulties. In some situations we find ourselves in low level offense enforcement scenarios with a subject who is not violent, but is not cooperative. In other words we are trying to persuade someone to stop doing something, say trespassing, and they are refusing to comply, but in a peaceful manner. At some point the culture of winning kicks in and we decide that the only acceptable outcome is that the subject is going to comply with our order or go to jail. We've all been there. I'm suggesting that, in certain circumstances, we should consider other options, especially in reference to the enforcement of executive orders. We saw a scenario like this in the Meridian, Idaho where a mother who took her kids to the playground was arrested for refusing to leave the playground. The arresting officer got into a classic "yes you will - no I won't" standoff. It ended as it usually does, with an arrest, and mom being hauled off the playground in handcuffs, and it became a viral video. Procedurally and legally this officer did nothing wrong. But his actions did damage the reputation of our profession. Were there other options? I believe there were. First, continuing the dialogue. Fight off

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"Quick decisions need to be made when bullets are flying, not when someone is operating a barber shop or holding a church service."

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the culture of speed and keep talking. If you watch the Meridian video the first officer was doing a really good job of talking to the group. They were agitated, and he was calm. He was a rational, professional police officer who was making sense and, I believe, given enough time would have talked everyone into voluntary compliance. But the second officer (actually a Sergeant) stepped in with the culture of speed and winning and basically said, 'get off the playground or else'. What options did we have if talking didn't work, how about an appearance ticket at the scene with no handcuffs? Issue the ticket right on the playground, give her a court date, and call it a day. You have done your duty and nobody leaves in handcuffs. They will have their video, but it won't be as juicy and you will not have restricted anyone's liberty.

Letting it Go

I'll leave you with a third option that you may think crazy. What if we just walked away? The culture of winning doesn't allow for this, but is it really that bad? Maybe the officer just says, I am going to be the adult here and walk away, you have been advised that your activity here is illegal and you may suffer consequences at some point. Given the choice between walking a mother off the playground in handcuffs or simply walking away, I would prefer that my officers do the latter. I know some of you will scoff at the idea and believe me I have been a cop for 31 years and I believe in proactive, hardnosed police work. But these are circumstances that we have never seen before. Our elected officials are imposing on our constitutional rights and we need to think differently. At least consider all your options, not just for your agency, but for our profession. May God Bless you and keep you safe.

¹ U.S. Attorney General Barr Memo, April 27, 2020

² *Ibid*

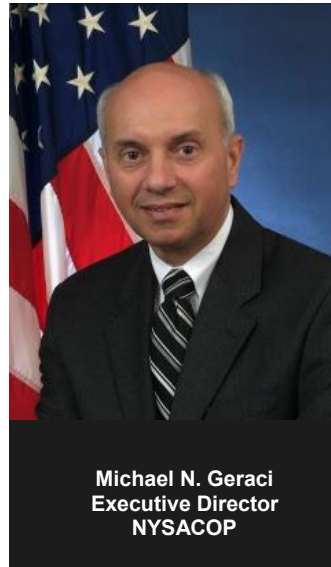
³ Senator Gallivan Sponsors Bipartisan Bill to Address State Emergency Declarations; New York State Senate website; <https://www.nysenate.gov/newsroom/press-releases/patrick-m-gallivan/senator-gallivan-sponsors-bipartisan-bill-address-state>; Accessed 5/27/2020



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From the Executive Director

Thanks to all of our active members who participated in a recent survey concerning law enforcement training needs in light of in the COVID-19 emergency. The responses we received will help us in shaping our response and the development of resources to assist our members in meeting the needs of their departments. Here are some highlights of the survey:



- 94% indicated that training has been moderately (40%) to severely (54%) impacted by COVID-19 (chart below)

Type of training needed (multiple responses permitted):

