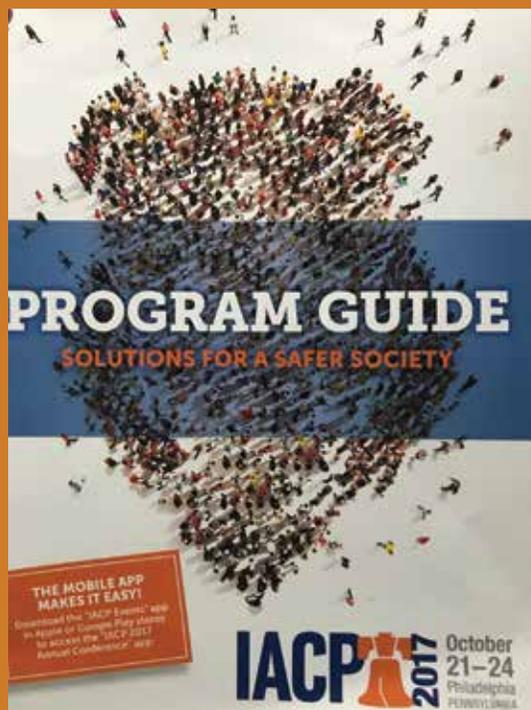


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December 2017



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Executive Director on Medical Marijuana

Counselor's Corner on Recent Court Rulings Regarding Parking Tickets

Training Director on Building Positive Media-Relations & Conducting Professional Press Conferences During a Crisis



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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: Dennis R. Naylor at dnaylor@nychiefs.org

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On the Cover:

Photos from the 2017 International Association of Chiefs of Police (IACP) Conference in Philadelphia, Pennsylvania.

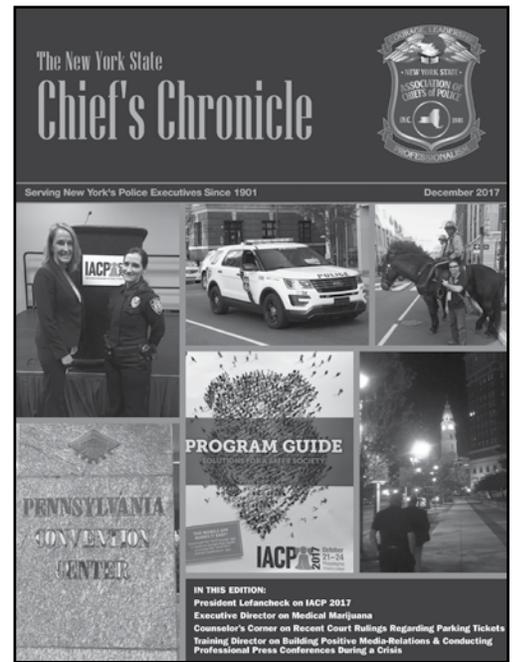
Pictured on the top row from left to right:

- Executive Director, Margaret Ryan, with Lincoln, Nebraska police officer, Angela Sands. Officer Sands presented during the conference about her confrontation with a violent armed individual who pulled a gun, and fired a round at her heart at point blank range. Officer Sands survived because of wearing body armor and emphasized the need for all officers to wear their vests. Officer Sands was subsequently named as a Dupont/Kevlar Survivor's Club Honoree during the IACP 2017 Conference.
- A Philadelphia Patrol vehicle is seen on patrol outside of the Philadelphia Convention Center providing safety and overwatch for the thousands of police executives attending the IACP conference.
- NYSACOP Director of Research, Development, and Training, Dennis Naylor, is pictured with two of Philadelphia's PD's mounted patrol officers who helped to provide a strong police presence during this year's conference.

Pictured on the lower row from left to right:

- A picture of the Granite column outside the Philadelphia Convention Center
- The cover of this year's conference brochure which listed all the trainings, forums, and assemblies for the police executives to attend
- A picture of downtown Philadelphia at night

Photo credits courtesy of Dennis Naylor and Margaret Ryan



FBI Director Christopher Wray was among the Law Enforcement Leaders from around the world in attendance at the IACP 2017 in Philadelphia, PA

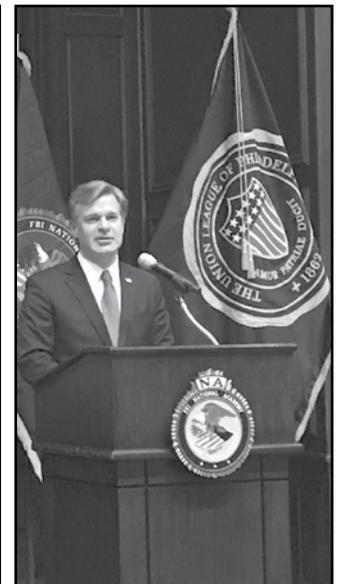


A photo of the vendor exposition floor during the IACP conference gives a small look at the enormity of what is offered to attendees. Every imaginable law enforcement product is on display for attendees to view and test. The vendor floor is an event in itself and for those who are unable to make the trip to IACP 2018, we remind you to come to the NYSACOP Vendor Expo in 2018. It will be held at the Albany Capital Center on Wednesday May 9th 2018, the day after the annual remembrance ceremony at the Police Officers Memorial near the State Capitol building. Please

mark your calendars in order to see over 70 law enforcement vendors demonstrate their products and answer questions.



NYSACOP Zone 1 Representative, Chief Marvin Fischer, of SUNY Farmingdale is pictured in downtown Philadelphia during the IACP 2017 Conference.



FBI Director Wray addressed the attendees at this year's conference, highlighting FBI Goals, the importance of integrity, and the value of law enforcement partnerships. He is also pictured with NYSACOP Director of Research, Development, and Training, Dennis Naylor, after he spoke at a National Academy Event during the conference.



President's Report

IACP 2017 Was a Valuable Experience



BY CHIEF MICHAEL LEFANCHECK, PRESIDENT; NYSACOP

Hello, my fellow NYSACOP members, I trust that this finds you all doing well and enjoying the Fall season throughout New York. By the time you read this, I'm sure some of you will have experienced this year's first snowfall and the resulting issues that winter weather brings to our region of the country.

I am writing this, having just returned from the International Association of Chiefs of Police (IACP) annual training conference in Philadelphia, PA. As your President, I represented NYSACOP at a number of meetings and functions during my time there and would like to report back to the membership on those activities.

On Saturday, October 21st, I attended the State Association of Chiefs of Police (SACOP) meetings. These meetings are open

I was struck by the similarities of the issues we were all facing.

to the SACOP representative from each state and during the meeting for the northeast region, I was struck by the similarities of the issues we were all facing. The issue of bail reform has taken a strong hold across the area, along with other states considering raising the age of criminal responsibility. Some of these states already allow individuals up to the age of eighteen to be considered juveniles, and now their state legislators are considering raising that age further.

In addition, there was a great deal of discussion on the topic of recruitment and retention. The issue of recent drug usage amongst candidates was quite relevant with many in the room expressing the opinion that there was a shortage of qualified candidates who could successfully complete a background examination. For those members who work for a smaller-sized organization, membership

For those members who work for a smaller-sized organization, membership in the IACP has many advantages.

in the IACP has many advantages, foremost among them being involvement with the IACP's Smaller Department Section.

Executive Director, Margaret Ryan, and I also were able to attend a small luncheon where Lincoln, NE Officer Angela Sands, was presented as the 2017 recipient of the IACP/DuPont Kevlar Survivor's Club. It was an emotional presentation and Officer

Sands provided a brief description of her struggle with an armed person who was able to pull a gun from his waistband and fire a round directly at Officer Sands' heart at point blank range. She was saved by the vest that she was wearing that day and eloquently

She was saved by the vest that she was wearing that day and eloquently spoke about the need for all officers on patrol to wear their vest.

spoke about the need for all officers on patrol to wear their vest. If your agency does not have a mandatory body armor policy, I strongly urge you to reconsider that decision.

I was fortunate to be able to attend the opening ceremonies as well as the general assemblies that were held. I was struck by the number of past IACP Presidents who were in attendance. It was reassuring to know that their commitment to law enforcement remains strong, many years after their terms have ended. IACP President Don DeLucca had all in attendance stand and recite the Oath of Honor and he reflected on his term in office.

He spoke about the attacks on police that are occurring around the globe and indicated that he has directed a task force to be established to assess global attacks against police. He has testified to congress about the issue of law enforcement response to the mentally ill (an issue the NYSACOP Board has strongly addressed and communicated to the New York State Division of Criminal Justice Services that we believe all new recruits should receive the 40-hour Crisis Intervention Team or "C.I.T." course within their academy training). He also indicated that the IACP now represents over 30,000 members from 150 countries.

We heard from Cressida Dick, the Commissioner of the Metropolitan Police in London, England. Her remarks were poignant, on topic and direct. She spoke about the importance of intelligence lead community-policing within all communities. She discussed the recent terrorist attacks in both London and Manchester and spoke about terrorism as "a global threat, which no one can ignore."

For those who are not aware, London's population is nearly 9 million people, and yet the Commissioner informed us that the most recent three-year average for homicides within the city was 110 per year. This is obviously a rate much lower than most cities in the U.S. and her perspective on the law enforcement profession was well received by the membership. ▶

We then had the opportunity to hear from United States Attorney General Jeff Sessions. To say that the Attorney General expressed a strong thanks to the men and women who work in law enforcement in this country would be an understatement. During his remarks he covered a great deal of ground, some of which had a direct impact on New York State. By the time you read this, I'm sure you will be aware that during his time with

To say that the Attorney General expressed a strong thanks to the men and women who work in law enforcement in this country would be an understatement.

the IACP members, he indicated that the group, MS-13, would be designated as "a priority for Organized Crime Task Forces." Many parts of New York, specifically the New York City and Long Island areas, have had multiple violent crimes perpetrated by members of this group and any assistance at the federal level is greatly appreciated.

Attorney General Sessions said that the Department of Justice

has a motto, which is "Justice for Victims, Consequences for Offenders." He also stated to the law enforcement officials present, "The Department of Justice thanks you and we are proud to stand with you."

