

*NYSACOP Conference:*

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Other Important Details**

*New Leadership Column:*

**Characteristics of  
Leaders Who Fail**

*Gordon Graham:*

**From Carnies to Sunsets and  
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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: Mark Spawn at APB@nychiefs.org

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# On the Cover:

The first of our Specialized Units Series features police dogs. Our member agencies share their experiences in developing and maintaining their own canine units. The extremely sensitive olfactory senses of ‘man’s best friend’ make them an invaluable resource in tracking lost, missing and wanted persons, detecting narcotics, explosives, weapons, and yes, even mass storage devices for computers! The importance of police dogs as a community relations tool is not lost on our members who note that they are not just a cop’s best friend, *but also* help to strengthen connections with their communities.

We also begin a new Leadership Series authored by Chief/Ret. Greg Veitch, a trainer on executive development and the principles of leadership. Veitch shares his expertise and advice to up-and-coming commanders. In the first of this series, he tackles the *Characteristics of Leaders Who Fail*.

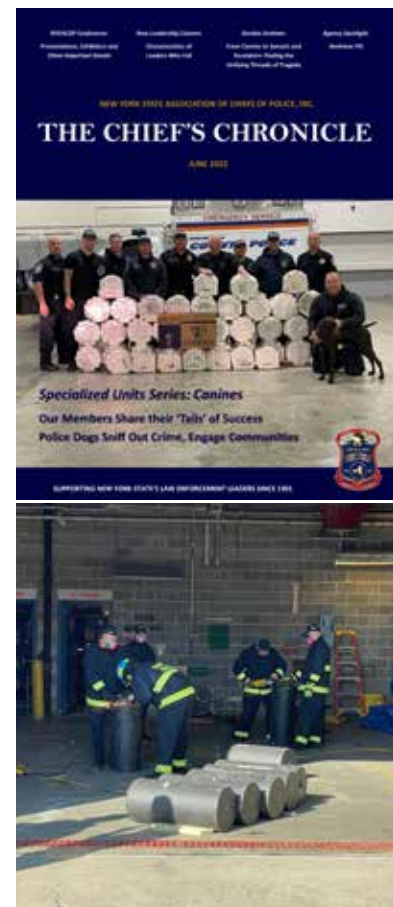
Chief/Ret. Michael Ranalli’s Counsel’s Corner explores a recent Supreme Court decision which was touted by some media publications as making it “easier to sue the police.” But Ranalli says that officers making rational judgments should not fret. Read about this recent Supreme Court decision and ask yourself, ‘how would I have responded to this situation?’

Commissioner/Ret. Stuart Cameron delves into some of the prevailing risks to our homeland security – weapons of mass destruction, vehicle ramming, and the use of fire in attacks. Cameron says that preparedness is essential, encouraging collaboration among first responder disciplines and others to prevent and respond to evolving threats. In his *Chief’s Corner* column, Commissioner Cameron asks, *What’s Next?*

Gordon Graham returns with a column exploring the things we can all learn from the tragedies in other industries not related to policing. What do Carnies, Sunsets, and Escalators have in common? Find out exactly what they share in his column.

Two esteemed police chiefs in New York State have recently retired – read about the notable careers of Chief William Moore (Lake Placid PD) and Chief Thomas McGovern (Warwick PD)

The NYSACOP Annual Training Conference is fast approaching. Our Conference Brochure is included in this issue, with information on dates, times, presentations, presenters, special events, and one of the largest and most diverse arrays of exhibitors ever at our conference. All of the details are inside!



*Pictured above, after an alert by canine Liberty, members of Westchester County Police working with a DEA Task Force examine landscaping lawn rollers. Our cover photo shows the 460 kilograms of cocaine which were concealed inside the rollers.*

*Photo: Westchester Co. PD*



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# Politics: 'Virtue', Motivation, and Hypocrisy



**Pres. Timothy Parisi,  
Chief/Illion PD**

A couple years ago the Legislature implemented new bail reform laws. Soon after realizing the impact of those troubling laws they reconvened to make amendments. But even then, the amendments did not go far enough. The clock kept ticking forward and we saw an increase in repeat offenders, surges in violent crime, and a loss of trust by our citizens in the 'rule of law'. The 'rules' were changed for the virtuously-stated purpose of equality within the justice system – allowing pre-trial defendants to remain at liberty despite their means to post bail. And while certainly there is some virtue in that statement, the real-world dynamics got lost in the language of the law. When it came to bail, no consideration was given to crimes of violence, or repeated criminal behavior, often incredible stories of which became routine in every community across the state. I don't know of any law enforcement officer who wants to see someone locked up on bail merely because they could not afford what another person of means could afford – that is truly inequitable. But the real-world in which we, as cops, work will tell you that there are people who need to be locked up. By letting defendants charged with serious felony crimes go free – repeatedly – only stokes a fire of criminal behavior which is already raging.

What are the motives of those legislators who want to keep accused violent felons free at all costs? Is it possible that they are so entrenched in their ivory tower that they are blinded to the suffering and chaos caused by a small segment of our population? Is it because they feel it disproportionately impacts persons of color when it is actually those same communities which are suffering the most? Or is it a political agenda, some sort of a badge of honor for virtue-signaling of compassion for those committing crimes without any message of accountability or consequence? You know, the basic concepts of citizenship we were taught by our parents and which were affirmed through our schools.

If there is concern that suspects are detained without proper cause, our system does provide safeguards. And those safeguards have become even more defendant-friendly with various justice reforms over the past couple years. The scales of justice have tipped so far that even in New York City, Mayor Eric Adams has said that victims have been forgotten. We must never forget the victims – these are the people to whom we owe our best service. This is the most basic rationale of why we have government - for the protection of our people.

The latest budget bill brought about some additional reforms to New York's bail system. But the refusal of the majority to engage in conversation about other meaningful public safety measures is abhorrent. Here in New York State during Crime Victim's Week, the Minority advanced a legislative package to help address the serious problems plaguing our communities. Among the bills that will likely never see the light of day, include: removal of all gun crimes from the

no-bail list; adding a 5 year penalty for committing a felony while possessing a loaded gun; preventing the parole of a person convicted of the sexual assault and murder of a child; shooting at police and other first responders; and designating crimes against police as hate crimes. These bills are not simply a political statement, they are hyper-focused on the specific problems that we are experiencing in New York State and throughout the nation.

Not only have our communities become less safe, but our law enforcement officers have become less safe. FBI Director Chris Wray recently spoke about the deaths of police officers. Last fall Wray said, "We are looking at now 59 officers or agents murdered in the line of duty this year (2021). That's an over 50 percent increase from last year. That basically translates to every five days—more often than every five days in this country—an officer is murdered in the line of duty. And that's totally unacceptable, and it's a tragedy and it needs attention," Wray said. Many of the legislators advocating for criminal leniency are among the same voices that have urged defunding of the police, and who have demonized police.

Through all of this, police officers have continued to do the work which they have sworn to perform – protecting and serving our communities. The mischaracterization of police by certain politicians and movements has been fabricated solely to advance an agenda which favors criminals and handcuffs law enforcement. It is unfortunate to think that some people are consuming continuously biased news reports and believing it to be factual without the benefit of "the whole truth". But many people are taking notice and finally seeing through the smoke. More and more they are

**The mischaracterization of police by certain politicians and movements has been fabricated solely to advance an agenda which favors criminals and handcuffs law enforcement.**

discovering that, while there may be bias, disinformation, and lack of credibility and transparency, it's not coming from the cops – it's coming from a faction which enjoys absolute immunity in the performance of their jobs while they try to strip law enforcement from the lesser protections of qualified immunity. Does anyone see how disingenuous that is? For certain members of the legislature to seek to remove good faith protections from first responders who have to react in the field to rapidly unfolding events, not of their making, and without the benefit of teams, attorneys, experts, and most importantly – time – demonstrates a lack of conscience.

For my fellow police leaders, keep on fighting the good fight. We know that by maintaining our own ethics and principles, we will navigate through whatever is thrown at us. It is a sad time, but I am confident that history will judge us appropriately – not by the egregious conduct of a few headline-makers or by characterizations by those with political motives, but by the 99% + of professional police officers who make a difference every day.





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# What's In the Passed Budget Bill



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

In April 2022 the New York State budget bill was passed and with it changes to bail, discovery, raise the age, and desk appearance tickets. Governor Hochul had proposed several changes in those areas that were closely related to the NYSACOP legislation. The horse trading ensued and what is left is the budget. Members of NYSACOP were in touch with members of the senate, assembly, and the governor's office throughout the process. Although we did not get all the changes we asked for, it is promising that

the legislature recognized the need for change and made change in a positive direction. We plan to continue the conversation and work for additional legislative changes in the future.

The following is a summary of the changes made in this year's budget;

## Bail

- The budget bill adds the following to bail eligible offenses:
  - Criminal possession of a firearm, when arrested while out on an A misdemeanor or E felony involving harm to a person or property, or out on another criminal possession of a firearm case (PL 265.01-b).
  - Criminal possession of a weapon in the third degree, when it is a defaced machine-gun, firearm, rifle, or shot gun (PL 265.02(3)).
  - Criminal sale of a firearm to a minor (PL 265.16).
- Makes clear that identifiable harm to a person or property includes theft or damage to property (attempts to address serial petit larcenists). Meaning, if you are out on a non-bail eligible crime and commit another non-bail eligible crime, that results in harm to an identifiable person or property, and which is an A-misdemeanor or felony, you become bail eligible. Judge can consider whether theft is negligible and not in furtherance of other criminal activity when making this decision.
- Does not add a public safety standard so judges may only consider a defendant's likelihood to return to court ("risk of flight").
- Does not remove the "least restrictive" standard so that judges must still utilize the least restrictive method of ensuring that a person returns to court.
- Does not remove the requirement that courts set bail that does not cause an "undue hardship" on the person.
- When determining whether to ROR, Release on Conditions, Set Bail (for eligible offenses), or Remand (for eligible offenses), judges may now consider:
  - Whether the individual has caused serious harm to an individual or group of individuals.
  - Whether the defendant has violated an order of

The New York State Association of Chiefs of Police is pleased to see changes to criminal justice reform legislation were included in the 2022 budget bill. While these were not the amendments we had hoped for, we're glad the legislature acknowledged the need for action. We know that no piece of legislation is ever final, and we're looking forward to continuing conversation with our legislators so the voice of public safety professionals can help guide the legislators to policy that will make our communities safer.

*NYSACOP Statement Upon  
Passage of the State Budget  
April 9, 2022*

- protection. (Previously could only be considered by judges in DV cases).
  - Whether the defendant has a history of use or possession of a firearm. (Previously could only be considered by judges in DV cases).
  - Judges were previously permitted to consider (1) history and activities; (2) charges faced by defendant; (3) prior convictions; (4) prior JDs and YOs; (5) previous record of flight; (6) undue hardship for bail; (7) violation of OOP or gun history only for DV. The additional three factors will be added to this list and #7 was expanded beyond DV.
  - The court may, as a condition of release, when it finds by clear and convincing evidence that the defendant is mentally ill and if left unattended may cause harm to himself or others:
    - Order the Defendant to seek voluntary admission for psych care under MHL 9.13
    - Order the Defendant to undergo an emergency psych assessment under MHL 9.43
- The Court may request that police officers transport the person to a hospital for evaluation.
- Would take effect 30 days after Governor signs it.

## Desk Appearance Tickets

- Adds the following to the list for which we may deny a Desk Appearance Ticket (DAT):
  - Person is over 18 and is charged with criminal possession of a weapon on school grounds (PL 265.01-a).

