



# Chiefly Speaking...

Monthly Newsletter of the  
New York State Association of Chiefs of Police

March 2020

## Law Enforcement Response to the Corona Virus



*Chief (Ret.) Larry Eggert Director of  
Research, Development & Training*

Due to the recent outbreak of the CoronaVirus, we at NYSACOP have been researching information to help our members address its potential impact on the law enforcement community as this type of situation is one of the most severe public health emergencies that a law enforcement agency might have to handle. Consequently we have added a "Preparedness for Law Enforcement in Public Health Emergencies" guide on our website "Resources" page. This guide is published by the Police Executive Research Forum (PERF) and the federal Bureau of Justice Assistance (BJA). This publication may be a valuable tool to help

prepare law enforcement executives should this virus become a pandemic in this country. The guide:

- identifies the crucial components of an effective public health communications plan;
- Examines the necessary considerations for both internal communications and external communications (with other agencies or with the public);
- Includes an interactive reference that helps readers navigate through the planning process for ensuring the continuity of law enforcement operations during a flu/virus pandemic, and;
- Provides links to sample plans and templates for readers to download and customize to their own agencies.

Another resource to assist our members when addressing this possible pandemic is contained in our March Chronicle magazine. Chief Stuart Cameron from Suffolk County PD contributed an article that contains valuable information to identify and address the challenges faced by law enforcement in preparing and handling this type of public health emergency. Chief Camerons' article "Law Enforcement's Role in a Public Health Crisis" is also saved on our website "Resources" page.

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2019 Training Conference  
PowerPoints available at:

[https://  
drive.google.com/  
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xehCa5wCYxvwriHLr  
1LzLN](https://drive.google.com/drive/folders/1BvS5Rc3fadxehCa5wCYxvwriHLr1LzLN)

## Chief Pat Phelan on Fox News

### Green Light...Red Light... Have We Forgotten 9/11?

(photo inset: Fox News)

New York State Association of Chiefs of Police President Patrick Phelan (Greece PD) appeared on Fox & Friends First News on February 13th to talk about New York's Green Light Law, a program enacted in June 2019 which allows unauthorized immigrants to obtain a state driver license. At the same time, Governor Cuomo restricted federal access to DMV data, preventing federal agencies like Customs and Border Protection to vet applicants for the Global Entry program which allows expedited access while travelling.

According to a Fact Sheet<sup>1</sup> from the U.S. Immigration and Customs Enforcement (ICE), "ICE is not asking the State of New York to provide a list of illegal aliens, or to identify which individuals in its databases are here illegally. ICE needs access to the relevant identity information – just like all other law enforcement agencies that work in the state – whether the subject of an inquiry is a U.S. citizen, a lawful permanent resident, or an illegal alien."



President Phelan told co-hosts Jillian Mele and Rob Schmitt, "Federal law enforcement needs to be able to vet those applicants (for Trusted Traveler programs) by using our database as well as others. I think there is also some question about the validity of our documents when we're allowing people who are here illegally to obtain driver licenses, if they're providing identity documents, I'm not sure that we can trust those documents or that the person is who they say they are."

***"The biggest critique of law enforcement after those events out of the 9/11 Commission was the failure of state, local, and federal law enforcement to share information."***

President Patrick Phelan, NYSACOP

Director Chad F. Wolf of the Department of Homeland Security said, "This has nothing to do with illegal aliens receiving driver's licenses, this has nothing to do with the sanctuary policies of New York...", "they don't allow CBP (Customs and Border Protection) to check their DMV data base as they vet applicants for a global entry..." "...without access we cannot run a proper security check and a risk assessment, and that is simply dangerous."

not run a proper security check and a risk assessment, and that is simply dangerous."

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## Chief Phelan on Fox News Continued

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Governor Cuomo had refused to share the data with CBP, but in the days following, it appears that he is now willing to share DMV data with the exception of social security numbers. According to ICE, “Our ability to identify and dismantle transnational criminal organizations – whether they’re flooding our communities with killer drugs like fentanyl and meth, trafficking weapons, peddling sensitive military technology, or selling women and children into miserable lives of sexual servitude- depends on getting the right piece of information into the right hands at the right time. And often, that piece of information is as simple as a license plate, an address, or a photograph.”<sup>1</sup>

At a press event on February 20 in Troy, New York, President Phelan talked about the consequences of failing to share data with federal partners, and he questioned whether the lessons learned from 9/11 had been forgotten, “The biggest critique of law enforcement after those events out of the 9/11 Commission was the failure of state, local, and federal law enforcement to share information.” And information from ICE supports this, “Seventy percent of joint terrorism task force disruptions stem from arrests for immigration violations, yet the agency responsible for these arrests is now frozen out of New York DMV databases. This is a pre-9/11 mentality, in a post-9/11 world.”<sup>1</sup>

**“70% of joint terrorism task force disruptions stem from arrests for immigration violations, yet the agency responsible for these arrests is now frozen out of New York DMV databases. This is a pre-9/11 mentality, in a post-9/11 world.”<sup>1</sup>**

U.S. Immigration and Customs Enforcement

When asked about a compromise between Gov. Cuomo and the Trump Administration, President Phelan said, “I don’t know that there is a compromise, the Legislature has denied our federal partners access to our DMV data and prohibited local law enforcement from sharing that data. I think

the only real solution is to restore that access that federal law enforcement has had for the 30 years that I’ve been a police officer.” He continued, “New York government is making public safety political, the federal government isn’t, the New York legislature and Gov. Cuomo is making this a political issue... We work daily with our federal partners, complex investigations, locating fugitives, and doing the things we do on a day to day basis behind the scenes that keep people safe, and we need this information to do that, and it’s the government of New York that is making this a political issue, they really need to take politics out of public safety.”

<sup>1</sup> ICE Fact Sheet, New York’s Green Light Law



## Schenectady PD Assistant Chief Falvo Walkout Ceremony



Pictured is Schenectady Assistant Police Chief Jack Falvo, Jr. walking out on February 7th, 2020—his last day on the job. Chief Falvo is retiring after 40 years of dedicated service to the Schenectady community.

