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December 2021



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Active Shooters, Barricaded Subjects, and Hostage Considerations

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A publication of the
New York State Association of Chiefs of Police, Inc.
3177 Latta Road, #230, Rochester, NY 14612
Office: 518-355-3371

Do you have an interesting law enforcement story or an article you would like to submit, photographs of member activities or field scenes?
Contact the editor: Mark Spawn at APB@nychiefs.org

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On the Cover:

Drawing lessons from tragedies: Pictured, one of the entrances to Sandy Hook Elementary School in Newtown, Connecticut, the scene of a horrendous tragedy just before Christmas in 2012 when a lone shooter murdered 20 children and 6 school employees. The shooter killed himself when a police officer deployed quickly, likely preventing additional carnage. In Chief's Corner, Acting Commissioner Stuart Cameron examines the law enforcement response to active shooter incidents in Carthage, NC (2009), the Good Guys robbery and hostage standoff near Sacramento, CA (1991), the Nickel Mines schoolhouse shooting (2006), and the Santa Monica mobile active shooter incidents (2013). Cameron says, "Law enforcement officers must be clearly instructed in the difference between an active shooter, someone who is currently engaged in using deadly force against individuals and must be stopped to prevent greater harm, versus someone who has barricaded themselves with or without hostages." The manner in which police respond can mean the difference between success and failure. Read Commissioner Cameron's article in *Chief's Corner: Knowing the Right Tactic is Crucial*.

Photo: Connecticut State Police, Sandy Hook Elementary School case files

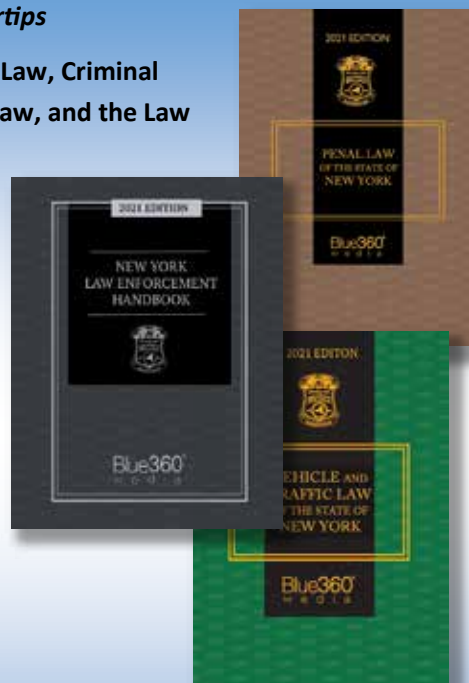
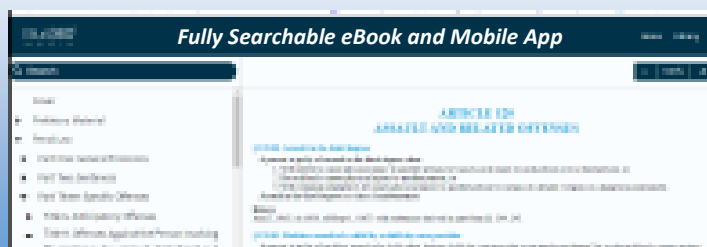


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Law Enforcement Leadership Summit a Success



Pres. Timothy Parisi,
Chief/Illion PD

We held our second Leadership Summit on November 3-4 at Fort William Henry. A joint venture between our Association and the New York State Sheriff's Association, we brought together a number of subject matter experts on important, contemporary topics in law enforcement. Here's some of what we covered at this year's Summit:

Chief/Ret. Michael Ranalli, Esq. of Lexipol spoke about the Duty to Intercede, discussing the conceptual, cultural and legal aspects of our obligation to stop unlawful use of force. Attorneys Jacklyn Goldberg and Lance Klein from Keane and Beane Law Offices spoke about law enforcement disability claims and Section 207-c procedures.

from law enforcement leaders about the process including reporting procedures. One of the lingering concerns by attendees was 'what constitutes a complaint under the law?'

DCJS Deputy Commissioner Michael Wood spoke about the Professional Policing Act of 2021, specifically, hiring and decertification procedures (read more about this topic on page 36).

During a time when we are experiencing a number of changes in our society as well as in policing, events such as this are critical to our being responsive to the needs of our community and the mandates from legislation.



Police Chiefs and Sheriffs listen intently to a presentation about Section 207-c procedures from attorneys from Keane and Beane.
Photo: NYSACOP

Tyler Nims of the new Office of Law Enforcement Misconduct addressed attendees, speaking on the requirements under Section 75 of the Executive Law. Mr. Nims answered several questions

Jeff Rinaldo (Buffalo PD/Ret.) spoke about policies for critical incident management, giving examples from his career working at Buffalo PD. Inherent in managing high profiles incidents is how you work with the media. Rinaldo urged engaging the news media, to have them working with you, not against you.

Sheriff Todd Baxter spoke on the topic of risk assessment, and there was also a presentation from Harbor of Grace, a facility offering compassionate and comprehensive care to first responders struggling with drug and alcohol addiction through a personalized blend of evidence-based and innovative therapies.

The Summit was well attended, with about 115 police leaders in attendance. I am pleased that, with the Sheriff's Association, we were able to provide this necessary training program. Our agenda was aggressive, yet relevant and substantive. During a time when we are experiencing a number of changes in our society as well as in policing, events such as this are critical to our being responsive to the needs of our community and the mandates from legislation. I would like to extend my personal thanks to all of our NYSACOP staff who helped to make this Summit a success.



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Assisting our Major Cities Members



**Chief/Ret.
Patrick Phelan
Executive Director**

On December 9th, 2021, the first meeting of the New York State Association of Chiefs of Police Major Cities Committee will be held. The Committee will be chaired by Yonkers Police Commissioner John Mueller who said, “I am thrilled that the Yonkers Police Department has been invited to participate in the NYSACOP Major Cities Initiative. The New York State Association of Chiefs of Police is doing what it has always done, bringing police agencies together that have similar challenges to work together to brainstorm in solving the issues as they occur. This fantastic initiative is no different and will undoubtedly work to the benefit of all of our large cities in our great state.”

The New York State Association of Chiefs of Police wants to provide the same level of service to our major city departments as we do for our smaller cities, towns, and villages. By forming this committee, we can facilitate information sharing among the leaders of these departments and identify needs for which NYSACOP can provide assistance. We can also identify ways in which large agencies can help small agencies, and small agencies can help large agencies.

Assistant Deputy Commissioner Oleg Chernyevsky (NYPD) said, “The New York State Association of Chiefs of Police has been a vital resource for police agencies of all sizes throughout the state for well over a century. The NYPD is a proud member of NYSACOP and we look forward to being a part of the Major City Initiative. I

Bringing together the leaders of these departments can only create a positive exchange of ideas and foster collaboration for the solving of common problems.

believe such collaborative opportunities will enable us all to learn from each other’s innovations and experiences and translate those lessons into a policing model that keeps New Yorkers safe, keeps our officers safe, benefits our training curriculum, and continues to build on our community partnerships.”

Initially the committee will consist of Buffalo, Rochester, Syracuse, Albany, Yonkers, and New York City. We are hopeful to also include the Nassau County PD and Suffolk County PD. The committee will hold in-person meetings at least twice annually. Other meetings can be called for either in person or electronically by the chair of the committee. Bringing together the leaders of these departments can only create a positive exchange of ideas and foster collaboration for the solving of common problems. We are very optimistic about this endeavor and hope that it can be part of a continuing collaboration between these great departments.



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¹ <https://www.nhtsa.gov/press-releases/usdot-releases-new-data-showing-road-fatalities-spiked-first-half-2021>

Keep Asking *Why*: Root Cause Analysis of a Contemporary Tragedy

BY CHIEF MIKE RANALLI (RET.) GLENVILLE POLICE DEPT.; LEXIPOL PROGRAM MANAGER



**Chief/Ret.
Michael Ranalli, Esq.**

Law enforcement leaders are familiar with discussing tragedies in our own industry. Such discussions are necessary to identify “what went wrong.” As I’ve written in a previous article, how we conduct the conversation will determine whether we get at the true root cause of the event or simply end our analysis at the proximate cause.

It’s equally instructive to look at incidents outside our industry. Removing the emotion we may associate with law enforcement incidents can more clearly illustrate the process of root cause analysis. So let’s look at one such example.

Shooting on the Set

Pond5



You’ve likely heard about the tragedy that unfolded on the set of the low-budget, independent movie *Rust*. Although new details are being uncovered daily, here are the essential facts at the time of the drafting of this article:¹

- The film crew had just returned from lunch and was rehearsing a scene in a wooden church on an “Old West” movie set.
- An assistant director walked outside the church and was handed a prop gun from the film’s armorer.
- He brought it inside and yelled “cold gun,” which indicated the gun was unloaded.
- He then handed it to actor Alec Baldwin, who practiced a “cross draw,” pointing the gun at the camera and the people around it.
- The gun fired, and a live round passed through the body of cinematographer Halyna Hutchins and then struck director Joel Souza. Hutchins died from her wounds and Souza was injured.
- The lead armorer was 24 years old, and *Rust* was only her second film. Some media accounts report she allegedly mishandled weapons on the first film she worked on.

- Many media reports indicate that 500 rounds of various types of ammunition, including live rounds, were found on the set during the execution of a search warrant even though the armorer allegedly told investigators that live rounds were never allowed on the set.
- Additional unconfirmed allegations claim the guns on the set were used by the staff for live target practice during breaks.

A promising young cinematographer is dead, another person is seriously wounded, and multiple lives have been impacted and changed forever. In the days following the shooting, media accounts were frequent and the sensational coverage predictable. Legal experts discussed the possibility of criminal prosecutions. Experts in the film industry explained how it should not and would not have happened on sets they have worked on. Within two days, a state legislator called for a law to ban live guns and ammunition on movie sets. After all, this incident proves guns are just too dangerous to have on movie sets, right? If such laws are passed, then everyone on movie sets will be safe, right?

But wait, is it possible this tragedy is an indicator of larger, more expansive problems lying in wait? Will prosecuting those responsible and passing laws end such tragedies on movie sets forever?

I do not profess to know all the answers to these questions. In fact, I need to make a critical point: A successful root cause analysis requires subject matter expertise. Those without such expertise can begin an analysis and contribute to it, but it will remain incomplete. In the *Rust* example, my subject matter expertise is limited to experience and training with weapons. I could use that knowledge to pronounce, very confidently, how flawed the handling of the weapons was and why therefore we need to require every actor to attend gun safety training and only allow proven and qualified armorers on sets. But that would be a perfect example of the problems that arise after such tragedies. We focus on the proximate cause – the numerous safety violations pertaining to firearms on set – and then stop the discussion. A more thorough process must be undertaken to determine the root causes that could be hiding beneath the surface. And in this case, the process requires expertise in the film industry.

So, because I do not know enough about the film industry to answer all the questions that need to be answered, our analysis will be incomplete. But it will nevertheless illustrate the process and the benefits of a more thorough root cause analysis.

A Primer on Human Error

Dr. James Reason is a nationally renowned expert on human error; I frequently refer to his publications.

Reason explains the difference between errors and mistakes that will be helpful in our examination of the *Rust* tragedy.

An *error* occurs when an action by a person does not go as intended. It may have been the proper choice by the person, but the

execution leads to an unintended result. These are generally called “slips and lapses” and can occur when the person’s planned action sequence is drawn away from task at hand and their attention is captured by something else. An example is when an officer

An error occurs when an action by a person does not go as intended. It may have been the proper choice by the person, but the execution leads to an unintended result.

decides to deploy a TASER device on a person but instead draws their firearm and shoots the person. The intent was correct, but the execution was flawed. Slips and lapses are generally skill-based and are typically best addressed through training.

A *mistake* occurs when there is a failure in planning and the actor selects a path that is inappropriate for the present circumstances and the desired outcome. Mistakes can be rule-based (e.g., the organization requires a certain act or response that may be inappropriate) or knowledge-based (e.g., the actor is basing decisions on flawed beliefs or assumptions).

A mistake occurs when there is a failure in planning and the actor selects a path that is inappropriate for the present circumstances and the desired outcome.

It is also necessary to distinguish errors and mistakes from *violations*. While errors and mistakes will generally involve the cognitive processes of individuals, violations may have social contexts to consider. A violation is a deviation from a necessary procedure. It may also involve an error if the violation was not deliberate (there was no intention to commit the violation). Violations can be exceptional in that they only occur during a particular set of circumstances, or they can be habitual. Habitual or routine violations can occur because of the natural human tendency to take the path of least resistance. If enforcement of rules is generally lax and there is no reward for doing things the proper way, violations occur. For purposes of law enforcement liability, these types of errors could rise to the level of a “pattern and practice,” which can result in municipal liability.

Root Cause Analysis

Now that we have briefly reviewed the concepts of errors, mistakes, and violations, we can begin the [incomplete] analysis of the *Rust* incident. Based upon the available facts, it does not appear that any form of slip and lapse occurred. Rather, it appears that mistakes and violations will be the most implicated.