- o Person is over 18 and charged with a hate crime.
- o Any A-misdemeanor (i.e. petit larceny) or E-felony (i.e. auto theft), that involves harm to a person or property, or criminal possession of a firearm (PL 265.01-b) that is committed when out on a similar crime, or a DAT was previously issued and you were re-arrested before the return date.

■ Officers would have to be able to check open prosecutions or DATs in order to deny a DAT under this provision.

- If, after a prosecutor files a certificate of compliance (COC), they identify discovery that should have been turned over, they must prepare a supplemental COC that explains all of the due diligence efforts undertaken when they filed their first COC and why this piece of discovery was not identified. This explanation allows the judge to determine if the prosecutor engaged in an appropriate level of due diligence. If the judge believes they did, the judge can determine that the speedy trial clock stopped when the first COC was filed. Before this change, prosecutors were not routinely providing judges with the level of detail about their efforts to gather discovery, so judges were not inclined to validate the first COC based on adequate due diligence. This change should decrease the amount of cases that are dismissed based on speedy trial grounds.
- Requires defense to raise challenges to the COC as soon as practical, but still allows defense attorneys to raise challenges to the COC at a later time. This is an effort to curb the defense's practice of waiting until the speedy trial clock runs out to challenge a COC. This practice leads to many dismissals because the identification of even one missing piece of information or paper is fatal once the speedy trial clock expires.
- If discovery is provided after the 25/30 days, but before the expiration of the speedy trial clock, the court's sanction must be "appropriate and proportionate" to the prejudice suffered by the defense. Prior to this change, when the defense suffered any level of prejudice, the court had broad discretion to impose a wide range of penalties, including dismissal of the case. The new legislation makes dismissal a sanction of last resort.
- Grants new authority to prosecutors to appeal dismissals based solely on discovery non-compliance. However, to date, there have been little to no cases dismissed based solely on discovery non-compliance. The vast majority of dismissals are based on speedy trial grounds connected to discover non-compliance. Prosecutors have always had the ability to appeal dismissals based on speedy trial grounds.
- If charges are dismissed because of discovery non-compliance, but the defendant remains in custody based on remaining qualifying charges, the defendant may ask the court to be released while the prosecution appeals the dismissal. The defendant can ask for ROR, release on non-monetary conditions or bail. The judge must abide by all laws that apply to conditions of release.
- Eliminates the requirement that discovery be provided for traffic infractions and local law petty offenses where no sentence of imprisonment is authorized.

## Raise the Age

- Increases the statute of limitations in Family Court for crimes committed by juveniles aged sixteen or older to either the CPL period of limitation for the crime or the juvenile's 20th birthday, whichever is earlier. Previous SOL was the juvenile's 18th birthday or the CPL period of limitation, whichever was earlier.

- o Ensures that Family Court has jurisdiction over cases removed from the Youth Part where an adolescent offender committed an act prior to his/her 18th Birthday but is over the age of 18 by the time the case is initiated.
- The bill permits community based treatment and services to be made to juveniles whose cases are pending in Family Court, but are released prior to a petition being filed. The services are voluntary, however, Family Court may consider successful enrollment, participation, and completion of these services by the juvenile when making dispositional or placement determinations.
- The bill did not address the sharing of Family Court records with Youth Part.

## Gun Trafficking



**Legislative changes in the budget package included lower thresholds for the number of firearms involved in certain gun trafficking crimes. Pond5**

- Decreases the number of firearms a person needs to sell under Criminal Sale of a Firearm in the second degree (PL 265.12(2)), from five to two within one year.
- Decreases the number of firearms a person needs to sell under Criminal Sale of a Firearm in the first degree (PL 265.13 (2)), from ten to three within one year.
- Decreases the presumption of intent to sell firearms under Penal Law Section 265.15(6), from five to three.

## Mental Health

- Expands the criteria under Mental Hygiene Law § 9.60 (c) (4) (Kendra's Law) for a person to be ordered by the court to receive assisted outpatient treatment (AOT) to include:
  - o Those individuals who have a history of lack of compliance with treatment for mental illness that has resulted in the issuance of a court order for AOT that has expired within the prior six months; and
  - o Since the expiration the person experienced a substantial increase in symptoms of mental illness that substantially interferes with or limits one or more major life activities as determined by a director of community services. Such director arranges for the individual to be evaluated by a physician who must determine that court-ordered services are clinically necessary and are the least restrictive option.

# Clash of Perspectives: SCOTUS Case Illustrates the Need to Look Beyond the Legal Issue

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



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

**A**ssume for a few moments that both of the following fact scenarios involve you. Consider how you would feel.

## *Scenario 1*

It is 10:00 pm and you and your fiancé are preparing for bed. Your fiancé's sister is a person with mental illness and is staying in the apartment. You are happy, but also probably tired, because with you in your apartment is your one-week-old baby girl. You and your fiancé took her to her first doctor's

visit that day, and she received a clean bill of health.

EMTs arrive at your home and are let in by your fiancé's sister. They tell you they need to check on the baby because of a 911 call from someone in the residence indicating the baby is being abused. Now you know the baby is not being abused and you know a doctor examined her that day and she is fine. You angrily tell the EMTs to get out and that no one there called 911. They leave. But then they come back with four officers who insist they must check on the baby.

This still does not make sense to you, so you step in front of the officers and tell them they cannot come in without a warrant. They respond by pushing into the apartment, forcing you to the ground and handcuffing you. You resist arrest out of frustration because the whole situation does not make any sense to you—you know there is no abuse, this is insulting, and you are angry because this is your home.

You are arrested, charged with obstructing governmental administration and resisting arrest; you spend the next two days in jail. Your daughter is checked out at the hospital and is diagnosed with a case of diaper rash. There was no evidence of abuse.

## *Scenario 2*

It is approaching 10:00 pm and you and other officers meet up with two EMTs who advise you they attempted to follow up on 911 call about possible child abuse at an apartment. A woman who lives with the family told dispatchers she thought the baby's father was abusing the baby because she saw a red rash on the baby's behind.

The caller met the EMTs when they arrived and brought them into the apartment. The EMTs felt there was something wrong with the caller, that she was "strange" and "did not look like she was in her right mind." Once in the apartment, they were confronted by the father. He was "aggressive" and told them no one called 911 and that they should leave, which they did. But they tell you they must go back to check the baby.

You hate these calls—all cops do, but the safety of the child is paramount. So, you all proceed to the apartment and knock on the door. The father opens it, and you tell him that you need to enter the apartment. But the father blocks the doorway, saying you cannot come in without a warrant. You feel you cannot take any chances with the welfare of a child, so you decide to push the issue and enter without his permission. As you cross the threshold the father blocks you and pushes you. Now all the officers rush in and take the father to the ground, handcuffing him.

The EMTs take the baby to the hospital, where she is diagnosed with diaper rash, but that is it. You agree with EMTs' assessment; the 911 caller seems like she may have some type of mental dysfunction. But you are just a patrol cop and you are required to investigate alleged child abuse. You were doing your job and the father tried to prevent you. So now you must file the appropriate charges against him.

Who is right and who is wrong here? In my opinion, they each are. What we have is a clash of perspectives, without either side considering the perspective of the other. The circumstances that brought them together were unfortunate and, with hindsight, unjust. The complaint was unfounded. But such things happen and will continue to occur. So, what can we learn from this incident?

## *Thompson v. Clark*

These facts are drawn from the recent decision of the U.S. Supreme Court in *Thompson v. Clark*.<sup>1</sup> The incident and the arrest described in the two scenarios occurred on Jan. 15, 2014. Thompson was held in jail for two days and was then

**The charges against Thompson were dismissed "in the interests of justice." There was, however, no reason stated for the dismissal in the court record, which would normally be required in such dismissals. In other words, while the charges were dismissed, there was no formal acknowledgment of Thompson's innocence.**

released on his own recognizance. At a subsequent court appearance, Thompson was offered an Adjournment in Contemplation of Dismissal. He rejected this offer, indicating he wanted to see the charge through to the end.

One month later, the charges against Thompson were dismissed "in the interests of justice." There was, however, no reason stated for the dismissal in the court record, which would normally be required in such dismissals. In other words, while the charges were dismissed, there was no formal acknowledgment of Thompson's innocence. This becomes a critical component of the ultimate decision by the Supreme Court. ►

Thompson then sued the city and multiple officers in federal court. The District Court denied most of the summary judgment and qualified immunity motions. The following claims were allowed to proceed to trial against various named officers:<sup>2</sup>

1. Unlawful entry
2. False arrest
3. Excessive force
4. Malicious prosecution
5. Denial of right to a fair trial
6. Failure to intervene

At trial, the jury found for the officers on all surviving claims. During the trial, the District Court applied two rules of law from Second Circuit precedent that favored the defendant officers.



*The Spawn Group, LLC*

The first was the jury instruction pertaining to the existence of exigent circumstances. The general rule is that all warrantless searches are presumptively unreasonable. While there is a split in the law among the circuit courts, the Second Circuit places the burden of proof of non-exigency on the plaintiff<sup>3</sup>, or the resident of the home intruded upon. In other words, the homeowner must prove there was no exigency, rather than the police proving there was.

The second was the application of Second Circuit precedent requiring that any claim for malicious prosecution must be supported by proof of a finding of innocence. In an appeal by Thompson after the trial, the District Court reluctantly affirmed that both rules were supported by the prior decisions of the Second Circuit. But the District Court judge also opined that both rules should change because they place an unfair burden on a civilian plaintiff.

On appeal, the Second Circuit affirmed the District Court's application of both rules during trial, and Thompson appealed to the Supreme Court.

The issue pertaining to the required elements of a malicious prosecution claim was the only one of the two issues that were presented, argued and decided by the Supreme Court in a 6–3 decision that would favor Thompson. The majority opinion recognized the split among the circuit courts of appeal in applying a malicious prosecution claim under 42 U.S.C §1983. Some require some indication of innocence, while in others it is enough that the prosecution ended without a conviction.

The court first conducted a historical review of the original malicious prosecution tort law as it existed at the time of the enactment of §1983. Ultimately, the majority held that malicious prosecution claims under §1983 need only show that a prosecution ended without a conviction, with no affirmative indication of innocence required. Justice Kavanaugh, who wrote the majority opinion, emphasized that “Officers are still protected by the requirement that the plaintiff show the absence of probable cause and by qualified immunity.” The case was then remanded back to the Second Circuit for further proceedings.

## Implications for Law Enforcement

After this decision was released, several headlines described how the Supreme Court had made it easier for people to sue the police. Some authors speculate the case could impact the decision-making

**Officers who make sensible and reasonable decisions, such as only making an arrest based upon probable cause, should not have anything additional to worry about. Lawsuits have always been and will continue to be a fact of life in police operations.**

of officers and prosecutors. While I am not a litigator, I do not see this decision as resulting in any significant detrimental impact on policing. Look back to the list of claims brought against the officers in just this one case. Each has its own elements that must be proved. Officers who make sensible and reasonable decisions, such as only making an arrest based upon probable cause, should not have anything additional to worry about. Lawsuits have always been and will continue to be a fact of life in police operations.

While the complex legal implications and issues of this case are important, and not fully developed here, that is not my primary takeaway. As a police trainer and risk manager, I see this case as another opportunity for self-examination and continuous improvement. I would rather look at the bigger picture of contemporary police operations than at legal intricacies that will not help an officer on the street.