For those who have not had the opportunity to attend the IACP Conference, I am not sure I can adequately describe the sheer volume of available training courses on many different topic areas. Leading experts in their field presented on numerous days, with many of the rooms filled beyond capacity.

Also, extraordinary for its size and variety, is the exposition hall. Every type of law enforcement product imaginable, from helicopters to bicycles and everything in between is available on display. I had the opportunity to interact with a number of the vendor partners from NYSACOP and enjoyed those conversations immensely.

I would be remiss if I did not end this article with a thank you to the men and women of the Philadelphia Police Department. The effort expended to ensure that all of the attendees were safe was tremendous and the level of professionalism I observed during my time in Philadelphia was exemplary.

Stay Safe and I hope everyone has an enjoyable Holiday Season with your friends and family.



Pictured above from Left to Right are: Chief John Aresta, Malverne Police Department and 1st Vice President of NYSACOP, Chief (Ret.) Margaret Ryan, Executive Director of NYSACOP, Chief Michael Lefancheck, Baldwinsville Police Department and President of NYSACOP, Chief Patrick Phelan, Greece Police Department and 2nd Vice President of NYSACOP, and Chief (Ret.) Dennis Naylor, Director of Research, Development, and Training for NYSACOP. This photo was taken in Philadelphia, Pennsylvania during the 2017 Annual International Association of Chiefs of Police (IACP) conference, held October 21st through October 24th at the Philadelphia Convention Center. The background of the picture depicts the Liberty Bell, highlighting the spirit of Philadelphia.

Executive Director's Report

New York State's Medical Marijuana Program



BY CHIEF (RET.) MARGARET E. RYAN, EXECUTIVE DIRECTOR; NYSACOP

In my March Chronicle article, I discussed heroin and its impact in New York State. A problem the New York State Association of Chiefs of Police began discussing with the Governor thirty-six years ago that continues today. As law enforcement and their communities continue to work together on enforcement of drug abuse while delivering the care and treatment needed to solve the heroin problem, let's look at another drug in our communities: marijuana. Merriam-Webster defines marijuana as the dried leaves and flowering tops of the pistillate hemp plant that yield THC and defines cannabis as any of the preparations (such as marijuana or hashish) or chemicals (such as THC) that are derived from the hemp and are psychoactive.¹ Tetrahydrocannabinol, more commonly known as THC, is the chemical compound that is the principle psychoactive constituent of cannabis.

New York became the 23rd state in the United States to authorize medical marijuana. Governor Cuomo signed the new law, the Compassionate Care Act, on July 5, 2014. Outlined as the purpose, "this bill would comprehensively regulate the manufacture, sale and use of medical marijuana. It would strike the right balance between potentially relieving the pain and suffering of those in desperate need of a treatment and protecting the public against

New York became the 23rd state in the United States to authorize medical marijuana. Governor Cuomo signed the new law, the Compassionate Care Act, on July 5, 2014. Outlined as the purpose, "this bill would comprehensively regulate the manufacture, sale and use of medical marijuana."

risks to its health and safety. The balance would be maintained by granting discretion to physicians to prescribe in accordance with regulatory requirements and medical norms, empowering the Department of Health to oversee the regimen of medical marijuana usage and leaving to the Governor, the final say in seeing that the public's safety and health are protected by authorizing him to discontinue the program, in whole or in part, should risks to the public so warrant."² Eighteen months later, on January 5, 2016, the New York State Department of Health announced the State's Medical Marijuana Program was launching.

Often discussed in relation to marijuana and cannabis is the

Cole Memo³. The Cole Memo told states: if you implement a strict regulatory framework, the federal government will leave it alone. The Cole Memo told states that prosecutors and law enforcement should focus on the following priorities to avoid federal interference:

- Prevent distribution of cannabis to minors
- Prevent cannabis revenue from funding criminal enterprises, gangs or cartels
- Prevent cannabis from moving out of states where it is legal
- Prevent use of state-legal cannabis sales as a cover for illegal activity
- Prevent violence and use of firearms in growing or distributing cannabis
- Prevent drugged driving or exacerbation of other adverse public health consequences associated with cannabis use
- Prevent growing cannabis on public lands
- Prevent cannabis possession or use on federal property (national parks, government property, etc.)

Today, 29 States and the District of Columbia have laws regarding marijuana. In New York, as of October 31, 2017, 1,297 practitioners are registered to issue certificates to their patients to receive medical marijuana products and 34,757 patients have obtained a patient certification. Five organizations are registered, each having four dispensing locations with five more organizations listed as "coming soon" by the New York State Department of Health.⁴ These registered organizations must manufacture products in an indoor, enclosed, secure facility. Smoking and edible products as a method of administration are prohibited by the law. The Commissioner of Health has approved liquid or oil preparations or capsules. Extraction, or the process of using solvents to remove essential oils, waxes or other botanic material from the marijuana plant must occur to meet these requirements. Law enforcement and first responders must know and train on National Fire Protection Association (NFPA) standards for identification of hazardous materials. Butane, propane and carbon dioxide are a few of the most commonly used solvents involved in the extraction process. Knowing hazards that responders may encounter and how to mitigate those hazards are critical in everyone's safety. Safety, inhalation and contact hazards may be different at each facility. Safe operations procedures and personal protective equipment assist to mitigate the hazards for employees, inspectors and responders. Request the Safety Data Sheets for a facility in your jurisdiction so you're aware of which chemicals

responders may come into contact with. Has the facility provided a facility emergency plan for responder review? Does your agency have a policy for responding to a facility?

The courts around the country are interpreting laws differently regarding the use of medical marijuana. Some states have court

The courts around the country are interpreting laws differently regarding the use of medical marijuana.

rulings stating that employers are not required to accommodate for medical marijuana.⁵ Some state's courts ruled an employer cannot refuse to hire a medical marijuana cardholder even if the applicant admits during the interview that he or she will not be able to pass the employer's mandatory pre-employment drug test.⁶ Department policies establishing the use of medical marijuana by members of the department should be considered and discussed with your legal counsel.

As the number of certified practitioners and certified patients increase, and the registered organization locations continue to open, several things are essential for law enforcement:

Emergency preparedness and training is essential; Knowing the nuances associated with a facility and knowing where to confirm the status of a certification is essential; A sound department policy and continuing the discussion of marijuana in New York State is essential.

Notes:

¹Merriam-Webster dictionary <https://www.merriam-webster.com>.

²New York State Assembly Bill No A06357E <http://assembly.state.ny.us/leg/?bn=A06357E&term=2013&Summary=Y&Actions=Y&Votes=Y&Memo=Y&Text=Y>

³U.S. Department of Justice Office of the Deputy Attorney General James Cole Memorandum <https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>.

⁴New York State Department of Health Medical Marijuana Program page, https://www.health.ny.gov/regulations/medical_marijuana/application/selected_applicants.htm.

⁵*Emerald Steel Fabricators v BOLI*, 348 Or 159, 230 P3d 518 (2010), *Garcia v. Tractor Supply Company*, No. CV 15-00735 WJ/WPL, *Johnson v Columbia Falls Aluminum Company, LLC* 2009

⁶*Callaghan v. Darlington Fabrics Corporation, et all.*, C.A. (May 23, 2017)



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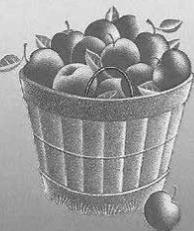
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Counsel's Corner



Parking Tickets and Recent Court Rulings



BY CHIEF (RET.) MICHAEL RANALLI, ESQ.

In this edition of the Counsel's Corner I focus on a topic that law enforcement agencies deal with every day: the issuance of parking tickets. Recent court decisions have led some local criminal court judges to warn of a potential negative impact on

Recent court decisions have led some local criminal court judges to warn of a potential negative impact on parking ticket cases.

parking ticket cases. As a result of these decisions, agencies should review the sufficiency of the tickets they currently use. Thanks to the Orange County Chief's Association for bringing this issue to the attention of NYSACOP.

First, I'll conduct a brief overview of what a parking ticket is under the law. Then I'll discuss what information should be included in the tickets used by your members. This requires a review of several sections of the New York Criminal Procedure Law (CPL), the New York Vehicle and Traffic Law (VTL) and assorted cases interpreting those sections. For simplicity, I've summarized the applicable sections of law, but references and citations are included in the endnotes, so you can confer with your municipal attorney/prosecutor on this issue. This will assist your attorney in duplicating the research and verifying whether this issue is a concern for your agency.

WHAT IS A PARKING TICKET?

Exactly what a parking ticket is—and what it is not—is often a point of confusion among law enforcement officers. Officers use different terminology all the time and may not fully understand the difference between terms.

Is there such a thing in the law as a parking ticket? The technical answer is no, there is no such instrument defined in New York law. So, is it a simplified traffic information, or an appearance ticket, or a summons or even an information? As will be explained in more detail, the answer is that it is at least an appearance ticket and could possibly be considered an information—but not a simplified traffic information. Under VTL § 238, it is also considered a “notice of violation.”

Many officers think of an appearance ticket as something used when a person is arrested for an offense and processed. The appearance ticket designates a date and time the person must

It is at least an appearance ticket and could possibly be considered an information—but not a simplified traffic information.

return to court (CPL § 150.10 & § 150.20), which may or may not be conditioned upon pre-arraignment bail (CPL § 150.30.) This is just one situation that appearance tickets are used. In an arrest situation, however, a local criminal court accusatory instrument will be completed and filed with the court prior to the appearance date. This instrument is what commences the criminal action in the court and, depending upon what type of accusatory instrument it is, can be used as the basis for the prosecution of the accused person (see CPL § 100.10 and all sections of CPL Article 100 for a complete review of accusatory instruments.) Without an accusatory instrument being filed with the court, the action will never formally commence, and the court will never obtain jurisdiction over the person.

So, an appearance ticket is essentially just a written notice issued by an officer directing a designated person to appear at a future date and time in connection with a designated offense. By itself, the appearance ticket does not give the court jurisdiction over the subject of the ticket.