To determine root causes, it may be helpful to think of asking “why” until you can proceed no further. Where you end is where your answer may lie. The “whys” may need to be supplemented with requests for additional information. Understanding that my responses may prove inaccurate once the investigation is concluded, let us begin:

Why did one person die, and another person suffer injuries?

- Because Alec Baldwin was practicing a cross draw, pointed the gun in the direction of the camera crew and pulled the trigger on the prop gun, causing it to fire with the bullet striking the victims. (This is a proximate cause.)



Why did the gun discharge and strike the victims when it should have been safe?

- Because the gun was loaded.
- Because Baldwin thought the gun was safe and pointed the gun in the direction of people and pulled the trigger.

Now you should see that we need to start branching our inquiry and start to split the analysis even though there will be some overlap. I will start with the shorter branch first.

Why did Baldwin point the gun in the direction of people and pull the trigger? Specifically, why did he violate several basic tenets of gun safety in that you (1) treat every gun as if it is loaded; (2) never point a gun at a person under any circumstances; and (3) always personally verify the safety of a weapon even if you just watched the person giving it to you check it?

- This is where we now approach the first root cause determination specific to Baldwin’s actions, but we do not have enough facts to complete it. It will, however, most likely be the result of a habitual violation bred from complacency on the set. Why an experienced actor failed to check the weapon needs to be explored and could result in mutual causation – the production management itself and Baldwin’s personal responsibility.

Why was the gun loaded when live rounds were not supposed to be anywhere near the set?

- Because live rounds were found on the set even though the armorer said there wasn’t any. This is likely to be determined to be a habitual rule violation.
- Possibly because crew members were allowed to use the same guns for target practice with live rounds. This would be another habitual rule violation.

Why was Baldwin given a loaded gun when the armorer and assistant director inspected it and declared it was safe?

- Because the armorer was young and inexperienced and she clearly did not properly check the weapon.
- Because the armorer allegedly mishandled weapons on the first set she worked on and was hired anyway. (If this proves to be true, this could result in a separate branch of “why.” If this producer knew about it, why did they hire her? If they did not, why isn’t that important information available to future employers?)
- Because the assistant director should have checked all the rounds in the gun and failed to do so. Again, more rule violations.

- Because the production had been delayed in the morning when multiple crew members walked off the set due to working conditions and the assistant director may have been pressed for time.

Why were so many apparent habitual rule violations allowed to occur on a set with so many inexperienced crew members? This is definitely a question for film industry experts, so I turn to one of many published accounts for some possible answers:¹

- Because the dramatic increase in the demand for streaming content has stretched the industry thin.
- Smaller companies are attempting large productions without the proper staffing or experience.
- Low-budget productions result in producers cutting costs in areas such as armorers, believing they can do it themselves or going with the least expensive person they can find.
- The sheer volume of produced content can lead to a sense of complacency and misplaced confidence in the overall management of a production.

This root cause analysis is far from complete, but it brings us far enough along to see that a much larger picture is beginning to

Essential to this process is not to stop at the proximate cause. The farther we go the more possibilities we uncover to prevent further tragedies.

emerge. Essential to this process is not to stop at the proximate cause. The farther we go the more possibilities we uncover to prevent future tragedies. Is it possible the state of the film industry is such that on this set and others there could be more corners being cut? Should the response from the industry and legislatures only address the use of real guns on a set?

Go Deeper

Is this tragedy proof that guns are so dangerous they must be banned, legislatively or otherwise, from all movie sets? Our analysis, while incomplete, indicates the gun could have been

used successively in this movie and many others in the future, with proper handling and training. Instead, a deeper analysis of the causation points to a culture that allowed numerous mistakes consisting of habitual rule violations. Further analysis suggests this dangerous culture may be pervasive in the industry.

Investigations and decisions on how to address the larger issues need to be based on the possibility that while this tragedy involved a gun, the next one may involve poorly maintained equipment or vehicles, or poorly managed stunts, or some other problem lying in wait that we can't yet see. The severity of this incident has led to voluminous news coverage, but how many other near-misses have occurred on sets that could be traced back to the same root causes that we have identified here? That is the value of root cause analysis.

While the set of *Rust* is far from the streets our officers patrol, examining the incident that occurred on the set is instructive in demonstrating the process that should be followed to determine root cause after any law enforcement tragedy. The key is to keep asking questions until you run out of answers, and there will typically be the answer. The process can be very short or very long, with one answer or several.

A final key: Don't wait until a tragedy strikes your agency. Instead, look at current events and ask, "Could that happen here?" To prevent similar tragedies, we must identify what type of failure, or failures, occurred. Without such a process, blame and overreaction can leave many problems lying in wait, with the clock ticking toward another tragedy.

¹Information used in this article to discuss the events of the shooting is as of October 28, 2021

²See, generally, Reason, J. (1990) *Human Error*. Cambridge University Press, Cambridge.

³<https://variety.com/2021/film/news/rust-halyna-hutchins-death-alec-baldwin-production-1235096161/>; last accessed 10/28/21



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Chief's Corner

BY ACTING COMMISSIONER STUART K. CAMERON - SUFFOLK COUNTY PD



Knowing the Right Tactic is Crucial

Law enforcement agencies across the United States have adapted their procedures and train continuously to prepare their personnel to respond to the potential threat of an active shooter event in their communities. Various training models are available to support these efforts, such as the National Center for Biomedical Research and Training (NCBRT) at Louisiana State University (LSU) which offers a three day train-the-trainer for their Law Enforcement Active



Rapid deployment tactics are a departure from how tactical incidents have been addressed in the past, but an active shooter event is very unique and therefore the response to it must also be distinctive.

Shooter Emergency Response Course (LASER). NCBRT is a part of the National Domestic Preparedness Consortium. The Bureau of Justice Assistance (BJA) and the Federal Bureau of Investigation (FBI) offer a five day train-the-trainer course in active shooter tactics through Advanced Law Enforcement Rapid Response Training (ALERRT). The ALERRT curriculum was developed in Texas and funded by BJA and the state of Texas. While these courses differ in the specific tactics taught, common among them is training patrol officers to recognize an active shooter situation and to rapidly take action to stop it without waiting for the arrival of Special Weapons and Tactics teams. Rapid deployment tactics are a departure from how tactical incidents have been addressed in the past, but an active shooter event is very unique and therefore the response to it must also be distinctive. These tactics gained widespread acceptance after the 1999 Columbine High School attack, when it was realized that

delaying the response to an active shooter event is counterproductive and will result in increased casualties and loss of life.

Rapid deployment tactics have proven effective in mitigating the harm caused once an active shooter event has begun. According to the FBI, many active shooter incidents have still been underway when police officers have arrived on scene. Some shooters have committed suicide once they realized that the police were on scene. This was the case during the attack on Virginia Tech back in 2007. Seung-Hui Cho committed suicide in one of the classrooms of Norris Hall after law enforcement had entered the building in response to his attack.

In other incidents the police have utilized rapid deployment tactics and stopped the shooter through the proactive application of force. In one event in Carthage, North Carolina at the Pinelake Health and Rehabilitation Center on March 29th, 2009, a rookie police officer utilized the rapid deployment tactics that he had been taught while in the police academy to stop an ongoing incident. Police Officer Justin



The Newtown, Connecticut shooting at Sandy Hook Elementary School on December 14, 2012 where the shooter killed 20 children and 6 school employees. The shooter turned the gun on himself as police approached. Pictured, a waiting area just inside of the school. Photo: Connecticut State Police

Garner quickly responded to the location and engaged the attacker, Robert Stewart, in a gun fight without awaiting backup. Both Stewart and Garner were wounded, but the attack was terminated and the subject was taken into custody after having killed eight people and wounding two others. Garner's actions that day highlight that a single officer, who has been well prepared, can stop an active shooter attack

and prevent further loss of life. In many cases officers responding alone must take action at active shooter events. Unfortunately, many of these officers are wounded during their response, as Garner was in March of 2009. Several officers have also been killed while heroically responding to terminate ongoing active shooter attacks.

It is of critical importance that when patrol officers are instructed to perform rapid deployment tactics that adequate stress be placed upon when these tactics should be employed. Law enforcement officers must be clearly instructed on the differences between an active shooter, someone who is currently engaged in using deadly force against individuals and must be stopped immediately to prevent greater harm, versus someone who has barricaded themselves, with or without hostages. Generally a subject is considered to be barricaded when they have isolated themselves in a difficult to access location; they are or may be armed; and are threatening harm to others or to themselves, but are not actively harming anyone. When someone is barricaded and is holding someone against their will, threatening harm to them, the incident becomes a hostage barricade. Historically barricades and hostage barricades have best been resolved using a slow and methodical effort involving a team of officers comprised of trained negotiators and special weapons and tactics (SWAT) personnel.

A unified effort between the negotiators and SWAT officers has been proven to provide the best chance of bringing about a safe resolution during barricaded subject situations. Negotiators can compile useful intelligence for the tactical team while speaking to the subject. The tactical team can initiate actions to help the hostage negotiators establish and maintain contact with the suspect, such as using public address systems, inserting telephones or breaking windows on the building. During the negotiation process various surveillance tools, such as cameras, robots or drones can be employed to acquire information about the structure involved and specifically about where the suspect is located within the building. Family members or friends can be consulted regarding access to weapons and asked about the floor plan of the building. Tactical teams can utilize a variety of less lethal options, such as tear gas, to attempt to compel the suspect to exit the location and surrender.

The passage of time allows a gradual de-escalation of the situation; and for those who may be intoxicated, it allows time for them to sober up. The use of rapid deployment tactics on a barricaded subject not actively harming people increases the risk of harm to the subject, to the police officers and to hostages, should they be present. SWAT officers who respond to a traditional hostage barricade recognize that they must be prepared to engage in a hostage rescue should the hostage taker begin to harm the hostages. Unlike the spontaneous application of rapid deployment tactics, however, there is often time for the SWAT team to develop a plan for the hostage rescue prior to initiating it. Frequently the SWAT team may also have enough time to practice the hostage rescue plan, but the overall goal is similar to the goal of a rapid deployment, preventing someone from actively harming people. The formulation of a plan, the use of specially trained operators who possess specialized equipment and the opportunity to practice the plan, combined with the use of intelligence regarding weapons possessed by the suspect and the building layout, increases the odds of a successful outcome during a hostage rescue.

On April 4th 1991, four robbers took hostages during a poorly executed robbery at the Good Guys electronics store near Sacramento, California. Over fifty people were held hostage during

the siege, still the largest hostage taking in United States. At various times during the event the hostage takers fired their weapons, apparently to disable security cameras and to test the effectiveness of body armor that had been supplied to them by the police. During this period, while negotiations were ongoing, valuable information was collected about the layout of the store. Tactical team members probed into an adjacent building and were able to covertly look into the electronics store and leave a camera in this location. As the situation deteriorated, and after one of the hostages had been shot, a decision was made to initiate the hostage rescue plan. During this rescue three of the four hostage takers were killed by police. Three hostages were killed by the hostage takers and eleven other hostages were wounded, however, the majority of the hostages were rescued without harm.

There are times, however, when hostage barricades will suddenly transition into active shooting scenarios with little warning. This can occur before SWAT officers have arrived on the scene and made preparations for a hostage rescue. Such was the case with the Nickel Mines one room school house shooting, which occurred on October 2, 2006. Charles Roberts had taken ten young Amish students hostage in the small school house. After barricading the doors and windows, Roberts suddenly began to shoot the girls. Ultimately he shot all ten girls, killing five of them. He then committed suicide before officers could enter the building.

The slow and deliberate method used during a barricade allows the negotiators to develop a rapport with the suspect. During this

The slow and deliberate method used during a barricade allows the negotiators to develop a rapport with the suspect. During this period information can be gleaned about the suspect, their state of mind and the overall situation. Research can be done on the suspect's background to enhance the negotiation process.

period information can be gleaned about the suspect, their state of mind and the overall situation. Research can be done on the suspect's background to enhance the negotiation process. This data would also be useful to the tactical team should they be required to act to resolve the situation. A well-coordinated law enforcement response to a barricade will involve a cohesive effort between negotiators and the tactical team members, not an adversarial one. Historically the productive use of time during this process works to the advantage of the police. It levels the playing field, allowing time for planning and deliberation, rather than spontaneous action.

The application of rapid deployment techniques during a barricade or hostage barricade can have very negative consequences. Officers who receive rapid deployment training should be specifically instructed when these tactics should be applied and concrete examples should be cited. Often the distinction between a barricade or hostage barricade and an active shooter event may not be an easy determination for the initial responding police officers. For example, if someone who has taken a hostage fires a single shot at police officers on the perimeter and then ceases fire, the event should still be considered to be a barricade despite the fact that shots have been fired by the suspect. The goal of an active shooter is generally to shoot as many victims as possible. Rapid action is essential to mitigate the casualties. Rapid deployment tactics are a necessary

reaction to an extreme situation. Delaying action does not work to law enforcement's advantage it affords the attacker with more time to inflict harm, which is precisely the goal that the attacker desires to achieve. Applying rapid deployment tactics to a hostage taker who occasionally fires a shot at police would not be appropriate. Just like every tool in a toolbox has its function, rapid deployment tactics must only be applied during true active shooter situations. Misapplication of these tactics will generally lessen the chance of a successful outcome.