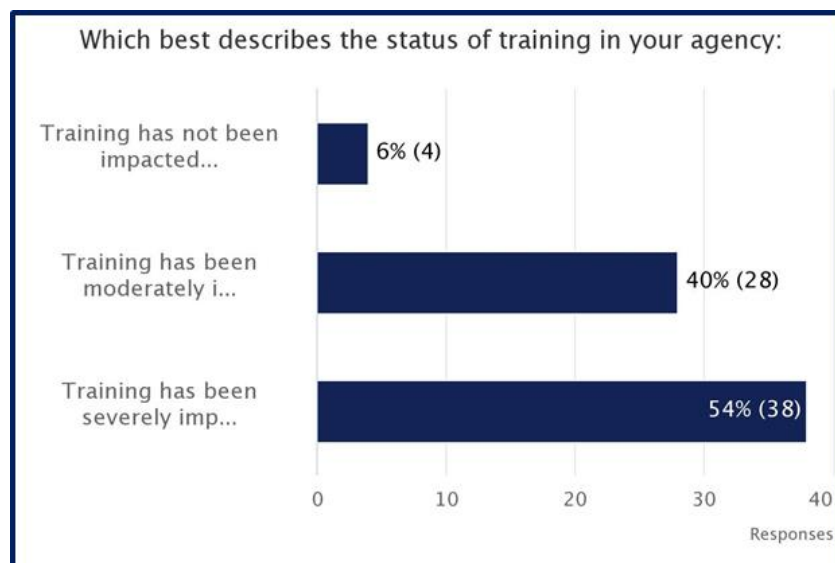
- 74% supervisory and leadership training
- 68% legal updates
- 45% officer wellness, stress
- 42% interview and interrogation; search and seizure

Additional write-in responses included needs for Instructor Development, FTO, Use of Force, Firearms, EVOG, social media as an investigative tool, reality based training, and Basic Course for Police Officers.

The classification of personnel with a training need were ranked (multiple responses permitted) by priority as sworn first-line officers (99%), followed by supervisory officers (93%), command/executive officers (39%), and civilian staff (30%).

Respondents indicated (multiple responses permitted) the preferred method for delivering training was audio/video podcasts (66%), followed by classroom and webinars (60% each), and bulletins and other written materials (37%).

We anticipated that the pandemic would have far-reaching effects on many aspects of public safety, and we have found that training has most definitely been impacted. We will be working on this important area to help bring information and training products to our members.



Supporting the Officers of Buffalo Police Department #BPDStrong Project Shows Appreciation to Cops

Supporting law enforcement officers in Buffalo is the latest mission of OpOverwatch, a diverse group of Christ-centered law enforcement officers and chaplains striving together in order to minister to those who wear the badge. FBI Agent David Budz is the Director of OpOverwatch, and he has a unique focus on the wellness of cops. Speaking about the #BPDStrong mission Budz said, "We reached out to the Western New York community including businesses, individuals, churches, ministries, and other law enforcement to bring a token of thanks and support to Buffalo police, to let them know how appreciated they are. And that's how #BPDStrong happened."



Members of OpOverwatch deliver care packages to Buffalo PD. Through community donations, Buffalo PD officers received a Bible, meal card, notebook, and other items.

More than 100 donors including community organizations, businesses, and individuals, contributed to the initiative which allowed OpOverwatch to assemble 556 care packages which were distributed to Buffalo Police on May 13, 2020. The packages included items such as flashlights, pens, notebooks, Chick-Fil-A meal cards, and the *Peacemaker Bible*, a New Testament version which includes devotionals and stories written by police officers. Budz said, "Every package contain a coupon code so that when the officers entered that online, we can send them a BPDStrong T-shirt to let them know that they are loved."

Perhaps now, more than any other time, the message brought through the #BPDStrong care packages is desperately needed. Each kit included a card which contained the message: "As officers of the law, we put on the uniform daily, go to work, and deal with encounters that the general public does not see more than once in a lifetime. An officer's identity can easily get lost in our interactions with the public, and their opinion of the badge. It is the prayer of OpOverwatch that you, Buffalo PD, would know that your identity is loved."