All the members of the New York State Association of Chiefs of Police thank you for your years of service and wish you a happy and healthy retirement!!



# Canadian American Law Enf. Organization Annual Training Symposium

## 27th ANNUAL CALEO TRAINING SYMPOSIUM SURVIVING THE GLOBAL THREAT III

Wednesday April 22 to Friday April 24, 2020  
www.caleoinfo.org ~ communications@caleoinfo.org

The Symposium will be held at the Aloft Hotel & Conference Center Downtown Buffalo, NY USA 500 Pearl Street | Buffalo, NY USA 14202 716.849.7280.

### Speaker Topics:

- Terrorism - Global and Domestic
- High Level Mexican Cartel Investigation
- Homicide Investigation
- PTSD in Policing
- Outlaw Motorcycle Gangs
- International Smuggling & Trafficking

Room Rates are \$104 per night

Last Day to Book: March 21, 2020

Parking: \$5 per day for attendees; \$10 per day for overnight guest

\$300 USD or \$400 CAN \*Payment can be made via PayPal on the CALEO website or by check.

Canadian American Law Enforcement Organization (US Attendees)

PO Box 5000

Niagara Falls, NY USA 14304

Canadian American Law Enforcement Organization (Canadian Attendees)

PO Box 351

Niagara Falls, Ontario Canada L2E6T8



## New York News

### Justice Department Secures Denaturalization of Convicted Terrorist Who Sought to Help al Qaeda Destroy the Brooklyn Bridge

Court Denaturalizes Lyman Faris Based on His Provision of Material Support to al Qaeda in Early 2000s, Which Included a Personal Meeting with Usama bin Laden at Terrorist Training Camp Months After Taking Oath of Allegiance to the United States.

On Feb. 3, Judge Staci M. Yandle of the U.S. District Court for the Southern District of Illinois entered an order revoking the naturalized U.S. citizenship of convicted terrorist, Lyman Faris. Faris, a native of Pakistan, was convicted in 2003 of providing material support to al Qaeda and sentenced to 20 years in prison. Among other actions in support of al Qaeda, in 2002, Faris evaluated the practicality of a plot to collapse the Brooklyn Bridge in New York using gas cutters, communicating his assessment to al Qaeda via coded messages. In its order revoking his U.S. citizenship, the court found that Faris was ineligible for naturalization and unlawfully procured his citizenship through willful misrepresentation of material facts.

“A top priority at the Department of Justice is protecting our national security, and one of the things we do in support of that goal is tirelessly pursue denaturalization of known and suspected terrorists,” said Assistant Attorney General Jody Hunt for the Department of Justice’s Civil Division. “What Faris did is unconscionable – he pretended to support the United States and the Constitution to naturalize while he actively supported Usama bin Laden and senior al Qaeda leadership in their plans to attack the United States. The denaturalization of Faris and of others who similarly defraud the United States helps defend the integrity of the immigration system, promote the rule of law, and make America safer.”

For the full article, visit: <https://www.justice.gov/opa/pr/justice-department-secures-denaturalization-convicted-terrorist-who-sought-help-al-qaeda>

### Man Accused of Shooting NYPD Officers Vowed More, Prosecutors Say

The man accused of shooting two on-duty New York Police Department officers in separate incidents in the Bronx over the weekend told investigators he did it because he was “tired of police,” prosecutors said during his arraignment Monday. The alleged shooter, Robert Williams, admitted to police after his arrest that he committed both shootings and threatened to hurt more officers, according to prosecutors from the Bronx District Attorney’s office.

To view the full article, visit: [https://www.wsj.com/articles/man-accused-of-shooting-nypd-officers-vowed-more-prosecutors-say-11581375289?mod=hp\\_listb\\_pos2](https://www.wsj.com/articles/man-accused-of-shooting-nypd-officers-vowed-more-prosecutors-say-11581375289?mod=hp_listb_pos2)

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## New York News cont'd

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### 911 unable to trace location of dying man's phone

Troy, New York – Yeming Shen called 911 on Feb. 10. He was alone in his Troy apartment, dying of the flu. But the garbled call was unintelligible to the operators, and police couldn't pinpoint the phone's location.

For 45 minutes after Shen called 911, five police officers, three firefighters and a police dog searched in vain for the student. All they had was a general area encompassing two apartment buildings. They eventually gave up. Six hours later, the Rensselaer Polytechnic Institute student's roommate discovered his body, the Albany Times Union first reported.

The case highlights problems that have plagued 911 phone systems across the country since the advent of smartphones. Cellphone privacy settings and outdated dispatch mapping systems continue to frustrate first responders when they can't find callers.

The Federal Communications Commission has required cellphone carriers to improve the transfer of information to 911 centers. The carriers have until 2021 to make sure transmitted locations are within 50 yards 80% of the time. For the full article, visit: [http://buffalonews.ny.newsmemory.com/?token=3e60f9bd69722eea9b144ea2728a880d\\_5e53cb05\\_31fd634&selDate=20200224&utm\\_source=emailMarketing&utm\\_medium=email&utm\\_campaign=email+stats](http://buffalonews.ny.newsmemory.com/?token=3e60f9bd69722eea9b144ea2728a880d_5e53cb05_31fd634&selDate=20200224&utm_source=emailMarketing&utm_medium=email&utm_campaign=email+stats)

### N.Y.P.D. to Remove DNA Profiles of Non-Criminals From Database

The police say they will start expunging some of the 82,000 people in the database who have never been convicted of a crime. For years, New York City has been amassing an immense local database of DNA, collecting samples not just from people convicted of crimes, but from people simply arrested or questioned, including minors.

The existence of the database, which has about 82,000 profiles, [has drawn fire from civil liberties advocates](#), who point out it is hard to get a profile erased once it is put in and argue it violates the privacy rights of many innocent people.

Now, the police commissioner, Dermot F. Shea, seeking to quell some of the criticism, has announced that the New York Police Department is overhauling its rules for collecting and using DNA evidence, which is stored by New York City's Chief Medical Examiner. For the full article, visit: <https://www.nytimes.com/2020/02/20/nyregion/dna-nypd-database.html>

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## New York News cont'd

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### NYPD issues new strict social media policy as it investigates leaks

The NYPD has issued a new strict social media policy for its officers — as the top brass tries to tamp down on leaks and Internal Affairs probes a union head's often antagonistic online rhetoric, The Post has learned.