Officers must leave rapid deployment training with a clear understanding of how to apply the tactics that they have been taught. Leaving the training with a clear understanding of when to apply the tactics is of equal importance. Active shooter events have grown in complexity. A June 2013 attack in Santa Monica, California highlights this complexity. The subject involved apparently killed two family members, set their residence on fire and then began a mobile active shooter attack. According to FBI data, only a small percentage of active shooters go mobile, moving from one location to another after the attack has begun. During the Santa Monica attack the subject fired on cars and a municipal bus while on the move. He carjacked a vehicle while continuing the attack, eventually ending up at a college. After shooting people

outside on the college campus, the subject entered the library building while continuing to fire his weapon. Police officers utilized the rapid deployment concept, all the while undoubtedly facing numerous conflicting reports of multiple attackers at various locations throughout the city. Responding officers should expect, out of the necessity, a need to base their decisions on limited and at times conflicting information, while working to apply the correct tactics all while knowing that lives are on the line. Continual reevaluation must be conducted to ensure that the proper tactics are applied to the specific incident at hand.

Delaying action during an active shooter event will most likely increase the amount of harm that the attacker can inflict, while taking spontaneous action to resolve a barricaded subject with or without hostages, unless the hostages are being actively harmed, will generally increase the risk of injury to the hostage, the police and the suspect. Training patrol officers to rapidly act during an active shooter event is the right tactic; however, use of these tactics must be limited to the appropriate situation. The intent of rapid deployment training is not to rapidly act at all tactical situations, but rather to apply them only to those incidents that fit within the limited active shooter definition.

Suffolk County Motorcycle Unit Attends Police Memorial Ceremonies



Suffolk County PD Motorcycle Unit at the U.S. Capitol during National Police Week events. Photo: Suffolk Co. PD

The Suffolk County Police Department (SCPD) Motorcycle Unit attends National Police Week ceremonies annually. This year's events were held in October, honoring the service and sacrifice of those police officers who gave their lives in the line of duty.

Deputy Inspector David Regina who commands the SCPD Highway Patrol said, "This is a special event for our team each year. Providing escorts to the survivors and their families is a great feeling. The camaraderie between police officers is something special and in my short time participating in the Motorcycle Section, I have found this to be especially true with Motor Officers."

Inspector Regina told *The Chronicle* that prior to each escort, all of the participating motor units would stage in the parking lot of the host hotel. On the last day just before the final escort to the Capitol, one of the organizers for COPS addressed all the motor units. Regina said, "He expressed the tremendous gratitude that all

the survivors had for all of the support and the escorts provided to them during the week. What we collectively provide to the families cannot ever make up for what they have lost, but it feels very rewarding to help in any small way."

Regina added that he was impressed by the overwhelming public support shown for the police. "At every monument where we lined up our motorcycles, people from all walks of life thanked us for our service and took pictures with us," said Regina. Following a period when the mainstream media was pushing unbalanced accounts of public distrust in law enforcement, the actual reaction from the public was welcomed. Regina added, "Not one negative comment was directed towards us the entire trip, and to the contrary, we received nothing but positive comments. I have passed this on to all of my officers, which I hope will make them realize that we, of course, have our detractors, but many people support us and realize the sacrifices many have made."



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AGENCY SPOTLIGHT:

Canton Police Department



About the Department

The shoulder emblem of the Canton Police Department speaks to the roots of this St. Lawrence County village. Police Chief James Santimaw said that settlers along the Grass River, a tributary of the St. Lawrence River, brought canoe building and a number of mills to the region. Canton is also the birthplace of renowned artist Frederick Remington, cousin to the founder of Remington Arms. Today, the village is home to SUNY Canton and St. Lawrence University.

The ten full-time officers of the Canton Police Department include a Drug Recognition Expert, a bicycle patrol unit, and members who participate in the St. Lawrence County Drug Task Force.

Police Reform: Working with the Community

Accredited by the New York State Division of Criminal Justice Services since 1993,

Chief Santimaw said that being an accredited agency assisted the department during police reform discussions of 2020. “We have a good rapport with both colleges, including the students, faculty and staff,” said Chief Santimaw, adding “We had a lot of support from our local residents who volunteered to be on our committee – about 30 altogether. That was a big help to set up meetings so we could have conversations.” Santimaw said that the discussions were interesting as some students brought a different perspective derived from their home areas such as Boston and New York City. “Some students who were new to this area had questions that were centered about what was being said nationally and from the bigger metropolitan areas, but they asked the hard questions and we gave answers and they seemed to be pleased with what we had to say.”

Discussing the process of complying with the Governor’s executive order 203, Santimaw said, “People had questions and concerns, but it was more about them learning about the police department and that we were doing a lot of things they expected us to do.” Santimaw said that being an Accredited Agency was very meaningful to many residents who attended the reform meetings. “To be able to tell people that we had been accredited since 1993, I could see a lot of people in the room nodding their heads ‘yes’. That was huge,” said Chief Santimaw.

Challenges

Discussing challenges facing law enforcement today, Chief Santimaw said that the issues can be complex and varied. “Certainly all of the potential roadblocks facing our profession, including the pandemic, protests, mental health, bail reform, recruitment and retention, have made our job even more formidable,” said Santimaw. But he has confidence that police will adapt and overcome, saying, “In the face of these seemingly never-ending challenges, it helps to know that our profession has always had to overcome change, and has done so time and time again.”

Above and Beyond

Santimaw said that several officers in his department have been recognized for lifesaving actions in recent years, including two officers using rescue disks to save people from the Grass River. About seven years ago, Santimaw was involved in an incident with other officers from SUNY Canton and Canton PD. A despondent college student had gone to a bridge and jumped into the water when police approached. The student had used rope to tie himself to the bridge, and when officers were unsuccessful in freeing the student, they cut the rope and the student fell into the river. A team of officers rushed into the water bringing the student to shore. Santimaw said that was very rewarding, particularly later when he had the opportunity to shake the student’s hand.



Chief James Santimaw
Canton PD

WHY I BECAME A COP

Santimaw felt drawn to law enforcement when he was in high school, but did not pursue a career at the time. Instead, he went to college for a business degree. After college, he worked for United Parcel Service for about ten years. Said Santimaw, “But something kept pulling me back toward law enforcement. I had a couple of close friends who were in law enforcement, and I said to myself, I’ve got to do this.” So he returned to SUNY Canton and got a degree in Criminal Justice. He then landed a job with the Canton Police Department where, today, he is in his 24th year of service to the community he loves to serve. “A career in law enforcement can be very rewarding, and I felt that I was motivated and passionate enough to become an effective and reliable officer for the Canton Police Department,” said Chief Santimaw.



By Chief/Ret. Mark A. Spawn

New Podcast Series Explores Cannabis Reform

Panel of Experts Discuss Possession, Cultivation, Smoking, Impairment, Employment



Oleg Chernyavsky
Asst. Dep. Commissioner
NYPD Legal Affairs

Michael Ranalli, Esq.
Chief of Police/Ret.

Mary Tanner-Richter
Asst. District Attorney
Albany County

Mary Louise Conrow, Esq.
Coughlin & Gerhardt
Law Offices

Sandra Doorley
District Attorney
Monroe County

Legislation passed earlier this year brought sweeping changes that have and will directly change traditional policing operations. Possession of cannabis became lawful for persons 21 years old or older, and while many presume that underage possession is unlawful, the statute is ambiguous. The penal law (Article 221) that police were intimately familiar with was repealed, replaced by a new Article 222. And while the penal law is generally considered a repository of criminal statutes, some of the new cannabis legislation provides for a civil rather than criminal penalty, leaving parts of Article 222 in question as to how they may be enforced.

Questions have abounded since cannabis reform laws were passed, raising a myriad of questions for police executives: do your officers carry their service weapon 'on the badge' or are they required to possess a pistol license under Article 400 of the Penal Law? Do you still subject pre-employment candidates to a drug screening that includes THC? What does your prosecutor need to help prove a cannabis-impaired driving case?

The New York State Association of Chiefs of Police announces the release of an audio podcast series including interviews with experts discussing some of the known, and yet-unknown issues involving cannabis in New York State. The 3-part series covers a variety of issues of concern to New York State law enforcement:

Part 1: Cannabis Reform: The Basics – A discussion about the new sections of the penal law governing possession, sale, smoking in public places, and enforceability of certain sections by police; we also explore impaired driving and chemical tests, the limitations of a search of a motor vehicle, and a general overview of the cultivation of cannabis under the new law.

Featuring Asst. Dep. Commissioner Oleg Chernyavsky (NYPD Legal Affairs); District Attorney Sandra Doorley (Monroe County); Asst. D.A. Mary Tanner-Richter (Albany Co.); Police Chief/Ret. Michael Ranalli, Esq.

DURATION 20:15



Part 2: Cannabis Reform: The Consequences –

What are the implications of legalized cannabis? Our experts discuss mental health issues, impaired driving, fire hazards, and the ability to intercept illegal guns.

Featuring Asst. Dep. Commissioner Oleg Chernyavsky (NYPD Legal Affairs); Police Chief/Ret. Michael Ranalli, Esq.; Asst. D.A. Mary Tanner-Richter (Albany Co.).

DURATION 09:57



Part 3: Cannabis Reform: Labor and Employment Issues –

Have you checked your workplace policy on drugs since



cannabis became a legal drug in New York State? Do you conduct pre-employment drug screening for THC? Are your officers required to carry their firearm on a pistol license? Why should police unions support a no-use policy? Did you know that the New York State Labor Law was amended with the cannabis reform package? Labor and employment attorney Mary Louise Conrow, Esq. delves into all of these issues and more.

Featuring Mary Louise Conrow, Esq., Coughlin & Gerhardt Law Offices.

DURATION 14:17

The 3-part audio podcast series is available in the *APB: All Points Bulletin* podcast library at www.nychiefs.org

INTERSECTIONS

Traffic Safety Committee

The NYSACOP Traffic Safety Team continues to “be on the lookout” for innovative traffic safety programs and initiatives in the areas of engagement, enforcement, public information and education, training and notable occurrences/news with the goal of informing and assisting both our members and our Traffic Safety Points of Contact (POC) re: their agency’s traffic safety efforts. Related information can be found under the traffic section of the NYSACOP website and is also disseminated via regular bulletins. We hope that you routinely check these sources, that they are helpful and as always, if you would like additional information on something please don’t hesitate to contact us.

Speaking of us, we have some additional personnel changes to tell you about. As we announced in the last *Intersections* article, West Seneca Police Chief/Ret. Dan Denz joined our team as a Traffic Safety Outreach Liaison (TSOL) and has already become a great asset. Since Nick Macherone’s retirement, Mike Geraci has been temporarily filling the Traffic Safety Services Coordinator’s position with a plan to eventually find a permanent replacement. A search was conducted and I am pleased to inform you that the Board of Governors has recently appointed Dan Denz to the position. As a result, the team consists of Dan as Traffic Safety Services Coordinator, and Mike Geraci and Bill Georges as TSOLs.

The Traffic Safety Committee (TSC) continues to work on relevant issues and meets every month. You can view the committee’s meeting minutes in the traffic section of the website. The committee strives to continuously monitor activity from not only New York State but across the country and at times internationally as well. Towards that goal, the committee recently had a strategic planning session with the Governor’s Traffic Safety Committee and TSC members recently attended the Governor’s Highway Safety Association (GHSA) Conference in Denver, Colorado. TSC member and NYSACOP 2nd Vice President Chief Joseph Sinagra recently did a podcast on Saugerties PD’s *Lights On* program which is already being replicated by other agencies and also shared with our members a video by George Strait that he was involved in entitled *The Weight of the Badge*. Also TSC member Suffolk Co. PD Deputy Inspector Dave Regina was appointed as the NYSACOP representative to the

State DRE Technical Advisory Panel. The TSC currently has some vacancies that we are looking to fill. If you are interested in what we do please contact us regarding possibly becoming a member.

As the holiday season is upon us, data shows that both crashes and violations spike with one of the biggest violations being impaired driving. Notice the term impaired driving vs. drunk driving. Drug-impaired (and poly-substance) driving is on the rise. The Transportation Research Board (TRB) recently held a

virtual conference focusing on drug impaired driving that featured subject matter experts from various disciplines in the field. The conference produced several areas to focus on for the future. Two particularly important enforcement points were highlighted. The first point focused on the fact that just because an offender has a BAC, does not mean that he/she

should not also be investigated for possible impairment by drugs. Data shows that all too often if a BAC is detected the investigation stops, thus drug impairment is routinely overlooked and never identified/documented.

The second point is that properly articulated court testimony by law enforcement is critical to prosecution. At the end of the day, what needs to be stressed and clearly articulated, is the actual impairment/observations of an individual. Without this a prosecutor will have a difficult, if not impossible, ability to prosecute the case and as a result, the offender may not be convicted.