Future OpOverwatch events are being planned for Erie, Niagara and Orleans counties. Check out the BPDStrong video on Buffalo PD's [Facebook](#) page. Follow OpOverwatch on [Facebook](#). Contact David Budz at OpOverwatchMinistry@gmail.com



Law Enforcement Suicide Podcast Series

NYSACOP President Patrick Phelan was shocked over the number of law enforcement suicide occurring in recent years and has made it the focus of his term. Since March, NYSACOP, in partnership with the Public Employer Risk Management Association have released an audio podcast series on the topic of law enforcement suicide. Two new podcasts were recently introduced:

In Virginia, a massive survey was conducted of first responders which has guided their response strategies. Everything from sleep education to collecting data on critical stress incidents, much the same way that we do for physical injuries. Virginia has a “heart bill” akin to New York State’s, but they are hopeful to include a “brain bill” in upcoming legislation in order to assess cumulative stress. Chief Edwin Roessler of Fairfax County PD discusses with Chief/Ret. Mark Spawn some of the programs that have been implemented. One of those programs involves the deployment of a therapy dog to certain gruesome or disturbing scenes to help distract first responders and to “...break the loop of that visual that’s playing in their head from that horrific scene.”

For cops, concealing our emotions can be an asset in the field, but when it carries over to personal life and prevents an officer from getting help, it can be an obstacle. Chief/Ret. Miguel Bermudez talks with Chief/Ret. Mark Spawn about some myths associated with suicide. Prof. John Violanti (SUNY Buffalo) and a former State Trooper, discusses how the police culture of ‘taking care of others first, being tough, and burying our

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PODCAST SERIES: LAW ENFORCEMENT OFFICER SUICIDE A NYSACOP—PERMA PARTNERSHIP

APB177 Taking Care of Our Own

APB178 The Scope of the Problem

APB179 Peer Support and Stigma

APB180 Searching for Signs: Police Chief Shares a Story of Tragedy

APB181 Risk Management, Data, and Dogs: What Virginia Police Are Doing

APB182 Another Tragedy: Discussing Suicide Myths & Police Culture — NEW!



PERMA

◀ **CLICK ON THE LINKS ABOVE TO LISTEN TO PODCASTS**

“We in law enforcement have that culture of mental and physical toughness – perceived weakness is not tolerated. The stigma prevents us from seeking treatment... we need to change the dialogue on that.”

***Chief/Ret.
Miguel Bermudez***

Traffic Safety Highlights

- Webinar: Jury Selection in a DUI Case
- Training Schedules for ARIDE and DRE
- July 4th DWI Enforcement Crackdown

Traffic Safety Report

Traffic Tuesdays-The National Traffic Safety Resource Prosecutors (TSRP) Webinar Series: As part of the ongoing National TSRP Traffic Tuesdays initiative, the next scheduled webinar on Tuesday June 9, 2020 from 2:00 PM – 3:30 PM (EST) will feature a presentation entitled “Jury Selection in a DUI Case: Not Part of a Trial – It Is the Trial!” The webinar presenter will be North Carolina Traffic Safety Resource Prosecutor Sarah Garner.

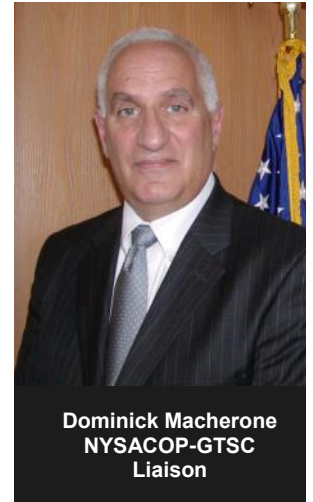
Not all jurisdictions have latitude in jury selection. But for those that do, jury selection in a DUI case is your only opportunity to educate the panel on the law, forecast the facts, and prepare them to reach the right verdict. This webinar will offer some ideas on how people learn and how to develop your DUI case before the jury is sworn.

There is no cost to join this webinar however you must [register](#) in advance.