The new policy, which was issued on Feb. 12, tells officers not to post any information on cases they get from the job that hasn't been made public — such as photos or videos from crime scenes. For the full article, visit: <https://nypost.com/2020/02/23/nypd-issues-new-strict-social-media-policy-as-it-investigates-leaks/>

### Harvey Weinstein Is Found Guilty of Sex Crimes in #MeToo Watershed

Harvey Weinstein, the powerhouse film producer whose downfall over sexual misconduct ignited a global movement, was **found guilty** of two felony sex crimes on Monday after a trial at which six women testified that he sexually assaulted them. A Manhattan jury convicted **Mr. Weinstein** of rape and criminal sexual act but acquitted him on three other counts, including the two most serious charges against him: being a sexual predator.

Mr. Weinstein sat motionless as the verdict was read. “But I’m innocent,” he said three times to his lawyers, appearing stunned a few minutes later when he was handcuffed and two court officers led him off to jail to await sentencing. He was taken first to Bellevue Medical Center by ambulance after complaining of chest pains and showing signs of high blood pressure, his representatives said. For the full article, visit: [https://www.nytimes.com/2020/02/24/nyregion/harvey-weinstein-trial-rape-verdict.html?te=1&nl=morning-briefing&emc=edit\\_NN\\_p\\_20200225&section=topNews&campaign\\_id=9&instance\\_id=16262&segment\\_id=21592&user\\_id=2c22de122dbc31cbc5362ba422d5b400&regi\\_id=111875496tion=topNews](https://www.nytimes.com/2020/02/24/nyregion/harvey-weinstein-trial-rape-verdict.html?te=1&nl=morning-briefing&emc=edit_NN_p_20200225&section=topNews&campaign_id=9&instance_id=16262&segment_id=21592&user_id=2c22de122dbc31cbc5362ba422d5b400&regi_id=111875496tion=topNews)

### NYPD union head after 'war' comment: 'I will not be silenced by threat of discipline'

NEW YORK — Ed Mullins, the longtime head of the NYPD sergeants union, pushed back against the mayor after reports that he's under investigation for fiery social media comments, and over questions about his salary. In [a lengthy screed](#) on the Sergeants Benevolent Association's Facebook page, Mullins wrote, “First, let me assure you in no uncertain terms: I WILL NOT BE SILENCED BY THREAT OF DISCIPLINE, NOW OR EVER!” Mullins is facing a probe by the NYPD Internal Affairs Bureau's Group 1, which typically investigates captains and above, or the office of the Chief of Internal Affairs, a police official and a high level city source confirmed. For the full article, visit: <https://www.policeone.com/investigations/articles/nypd-union-head-after-war-comment-i-will-not-be-silenced-by-threat-of-discipline-S3UbmVI5kSSfHBPg/>



## National Police News

### Facial Recognition Could Be Temporarily Banned for Law Enforcement Use

Law enforcement agencies could be temporarily banned from using facial recognition under a new bill introduced in the Senate recently. The draft law, introduced by Democratic Sens. Jeff Merkley (Oregon) and Cory Booker (New Jersey), calls for a moratorium on using the technology until a commission recommends guidelines and limitations for government use. Facial recognition is being increasingly used by law enforcement across the US "without appropriate debate or consideration of its impacts," the bill says. For the full article, visit: <https://www.cnet.com/news/facial-recognition-could-be-temporarily-banned-for-law-enforcement-use/>

### White Supremacists Double Down on Propaganda in 2019

ADL's Center on Extremism tracked an ever-growing number of white supremacist propaganda efforts in 2019, including the distribution of racist, anti-Semitic and anti-LGBTQ fliers, stickers, banners and posters. The 2019 data shows an increase of incidents both on and off campus, with a total of 2,713 cases reported (averaging more than seven incidents per day), compared to 1,214 in 2018 – a doubling in activity year over year. This is the highest number of propaganda incidents ADL has ever recorded. Propaganda allows white supremacists to maximize media and online attention, while limiting the risk of individual exposure, negative media coverage, arrests and public backlash that often accompanies more public events. For the full article, visit: <https://www.adl.org/blog/white-supremacists-double-down-on-propaganda-in-2019>

### 2 Big Teachers Unions Call For Rethinking Student Involvement In Lockdown Drills

About 95% of American public schools conduct some form of regular active shooter safety drill — sometimes called a lockdown or active threat drill — according to the National Center for Education Statistics. But concerns are growing that these drills have not been proven effective in preventing violence and that they may even traumatize some students. Now the advocacy group Everytown For Gun Safety is joining with the American Federation of Teachers and the National Education Association — the nation's largest education unions, with several million members — in calling for schools to reassess the use of lockdown drills. In a white paper out Tuesday, the groups say they do not recommend active shooter training for students. For the full article, visit: <https://www.npr.org/2020/02/11/804468827/2-big-teachers-unions-call-for-rethinking-student-involvement-in-lockdown-drills>

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## National Police News Cont'd

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### Baltimore public defenders want police 'credibility' list

Baltimore's public defenders have asked a judge to help them get a list of city police officers who the city's top prosecutor says have credibility issues. In recent court filings, prosecutors & public defenders have battled over State's Atty Marilyn Mosby's public comments about a list of more than 300 officers with potential integrity issues, The Baltimore Sun reported. Mosby presented the list in December to a state policing commission formed to identify department issues that fostered a corrupt police unit. To read the full article, visit: <https://mynorthwest.com/1715044/baltimore-public-defenders-want-police-credibility-list/>

### Ford Flex and Taurus, Lincoln MKT Recalled Due to Risk of Rear Suspension Failure

Ford is recalling more than 225,000 [Ford Flex](#), [Ford Taurus](#), and [Lincoln MKT](#) vehicles from the 2013 to 2018 model years over concerns that a rear suspension component could break while driving. Ford says the affected vehicles most likely to experience this problem are those that travel frequently on rough roads. If this specific rear suspension component—called a rear toe link—breaks while driving, it could increase the risk of a crash, according to the automaker.