Here lies the reason for this article and the basis of the recent court cases dismissing parking tickets. A parking ticket has been

A parking ticket has been held to be “...the functional equivalent of an appearance ticket,” but is not an accusatory instrument and fails to give a court jurisdiction over the defendant.¹

held to be “...the functional equivalent of an appearance ticket,” but is not an accusatory instrument and fails to give a court jurisdiction over the defendant.¹ If an accusatory instrument is not filed with the court by the time of the appearance of the person, the court may not have the authority to act and may have no choice but to grant a motion to dismiss the action.

This is what has happened in the recent cases, which is getting the attention of some local criminal court judges. I used the word “may” to explain what could happen, because there is a way to prevent this problem from occurring within your court.

SUFFICIENCY OF PARKING TICKETS

The most obvious solution to avoid any potential motion to dismiss a parking ticket is to file an accusatory instrument with the court. Specifically, this would be an information, which is a verified written accusation charging a person with one or more offenses (CPL § 100.10.) This information can be the basis for both the commencement of the action and the prosecution if it contains the name of the court in which it is filed and the title of the action and is verified by the complainant who, for our purposes as it pertains to parking tickets, has personal knowledge of the offense charged (see CPL § 100.15 for all the specific requirements.) While this sounds simple on paper, in operation it could be time-consuming and wasteful to have to create a long-form information for each parking ticket.

Is there a simpler way to ensure your parking tickets will not be dismissed? Yes, but it may require a new version of your parking ticket. I will go through the criteria that will arguably make parking tickets into both appearance tickets and informations. Many

**it is important to the citizens of your communities
that your officers enforce parking laws
appropriately.**

agencies will review this article and determine they do not need to do anything since their tickets already contain the necessary elements. There is precedent that courts will look at parking tickets and similar “notices of violation” to see if they meet the criteria for a valid information under CPL Article 100,² leading to the logical conclusion that a parking ticket can suffice as an information if it contains all the requirements of CPL.

Before we can list out what needs to be in a parking ticket to avoid dismissal in court, there is one more important section of law that we must consider: VTL § 238 – Notice of Violation. This section sets forth the requirements for initiating a prosecution for parking violations, including five mandatory identification elements that may not be omitted from the ticket or erroneously entered.³ The ticket must also include *either* the name of the person charged with the violation, *or* the words “owner of the vehicle bearing license.” This section is what allows the ticket to be affixed to the vehicle in a conspicuous place instead of issued to the owner. So not only should your tickets conform with the statutory requirements for an information, they must also meet the criteria of VTL § 238.

To conform with the requirements of CPL Article 100 and meet the requirements of an information, your parking tickets should contain the following content:

1. The name of the court where it is filed (i.e., court name and location) and the title of the action (e.g., The People of the State of New York v. the Registered Owner of the Vehicle Bearing License Described Below).⁴ Placing the title of the offense in this manner can also meet the requirements of VTL § 238(2), which must appear when the ticket is to be affixed in a conspicuous place instead of issued to the owner.
2. It must be subscribed and verified by the complainant (the officer) who has personal knowledge of the commission of the offense(s). Some possible language to include on your ticket would be: “The above allegations of fact are made by the complainant herein on direct knowledge and personal observation, and that the operator was not present and the complainant affixed a copy of this instrument to the aforementioned vehicle.” This latter part is designed to satisfy the requirements of VTL § 238(1). The first part is designed to

satisfy CPL § 100.15(1) and establish that the ticket contains non-hearsay allegations (see CPL § 100.40(1)(c)).

3. As to the verification requirement, the ticket must use the language from CPL § 100.30(1)(d) and state: “False statements herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.” My guess would be that if you find your current parking ticket to be lacking, it is because of this requirement. It is *not enough* to state: “affirmed under penalty of perjury,”⁵ which is the language used on a New York State Uniform Traffic Ticket (UTT), which is a simplified traffic information. And this is one of the reasons why using a UTT is not a viable alternative since it is the notice of and/or issuance of a supporting deposition that allows for the prosecution of traffic offenses.

In addition to the previously discussed requirement that the ticket include the language “owner of the vehicle bearing license,” to conform with the requirements of VTL § 238 the ticket must:

1. Contain language advising the charged person of the manner and the time in which he/she may plead either guilty or not guilty to the violation
2. Contain a notice that failure to plead in the time provided will be deemed an admission of liability and a default judgement may be entered
3. Have a place for the five mandatory elements required by the statute and case law:
 - a. Plate designation
 - b. Plate type
 - c. Expiration date of registration
 - d. Make or model of the vehicle
 - e. Body type of said vehicle
4. Include a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision

CONCLUSION

In the grand scheme of things, the issuance of parking tickets might not seem to be the most important duty of a law enforcement officer. But it is important to the citizens of your communities that your officers enforce parking laws appropriately.

Many of the cases I have cited in this article are old, indicating this issue has been around for some time. My guess is it hasn't become an obvious issue because most people will just plead guilty by mail or in person, or, in some cases, just not pay. Most people will not be aware of this issue and will not spend the money on an attorney to handle a mere parking ticket. That does not mean we should not do it correctly and issue the proper ticket in form and substance.

I have attempted to give an overview of the issues driving the dismissals of parking tickets, and also some guidance of how to correct it. My suggestion is to share this information with your municipal attorney/prosecutor and discuss what, if any, changes are needed for the tickets your agency uses.

¹*People v Tarnoff*, 54 Misc 3d 139[A] (App Term, 2d Dept., 9th & 10th Jud Districts 2017); *People v Carrillo*, 55 Misc.3d 147(A) (App Term, 2d Dept. 9th & 10th Jud. Districts 2017), *People v Gabbay*, 670 N.Y.S.2d 962 (2nd Dept. 2003).

²*Matter of Shirley v. Schulman*, 78 N.Y.2d 915 (1991), and *People v. Gabbay*, 175 Misc.2d 421 (App. Term 2nd Dept. 1997).

³*People v. Horner*, 958 N.Y.S.2d 647 (Poughkeepsie City Court, 2010); *Matter of Ryder Truck Rental v Parking Violations Bureau*, 62 N.Y.2d 667 (1984); *Matter of Wheels v. Parking Violations Bureau*, 80 N.Y.2d 1014 (1992), and *People v. Gabbay*, supra.

⁴See *Adams v. City of Buffalo Parking Violations Bureau*, 161 Misc.2d 683 (Sup.Ct. Erie Co. 1994)

⁵*Gabbay*, supra at 422 – 423.

Violent Deaths are Preventable... Together We Can Save a Life

BY KIMBERLY FRIELLO, NEW YORK VIOLENT DEATH REPORTING SYSTEM (NYVDRS)

Many violent deaths happen in foreseeable, avoidable ways, suggesting that starting prevention early can help reduce the number of these deaths. The number of suicides and homicides occurring are national crises. Suicide is the 10th leading cause of death for Americans and the 2nd leading cause of death among persons aged 25-34 years. Despite declines observed in many jurisdictions, nationally homicide is the 3rd leading cause of death among persons aged 15-34 years. The emotional strife, life stressors (e.g., job loss, difficulties in their personal relationships) and mental health issues – that both contribute to and result from these devastating deaths – provide added incentive to advance prevention strategies.

The New York Violent Death Reporting System (NYVDRS) is a powerful tool that helps us understand these tragic events. NYVDRS allows law enforcement and public health officials to share information to develop a better understanding of the circumstances surrounding violent deaths. You are critical contributors to building this knowledge by collecting and sharing detailed investigative reports.

NYVDRS is part of the National Violent Death Reporting System (NVDRS) which currently is the only standardized, state-based reporting system for violent deaths. NVDRS defines “a violent death as one that ‘results from the intended use of physical force or power, threatened or actual, against oneself, another person, or a group or community.’” This includes suicides, homicides, deaths due to unintentional firearm discharges, deaths by legal law enforcement intervention, and terrorism-related deaths. NVDRS’s most unique feature is its assimilation of information from three sources: death certificates, coroner/medical examiner reports (including toxicology reports) and law enforcement reports. Together, these three sources provide states and communities a comprehensive picture of the circumstances surrounding violent deaths. NVDRS data are collected under the same federal security and confidentiality guidelines that govern other surveillance activities and no personally identifying information is contained in NVDRS. NVDRS data describes the “who, when, where, and how” of violent deaths, which can lead to a better understanding of the “why.”

In 2015, there were 1,379 violent deaths in New York State, outside of New York City. Of these deaths, 1,008 (73%) were suicides and 265 (19%) were homicides. We had excellent response from our statewide law enforcement partners in collecting information on these deaths with some data provided for 90% of our requests. Circumstances about the deaths were provided by law enforcement in 50% of homicides and 82% of suicides. Circumstances collected in law enforcement reports include past criminal history, weapons, perpetrator information,

context of injury (i.e., what was the suspect was doing at the time of the injury), and the mechanism of injury (i.e., how the injury occurred.) Specific circumstances such as justifiable self-defense, random violence, hate crimes, relationship problems, life stressors, and suicide markers (e.g., disclosing intent to harm oneself) are other variables that are essential to collect from your reports. As seen in the table below, this information has the ability to assist us in targeting public health interventions to reduce these deaths, but it is currently unknown whether the numbers are a true reflection of the problem, or are they undercounted because the information was either not collected or not provided to NYVDRS.

Circumstance	Frequency	Percent*
Suicide		
Depressed Mood	332	40%
Mental Health Problem	317	38%
Suicide Note	294	36%
History of treatment of mental illness	232	28%
Intimate Partner Problem	204	25%
Homicide		
Argument	35	27%
Intimate Partner Violence	34	26%
Precipitated by Another Crime	25	19%
Other Crime in Progress	24	18%
Fight Between Two People	23	17%

Using multi-sourced data to further describe violent deaths and support an integrated approach to preventing violence is the core mission of NYVDRS. To further this goal, we need your support to obtain accurate data to and ensure complete information on each violent death that occurs in New York State. NYVDRS 2015 data is finalized and now available for specific data requests and researchers to use. If you have data requests, please let us know.

We invite you to visit www.health.ny.gov/statistics/prevention/injury_prevention/nvdrs/index.htm or contact us at NVDRS@health.ny.gov for additional details. We cannot do this alone. Together, we could save a life!