After registering you will receive a confirmation email containing instructions on how to join the webinar. To ensure that you are able to log on, please register at least 4 hours in advance. Also, please make sure you retain the confirmation email sent to you and please be careful to enter your email address correctly. You will not be able to join the webinar if you do not receive a confirmation email. If you are unable to attend this webinar at the scheduled time but would still like to watch it, please go ahead and register as indicated. Everyone who is registered will receive a link to the recording of the webinar regardless of whether they attended. If you have any questions or need assistance registering, contact [Vin Petty](#).

2020 Training Schedules for ARIDE and DRE Classes: The training schedules for the two-day Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Enforcement (DRE) classes for 2020 that are supported by the Governor’s Traffic Safety Committee (GTSC) can be found [here](#). Questions on the training can also be directed to NYS DRE Coordinator [Renee Borden](#).

STOP DWI New York - July 4th Enforcement Crackdown Mobilization - Drive Sober or Get Pulled Over – July 3-6, 2020: We all know that Americans love to celebrate the 4th of July with family, friends, food, and fireworks. But all too often the festivities turn tragic on the nation's roadways



Dominick Macherone
NYSACOP-GTSC
Liaison

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with this holiday one of the deadliest of the year due to alcohol-impaired driving crashes. 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 impaired drivers. Highly visible, highly publicize efforts like the STOP-DWI Enforcement Crackdown aims to further reduce the incidence of drunk and impaired driving. Research shows that high-visibility enforcement can reduce drunk driving fatalities by as much as 20 percent. Sobriety checkpoints and roving patrols play a key part in raising awareness about the problem. To help you plan for this mobilization visit NHTSA's Traffic Safety Marketing [page](#) for the latest campaign materials and resources to maximize your enforcement activities. By increasing state enforcement efforts, raising public awareness through paid, earned, and social media, and maximizing local resources, we can make a difference in saving more lives on our roadways. Resource materials are also available on the Traffic Programs Page of the [NYSACOP website](#) and the [STOP-DWI New York website](#). We look forward to your partnership and active participation in this campaign.

Check out complete details of these programs on the New York State Association of Chiefs of Police website under the [Traffic](#) tab.

Traffic Safety Take-Out Menu

Online Training Opportunities & Resources

National Law Enforcement Liaison Program Recorded Webinars: In May two webinars were held and are now posted on the website for your viewing entitled "Impaired Driving in a POST COVID-19 World" and "Implementing Safe and Effective Traffic Safety Culture POST COVID-19" [Link here](#)

Lifesavers Conference 2020 Webinar Series: With the cancelation of its 2020 Conference due to the COVID-19 outbreak, Lifesavers is using this as an opportunity to present a Webinar Series that will highlight presentations from various Conference tracks addressing hot-topics, latest trends, and cutting edge programs. [Registration link here](#)

DCJS Online Training - Ignition Interlock Devices

This training will provide a comprehensive overview of Ignition Interlock Devices - how they appear, how they work, common circumvention tactics, and enforcement guidance for New York State police officers. It was produced by the New York State Association of Chiefs of Police and funded by the National Highway Traffic Safety Administration with a grant from the Governor's Traffic Safety Committee. [Link here](#)

DCJS Online Training Distracted Driving Enforcement

This training video, produced by New York State Association of Chiefs of Police, highlights the problem of distracted driving, general statistics, and strategies for education and enforcement. Examples of successful enforcement programs are profiled in the [video](#):

Governors Highway Safety Association (GHSA) Publications and Resources: [Link here](#)

Lawmakers Push Changes After George Floyd's Death

By Andrew Kragie

Law360 (June 2, 2020, 8:32 PM EDT) -- After George Floyd's death in Minneapolis police custody last week, federal lawmakers are planning bipartisan hearings and proposing dozens of bills that would curtail legal shields for law enforcement, outlaw choke holds, end a program that provides military equipment to police departments and create a national police misconduct registry.

The U.S. Capitol seen Tuesday behind a "Black Lives Matter" banner on an overpass on North Capitol Street in Washington, D.C. (Andrew Harnik/AP)

Most proposals have come from Democrats, but Republicans have joined in decrying Floyd's death after an officer knelt on his neck for more than eight minutes, offering the possibility of bipartisan action. To become law, any proposal would have to win over at least some Senate Republicans and President Donald Trump.