There have not been any reports of accidents or injuries related to this problem, Ford says. This recall affects 2013-2018 model-year Ford Flex and Lincoln MKT SUVs built at the company's Oakville Assembly Plant (in Oakville, Ontario, Canada) from Sept. 12, 2011 to June 1, 2017, as well as 2013-2018 model-year Ford Taurus SHO sedans equipped with the Performance package and Taurus Police Interceptors built at the Chicago assembly plant from Aug. 25, 2011 to June 1, 2017. For the full article, visit: <https://www.consumerreports.org/car-recalls-defects/ford-flex-taurus-lincoln-mkt-suspension-recall/>

### Are Pretrial Risk Assessments Biased? The Debate Sharpens

Advocates of reducing jail populations have persuaded many courts around the U.S. to use tools known as pretrial risk assessments to help judges decide which defendants to release pending the disposition of their cases. Critics contend that these tools are biased against minorities because they are based partly on suspects' criminal records in a justice system that has long been accused of practicing racial discrimination. The latest major critic of risk assessment tools is the [Pretrial Justice Institute](#), a Baltimore-based national reform group. The institute, on Feb. 7 [issued a statement](#) declaring that, "Regardless of their science, brand, or age, these tools are derived from data reflecting structural racism and institutional inequity that impact our court and law enforcement policies and practices. Criminal justice consultants **James Austin** and **Wendy Naro-Ware** of the Colorado-based [JFA Institute](#) published a [rebuttal](#) to the Pretrial Justice Institute. Research on pretrial risk assessment tools (PRAs) shows, Austin and Naro-Ware contend, that "when applied properly, PRAs do not exacerbate racial and ethnic disparities within pretrial release decisions. For the full article, visit: <https://thecrimereport.org/2020/02/18/are-pretrial-risk-assessments-biased-the-debate-sharpens/>

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## National Police News Cont'd

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### Camden police's newest partner in proactive policing? Artificial intelligence

Camden County Police Chief [Joseph Wysocki](#) said that when he first became an officer in the city nearly three decades ago, he was patrolling the streets "blind." "I had no intel. I didn't know what I was going into" in a given neighborhood, he said.

It hasn't been like that for Camden cops for years. Since 2013, the [county-run force](#) has relied on civilian crime analysts to direct patrols based on their predictions of where crimes might occur. Now when you walk in the department's command center all but the watch commander are civilians, contracted through a third-party to work as crime analysts and "virtual patrolers." Each person sits before six computer monitors displaying video feeds from surveillance cameras, maps, real time police call data, and the intelligence they've collected to make sense of it all.

Wysocki, who succeeded [J. Scott Thomson](#) as chief in September, radiated pride as he discussed the evolving work of the analysts. But for him, there's no reason to leave well enough alone. That means trying something new: artificial intelligence.

"Our goal is to reduce crime. We're at a 50-year low but if you look at 2019 numbers to 2018 numbers it's single digit reductions," Wysocki, 49, of Voorhees, said in an interview last week. "I don't want to say we're at a plateau, but what could we do to get them lower?" For the full article, visit: <https://www.nj.com/camden/2020/02/camden-polices-newest-partner-in-proactive-policing-artificial-intelligence.html>

### Data Snapshot Shows Juvenile Arrests at Lowest Level in Four Decades

The OJJDP [Statistical Briefing Book](#) has added a [Data Snapshot](#) that provides a look at trends in juvenile arrests. The Snapshot draws on data from the FBI's Uniform Crime Reporting Program. The number of juvenile arrests fell continuously since 2006 and reached an historic low in 2018. The decline in arrests since 1996 was greater for juveniles than adults; as a result, juveniles accounted for 7 percent of arrests in 2018.

Males and white youth accounted for the majority of juvenile arrests in 2018. Following a 5-percent decline in the past year, the number of juvenile arrests for violent crime offenses reached a new low in 2018. With few exceptions, juvenile arrests for Property Crime Index offenses declined annually since the mid-1990s.

Access the full list of [Data Snapshots](#) on the Statistical Briefing Book site. For the full OJJDP February Newsletter, follow this link: [https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/newsletter/254489a/on\\_1.html?utm\\_medium=email&utm\\_name=newsataglance&utm\\_source=juvjust022120](https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/newsletter/254489a/on_1.html?utm_medium=email&utm_name=newsataglance&utm_source=juvjust022120)

## International Police News

### Inside Mexico's war on drugs: Conversations with 'el narco'

Between October 2014 and January 2015, the author of this piece interviewed 33 men who used to work in the drug trade to understand their experiences. From street drug dealers to hitmen and bodyguards, he found, they all share similar life stories. These firsthand interviews with former drug traffickers, widely known as "narcos" in Mexico, bring a new perspective to political science research on Mexico's drug war: that of the perpetrators. To read this full article, visit: <https://www.mic.com/p/inside-mexicos-war-on-drugs-conversations-with-el-narco-21777142>

### Four Members of China's Military Indicted Over Massive Equifax Breach

Four members of China's military have been indicted by the U.S. government on charges of hacking into Equifax Inc. and plundering sensitive data on nearly 150 million Americans as part of a massive heist that officials said also stole trade secrets from the credit-reporting agency. In an escalation of U.S. efforts to counter China's alleged attempts to use cyber theft and other means of technology acquisition to become the world's dominant economic power, a federal grand jury in Atlanta returned a nine-count indictment made public Monday against the four Chinese nationals working for the People's Liberation Army. They are accused of conspiring to steal reams of data as part of a sophisticated hacking operation that exploited a major vulnerability in the software used by Equifax's online dispute portal. To read this full article, visit: [https://www.wsj.com/articles/four-members-of-china-s-military-indicted-for-massive-equifax-breach-11581346824?mod=hp\\_lista\\_pos5](https://www.wsj.com/articles/four-members-of-china-s-military-indicted-for-massive-equifax-breach-11581346824?mod=hp_lista_pos5)