In past trainings and articles, I have discussed some critical principles that apply to the discussion of this case. The first is the concept of legitimacy in decision-making, which I define as “legal but also the right thing to do.” In my opinion, legitimacy has three essential elements. The officer must have:

1. A proper legal foundation
2. Proper application of the priority of life of all involved
3. Proper goals and objectives

The next concept pertains to officer attempts at de-escalation, or more appropriately, not escalating a situation. Specifically, citizen contacts need to be legitimate and based on respect. Officers must understand that to influence a person, you need to understand their perspective and purpose. This requires officers to place themselves in the shoes of the other person and treat the person how the officers would want to be treated under the circumstances. I was not there; I do not know exactly what happened, and I mean no disrespect to the officers involved. But I dug through as much material as I could access to determine the specifics of the interaction between the officers and Thompson at the door. It appears from the available facts that it was as simple as, “We are coming in.” “No, you are not.” “Yes, we are.” And that was that. The jury found in favor of the officers, but could the situation have been handled differently, with a better result?

The final concept pertains to the importance of doing a root cause analysis of incidents. This one incident has spanned years, generated multiple court decisions, and cost who knows how much money and time for all the parties involved. But let's cut to the chase—why did this happen? It happened because there was a clash of perspectives here that neither side took into consideration.

Obviously the initial 911 call was unfounded, placed from a person with mental illness who saw something that was not there. ►

But these things happen, and officers cannot control that. This is important to understand when performing a root cause analysis in police-related incidents—the focus must be on what the officer can control, not what others do.

One could also point out that if Thompson had just respected the EMTs and officers and their reason for requesting entry, the incident would not have escalated. But that perspective misses the point about control—officers must understand that to control, or more appropriately, *influence* a person, officers must approach the person with respect and try to understand their perspective by considering what they would feel in such a situation. Think how you felt reading the first fact pattern in this article. If this were you, you would know you did nothing wrong and know the baby is fine.

So where is this going? How and what do we learn from this case? First, when you have discretionary time, as the officers did here, legitimacy would require you think things through on your way to the call and discuss it with other officers. What will your legal standing be? For this case, we have a call from a person who the EMTs felt “did not appear to be in her right mind.” You also have a good idea from the EMTs that Thompson was not cooperative. Does this support a warrantless entry based on exigent circumstances? Maybe, maybe not. You have a valid goal in ensuring the safety of the child, but that is not a substitute for the credibility of the source of information. Also, forcing entry will, from a priority-of-life perspective, place not only Thompson but the officers at risk as well.

All these principles could lead to a more reasonable course of action: Officers knock and then attempt to patiently explain why they are there, while acknowledging Thompson’s perspective. I could go on with other suggestions, but it does not matter what I would do. What matters is that you at least attempt to step in the person’s shoes and patiently and respectfully explain why and how you need to proceed. Maybe it will not make a difference and

maybe a person like Thompson would still resist no matter what the officers did. But the difference is that you tried and, by doing so, placed yourself in a much better position with the satisfaction of knowing you did all you could do to handle the situation in a professional manner.

**What matters is that you at least attempt to step in the person’s shoes and patiently and respectfully explain why and how you need to proceed.**

Remember, this discussion is not just about this one case and one fact pattern. What is described here is a process—a way of thinking when you have situations where a conflict of perspectives is possible. As District Court Judge Weinstein stated in his decision, “What shall a ‘good citizen,’ or a ‘good police officer,’ do when the United States Constitution tells them one thing and their common sense another?”<sup>4</sup>

(Endnotes)

<sup>1</sup>142 S.Ct. 1332 (April 4th, 2022). The factual depictions in this article were drawn from the Supreme Court Case, and two prior United States District Court cases: *Thompson v. Clark*, 2018 WL 3128975 (E.D.N.Y. 06/26/2018) and *Thompson v. Clark*, 364 F.Supp.3d 178 (E.D.N.Y. 03/12/2019) (this latter case was decided after the jury trial). When courts prepare opinions, they may recite whatever facts they feel are important. In cases such as this, and for the purposes of this article, I needed to dig back into the prior decisions to extract as many facts as possible.

<sup>2</sup>Clark, 2018 WL 3128975 (E.D.N.Y. 06/26/2018).

<sup>3</sup>Clark, 364 F.Supp.3d 178 (E.D.N.Y. 03/12/2019), *affirmed* 794 Fed. Appx. 140 (2nd Circuit 2020).

<sup>4</sup>Clark, 2018 WL 3128975, I. Introduction

## Saluting a Hero

**W**e honor the memory of retired Buffalo Police Officer Aaron W. Salter, Jr. who, while working as a security officer on May 14 at a Buffalo grocery store, engaged an armed and armor-clad assailant who fired upon innocent civilians, killing 10, including Salter himself. “Aaron’s actions slowed him (shooter) down for people to continue to run down the aisles to the back of the store,” said Buffalo Police Commissioner Joseph Gramaglia. Salter was posthumously promoted to the rank of Lieutenant, and was awarded the Buffalo Police Department’s distinguished Medal of Honor.



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# Sniff, Bite, Wag – Police Dogs Are Best Friend

## Finding Narcotics, Weapons, Accelerants, and Even Computer Devices

By: Chief/Ret. Mark A. Spawn, Director of Research, Development & Training, NYSACOP

### *The History of Canines and Tracking*

Police work dogs date back to about 1899 in Belgium where they were used to track people. In the United States, various programs were started such as one at NYPD around 1901 when they brought the information back from Belgium. But canine units in the U.S. did not become popular until the 1950's.<sup>1</sup> In recent decades, canines have been used in law enforcement to not only track people, but also to detect items, explosives, accelerants used in fires, and more. While providing police with an invaluable olfactory sense, dogs can provide protection, and their demeanor can evoke love, admiration, and respect.

The use of dogs in tracking can be traced in history when they served very important roles in tracking game as well as poachers. Bloodhounds were the dogs of choice, valued for their keen sense to follow even the slightest scent trails. "Originally they were given to kings and queens as gifts from the friars in France and Europe to track game," said Police Officer Brian Tierney, a canine handler and trainer with the Westchester County Department of Public Safety and President of the National Police Bloodhound Association. Tierney told *The Chief's Chronicle*, "When you only had one shot to take and if the animal didn't drop, you would go back to your farm, get your hound, put it on the blood trail and it would basically bring you your dinner. They are very much a scent-oriented dog. The hounds were then used to find poachers for nobleman so the dogs would track game that were killed in fields back to the poachers that killed them. Ideally, they would be caught slaughtering the rest of the meat and being 'caught red-handed' is one of the terms that came

are built for it." Tierney explained that his bloodhounds are not as obedient since the olfactory portion of their brains are concentrated on their nose. This special breed has been described as stubborn, energetic, independent, and very mission-driven. "So I can introduce a scent article to the dog – a piece of clothing, a countertop at a bank robbery, a note passed by a bank robber, a ransacked dresser drawer in a bedroom from a burglary and the dog can ultimately locate a scent trail related to that scent, and follow the trail to where it comes to an end," said Tierney. "That could be 50, 100 yards, it could be 5 or 6 miles. In its simplest terms, when they're little we teach them to play hide-and-seek. That's the game – that's really it," he added.



**Port Chester PD's canine "Mac", a German Shepherd used in suspect tracking, article and narcotics detection, and missing persons searches.** Photo: Port Chester PD

### *Today's Police Canines*

In addition to tracking, police dogs have routinely been used as patrol dogs, providing handler protection and used in apprehensions of violent or resisting suspects. But many departments have found that their dogs evoke love and support from the communities they serve. Port Chester Police have a German Shepherd which has comprised their canine unit for the past three years. "Mac" is used for tracking, article detection and narcotics investigations, but Chief Chris Rosabella said the canine is also a great community relations tool. "He commands the respect and the love. We've done a lot of work with the community and it's built some good vibes." Rosabella said that Mac was purchased through a grant, a local veterinarian provides all checkups for free, and a local Pet Smart has provided free food for the canine.



**Bloodhounds, used by hunters and farmers centuries ago, were used to track poachers. When found slaughtering the game belonging to farmers, they were 'caught red-handed.'**

Photo: Pond5

out of that." Tierney said that dogs eventually were used in police work, and many people remember movies like Cool Hand Luke where bloodhounds were used to track persons. The bloodhounds are scent-specific. They have been bred to track, and their bodies



**Officer Ryan Taber, dog handler for canine Diehl, named for well-liked Lieutenant Tom Diehl who died from cancer.**

Photo: Tonawanda PD

**SPECIALIZED UNITS SERIES, continued on page 15**

# Public Safety Symposium in September

In September 2022, The New York State Division of Criminal Justice Services (DCJS) will once again bring together criminal justice professionals within New York State and from across the nation for the 2022 Public Safety Symposium. The symposium will be held in Albany, New York, from Tuesday, September 27 to Thursday, September 29, 2022, at the Empire State Plaza Convention Center.

The goal of the symposium is to provide public safety and law enforcement executives, prosecutors, community supervision personnel, crime analysts, researchers, community organizations, and criminal justice practitioners with an opportunity to hear from leaders and innovators in the criminal justice community, and network with each other to share ideas and strategies that have

**"It was an incredible experience to network, meet new people - all doing the same work - what works - what doesn't. It provided fertile ground on what we all do best - impact people's lives and learn what strategies are being used and have been successful."**

**-2019 Attendee**

worked. Over the course of three days, symposium attendees will hear insight on various topics, including: community trust building, evidence-based policing, violence reduction, crime analysis, leadership, training, recruitment and retention, innovations in



Division of Criminal  
Justice Services

Public Safety  
Symposium

prosecution, community supervision, youth engagement strategies, officer safety and wellness, and others towards the goal of every attendee leaving with new information that can be used to strengthen their public safety efforts.

Given the continued growth of the symposium, and in an effort to enhance public safety across New York state, this year's event will be open to all public safety agencies. Additionally, members of the Law Enforcement Training Directors Association of New York State (LETDANYS) will have a track of presentations that is specific for training directors. The Association is comprised of representatives from the police academies that provide police training programs around the state.

Registration information can be found on the DCJS Training Calendar at:

[www.criminaljustice.ny.gov/ops/training/calendar.htm](http://www.criminaljustice.ny.gov/ops/training/calendar.htm).

If there are any questions about registration, or about the symposium, please email us at

[publicsafety Symposium@dcjs.ny.gov](mailto:publicsafety Symposium@dcjs.ny.gov).

To see our symposium trailer video, please go to this link at our DCJS YouTube Page

<https://youtu.be/aURi1-5oPwk>.

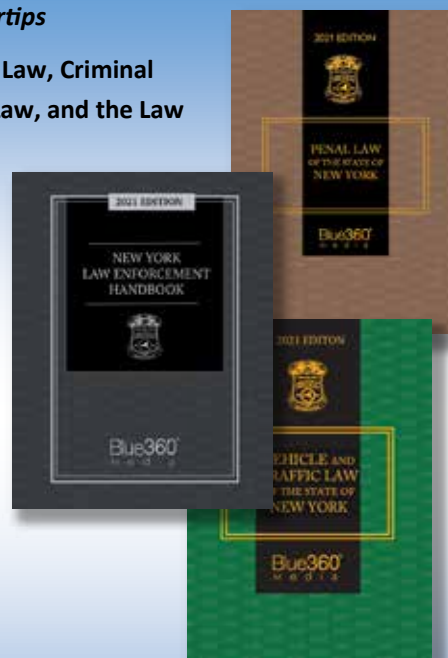
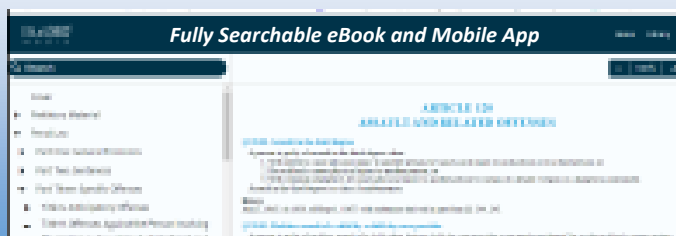


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**Batu is Batavia PD's canine. All expenses associated with the canine program are paid for through community donations.**

Photo: Batavia PD

Similarly, in Tonawanda, police have a German Shepherd, Diehl, also providing patrol support for Tonawanda police and other agencies and federal partners. While the benefits of a trained canine are extremely useful in policing, Chief James Stauffiger said, "I cannot underestimate the community relations component which may arguably be most important. The community fully supports the canine program." Tonawanda's police dog is named for a former member of the police department who died at a young age, said Stauffiger, a practice used in many agencies to honor

former police officers. He added, "I find more benefit with the community and the canine program than operationally based on the response I've seen. That seems to be asked for the most from any of my community groups, to have the dog present. They're more excited about the dog than they are about guns, the police officers or anything else."