Senate Majority Leader Mitch McConnell, the Kentucky Republican who controls the fate of bills in the upper chamber, has condemned police treatment of Floyd, whom a store employee had accused of passing a counterfeit \$20 bill.

"In no world whatsoever should arresting a man for an alleged minor infraction involve a police officer putting his knee on a man's neck for nine minutes while he cries out 'I can't breathe' and then goes silent," he said Monday on the Senate floor. It is unclear what legislative responses McConnell might accept.

In the Senate on Tuesday, Sen. Tammy Duckworth, D-Ill., sought unanimous consent to approve her Police Training and Independent Review Act, which would require "fair and impartial police training for law enforcement officers" and provide incentives for states to remove investigation of deadly force incidents from local prosecutors. Sen. Lindsey Graham, R-S.C., objected and blocked immediate passage.

Both chambers of Congress have planned hearings on police use of force.

Graham, who chairs the Senate Judiciary Committee, said his panel would hold a bipartisan hearing June 16 with "a wide variety of witnesses on the topics of better policing, addressing racial discrimination regarding the use of force, as well as building stronger bonds between communities and police."

"I think this committee has a unique opportunity to build on some things that the Obama administration did — and ask ourselves some hard questions," Graham said Tuesday. "I don't have anything in mind right now. But hopefully as part of the hearing, we can find some things to do together."

House Judiciary Committee Chairman Jerry Nadler, D-N.Y., said to expect a meeting this month and legislation to address "a tradition of brutality against unarmed black Americans." He told the New York Times that the panel would look at "where and under what circumstances the federal government can step in when local governments are engaging in or not stopping or controlling violence against racial minorities."

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The committees will have a wide range of proposals to consider.

The House's second-ranking Democrat, Majority Leader Steny Hoyer of Maryland, said representatives had offered 40 or 50 relevant bills in the last week. House leaders could call lawmakers to Washington for votes this month, Hoyer told reporters Tuesday; amid the coronavirus pandemic, the lower chamber currently has no votes scheduled until June 30.

Hoyer said the Congressional Black Caucus would take the lead in the House: "They want to be sure that the legislation they propose will be effective at stopping the murder of people who are either under arrest or being pursued, either by police or by private-sector individuals. They want to make sure there is accountability for the loss of life that is unjustified."

CBC Chairwoman Karen Bass, D-Calif., addressed a Democratic conference call Monday.

"Twenty-nine years ago, when the Rodney King beating was on video, we were almost excited, because we believed finally there was no way they could [say] that this didn't happen," Bass told fellow lawmakers, according to the CBC. "We were confident that these officers were going to be arrested and convicted, because it happened on video. But it didn't. In the last 20 years, how many videos have we seen?"

"We have to end this," she said. "The Democrats have to lead this, and we have to show people why we're in the majority."

Bass pointed out that African Americans have suffered disproportionately from the coronavirus, accounting for about 12% of the U.S. population but 23% of its COVID-19 deaths, according to the U.S. Centers for Disease Control and Prevention. Recent killings of black Americans mark "a pandemic upon a pandemic," Bass said.

Reps. Ayanna Pressley, D-Mass., and Ilhan Omar, D-Minn., have joined with Bass to propose a nonbinding resolution to condemn police brutality, racial profiling and excessive force. Omar also has suggested making federal funding for law enforcement contingent on reforms.

Although Hoyer deferred to the CBC on specific proposals, he did endorse a bill to ban police choke holds. Rep. Hakeem Jeffries of New York, a member of the Democratic leadership team, first introduced the measure in 2015. The bill is named for Eric Garner, who died the previous year after New York City police put him in a choke hold while arresting him for selling untaxed cigarettes.

Garner's last words — "I can't breathe" — became a rallying cry in the Black Lives Matter movement. Last week, before becoming unresponsive, Floyd also used that phrase as an officer knelt on his neck.