Throughout the year both GTSC and DCJS sponsor SFST, ARIDE and DRE training regarding impaired driving enforcement and they are routinely announced in NYSACOP bulletins. Recent polls have shown that a majority of the public believes that traffic safety is an important prong of safe communities. We must ensure that impaired driving enforcement is a priority throughout the year but especially during the holiday season and remember that DREs are available throughout the state if needed.

As always, we welcome your comments, suggestions and involvement. For further information or if you would like our assistance, please contact Dan Denz, Mike Geraci and/or Bill Georges at Traffic@nychiefs.org. Thank you, happy holidays to you and your families and stay safe!



The Importance of Traffic Enforcement in Public Safety

Attorney General to NYPD: Stop Minor Traffic Enforcement

Many law enforcement leaders recognize the benefits of traffic enforcement –voluntary compliance when motorists regularly observe police conducting traffic stops; police visibility in problem areas, also importing a tone of deterrence; and an overall sense of community security. Additionally, the enforcement of traffic offenses routinely results in the identification of suspended and revoked drivers, uninsured vehicles, stolen property, drugs, guns, and wanted persons. Some of the simplest traffic offenses have also led to larger discoveries – dead bodies in the trunk; fugitives, and kidnap victims.

But some people want police to stop conducting non-criminal traffic enforcement, and not to arrest motorists for open warrants related to minor offenses. Those are the recommendations of the New York State Attorney General (AG) following their investigation into the death of a motorist stopped by NYPD in October 2019. The initial stop was for failure to wear a seat belt, and the motorist provided a false identification, according to the AG [investigative report](#). But the man impersonated by the motorist had three open warrants, and

Attorney General

Report

AG.ny.gov

go to *Press Releases*

“...there’s a lot of well-intentioned things that have been said, potential reforms. I would put that (AG recommendation) in that category... Under close scrutiny, it would be a mistake.”

—NYPD Commissioner Dermot Shea

when police advised the man that they were going to conduct a pat down, the motorist managed to get back into his car and a struggle ensued as the motorist repeatedly engaged the gear shift. It is worth reading the investigative report as there is an extensive chronology of events which ultimately led to the subject being tasered, and

“If you take an objective look at the number of traffic stops, and compare it to the number of times force is used, it is actually very low...There have been tragic events, but to assail traffic enforcement is the wrong ideal.” —Dep. Inspector David Regina, Suffolk County PD

subsequently shot when a Sergeant believed that the motorist had struck another officer, possibly pulling the officer beneath the vehicle.* In a podcast released this month by the New York State

Association of Chiefs of Police, NYPD Commissioner Dermot Shea was asked about the AG recommendation concerning traffic enforcement. Shea said, “If you look back, particularly over the past 12 months, there’s a lot of well-intentioned things that have been said, potential reforms. I would put that (AG recommendation) in that category.” Shea continued, “Under close scrutiny, it would be a mistake.”

Deputy Inspector David Regina (Suffolk County PD) said that, “If you take an objective look at the number of traffic stops, and compare it to the number of times force is used, it is actually very low.” Regina continued, “There have been tragic events, but to assail traffic enforcement is the wrong ideal.”

Commissioner Shea noted that in the past six months preceding July 2021, NYPD has seen an increase in drive-by shootings, and other violence related to vehicles and traffic. He noted that, often, the so-called routine traffic stop turns into something much greater. “I value any recommendation that comes in whether it’s from the Attorney General or others,” said Commissioner Shea. “We’ll listen to it, put it under the microscope. I think this one, though, in the long run, if it was to be enacted it would impact public safety in a negative way,” he added.

The AG concluded that there was insufficient evidence to establish that the NYPD sergeant committed a crime in connection with the death of the motorist, and “would not prosecute the matter. *[Report on the Investigation into The Death of Allan Feliz; New York State Attorney General’s Office of Special Investigation; 9/25/2020; p. 2]*



Listen to the complete [interview](#) with NYPD Commissioner Dermot Shea and Suffolk County Deputy Inspector David Regina (Suffolk Co. PD and NYSACOP Traffic Safety Committee member).

**If you do read the report, be sure to check the footnote on page 4 which states that the motorist was in possession of “cocaine and methamphetamine in felony-level quantities,” and “Because Mr. Feliz (motorist) was under federal parole supervision at the time of the incident, possession of these controlled substances would likely have violated the conditions of his release...and subjected him to a mandatory New York State prison sentence.” (Report on the Investigation into The Death of Allan Feliz; New York State Attorney General’s Office of Special Investigation; 9/25/2020; p. 4]*

Victim Impact Panels Undeterred by COVID

Open Venue Affords Opportunity to Continue Program

While the pandemic may have slowed if not halted some government operations, Monroe County's STOP-DWI program continues to conduct Victim Impact Panels (VIP), a program where those who have been negatively impacted by impaired drivers share their stories with defendants convicted of impaired driving. The program strives to enhance the awareness of the consequences of those who drive under the influence of drugs or alcohol. Before the pandemic, VIPs were held indoors. But health and safety concerns have caused the program to re-think their approach. Lindsay Tomidy, STOP-DWI Coordinator for Monroe County said, "Our department has taken our previously indoor panel and converted it to a drive-in format."



A full parking lot for the September 16 drive-in Victim Impact Panel in Monroe County.
Photo: Monroe Co. STOP-DWI

Tomidy said that attendees of the VIPs are mandated by court, probation, parole, or pre-trial services with some even attending our panel from other counties. She said, "Those in attendance on September 16 were able to hear four stories from victims via radio transmitter, in hopes that they won't make the same tragic choice to drive impaired again." Tomidy added that they had their largest attendance in 5 years despite the change in venue. "There were around 340 in attendance. We had staff from STOP-DWI checking all attendees in before our 7:00 PM start at Monroe Community College, alongside Probation who is also in charge of enforcing our panel rules." Additionally, the Monroe County Sheriff's Department and Rochester Police Department were in charge of all traffic, which also involves two Regional Transit Service buses which are used as seating for those who are unable to drive. Volunteers included members of Public Safety with staff from Weights & Measures and communications, as well as civilian volunteers.

Tomidy said, "It was truly a group effort to ensure that everything went off flawlessly and we can continue our work to keep our roads safer."

Through NYS STOP-DWI we started Victim Impact Panels (VIP) where victims of DWI crime share their stories with people who are mandated to attend by court, probation, parole or pre-trial services. These people have been convicted of DWI and they come to the VIP to hear the stories of people who have been impacted negatively by others who have committed these crimes.

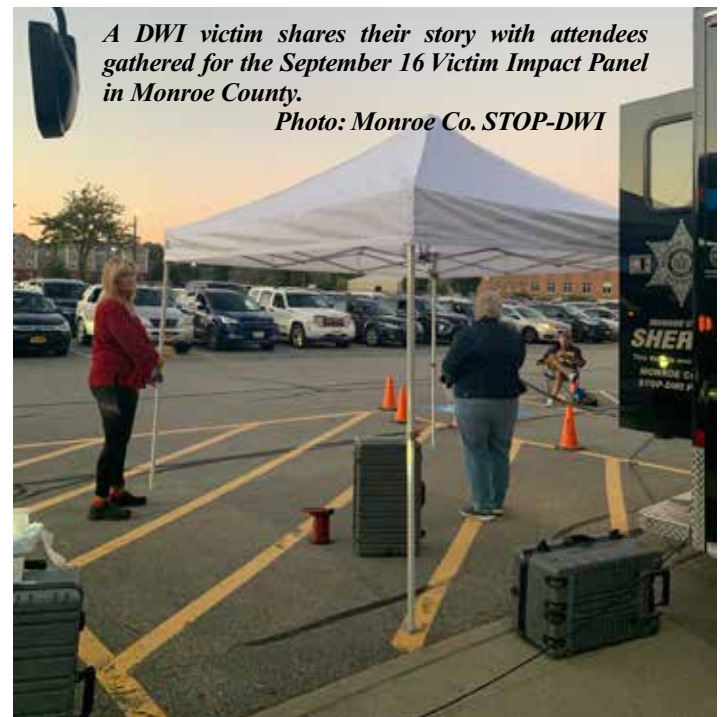
Tomidy's office works with about 16 different victims who rotate through the panel schedule. For the September 16 event attendees heard from 3 victims who had each lost a child to impaired driving,

VIP: Victim Impact Panel

and a person who drove impaired and resulted in the death of their own child. "One of the stories is from the father of Alex Rivera who died along with his best friend in a DWI crash. Another account comes from the parent of a child who was struck by a drunk driver. Panelist, Carol Preston shared the story of how her mother was killed by a drunk driver. Sarah Palermo, whose daughter was killed by a drunk driver discussed her family's tragedy. Her daughter was engaged to be married to a Monroe County Sheriff's deputy who witnessed the fatal crash. Tomidy said that the reaction by attendees is often strong. "We do an evaluation at the end of the VIP. Because of COVID, it is now electronic, but we hear how heavily impacted the defendants are in the audience, and how much they appreciate the different perspectives from the victims, things they might not have thought about when they made the choice to drive impaired."

"With the courts being shut down last year, there was a backlog of DWI cases. We had to adjust to make it safer for COVID," said Tomidy. She added that there was also the unknown factor of just how many people would be attending. "So we had to do a lot of pivoting to make things as efficient as possible." Tomidy said that her office is supported by the Monroe County Sheriff's Office and Rochester Police Department for the traffic side of the program, and the Probation Department handles many of the logistics including referrals to the program.

Tomidy praised the relationships between her office and Monroe County law enforcement, saying, "We are fortunate to have relationships with all of our local agencies for High Visibility Enforcement campaigns around the holidays so that there are extra patrols on the roads." Tomidy added, "We work very closely that with our police departments to ensure our common mission to keep our roads safe."



A DWI victim shares their story with attendees gathered for the September 16 Victim Impact Panel in Monroe County.
Photo: Monroe Co. STOP-DWI

Transforming the Police Response to the Opiate Epidemic

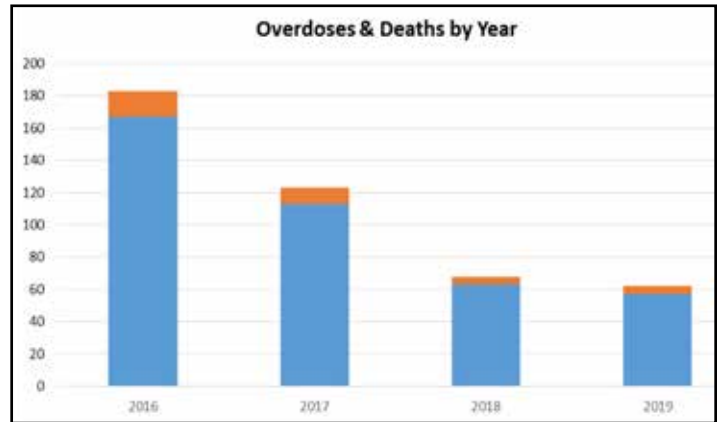
BY CHIEF BRIAN GOULD, CHEEKTOWAGA POLICE DEPT.



**Chief Brian Gould,
Cheektowaga PD**

Police officers across the nation have found themselves on the front lines of the opiate epidemic. After responding to increasing numbers of overdoses and deaths related to drug use, many police agencies began looking for new ways to protect our citizens, beyond routine drug offense enforcement. Around 2016, agencies started issuing officers naloxone and were able to respond, reversing overdoses and saving lives during the critical minutes immediately following a drug overdose.

With the help of progressive police agencies who were willing to be part of the solution, many communities saw a decreasing trend in the number of overdose deaths. Police were responding to the scenes of overdoses, administering naloxone and keeping people alive so that they could be linked with treatment providers to assist



In 2020, the number of overdoses and deaths began to increase (77 overdoses and 6 deaths in 2020). The numbers were trending even worse for 2021, with 65 overdoses and 2 deaths in just the first 8 months of 2021.

New York State Assemblywoman Monica Wallace was able to secure funding for the Cheektowaga Police Department to improve the police response. The funds were used to provide substance use disorder awareness training to members of the department, including booking room officers, dispatchers and court officers. The goal of the training was to help members of the department better understand substance use disorders and how they could help those struggling with addiction. The department also used the funding to partner with Dr. Joshua Lynch to implement the use of a program called NY Matters, in which every person arrested by the agency completes an anonymous survey related to drug addiction on an iPad during the booking process. At the end of the survey, participants are provided the opportunity to complete an on-line referral form and select a treatment provider from a list of providers who are part of the NY Matters program. Those who elect to complete the treatment referral leave the station with an appointment with a treatment provider the following day. The referral program includes the possibility of adding a telemedicine component where those who desire treatment are linked with a treatment provider who completes an initial evaluation remotely using the iPad and may be provided with a prescription for medicated assisted treatment and a voucher to pay for those medications. This new program is in the early stages of implementation and statistics are being reviewed to judge its effectiveness and identify areas where changes would improve participation.