Chief Shawn Heubusch in Batavia said that although they are just a couple years into their own canine program, he has seen tremendous benefits in public relations. "We use our canine for a lot of community policing and events. Our program is supported 100% by contributions and donations. We received the canine on a grant through Homeland Security Operations. Everything outside the purchase of a vehicle has been through donations," said Heubusch. "We do a lot of public relations work whether it going into the elementary school, parochial school, or larger events like our National Night Out. They are very well received within our community, it makes the officer and the dog a lot more approachable." On the operational side, Heubusch said the dog's abilities provide a needed resource to officers in field work. Last summer we had a traffic stop where the driver fled and led our officer on a foot pursuit," said Chief Heubusch. "Our canine unit was the second car on the scene. Eventually the dog was able to track the suspect to a shed behind a private residence. We would not have found him without the canine," said Heubusch.

### Therapy Dogs in Law Enforcement

The search for suspects in felonious crimes is not the only application for police canines. In Perry Police Department, their School Resource Officer is the handler of 'Sunny', a therapy dog used to calm all sorts of situations, said Chief Michael Grover, from domestic scenes to school incidents where a child is acting out. Sunny, a yellow Labrador Retriever, was previously featured in the June 2021 edition of *The Chief's Chronicle* along with her handler Officer Matt Masci who serves as the School Resource Officer for the Perry School District. It's another great tool for community policing, bringing us closer to the kids which brings us closer to the parents," said Chief Grover. Officer Masci agrees that Sunny has been an asset in building bridges. "The dog has been a conversation starter, and the kids start talking to the dog which opens up a communication line for us," said Masci.

Perry School Superintendent Daryl McLaughlin agrees, saying, "The extent of his impact can be observed during instructional interventions and in our special education classrooms. Sometimes students feel more comfortable reading to the dog than out loud in front of the class or to a partner." He added, "I have seen Sunny de-escalate situations with students who exhibit elopement behaviors. The students will sit down on the ground and engage with the dog."



**The School Resource Officer for the Perry School District has Sunny, a yellow Labrador Retriever, as his partner. A therapy dog, Sunny is well received by the school district, students and parents.**

Photo: Perry PD

### Explosives Detection Canine Leads to Firearms Cache

In Saugerties, police have had a canine unit for more than twenty years. They currently use a German Shepherd and Belgian Shepherd for suspect searching and tracking, narcotics and explosives detection.

During the investigation of a possible school shooter, Police Chief Joseph Sinagra said his department went to the residence of the suspect to conduct a search for weapons but the family restricted where police could go in the house. "The family would only give us limited access to the house, and we used our explosives canine. And when he was in the basement of the house he kept hitting on this one room. But they told us we couldn't go in there," said Sinagra. "We went back with a search warrant and that's when we found all of the gun supplies, including an Uzi," he added.



**An array of weapons were recovered after an explosives detection canine alerted during a search of a residence during the investigation of an alleged school shooting plot.**

Photo: Saugerties PD

### Cadaver Dog Enables Quick Recovery

In another incident, a dive team was searching for a body of a victim suspected of drowning. One of Sinagra's canine handlers also

**Canines reduce the amount of time we spend in manpower when it comes to doing building searches, looking for missing persons, there's just so many things that they are capable of doing.**

**Chief Joseph Sinagra, Saugerties PD**

had a cadaver dog which she took out on a boat with the divers and the dog alerted on a specific spot on the water. "The Ulster County Dive Team was amazed, because right where the canine indicated, was right above where the body was," said Chief Sinagra. "Canines

reduce the amount of time we spend in manpower when it comes to doing building searches, looking for missing persons, there's just so many things that they are capable of doing," he added.

### ***The Latest Innovation - Electronic Storage Device Detection Canine***

The capabilities of canine training are expanding. In Westchester County, police have one of a very few electronic storage device detection dogs. Chief Inspector James Luciano (Division Commander, Special Operations Unit) of the Department of Public Safety in Westchester County told *The Chief's Chronicle* that even though they made a policy decision to no longer use patrol (bite) dogs, their 17 canines which include German Short-Haired Pointers, Labrador Retrievers, and Bloodhounds, perform a variety of tasks. Speaking about the electronic device detection abilities, Luciano said, "While working with the FBI on a task force dealing with exploited children and looking for predators, we had an opportunity to get a dog to search for storage devices. The only agency that trains for electronics storage device (ESD) detection is the Connecticut State Police. There were no other dogs in New York State that had this capability."

Since that time there have been a few other departments that have gotten ESD canines. "Our dog is used regionally, the District Attorney's Office who has a unit, Orange County and other surrounding counties, FBI, and NYPD," said Luciano. NYPD has since deployed a few of their own ESD canines, said Luciano. The ability to locate thumb drives, cell phones, and micro SD cards upon which parolees or other prohibited persons might store child pornography provide a tool for compliance by offenders who are prohibited by the terms of probation or parole from having access to computers and pornographic material. Associate Professor Lauryn DeGreeff of Florida International University said that more research needs to be done in this area. "We were able to figure out that there are differences in the smell that makes up mass storage devices compared to other common electronics. There is a unique odor," said DeGreeff who noted that the Dutch National Police have conducted specific research in this area. While she has not determined exactly what the substances are that can be detected by ESD canines, she said, "...chemically, we can see why dogs should be able to do that." Professor Degreeff added, "There are scientists out there that will do this research whether it's behavioral science on the dog's side or chemists on our side. It's just the funding that stops the science from being done." Chief Inspector Luciano said, "The dog does great work, just like a drug dog that might find something that we miss, they are phenomenal. These dogs are a tool that lead us in the right direction to find the things we might not otherwise find, or that we would spend a lot of time to locate on our own," Luciano added. Professor Degreeff said, "We have a hard time, as humans, creating instrumentation that can do all of the different things that dogs can do."

### ***Police Canines - An Often Shared Resource***

Not all agencies have canines. There are expenses involved including care, maintenance of training, and deployment considerations. Depending on the particular need, an agency may need the expertise of a dog-handler team in a specialized area, so it was common among those interviewed for this story that mutual aid to other jurisdictions is common. Chief Jim Stauffiger (Tonawanda PD) said, "We have officers who participate in our federal task forces. Developing those relationships with other agencies - they're always

going to be there for you. That's what we need in law enforcement, it's that cooperation, we can't do it alone, we have to do it together."



***Working with a DEA Task Force in an international drug investigation, Westchester County Police narcotics detection canine Liberty alerted to the presence of drugs within lawn rolling equipment, leading to the discovery of 460 kilograms of cocaine and resulting in three arrests.*** Photo: Westchester Co. PD

### ***Bloodhound Saves Man's Life***

When it comes to tracking the scent of a human, bloodhounds are seen as the best breed to do the job. Chief Inspector Luciano (Westchester Co. DPS) said that his department has three bloodhounds, noting that they do an exceptional job in tracking even when a scent trail is stale. "We have had quite a few real good tracks - a person distraught, suicidal, and had some health issues. Had been missing for 24 hours out of the city of New Rochelle, and our hound tracked, in some horrific weather, subfreezing temperatures, through a golf course down to the Bronx...and found the guy, saved his life. It was the tenacity of the handler, the local cops, my ESU guys, but the dog saved the life of this person." Officer Brian Tierney was the handler of the bloodhound in that case that tracked the scent for about ¾ of a mile. He said, "We were tracking him - trailing (the scent) along the railroad tracks. I could hear a slow gurgle above me, at an elevated overpass by a golf course. If not for the canine, this guy would probably not have been found alive."

### ***Missing Autistic Girl Tracked by Police Dog***

Tierney recalled an investigation involving a missing child. "I got sent to a call in the town of Ossining. The grandparents said that their 2½ year old autistic granddaughter was missing, she had wandered off. They went to make lunch and when they turned around she wasn't there. But this was my area and I was primary unit on scene. The grandparents were upset, and Portuguese was their primary

***The grandparents said that their 2½ year old autistic granddaughter was missing, she had wandered off. At that point the dog was picking its head up, smelling the air scent. All of a sudden I see a little girl in the treehouse part of the play equipment. Officer Brian Tierney's vivid recollection of the tracking and rescue of an autistic 2 year old girl in Ossining.***

language, but I was able to understand that the baby had been laid down to sleep but they couldn't find her." Tierney continued, "So the

first thing you do as a cop is you tear the house apart, I looked in the closet and other areas and there was no sign of her. When I got to the back porch there was a stuffed lion toy, and the grandparents said the girl was sleeping with her lion at the time, and now, the gate at the back of the house was open. I had only been a few minutes on the scene, I went to my car and grabbed my first partner, ‘Saratoga’ (now retired), put her in a harness and took her to the lion at the back of the porch and had her get to work. We went down the stairs and out the back yard which abuts a major highway in Ossining where there’s a lot of commercial and commuter traffic. There was a tree line along the edge of the highway and the dog got to the tree line and banks to the right and we’re following it east along the bank. We hopped through a couple of backyards going back and forth, and we were about 3-4 houses away and the dog starts going crazy around the bottom of some playground equipment that had a playhouse at the top.” Tierney’s vivid recollection continued, remembering the few seconds that followed as he and Saratoga would discover the girl. “At that point the dog was picking its head up, smelling the air scent. All of a sudden I see a little girl in the treehouse part of the play equipment. The grandparents had shown me a photo, and this was the girl. I picked her up and put her on my left hip and carried her out of the backyard, and at the same time I have my dog off of my right arm. As I was arriving back at the grandparent’s home the sergeant was arriving on scene, and we had more assets arriving,” said Tierney, adding, “she passed two open pools, so thank goodness she was alive.”

#### ***Recommendations for Chief’s Considering a Canine Program***

The *Chief’s Chronicle* asked Chief Inspector James Luciano for his advice to police agencies considering a canine unit. He said, “You have to be dedicated, and understand the expense and training that is needed to maintain a well-trained and well-disciplined program. It’s something you have to be committed to. And you have to maintain their certifications.” Luciano said that departments need to research the kennels from which service dogs are sourced. “We have evaluated a lot of dogs throughout the region and many

don’t make it through the screening,” said Luciano, adding that it is important that the canines are brought to public events. “People love to see the dogs, the kids love them, the schools love them, the Rotary



***Westchester Co. PD Chief Insp. James Luciano said, “...it is important that the canines are brought to public events. “People love to see the dogs, the kids love them, the schools love them, the Rotary Clubs, and even though it may cost you overtime to send them out, it is important for the benefit of the community.” Here, Saugerties Police demonstrate one of their canines at a public event. Photo: Saugerties PD***

Clubs, and even though it may cost you overtime to send them out, it is important for the benefit of the community.” Chief Luciano added, “I’m in charge of the helicopters, boats and SWAT and bomb squad, but I love dogs. I’ve had dogs since I was a kid growing up, and I have rescued dogs at home now, and I have learned so much from my people.” Luciano has attended seminars to better appreciate the needs of his canine handlers and to ensure that his department and community have a successful program to apprehend criminals, find missing and vulnerable persons, and locate evidence.

