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DEVELOPMENT

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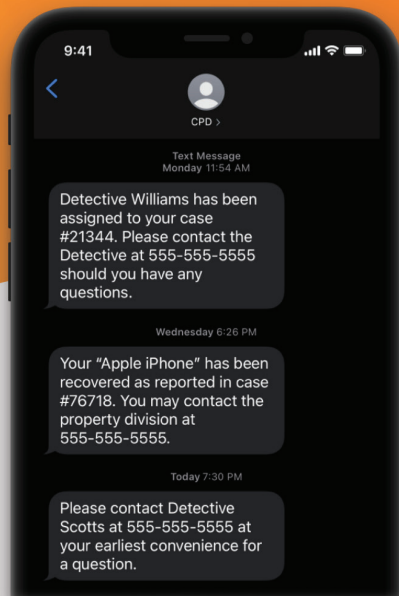
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Beyond the Chase:

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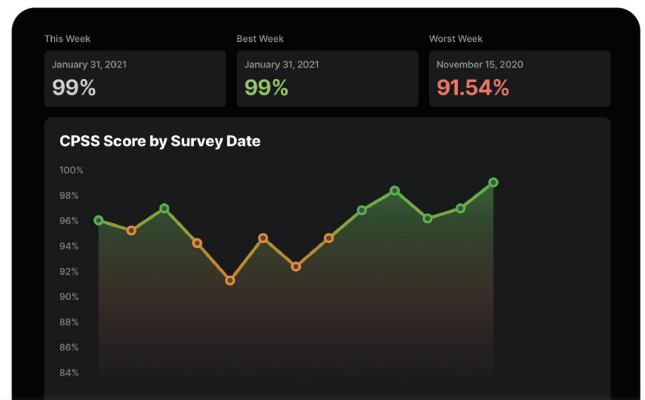
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September 2023 • Annual Training Conference

FROM THE PRESIDENT

President Chief Joseph Sinagra



Post Conference Update

As a result of a technical issue, the August 2023, NYSACOP newsletter did not go to print. I am now sending out the post July conference president's report. This unfortunately is my first and last article as president of NYSACOP. As many of you are aware by now, I will be retiring from the Saugerties Police Department effective September 25, 2023. My next article will be delivered in my new role as the immediate past president of NYSACOP. In that article, I plan to address the circumstances that led to my coerced retirement, after serving the past twelve years as the Chief of Police in Saugerties. I wrote the following post conference article on Thursday July 20, 2023. I hope you enjoy the article and have the same appreciation of our annual conference, as I always have.

I just returned to work this morning following my return from our NYSACOP 2023, training conference. As I am consuming my first cup of java for the day, I am reflecting on the awesome experience we all shared at the conference. I am so humbled by the support and trust so many of you have in me as I take over the reins of becoming the 113th President of NYSACOP. Chief Mike Woods and his Staff made our opening ceremonies one of the best I have attended.

It seems like it was only yesterday that we began planning the conference. And now it's come and gone. I want to thank all of you who attended this year's conference. The training brought forth the crème de la crème of law enforcement professionals throughout our industry, providing training from traffic safety enforcement to safely restraining agitated persons. I



cannot thank enough, all of our instructors and presenters who participated in this year's training conference. All of these subject matter experts provided valuable information and resources that we can all use to better serve our communities. A special thank you to our Executive Director Patrick Phelan, Treasurer Stephen

Conner and Parliamentarian and Conference MC, Michael Lefancheck, who are truly the unsung heroes, the behind-the-scenes people who make this conference second to none.

I was blown away when I realized that President John Letteney of the IACP was not only a guest speaker, not only in attendance for my swearing-in, but the fact that President Letteney remained for the entire conference. This demonstrates and speaks volumes to President Letteney's integrity, tenacity, and leadership value to not only our organization, but that of the IACP.

Having the SUNY Chiefs conducting their conference in conjunction with our conference this year is a precedent that I believe brought immense value to the overall experience of networking and learning. I look forward to our continued relationship and hope to see all of our SUNY Chiefs in Buffalo at next year's conference.

I also want to thank all of our exhibitors and sponsors who supported us, making this year's conference so successful. Please remember to reach out to those who support us, when you are looking to make any purchase for your agency, if for nothing else, to at least obtain a quote on the product you are interested in purchasing. A very special thank you to NICE, Axon, Glock, L3 Harris, AmChar, Safariland, Blue 360, Flock Safety, the Sawyer Motors Foundation, First Responders Children's Foundation, and Swim King Swimming Pools, for sponsoring events and or providing the raffle giveaways.

The networking achieved during our time spent together at the hospitality room was invaluable. I know

many of you, as I did, made new friends, and now have additional resources to call upon whenever the need arises. Speaking about the hospitality room, a major shoutout to DEP Chief Frank Milazzo and his wife Darcy, Chief Dominick Blasko, Paul and Hope Frettoloso,

Chief Shawn Heubusch and Chief Shane Krieger for everything you all did in setting up the hospitality room, ensuring that everyday all supplies were restocked, and food was brought in each night. I hope everyone had as a wonderful time at Casino night as I did.

I would be remiss if I did not mention and thank the women who made the spouse/ significant other hospitality room such a success. Each morning four baskets containing everything from wine to hot sauces, goodies, and crafts, were given away. A special thank you to Darcy Milazzo, Margie Ranalli, Diedre Sinagra, Hope Frettoloso, the committee who brought

back a long-standing tradition of having a place, where those not attending the conference in an official capacity, could gather and spend time with one another each morning. Thank you to all of you who provided a gift basket for these giveaways.

In closing, I want to thank, once more, everyone who attended this year's conference. I realize we all have very demanding schedules and to take so much time away from our jobs can be difficult. However, the time we spent together has only enhanced our leadership abilities, making our time away priceless. In my next communication, I will outline the agenda I am seeking to achieve over the next twelve months.

President
Chief Joseph A Sinagra
Saugerties, NY





FROM THE EXECUTIVE DIRECTOR

Chief/Ret. Patrick Phelan

Civil Service Reform on the Way?

As I travel the state, I speak to many of our members and there is consensus that reform is needed to the civil service system. Our mutual struggles with staffing and the lack of interest in our profession demand change. Not to lower the bar, but to expand options.

NYSACOP leadership recently met with NYS Civil Service leadership and leaders from DCJS. Although there is no silver bullet there are some promising changes in the works.

Testing Centers

NYS Civil Service plans to open twelve testing centers statewide. These testing centers will offer civil service exams including the police officer/deputy sheriff exam on a rolling basis. The police officer exam will be offered during a specific time frames open for multiple days and offered six days a week. These testing centers will offer the exam in a digital format and therefor the grading of the tests will be much faster. The lists will then become rolling lists and will be updated each time tests are graded. This should greatly improve our field of candidates. Your local civil service commission will have to sign on to this option in order to utilize the testing centers. The change is promising but will of course take some time to implement.