One of the most comprehensive proposals to date came Monday from Sen. Cory Booker, D-N.J. He outlined a plan with three components: data, policies and liability.

"Persistent, unchecked bias in policing and a history of lack of accountability is wreaking havoc on the Black

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community," he said in a statement. "There's no one singular policy change that will fix this issue tomorrow — we need an entire set of holistic reforms to improve police training and practices, and ensure greater accountability and transparency."

On data, Booker proposed a federal database about police misconduct, which his office said would "ensure problematic officers can't avoid accountability by changing departments." He also called for all state and local law enforcement agencies to tell the U.S. Department of Justice about every use of force.

On policies, the former presidential contender discussed encouraging police departments to ban choke holds and no-knock warrants, in which officers get permission to enter potentially dangerous situations without announcing a police presence. He also suggested a ban on racial and religious profiling plus money for racial bias training.

On liability, the senator's office described two major changes: "reforming 18 U.S.C. Section 242, the federal statute governing police misconduct, by modifying the intent standard necessary to prove a case, and reforming the qualified immunity doctrine so that individuals are not entirely barred from recovering damages when police violate their constitutional rights."

Starting with a 1967 case, the U.S. Supreme Court has created and expanded the qualified immunity doctrine: Government officials do not have to face federal civil rights lawsuits as individuals unless they reasonably should have known they were violating civil rights.

As an in-depth piece for Law360's Access to Justice section explained last year, judges don't have to determine if official conduct violated someone's rights. As long as there has been no precedential court decision involving the same context and conduct, the officer doesn't have to face the lawsuit. The doctrine has recently shielded police from allegations that range from stealing \$225,000 in cash and rare coins to shooting a 10-year-old in the knee.

Other lawmakers are also pushing changes to the judicial doctrine, which could draw support from libertarian-minded Republicans. Rep. Justin Amash of Michigan, the Republican-turned-independent, tweeted that he would introduce a bill to eliminate the doctrine.

Qualified immunity also faces some skepticism at the U.S. Supreme Court, including from both liberal Justice Sonia Sotomayor and conservative Justice Clarence Thomas. The high court has several pending cases that could raise the issue.

Such changes could draw Republican opposition, especially from lawmakers skeptical of allowing more lawsuits, like Sen. John Cornyn, R-Texas.

"There's laws that are on the books already to deal with police brutality and excessive force," the senior Judiciary Committee member told reporters Monday. "I think it's too early to know whether additional laws need to be passed."

Other avenues of possible action relate to the military.

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Law Enforcement Suicide Podcast Series

own feelings', can lead to substance abuse, or suicide. Chief Bermudez shares the tragic story of a suicide within his own department – by a female officer just days before Christmas. He urges that we need to take away the stigma attached to seeking out mental health services, “we in law enforcement have that culture of mental and physical toughness – perceived weakness is not tolerated. The stigma prevents us from seeking treatment, so we need to change the dialogue on that.”

Looking Back...



Lion Collars— one of our conference advertisers in 1914.

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

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A bipartisan group of lawmakers has tried since 2014 to limit a program that sends surplus military equipment to police — including grenade launchers and bayonets. The so-called 1033 program drew public outrage over the militarized police response to protests in Ferguson, Missouri. The Obama administration imposed limits that the Trump administration scrapped in 2017.

Sen. Brian Schatz, a Hawaii Democrat on the Appropriations Committee, tweeted that he would try to amend a military funding bill to end that program.

"We've been doing this one years. Happy to help," replied the chief strategist for Sen. Rand Paul, the libertarian Kentucky Republican who has sponsored the Stop Militarizing Law Enforcement Act.

Sen. Tim Kaine, a Virginia Democrat and senior member of the Armed Services Committee, tweeted Tuesday that he would try to amend the military funding bill to prohibit Defense Department funds from being "used for force against American citizens exercising their First Amendment rights." His announcement came after Trump on Monday threatened to extinguish protests and riots with "thousands and thousands of heavily armed soldiers."