<sup>1</sup> The Beginning of American K9 Units: A Brief History’ National Law Enforcement Officers Memorial Fund; <https://nleomf.org/the-beginning-of-american-k9-units-a-brief-history>; Accessed April 22, 2022



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# Chief's Corner

BY CHIEF/RET. STUART K. CAMERON - SUFFOLK COUNTY PD



## The Burning Question: What's Next?

It would certainly be fair to say that the recent environment for law enforcement leaders in New York State has been quite challenging. Change seems to occur with much greater frequency; national and even global events can create turmoil at a local level. Chiefs and Commissioners must keep their heads on a swivel trying to anticipate what may happen next and do their best to remain one step ahead of this virtual tidal wave of change. Law enforcement leaders know all too well that first responders have traditionally faced a variety of threats to their personal safety and well-being. While some of these threats are largely discipline specific, others are more generic in nature, such as the hazards caused by moving traffic at an ongoing emergency scene. The risk created by distracted, drowsy or intoxicated motorists imperils all first responders in a similar fashion.

Historically law enforcement agencies have focused a great deal of their attention on preventing officers from being injured during hostile encounters with individuals. Basic police officer training includes shooting tactics and accuracy, weapons retention, grappling and the proper application of a variety of less lethal weaponry. Law enforcement officers are equipped with soft body armor, handguns, impact weapons, chemical agents and often conducted energy devices to counter the threat of combative assailants.

Emergency medical service (EMS) providers routinely face threats from disease transmission; therefore, they are trained to employ universal precautions to protect themselves from air and blood borne pathogens. The donning of latex gloves prior to patient care has become second nature for EMS personnel, much like going on patrol while wearing soft body armor has been institutionalized for law enforcement officers. Concerns about properly handling sharps,



***Law enforcement officers are equipped with soft body armor, handguns, impact weapons, chemical agents and often conducted energy devices to counter the threat of combative assailants.***

Pond 5

such as needles, is also a paramount concern during patient encounters for similar reasons. The risks posed by disease transmission to EMS workers has received widespread attention during the COVID-19 pandemic as EMS workers have faced exposure to the virus on an almost daily basis.



Firefighters have their own unique occupational hazards. The lack of breathable air at fire scenes due to toxic fumes or oxygen deficient environments has been countered through training and the ubiquitous usage of self-contained breathing apparatus. The risk of being burned is yet another ever present danger, as is the hazard from falling debris and building collapse. This is why firefighters are issued helmets and wear fire-retardant turnout gear.

Although there is some inherent overlap, much of the protective training and equipment provided to first responders is discipline specific. It is designed to protect them from the unique hazards that they must face on a daily basis. However, as the threat posed by terrorism has increased in the United States, many first responders began to receive common training delivered through the Federal Emergency Management Agency's National Preparedness Directorate (FEMA NPD). These training courses focused primarily upon preparing first responders for a potential response to a Weapons of Mass Destruction (WMD) attack. Police, fire and EMS personnel came together to learn about the hazards posed by chemical, biological, radiological, nuclear and explosive weapons due to concerns that a terrorist group would use these types of weapons to attack the United States. In the aftermath of the 9-11 attacks, additional funding was made available for this type of training and agencies were able to train their personnel with no local costs incurred.

These training courses encouraged interdisciplinary coordination and cooperation through the incident command system. Unique partnerships were formed, such as hazardous materials teams working together with local public safety bomb squads to enhance the response capability to a potential radiological dirty bomb. Similarly, public safety bomb squads were encouraged to work with local special weapons and tactics teams to counter multipronged or symphonic attacks employing explosive devices and small arms. These types of partnerships were not only valuable should the unthinkable occur, they also improved the response to more common everyday incidents that required a multidiscipline response.

The main goal of the FEMA NPD courses was to better prepare local first responders to deal with a large-scale mass casualty attack, similar in scope to those that occurred on September eleventh, potentially involving a weapon of mass destruction. However, as these training efforts were underway another insidious threat was emerging; active shooters who seemingly target members of the public at random. Law enforcement agencies began to train their

**These training courses encouraged interdisciplinary coordination and cooperation through the incident command system. Unique partnerships were formed, such as hazardous materials teams working together with local public safety bomb squads to enhance the response capability to a potential radiological dirty bomb.**

members to respond to this new active shooter threat utilizing the recently developed concept of immediate action rapid deployment.

As law enforcement agencies increased their preparedness to deal with active shooter attacks, and these attacks became more frequent and devastating, response preparedness became focused on how best to handle casualty care. Quite often these casualties would be in an area which was not stable and safe. EMS agencies who opted to provide initial care to active shooter victims could be exposing their members to the threat of attack, a threat clearly outside their traditional hazard preparation. These types of incidents have frequently been prolonged events with ongoing threats from still active shooters, multiple attackers, explosive devices, booby traps and aerosolized irritants. Entering this type of environment is clearly perilous and not without risk, even for those who are specifically trained and equipped to deal with it.

Many law enforcement agencies have begun to work closely with EMS providers to address this issue after determining that neutralizing the attacker was just the first step in saving lives. In some cases, law enforcement agencies have provided training in traumatic injury care to their police officers to fill the void until the environment is safe for EMS responders. In other instances EMS workers have been trained tactically and some have invested in soft body armor to protect their members. Regardless of the method selected to deal with this concern, enhanced cooperation between law enforcement and EMS is essential to developing a comprehensive response plan. Aiding the casualties created during an active shooter attack creates a convergence of threats that would generally not cross discipline specific lines, much akin to medics in a combat environment.

As the terrorism threat to western nations evolved and ISIS emerged a transformation occurred. ISIS became extremely successful in inspiring followers through the use of social media and the availability of mainstream encrypted communication platforms which often confounded law enforcement's efforts to monitor much of this activity. Rather than plan solely for large scale attacks, ISIS had been encouraging its supporters to attack utilizing any means available to them. This rhetoric took hold with many, especially in Europe. ISIS was very adept at recruiting through the use of publications, such as its Inspire Magazine. Inspire Magazine, a publication of Al Qaeda in the Arabian Peninsula, had a two-pronged approach, attempting to inspire and recruit followers, while concomitantly providing step by step instructions on a variety of attack methods. Much like a home handyman may seek out instructions in a Popular Mechanics article, aspiring terrorists

have followed the instructions in Inspire magazine with devastating success. For example, an Inspire magazine article entitled *Make a Bomb in the Kitchen of your Mom*, which gave detailed instructions about how to use a pressure cooker to make a bomb, is credited as being the main instructional material for several successful and devastating attacks utilizing improvised explosive devices.

Another attack strategy that was proffered is an ideal choice for a would-be terrorist; it is relatively simple and inexpensive, it can be deployed with relatively little training and logistics, it is effective and lethal, it can overcome well-engineered defenses, it would consume huge amounts of public safety resources to combat, all while being visually appealing for media coverage. While many of these factors could apply to the recent increased use of the vehicle ramming tactic, all of them apply to the use of fire as a weapon.

Using vehicles as weapons to run over innocent people had been a tactic employed with limited success by terrorists and other aggressors for several years. It only became widely publicized in mainstream media channels after the horrific attacks in France and Germany, as well as the bike path attack closer to home in New York City. Vehicle ramming had been one of the tactics advocated by both al-Qaeda and ISIS. Inspire Magazine devoted a full article to the topic in its second edition, *The Ultimate Mowing Machine*, as in mowing down people. Undoubtedly the tactic's simplicity and these efficacious utilizations will likely encourage more attackers to employ this method in the future and as a result restricting vehicle access is now a routine consideration during public safety planning for large outdoor events.

Fire is another tactic that has been employed in previous attacks with varying degrees of success. It too has been discussed and advocated as a viable method to kill people in terrorist publications. Although not terrorism related, fire was used as a weapon in a horrific event in March 1990, resulting in the death of 87 people when an accelerant was used to start fires at a social club in New York City.

In Mumbai, India in November 2008, a terrorist used fire as a weapon during an extended, multifaceted attack. Fire was one of many tactics employed during this attack, thereby complicating response operations and adding to the overall lethality of the event. Clearly some of the most compelling media coverage during the Mumbai attack was the result of the fire that was intentionally set in the Taj Mahal Hotel during an ongoing hostage barricade situation. For many attackers, whether they be from a terrorist group or an

**Much like the aforementioned casualty treatment and extraction during an active shooter attack, employing fire during a hostage barricade creates a convergence of cross discipline threats and generates a situation that neither law enforcement nor the fire service is fully prepared to handle alone.**

individual acting on their own accord, media coverage is desirable as it helps to spread the message and the fear.

Much like the aforementioned casualty treatment and extraction during an active shooter attack, employing fire during a hostage barricade creates a convergence of cross discipline threats and generates a situation that neither law enforcement nor the fire service is fully prepared to handle alone. ►

Prior to it being widely publicized as a result of the severity and location of some more recent events, the strategy of vehicle ramming had been used to attack people in a number of locations around the world, including in Israel. Israel has had great success in combating terrorism within its country, including dramatically reducing suicide bombing attacks. Erecting the West Bank Barrier wall had a significant impact upon suicide bombings by reducing the opportunity to attack Israelis, however in some respects it didn't reduce the desire to attack. Terrorist groups adapted, which was highlighted by an uptick in vehicle ramming attacks in Israel. Vehicle attacks can seemingly come out of nowhere because of their ease of planning and overall simplicity. In some instances, these attacks have proven to be equally effective in causing casualties when compared to prior suicide bombing attacks.

In late 2016, a series of wildfires occurred in Israel, resulting in the destruction of numerous homes. Israeli authorities believe that these fires were intentionally set and motivated by terrorism. The ninth edition of Inspire Magazine featured an article entitled, *It is of Your Freedom to Ignite a Firebomb*, advocating the starting of brush fires as a viable attack strategy. In typical Inspire Magazine fashion, the article included details on creating ember bombs, which are timed incendiary devices. In January 2017 ISIS released the fifth edition of Rumivah, its online magazine. One of the articles contained in this edition suggests the use of arson attacks and lists a variety of potential targets for these types of attacks. Among the suggested locations are apartment buildings, nightclubs and school buildings.

Much akin to the vehicle ramming tactic, starting fires is relatively simple and within anyone's reach, even lone wolf attackers. Planning to use fire as a weapon would not likely draw the attention of law enforcement, as the necessary precursors are readily available and not controlled. A single successful high-profile use of arson could spawn copycat attacks, much like the Nice, France attack likely inspired other vehicle attacks. Should the use of fire as a weapon become more common, an unprecedented partnership between law enforcement and the fire service will be required to address it.

One of the premier manufacturers of tactical armored vehicles has added a water monitor to its options list to allow law enforcement officers to fight fires while protected from small arms fire.

Unfortunately, those bent on attacking the United States will likely solicit input from terrorist publications, like Inspire and Rumivah. They will seek out simple, yet effective, and hard to detect tactics. Municipalities that do not have strong cross discipline training and coordination will be ill prepared to deal with the host of complex issues that could occur.

As the old adage says, if a tree falls in the forest with no one present to hear it, does it make any noise? In a similar vein, if terrorists attack

without widespread media coverage do they achieve their objectives of terrorizing the public? The attackers in Mumbai, India in 2008 were guided by input from handlers in Pakistan. Much of this input was geared toward maximizing the ongoing media coverage of the event, thereby spreading their message of terror. Clearly one of the most visually effective and long-lasting tactics employed was the use of fire at the Taj Mahal Hotel.