Statewide List

You may have recently noticed the existence of a statewide police officer list. This is the first time that NYS Civil Service has offered this option. The test is given statewide and results in a statewide list that can be canvassed by any agency in the state. This list is above and beyond your local list and you must exhaust your local list before utilizing the statewide list.

Pass Fail

Although changing the police officer exam to a pass/fail exam is a popular idea the NYS constitution requires that civil service exams be “competitive” which may leave pass/fail off the table. However, if band scoring is utilized the possibility exists of expanding the bands to widen margins. For example, 10-point margins rather than 5-point margins so you have a list with bands of 100, 90, 80, 70. This is a plausible possibility.

The rule of 3

NYS Civil service is open to the idea of expanding the rule of 3 to a greater number for both hiring and promotion. Expanding the rule of three to a greater number would allow more flexibility in hiring and in promotions barring restrictions in collective bargaining agreements. This is also an option that is plausible and on the table for discussion.

Professional Policing Act

It should be noted that both NYS Civil Service and DCJS agree that there is contradicting language in civil service and the professional policing act as it pertains to psychological. Although it is yet to be remedied, it is at least positive that both agencies recognize the issue and intend to work on a solution.

In summary our meeting with civil service leadership was a very positive experience and they are genuinely aware of the challenges we face and willing to help. We have set up follow up meetings and will continue to focus our efforts on solutions to the civil service problems. The work is not done but it is moving in a positive direction.



CHIEF'S CORNER

Beyond the Chase: Innovative Police Pursuit Strategies

By Chief Stuart K. Cameron - Old Westbury PD



Over the last few decades there has been an ongoing evolution in American policing. Among the plethora of changes that have occurred, are changes to police vehicle pursuit policies, which have become more and more restrictive. Decades ago, most police agencies allowed their officers to pursue fleeing suspects for a much wider menu of offenses, with some even allowing pursuits for relatively minor traffic infractions. Over the ensuing years numerous tragedies have highlighted the hazards of these policies to officers, to the general public and even to the suspects themselves. While the reason for non-compliance is often a mystery to the law enforcement officer involved in attempting to stop a motorist who attempts to elude capture, at times it is nothing more than a young adult who panics while fearing the consequences from having done something relatively minor. Accordingly, it's important to know that not everyone who runs from the police is a serious offender, so discretion in who is pursued is prudent and well placed.

On one extreme, some agencies have now completely restricted their officers from engaging in vehicle pursuits of any manner. Alternatively, many other agencies restrict pursuits solely to situations wherein very serious violent crimes are involved or the danger posed by allowing the suspect to escape eclipses the potential danger from the pursuit itself, such as very reckless or highly intoxicated motorists. As a result of

these restrictions, a larger percentage of suspects are now non-compliant when officers attempt to stop them, confident in the knowledge that if they take off, they will not be chased by law enforcement. As a result of this dynamic, it has become much more challenging for



As shown on the Old Westbury Police vehicle, the StarChase launcher can be mounted onto push bars. For cars without push bars it can be mounted within the grill.

The StarChase launcher is relatively inconspicuous when mounted.



law enforcement agencies to hold criminals accountable for their actions, which is one of the very basic functions of law enforcement.

Many police agencies are now implementing a variety of strategies to stop fleeing suspects without the need for lengthy high-speed pursuits. These strategies run a wide gamut, with some designed to entirely replace the need for pursuits, and others geared toward stopping pursuits quickly after they have begun.

One technique that is commonly used by depart-

ments in many areas of the country, including those in the southern United States and on the west coast, is the Precision Immobilization Technique or PIT Maneuver. The PIT Maneuver is designed to force a fleeing vehicle to spin out, thereby stopping the pursuit from continuing. It involves the police vehicle contacting the rear corner of the suspect's vehicle to destabilize it and break traction on the rear tires, causing the suspect's vehicle to spin out. Well executed PIT Maneuvers often



StarChase can be easily mounted on all makes and models of police patrol vehicles.

have favorable results with minimal damage, however in some instances vehicles that have been subjected to this Maneuvers have overturned, struck fixed objects or even other motorists or police vehicles, resulting in injuries and deaths. Occasionally, suspects are able to simply drive away even after a successful PIT Maneuver if they aren't blocked in immediately afterwards. Accordingly, this technique is not without controversy and its use is prohibited by many police departments.

Many newer vehicles are now equipped with electronic stability control systems. These systems use automatic computer-controlled braking of individual wheels to assist the driver in maintaining control of their vehicles in dynamic driving situations. Electronic stability control systems are designed to prevent a vehicle from spinning out due to the loss of traction, consequently vehicles equipped with these systems can make the application of the PIT Maneuver much more challenging. Departments that allow officers to utilize the PIT Maneuver often limit the speed at which it can be applied in an attempt to moderate any adverse outcomes.

Another method to end police pursuits is through the use of tire deflation devices. A variety of manufacturers make these types of systems with several different designs. Generally, these devices contain a series of spikes made up of sharp pointed endcaps affixed to the end of hollow tubes. The spikes are designed to puncture the tire when a vehicle runs over the deflation strip. Once the tire has been pierced and a spike is imbedded into the tire, the sharp endcap falls off inside the tire, which in turn is gradually deflated through the hollow tube. Tire deflation devices are not designed to cause blow outs, but rather to facilitate a gradual deflation as air departs through the tube. Some manufacturers have designed systems that can be remotely deployed to lessen the risk to officers deploying their devices. Clearly officers who are issued this equipment should be adequately trained on how to safely deploy them, as there is always an element of danger involved. Officers have been injured or killed when pursued vehicles have struck them while attempting to avoid contact with the tire deflation devices. A critical component to a safe deployment of these systems is for the officer to be in a safe location behind substantial shielding, such as a guardrail, Jersey barrier or large tree. Often due to the dynamic nature of vehicle pursuits, the deployment is rushed and officers remain vulnerable to being struck by the fleeing vehicle. Some tire deflation systems contain a lanyard to allow the device to be pulled in front of the suspect vehicle and then promptly removed from the roadway thereby avoiding impact with other vehicles, all while officers remain in a safe location.

Some tire deflation device manufactures make smaller units that are designed to be used on stationary vehicles. These systems are designed to deflate tires should a suspect attempt to flee after their car has been stopped. This type of deployment can reduce the odds that a high speed pursuit will occur since the suspect vehicle will have one or more flat tires even before a pursuit is initiated.

Many police departments have now equipped their patrol cars with a unique high tech pursuit intervention technology manufactured by a company called StarChase. The concept behind the StarChase technology is that police officers can tag a suspect vehicle and then track its movement via a GPS portal, thereby negating the need for continued high speed pursuit.

StarChase offers two methods to deploy their GPS tags, which are contained in a projectile that is propelled by compressed air, adhering to a vehicle upon impact and then transmitting its location via a battery powered GPS tracking device.