*Percentages based off number of cases with documented circumstances; cases may have multiple circumstances.

Article contributed and written specifically for December 2017 Edition of Chief's Chronicle.

¹Centers for Disease Control and Prevention (CDC). Web-based Injury Statistics Query and Reporting System (WISQARS) [Online]. (2015) National Center for Injury Prevention and Control, CDC (producer). Available from <http://www.cdc.gov/injury/wisqars/index.html>.



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Building Positive Media-Relations & Conducting Professional Press Conferences During a Crisis



BY: CHIEF (RET.) DENNIS R. NAYOR, DIRECTOR OF RESEARCH, DEVELOPMENT, AND TRAINING; NYSACOP

One of the most important endeavors for all police executives to undertake is that of working diligently towards developing and maintaining a positive relationship with their local media. In as much as we have all likely experienced occasions in which the news headlines or published articles either misrepresented the facts of an incident, sensationalized the incident to the disfavor of law enforcement, or focused solely on one side of an incident in an unbalanced manner, I can affirm that the effort spent towards creating an amicable relationship with the media is still of the utmost importance for police leaders of today. This article will highlight some of the reasons for this, along with some key concepts to be mindful of when it comes to police-media relations.

It is a fact that the media will report on those events which they feel is relevant, and oftentimes those events of relevance involve law enforcement (i.e. crimes, accidents, investigations, public matters, etc.) With that said, it is natural that the media will regularly seek out law enforcement for verification, clarification, and additional information on the incident in question. When these inquiries come in, it is imperative that the police chief or their designee respond to these queries in a timely and forthright manner. Failing to do so

The media can also serve as a great mechanism for a police department to highlight their work within their communities.

sends a message that the matter is unimportant, and can quickly serve to build distrust by the media towards the police department.

The willingness to answer media-based questions also helps to prevent inaccurate information from being disseminated to the public, and demonstrates a sense of transparency within the law enforcement organization. Even if the questions posed by the media can't be immediately answered, such as when the answers could compromise an ongoing investigation, or when the answers are not yet known, it is still important to return a call and state exactly that. This simple act helps to build trust and displays an openness by the police department to share information. Additionally, the media will be reporting on the incident even if they do not receive the requested input from law enforcement, so the time spent answering a few questions can eliminate the need for retractions or multiple versions of the same story.

There are also numerous occasions where it is in the best interests of the police to have an amicable relationship with the media simply for the maintenance of public safety. One of the most important examples of this is when the media is needed to quickly get information to the public to locate a witness, a suspect, a

vehicle, a stolen item, or most importantly, a missing person. The media can also serve as a great mechanism for a police department to highlight their work within their communities. This can easily be accomplished through the media's ability to publish departmental press releases or positive promotional articles. Articles regarding activities such as holiday toy drives, food drives, safety campaigns, or police-involved community meetings, are examples of community-oriented activities that the public will always appreciate reading.

I remember as Chief that one of the things which my community really enjoyed were the monthly guest columns that I authored for my local newspaper. These columns were all about 750 words in length and always focused on key issues in public safety. Whether the article was on crime prevention, elder abuse, bullying, firearms safety, vehicular safety, phone scams, or the like, the community gained valuable information which helped to reduce their chances of victimization. These articles also became a terrific way for me to clearly explain the role of law enforcement in detail while also providing me with the platform to clarify misnomers and misunderstandings, subsequently becoming a tremendous tool for building positive police-community relations.

There are times however in which an incident in question may occur that exceeds local interest, and national media may respond to your jurisdiction to report on the matter. Any high-profile incident will easily bring the cameras of CNN, Fox News, NBC, CBS, and the like to any police chief's jurisdiction, so the person at the helm better be ready. In these rare, yet major occurrences, there will generally be no prior relationships or trust established with the national media outlets so the way in which you present the facts, answer questions, and avail yourself to them could greatly affect the media's portrayal of the incident and in turn, the public's

Any high-profile incident will easily bring the cameras of CNN, Fox News, NBC, CBS, and the like to any police chief's jurisdiction, so the person at the helm better be ready.

perception of the incident as well. To follow are a few of the most important points to be mindful of regarding press conferences and the media as I learned as an attendee in a Public Information Officer (PIO) course several years ago.

First and foremost, have your facts in order and have a prepared press-release ready to read when speaking at a press conference. If possible, the press release should be provided, in advance of the press-conference, to all the media outlets who will be in

attendance. When it comes to the question and answer portion, set ground-rules. Establish what you will talk about, what you will not talk about, and how many questions you will answer (i.e. a few questions, no questions, etc.) When it comes to answering questions, always be honest and do not answer hypotheticals. Hypothetical questions or scenarios can easily take you off track and away from the facts. Stay on track with your points, not the points that the media may be trying to assert or the direction that they may be trying to take you. Remember to have those people to

The right message provided during a press conference can have a tremendous impact on the perception of your department, so it is essential that you are well prepared.

whom you may need to defer a question, at the podium next to you. This could be your mayor, city manager/town supervisor, partner agency representative, deputy chief, etc. This not only provides an important sense of support so that you as the spokesperson are not alone, but it also demonstrates that the matter has the attention of all important entities.

As stated above, the facts must be adhered to and repeat them as often as necessary. If a negative statement is made by the media, make sure that it does not become your focus. Address it if appropriate, and then move on from it. Maintaining composure and control of your emotions may be difficult, especially depending upon the circumstances of the incident, but it is essential that a professional appearance, voice, and demeanor be displayed always since the spokesperson at the press conference is the representation of the entire department.

The right message provided during a press conference can have a tremendous impact on the perception of your department, so it is essential that you are well prepared. Have bullet points available to help you key-in on the most salient points of the press release. Give the media and the public a reason to have confidence in you and your department. If you don't know something, tell the media that you will have your investigators look into it and then make it a point to get back to the seeker of that information with the answer. Don't ever guarantee an outcome because if the outcome is not achieved, then you will have misinformed the media and the public. It is better to state something to the effect of "all resources will be used to find the perpetrator of this incident," or something along those lines. If possible, also try to have someone from your agency video-record your press conference so that if a statement or sound-bite is edited or taken out of context by the media, you will have an unedited record of what was stated to appropriately address it later if necessary.

Sometimes the unfortunate reality is that something bad may occur from within your own department or on the part of a member from your department. In those cases, it is best to release the negative news to the media before the media makes an inquiry about it. This will hopefully demonstrate transparency and that one incident of wrong-doing does not define the entire department. Again, stick to the facts and as always, be honest. More significant consequences will result when an act of wrong-doing is covered up as opposed to the consequences that would occur from the original act itself.

When it comes to holding a press conference, make sure that environmental factors are considered, and that the best location is selected; never hold a press conference in an office. Once a location is decided upon, make sure that it is professional, that distractions can be controlled, and that there is an exit behind the podium so that you can leave when appropriate. The worst situation is one in which you as the Chief or PIO can't exit without going through the media because an exit strategy had not been developed. After answering questions and prior to exiting, it is good to advise the media as to when the next press conference will be convened. This will obviously depend upon the nature of the incident, the speed of the investigative process, and other related items. Either way, make sure that you advise the media when the next press conference has been scheduled to occur, or advise that they will be notified when a new time is established. Lastly, try to close the press conference with a positive and proactive statement, such as "all efforts and resources are being dedicated towards finding those responsible and assisting the victims," or similar messages of that nature.

When it comes to major incidents, minor incidents, or daily police business, use social media to your advantage. Facebook, Twitter, a YouTube channel, and your department's website all provide you with the opportunity to build a base of followers to get your messages out there. The news media generally follow police departments' social media as well, so this can be a terrific way to get your important messages out to not only the public, but to the media, which makes for much wider dissemination.

The time to create the positive relationships, prepare for press conferences, and develop your social media platform is well before a major incident develops. Building trust and developing relationships is extremely important in this era of policing. The media may never

The time to create the positive relationships, prepare for press conferences, and develop your social media platform is well before a major incident develops.

fully be in your corner, but possibly you will be given the benefit of the doubt when something questionable arises if the positive relationships are formed in advance of that incident. There will still undoubtedly be times when you will be misquoted or times in which the news story may be written in an unbalanced manner, but I can say that there is no benefit in holding a grudge or promoting an adversarial relationship. When those instances happen, address it with the reporter or editor, and then just move on from it.

My concluding thoughts are as follows: Providing the media with information regularly, allowing them to participate in ride-alongs, inviting them to police presentations, and offering them the opportunity to participate in specialized trainings are all positive ways to build a solid relationship. Attending a Public Information Officer course will help any police official to be more capable of conducting press conferences and answering media inquiries, and is a valuable investment. Lastly, the more your local media feels connected to you and your department, the better the relationship will be and when that happens, everyone benefits.

If I can be of any assistance with additional questions, please contact me at dnayor@nychiefs.org and in the meantime, stay safe.

More than 100 New York First Responders from Bomb Squads, Explosive Detection Canine Teams and Tactical Teams Train at the Third Annual 'Excelsior Challenge'

BY CHET LASELL, ASSISTANT DIRECTOR OF PUBLIC INFORMATION; DHSES

More than 100 bomb technicians, explosive detection canine handlers and tactical team officers from across New York State participated in the third annual 'Excelsior Challenge' exercise at the State Preparedness Training Center in Oriskany in late September. During the three and a half-day exercise, participants tested their response capabilities in seven scenario-based activities based on current threats around the world. All of the scenarios closely resembled real-world incidents that occurred across the globe, including Barcelona, London, Nice, Orlando, Paris and St. Petersburg.

"As Governor Cuomo has clearly stated, the safety and security of all New Yorkers and the state's visitors is the number one job in government," said Roger L. Parrino Sr., Commissioner of the Division of Homeland Security and Emergency Services. "This type of exercise involving real-world threats helps ensure that our state's first responders remain among the best trained in the country, and that they are prepared to protect us from harm."

Joining responders from across New York this year were experts from the Federal Bureau of Investigation (FBI), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). To support cross-border coordination, a law enforcement team from Peel Regional Police in Brampton, Ontario, Canada, acknowledged as one of Canada's most progressive police services, also joined the training with their counterparts from New York this week.