### As fears of a coronavirus pandemic mount, WHO officials warn that world is not ready

As new cases of the coronavirus spiked on two continents, the World Health Organization warned Monday that the world was not ready for a major outbreak, even as it praised China's aggressive efforts to wrest the epidemic under control. After two weeks on the ground in China, a team sent by WHO concluded that the draconian measures China imposed a month ago may have saved hundreds of thousands of people from infection. Such measures – sealing off cities, shutting down businesses and schools, ordering people to remain indoors – have provoked anger in China and could be difficult to replicate in democratic countries with a greater emphasis on protecting civil liberties. The virus that has crippled China for more than a month now threatens to become a pandemic that could touch virtually every part of the globe. Stock markets in Asia, Europe and North America plunged Monday as investors worried that the economic disruption the outbreak has already caused in China is all but certain to have a wider effect. For the full article, visit:

<http://buffalonews.ny.newsmemory.com/?>

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## International Police News cont'd

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### Far-Right Shooting Shatters an Already Fragile Sense of Security in Germany

HANAU, Germany — Hanau, a small city in western Germany, considered itself a melting pot, an island of tolerance. That was before a racist extremist opened fire at a hookah bar Wednesday night, killing nine mostly young people in Germany's worst attack in recent memory. A working-class community just outside Frankfurt, Hanau was ethnically diverse long before the issue of immigration began tearing apart German politics with the arrival of nearly a million asylum seekers five years ago. The attack Wednesday did more than shock Germany. It drove home a fear that no part of the country is immune to the potential for violence that has been unleashed with the rise of a far right angered by Germany's changing society. The attack, the authorities said, was carried out by a 43-year-old German who had posted a racist video and screed on the internet. He was later found dead from a gunshot, along with his mother, at his home, the authorities said, without identifying them. For the full article, visit: <https://www.nytimes.com/2020/02/20/world/europe/germany-hanau-shisha-bar-shooting.html>

### UK venues could face legal duty to provide protection from terrorism

The owners and operators of businesses and public spaces such as concert halls, shopping centers and parks will be legally bound to protect such venues from terrorism under a new statutory duty proposed by the government. The so-called "protect duty" reflects proposals put forward by the family of Martyn Hett, who was killed in the [Manchester Arena bombing attack in 2017](#).

[Home Office](#) officials are to launch a consultation on legally forcing organizations to increase physical security at venues and train staff to respond to terrorist attacks, as well as putting in place incident response plans – and how failure to comply would be enforced. While the move is likely to receive the backing from relatives of the victims of terrorist attacks, critics raised concerns the plan had echoes of the controversial Prevent duty that requires public sector workers to report concerns about extremism to the police.

Figen Murray, the mother of [Hett](#), 29, who was one of 22 killed when radical Islamist Salman Abedi detonated a homemade bomb at the end of an Ariana Grande concert, has been lobbying the government to bring in anti-terrorism security measures under a "Martyn's law".

To view the full article, visit: <https://www.theguardian.com/politics/2020/feb/24/uk-venues-could-face-legal-duty-to-provide-protection-from-terrorism>

## FBINAA Officer Resiliency, Safety & Wellness Leadership Forum



### Officer Resiliency, Safety & Wellness Leadership Forum

JOIN US for this two and a half day **Officer Resiliency, Safety & Wellness Leadership Forum**. This leadership forum will convene law enforcement executives who will share officer resiliency, safety and wellness case studies, new research, emerging issues that will improve and save lives, families, and careers of police officers around the globe. Participants will also have exclusive access to cutting-edge presenters and officer safety and wellness sponsors and supporters. To register, visit: [https://fbinaa.formstack.com/forms/orsw\\_ny](https://fbinaa.formstack.com/forms/orsw_ny)

#### Location:

*John Jay College  
524 W. 59th Street  
New York, NY 20019*

Date: April 15th thru April 17th, 2020

Times: Weds., April 15, 2020 8:00 am to 4:00 pm  
Thurs., April 16, 2020 8:00 am to 4:00 pm  
Fri., April 17, 2020 8:00 am to 12:00pm

Cost: FBINAA Member \$495 Non-Member \$595

Hotel Reservations can be made at the Fairfield Inn & Suites Manhattan/Central Park  
Hotel Reservation link: <https://www.marriott.com/event-reservations/reservation-link.mi?id=1582218361824&key=GRP&app=resvlink>

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## 2020 Training Conference Reminder

### Save the Date



The New York State Association of Chiefs of Police 2020 Training Conference will be held from July 19-22 at the Queensbury Hotel in Glens Falls, N.Y. (Adirondacks Lake George Region). To book your hotel room reservations, visit:

[https://www.bookonthenet.net/east/premium/eresmain.aspx?id=1DWOHwj090Pz4wb6hJRL3yZYFE%2BQQRbAxwShPdQBB78%3D&arrival\\_date=2016-6-27&#/search](https://www.bookonthenet.net/east/premium/eresmain.aspx?id=1DWOHwj090Pz4wb6hJRL3yZYFE%2BQQRbAxwShPdQBB78%3D&arrival_date=2016-6-27&#/search)

**Use the code NYSACOP20**

Hotel room reservations by phone can be made by calling 518-792-1121-#1

Conference Registration information will be posted in the near future!



## Membership Renewal Reminder

Are your dues up-to-date or do you owe past dues?

Now you can check online by signing into your online profile at:  
[www.nychiefs.org/members/login](http://www.nychiefs.org/members/login)

Your **2020** membership renewal will come through as an automated email to your preferred email address that is listed in your membership website profile. If you are ready to renew for **2020** now, login anytime to update your membership contact information and dues.

If you have issues logging in or forgot your username or password, please contact the NYSACOP office at (518) 355-3371 or by emailing [leggert@nychiefs.org](mailto:leggert@nychiefs.org).

Postal membership renewal notices will only be mailed to those who are past due and may not be aware of the electronic change. If you or someone you know has not yet renewed and is waiting on a paper renewal, please have them contact our office to go over the new procedure.

To pay your membership dues, go to:

- Members
- Manage Membership
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You can pay either by credit card or check based on the icon that you choose. The “Pay Offline” option gives you a printable invoice and the option to pay by check or purchase order.

Please be sure to update any profile information for accurate record keeping and to ensure receipt of your Chief’s Chronicle.