StarChase can be added to the front of patrol vehicles, either mounted onto push bumpers or mounted within the grill. In this application the launcher is double barreled, allowing for two attempts to tag a fleeing vehicle, if necessary.

The vehicle operator can aim the projectiles, using a control panel built into the patrol car and by maneuvering the patrol car itself. StarChase can also be deployed using a handheld launcher that can fire one projectile at a time. The StarChase projectiles are slotted creating a spiral rotation to be initiated as the projectile leaves the barrel, allowing it to fly true and not tumble through the air, thereby making the system very accurate.



When activated to launch a projectile, the launch door opens. Each unit contains two projectiles to increase the odds to a successful deployment.

StarChase can be used to tag a vehicle during an ongoing pursuit, or to tag a vehicle preemptively to completely avoid a pursuit, such as tagging a stolen or wanted vehicle prior to attempting to stop it. StarChase projectiles generally cause no permanent damage and they can be removed by officers after a vehicle has been stopped.

Vehicle mounted StarChase launchers also come equipped with a remote control. Officers can aim the StarChase launcher at cars during traffic stops, and remotely fire the projectile if the vehicle drives off once the officer has left the patrol car to approach on foot, thereby negating the necessity for a subsequent vehicle pursuit.

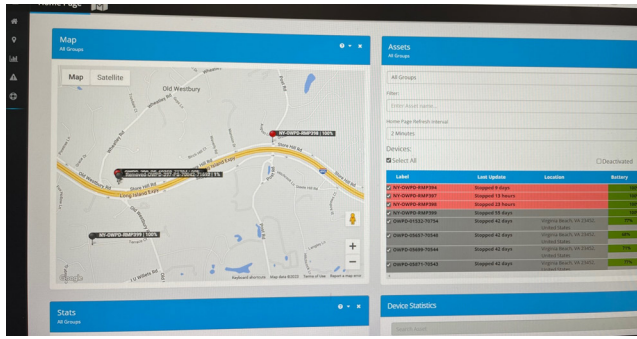
The monitoring capability of StarChase tagged vehicles can be used to coordinate an interception by law enforcement after the vehicle has stopped, or to coordinate the use of a police helicopter. StarChase can also be used in coordination with the deployment of tire deflation devices to enhance the effectiveness of their

deployment. Officers can utilize the GPS tracking capability to deploy tire deflation devices ahead of the vehicle of interest, often with greater efficiency since they are being used in a non-pursuit situation. In these instances, the suspect vehicle will likely be traveling at a slower pace and drivers may be less prone to attempt to avoid the tire deflation devices outside of a pursuit situation. The StarChase mapping portal provides a wealth of information, such as real-time traffic conditions, and various information layers that can be toggled on and off to assist officers in determining precisely where a vehicle is located.

Many police officers have likely envisioned a system that can simply stop a fleeing motorist in a stolen car. In some unique situations this can be done through OEM vehicle tracking systems by remotely depowering the engine once police officers have the stolen vehicle in sight. This application is hit or miss and generally requires that the owner of the vehicle has subscribed to the service and authorizes its use in this manner. The vehicle owner must also know their log in credentials and have them readily available after their car is stolen. Many organized theft rings know how to disable OEM vehicle tracking systems and these systems may only be available for a short period of time after the vehicles are stolen, until such time as they are intentionally disabled.

Another unique and relatively new product was designed to allow a patrol car to deploy a system to latch onto the rear wheels of a fleeing vehicle and force it to stop. The Grappler Police Bumper appears similar to a standard push bumper on the front of a patrol car when not in use, however once activated the unit unfolds from the front of the police car and a Y shaped bracket extends up and out from the front of the police car. Once unfolded the bracket is held a few inches above the pavement where it can guide a heavy-duty nylon net under the rear wheels of a fleeing vehicle. The nylon net is then pulled by the centrifugal rotation

of the tires and wraps around the axle of the vehicle. The nylon is tethered to the patrol car, which can then force the fleeing vehicle to a stop. While still not widely in use, the Grappler Police Bumper has already had some successful deployments, including one in Mesa Arizona wherein it was used to successfully stop a stolen vehicle.



The StarChase mapping portal allows dispatchers to view the location of tagged vehicles to coordinate a response.

Even less widely used by police agencies is a product called an arresting mat, which could loosely be described as a combination of tire deflation technology and the Grappler Police Bumper. In order to utilize this system, a nylon mat that has tire spikes along its leading edge is laid out in the roadway ahead of an approaching vehicle. The tire spikes impact the tires and the mat is then pulled into the undercarriage of the vehicle thereby restricting the movement of the drive-train components and forcing the vehicle to a stop.

The bottom line is that police vehicle pursuits are

dangerous and their usage needs to be restricted, however criminals can't simply be allowed to speed away from law enforcement without any consequences. Depending upon the layout of the municipality involved, there are a variety of techniques, technologies, and equipment systems currently available to assist law enforcement agencies in preventing pursuits or

in shortening their duration once they've begun. In many cases the use of these systems will depend upon the risk tolerance for the agency leadership and the existing agency's policies and procedures. One thing is clear however, if pursuits were limited because they are dangerous, rolling back the clock and removing these restrictions because an increasing percentage of vehicles are non-compliant is a perilous option. Alternatively, the items highlighted in this article may be the best options available until new ways to stop fleeing vehicles are developed and deployed to law enforcement agencies.

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Shh! We Have a Plan! The Simplest Solutions Are Sometimes the Best

As a grandfather of three young children, I have been spending quality time reading children's books with them. One such book, *Shh! We have a plan*¹, served as the inspiration for this article. In the book, four friends are creeping through a forest with nets, intent on capturing a bird. The smallest of the four sees a bird and calls out, "Hello birdie." But the three larger friends are the planners, and they tell him, "Shh! We have a plan!" The three then try to sneak up on the bird: "Tiptoe slowly, now stop – ready one, ready two, ready three – GO!" Disaster strikes and the bird escapes.



Each time they encounter another bird, the little one again tries his simple "hello birdie" approach and is again silenced. Their plans grow in complexity, and they experience repeated and increasingly dramatic failures. After the three larger friends end up in a body of water, the little one approaches a bird and says, "Hello birdie, would you like some bread?" Soon, to the amazement of the other three, the little one is surrounded by dozens of birds. The lesson: The simplest approach may be the best. Unfortunately, while I will not completely spoil the ending for those of you with young children or grandchildren, the three friends do not learn this lesson.

In past articles and trainings, I have frequently discussed the importance of root cause analysis, which helps to identify why something (usually bad) happened. This is typically a post-incident exercise when it involves something that happened in your agency.

But is there a way to push this into pre-incident training? I believe there is. It involves adaptive decision making, which is based on the fact that officers face a wide variety of situations that are unique and not suited to rigid "if this, then that" types of responses. Officers need to be able to identify the specifics of a situation and adapt accordingly.