Law enforcement officers take an oath to protect and serve. As leaders of police departments, Police Chiefs have the ability to work with different community partners to assist us in our mission to keep our communities safe. The opiate epidemic has had a tragic impact on our communities. There are many examples of successful programs from across the nation that can easily be implemented. It is our responsibility to make sure we are looking for programs that can be put into place in our departments to assist those struggling in our communities.



With the help of progressive police agencies who were willing to be part of the solution, many communities saw a decreasing trend in the number of overdose deaths.

with substance use disorders. However, like many other aspects of our society, the COVID pandemic has affected the success many communities were beginning to see.

The Cheektowaga Police Department actively responded to the opiate epidemic beginning in 2016. Officers were assigned naloxone and were dispatched to all overdose calls. Although the officers were saving lives, it quickly became apparent that more needed to be done. The same person was being revived numerous times and was not receiving any long term treatment afterward. This was creating burnout with the officers who were responding to the overdoses. The department began logging overdose calls using ODMAP, a program developed by the Washington/Baltimore HIDTA which tracked overdoses in real time, and partnered with the Erie County Health Department to link people with treatment following an overdose. The results of these changes were extremely positive and overdoses and drug-related deaths dropped significantly over the years.

Officers Recognized for Exemplary and Heroic Actions

Central New York Chiefs Ceremony Bestows Honors

On October 3, 2021, the Central New York State Association of Chiefs of Police held their annual awards ceremony, recognizing 37 law enforcement officials from throughout Central New York. Police officers were recognized for outstanding performance and heroic actions in the line of duty.

Armed Man Fires on Officers Near Busy Intersection

Two of the award recipients were Sgt. Jason Wells and Officer Kenneth Sheehan of the Syracuse Police Department. On September 4, 2020 they were summoned to a Sunoco gas station



Members of the Syracuse Police Department, Deputy Chiefs Richard Trudell, and Richard Schoff, First Deputy Chief Joseph Cecile, Award Recipients Officer Kenneth Sheehan and Sgt. Jason Wells, Chief Kenton Buckner, and Chief Steve Rotunno, President of CNYACOP

at a busy intersection in Syracuse upon a report of a man with a gun. The officers located the man who was confirmed to be armed. Officers repeatedly ordered the man to drop his gun, but the man refused. Sgt. Wells armed himself with a tactical rifle while Officer Kenneth Sheehan took an elevated tactical position as officers continued to direct the suspect to put down his firearm. At one point, the suspect opened fire on officers, striking the car that Sgt. Wells was using as cover. Wells and Officer Kenneth Sheehan returned fire, striking the suspect who later died at the hospital. Said CNYACOP President Saverio Rotunno (Chief, Cicero PD), “Officer Sheehan and Sgt. Wells worked together as a team. Their coordinated efforts resolved the situation without any citizens or officers being hurt.”

Officer Stabbed in Neck, Defends Self and Puts Down Attacker

On March 15, 2020 a radio call that began as a response to a burglary in progress quickly escalated to a life-or-death scenario. As Officer Walter Brainerd of the Syracuse Police Department (SPD) arrived on the scene at the apartment building, he was approached by a male who, without warning or provocation, stabbed the officer in the neck with a knife. Brainerd drew his firearm and fired at the suspect who then fled upstairs and out of view. Officer Brainerd was immediately tended to by fellow officers who transported him

to the hospital as his wounds appeared critical. Additional officers at the scene located the injured suspect. Police provided first aid to the suspect who later died from his injuries. CNYACOP President Rotunno lauded Brainerd’s actions saying, “Officer Brainerd’s injury was certainly life threatening, but rather than retreating to safety, he engaged the assailant, calling on his training and skills, and he neutralized the subject. The officer’s actions not only saved his own life, but likely saved others from harm.”

Officer Rescues From Frigid Waters

The next story involved the rescue of a woman from the frigid waters of the Oswego River. On December 29, 2019, Oswego Police received a report of a woman screaming from an area near



Chief Phil Cady (Oswego PD), Officer Daniel Balloni, Chief Steve Rotunno

the river. Responding patrols threw a life ring to the struggling 20-year-old woman, but she was unable to grab the ring. Officer Daniel Balloni removed his duty belt, vest, and boots and jumped into the river, swimming to the victim and pulling her head above water. Officer Balloni and the victim were pulled to shore by other officers. Both Balloni and the woman were taken to the hospital for hypothermia. Balloni was discharged, but the woman was admitted to the hospital. For his unselfish actions, Balloni was presented with the Heroic Action Award.

Woman With Dementia Saved by Team of Officers

In another incident, officers and deputies from Cicero PD and the Onondaga County Sheriff’s Department worked together to locate an elderly woman with dementia who was missing from her home. The woman was located in about a foot of water behind a residence late at night on November 16, 2020. The team of officers who were recognized with a Commendation included Deputy Jeffrey Neal, Deputy Robyn Stark, Deputy Jeffery Tomion, Officer James Kazmirski, and Officer John Cottrell. But this would not be Officer Cottrell’s only recognition of the evening.

On Vacation, Officer Saves Man’s Life

Chief Rotunno presented Cottrell with a Lifesaving Award for an incident that occurred a few months earlier while Cottrell was on



Elizabeth Cottrell pins the lifesaving award on her husband, Officer John Cottrell

vacation in Hawaii. In a letter from Cottrell's wife, Elizabeth, to Rotunno, she said, "On the morning of August 18, our family was on the beach outside of our hotel in Honolulu. We heard a disturbance in the water and multiple people yelling for others to call 911. As an elderly man was being pulled from the lagoon, John ran to see if he could help. The gentleman was unresponsive, and John assessed that the man's lungs were filled with water and that he did not have a pulse. John placed the man on his side and was able to expel the excess fluid. He then began chest compressions and was able to get the man's heart started again. According to the man's family, he was in his 70's and suffered from Parkinson's disease. We heard from hotel security a few days later that the man was in stable condition at the hospital.

Officer Enters Burning Building, Bringing Three to Safety

Three officers were recognized for heroic actions taken in the course of two separate structure fires. Village of Homer Police



Chief Robert Pitman (Homer PD), Officer Michael Howell, Chief Steve Rotunno

Officer Michael Howell responded to an early morning call of a structure fire on April 5, 2019. When he arrived, he determined

that there were still people inside the burning residence. Without hesitation he entered the building, alerting three residents and assisting them in escaping the inferno. While inside the building, Officer Howell took note of an apartment where the fire originated, and closed the door, preventing further spread of the fire. Howell, who has served with Homer PD since 2007, was presented with the CNYACOP Heroic Action Award.

Trapped By Fire, Troopers Devise Escape for Man on Second Floor

In another residential fire, Troopers David Henrie and John P. Moretti, III (New York State Police) responded to a home in the Town of VanBuren in Onondaga County, finding heavy smoke and flames coming from the residence. A deputy had arrived just



From left: Major Darrin Pitkin (NYSP), Capt. Jeffrey Raub, Trooper John P. Moretti, III, Trooper David M. Henrie, and Chief Steve Rotunno

before the troopers and evacuated one resident but told troopers that a 23 year old man was still inside, unable to escape through the fire-engulfed hallway. Troopers Henrie and Moretti promptly stacked garbage bins beneath the bedroom window where the man was trapped, allowing him to jump to the ground safely.

Hospital Police in Line of Fire Escort Exposed Civilians to Safety

It is not unusual for Upstate Medical University Hospital to go into a lockdown upon the arrival of shooting and stabbing victims in order to safeguard victims, staff, visitors, and other patients. Such was the case on July 5, 2021 as several shooting victims had arrived at the Emergency Department (ED). Officer Brian Patterson was standing by the ED entrance doors, speaking with

"This was a wonderful opportunity to recognize the efforts of law enforcement officers who performed their patrol or investigative duties and protected the community in exemplary ways." —Chief Steve Rotunno, President, Central New York Assn. of Chiefs of Police

a pastor who was part of a clergy response team summoned to counsel one of the gunshot victims. Patterson thought he heard gunfire in the distance, and then noticed that the pastor had been shot. Patterson shielded the pastor and guided him into the ED. ►

Lt. John Stefanko joined Patterson outside, beyond the cover of the hospital's bulletproof façade, escorting several subjects to safety. It was later determined that the pastor was struck by a stray bullet fired from an unknown location. For their prompt actions to protect innocent persons, Officer Patterson and Lt. Stefanko were presented with Heroic Action Awards.

Several other awards were bestowed upon other police officers at the ceremony which was held at Drumlins Country Club in DeWitt, New York with over 200 people in attendance. Chief Michael Lefancheck served as Master of Ceremonies. The Keynote Speaker was Congressman John Katko (NY-24) with additional comments by First Chief Assistant District Attorney Dominick Trunfio of the Onondaga County District Attorney's Office and Executive Director Patrick Phelan of the New York State Association of Chiefs of Police. Speaking about the ceremonies, Phelan said, "This was a great event put on by the Central New York Chiefs celebrating the heroism, courage and

compassion on the men and women of law enforcement. It was truly inspiring." CNYACOP President Steve Rotunno said, "This was a wonderful opportunity to recognize the efforts of law enforcement officers who performed their patrol or investigative duties and protected the community in exemplary ways." Rotunno expressed his utmost gratitude to the sponsors who made the awards event a success: Adam Weitsman of Syracuse, NY; United Radio of Syracuse; Table Sponsors: Camillus Police Benevolent Association, Cicero Police Benevolent Association, Fraternal Order of Police Local 315, Lewis Uniform, New York State Police, Troop D, Onondaga County Deputy Sheriffs Police Association Inc., Oswego Police Benevolent Association, Summit Federal Credit Union, Syracuse Police Department, Syracuse University Department of Public Safety. Individual Award Sponsors: Geddes Police Benevolent Association, New York State Police Trooper Foundation, and the Village of North Syracuse Police Benevolent Association.

Time to Reengage Traffic Efforts

BY RAYMOND DAVIS, CHIEF OF POLICE (RET.), EGG HARBOR TOWNSHIP, NJ POLICE DEPARTMENT;
REGION 2 LAW ENFORCEMENT LIAISON ON CONTRACT TO NHTSA

Reducing motor vehicle crash deaths was one of the great public health achievements of the 20th century and good news for communities across the United States; however, these downward trends have suddenly been reversed. Preliminary data from the National Highway Safety Administration (NHTSA) shows fatalities in 2020 are up more than 7%, compared with 2019. This dramatic increase in roadway fatalities is the most significant surge since 2007. The increase occurred even though the total vehicle miles traveled reportedly decreased by 14%. Preliminary data for the first three months of 2021 show the increase in fatalities rose another 10.5%, while vehicle miles traveled decreased an additional 2.1%. These increases come as traffic stops and citations have decreased dramatically. Recent data reveals a traffic enforcement decline of more than 50% in some states.

With the health and safety of law enforcement officers being paramount, the reduction in enforcement activity during the COVID-19 crisis is understandable. Another concern, which compounds the pandemic effects, is the continual negative narrative towards law enforcement. Law enforcement is most effective when its authority is recognized, supported by the community, and followed willingly. Demonstrating competence, which is recognized and appreciated by those served, is a behavior that can increase law enforcement effectiveness.

Many dedicated officers work to reduce deaths and injuries from traffic crashes. Their efforts can immediately and positively affect traffic-safety management of **education, engagement, enforcement, and equity** efforts.

Educate the public on traffic crashes and their causes by using ready-made materials such as *Products for Enforcement Action Kits (PEAK)*. These media kits, along with other materials, are available on the NHTSA website (TrafficSafetyMarketing.gov). In addition, many State Highway Safety Offices have similar personalized materials available.

Engage the public through diverse groups that are representative of your community. Law enforcement can positively affect traffic fatalities and injuries by developing equitable partnerships with community coalitions and support from traffic safety advocacy groups. Your state highway safety office, AAA, MADD, and law enforcement traffic associations are great resources. Another resource is the law enforcement liaisons (LEL) at the state and regional levels. Each NHTSA region has a Regional LEL who can provide information regarding helpful resources for your jurisdiction. Each state has an LEL structure that is also ready to assist law enforcement. You can find contact information for your state on the National Law Enforcement Liaison website at www.nlelp.org.

Enforce violations that lead to crashes by utilizing your agency's data to identify crash contributing factors. The Data-Driven Approaches to Crime and Traffic Safety (DDACTS) model was recently updated to consider contemporary topics with a focus on changing behaviors that lead to crashes.

Ensure your actions are equitable with updated training on new innovative strategies that consider all community members' protection, quality of life, and economics. One example is the "Lights On!" program that replaces the issuance of a ticket with a repair voucher instead. Also, a good resource is IACP's Traffic Safety Resource Guide which contains new initiatives and best practices for today's environment.

A reengaged, professional, competent law enforcement presence that provides a safe environment is desperately needed. The majority of the public trusts and relies on law enforcement and supports traffic safety efforts. Each current law enforcement officer can change the narrative and instill trust by stemming good resource g the rising tide of death and injuries through their demonstrated behavior. Don't let them down; take action to save lives and prevent injuries.