***PLEASE REFER US TO OTHER INTERESTED CHIEFS OF POLICE AND  
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# NYSACOP GTSC Law Enforcement Liaison Report

## March 2020

March 2020

### NYSACOP GTSC Law Enforcement Liaison Report

By *Dominick Macherone*



Dominick G. Macherone  
Governor's Traffic  
Safety Committee  
NYSACOP  
Law Enforcement Liaison

**“Sleep Awareness Week, March 8-14, 2020” - Daylight Saving Time Begins on Sunday March 8<sup>th</sup>**: The New York Partnership Against Drowsy Driving (NYPDD) is a joint effort to educate the public and high-risk groups about the dangers of fatigued/drowsy driving and promote the adoption of preventive strategies. Anyone who is tired is at risk, but the following groups have a higher risk of drowsy driving: commercial drivers, including tractor trailer, tour bus and public transit drivers; people who work long hours or late-night shifts; people with sleep disorders; new parents or caregivers of babies and young children; and high school and college students, young or newer drivers. The NYPDD partnership includes representatives from the AAA Hudson Valley, NYS Association of Chiefs of Police, NYS Association of Traffic Safety Boards, NYS Department of Health (DOH), NYS Department of Motor Vehicles (DMV), NYS Department of Transportation (NYSDOT), NYS Governor’s Traffic Safety Committee (GTSC), NYS Thruway Authority, NYS Motor Truck Association, New York State Police, NYS Sheriffs’ Association and Stony Brook University. To support engagement efforts, the NYS DOH has partnered with National Road Safety Foundation (NRSF) and GTSC to run a public service announcement (PSA) contest for college students from six colleges to submit a 25 second YouTube Video on drowsy driving awareness. The NY brand, **“Stay Awake! Stay Alive!”** PSA contest awards cash prizes to three winners with the grand-prize winning video to be professionally re-produced by an Emmy award-winning producer and aired on “Teen Kids News,” a national network. NRSF will be announcing three winners and awarding cash prizes at a designated awareness event. For further information please contact Jennifer Hogan at NYS DOH at 518-402-7900; to review last year’s winners visit NRSF’s website at: <http://www.nrsf.org/contests/stayawakestayalive>.

**“2020 St. Patrick’s Day STOP-DWI – NY Enforcement Crackdown - Drive Sober or Get Pulled Over- March 13-18, 2020”**: St. Patrick’s Day, March 17<sup>th</sup> has become one of the nation’s biggest times to celebrate and party. Unfortunately, it often ends with risky drunk drivers taking to the streets when the parties end. Despite our best efforts drunk and impaired driving still accounts for nearly one-third of vehicle-related fatalities in the United States. Therefore, it is imperative for all our law enforcement partners across the state to be out in force utilizing highly visible enforcement strategies to actively search for and arrest drunk and impaired drivers during this crackdown period, March 13-18, 2020. To plan for this enforcement mobilization visit the NHTSA **Traffic Safety Marketing** page at <https://www.trafficsafetymarketing.gov/get-materials/drun-driving/drive-sober-or-get-pulled-over/saint-patricks-day>, a one-stop-shop for the latest campaign materials and marketing techniques to maximize your enforcement activities. By increasing State enforcement efforts, raising public awareness through paid, earned, and social media, and by maximizing your local resources, you can make a marked difference in saving

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## Governor's Traffic Safety Committee Report—Continued

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more lives on our roadways. 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) or <http://stopdwi.org/crackdown>.

**“STOP-DWI NEW YORK Mobile App – Have A Plan”:** [The Governor's Traffic Safety](#) Committee and representatives from the New York STOP-DWI Foundation wish to remind all partners of its free **“Have A Plan”** mobile application. The app encourages people to have a plan to get home safely if they are impaired by alcohol or drugs. We encourage and look to our law enforcement agencies to promote and market this free program in your communities. To download the app simply visit [www.stopdwi.org/mobileapp](http://www.stopdwi.org/mobileapp).

**“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 can be found on the following link: <https://trafficsafety.ny.gov/training-and-events>. Questions on the training can also be directed to NYS DRE Coordinator Renee Borden at the Governor's Traffic Safety Committee at [Renee.Borden@dmv.ny.gov](mailto:Renee.Borden@dmv.ny.gov).

**“Practical Guidelines for Motorcycle Safety & Enforcement Trainings”:** With the primary 2020 motorcycle riding season just around the corner we're asking our law enforcement partners to consider attending one of the upcoming regional GTSC sponsored Practical Guidelines for Motorcycle Safety & Enforcement training programs. The goal of the training is to introduce law enforcement to the national and state specific motorcycle enforcement issues to reduce the number of deaths and injuries from motorcycle related crashes. The course is instructed by a team of subject matter experts representing the New York State Police and the Town of Colonie Police Department. Regional training locations for 2020 include: Suffolk County Police Academy in Brentwood, NY (Suffolk County), February 26<sup>th</sup>; Finger Lakes Academy Safety Training Center, Canandaigua, NY (Ontario County), March 10<sup>th</sup>; Brewerton Fire Department, Town of Cicero, NY (Onondaga County), March 11<sup>th</sup>; Broome County Sheriff's Office, Binghamton, NY, (Broome County), March 19<sup>th</sup>. Training announcements have been distributed through various channels and networks where agencies and officers can register for a class. For additional information on the training contact GTSC Program Representative Vanessa Waldron at [vanessa.waldron@dmv.ny.gov](mailto:vanessa.waldron@dmv.ny.gov).

**“Walk-Bike New York Symposium...Encouraging Sustainable Movement – Hyatt Regency, Rochester, NY – June 11-12, 2020”:** There is a strong demand for communities where people of all ages and abilities can safely and comfortably walk and bike. Creating walkable and bikeable environments requires the active collaboration of people with interests in safety, land use, economic development, transportation, education, law enforcement and health promotion. This two-day symposium will bring together people from these various disciplines

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## Governor's Traffic Safety Committee Report—Continued

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and provide participants with the tools to work together to create walkable and bikeable communities. Registration and hotel information along with the agenda are posted on the website of the Institute for Traffic Safety Management and Research (ITSMR) under Events at: <https://www.itsmr.org/events/>. Agenda topics will address Bicycle and Pedestrian Safety Education, Enforcement & Engineering, Safety Initiatives, Local Project Highlights, Safe Routes for Youth and Bike Tourism & Sharing Programs in New York State. As a Symposium partner the NYS Association of Chiefs of Police encourages participation by the law enforcement community.