Before developing this concept further, it may be helpful to apply *Shh!* and adaptive decision-making training to a couple of real-life examples. While the facts of these contemporary incidents are considerably different, the simple lesson of *Shh!* is applicable to both. But, as we will see, why an officer does not choose the simplest approach may be the most important lesson, as it can identify unforeseen problems.

The Stolen Vehicle & the Sleeping Subject

Officers identify a stolen car parked along a city street. There is a young man sound asleep in the driver seat. Cars are parked directly behind the stolen vehicle, but there is nothing parked in front of it. While the man sleeps in the car, officers from two departments gather nearby, attempting to come up with a plan to take the man in custody and secure the vehicle. Of primary concern is the possibility the driver will awake when approached by the officers, and this weighs heavily in their planning.

Early in the discussion, an officer from one de-



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partment offers several times to park his police SUV directly in front of the stolen car, effectively making it impossible for the driver to move in either direction. This option, however, is eliminated because a member of the primary agency says they are not allowed to block the path of a car. As a result, a more complex plan is created.

The rear passenger window is missing, replaced by plastic and tape. The plan is for one officer to cut through the plastic and unlock and open the rear passenger door, then use a baton to unlock the door on the other side of the car. Other officers will then open both doors and attempt to secure the man's arms from both sides as he awakes, preventing him from putting the car in drive.

The officers had the right intent; they repeatedly noted that if the subject woke up and got startled, they should let him drive away so no one would get hurt. But that would require a split-second and accurate assessment by the officers. They would have to immediately assess whether the man was startled and would resist their attempts to secure him.

So how did this plan unfold? The doors were unlocked without incident, and it must have appeared to the officers that they had a chance to secure the driver's arms because they entered the vehicle and struggled with him. But the plan quickly fell apart as they failed to physically control the driver. The driver put the car into gear and quickly drove down the road, knocking one officer on the driver's side to the pavement. The officer who had entered through the passenger side was still in the rear seat. The officer repeatedly ordered the man to stop the car, but he continued to drive at a high speed. The officer then shot the driver several times, killing him.

The Pastor & The Peonies

A woman calls the police to report a suspicious man in the front lawn of a neighbor's house. Officers arrive

and find a Black man with a hose watering the bushes and flowers in the front of the house. One officer asks the man what he is doing there. The man quickly responds that he is watering his neighbors' flowers, that his name is Pastor Michaels², he lives across the street, and he is taking care of the house while his neighbors are away.

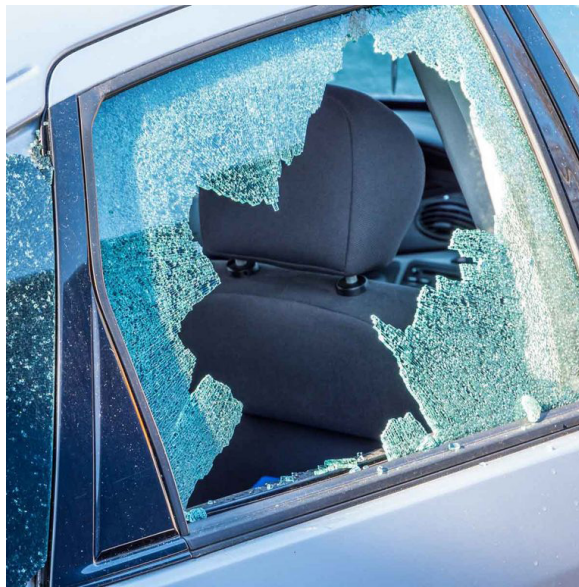
The officers' subsequent request for the man's identification is met with an angry refusal; he repeats that he is just watering the flowers. The officer tries to explain that someone called because he was suspicious but cannot explain who called or why Michaels is deemed suspicious.

Due to Michaels' increasing agitation, the officers handcuff him and sit him on the front step. When he continues to verbally challenge the officers, they arrest him. While this unfolds, officers interview the caller. Once she sees the man up close, she immediately recognizes Michaels and confirms it's likely he would be looking after the neighbor's house. She then refuses to cooperate any further.

At this point, any suspicion something is wrong should have immediately ended and Michaels should have been released. Instead, the three officers on the scene discuss charging him because he had refused to give his full name and identification. While Michaels is handcuffed and in a police car, his wife provides his ID to the officers. Despite this, he is arrested and charged with obstruction of governmental operations. Ten days after the arrest, the charges were dropped at the request of the Chief of Police. Michaels has filed a lawsuit against the department.

The Simplest Solutions Are Sometimes Hidden

I have modified this name and, for both incidents, withheld information that would make the agencies involved readily identifiable. There is no reason to unnecessarily subject the departments and officers to any more exposure than they have already received. I spent a considerable amount of time watching video and



otherwise researching these incidents. As a result of this research, it is my belief that the officers involved in both genuinely believed they were doing the right thing. The purpose of this article is to prevent other officers from making the same mistakes.

As leaders in law enforcement, we must learn from these incidents and others like them. But this analysis and learning process cannot simply involve us casting judgment on the officers because we can see the incident as a whole and we know how it turned out. Instead, we must review such incidents with a focus on the processes implicated in the options available and chosen. Why did the officers choose to act the way they did, and how can we train our personnel to make better decisions in similar situations?

I chose these two incidents because, despite the factual contrast between the two, they both involve officers choosing paths that were more complex than perhaps they needed to be – and possibly for the wrong reasons. As we analyze each incident, imagine you are participating in adaptive decision-making training exercise, such as a tabletop or roleplaying exercise. The goal is to determine how your officers “see”³ the incident. This can give valuable insight into not only how they make decisions, but also how they understand the applicable law and policy, which can identify additional unforeseen training needs.

Incident #1

For purposes of a training scenario, we would tell trainees the car is stolen, parked on a city street with cars behind but not in front, occupied by a sleeping man in the driver seat with a broken rear window covered with plastic. Here are your resources, have at it! The trainees should talk through the situation out loud, explaining not only what they would do but why. I will use my own thoughts for this exercise strictly as an example. You may think of other approaches.

What are the goals? Prevent the subject’s escape,

take him into custody, and return the car to the owner. What are the priorities? Minimizing risk and, in order, keeping the public, the officers and the driver safe in the process. What are the perceived risks? The possibility of the driver waking up and trying to drive the vehicle away and/or otherwise resisting arrest.

What are our options? Three come to mind and all would require appropriate positioning of officers to keep them as safe as possible: (1) tapping on the window to wake the person up, (2) blocking the car in with a police vehicle before tapping on the window, or (3) forcibly entering the car to restrain the subject before he can place the car in drive. What is the relative complexity of each of these options? The first is the simplest but carries with it some risk if he tears off down the road and hits an innocent person. The second is more complex but eliminates the risk of the first option, and the third is both highly complex and high risk.