NYSACOP Board Member Promoted to Chief

Witnessed Changes and Challenges Over 30 Years



Michael Woods
Chief of Police
Town of Colonie, NY

A seasoned police officer will bring years of ‘from the ground up’ professional experience and life lessons with him to the Chief’s office. Michael Woods was promoted from Deputy Chief to Chief of Police for the Town of Colonie in August. The man who aspired to be a police officer from a young age has attained that goal and more. He is quick to credit others who have helped him along the way, beginning with his father who raised him and his two older brothers after their mother died at a very young age. “My father was one of those guys who said, ‘do the right thing, help people out when you can, and just be a good person’,” said Chief Woods. “I always thought that police officers were honorable. I held them in high regard because of what they did. They helped the community, sacrificed a lot, and put their lives on the line for people they don’t know.”

Woods credits those who came before him developing a department with a sterling reputation. He is also grateful for the community partnerships that the police department enjoys, including the school district, religious institutions, and other

community groups. Chief Woods said that Colonie Police are also fortunate to have great support from the town supervisor, town board and community leaders. “They make public safety a priority and that helps us in the police department,” said Woods.

During the year prior to his promotion, Woods had been handling both the administrative and operational sides of the department of 115 sworn officers when another deputy chief retired just prior to the pandemic. Speaking about that experience, Woods said, “It was good for my career development, handling both sides of the department.”

Challenges

Discussing the challenges facing police today, Woods said that the events of the past 18 months have been one of the most trying times in the history of law enforcement. “There’s a lot of false narrative out there about the police. We were beat up a lot in the media.” Woods believes that the rhetoric is not representative of most people’s feelings about law enforcement, adding that officer morale is critical. The new chief takes every opportunity to inspire those who work with him. “When I attend briefings and trainings in my department, I pass along this message - the vast majority of people want us, respect us, and like us. They want us there,” says Woods.

Recruitment is a continuing initiative for Colonie Police, regularly hosting an open house and bringing career information to local colleges and religious institutions. Asked about the nationwide trend of increasing police retirements and recruiting difficulties, Woods said that based on a recently held civil service entrance examination, the number of applicants who turned out is about the same as prior years.

Violence against police is a growing concern, spurred by violent protests nationally in 2020. “In my 30 years, this has been the most difficult time in law enforcement history,” said Woods. “It’s far more dangerous now, there’s more noncompliance because it has become accepted that you can fight the police.” But when things are at their worst, Woods draws upon the tenets of his upbringing saying, “One of the things that I learned from my father is that you’ve got to stay positive. We have to get through these difficult times, lean on each other, and things will work out in the end.”

Changes

The Chronicle asked Chief Woods how the job of the police has changed over the course of his 30 years. “I’ve always said law enforcement is the one profession that adapts and changes on a yearly basis and we do a good job at it,” he said. “Over 30 years, the training has gotten better and more diversified. Agencies are doing implicit bias and de-escalation training, we train with mental health and elder care professionals, and we make sure that officers are trained to deal with persons with special needs,” Woods added.

WHY I BECAME A COP

Mike Woods cannot point to a particular incident or conversation that made him decide to become a police officer, but he said it was an ambition from a very young age. Woods took police examinations while attending college. He tested for NYPD, the New York State Police, and Colonie PD. He was called by NYPD to complete pre-employment testing, but when he got the call to start the police academy, he declined, having promised his father that he would first complete his college education. Woods remembers that when he completed his degree program at the University of Albany, graduating with a major in sociology and a minor in criminal justice, his advisor asked him, “What do you plan on doing with your degree?” Woods answered, “I want to become a police officer.” Woods said that, at that time, only a high school diploma was required to become a police officer in most agencies. He remembered his advisor saying to him, “You have a four year degree, why do you want to be a police officer?” Chief Woods has no regrets, and is proud to be leading the agency which he aspired to be a part of since childhood.

Another example of change, said Woods, is a focus on officer wellness. “Years ago if an officer saw something bad and it really affected them mentally like post-traumatic stress, you sucked it up and moved on. That’s not the case anymore.” Chief Woods is proud



Pictured: A younger Woods conducting a traffic stop in Colonie. He says that today’s officers face more challenges and scrutiny than when he was a street cop.

Photo: Colonie PD

that his department established a program to provide a resource to officers when they need a trusted colleague who can listen to them. He said, “About 10 years ago we started a peer support team here because we had an officer-involved shooting and we realized we had no resources for the officer. We sent our folks to training, and after a year or two and it was getting used often.” Woods urges that other departments should consider similar programs if they have not already done so. “Officer wellness should be a priority for every department. We’ve expanded it so that when we have a critical incident we include our dispatchers, fire and EMS,” he added, noting that all of the emergency services in Colonie have used the peer support program which has been met with acceptance.

Reflecting on how the job has changed since Woods first started in 1991, he said, “We didn’t have computers in the cars; we had radios and paper maps. We didn’t have cell phones. People weren’t taking pictures of us every time we turned around.” When he talks to young officers today, Chief Woods tells them their job is tougher than when he was a young patrol officer. “If you told me 30 years ago that we would have elaborate camera system everywhere, computers

in cars, drones, and infrared cameras, I would thought something was wrong with you,” Chief Woods said. But, he said, technology has also helped police to enhance services. An advocate of law enforcement training, Woods said that the principles and tactics of various police trainings have changed in recent years in critical areas such as defensive tactics and use of force, adding, “That’s why it’s important to stay up to date with training.”

Benefits of the Chief’s Association

Chief Woods is not only a member of the New York State Association of Chiefs of Police, he sits on the Board of Governors representing the counties of Columbia, Greene, Schoharie, Albany, Rensselaer, Schenectady, Montgomery, Herkimer, Fulton, Saratoga, Washington, Hamilton, Warren, Essex, St. Lawrence, Franklin, and Clinton Counties. He said, “Being part of the Association and sitting on the Board for the past 2 years is probably the best thing that’s happened for my career. When you sit in a room and listen to chiefs who have more time on the job, you gain a lot of knowledge and appreciation for what they’ve gone through.”

Teamwork and Trust

Woods said that a career in law enforcement was his calling. “I’ve coached Pop Warner football for 15 years, and coached the past 8 years at our local high school. I think police work is so much like being a part of a sports team. It is a team concept and you need the people around you to work together for a common goal, otherwise you’re not going to have success. We at Colonie PD are successful because we are a team.” Woods said that he often gets calls from people praising the work of his officers, which he quickly passes on to his Sergeants. “I tell my Sergeants, that’s not because of me, that’s for you – our first line supervisors,” said Chief Woods, adding that it is critical to the professionalism of the department and delivering quality services to the community. “If you don’t have good first line, you’re not going to have a good police department – that’s the foundation of your department.”

Speaking about how quickly things have changed nationally and statewide such as bail reform, the pandemic response, police reform, Woods said, “We’ve seen a lot of ebbs and flows – but we’re the one profession that adapts to change quickly. We change our training, our policies, and we’re pretty good at it.” He added, “The message I passed along to the troops is – we’re going to get through this, we’ve got your back. This is not an easy time, but we’ll get through it. When the dust settles we’re still going to be standing and people will be looking for us, and that’s what they’re doing now, people are looking for us to do our job.



@nysacop

Courageous Efforts in the Niagara Rapids

NYSACOP Recognized Heroism of Two Officers Half a Century Apart

The beauty and majesty of Niagara Falls can easily be overshadowed by its danger. The treacherous torrents have claimed many lives - accidents, suicides, and thrill-seekers. For



Pond5

first responders who work this area, they know the incredible power of the Niagara rapids and the risks associated with any water rescue.

In November 2019, a man flailing in the Niagara River slipped past a water rescue team when Major Clyde Doty of the New York State Parks Police intercepted the man bringing him to safety (see previous story in the September 2021 edition of *The Chief's Chronicle*) For his bravery, Doty received the Chief Thomas P. Reilly Memorial Medal of Honor at the annual conference of the New York State Association of Chiefs of Police (NYSACOP) in July 2021. But this was not the first time that a police officer was recognized by NYSACOP for an incident at Niagara Falls.

At the 1969 NYSACOP conference, Patrolman James McNeil of the then-called Niagara Frontier State Park Commission was lauded for his rescue attempt not far from where Major Doty would rescue a man 50 years later. The details were unearthed from a NYSACOP transcript from that time:

On May 16, 1969, McNeil was on duty along the footpath on the Niagara River when he observed a 59-year old female also walking on the path. According to the NYSACOP citation from 1969, "... without showing any indication of anything unusual, she walked off the path around the end of the guardrail and without hesitation stepped over the bank and into the river." The citation continued, "Officer McNeil ran to the bank and jumped into the water which travels at an estimated average of 18 miles per hour, all in an attempt to rescue her." McNeil was unable to find the woman, and struggled to make his way back to shore. It was presumed that she had been swept over the falls. Officer McNeil was recognized in 1969 for his "display of courage with no regard to his own safety, bringing luster and honor to himself and his fellow officers and all those whose



The body of a 59-year old woman who, a coroner said, was swept over the American Falls May 16 despite a policeman's rescue efforts, was pulled from the Niagara River Sunday night (May 25, 1969) about seven miles below the cataract.

Coroner Oscar H. Bell Jr. said Mrs. Marion Vaine, a Buffalo State Hospital patient, was identified through nametags on her clothing. She had been missing from the institution for several hours, he said.

Four boys in a boat found the body floating about 500 feet offshore, Niagara County sheriff's deputies said.

Bell said a Niagara Frontier State Parks policeman saw the woman enter the rapids above the falls and waded in after her but could not reach her because of the swift current.

Adirondack Daily Enterprise; May 26, 1969

lives are dedicated to the protection of persons and property." Chief Joe Musgrave (Niagara Frontier State Park Commission) was present with McNeil when the award was presented by NYSACOP President Warren D. Keller (West Seneca PD). McNeil's family was also in attendance, including his wife, mother, and a contingent of fellow officers from the Niagara Frontier State Park Police. McNeil was presented with a certificate and an engraved gold watch.

About three weeks after the rescue attempt it was reported that the woman's body was recovered about seven miles from the falls. She was identified by clothing tags and was determined to have been a patient at the Buffalo State Hospital from which she had been reported missing.



DFI Director Recognized for Lifetime Achievement



Owen McShane
Director of the Division of Field Investigation
New York State Department of Motor Vehicles

Safety Award. Throughout his career McShane has experienced a number of changes, particularly in the area of technology. And while criminal enterprises have taken advantage of technology in the forgery of documents, DMV also leveraged technology to help identify law breakers and bring them to justice. Whether it involved the detection of impersonations to prevent terrorism, public carriers with multiple identities, or other document fraud and identity theft, McShane and his team have seen it all.

Preventing Identification Fraud

In a recent interview with *The Chief's Chronicle*, McShane reflected on one of his unit's enforcement initiatives following the attacks of September 11, 2001. "The month after the 9/11 attacks, I was brought to the Governor's office with the State Police Superintendent and DMV Commissioner and we had a discussion about the 19 hijackers who collectively had 54 valid driver licenses. None of them were New York State driver licenses, but the governor wanted to make sure that we were doing everything to ensure it would not happen here." DFI and State Police began a task force in New York City. Said McShane, "We were physically in those DMV offices and we made 90 arrests in the first month we were there." The mission did not end with an arrest at a DMV office, though. "Our goal was not just to arrest John Smith, but to find out where John Smith bought his documents. In first year we shut down 14 document mills," said McShane, adding that they continued to identify and shut down additional document mills in subsequent years. Shipments of counterfeit documents were traced from Mexico, with parts of the New York State shipments being sent to Chicago, Seattle and Los Angeles.

Multiple Identities

In 2004, recognizing that there was a problem with false identities involving New York City taxicabs and limousines, DFI set their sights on rooting out fraud with for-hire drivers. Director McShane said, "We found that, in order to get a taxi or limousine license you had to be fingerprinted. But there were more than 1000 taxi drivers who we found already had a taxicab license under a different name." The investigation, dubbed Operation CabCom, resulted in the arrest of over 800 New York City taxicab drivers who were maintaining more than one license. McShane explained the scam: "Many of them would keep one license pristine, and they would have a second license that they would get all their tickets on." The "clean" license allowed drivers to show a better driving history when they interviewed for a job or needed to produce a cleaner record for a court. In the event the substitute license used for tickets was suspended or revoked, McShane said the driver would get another identity and license all over again.

WHY I BECAME A COP

There was a surge of auto theft in New York City and I was hired for a new unit that would be dropped in to investigate organized crime involving auto theft in New York City, and I spent my first three years in junk yards and dealing with organized crime families. We seized multiple junk yards and made some pretty significant cases in Brooklyn, Queens, and Long Island involving a lot of high-end stolen cars. I went to college for criminal justice and during my junior and senior years I took police exams and did well. I got job offers to go with the State Police but I would have had to quit college, and declined. When I graduated, I worked as an insurance investigator for a short time, but then the first law enforcement job available was as a DMV Investigator. When I got called by the State Police I had been already promoted to Senior Investigator and was working a great schedule. I decided to stay where I was and it worked well for me. I had a lot of good influences growing up, family friends who were police officers in the State Police and other agencies. When I expressed interest in law enforcement they encouraged me. When I was in college a family friend who was a Lieutenant with the State Police brought me to his barracks and showed me around. It had a profound impact.