Fire can be used to kill people while also destroying property. It can be readily combined with other tactics, thereby complicating the response. In order to be prepared for this potential issue, the fire service and law enforcement should work closely together, just



*...the fire service and law enforcement should work closely together, just as law enforcement has done with EMS providers to enhance the response to an active shooter attack.* Pond5

as law enforcement has done with EMS providers to enhance the response to an active shooter attack. Firefighters can receive some basic tactical knowledge from their law enforcement partners, while law enforcement can be apprised of basic firefighting theory. Even a very basic shared awareness level could be valuable during a multipronged attack employing fire and small arms.

Law enforcement agencies can pre-identify members who are volunteer firefighters, and volunteer fire agencies should be aware of members who serve in law enforcement. This awareness would allow these agencies to utilize the organic expertise of their own members should they have to deal with a multifaceted threat involving fire and small arms. While the use of fire as an attack strategy may be simple to employ for someone bent on causing harm, combating it will be vexing and difficult for first responders. Acknowledging the potential threat from weaponized fire is clearly the first step. Planning, training and exercising together continues to be crucial as our adversaries continue to look for simpler, effective strategies to create terror and to cause harm.



@nysacop

# Chief Lefancheck Appointed Chair of IACP Regional Committee

## Representing North Atlantic States in SACOP Division

**O**n March 24, 2022 Chief Michael Lefancheck (Baldwinsville PD) was elected as Chairperson of the North Atlantic Division of State Associations of Chiefs of Police (SACOP) at their midyear meeting in Seattle, Washington. The International Association of Chiefs of Police (IACP) North Atlantic SACOP Region encompasses the states of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland and Delaware and serves as a liaison between the individual state associations and the IACP, acting as a voice for policy issues, training and resource concerns. Chief Lefancheck said, “My goals as the North Atlantic Chairperson are to foster greater collaboration amongst all of the states within our region and to act as a conduit to exchange information to/from the IACP and our state associations. Also, I plan to operationalize many of the IACP initiatives and resolutions at the regional level, in order to enhance the law enforcement mission that we are all tasked with.” Lefancheck told *Chiefly Speaking* he looks forward to his new role, saying, “The opportunity to be more involved with the IACP is an exciting one and I am very much looking forward to representing NYSACOP in this new role.” Lefancheck was President of NYSACOP from 2017-2018 and has been the New York representative on the committee since 2017. He has served as the Chief of Police in Baldwinsville, New York for more than 13 years.



**Chief Michael Lefancheck,  
Chairperson  
North Atlantic Division  
IACP SACOP**



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# Agency Spotlight: Herkimer Police Department

## Dedicated to their Community

**H**erkimer's Police Chief was drawn to law enforcement at an early age. Chief Michael Jory remembered the stories from his godfather, Jack Wilcox, a retired Investigator from Herkimer PD. "I was enamored by his stories and wanted to create my own," said Jory. While Jory was attending high school, Ilion PD Officer Bob Lane also made an impact on the future chief. Said Jory, "Bob was a very large man, and he treated everyone with dignity and respect. I wanted to share the same impact that Jack Wilcox and Bob Lane had on me to others who may need a protector or an advocate. I want to be a friend to those who may have needed a shoulder to lean on."



*Chief Michael Jory*

Chief Jory's law enforcement career began with the Herkimer County Sheriff's Office. After 3 years Jory transferred to the City of Gloversville Police Department where he served for 22 years. When Herkimer Police Chief Joseph Malone announced his retirement, Jory said he was interested in the position. "I love this village, my wife is from here, my girls went through the schools here and went to school at Herkimer County College." Following an interview, he was appointed as Herkimer's Chief of Police in 2017.

Community policing is a passion for Chief Jory, noting that the walking beat and bicycle patrol in their downtown area is an important part of serving the community. The highly visible uniformed officers are met with a positive reaction from the community, and also by the press and social media. "The number of people who will snap a picture and post it on Facebook, praising the officers being out there just walking when the kids are out of school," said Jory. "We have a large population of families living on Main Street – my officers have been videotaped and photographed playing with kids out in front of their houses. The impact that had on the children, the community and the officers is invaluable," he added.

*The shoulder patch of Herkimer PD depicts General Nicholas Herkimer during the Battle of Oriskany in August 1777. He was injured in battle as depicted in the image, and his leg was amputated. Historical reports indicate that he fought on despite a grave injury, and died from complications of the amputation.*

In addition to the Bicycle Patrol Unit, Herkimer Police have a Special Response Team, School Resource Officers, Commercial Vehicle Enforcement Unit, Accident Reconstruction Unit, Crisis Negotiation team, and a Drone and Robot Unit.

Herkimer Police are routinely involved with their community working with youth, teens and elders, Coffee with a Cop, Shop with a Cop, and other special events. "We have a relationship with our

school district where we currently have two School Resource Officers assigned," said Jory. "The officers have played in the Mohawk Valley Challengers Super Bowl several times. The Challengers are a wonderful group of young people with various challenges who are truly a treat to spend time with," he added.

Jory, a career law enforcement officer, initially went to school studying math, attending Buffalo State as math major. "You can only imagine my mother's shock after the first semester when I transitioned to Criminal Justice," quipped Chief Jory. Though his attention focused on becoming a police officer, he finds that his math skills help him in his role as a police executive. "Early in my career I was involved with accident reconstruction, which I found very easy. Now, with all of the data analysis that needs to be done on a daily basis, like budgetary concerns, I still have a knack for math. The one thing I liked about it is that there were always checks and balances."

Asked about the biggest challenges facing police today, Chief Jory said that media bias is problematic, pointing to news accounts where assessments are made on snippets of a recording or from already-biased social media accounts. Secondly, he said that recruitment has become a challenge, partly due to constraining rules of state law and regulations. "Being bound to three eligible candidates from a civil service list who may not have a true passion for our noble profession creates quite a predicament when looking to fill vacancies."

*The Chronicle* asked Jory whether Bob Lane, one of his mentors, previously mentioned, witnessed his career. "When I became a detective in Gloversville I told Bob that he was my inspiration. He didn't know until then that he had that impact on me. It was surreal for him to know that he was one of the reasons that I got into this career." Jory and Lane occasionally see each other at a local coffee shop and get to catch up on what's happening in each other's lives.

### Herkimer Trivia

Fans of basketball may already know about the controversial origins of the game. Is it Springfield, Massachusetts or Herkimer, New York? "That is the hot topic right now," said Jory. "Scott Flansburg is the 'human calculator', he grew up here in Herkimer, and now lives in Arizona. He has been researching early basketball." According to the Basketball Hall of Fame they assert that James Naismith invented the game in Springfield, Massachusetts on December 12, 1891. But there is a photograph that might upend the long held story. That would be a photograph of a group of Herkimer, New York athletes holding a basketball with '91-'92 painted on it, indicating the 1891-1892 season which would have arguably occurred prior to the December 12, 1891 date acclaimed by Naismith as the birth of basketball. "So Flansburg has cracked open a Pandora's Box and he's gotten quite a bit of press. There are some ESPN stories coming up, and he's working diligently to make Herkimer the birthplace of basketball."

# Orange County's 'Coolest Chief' Says Goodbye

## Chief Thomas McGovern: A Career Spanning 43 Years

BY: CHIEF/RET. MARK A. SPAWN, DIRECTOR OF RESEARCH, DEVELOPMENT & TRAINING, NYSACOP

For a career that spanned more than 43 years, Town of Warwick Police Chief Thomas McGovern has witnessed a number of changes in law enforcement and in his community. When he began his career in 1979, he served with the Village of Warwick as a Patrol Officer for 2 years and as a Sergeant for 12 years. When the Village merged with the Town of Crawford in Orange County, he became part of the police department where he served as Sergeant, Lieutenant, and for the last 23 years as Chief of Police of the jurisdiction which encompasses 105 square miles. McGovern said that one of the biggest changes he has witnessed was the growth of his community. “It was a sleepy little place back then, the village didn’t even have a traffic light. Now it’s a very recognized tourist destination for people living in New York City. We have apple orchards, wineries, a downtown, a nice village atmosphere.” McGovern said that the quaint feeling of Warwick has made it a frequent backdrop for movies and television shows, hosting about a dozen productions annually.



Chief Thomas McGovern  
Warwick PD

Chief McGovern is most proud of the successful merger in December 1991 of the Village and Town police departments.

DETACH BEFORE CASHING CHECK  
STATEMENT OF EARNINGS AND DEDUCTIONS FOR  
EMPLOYEE'S RECORD COVERING PAY PERIOD TO  
AND INCLUDING DATE SHOWN BELOW

VILLAGE OF WARWICK, N.Y.

DATE March 19, 19 80

TO: Thomas McGovern

TOTAL WAGES	\$396.65
SOCIAL SECURITY TAX	24.31
WITHHOLDINGS U.S. INCOME TAX	62.10
N.Y.S. WITH TAX	15.20
N.Y.S.B. INS.	.60
P.B.A.	2.00
OT-2	
TOTAL DEDUCTIONS	104.21
AMOUNT THIS CHECK	\$292.44

Officer Tom McGovern's  
payroll check stub in 1980  
covering a two week period.

He really invested in his community, he is part of the fabric of that community.”

McGovern recalled his appointment as Chief of Police. “I became chief on January 1 of 2000, the night that the whole world was supposed to implode.” As it turned out, Y2K was overrated and presented no major problems for the chief or his department. As a new chief, McGovern said that he wanted to institute a motorcycle unit. “I had no idea how I was going to do it, but I wanted to get

it done.” Shortly after the attacks of 9/11, BMW donated three motorcycles to Warwick PD, and his dream of a motorcycle unit was realized. “The motorcycle unit is an asset to the department and community, said McGovern. “The public, in general, is very happy to stop and talk with our people when they are out there on a motorcycle. You have a better rapport with the community, and the kids love them.” McGovern said that Warwick has hosted several motorcycle training courses which has also promoted camaraderie among other units in the region. Chief Dominick Blasko agrees, saying about McGovern, “He brought motorcycles to Orange County, he held a lot of motorcycle classes – there are many cops throughout the state where Tom was their instructor.”



Chief Thomas McGovern (left) at his walk-out ceremony on his last day serving with the Warwick Police Department. On right is McGovern's successor, Lt. John Rader who was promoted to Chief of Police.

Photo: Warwick PD, Officer Vic Rivera

It was also in 2000 when John Rader became a police officer for the Town of Warwick, hired by Chief McGovern. Said Rader, “He has literally hired people, sent them to academy, and they’ve retired during his time.” Upon McGovern’s

**He led us through the aftermath of 9/11, through the pandemic, some protests after the George Floyd incident, and then EO 203 and all of the police reform discussion.**

—Chief John Rader, Warwick PD

retirement in March 2022, Rader was appointed as his successor. Chief Rader told *The Chief's Chronicle*, “He led us through the aftermath of 9/11, through the pandemic, some protests after the George Floyd incident, and then EO 203 and all of the police reform discussion.”

Chief Rader said that the department has grown under Chief McGovern’s tenure. “Our command staff has grown, our narcotics investigation abilities and our commitment to narcotics investigation. On the departmental side, he has definitely taken the department up several notches, too.” Asked about Chief McGovern’s legacy to Warwick, Chief Rader responded, “His ability to lead and encourage officers to do their best, and to do more than what they thought they were capable of. And I would be the first one on that list.”