--Additional reporting by RJ Vogt and Jimmy Hoover. Editing by Peter Rozovsky.

CHILD SAFETY HEATSTROKE PREVENTION

NHTSA—851 children have died due to vehicular heatstroke since 1998 (reference: <https://www.noheatstroke.org>). All of these deaths could have been prevented. These are the statistics as of May 28, 2020:

- Child heatstroke fatalities in 2020: 2
- Child heatstroke fatalities in 2019: 52
- Child heatstroke fatalities in 2018: 53
- Child heatstroke fatalities in 2017: 44
- National average of child heatstroke fatalities per year since 1998: 39

Find and share campaign information for parents, caregivers, schools and organizations, and remind everyone to **Look Before You Lock**

Resources (including graphics like the banner below) available [here](#)



Supporting Local Needs through Friendly Competition

The West Seneca Police Department has a longstanding history of supporting the people of the community they serve. The COVID-19 pandemic caused many of their neighbors to be out of work, struggling to support their families. So it was not surprising when Chief Daniel Denz challenged his officers to help out the local families. Denz, who also serves as the Third Vice President of the New York State Association of Chiefs of Police, challenged his officers to raise food donations for the local food pantry and, in exchange, he



Photo above and below: Officers from West Seneca Police Department deliver groceries to the local food pantry. Inspired by a challenge from Police Chief Daniel Denz, officers substantially increased the inventory for local residents, as well as a nearby community. The Chief's offer to reward his officers with lunch was politely declined, with officer's donating the prize to the food pantry. Photo: West Seneca PD.

would reward the winning platoon with lunch. Denz said the friendly competition was a morale booster, "It gave the troops something positive to focus on, while at the same

time knowing they were giving back to the community they serve. Not only did they collect the food, they wanted to give me 'the business', as well."



The donation from West Seneca police was welcomed by the West Seneca Community Food Pantry, an independent

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New Members

Chief Steven Abbott
Lockport PD

Steven Braun
Garden City PD

Jeffery Brown
Cobleskill PD

Chief Bryan Burton
Amityville PD

Chief Phillip Cady
Oswego PD

Stuart Cameron
Suffolk Co. PD

Anthony Clay
Gloversville PD

Michael Corbisiero
SUNY New Paltz PD

Stephen Foster
Elmsford PD

Chief Robert Frankland
New York Mills PD

Michael Garavelli
Gloversville PD

Manuel Guevara
Dobbs Ferry PD

Donald Halmy
Peekskill PD

Deputy Chief
Brian Hogan
Albany PD

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organization operating on St. David's Episcopal Church property. Chief Denz said that the pantry offers free food to qualified West Seneca residents, including people who attend area schools and churches.

Mary Lou Dietrich, Director of the Pantry said, "It was wonderful!" She described her exhilaration as a convoy of vehicles, trailers and uniformed officers pulled up to the pantry recently, loaded with food. "It was a sight!" Dietrich described that the demand for food at her location has increased by about 7 families in recent weeks, "that's about 30 people per month." Because of the food brought by West Seneca police, the supply now outweighs the demand. "We are still here today unpacking, we had so much we were able to share some food with the South Buffalo Community Table. "

So, who won the food drive at West Seneca PD? "It wasn't an easy call", said the Chief, "there was a tie between C and D Platoons, so, I was on the hook for buying lunch for both!" But the generosity of the West Seneca cops kept coming. Denz said, "Both of the C and D Platoon leaders told me that their respective platoons decided to waive their lunches and donated their winnings to the Food Pantry." So now, Chief Denz is writing a check to the food pantry, which will now be able to serve even more clients. Mrs. Dietrich is extremely appreciative of the generosity of her local police, "they drop things off from time to time, and one of the retired officers helps out every month." And the relationship is not taken for granted - by either side. "Our police officers are from here", said Dietrich, "they are coaches, our kids go to the same schools, it's wonderful."