The officers chose the third option even though it was complex with multiple points of failure. It also required rapid interpretation of the suspect’s actions while the officers were under stress. Have they received training transferable to the situation? If not, would a simpler solution involve fewer points of failure, while attaining the goals of keeping the public, officers and suspects safe?

Now we come to the most critical point of this exercise. If the trainees choose the most complicated option, as in the incident, you will want them to verbalize why they did not take the apparently simplest option. And if the response is, “Our policy prevents us from blocking the path of a vehicle,” then the trainers need to evaluate this further. Is this a valid interpretation of policy? I have read many, many policies over the years and I have never seen a policy that would prevent blocking the path of a parked vehicle to reduce the risk to all individuals.

If it is not a proper interpretation of policy, you



have just identified an additional training need. After all, if one officer interprets policy in this manner, others may as well. If the policy interpretation is accurate, then maybe you need to reevaluate the policy. As with training, policy cannot exist as one-size-fits-all in every situation.

Incident #2

The facts of this incident would be well-suited for a roleplay scenario instead of a tabletop exercise. For sake of brevity, I will analyze this incident based on how the officers responded. But the process is the same: What are the goals and priorities? The obvious and primary goal is to determine whether the man belongs at the residence. In the video, one officer states that they are on a call and the man was suspicious so, therefore, the man had to give him his name because they had to have it for the call. But why is he suspicious – because they are on a call? Officers keep repeating “He’s a suspicious person” without articulating exactly why. One officer attempts to explain to the man that, “Any time the police come out and they say we want to identify you, you have to identify yourself because there is a reasonable suspicion” but his explanation becomes confusing and fails to provide any specific reason why Michaels was suspicious.

This would be the critical point of this exercise and is something that I have seen, unfortunately, repeated many times. The officers did not understand their legal limitations as they went into the incident. Unless officers have reasonable suspicion to believe a person is committing, has committed or is about to commit a crime, a person cannot be seized. They can refuse to provide ID and can outright refuse to speak with an officer. “I am on a call” without specific articulable facts to support reasonable suspicion is not enough.

“Yeah, but he could be covering for someone else who is inside burglarizing the house!” Yep, could be,

but “could be” never has and never will be enough to support reasonable suspicion or probable cause. If you were just on patrol and drove by a man watering flowers, would you jump out and demand to know who he is or would you just wave as you drove by?

If you use this scenario for training, I hope that officers would want to interview the complainant to see exactly what they know or don’t know, especially when Michaels gives a plausible and reasonable explanation. It is important for officers to understand that being on a call does not change the law. Policy or procedure requiring “a name in the CAD” cannot change that.



Another training point is that the officers failed to realize that what makes sense to them may not make sense to everyone else. Video of the discussion between the three officers makes it clear they genuinely do not understand why Michaels would not give them his full name and ID – “He seems like a reasonable man.” They did not consider the perspective of a

Black man who knows he is not doing anything wrong and who did willingly identify himself, up to a point. Those officers, and probably most people reading this article (assuming you made it this far), would immediately provide ID upon request of an officer because of our backgrounds. But many of the people we encounter have very different backgrounds and life experiences. Understanding this can go a long way to preventing unnecessary escalation of an incident.

The final point with this incident is that sometimes we become like those three people in the children’s book. “Shh, we have a plan!” We ignore the simplest solution – that the man did belong there – because, by the nature of the profession, we are trained to suspect and investigate everything. We become afraid to accept the simple answer because we could be wrong. Administrators and trainers need to make it clear that officers can only do what the law allows.

Embrace the Training Challenge

While I focused on two specific incidents, this article is just a brief foray into a much broader topic and training effort. The benefits of adaptive decision making in law enforcement training are not limited to developing individual officers. When trainers develop scenarios, they should not be assuming they can provide conclusive answers to the issues presented. They should instead be open to learning something they did not expect or foresee, which can lead to identifying additional training needs and or policy revisions. And if you are wondering where you can find scenarios, just follow the news. Look at police-related videos online. Use viral incidents from around the country as the basis for scenarios. You do not need to reinvent the wheel. What you may need to reinvent, however, is how you prepare officers to think adaptively to solve problems in a manner that presents the least risk of harm for everyone involved.

¹ Haughton, C. (2015). *Shh! We have a plan*. First United States board book edition. Somerville, Massachusetts, Candlewick Press.

² I have modified this name and, for both incidents, withheld information that would make the agencies involved readily identifiable. There is no reason to unnecessarily subject the departments and officers to any more exposure than they have already received. I spent a considerable amount of time watching video and otherwise researching these incidents. As a result of this research, it is my belief that the officers involved in both genuinely believed they were doing the right thing. The purpose of this article is to prevent other officers from making the same mistakes.

³ For a further discussion of how it can be important to understand how officers “see” an incident, view the Lexipol webinar *Why Bad Things Keep Happening*, presented live on Sept., 2023 and available for on-demand viewing.

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Traffic Safety Committee

By Master Police Officer Dimitrios Mastoras (Ret.), Arlington Co., Virginia PD

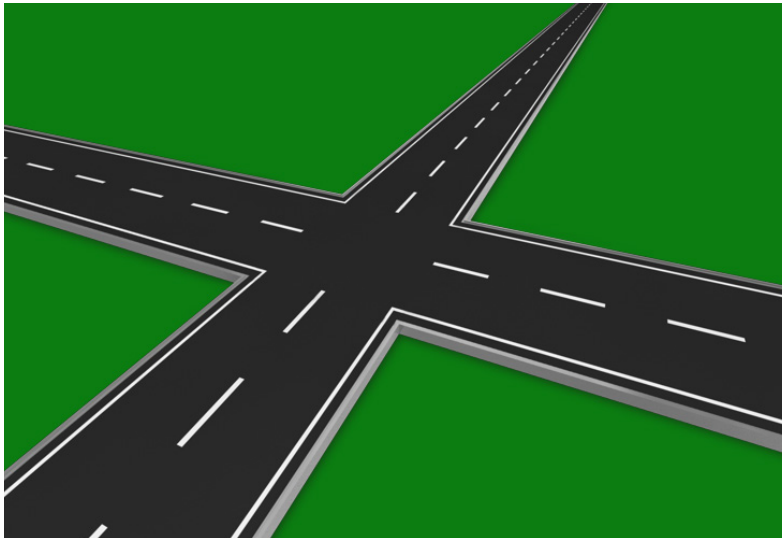
Reducing Impaired Driving Requires Multi-Component Approaches

Impaired driving continues to be a national problem in communities across the United States. According to the National Highway Traffic Safety Administration (NHTSA), approximately 37 people, or one person every 39 minutes, die in drunk-driving crashes. In 2021, NHTSA also reported that 13,384 people died in alcohol-impaired driving traffic deaths, a 14% increase from 2020 (NHTSA, 2023).