### **“Upcoming Pedestrian Safety for Law Enforcement Train-the-Trainer Courses in 2020:**

As part of its ongoing efforts to reduce pedestrian-related motor vehicle crashes in communities across NYS through a comprehensive approach that incorporates awareness, education and enforcement programs, the Governor's Traffic Safety Committee in cooperation with other state and federal partners will host NHTSA's one-day Pedestrian Safety for Law Enforcement Train-the-Trainer course. To date trainings that are instructed by active law enforcement officers have been scheduled for the following dates and locations from 9:00 a.m. - 3:30 p.m.: Monroe County Public Safety Training Facility, Scottsville Road, Rochester (April 21<sup>st</sup>), and the Mohawk Valley Police Academy, Sherman Drive, Utica (April 22<sup>nd</sup>). Plans for two additional training classes in Albany and Rockland counties are also being finalized and will soon be announced and added to the below registration link. The course introduces New York's Pedestrian Safety Action Plan ([www.ny.gov/pedsafety](http://www.ny.gov/pedsafety)), data, and a detailed look at current pedestrian crash issues. Officers will be provided with tools and strategies for the effective implementation of pedestrian education and enforcement countermeasures. The link to register for these trainings is: <https://bit.ly/2Vuu7E3>. For additional information on the training programs contact GTSC Program Representative James Knapp at [james.knapp@dmv.ny.gov](mailto:james.knapp@dmv.ny.gov) or by phone at 518.473-4734.

**“Commercial Motor Vehicle Awareness Training for Law Enforcement”**: The Commercial Motor Vehicle Awareness Training Program is a one-day, data-driven enforcement program designed specifically for police officers assigned to patrol duties and other traffic related enforcement assignments. The training course was developed to address the issue of large truck and bus crashes and fatalities resulting from unsafe driving behaviors. The curriculum's development and instruction has been a collaborative led initiative by the Governor's Traffic Safety Committee in partnership with the Suffolk County Police Department's Motor Carrier Safety Section, and the NYS Department of Transportation's Motor Carrier Compliance Bureau. The Federal Motor Carrier Safety Administration is also a partner in the training program. The fundamental goal of the training is to provide police officers with the safety and enforcement information needed to handle crashes and traffic violations involving commercial motor vehicles. Regional training locations throughout the state are determined and based on data identifying specific counties overrepresented in commercial motor vehicle crashes. With 2020's first training held on February 20<sup>th</sup> at NYPD's Training Academy with 200 officers in attendance, plans are now focusing on other locations in the upcoming months. Stay tuned for the release of the training announcements in your areas. For additional information on the program contact GTSC Program Representative Rob Lopez at [robert.lopez@dmv.ny.gov](mailto:robert.lopez@dmv.ny.gov), or at GTSC at 518.402-2092.

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## Governor's Traffic Safety Committee Report—Continued

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### “Traffic Activities from The Field”:

**“Pedestrian Deaths Are Soaring: SUVs, drug use, cellphones may be why, study says – by NBC News Reporter David K. Li”:** Pedestrians — perhaps distracted by smartphones or strolling more at night due to warming temperatures — are being killed in [traffic accidents at the highest rate in 30 years](https://www.nbcnews.com/news/us-news/pedestrian-deaths-are-soaring-suvs-drug-use-cellphones-may-be-n1144246), researchers said Thursday. To learn why visit: <https://www.nbcnews.com/news/us-news/pedestrian-deaths-are-soaring-suvs-drug-use-cellphones-may-be-n1144246>.

**“Save-the-Date - Empire State Law Enforcement Traffic Safety Conference – May 13-14, 2020”:** The Empire State Law Enforcement Traffic Safety Conference (ESLETS) is scheduled for May 13 & 14, 2020 at the Kaatskill Mountain Club in Hunter, NY. The conference is a two-day event for Law Enforcement only. The conference will provide training, skills and knowledge to address contemporary highway safety issues and challenges; **designed by law enforcement - for law enforcement**. The link to the New York State Police Traffic Safety Page and ESLETS Conference for registration and lodging information is <https://troopers.ny.gov/ESLETS/>. We hope to see you there!

Visit the Traffic Programs Page on our NYSACOP website at [www.nychiefs.org](http://www.nychiefs.org) and GTSC's new website at [trafficsafety.ny.gov](http://trafficsafety.ny.gov) for additional traffic safety and enforcement resources, materials and information. Our GTSC Law Enforcement Liaisons and Program Representatives look forward to assisting you and can be reached at the Governor's Traffic Safety Committee by calling (518) 474-5111.



**“TRAFFIC ENFORCEMENT IS LAW ENFORCEMENT”**

## Failing at the First Rule of Risk Management



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](mailto:Lexipol) Marketing Communications Director, at 949/276-9938 or [spieper@lexipol.com](mailto:spieper@lexipol.com).*

Gordon Graham here to close out my thoughts on Family Six of the 10 Families of Risk—Information Risks. Thanks for your continuous feedback on these ramblings. Your comments make me think, which is always good. As I thought about where I wanted to take this article, I knew I'd have to give Madame Editor a heads up: It will go over my allotment of words, but it is the first article I'm writing in 2020, so please be indulgent.

I was in Thatcher, Ariz., the other day doing my first class of the New Year and I wrapped it up with my signature comments on the "three basic rules of risk management." The undersheriff of the county chatted with me after the program and reminded me that he first heard the three rules in one of my programs in the late 80s.

As I drove back from Thatcher to Phoenix Sky Harbor airport in my Hertz sled (what a beautiful part of the world that is), I got to thinking that this is my 40th year presenting training to law enforcement personnel—and for 40 years, I have been wrapping up many of my programs with these "three rules."