Facial Recognition Technology Enhances Identification Integrity

A few years later, the noose tightened around those who were gaming the system when DMV implemented facial recognition technology. “When we went live with facial recognition in 2010 we identified several taxi and limousine drivers with multiple records. They would lock up their hack license, and drive around using a non-driver ID. When they got stopped, police would give them a ticket for not having a license rather than the primary reason for the stop,” said McShane, adding, “So when we shared that with NYPD, the next time a taxicab driver presented a non-driver ID, they got arrested, we learned their alias, and they got charged with everything.”

McShane said that through facial recognition, DMV identified 36,000 individuals with two or more identities.

The Man with Four Identities

McShane recounted one of DFI’s most interesting cases as a man with four valid New York State driver licenses, each with a valid

social security number. “When we started looking into it, we found he was a naturalized citizen under all four identities,” said McShane. “He immigrated in 1998 under an Egyptian passport. It was determined that the summer camps he attended as a kid put him on the terrorist watch list. He returned to Egypt from the United States, and then flew back here 6 months later with a different passport, a different name, and a different birth certificate. He applied for U.S. Citizenship and indicated that he had a religious objection to being fingerprinted. He was naturalized as a U.S. citizen, and it worked. A year later he repeated the same trip, and then did it a fourth time, becoming a citizen. The last three he did without getting fingerprinted,” said McShane. “We identified him through facial recognition and arrested him. We worked with Immigration & Naturalization which revoked his citizenship and deported him from the country. They changed their procedures so that there is no longer an exemption from being fingerprinted,” he added.

A National Model for Fraud Detection

Because of all the work that DFI had done under McShane’s leadership concerning the detection of fraudulent documents, he was asked by the American Association of Motor Vehicle Administrators (AAMVA) to create a national training program. McShane worked with AAMVA staff to create the Fraudulent Document Recognition Program which has since been adopted by all 50 states, territories, and all the Canadian provinces as a resource guide in how to identify counterfeit documents.



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RAMAPO POLICE CHIEF WRAPS UP 40 YEAR CAREER

Chief Brad Weidel Discusses the Challenges and Memorable Cases of His Career

BY: CHIEF/RET. MARK A. SPAWN



Chief Brad R. Weidel
Ramapo Police Dept.

Any police officer can share certain stories from the job that will stay with them forever. Tales of challenge, sorrow, and frustration. Police Chief Brad Weidel said that he will never forget the horror of a machete attack on a rabbi and his guests, the complexities of dealing with a pandemic, and dealing with anti-police rhetoric. And he will long remember the success of the rescue of a kidnapped teenage girl who was saved because of an AMBER Alert which Weidel set in motion.

His law enforcement career spans more than 40 years beginning with the Rockland County Sherriff's Office in 1980. One year later, Brad Weidel transferred to his hometown Ramapo Police Department. He ascended through the ranks to Sergeant (1987), Lieutenant (2003), Detective Lieutenant (2004), Captain (2010), and he was named Chief of Police in 2016. On June 11, 2021, Weidel wrapped up his career in policing having witnessed a number of changes, challenges, triumphs, and tragedies. For the past 5 years, Chief Weidel has overseen the Rockland County department consisting of 100 sworn officers and 25 civilian staff. During his tenure he oversaw the agency's Law Enforcement Accreditation program and attended the prestigious FBI National Academy.

The Challenges of COVID

Weidel said that one of the most challenging times for him as a police chief was dealing with COVID and the constantly changing guidelines while trying to keep his department healthy and safe. There were also the pressures put on law enforcement from elected officials who wanted the police to take action against persons who did not comply with distancing or mask mandates. "We pushed back very hard as an agency when people would report those not wearing masks or having a public gathering, I really struggled with a lot of the edicts that the governor put out at the time." Weidel said that rather than being enforcers, he and his department worked to educate residents about mask usage, including outreach to businesses where officers would leave a supply of free masks. "We tried to respect everyone's constitutional rights. But there were some rough days during COVID where our department was put in the middle of some absolutely untenable situations whether it was a religious gathering or kids in a park without masks, it was crazy." Knowing that enforcement was not the answer to getting compliance from his community, Weidel said, "I told my cops, this

thing is going to end and I don't want people to be all upset with law enforcement. We have good community relations here, we work together wonderfully. To go out there and be the bad guys? No."

Backing Up His Officers

One of Chief Weidel's observations during the summer of 2020 when police were under the microscope and subjected to one-sided critiques, he noticed that there were confrontations in the national news where officers were sometimes scapegoated under

"I still feel that police administrators need to stand up and defend the profession and the men and women who work for them."

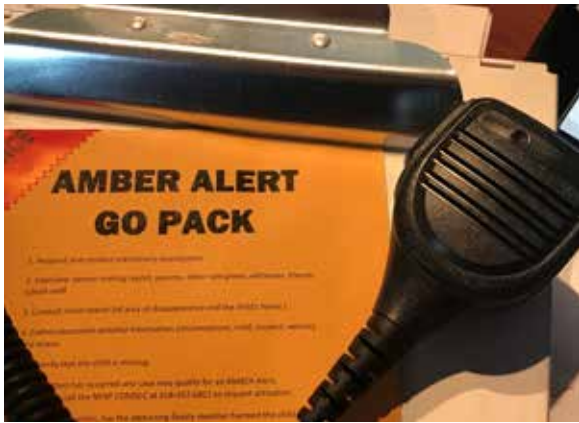
pressure from officials, community groups, news media, and social media. Weidel said, "I still feel that police administrators need to stand up and defend the profession and the men and women who work for them." Weidel's philosophy in examining any incident is straightforward, "Don't rush to judgment, and give everybody due process. No pandering," he said.

Weidel remembered that even during public meetings while discussing police reform, he found some of the arguments misplaced, with some arguing for changes because of the dynamics in other parts of the country. He said, "I don't want to hear about Ohio or Michigan – you tell me what problem you have with our agency. I'm not here to change policing in Kentucky." The chief said that when he challenged people to identify specific issues with Ramapo PD that needed to be addressed, he said, "They couldn't do it."

Weidel said he is certainly not opposed to the changes or reforms that some people were asking for, but he also noted that his agency had an external evaluation of its policies and practices in 2004. He said, "We are following the professional guidelines expected of a professional accredited agency in this state – all of the guidelines pertaining to training and use of force."

Memorable Case: the Rescue of a Kidnapped Girl

It was April 2006 when a teenage girl was snatched from the front yard of her home just after she got off the school bus. Three abductors had awaited her – their plot: a kidnapping for ransom, believing that the girl was from a well-to-do family where they could easily extort a sizeable fee. A neighbor witnessed the incident, writing down a license plate number which was provided to police. Weidel was Detective/Lieutenant at the time and activated the AMBER Alert. "I had just come from a state training where we were instructed about how to make an activation, and this was one of those situations," said Weidel. But as police deployed a dragnet throughout the community, there were no sightings. Weidel described how seconds felt like minutes, and minutes like hours, as a sense of angst and desperation became increasingly apparent. ►



The break in the case came just after the 5:00 PM evening news which began with the AMBER Alert. A Ramapo resident recognized a similar vehicle in the backyard of the apartment complex where the resident lived. She called 911, and police confirmed the plate number provided by the original witness. Police surrounded the house and checked the vehicle, finding their 13-year-old victim still inside – and alive. Weidel remembered, because of where the car was situated, patrols were unable to see it from the street, and it

was also obscured from aerial view despite helicopters assisting in the search. “This is what the AMBER Alert is all about – getting the information out there so that you have the eyes of everyone helping to locate your victim.” One of the resources that Weidel put together before the kidnapping and after attending AMBER Alert training was a “Go Pack” – an envelope with only the basic information, authorization forms and the hotline number to launch an AMBER Alert. Said Weidel, “We still use the AMBER Alert packet – it’s in the boss’s office and car. That idea is still there and thankfully hasn’t been used since 2006, but it was ready to go that day. It’s one of the things that I have left behind.” The retired chief thought back on the incident, saying, “I often wonder what she’s doing today. And the fact that she’s doing anything is because of an AMBER Alert. Having a system in place, the training, you think about everything that had to come together so that she could go on to do whatever she wanted.”

[Listen to a NYSACOP interview with Det. Lt. Weidel, originally recorded in 2009 at nychiefs.org – click on *APB Podcasts*]

Horrific Attack on Hasidic Community

Another case that is etched in the former chief’s memory is the December 2019 machete attack at a rabbi’s home in Ramapo. Weidel described that the rabbi lived next door to his synagogue when Grafton Thomas forced his way inside the home and began attacking people with an 18-inch machete. Weidel remembered, “It was the last night of Hanukkah and this guy came in, attacking people as fast as he could.” The suspect fled but was soon apprehended, thanks to a witness who provided a license plate number of the assailant’s vehicle. One victim died from head injuries a few months later. “Unfortunately, he (the suspect) has a mental issue and I don’t know if he will ever face criminal court,” said Weidel who added that the case became a federal hate crime. Weidel said that Thomas remains in federal custody to this day.

Criminal Justice Reforms

Former Chief Weidel said that one of the challenges in recent years was getting the public to understand the impact of some of the dramatic legislation that was evolving. “In 2019 the Rockland County Sheriff, District Attorney-elect, and myself made a tour of the county, attending public meetings and we talked passionately about our concerns with bail reform. Weidel said, “It is one of the worst pieces of legislation that was ever passed because they did not consult the professionals who deal with this day in and day out – the cops.” He continued, “I really believe, that if our elected officials in Albany had taken the time to sit and listen to law enforcement, maybe they could have avoided some of the mistakes that they made. They were hell-bent on passing this, and that was it. It was disheartening to see people getting arrested and being immediately released.” Asked about an example from his own community, Weidel quickly recalled one incident, saying, “Right out of the gate, we had a serial burglar and he was breaking into religious institutions, stealing money from the poor box. He was killing us. We tracked him down, locked him up, and then he was released. Within hours he’s back to breaking into places. So we charge him again, he flees, and then there’s a warrant for him. It was ridiculous.” The former chief said that it was improper to leave out criminal justice practitioners from the debate, saying, “Nobody was opposed to discussing reform, but we were never consulted. And we are one of the key components of the criminal justice system. And never should judges have lost their discretion to put people away who were violent.”

WHY I BECAME A COP

When I started out I wanted to be a meteorologist. I enjoy the weather, I still do. I joined the local ambulance youth corps at age 16. I really got a charge out of going to emergencies and helping people out, and I got the ‘police bug’, I started liking law enforcement. My Dad was a state parole officer, and I said, ‘I think I want to become a cop.’ My mother and father were very supportive of it, and I went for it. I decided I wanted to be a cop in the town I lived in, which was Ramapo. I really enjoyed being involved and assisting in resolving emergencies, helping people when they were hurt.

Advice to Police Administrators

Former Chief Weidel is passionate about standing up for his officers. While national headlines and rhetoric over the past year were often critical of law enforcement, Weidel reminded his officers and staff, “Always remember, we are the good guys.” His advice to other chiefs, “If you’re going to take the job, you should

“If you’re going to take the job, you should be willing to speak up on behalf of the profession, defend it, don’t cower against those with a different agenda..”

be willing to speak up on behalf of the profession, defend it, don’t cower against those with a different agenda. You need to push back when it involves public safety.” Weidel said it becomes even more important to have the backs of our cops as we witness rises in crime in our cities. “Especially with the rise in violent crime. I think you’re obligated to do that. I can look in the mirror and say I tried my best to educate the public about what I perceived to be serious problems with bail reform and criminal justice in general. And I did. I wish

more police administrators and police organizations would be more vocal about what we do to keep communities safe. When somebody puts out disparaging things about law enforcement there should be a response. We should not just sit there and take it. Knowing that we have to remain neutral and be professional, that doesn’t mean that we have to allow people to disparage us.” He concluded, “I think that when the men and women of our departments are attacked wrongly, you’re obligated for the good of the profession to say something. You don’t get to throw a rock at me and walk away.”

The Next Chapter

As for former Chief Weidel’s plans for the future, he said he would like to lobby on behalf of law enforcement or work with municipalities with employment matters. “I would not mind assisting municipalities when it comes to grievances, improper practices, and employee misconduct. I’m very strong in those areas and in dealing with unions.” The former chief said that his background in both investigations and administration can be an asset when it comes to dealing with issues involving civil service, and employee misconduct.

Rye Brook Honors Officers



Chief Gregory Austin (far left) pictured with officers of Rye Brook PD recently recognized for various acts of meritorious service. Photo: Rye Brook PD

Having been sequestered by COVID restrictions for more than a year, Rye Brook Police were finally able to recognize officers for a variety of meritorious work at a September 28, 2021 event. Chief Gregory Austin (Rye Brook PD) said that this recognition was a long time coming. “Presenting awards like this cannot be done virtually. It is important to present these awards at a public meeting,” said Chief Austin. The awards covered various acts from June 2018 to April 2021.