McGovern said that he always liked the idea of law enforcement as a kid. "I did well in school. But my guidance counselors told me that there was not a lot of thought involved in law enforcement. I went to college to become physical education teacher. One

**One thing about Tom is that the nobility of policing has always been important to him. He's always been current, on top of the relevant issues.**

**—Chief Dominick Blasko, Crawford PD,  
NYSACOP Board of Governors**

summer I came home and worked at super market where there were some local cops from Orange County doing security, and they were impressive to me. They told me there was a civil service test coming up and encouraged me to take it. I scored a 96 and the

rest is history." Although his educational aspirations changed from physical education during the 1970's, he received an Associate's Degree in Criminal Justice in 2000, and a Bachelor's Degree in Administration in 2002. He is also a graduate of the 199th Session of the FBI National Academy.

Chief Dominick Blasko (Crawford PD) said, "One thing about Tom is that the nobility of policing has always been important to him. He's always been current, on top of the relevant issues. He might be 'old school' on some things, but he never said 'no' to the 'new school'." Blasko added, "When you speak to Tom, you know that you are important to him. That's always a good trait."

In his "retirement", McGovern is back to work for the Town of Crawford in a temporary civilian capacity, assisting the police department with the administrative transition and helping out due to some vacancies with clerical support positions. After that is done, Chief McGovern said, "I'll think about something else."

# Register Now!

## July 24-27, 2022

### Annual Training Conference

### New York State Association

### of Chiefs of Police

## Have You Registered for the NYSACOP Conference

### Important Message for Those Currently Registered and Thinking About Registering

**O**ur annual conference will be here before you know it! Our main hotel is now sold out, but our backup hotel, [The Fairfield Inn](#), is the sister hotel to the Queensbury Inn and still has rooms available.

If you already made your reservation, **please be sure to double-check your reservation dates. Note that this year's banquet will take place on Monday (July 25) rather than Wednesday (July 27).** The conference will end at noon on July 27. We have noted that some reservations include July 27-28. Perhaps you plan on staying to enjoy Glens Falls and Lake George after the conference, but we wanted to be sure you were aware of the change in banquet date.

*New York State Association of Chiefs of Police*

# Search and Seizure Considerations when using Unmanned Aircraft Systems (UAS)

BY: NICHOLAS T. FLETCHER, ESQ.<sup>1\*</sup> DIRECTOR-AT-LARGE NYS CHAPTER IAAI

Since the early 2000s, there has been a significant increase in public safety agencies implanting unmanned aircraft systems (UAS). This is due in part to the low cost of systems in comparison to their significant benefits. While using these systems increases the capability of fire investigation units, their implementation may create unique issues. One unique issue with UAS is compliance with search and seizure laws when using such systems.



Nicholas T. Fletcher, Esq.  
Asst. District Attorney

The United States and New York Constitutions both provide legal protections against unlawful searches and seizures by government actors. Public sector fire investigators obviously fall within that category. To conduct a lawful search or seizure of evidence, there must be either a warrant or the situation must fall within one of the many warrant exceptions. The fundamentals of search and seizure law is identifying whether there

emergency scenes is whether the UAS creates a hazard to operating personnel. Agencies may choose not to operate UAS over active firefighting operations. Additionally, smoke and lighting conditions may make operations of such UAS futile. Smoke and water vapor can limit the effectiveness of onboard cameras. Environmental conditions or agency policies are only two reasons why UAS may be flown later in time than a typical investigation may take place.

To adequately use UAS on fire scenes may require investigators to conduct their investigation outside of the timeframe allowed under the exigent circumstance exception. Therefore, investigators may need to obtain a warrant or consent to continue their investigation. However, to use a UAS to survey the damage may not actually require a warrant. While a warrant or consent is always the most advisable option aerial surveillance has historically been used as a law enforcement function to obtain information. The question then becomes at what point does the use of a UAS require a warrant? The law has not yet provided a clear answer.

Common law theories of property rights provided that landowners owned the surface of their land and all that column of space from

the surface down to the center of the earth and up to the heavens above. As manned flight has developed this construct has continued to change.

The seminal case on land ownership and flight comes from the 1946 case *United States v. Causby*. The Causby's owned a 2.8 acre farm outside of Greensboro, North Carolina, just at the end of a military runway. The various military aircraft caused significant interruption to the lives of the property owners. The Court established that airspace is part of the public domain thereby allowing for public use of the air above private lands however, there is a limit to the use of that space. It was ultimately held that "flights over private land are not a taking, unless they are so low and so frequent as to be

a direct and immediate interference with the enjoyment and use of the land." They key then becomes how to identify where the "public highway" above someone's land ends the private land owner's dominion over the air above their property begins. Not to mention there is no clear indication how the Court's will apply *Causby* to UAS use.

In the 1986 case *California v. Ciraolo*, Santa Clara police received an anonymous tip that marijuana was being grown in the Ciraolo's back yard. Authorities were unable to view the contents of the yard due to two fences surrounding the property; one six feet tall and one ten feet in height. A private plane was commissioned to fly over the property. Two officers, trained in the identification of marijuana, flew 1,000 feet over the yard and were able to identify the marijuana growing in the back yard. The officers used



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is a "constitutionally protected reasonable expectation of privacy." If so, then there needs to be a warrant or a warrant exception. There is a two-part test to determine if there is a reasonable expectation of privacy: first, has the individual manifested a subjective expectation of privacy in the object of the challenged search and second, is society willing to recognize that expectation as reasonable? The latter becomes the main question as courts evaluate advancing technology used by the government when conducting searches.

Fire investigations, specifically in the public sector, are often conducted using the warrant exception of exigent circumstances. In short, the exigent circumstance exemption to the warrant requirement only lasts as long as there is an active emergency threatening the destruction of evidence.

One operational issue when operating an UAS over active

their observations and photos from a standard 35mm camera taken during the flight as part of their search warrant application.

The Supreme Court took note that the officer's observations took place within public navigable airspace and was conducted "in a physically nonintrusive manner" and the plants could have been seen by anyone flying in the airspace above. The Court found that there was no reasonable expectation of privacy in the *Ciraolo*'s



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garden from arial observation. This case set a strong foundation for law enforcement aerial surveillance.

While in *Ciraolo* officer's were 1,000 feet off the ground, in *Florida v. Rieley* police circled a property in a helicopter at approximately 400 feet above ground level. The facts for *Ciraolo* and *Rieley* are similar in both started with anonymous tips regarding the growth of marijuana on private properties. The Pasco County Sherriff's office used a helicopter and observation from the naked eye of an officer to identify marijuana growing in a greenhouse on the *Rieley*'s property. The property in question was five acres of land in a rural area with a mobile home and greenhouse located on it. Again, the land owner took steps to limit observations from the ground – there were trees and shrubs surrounding the property, a wire fence surrounding the property, and "DO NOT ENTER" signs posted. The officers were able to observe the illegal plants from openings in the green house roof.

Similarly to *Ciraolo*, the Supreme Court found that there was no reasonable expectation of privacy from arrival observation of an aircraft within navigable airspace. However, it should be noted the Court did indicate "We would have a different case if flying at [400 feet] had been contrary to law or regulation." The Court continues to explain that helicopters are not bound by the lower limits of navigable airspace as other aircraft and any member of the public could legally be where the officers were. This section of the opinion may become particularly important as the Court develops their case law on the use of UAS and their impact on private land owner's rights and claims of expectations of privacy.

That same year, the Court decided *DOW Chemical Co. v. U.S.* There are significant differences with *DOW* as opposed to the

previous cases discussed. After the Environmental Protection Agency (EPA) had been refused access to *DOW*'s 2,000 acre facility in Midland, Michigan, the EPA used an aircraft equipped with a precision aerial mapping camera to take photographs of the facility. The aircraft flew over the facility at altitudes of 1,200, 3,000, and 12,000 feet - at all times within navigable airspace. The Court held that the taking of aerial photographs of an industrial

plant complex from navigable airspace did not constitute a search. It should be noted, however, that the Court took into consideration the property in this case was commercial in nature and not residential: there is a slight difference with respect to a commercial property owners expectation of privacy of that of a residential property owner.

It wasn't until 2001 where the Supreme Court finally drew a line in the sky. In *Kyllo v. United States* police used a thermal-imaging device to scan the residence of *Kyllo* to determine if the amount of heat emanating from the residence was constant with the type of high-intensity lamps typically used for indoor marijuana growth. The Court found exception to the use of thermal imaging equipment and found the act a violation of *Kyllo*'s Fourth Amendment right. The Court promulgated the following rule: "where, as here,

the Government uses a device that is not in general public use, to explore details of the home that would previously have been unknowable without physical intrusion, the surveillance is a 'search' and is presumptively unreasonable without a warrant."

The question now becomes will Courts hold the use of UAS more closely related to the operation of an aircraft within navigable airspace and therefore their use is not to constitute a search or will the courts find the use of UAS more similar to thermal imaging cameras and therefore a search requiring a warrant.

The utilization of UAS equipped with thermal imaging cameras will almost certainly be considered a search requiring a warrant. It will become an issue of fact if the UAS is equipped with thermal imaging capability, but that capability was not used during the aerial surveillance. Agencies who operate UAS with thermal imaging cameras should contact their local district attorney's office to determine what standard operating procedures should be in effect. Best practice would be to only fly UAS equipped with thermal imaging cameras if there is written consent or a warrant.

There is still tremendous uncertainty where the courts will land regarding the use of drones. Best practice remains to get a warrant or written consent. Agencies who operate UAS should continue to stay up to date on all Federal Aviation Administration and other laws which impact operations.

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<sup>1</sup>See U.S. DEPT. OF JUSTICE NATIONAL INSTITUTE OF JUSTICE, CONSIDERATIONS AND RECOMMENDATIONS FOR IMPLEMENTING AN UNMANNED AIRCRAFT SYSTEMS (UAS) PROGRAM 3 (December 2016)

<sup>2</sup>See, e.g., Matthew Feeney, Surveillance Takes Wing Policy Analysis 2 (Dec. 13, 2016).

<sup>3</sup>See 31 Carmody-Wait 2d §173:1 (citing N.Y. Const. Art. I, §12; U.S. Const. Amend. IV).

<sup>4</sup>See 31 Carmody-Wait 2d §173:114.

<sup>5</sup>See Katz v. U.S., 389 U.S. 347, 360 (1967).

<sup>6</sup>See California v. Ciraolo, 476 U.S. 207, 211 (citing Smith v. Maryland, 442 U.S. 735, 740 (1979)).

<sup>7</sup>See, e.g., Michigan v. Tyler, 436 U.S. 499 (1978).

<sup>8</sup>See 2 Criminal Procedure in New York §31:18 (2d ed.) ("The exigency exception applies when the police are seeking evidence whose removal or destruction is imminent, and there is, accordingly, no time for them to obtain a warrant.").

<sup>9</sup>See 2 Criminal Procedure in New York §31:18 (2d ed.)

<sup>10</sup>See, e.g., STUART BANNER, WHO OWNS THE SKY?: THE STRUGGLE TO CONTROL AIRSPACE FROM THE WRIGHT BROTHERS ON 17 (2008)

<sup>11</sup>See United States v. Causby, 328 U.S. 256 (1946).

<sup>12</sup>See *id.* at 258.

<sup>13</sup>See *id.* at 259. (In fact, in one day the noise alone killed six to ten chickens on the farm. *Id.*)

<sup>14</sup>See *id.* at 265.

<sup>15</sup>See *id.* at 266.

<sup>16</sup>See *id.* at 264.

<sup>17</sup>See Robert A. Heverly, The State of Drones: State Authority to Regulate Drones, 30 ALBANY GOV. L. REV. 29 46 (2015).