**"Both of the C and D
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Chief Daniel Denz

The West Seneca PD and PBA routinely support Special Olympics and various fundraising activities hosted by the school district and local service organizations, including a robust scholarship program. Chief Denz noted that the PBA recently bought about \$1500 worth of gift cards from local restaurants to help support community businesses during the PAUSE order.

NYPD Official Criticizes Release from Jail for Prisoners Charged with Gun Crimes

From PoliceMag.com

A top NYPD official targeted the justice system in New York City on Tuesday for allowing too many people arrested for gun possession in the borough of Brooklyn to walk out of court without bail set in their cases.

According to the Daily News, NYPD Chief of Department Terence Monahan said in a video posted on Twitter, "In Brooklyn, 78.3% of all gun arrests received release on own recognizance. When we compare that to the rest of the city, compare it to the Bronx, only 52% have received a released on own recognizance and in Manhattan only 40.9% did."

Monahan said further, "So that's a problem when most of the gun arrests are being made in Brooklyn but those who are arrested are right back on the street with no bail set."

A spokesperson for the Brooklyn DA's Office told that standard protocol is to ask for bail on illegal gun possession cases.

However, amid the current coronavirus pandemic, that procedure has apparently been relaxed, much to the chagrin of Monahan, who noted that shootings have risen across the city, especially in Brooklyn.

Membership Drive Growing Our Association

Did you know of a fellow police executive who is not a member of our proud organization? Please encourage them to join and take advantage of the benefits of membership. Stay up-to-date on the latest news and information affecting New York State law enforcement, read our carefully selected news items and bulletins and other publications, and be the first to receive information on our annual training conference. Remember that second-in-command staff are also eligible, as are certain commanders of divisions. For more details, check out our [Join Now](#) page or call our office at 518-355-3371.



New Members

**Commander
Adam Hornick
Bethlehem PD**

**Chief James Joyce
Saranac Lake PD**

**Captain Alan Laird
Irondequoit PD**

**Asst. Chief
Daniel May
SUNY Oswego PD**

**Chief Daniel McNally
Guilderland PD**

**Lt. James Meyers
Cicero PD**

**Commissioner
Peter Minihan
Chatham PD**

**Deputy Chief
Zachary Mistal
Oswego PD**

**Lt. John Arnold
Rye Brook PD**

**Chief Chad Mullen
Bath PD**

**Brian Paladino
Lynbrook**

**Thomas Proscia
Elmsford PD**

Protect Your Wallet—and Your Health—from Pandemic Scammers

From the FBI—an interview with Steven Merrill, head of the FBI's Financial Crimes Section, to discuss scams and crimes related to the COVID-19 pandemic. Merrill gave us the latest information on the schemes the FBI is investigating and tips on how to protect yourself.

Q: Why is this pandemic, or any disaster, such an opportunity for scammers and criminals?

A: Unfortunately, criminals are very opportunistic. They see a vulnerable population out there that they can prey upon. People are scared and looking for help. People are trying to protect themselves and their families.

For example, people are looking for medical attention and medical equipment. They also may be unemployed and looking for work. There may be an extra level of desperation right now that may cause someone to make an emotional decision that could make them a victim.

Q: What can people do to protect themselves from scammers?

A: Use extreme caution in online communication. For emails, verify who the sender is—criminals will sometimes change just one letter in an email address to make it look like one you know. Be very wary of

attachments or links; hover your mouse over a link before clicking to see where it's sending you.

In general, be suspicious of anyone offering you something that's "too good to be true" or is a secret investment opportunity or medical advice. Seek out legitimate sources of information.

"We've already arrested and filed charges against those who we have evidence to believe are engaging in these crimes."

***Steven Merrill
FBI Financial Crimes Section***

For medical information, those trusted sources are your own doctor, cdc.gov, and your local health department. For financial information, that's ftc.gov or irs.gov.

New Members

Richard Richardson
Gloversville PD

Fire Marshal Cmdr.
Thomas Sabella
FDNY

Chris Sapienza
Yonkers PD

Brad Schaffer
Gloversville PD

Richard Schara
Hamburg PD

Douglas Solomon
Newburgh PD

Lt. Brian Strock
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