Officer’s Exceptional Memory Nabs Larceny Suspect

Sgt. Eric Dangler was recognized for his alertness in solving a larceny that occurred from a CVS Store. At the time of the theft, he was

provided with a partial license plate number and description. Three months later, he observed a similar vehicle, and the license plate was consistent with the original description. Dengler stopped the car and interviewed the occupants. A passenger confessed to the larceny and was arrested.

Online Fraud Interrupted

In today’s virtual marketplace, it is not unusual that people are scammed by impostors intent on defrauding others of money or property. Such was the case in October 2020 when Officer Christian Delarosa was dispatched to a call where a citizen discovered that the \$12,000 necklace that he sent to a potential buyer was a scam. ►

As many in law enforcement know, attempts to intervene once such a shipment has been made are often futile. But Delarosa promptly contacted the shipping company and found that the package had not yet been dispatched, and was able to recover the property.

Recovered Knife Later Linked to NYC Homicide

During a pat down of a suspected car thief on March 2019, Officer Michael Caridi retrieved a kitchen knife from the boot of the suspect. Although the vehicle owner did not press charges, Caridi impounded the knife to the Rye Brook PD property room. In September 2019, more than 6 months after the stop, Officer Linda Dekonski read an NYPD bulletin about a homicide in the Bronx. According to the bulletin, the suspect told NYPD that knife, which was a murder weapon, was taken by a Westchester County police agency. Dekonski recognized the name and connected the dots. The knife was turned over to NYPD. Caridi and Dekonski were recognized for their actions which assisted in the case against a murder suspect.

Officers Intervene in Domestic – Recover Gun

In October 2019, officers responded to a domestic occurring at a local hotel in Rye Brook. When they arrived, the hotel room door was locked, but they could hear an obvious struggle inside. At one point, the female victim was able to get to the door and unlock it for officers. As Officer Paul D'Amore and Detective Dan Bruno entered, the female yelled that the man had a gun. Officer D'Amore deployed his Taser on the suspect and the two officers took the man into custody. Upon searching the room, they recovered a handgun under the bed.

In other incidents, Detective Marc Rampolla was recognized for his persistence in investigating a series of burglaries, car thefts and larcenies which, although they did not result in an arrest for a Rye Brook incident, did help to build criminal cases for other

police agencies. Officers were also recognized for the teamwork which resulted in the arrest of burglary suspects. During the afternoon of September 24, 2019, a local resident arrived home

“As a small police department, we must wear many hats, and the officers are often called upon by the public to do a wide variety of tasks. They never say no, and always go above and beyond what is expected of them.”
—Chief Gregory J. Austin”

finding people running from the inside of her home to a waiting car. The victim called Rye Brook police and gave a description of the suspects and car. It was also discovered that the victim's home had been ransacked. Because of the radio bulletin about the suspect vehicle, Westchester County PD stopped the suspect vehicle on the Hutchinson River Parkway. Suspects were brought back to Rye Brook for a show up and were identified by the homeowner. Officer Aaron Weiss, Det. Dan Bruno, Officer Linda Dekonski, and Officer Paul Osterman (Westchester Co. PD) were all recognized for their roles in the investigation and apprehension of the burglary suspects.

Chief Austin said he is proud of the work performed by the men and woman of the agency he leads. “As a small police department, we must wear many hats, and the officers are often called upon by the public to do a wide variety of tasks. They never say no, and always go above and beyond what is expected of them,” said Austin, adding that the public visibility of ceremonies like this are important in keeping the community informed. Chief Austin added, “Many residents have no idea that these incidents even occurred, so I wanted to present them at a public meeting to recognize these officers for their good work.”



**Do You Have an
Innovative Program?
Let Us Know...**
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Hiring Standards and Decertification Reporting

Important News for New York State Police Executives

In October, Deputy Commissioner Michael R. Wood of the New York State Division of Criminal Justice Services issued a memorandum to New York State Police Executives about two particular provisions of the New York State Professional Policing Act of 2021. The memo distills the essential parts of various law changes impacting the hiring and decertification processes. Toward the end of this article is an advisory about amendments proposed to certain regulations: 9 NYCRR Part 6000 and Part 6056, published in the Department of State Register on October 20, 2021 for public comment. For New York State police leaders, this is your opportunity to be heard on the proposed amendments. The sections are available on the DCJS website main page <https://criminaljustice.ny.gov> under 'What's New'.

On April 19, 2021, the "New York State Professional Policing Act (PPA) of 2021" was signed into law effectuating revisions and updates to numerous statutes in relation to the policing profession. Among several statutory changes, the PPA includes amendments to Executive Law (EXL) §§ 840, 845, General Municipal Law (GML) §209q, Civil Service Law (CSL) § 58 and Criminal Procedure Law (CPL) § 1.20(34) that will directly impact hiring standards and decertification reporting effective October 16, 2021.

Hiring Standards

Amendments to Executive Law §840(2) and a new (2-b) directed the Municipal Police Training Council (MPTC) to establish minimum hiring standards for all new hires. Impending changes to Part 6000 of Title 9 of the Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR), codify requirements for all municipal police employers as it relates to background investigations and psychological standards under 9 NYCRR §§6000.10 and 6000.11, respectively. Again, these changes are effective October 16, 2021.

Pursuant to 9 NYCRR §6000.10(a), the appointing agency shall ensure a thorough background investigation is conducted by an experienced investigator to determine the candidate's moral fitness for employment as a police officer. The background investigation procedures set forth in paragraph (b) shall include, but not be limited to:

- Comprehensive application and personal history statement;
- Fingerprint-based criminal history check;
- Review of information from family members, DMV, and others etc. as outlined in Section 6000.10(b)(3);
- In-person interview; and
- Search of the Central State Registry of Police and Peace Officer (Registry) and the National Decertification Index (NDI).

Further, 9 NYCRR § 6000.11(a) requires each candidate to be evaluated by a qualified psychologist or psychiatrist to determine whether the candidate is psychologically fit to perform the essential functions of a police officer. The psychological assessment must include the following:

- Screening for psychopathological disorders, personality characteristics, and substance abuse problems;
- Use of validated written tests;
- Required interview process [9 NYCRR § 6000.11(b)] and
- Psychological assessment report and recommendation.

An employer can choose to exempt a candidate from the psychological assessment if they possess a valid police training certificate pursuant to GML 209-q.

Please be advised any hiring process that commences on or after October 16, 2021, subject to Civil Service Law § 58, Criminal Procedure Law §1.20 (34) and Executive Law §840, must satisfy all of the abovementioned hiring standard requirements. All employers will be required to attest to compliance on the new DCJS Police Officer Registry Entry Form



Division of Criminal Justice Services

– **Certification of Initial Employment (2214a) available here:** <https://drive.google.com/file/d/10SalQF7RnnNJdEr4Eiiz7CReDIVr3G0/view?usp=sharing>.

In order to conduct a search of the Registry, an agency must provide the candidate(s) full name, date of birth and last four digits of their social security number to the following email address: ops_registry.record.search@dcjs.ny.gov.

Additionally, the following web link provides information on police and peace officer decertification; including an excel document updated monthly that contains decertification data as reported to DCJS by employers: <https://www.criminaljustice.ny.gov/OfficerDecertification.htm>.

The data contained on the spreadsheet is reported to the NDI. For access to the NDI, please submit your request by utilizing the following link: www.iadlest.org/our-services/ndi/request-ndi-access.

Decertification Reporting

Statutory amendments included in the PPA made significant changes to the decertification process with an eye toward enhancing decertification standards. 9 NYCRR Part 6056 has been amended to reflect those changes as follows:

- Section 6056.2(h)(1): redefines removal for cause based on clearly defined conduct;
- Section 6056.7: authorizes the DCJS Commissioner to correct any material inaccuracies reported by an employer after providing an opportunity to correct the inaccuracy and an opportunity to be heard; and
- Section 6056.4(f): a basic training certificate awarded under GML §209-q(1)(b) may be permanently invalidated upon a police officer's removal for cause.

As a reminder, police employers still make removal for cause determinations pursuant to regulation, and an officer continues to retain local due process rights. The determination by the local department must be reported to DCJS, but DCJS does not collect details about specific incidents or conduct leading to reporting under these regulations. Any legal advice should be sought and provided by your municipal attorney or similar authority.

Please be advised the amendments to 9 NYCRR Parts 6000 and 6056 were published in issue 42 of the Department of State Register on October 20, 2021 for public comment. In the meantime, copies are enclosed for your reference. [Ed/ note: amendments to 9 NYCRR Part 6000 and 6056 are available at <https://criminaljustice.ny.gov> – main page, under 'What's New']

Questions regarding compliance with the amended hiring standards or decertification reporting regulations should be directed to David Mahany via e-mail at davej.mahany@dcjs.ny.gov.

DCJS Memorandum, October 8, 2021

Recyclers and Law Enforcement Team to Prevent Materials Theft

BY DAN HOCKENSMITH, INSTITUTE OF SCRAP RECYCLING INDUSTRIES

Metals theft is a problem plaguing communities across the U.S. and Canada. It has caused billions of dollars in damage and lost property, phone and power outages, and threats to public safety. Now law enforcement in New York is getting a hand from recyclers. Through its *Empire* and *New York* chapters, the Institute of Scrap Recycling Industries, Inc. (ISRI) proudly partners with the New York State Association of Chiefs of Police (NYSACOP).

ISRI's state chapters are *Silver Sponsors* of NYSACOP, and representatives of the trade association attended NYSACOP's training conference July 25-28 in Glens Falls, providing informational handouts and meeting board members. In September, Lawrence Schillinger, ISRI's Albany-based government relations counsel, spoke against a bill passed by the Monroe County Legislature that would have imposed undue burdens on local businesses that accept used catalytic converters for recycling.

"Legitimate recyclers would see a decrease in business under this law," Schillinger explains. "Rather than sort out converters from other metals they collect, scrappers—and thieves for that matter—would take all of their mixed metal to recyclers in the surrounding counties."

On Oct. 14, Monroe County Executive Adam Bello vetoed the measure. "I understand the goal of the law," he states. "The issue

To track down thieves and bad actors, the recycling industry assists in the enforcement and prosecution of thieves by exchanging information, tools, training, and other resources with law enforcement, such as requiring proof of ownership from sellers, keeping detailed transaction records, and more.

I have is that it doesn't solve the problem and it's a job killer for Monroe County recycling businesses."

To track down thieves and bad actors, the recycling industry assists in the enforcement and prosecution of thieves by exchanging information, tools, training, and other resources with law enforcement, such as requiring proof of ownership from sellers, keeping detailed transaction records, and more. "ScrapTheftAlert.com was created by the recycling industry as a way of assisting law enforcement in solving crimes involving materials theft," ISRI President Robin Wiener explains. "Since its inception, it has become a successful tool, not only in apprehending criminals but also as a way of sharing valuable intelligence related to crimes across jurisdictions."

Another key tool that police and prosecutors use to share information is the Justice Department-funded Regional Information Sharing Systems (RISS) program, with six regional centers and a tech support facility. More than 9,400 local, state, federal, and tribal law enforcement, and public safety agencies are RISS members. In 2017, ISRI became a RISS service provider, so alerts from ScrapTheftAlert.com can be shared on the RISS network.



Pond5

Once a report is submitted to ScrapTheftAlert.com, the system searches U.S. and Canadian postal codes within 100 miles of the theft location and sends an email to subscribers in that radius. The site administrator can expand the radius if the dollar amount justifies it, or the stolen property is on a truck or trailer. Alerts posted to the website remain active for 30 days. After 14 days, the sender receives a request for feedback on the alert. Law enforcement officers may search and view all alerts in the system regardless of whether they are active or archived.

"By partnering with NYSACOP, we have been able to efficiently communicate with chiefs of police across our vast state—from New York City to Buffalo," say Dave Bestwick, Empire Chapter president, and Lenny Formato, New York Chapter president. "Going forward we have established readily accessible and effective means of sharing information with law enforcement on any number of topics of mutual interest and concern."

ISRI members in New York adhere to state law requiring that metal buyers copy the sellers' drivers' licenses or other government-issued photo identification. "Virtually all of our members digitally maintain recorded video taken from the scale and at the pay window, which we always make available to law enforcement to assist in their scrap theft investigations," they add. The ISRI chapters are proposing legislation to make video recording mandatory for all metals processing facilities.

Another area where the chapters are encouraged is the marking of catalytic converters to make them traceable to individual vehicles. ISRI has worked with the International Association of Auto Theft Investigators to increase awareness of catalytic converter labeling. There are metal etching kits on the market that can do the job in minutes, and the ISRI chapters support making those part of New York's annual safety inspections.

More information and tools to prevent metals theft can be found at another ISRI site, StopMetalsTheft.org. "ISRI is eager to provide industry experience and expertise to ensure law enforcement has the tools it needs to crack down on thieves and unscrupulous buyers of stolen materials," says Danielle Waterfield, ISRI's chief policy officer. Any questions about ISRI's efforts to stop metals theft can be directed to Waterfield at (202) 662-8516 or email. She will put local agencies in touch with ISRI chapters and recyclers in their area.