This year's exercise included nearly 25 students from SUNY Albany's College of Emergency Preparedness, Homeland Security and Cybersecurity, the first-of-its-kind program in the United States. The students served as role players in each of the scenarios at the exercise, and had the opportunity to support the various instructional teams.

In addition to an enhanced partnership with UAlbany, the 2017 Excelsior Challenge also included:

- Scenarios featuring an attack on a crowded nightclub; a vehicle ramming attack; an attack on a subway car; an attack in a mall, and a law enforcement response to a known gang safe house.
- Various scenarios incorporated an unmanned aircraft system (UAS) with support from the New York State Department of Environmental Conservation. This effort complements a new series of UAS training courses that the

SPTC is currently developing.

- A sub-set of Excelsior Challenge participants trained using their own radios on the National Interoperability Channels with the support from the State Office of Interoperable and Emergency Communications. This was an integral component of DHSES' efforts to provide the most realistic training experience possible at the Excelsior Challenge.

Margaret E. Ryan, Executive Director of the New York State Association of Chiefs of Police said, "The multidiscipline approach of the Excelsior Challenge and the New York State Preparedness Training Center creates an environment for emergency services to enhance their ability to create scenario-based training in a realistic environment. Law enforcement agencies from across New York State training together tests the interoperability to provide increased readiness for all. The Excelsior Challenge and the SPTC are a great resource for our emergency responders across the state to prepare for any emergency."

Stephen J. Diaczyszyn, Unit Chief, Counter IED Unit, FBI said, "Interoperability training between tactical teams, bomb technicians and canine teams is essential due to the evolving complexity of terrorist and terrorist inspired attacks. The Excelsior

Challenge exercise, which is hosted at the cutting-edge State Preparedness Training Center, provides an outstanding venue to receive this critical training. As the agency responsible for training, certifying and accrediting public safety bomb squads and bomb technicians, the FBI is here in partnership with subject matter experts from New York's Division of Homeland Security and Emergency Services to ensure a realistic training experience grounded in the tactics, techniques and procedures taught at the FBI's Hazardous Devices School."

Stu Cameron, Chief, Suffolk County Police Department said, "The Suffolk County Police Department is very pleased to have an opportunity for our bomb squad, tactical team and canine section to work together with other like assets from across New York State on realistic scenarios at the State Preparedness Training Center. This type of training is invaluable and it will enhance our overall capability to respond to complex scenarios."

Paul A. Stasaitis, Captain, Commanding Officer of the Patrol and Special Operations Division, Westchester County Police Department said, "The Westchester County Police have participated in this event since its inception, and are looking forward





to taking part again this year. Each time we have been here we have learned something new that has been brought back and integrated into our training and operations. Working with the teams from other regions of the state has developed new and beneficial relationships for not only our specialized teams, but also for the department in general.”

Joseph L. Grella, Sergeant, Nassau County Police Department said, “The Nassau County Police Department is once again excited to participate in this year’s Excelsior Challenge. With the ever evolving tactics of terrorists and active shooters it is imperative for police departments to continually train in realistic scenarios. Having the ability to integrate tactical teams, bomb squads and canine teams is critically important to the effective and efficient response to those incidents. The New York State Preparedness Training Center provides this as well as the networking and inter-agency collaboration that enhances everyone’s capability.”

Article contributed and written specifically for the December 2017 Edition of Chief’s Chronicle.

Law Enforcement Agencies

<i>Law Enforcement Agency</i>	<i>Bomb Squad</i>	<i>Explosive Detection Canine Team</i>	<i>Tactical Team</i>
Albany County Sheriff’s Office		X	
Binghamton Police Department		X	X
Broome County Sheriff’s Office		X	
Cattaraugus County Sheriff’s Office	X		
Chautauqua County Sheriff’s Office	X		
Endicott Police Department	X		
Erie County Sheriff’s Office	X	X	X
Middletown (City) Police Department		X	
Monroe County Sheriff’s Office	X		
Nassau County Police Department	X		X
New Rochelle Police Department		X	X
New York Police Department	X	X	
Niagara County Sheriff’s Office		X	
Orange County Sheriff’s Office		X	
Rochester Police Department	X	X	X
Rockland County Sheriff’s Office	X		
Suffolk County Police Department	X	X	X
Syracuse Police Department	X	X	X
Wayne County Sheriff’s Office		X	
Westchester County Police Department	X	X	X
White Plains Police Department		X	X

State Agency/Authority

<i>Agency/Authority</i>	<i>Bomb Squad</i>	<i>Explosive Detect. Canine Team</i>	<i>Tactical Team</i>
New York State Police	X	X	
Metropolitan Transportation Authority Police Department		X	
Niagara Frontier Transit Authority		X	

Additional Law Enforcement Agencies Participating

<i>Agency</i>	<i>Bomb Squad</i>	<i>Explosive Detect. Canine Team</i>	<i>Tactical Team</i>
Peel Regional Police Department	X	X	X

*Editor’s note: For additional information on the Excelsior Challenge and the State Preparedness Training Center, please go to <https://www.nychiefs.org/publications/apb-podcast> and listen to podcast number 174.

Why The Key to Deterring Juvenile Crime May Lay With Afterschool Programs

BY CHRIS NEITZEY; POLICY DIRECTOR FOR THE NEW YORK STATE NETWORK FOR YOUTH SUCCESS

In an average week, children can spend about 20-25 hours out of school while their parents remain at work. For some of these youth, afterschool programs provide a place where they receive academic support, participate in innovative STEM or arts programming, and receive a nutritious snack or meal, all in a safe and structured environment. However, for too many children in our state, access to an afterschool program is limited by fees, waitlists, or distance. According to the America After 3PM survey, for every child enrolled in an afterschool program in New York, there are two more who would participate if one were available to them. That works out to 1.1 million children in need of afterschool programming across the state, with over 584,000 of those students currently lacking adult supervision after the school day ends. The staggering number of children left unsupervised after school is a concern for many parties, from parents and school districts to policymakers and law enforcement.

In your experience, when is juvenile crime most likely to occur? Research shows that during the school year, violent juvenile crime is far more likely to occur between the hours of 3:00 PM and 7:00 PM. It is also during these same hours that children are most likely to become victims of a crime. The causes of this spike in crime can range from a lack of positive adult supervision to peer influence to youth lacking opportunities to participate in meaningful experiences outside of school. While the causes may vary, one solution to this problem is providing more opportunities for children and youth to take part in high-quality afterschool programs. Afterschool programs provide a safe environment, positive role models, and educational experiences that can open up the minds of students to new possibilities and careers they may never have realized.

DROPOUT RATES AND CRIME

In the United States, if a student fails to graduate from high school, they are three and a half times more likely to get arrested and eight times more likely to be incarcerated in their lifetime, according to *School or the Streets: Crime and America's Dropout Crisis*, a report from Fight Crime: Invest in Kids. Another shocking statistic shows that among all crimes committed in the United States, 75% are committed by high school dropouts.

Research on afterschool programs has shown the impact that high-quality afterschool programs have on reducing chronic absenteeism and improving graduation rates. Teenagers who do

not participate in afterschool programs are nearly three times more likely to skip classes at school than teens who do participate in a program. These teens are also three times more likely to use marijuana or other drugs, and more likely to drink alcohol, smoke cigarettes and engage in sexual activity than teens not in afterschool programs, all factors that play a role in increased absenteeism, and ultimately dropout rates.

Former Massena Chief of Police and current Mayor of Massena, Timmy Currier, understands firsthand the impact that afterschool programs play in addressing juvenile crime and substance abuse. Mr. Currier serves as President of the Board of Directors for the local Boys and Girls Club in Massena, which he helped found in 2012. Due to rising substance abuse and increased poverty in the city, the Club set out to provide youth with needed support through afterschool programs that provide arts and recreation opportunities and include a particular focus on conflict resolution and teamwork. The success of the local Boys and Girls Club has resulted in a 90% graduation rate for Club alumni attending the Massena Central School District, eight points higher than the graduation rate for the district as a whole during the 2015-16 school year.

EXPANDING INVESTMENTS IN NEW YORK

With a historic recognition of the role that afterschool programs play in student success, New York State invested \$35 million in new funding to expand afterschool and summer programs in targeted school districts with high-poverty rates this past April. This increase is the single largest investment in afterschool programs in the history of the state, and will provide much needed afterschool programs to 22,000 additional youth. Despite this necessary funding increase, there are still far too many children and families lacking access to these programs in our state. Additional investments are still needed to provide high-quality afterschool and summer programs to students across the state so children, families, and communities can benefit from increased graduation rates and lower rates of juvenile crime. As Mr. Currier has shown, Police Chiefs can make a difference.

To learn more and get involved, please reach out to Chris Neitzey (chris@networkforyouthsuccess), Policy Director for the New York State Network for Youth Success.

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The 2017 Roy Thorpe Traffic Safety Award goes to NYPD Sergeant

On October 16, 2017, Sergeant Donald M. Schneider of the New York City Police Department Highway Patrol Unit was selected as the 2017 recipient of the Roy Thorpe Award for promoting traffic safety. This award goes to the unsung heroes who work hard to promote traffic safety and who make outstanding contributions towards traffic safety on a regular basis. Sergeant Schneider was formally recognized for his efforts and accomplishments at New York Fall Highway Safety Conference in Niagara Falls, NY. Below is the wording from his nomination, which was made by NYPD Chief of Transportation, Thomas Chan.

“Sergeant Schneider has been a member of the New York City Police Department for over 16 years, and has been assigned to Traffic Enforcement for over a decade, as both a Police Officer and Supervisor.

In November 2013, Sergeant Schneider was assigned as the Department’s Impaired Driving Enforcement Program Coordinator. Sergeant Schneider is one (1) of only sixteen (16) New York State Certified Drug Recognition Experts in the New York City Police Department; and the only Certified Drug Recognition Expert Instructor employed by the New York City Police Department. He serves as the Agency Coordinator for the Drug Evaluation and Classification Program.