Law enforcement agencies often rely on stand-alone interventions such as responsible alcohol server training, enforcement-only approaches, and underage drinking programs to address impaired driving and alcohol-related harm. However, these strategies are ineffective when not part of a more extensive, multi-component approach (Hughes et al., 2010). Multi-component programs involve several intervention strategies involving many municipal and community stakeholders, all working toward mutually-beneficial outcomes.

The Arlington Restaurant Initiative (ARI) in Arlington, VA, is an example of a multi-component approach for managing alcohol-related violence and impaired driving. ARI incorporates the first voluntary accreditation program for bars, restaurants, and special event venues in the U.S. To earn accreditation, establishments must implement employee policies and undergo staff training to raise operational standards

and improve safety. Training for bar and restaurant staff includes sexual assault active bystander intervention training, public safety expectations, security operations, criminal/civil liability, line management, fake ID detection, responsible alcohol service, incident reporting, NARCAN, and CPR (Mastoras, 2019).



Additional ARI components:

- Proactive Alliance relationship-based approach (Relationship building, collaboration, perspective change);
- Public safety deployment (Shift assignment, engagement expectations, enforcement standards);
- License compliance (Alcohol, noise, public health, fire codes, sanitation);
- Bar Safe (Patron exclusionary and accountability program, “Banned from One, Banned from All”);
- Crime prevention through environmental design (Venue layout, lighting, security placement, bathrooms, bar layout);
- Technology (Identification scanners, surveillance cameras, metal detectors);

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ARI was also the first initiative in the U.S. to incorporate Proactive Alliance relationship-based policing, created by Molly C. Mastoras, MA, LPC. The Proactive Alliance approach teaches officers, fire marshals, alcohol beverage control agents, and public health inspectors to develop collaborative individual relationships with venue owners and staff to improve problem-solving. At the onset of ARI, restaurant owners expressed resentment and distrust of municipal staff based on their past experiences with enforcement-only practices. However, venue owners gradually shifted their perception from adversarial to collaborative. Concurrently, the municipal staff began to increasingly respect owners, value their perspectives, and use their input for collaborative problem-solving (Gill & Mastoras, 2021).

In 2019, the Virginia Tech University Social Decision Analytics Laboratory Biocomplexity Institute evaluated ARI's social and economic impact on alcohol-related crimes in Arlington, VA. Within the first two years of the implementation of ARI, impaired driving was reduced by 61%, aggravated assault dropped by 71%, and disorderly conduct decreased by 148% (Korkmaz et al., 2019). Further, the U.S. Department of Justice COPS Office recognized the ARI multi-component approach as a national model in a published toolkit, *The Arlington Restaurant Initiative: A Nightlife Policing Strategy to Improve Safety and Economic Viability*.

Additionally, ARI partnered with the Washington Regional Alcohol Program (WRAP) SoberRide program to enhance patron outreach efforts and analysis of data related to DUI arrests and DUI-related crashes, injuries, and deaths. ARI and WRAP use the "SoberRide vehicle," a BMW sports car custom painted half an Arlington County Police cruiser and half Lyft's signature hot pink color, for outreach events and marketing. The color concept of the vehicle is provocative and creates a perfect opening to engage patrons, increase awareness, and start a conversation. The So-

berRide vehicle is now part of a larger strategy to reduce alcohol-related harm throughout the county. In the early years of the SoberRide program, outreach efforts consisted of police handing out informational pamphlets about impaired driving, which were often discarded. With the implementation of ARI, outreach efforts shifted to events where officers, fire marshals, and health inspectors positively interact with patrons who pledge not to drive impaired. Patrons participate in interactive games, including beer pong, hole-in-one putting green, and football toss while wearing drunk goggles. With their pledge, patrons receive a gift card from ARI-accredited establishments and a business card with a SoberRide promotional ridesharing code.

While ARI is municipal-led, non-profit and community-based organizations can also lead this work. Examples of these initiatives are the Good Neighbor Initiative in Dallas, TX, and the Gold Bar Norfolk, in Norfolk, VA; both adopted multi-component and relationship-based approaches to reduce alcohol-related harm based on the ARI blueprint. These programs have strong support from their city agencies and expect similar declines in violence, disorder, and impaired driving, as seen in Arlington, VA.

Communities benefit greatly from a multi-component, community-based approach to reducing alcohol-related harm and impaired driving. Now is the time for law enforcement agencies to begin working collaboratively with other municipal agencies and community stakeholders to manage complex issues. A shift from reactive enforcement to strategies prioritizing prevention-based intervention and relationship-building can help reduce impaired driving and alcohol-related harm in any community.

About the Author

Dimitrios Mastoras is a retired master police officer who provides strategic municipal planning and relationship-based policing training to jurisdictions across the United States through the consulting firm Safe Night LLC.



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Factors in Leader Development

By Greg Veitch

Retired Chief of Police from Saratoga Springs, NY



Factors in Leader Development

John C. Maxwell once said, “Leadership development is a lifetime journey, not a quick trip.”

The Center for Creative Leadership, which has been studying leadership for over forty years has identified several factors that influence the development of a leader. These are; early life experience, challenging jobs or assignments, bosses and mentors, hardships, off-the-job experiences, and training. Recognizing the following categories of experiences can lead us to a better understanding of our own leadership style and effectiveness, as well as help us to recognize and support our subordinate leaders on their own leadership journeys.

The first category is pre-employment role models and experiences. Genetics, the environment a child is raised in, early obstacles and successes, schooling, parents, siblings, teachers, coaches, pastors, friends, and neighbors all influence an individual’s overall progress and their ability to develop social skills, work ethic and leadership capability.

Today, some leadership authorities suggest that there is no more important factor in how well a person leads than their early life experiences. If you think back on your life, I am sure that you will recognize many of the values and character traits that have made you a successful police leader were mostly set before you ever put on a uniform.

Challenging jobs and assignments are probably the second most important factor in leader development after an individual’s upbringing. This is true for officers, sergeants, lieutenants, captains, and chiefs. Leaders who take on, or are assigned, a difficult task often de-

velop their leadership skills quite rapidly.

We learn from experience. And we remember and learn best from those jobs that stretched us the most. During your own career, when were the times you learned the most about leadership? Chances are, it was when you had an assignment that needed your best effort, was complex, difficult, and stressful. One that was just beyond your capability at the time.

Developing through challenging assignments was and is true for you, and it is true for your subordinate leaders as well. This is perhaps the single best way to develop leadership skills throughout the organization. It requires executive leaders to be attentive to the needs of individual subordinate leaders and then to seek out, assign and support challenging

assignments and tasks for junior leaders. At the same time, don’t forget to seek out and take on new challenges yourself, no matter how close you may be to the end of your career.