With this in mind, let me present "rule one" of these three rules. The source of this rule is the great risk management guru of the 40s, Archand Zeller. I never met him, but I was introduced to his work when I was in graduate school at the University of Southern California's Institute of Safety and Systems Management. It goes like this:

"The Human does not change. During the period of recorded history, there is little evidence to indicate that man has changed in any major respect. Because the man does not change, the kinds of errors he commits remain constant. The errors that he will make can be predicted from the errors he has made."

Or more simply stated, we must learn from the mistakes of the past. Let me expand on this a bit: We must learn from our personal mistakes, but that is a relatively small number. The better idea is to learn from the mistakes that others who are "similarly situated" (same profession and/or job description) have made. That's where I am headed today.

Let me start with the end of the story: We are not doing a good job learning from the past mistakes made in law enforcement operations.

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As I reread that sentence, I want to modify it to emphasize something—we are not even *aware* of most of the past mistakes made by law enforcement personnel, let alone learning from these mistakes. And this needs to be fixed.

Time for more digressing! As I get older and look at what I need to do for my profession while I am still able to do things, the need to preserve institutional knowledge is number one on my list—seriously! For those of you who view the [Lexipol Today's Tip](#) (you can access individual tips or sign up to receive one each week), I recently did a tip surrounding this [important issue](#).

We are throwing away too much institutional knowledge and we are not learning as much as we should from the past. *Finally, he is getting to the point.*

You are probably aware that when a plane crashes, NTSB shows up and does an in-depth investigation on the crash. They have a template for how to do the investigation, they have a variety of people with different areas of expertise look at all the facts, they finalize a report and then it goes on the NTSB website—where ANYONE and EVERYONE can read it, study it, share it and teach the findings to others so the errors and omissions that caused the crash will not recur.

When a firefighter dies, in many cases NIOSH shows up and they have a template for how to investigate the death, they have a variety of people on that team, they do the in-depth investigation and they get beyond the proximate cause and look for what really caused the death. The report is then finalized and is put on the NIOSH website where ANYONE and EVERYONE can learn what caused the tragedy—so that it will not recur. On the fire website I co-host with Chief Billy Goldfeder, [www.firefighterclosecalls.com](http://www.firefighterclosecalls.com), we link to these reports because they're critical for learning from and preventing mistakes.

So let's talk about line-of-duty deaths (LODDs) in law enforcement. I am a huge fan of Officer Down Memorial Page (ODMP)—they have a fantastic app that should be on your phone. I respect their great work in gathering information about LODDs in American law enforcement. Having said that, they publish what *they know* about the incident.

Sadly, we suffered an LODD recently in Florida. ODMP reported what they know about the event. Their summary was three paragraphs. The first dealt with identification of the officer and the third dealt with a bit of the officer's life. Paragraph two focused on what happened:

*He was en route to the police station on his department motorcycle when he struck the raised median of the roadway. He was thrown from the motorcycle and sustained fatal injuries.*

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So what caused this terrible tragedy? Well, *he hit a raised median and was thrown from his bike!* What do you learn from that summary? In no way do I mean to minimize this death—nor is it my intent to criticize the good people at ODMP—but all they can publish is what *they know* about the event. They don't have a team on the ground to investigate and reconstruct the event and determine root cause. And as a result, all we will learn from this event is the officer hit a raised median and was thrown from his bike.

Can you imagine if that was a plane crash that killed the pilot? Do you think the NTSB report would be a bit more detailed than “the pilot hit a tree and was ejected from the plane”?

I GUARANTEE you there would be a lot of other factors involved in that NTSB investigation, including fatigue (which we rarely talk about in law enforcement), training, type of equipment, maintenance of equipment, weather conditions, personal issues concerning the pilot (going through divorce, bankruptcy, death of a child) and all the other related issues that may have contributed to the tragedy.

I am fearful this type of investigation is not always done on law enforcement LODDs, and when it is done, the distribution is very limited. As a result, other similarly situated people will make the same mistakes and we will have another LODD.

If you do not yet hate what I am saying here, let's take it a step further. Every year cops in America kill about 1,000 people. Personally, I think that number is remarkable when you think about how many daily contacts (including dealing with felons) American law enforcement makes—and yet only 1,000 deaths.

What do we learn from these (mostly) shootings? In my opinion most of them are “good shoots” where the officer/deputy involved was forced to use deadly force. But you and I know that a small number of them are questionable—and some are flat out wrong.

What do we learn from the “bad shoots”? A report is done on the event but is it published? And does it provide necessary information to help us learn from the event?

I am well over my word allocation at this point, so I will have to sum things up. This piece is my final effort on information risks. We make decisions based on information. I am concerned that the amount of information we have on law enforcement LODDs and critical incidents is limited and we need to better learn from past tragedies.

With all of this in mind, I am a big fan of standardizing the process of investigating LODDs and officer-involved shootings. After these investigations are completed, the reports

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## Real Risk Management—Continued

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should be released so every member in our profession can learn “what really happened”—and have a chance to prevent similar tragedies from occurring.

I recognize some people will criticize my thinking—and I won’t take it personally (that is the nice thing about being old). Some will argue that we shouldn’t make the information available to everyone. And why not? Our citizens are demanding (and deserve) full transparency in our operations. And our personnel have the right to learn from these tragedies so as to have a better chance of going home safe at the end of every shift.

In our next visit, I will talk about Family Seven of the 10 Families of Risk: Human Resources. Until then, please work safely.

**Timely Takeaway**—Take a look at what is going on in Wisconsin, where [a statute requires an independent investigation](#) whenever the action or inaction of a law enforcement officer results in the death of an individual. When the Wisconsin Division of Criminal Investigation serves as the independent agency, it provides a complete report on its website. Other states are starting to consider this approach. Take a look and ask yourself, what could we learn as a profession if every state and every agency followed this approach? What tragedies could we prevent?

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.

# In and Around New York State

**A special column to highlight various activities and events around the area. Submit recommendations for this column to [leggert@nychiefs.org](mailto:leggert@nychiefs.org).**

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## Members' Forum Activity



*If you have a question related to policing, please contact Larry Eggert at [leggert@nychiefs.org](mailto:leggert@nychiefs.org) and your inquiry will be sent to the membership!*



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