In the last several years, Sergeant Schneider has many achievements in the area of traffic safety. Most notably, in early 2015, Sergeant Schneider initiated a research project, exploring the possibility of utilizing new oral fluid sample analysis technology to immediately determine the presence or absence of drugs in a person’s system, in the field. As a result of this research, Sergeant Schneider developed the “Oral Fluid Program” which would utilize the Standardized Field Sobriety Testing - Test Battery; obtaining Preliminary Oral Fluid Samples; followed by the administration of a Preliminary Breath Test for alcohol – from all motorists involved in serious vehicle collisions to determine if impairment was a contributing factor in those types of collisions.

In July 2015, Sergeant Schneider presented the “Oral Fluid Program” to the New York City Mayor’s Vision Zero Task Force. It was well received, and upon approval of the New York City Police Department Legal Bureau, and with the support of all five (5) County District Attorney’s Offices Vehicular Crimes Bureau Chiefs, the program was implemented on September 1, 2015.

During the first twenty four (24) months the program has been implemented, fifty-two (52) motorists’ involved in a serious vehicle collision were identified as intoxicated by alcohol or impaired by a drug at the time of the incident, and placed under arrest. Thirty-six (36) motorists were arrested for Driving

While Intoxicated by Alcohol; and fourteen (14) were arrested for Driving While Ability Impaired by Drugs. Two (2) additional subjects were found to be under the influence of a combination of alcohol and drugs. Prior to the implementation of this program, Intoxicated and Impaired Driver Screening in these types of cases was limited to only the administration of a Preliminary Breath Test, and there were no methods used to identify motorist impaired by drugs. The New York City Police Department was the first law enforcement agency in the country to use Preliminary Oral Fluid analysis in collision investigations. For this program, Sergeant Schneider secured \$100,000 in funding to purchase all necessary equipment. This program has been included in the New York City Mayor’s Vision Zero Action Plan Report for 2016.

Sergeant Schneider has developed a unique approach to identifying and apprehending motorists whom are intoxicated or impaired by alcohol and/or drugs. He used innovative new technology to advance the Department and City of New York’s goal identified in the Mayor’s Vision Zero Action Plan. The program developed by Sergeant Schneider has been extremely successful since its inception, and is an ongoing initiative. At this time, Sergeant Schneider is working with several other agencies throughout New York State to assist them in implementing this program.”

In the accompanying photo pictured Left to Right are: Michele James, Regional Vice President of the NYS Association of Traffic Safety Boards, Tracie Coulson, President of the NYS Association of Traffic Safety Boards, award recipient, Sergeant Donald Schneider, and NYPD Chief of Transportation, Thomas Chan.

Photo and information for this article provided by Nick Macherone, Law Enforcement Liaison/Governor’s Traffic Safety Committee (GTSC); NYSACOP



Former Gates Police Chief / Former President of the New York State Association of Chiefs of Police, Thomas Roche has died

ARTICLE ORIGINALLY APPEARED IN THE DEMOCRAT AND CHRONICLE NEWSPAPER; OCTOBER, 2017

Former Gates Police Chief Thomas J. Roche died Tuesday afternoon (October 10, 2017) at Hildebrandt Hospice Care Center in Greece following a brief battle with cancer. Mr. Roche, 71, of Gates, died just after 1:15 p.m., said Gates Police Chief Jim VanBrederode. Mr. Roche was Monroe County's longest-serving police chief when he retired in May 2006.

His funeral service will be held at 11 a.m. Tuesday, Oct. 17, at St. Jude Church, 4100 Lyell Road, Gates. Mr. Roche will be buried at Holy Ghost Cemetery on Coldwater Road in Gates. There will be no calling hours.

His 42-year law enforcement career started in 1964 with the Rochester Police Department. He joined the Gates Police Department in December 1967 and became chief in February 1974.

He served in the U.S. Army Reserves for five years, starting in 1966. His Army years included nine months of active duty.

Mr. Roche was 27 when he was promoted to the department's top position just months after the death of previous Police Chief William Stauber in 1973. According to Gates Police records, Mr. Roche earned the highest score of the officers who completed the civil service exam for the chief post.

Under Mr. Roche's leadership, the Gates Police Department expanded and earned state accreditation status in 1992. The department grew from just a handful of full- and part-time officers when he started as chief to 32 officers at the time he retired.

He served as president of the New York State Association of Chiefs of Police and was vice chairman of the International Association of Chiefs of Police Communications Committee. He was a member of numerous other community boards.

- Democrat and Chronicle Newspaper, October 2017



As a recent illustration of the content contained in the article written by Dennis Naylor on page 11 and 12: NYSACOP's Immediate Past President, Chief David Zack of the Cheektowaga Police Department, is seen conducting a professional press conference, with a large media attendance, on November 14, 2017 pursuant to an arrest from a shooting that occurred within his jurisdiction. Chief Zack can be seen in the photographs with other members of his department and numerous media outlets on site. (photo credits to Chief David Zack and Tim Wenger From WBEN News.)

Quasi-Important Nomenclature for a Profession of Paramount Importance: a Discussion of the Terms “Para-Military” and “Quasi-Military” in the Context of the Police Profession

BY SGT. WILLIAM DOHERTY, FLORAL PARK POLICE DEPARTMENT¹

INTRODUCTION

The title of this article is tongue-in-cheek. The nomenclature with which the police professional refers to itself is very important in today's America. With the advent of a time in American history when every action that police departments nation-wide engage in appears in “mainstream” media and social media outlets, it seems that the profession is in the spotlight more than ever. Invariably, a pundit will speak from a position of great authority and knowledge about what it is that police departments do, or are supposed to do. On many of these occasions, police departments are referred to as “para-military” forces, organizations or agencies. Additionally, even attending executive development classes or in-service training sessions may result in an eminent instructor using the same terminology.

The problem with this terminology, however, is that it may be both inaccurate as well as detrimental to the police reputation. For the reasons discussed below, it may be both more appropriate, and more advantageous, for constituents, as well as police officers, supervisors and executives, to refer to the police profession as “quasi-military” and not “para-military.” This is true from an English-language standpoint, but also from a policy standpoint.

This article is not meant to be an extensive treatment of police tactics, police militarization or police tactics. It is meant to provoke a conversation about police department terminology.

A QUICK HISTORICAL LINGUISTIC PRIMER

The genesis of the term “para-military” may be due in part to the ability of police departments to request military surplus from the federal government and then deploy the equipment on American streets. This ability is made possible by the federal “1033 Transfer of Equipment” program. The program started in 1989 and was begun, in part, to help police departments deal with rampant drug problems. The concept was not to “militarize” police departments, but rather to dispose of federal property in a manner that makes these expensive pieces of equipment continue to serve the public good. The program includes the provision for transfer of a broad range of equipment such as vehicles, electronics, tactical vests, tactical helmets and a myriad of other

excess equipment from the Department of Defense to eligible police departments that make application.

Generally speaking, the prefix “para” relates to the concept of being “beside,” “alongside of,” or “beyond.” Sometimes it is used to mean “closely related to.” In contrast, the prefix “quasi” is defined as “having some resemblance usually by possession of certain attributes.” They are prefixes that are easy to confuse. When speaking of police departments, it has become common vernacular to call a department “para-military.” This is probably because people see police officers in uniforms, with rank structures and rules and regulations. These attributes are then compared to the most similar thing that people think of – the military.

However, when calling police departments “para-military,” the accompanying connotation does the modern police department no favors. Pundits and scholars alike are decrying the “militarization” of police departments nation-wide. Much of this is due in part to events in the last five years that have provoked massive police responses that included police equipment that appeared to be military in nature. While some of this equipment may actually have been military surplus, the others were marketed to, and bought by, police departments in response to an ever-changing environment. This operational environment is one in which bullet-resistant vests and semi-automatic pistols may not be sufficient for safety. This is much like the late 1980's and early 1990's when police departments learned that revolvers were no longer state-of-the-art, or safe; in spite of speed loaders. Police departments had to evolve.

The use of the term “paramilitary” seems an almost natural result of people's visual observations of police departments. As stated above, uniforms, ranks, salutes, orders-given, rules and regulations and other attributes all appear to be military in nature. Scholars who study and publish about the history of modern policing use the term as well. In fact, scholars have criticized the “military model” of policing. Concepts such as “overemphasis on the crime-fighting function of police,” “creation of a ‘we/they’ attitude,” “being antithetical to more democratic approaches,” and promotion of a “warlike approach toward crime and drug problems” are some of the criticisms that have concerned scholars regarding the development of “police paramilitary units.”

Citing police in “riot gear,” carrying “assault rifles,” and driving a

“military armored vehicle” an article in the “urban-centric” journal City-Lab is concerned with police departments using military tactics and equipment in “smaller spaces and conflicts.” The article’s author goes so far as to mention that St. Louis County (the Missouri County where the City of Ferguson is) “is just one of the many municipalities that now commands access to military equipment meant for war.” This statement is disingenuous in so many ways – not the least of which is that many large police departments have used surplus armored military vehicles for safe insertion of police officers into “hot spots” for decades. They were frequently referred to as “Peacekeepers.” However, the City-Lab statement makes it seem as though this is a new development (“now”) and that the equipment is used for offensive purposes, rather than safety of police officers.

DISCUSSION OF PARA-MILITARY ORGANIZATIONS

Paramilitary groups are frequently formed in the absence of strong national governments and in the presence of national political foment. According to GlobalSecurity.org, para-military organizations are not recognized states, but would like to be recognized as such. Examples that are used by GlobalSecurity.org include pirate organizations, terrorists and jihadi groups. These types of groups often “threaten the ability of the civilian government to govern...” Additionally, these organizations are more oriented toward war-like armed conflict. There is no reason why American police departments would want to be associated with these fringe groups.

DISCUSSION OF QUASI-MILITARY ORGANIZATIONS

“Quasi-military” is probably the better choice when referring to modern police departments in America. The eminent Raymond Kelly, former Police Commissioner of the City of New York, referred to the New York City Police Department as a “quasi-military” organization in a December, 2013 interview with the New York Times. In their college textbook *Police in America* (4e), authors Charles Katz and Samuel Walker discuss the organization of police departments and devote an entire section of a chapter to the “Quasi-military Style of Police Organizations.” These organizations are oriented toward law enforcement and citizen-service orientation.