Another factor in leader development is the immediate supervisor. When I was a rookie officer, a senior patrolman once said to me, “it won’t matter what shift you are on or what unit you work in, the most important thing is who your boss is. It makes all the difference.”

At the time, I think he meant how enjoyable (or bearable) the job would be under different bosses, but the principle applies to the development of subordinates. Over time it became clear that his statement didn’t just apply to whether or not I would like to come in to work each day, the leadership style and approach



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of my boss played a major role in my development at each stage of my career.

The leadership style of the boss is important. Are they encouraging, understanding, supportive, squared away? Do they challenge subordinates and hold them accountable? Or are they abusive, bitter, sarcastic, and selfish? Which of the two types of leaders do you think is more helpful in developing future leaders?

The boss matters, and that goes double for the first boss someone works for. Good or bad, we all remember our first boss. Smart executives know the importance of first line supervision (and FTO's) and do all they can to promote the right people and then pour all the resources they can into the development of their first line leaders. So, how are your sergeants doing?

Another factor in leadership development is hardship. Life is hard. Life as a police leader is hard. Hardship and suffering are inevitable. Effective leaders find meaning in, and learn from, the most negative of events.

In their article *Crucibles of Leadership* published in the *Harvard Business Review*, Warren Bennis and Robert Thomas suggest that overcoming hardships and learning from significant failure and loss is an essential part of a successful leader's journey.

We all make mistakes. Leaders sometimes make big ones. Mistakes that affect not just themselves, but others. We all face obstacles in life and in our careers. Sometimes they are obstacles of our own making and sometimes they are just the inevitable, unplanned traumas of life.

Enduring, overcoming, and learning from hardship

is what good leaders do. Hardships test our mettle and build our resilience. And of course, how we handle hardship as a leader serves as an example to others.

Another factor in leader development that is easy to overlook is our off-the-job experiences. Off-duty time can be an excellent source of development if we are alert to the learning opportunities around us.

Parenting, volunteer work for a charity, serving in church, sitting on the board of directors for your favorite local organization, coaching, and many other off-duty opportunities exist for us to build and practice our leadership skills.

While policing is serious business and there are

unique aspects of it that you will not find in other organizations, all the leadership skills that apply in policing are applicable elsewhere and vice-versa. Building a network, strategic planning, task focused work, people centered relationships, mission focus, culture building, managing risk and so much more are leadership skills that can be learned whether you are wearing your uniform at the time or not.



One last factor in leader development is training. This is not to say that training is the least important factor, but it is one of the factors that supports leader development.

Leadership courses offer attendees the opportunity to not only learn from the presented material. Such courses give leaders the opportunity to size up how they and their organizations are doing relative to best practices, and if other agencies are present, how they are doing compared to other agencies in their area.

Of course, it goes without saying that the training program needs to be relevant and timely. The newest tear gas deployment system training course might be excellent, but a department that does not have tear gas and does not plan on purchasing tear gas may want to hold off on investing in that particular training. On the other hand, it may be best to send a sergeant to the latest PIO course before they assume the duties of department spokesperson.

All leaders learn in different ways. Leaders have different strengths and weaknesses. Leadership development can be complex and not always easy to understand or get exactly right. There is no simple formula that when mixed up properly will generate certain success. However, as we have seen, there are some factors that are common to all leaders as they grow and learn.

Early life lessons and experiences set us up for how we will lead. Many, if not most, of our values and character traits will be established before we even begin working in this profession. This is not to say that these values and characteristics are locked in stone, but we do need to recognize that our early life is a part of who we are and how we have become the leader we are today.

Having challenging jobs and assignments stretch us, and help improve our capabilities. Bosses serve as role models. Good or bad bosses (especially the first

boss) can have a lasting impact on the development of an individual leader. We should seek out challenging jobs for ourselves and our junior leaders and remain mindful of the type of “boss” that we really are.

Overcoming hardships is an important factor in leader development. When life or the job hits us hard, enduring, conquering, and then learning from the experience is a key part of growing and thriving as a leader. It is not pleasant at the time, but it is fact of leader development - we must go through the crucibles of leadership.

Off-the job opportunities for leadership growth are often overlooked but never-the-less can be beneficial in building leadership skills.

Training courses are the final factor in leader development. It is not always easy to choose from all the training programs out there and it is even more difficult to pay for them. The fact remains, training is necessary for proper leadership development so we must do the best we can.

In any police department, just like any organization, leadership development is crucial to long term success. This is true for individual leaders as well. Recognizing the factors in leadership development should help us understand and grow in our leadership role as we travel along our lifetime leadership journey.



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RETIREMENT NEWS

Chief John Costanzo will be retiring from the Tuckahoe police department on October 20, 2023, after 41 years of service to the Village of Tuckahoe in Westchester County, NY. Chief Costanzo joined the Tuckahoe police department in October 1982. He was promoted to sergeant in 1989 and lieutenant in 1995. Chief Costanzo was promoted to Chief of police in 2003.

Throughout his police career, Chief Costanzo has seen many changes in police work, especially with technology. At the beginning of his career, the basic components of the police desk were a telephone, the NYSPIN computer, a typewriter, the radio microphone, and the Westchester County “Hotline” which was a dedicated phone line so all the police departments in Westchester County could communicate with each other.

During his career in police work, he has witnessed the greater use of computers, cell phones, in-car video cameras, body worn cameras, and numerous law changes, especially during the last three years.

Chief Costanzo is proud to have been able to bring new technology to the Tuckahoe police department.

Under his leadership, the Chief created an Explorer program for high school students in 2008 from which graduates of the Explorer program have gone on to become police officers in Tuckahoe, Boston and in numerous other cities and communities throughout the United States.

In 2012, after 50 years without a department motorcycle, Chief Costanzo reinstated the Tuckahoe Police Department Motorcycle unit.

Chief Costanzo has been a member of the Westchester County Traffic Safety Board for 15 years.

In addition to being a 20-year member of NYSACOP, he has been an active member of the Westchester County Chiefs of Police Association and served on the Board of Directors for 17 years. He has held every elected position including President in 2010.

He has made officer wellness a priority and his department is part of a multi-jurisdictional tactical team along with Eastchester, Bronxville and Greenburgh police departments.

In retirement, Chief Costanzo looks forward to spending more time with his wife Donna and his family.



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No New Ways to Get in Trouble: Why Law Enforcement Needs a Better “Learning Management System”

By Gordon Graham

Gordon Graham here! Thanks for taking the time to read my ramblings regarding the discipline of risk management. In my last article, I wrapped up my thoughts with a promise to talk about “learning management systems.”

During my years in graduate school, I explored the writings of the geniuses of risk management. One of my favorites was Dr. Archand Zeller. His words meant so much to me then (48 years ago) and they still do now. It is Dr. Zeller who developed Rule One of Risk Management, which I introduced you to in the last article: “The errors you are going to make can be predicted from the errors already made.” Or more simply stated, “There are no new ways to get in trouble.” To be fair, there are some “variations on a theme” – but it is the same stuff over and over and over again – in every occupation and profession.