QUASI-MILITARY: THE APPROPRIATE TERMINOLOGY FOR POLICE AGENCIES

It is precisely because of the lack of understanding of police departments’ missions and objectives that police professionals may do better referring to themselves as members of “quasi-military” agencies, rather than “para-military” ones. It follows that a “para-military” agency runs parallel to a military agency – and possibly even works contrary to it. The best-fitting connotation is a guerilla military or revolutionary unit. These work “beyond,” “beside,” or “alongside of” the true agency and possibly even contrary to it. In the American democracy, the notion of police departments following that model is not popular. However, “quasi-military” is not such an unpalatable term. According to Merriam-Webster, the term connotes “having some resemblance usually by possession of certain attributes.” Because this also relates easily to the police profession’s outward appearance of uniformity, rank structures and disciplines it is a better descriptor for both practical and political reasons.

This term is not new. Courts, in upholding dress restrictions and uniform requirements of fire fighters and police officers, have referred to police departments and fire departments as

“quasi-military.” This term has also come up in the context of age requirements in police departments. The “strict discipline” required in police departments has also been noted by courts that go on to describe these departments as “quasi-military” in nature.

CONCLUSION

It should be noted that the term “para-military” will come up in almost any research query as “quasi-military.” So it is not a matter of definite precision, but it may be a matter of practical convenience that police professionals want to employ going forward. In a political environment where support for police departments is heavily dependent on public perceptions, public relations is incredibly important. Public relations does not begin with Public Information Officers alone. Good public relations starts with departments’ best ambassadors – their police officers, supervisors, commanders and executives. As such, the way that police professionals refer to their police departments in public has more weight than it possibly has ever before. When police professional reference the police profession, or their specific agencies, as “para-military” organizations, they run the risk of conjuring up all of the negative connotations expressed above. However, when police professionals refer to their agencies as “quasi-military” there is a greater possibility that an educated consumer of information will understand that, while police departments and their officers wear uniforms, follow rules and regulations, carry weapons and maybe even drive armored vehicles during periods of mass disturbance, they are first and foremost police professionals whose mandate is to serve and protect while maintaining law and order.

Article contributed and written specifically for the December 2017 Edition of the Chief’s Chronicle.

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¹⁴Sgt. Doherty was a police officer in the New York City Police Department from 1998-2000. He transferred to the Floral Park Police Department (Nassau County) in 2000 where he is currently a patrol supervisor and a certified General Topics Police Instructor. He is a 2007 graduate of Pace University School of Law and is admitted to practice law in the State of New York. He is also the Program Director of the Floral Park Police Opioid Overdose Prevention Program. He can be reached at FPPDSgt904@optonline.net.

Cops and the Mentally Ill: Finding a New Approach

BY ISIDORO RODRIGUEZ, REPRINTED COURTESY OF THE CRIME REPORT

On December 19, 2013, a man stood on the ledge of a bridge in Spokane, Wash., threatening to jump. Responding officers knew that if they tried to grab him, he would step off the ledge and fall into the river below.

Instead, they spent almost 90 minutes listening and talking to him, in the hopes of calming him down. Their efforts at empathy worked. The man eventually allowed himself to be taken into custody. He



was placed in an ambulance, and driven to a nearby hospital. The officer who talked him down rode to the hospital with him.

That story was retold by Frank Straub, currently Director of Strategic Studies for the Police Foundation, who was the police chief in Spokane when the incident occurred.

As he described it in a recent interview with TCR, responding officers lowered tension by turning off sirens and flashing lights that might have antagonized a person in acute distress. They approached the man slowly, instead of running to him, and kept a distance so that he didn't feel threatened or crowded.

"It demonstrated that we were truly there to help this person, to help his family, to get him connected to services," said Straub.

The patient, empathetic approach allowed the officers to obtain the man's name, and gave them time to contact his mental health provider who, once involved in the conversation, was able to give cues on what and what not to say.

In hindsight, the steps Spokane officers used to talk the man off the ledge seem obvious. But many police departments around the country have only gradually begun to grapple with a problem that has challenged law enforcement, as well as courts and prisons, for decades: dealing with the justice-involved mentally ill.

According to a 2015 assessment by the National Institute of Mental Health, 18.5% of the U.S. population suffers from a mental illness in a given year. Of that number, 4% of the country's population—roughly 9.8 million people—suffer from a serious

mental illness, most commonly schizophrenia and treatment-resistant forms of bipolar disorder.

Of that 4%, more than two million go untreated. This last group is where most problems occur.

But any way you look at it, the relationship between the seriously mentally ill and law enforcement is a difficult one.

"When people ask, 'Are the mentally ill more violent?' they are usually asking about this group, the most seriously mentally ill," said DJ Jaffe, founder of MentalIllnessPolicy.org, a think tank providing information about the care and treatment of people with serious mental illness.

Prone to criminality, as well as violence against themselves and others, the untreated mentally ill have been responsible for the deaths of 115 law enforcement officers since 2009, says Jaffe.

Adversely, of the 608 people killed by police this year, mental illness played a role in 144 of those deaths, as recorded by the *Washington Post's* "Fatal Force" database.

AVOIDING VIOLENCE

However, in the last five years, departments across the country have begun to address the contentious nature of this relationship with new and extensive training methods that teach officers how to deal with individuals in mental health crisis and, hopefully, avoid violence.

"There has been a greater appreciation for the need for officers to be well versed in how to deal with people in crisis," said Straub.

Crisis Intervention Training (CIT) emphasizes de-escalation, communication and empathy. It's been successfully implemented in cities such as Seattle, Tucson, and New York.

According to a 2016 report by the National Alliance on Mental Illness, CIT has been adopted by more than 35 states, with statewide initiatives in effect in Ohio, Georgia, Florida, Utah, and Kentucky.

Teaming with representatives from the mental health community, as well as experienced members of law enforcement, officers in the programs are trained to recognize the signs of a variety of mental illnesses and respond accordingly.

Where once law enforcement may have taken a confrontational approach to any tense interaction with the seriously mentally ill, today the officers learn to identify an observable pattern of mentally ill behavior and, in response, calm things down.



Frank Straub



Susan Rahr courtesy Wikipedia

For Straub, the success of this training is exemplified by his own experience as chief of police in Spokane, where, after requiring that all 300 of his officers attend 40 hours of CIT, use-of-force incidents were reduced by 22% in 2014.

Susan Rahr, Executive Director of the Washington State Criminal Justice Training Commission and a former sheriff of Kings County in Washington State, is hoping to get similar results with a statewide law enforcement training program.

“What we’re trying to reinforce is [the need to] do everything else possible before you resort to deadly force,” said Rahr in a recent interview with TCR.

Like Straub, Rahr insists that officers must constantly attempt to position themselves so that they have the opportunity to calm a suspect down and de-escalate the situation.

At the Kings County Police Academy, she points out, 90% of that de-escalation practice is rooted in proper patrol tactics: not rushing into a situation and exposing yourself to a suspect’s gun or knife; maintaining distance between yourself and the suspect; and creating the time needed to assess the best course of action.

While Straub and Rahr agree that practical CIT practices represent some of the largest positive changes to law enforcement’s handling of the mentally ill in nearly 30 years, both admit that these methods alone are not enough to solve the problem that the seriously mentally ill represent.

THE LARGER PROBLEM

Rahr argues that all elements of the justice system must work together to deal with persons in psychological crisis, from the moment they are pacified and taken into custody to treating their needs through courts and counseling.

“If there’s no place to take them except jail, we really haven’t gotten much better,” she said.

Most of the players in the criminal justice community agree.

The unavailability of hospital beds, the lack of treatment alternatives, and misallocation of federal funding are among the factors that ensure the seriously mentally ill wind up back on the street without access to the medications and treatments they need to stay out of harm’s way, according to mental health advocates.

“The big picture, over the last forty years, has to do with deinstitutionalization,” said Cheryl Roberts, Executive Director of the Greenburger Center for Social and Criminal Justice, a nonprofit

organization advocating for justice reform, in an interview with TCR.

A byproduct of the Social Security Act of 1965, deinstitutionalization was brought about by a provision called the “IMD exclusion,” which prohibits federal Medicaid payments for treatment in “Institutions of Mental Disease” larger than 16 beds.

Thus, states were incentivized to move patients out of state mental hospitals and into communities with no prior planning or resources to meet their needs. As a result, homelessness increased and, soon after, criminality ensued that was promptly followed by incarceration.

Today, such policies have led to the fact that the largest mental health facilities in the nation are, effectively, jails.

“We’ve really, over the last 40 years, had this trans-institutionalization from mental institutions, and other situations, into jails or prisons,” says Roberts, who stresses that most mentally ill offenders return from incarceration in worse condition than when they entered.

Even if a person is lucky enough to receive some medical attention and behavioral health care while incarcerated and, in some cases, even be stabilized, Roberts points out that when they come out there are often no adequate services available for them.

It is the police who bear the brunt of the failure to develop a nationwide system of dealing with the serious mentally ill.

Members of both the mental health and criminal justice communities agree that incarceration of the mentally ill is not a solution and only “wastes taxpayer’s money.”

And it is the police who bear the brunt of the failure to develop a nationwide system of dealing with the serious mentally ill—and who are most often blamed when encounters go tragically wrong.

“The institution of policing is not designed for mental health treatment,” said Rahr.

“We inherit the failures of all the other systems and then when things don’t go well, the frontline officers become the target of people’s blame and anger.”

In response to these issues, there have been initiatives such as Stepping Up, which asks communities to come together to develop an action plan for achieving measurable impact in criminal justice systems across the country; and efforts by Pew Charitable Trusts, to help states develop alternatives to prison or jail for the mentally ill.

STEERING THE MENTALLY ILL INTO TREATMENT

Called “diversion work,” the goal is to ensure that community health providers have the capacity to handle folks who are mentally ill and provide them with regimented treatment.

“Having this population go in, get more ill, and come back out is not serving anyone’s interests,” said Roberts.

It is this understanding of a general need for diversion alternatives to prison that lead her and the Greenburger Center to develop “Hope House on Crotona Park,” a first-of-its kind diversion option for people with serious mental illness who have been accused of felony level crimes.

Located on two adjacent properties in the New York borough of The Bronx, the model would be a pretrial diversion in which a mentally ill defendant, who is competent and obtains the approval of both the judge and district attorney, would be diverted ahead of trial to Hope House via a plea agreement for up to two years of treatment.

According to Roberts, judges and DA’s have been hesitant to divert this population of the mentally ill. They explain that if these individuals were to go to community facilities and decide to leave, the only way to get them back to court would be to arrest them.

This involves going to court, getting a bench warrant, and it

taking several days/weeks/months to re-arrest that person.

Therefore, to streamline the process and guarantee security, the Greenburger Center will ask the court to place a bond on this person and hire bond agents to be trained and to be on site 24 hours a day.

However, the issue of bonded release is a red flag for those who consider any form of restriction on a person's liberty due to inability to pay to be unconstitutional.

According to Cherise Fanno Burdeen, chief executive officer at the Pretrial Justice Institute, which advocates for an end to the cash bail system in this country, the Greenburger Center's model



Cherise Fanno-Burdeen

may be merely shifting the insurance industry's profit center to what she calls "treatment bonds," thereby creating a system where a mentally ill person will have access to treatment only if they can afford bail; otherwise they stay in jail.

"People with mental illness take about five times longer to post money bail," said Burdeen, in an interview with TCR.

"They are often estranged from their families or living on the street and they then end up spending more time in jail due to this money bond issue."

Yet Roberts insists that, as the Greenburger Center moves forward with its model, they will avoid this issue entirely by advocating for lower money bonds. Judges would be asked to set bonds at \$100 or less, and, if necessary, allowing individuals to pay the bond out of pocket or through expected donations.

Set to launch in 2018, Hope House seems to be a perfect model of progressive diversion tactics. It has received support from judges as well as the New York State District Attorneys Association.

Unfortunately, as with any potential reform in the treatment and care of the seriously mentally ill, it all comes down to funding.

"When there's a gap in services, it's because of a gap in funding," said Roberts.

Such innovations have received law enforcement support.

According to Michael Biasotti, a former chief of the New Windsor (NY) Police Department and head of the New York State Chiefs of Police Committee on Untreated Serious Mental Illness, the funding for treatment centers is there.

However, incremental funds rarely make it to the seriously mentally ill, while cutbacks always do.

"There's tons of funding if it's used properly," said Biasotti. "It's about prioritizing the spending."

As Biasotti points out, in the medical and law enforcement communities, situations are handled on a triage basis: you deal with most serious problem first. He insists that in the mental health community it is the opposite: Instead of dealing with the most serious issue first, millions of dollars are spent on treating people who are not seriously mentally ill.

In a 2016 article by *Psychiatric Times*, this sort of misallocation of funds has been connected to the established position of the

Substance Abuse and Mental Health Services Administration (SAMHSA), a federal agency with a budget of roughly \$3.6 billion, that has been criticized as spending too much time and money on psychological programs that have little to no effect on the seriously mentally ill.

Thus, while people dealing with bullying, trauma, divorce, or depression have access to mental health plans, the seriously mentally ill are left with next to nothing.

"SAMHSA's goal has been to increase everyone's mental health, which is great, but first you need to deal with the ones that are truly suffering and really need the help," said Biasotti.

Some progress has been made.

In 2016, as part of the 21st Century Cures Act, Senator John Cornyn (R-TX) added a provision that allows Department of Justice funds to be used for assisted outpatient treatment (AOT), under which courts can order somebody with a history of being arrested, violent, incarcerated, homeless, and hospitalized due to untreated mental illness to stay in treatment for at least six months while they continue to live in the community, according to an article by the *National Review*.

MOVING FROM RESPONSE TO PREVENTION

For Biasotti, AOT is the best possible solution. He argues that, while practices such as CIT, and pretrial diversion models such as the Greenburger Center and Hope House, are merely responsive, AOT is preventative.

As a result, according to a report by *MentalIllnesspolicy.org*, AOT has been shown to reduce violence, arrest, hospitalization, and incarceration of persons suffering from mental illness by 70%, thereby saving taxpayers 50% of the cost of care.

"AOT addresses the problem upstream," said Biasotti. "It keeps the police from ever coming to your door."

Endorsed by both the International Association for Chiefs of Police and the National Sheriff's Association, AOT is considered to be a source of relief for law enforcement officers who, as a whole, agree that the criminal justice system is no place for the mentally ill, and are constantly frustrated by seeing the mentally ill that they bring to hospital psych centers for evaluation back on the street—sometimes hours later as a result of inefficient mental health practices and policies.

While changes to the mental health systems treatment and handling of the seriously mentally ill have occurred in fits and starts, they are, nonetheless, occurring.

Most recently, the Trump administration's 2017 pick for the new head of SAMHSA, Dr. Elinore McCance-Katz, has attracted significant bipartisan approval.

Her first act? Shifting funds towards a more aggressive treatment of patients with severe psychiatric disorders.

However, the mental health system still has a long way to go in shifting both funds and attention to the small population of the mentally ill that, due to serious mental illness, either cause or experience violence in cities and towns across the country.

"There are officers that are killed by mentally ill people and mentally ill people killed by officers," said Biasotti.

"The goal is to keep the two from meeting, by keeping the mentally ill person in some treatment protocol that doesn't bring them to the attention of law enforcement."

Article Courtesy of THE CRIME REPORT.

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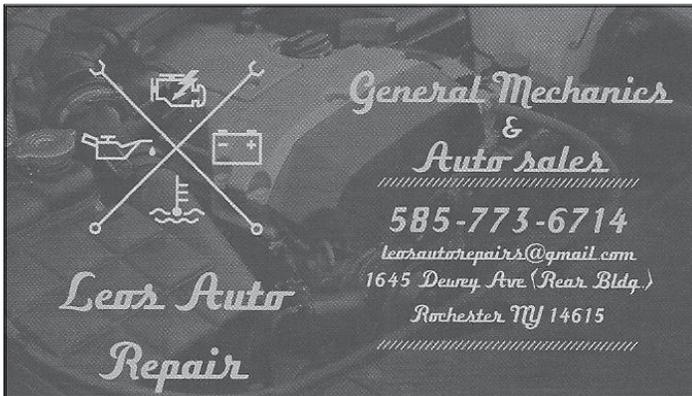
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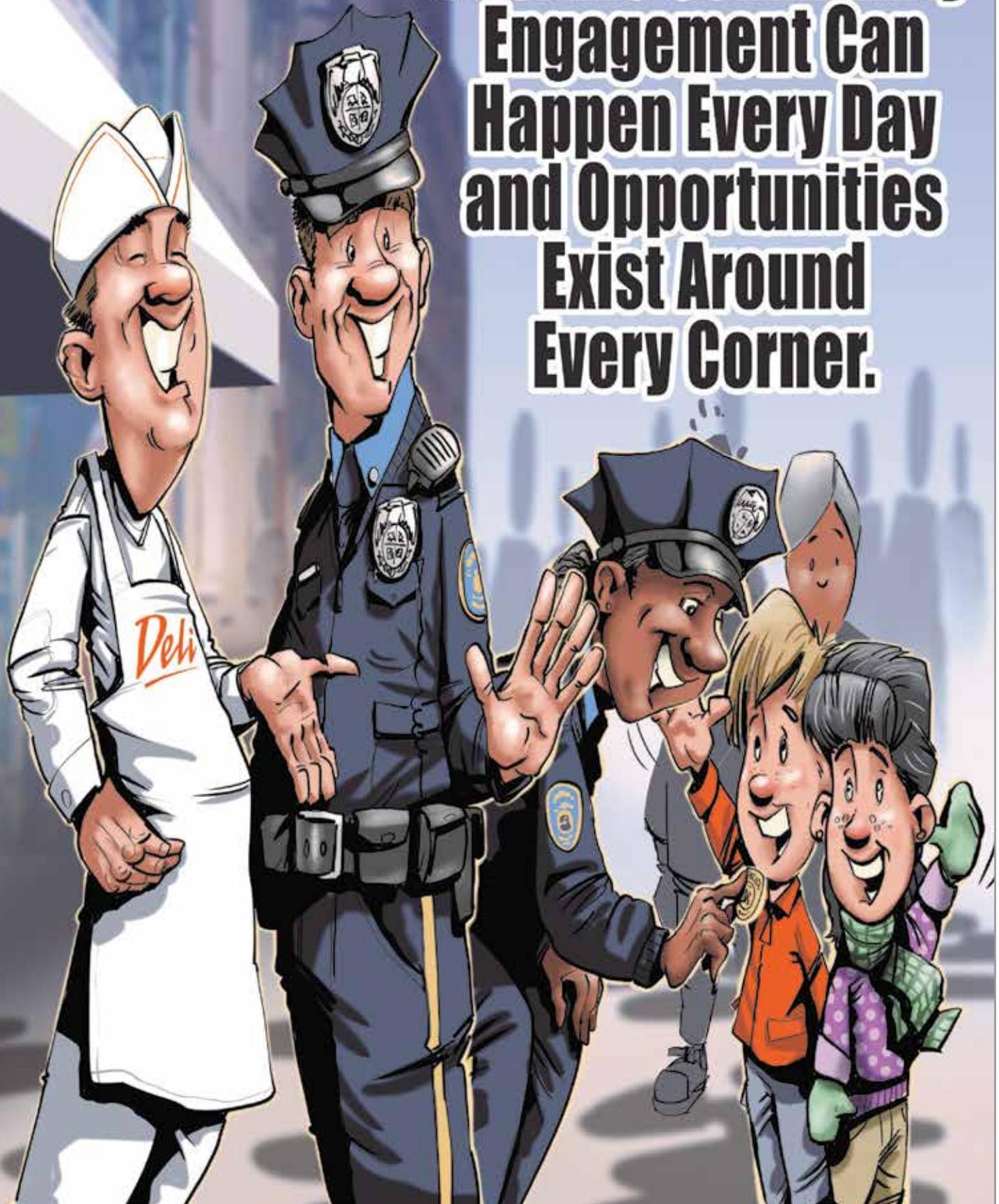
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