Not to digress (I tend to do this quite a bit; I will readily admit my brain is all over the place), but I was doing a live program recently in Florida and during my presentation the cell phone of one of the attendees rang (I guess we can still use that expression – along with “dialing” a number, which no one has done for years). The fellow possessing that cell phone was suitably embarrassed. I stopped talking – and there is now dead silence in the room – and I pulled out my iPhone and pointed to it and said, “The cell phones on the West Coast have a #\$\$&!-ing off-switch.” The group laughed and I then followed up with, “I love it when a cell phone goes off in class because it is completely inconsequential.”

No one needs counseling when a cell phone goes off in a classroom. No one dies, no one gets hurt. The only consequence is the person possessing the phone is a bit embarrassed. BUT if you are doing a high-risk warrant service tomorrow morning at 0300 hrs and you are part

of a “stack” of cops quietly going down the hallway of some seedy motel with the goal of surprising a wanted armed felon and catching him in his REM sleep cycle – and a cell phone goes off – that can be very consequential. I can point out at least a dozen “lawful but awful” cop shootings caused by a cell phone ringing at the worst time possible, waking up the suspect and causing him to open fire on the cops, in turn forcing them to shoot him.

Clearly a cell phone not being silenced pre-warrant service is an error. Most tactical teams will have some sort of checklist to make sure all electronic devices are silenced pre-raid. Going back to paragraph two above, there are no new ways to get in trouble, but there are some variations on a theme. While I never had a cell phone back when I was a cop in the 1970s (and for the young readers here, we did not have that technology then – seriously – there were no cell phones and you might have to google that if you think I am lying), many of us had a ring of keys hanging on our duty belt. If you were doing some “secret squirrel” stuff, you would either wrap the keys with a rubber band so they would not jangle and wake the suspect, or you would remove the keys and put them in your pants pocket so they would not make any noise. It is the same concept as silencing your cell phone.

Anyhow, back to the focus of this writing – the importance of “lessons learned.” Sadly, our profession is not learning from past mistakes. Walk up to any chief of police or sheriff and ask, “So what are the lessons learned from Ferguson, Missouri in 2014?” Trust me, you will get a blank stare. Since the “Ferguson incident” I have addressed the International Association of Chiefs of Police every year and I have addressed over 40 chiefs of police groups at their various state con-



ferences, and I have addressed the National Sheriff's Association regularly. When I pose that question to a group of 200 law enforcement executives (with my promise to them that I will not ask any questions to try to embarrass them) I will get a maximum of five hands going up – and most of the hands that go up are Black hands! So the only people who learned from Ferguson are Black law enforcement executives?

If you think I am picking on law enforcement executives, guess again! Walk up to any fire chief and ask, “So what are the lessons learned out of the Colerain Township fire that killed Captain Robin Broxterman and Firefighter Brian Schira in Ohio in 2008?” You will get a blank stare. For the last 10 years I have been fortunate to address the “Big Event” that FDIC puts on in Indianapolis (I just did a eulogy for Bobby Halton – perhaps the most influential fire chief in the world since Alan Brunacini), and I have asked that question to fire chiefs. Most of the time no hands go up!

Let me move into school shootings. Walk up to anyone in the world of education and ask them what lessons were learned out of the Oxford, Michigan school shooting in 2021 – and you will get a blank stare. Final reports (after-action reports) are available but rarely accessed, and if accessed not fully read, and if read the knowledge is kept to the reader.

But walk up to any pilot – ANY PILOT – and mention the name Sullenberger – and that pilot will tell you exactly and precisely how to land a plane on the Hudson River. My point is this: The learning management system in the aviation world is much more robust than it is in the world of public safety in general and law enforcement in particular.

I am closing in on my word count but let me wrap up this piece with some thoughts on my plan to “make the knowledge of one the knowledge of all” – to make sure what one person knows, everyone who is similarly situated will know. Here is my seven-step approach to properly address this issue:

1. We need better investigations of law enforcement tragedies.
2. We need to learn from these investigations.

3. We need to learn from tragedies in other high-risk industries.

4. We need to learn from close calls.

5. We need to “bring back the best of the best” to share their accumulated knowledge.

6. We need to capture information from “Level 3” employees before they separate.

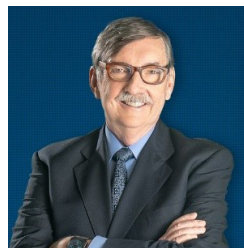
7. All the above need to be put into a system that will deliver job-specific information to each employee every day.



In my next article, I will start to cover this list in much greater detail. In the meantime, here is a closing thought. I have several different “legacy” projects in the works. I know my years left are decreasing annually so I am putting together some thoughts that will live beyond my years. One of my projects is entitled “Your Black Swan Is Someone Else’s Gray Rhino.” The title of that project includes two great books on my recommended reading list, *The Black Swan* by Nassim Nicholas Taleb and *The Gray Rhino* by Michelle Wucker. If you are seriously into this risk management stuff, read those two books.

My bottom line is simple: There are very few – if any – black swans in the world of police work. Our tragedies are not sneaking up on us. They have happened before in other jurisdictions and in other states, but we are not learning. Just because it is new to you does not mean it is new to our profession.

Until our next visit, please work safely.



Gordon Graham is a 33-year veteran of law enforcement and is the co-founder of Lexipol, where he serves on the current board of directors. A practicing attorney, Graham focuses on managing risk in public safety operations and has presented a commonsense approach to risk management to hundreds of thousands of public safety professionals around the world. He holds a master’s degree in Safety and Systems Management from University of Southern California and a Juris Doctorate from Western State University.

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Join us for our “Back 2 School Giveaway “ in partnership with Staples, DII Deals & Discounts and The Finest Federal Credit Union as we’ll be distributing backpacks along with additional school supplies. QUESTIONS? Please call our Community Affairs Unit (718) 819-3667 or email us at CommunityAffairs@seagatepolice.com


SEA GATE POLICE DEPARTMENT, NEW YORK
COMMUNITY AFFAIRS UNIT



BACK TO SCHOOL GIVEAWAY

Saturday September 2, 2023
4pm - Until Supplies Last
Sea Gate Community Center
3700 Surf Ave - Brooklyn, NY 11224

FOLLOW US ON FACEBOOK AND TWITTER: @SGPDNY



Town_Tonawanda_PD @TTPD · 11h

Two of Tonawanda’s finest just hit the jackpot while patrolling on a busy Friday. Perfect evening for some lemonade!



<https://www.facebook.com/groups/>

NEW GROUP PAGE

New York State Association of Chiefs of Police



NYSACOP

Join our Facebook group. Click on the link above. The image below is the group you should join. Be advised the old site is no longer in use.