<sup>18</sup>See California v. Ciraolo, 476 U.S. 207 (1986).

<sup>19</sup>See *id.* at 209.

<sup>20</sup>See *id.*

<sup>21</sup>See *id.*

<sup>22</sup>See *id.*

<sup>23</sup>See *id.*

<sup>24</sup>See *id.* at 213.

<sup>25</sup>See *id.*

<sup>26</sup>See Florida v. Riley, 488 U.S. 455 (1989).

<sup>27</sup>See *id.* at 448.

<sup>28</sup>See *id.* at 448-49.

<sup>29</sup>See *id.* at 448.

<sup>30</sup>See *id.*

<sup>31</sup>See *id.* at 448-49.

<sup>32</sup>See *id.* at 696-97.

<sup>33</sup>See *id.* at 697.

<sup>34</sup>See *id.*

<sup>35</sup>See DOW Chemical Company v. United States, 476 U.S. 227 (1986).

<sup>36</sup>See *id.* at 229.

<sup>37</sup>See *id.*

<sup>38</sup>See *id.* at 239. It should be noted that the Court took significant consideration into the open field doctrine and analyzed whether the space outside the industrial compliance was comparable to the curtilage of one's home. While this analysis is crucially important it is beyond the scope of this paper.

<sup>39</sup>See *id.* at 237. In U.S. v. Allen, the Northern District of New York held photographs taken of a private residence from a flight did not constitute a search and therefore the commercial nature of a property likely has little to do with the analysis of these particular types of cases. See United States v. Allen, 289 F. Supp. 2d 230, 242-43 (2005).

<sup>40</sup>See Kyllo v. United States, 533 U.S. 27 (2001).

<sup>41</sup>See *id.* at 29.

<sup>42</sup>See *id.*

<sup>43</sup>See *id.* at 40.

<sup>44</sup>See Heverly Supra n. 18 at 46



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# State's First Tesla Being Used for Road Patrol

The Village of Perry PD in Wyoming County has the state's first Tesla being used for police patrol. Chief Michael Grover said the new cruiser gets 300 miles per charge and is roomier than the Dodge Charger. "I was skeptical at first, but after 10 minutes behind the wheel, I was sold," said Grover who noted that maintenance on the Tesla has been very easy, only adding windshield washer fluid from time to time. "No gas or oil, no brakes, rotors or alternators to deal with," he added. Asked about the responsiveness of the new electric car, Grover said that it accelerates as fast as the Dodge Charger and handles well, "almost like you're on rails". Some people might think that they can get away from an electric car, but the only way you get away from this, said the chief, is if the charge runs down – which they have not experienced.

Grover said that his department runs 12 hour shifts and the car is always in use and has not once run out of power. While researching electric cars, Grover visited an agency in Connecticut which was using a Tesla. "They added a marine battery to power the computer and emergency lighting, so I had that added to our car. Grover said that whenever the car is plugged in, the marine battery simultaneously charges.

Chief Grover is anticipating a net savings from the Tesla investment. "If you're putting 20,000 miles/year on an ordinary cruiser at 13 mpg, that's 1,538 gallons. At \$4 per gallon that's \$6,153 per year in gasoline costs. For 20,000 miles in a Tesla at 4 miles/kWh (which it would get while patrolling) and electricity overall cost at .15/kWh,  $(20,000/4 \times .15) = \$750/\text{year}$ . If you assume major loss of efficiency in the winter due to cold and idling, you're maybe at 3 miles/kWh and that cost is \$1000/year. Either way, that's \$5000/year in fuel savings. Those numbers are significant when balancing the initial cost for the Tesla versus other state contract vehicles."

"When we purchased the Tesla last year it was \$53,000, and today, it costs \$67,900," said Grover, noting that the cost of a Tesla is the regular consumer pricing as it is not available on a state contract. "Upfitting costs for emergency equipment and computer were around \$10-12,000, and the warranty is about the same – 5 years." Grover chose the Tesla as it delivers 300 miles on a single charge and was large enough for patrol work. Asked whether he would deploy another Tesla in his fleet, he said, "I would consider adding another, or perhaps the Ford electric pickup which is around \$54,000." Chief Grover said that while the initial outlay may be intimidating to some, he noted that state contract pricing has soared in recent years on traditional vehicles such as the Charger at \$38,000 and Explorer around \$48,000.

He added that most of his department has embraced the Tesla. "I have a very young department, so they are very interested in this

new technology," he said. When it came to upfitting the car, Chief Grover said that they were able to obtain a console and prisoner partition, but there was a delay on the partition.



*Perry Police Department's Tesla patrol vehicle.*



*Photos courtesy of Perry PD*

# Characteristics of Leaders Who Fail

BY: CHIEF/RET. GREG VEITCH



Chief/Ret. Greg Veitch

It is easy to identify characteristics of poor leaders. Ask any group of people to describe a poor leader and you will likely get a lively discussion about terrible leaders and the awful things they have done. Most of the discussion will be about what the leader did and how that made the follower feel. How we feel however, does not determine success. We may be thinking that in an emergency, an aggressive, dominating leader might be necessary, although we

wouldn't want an aggressive, dominating leader all the time.

Although a leader may have a particular weakness, or occasionally behave in ways that are not ideal, infrequent lapses in leadership do not always translate into leadership failure. However, there are certain characteristics of a leader that, if displayed over time, ultimately end in failure. In his book, *The Art and Science of Leadership*, Afsaneh Nahavandi identified several characteristics of leaders who fail, and it may be beneficial to examine these characteristics to help us evaluate our own leadership approach and that of our subordinate leaders.



***The first characteristic of leaders who fail is, "an abrasive, intimidating style." Frequent cursing, blowing up over minor issues, yelling and screaming are not valuable leadership behaviors.*** Photo: Pond5

The first characteristic of leaders who fail is, "an abrasive, intimidating style." Frequent cursing, blowing up over minor issues, yelling and screaming are not valuable leadership behaviors. Police chiefs face enormous, never-ending pressures and everyone has a breaking point, but if you find yourself melting down more often than you know you should, perhaps this is an area you need to work on.

Chiefs should be alert for this characteristic in subordinate leaders as well. If the abrasive leadership style is present in the upper ranks, the behavior is certain to be infecting the first-line supervision as well. All supervisors must treat subordinates with respect. Enough said.

Another characteristic of leaders who fail is, "coldness and arrogance." It is easy to see why. A cold, stand-offish demeanor signals to employees that the leader does not really care about them. Believing that you know everything and don't need anyone's input is something that many leaders struggle with. Arrogance is a risk management issue and a leadership issue. President Theodore Roosevelt had it right when he said, "No one cares how much you know until they know how much you care."

"Untrustworthiness" is clearly a problem for leaders and another of the characteristics of leaders who fail. Almost all leadership books, teachers, training programs, and theories will mention trust as an essential component of leadership. The best leaders are



***It is tough to be a servant leader if you are focused on yourself. Humility does in fact make you a better leader.*** Photo: Pond5

trustworthy. They do what they say they will do and do not do what they have said they will not do. Leaders who slip up in this area must apologize, and immediately start working to build back trust. Untrustworthiness hurts the leader, the follower, the culture, and the organization. Let your yes be yes and your no be no.

Nahavandi identifies "self-centeredness" as yet another characteristic of leaders who fail. Selfishness is not a good look for a leader. A leader who makes decisions based on their own self interest will soon have subordinates wondering, does this person have my best interests in mind? It is not a good look for the command staff to have the newest and best vehicles in the fleet if the troops are pushing patrol cars that look like they belong on an episode of *Hill Street Blues*. It is tough to be a servant leader if you are focused on yourself. Humility does in fact make you a better leader.

The next characteristic might be a little sensitive for police chiefs. "Overly political actions." Chiefs must deal with politicians, too often executive leadership in policing feels more like politics than police work. It is a fact of life that politics does play a part in the management of police departments. What I think this characteristic really means is that a leader who always makes decisions trying to please everyone or with the intent to ingratiate themselves with certain groups, or those currently in power tends to make decisions that are not based on core values. Overly political actions are closely related to self-centeredness and too often lead to situations where trust is in jeopardy. Followers lose confidence in leaders who act in overly political ways.

No one will be surprised at the next characteristic on Nahavandi's list, "poor communication." How many times do we hear that communication is at the top of the list of things that organizations want to improve? How many times has the message become garbled or changed from its original intent? Whole books have been written about communication and leadership. Body language, ►

assumptions, avoidance, blockages, getting personal, only negative words, poorly written and unclear memos, policies, and emails. If a leader does not pay attention to the frequency and quality of their own communication and that of the organization, failure may be on the horizon.

The next characteristic of leaders who fail, according to Nahavandi seems like a catch all phrase, “poor performance.” What does this mean? It means that leaders and managers must perform. Not only are leaders required to build relationships with followers, but they also have their own tasks that need to be completed. Leaders who fail neglect to pay attention to their own performance in little things, and big things.

Do you come to work on time? Everyday? Leading by example is important. Are your reports complete and timely? Is your disciplinary process timely and fair, or do you allow personnel complaints to languish indefinitely? How about the grant management in your department?

Holding meetings that are efficient and effective is a leadership task. Having difficult conversations with employees is a leadership task. Insisting that annual performance appraisals are conducted accurately and on time, is a leadership task.

Overcoming obstacles, leading by example, taking care of followers, building the culture, focusing on the mission. These are all leadership tasks and leaders need to perform in these areas. Incompetent leaders fail. We can easily see where others have failed to perform but unfortunately, too many leaders fail to recognize when they are underperforming until it is too late.

The final characteristic of leaders who fail is a specific task that we might be tempted to roll into the previous discussion of poor performance, “inability to delegate.” Even though we might consider delegation a leadership task, perhaps this is a universal leadership characteristic that warrants special attention. When

who take charge and get the job done, delegation can be a difficult characteristic to develop.

Every police management book I have ever seen mentions delegation as a necessary requirement of police leaders. Failing to delegate clearly has detrimental impacts on the leader, followers, and the organization.

Leaders who do not delegate, spend far too much time actually doing line-level work as opposed to overseeing the work and spending time on the leadership and management tasks we saw above that they should be doing. Failure to properly delegate stunts the growth of followers, especially subordinate leaders. Not delegating disrupts the whole organization as work is getting done at the wrong level by the wrong personnel.

Delegation is a skill that police chiefs need to be mindful of. For their own sake and the sake of their subordinate leaders, delegation should be taught, practiced, and supported throughout the organization.

These characteristics are not listed in order of importance, and you might have other characteristics in mind that you could add to this list. It is tempting to dismiss a list like this and simply say, “I don’t

**...leaders need to be mindful of their tendency to overestimate their leadership capability.**

do those things.” But leaders need to be mindful of their tendency to overestimate their leadership capability.

It is hard to think of ourselves as cold and arrogant; that we do not perform our jobs; that we are poor communicators. After all, we have been promoted based on merit throughout our careers. It is easier to recognize the shortcomings in others than it is in ourselves.

If an honest look at yourself or feedback from others indicates that you may be exhibiting some of the characteristics discussed in this article, the good news is that it is not too late to change. We can always improve our leadership. Wherever you are, start there. It might not be easy. We must want to, and we must commit to doing so. If not, we may end up as a leader who has failed.



**Delegation is a skill that police chiefs need to be mindful of. For their own sake and the sake of their subordinate leaders, delegation should be taught, practiced, and supported throughout the organization.** Photo: Pond5

things are not going well or not moving in the direction that a leader has envisioned, leaders often find it easier to just do it themselves. Especially in policing where we tend to attract type A personalities

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# Division of Homeland Security and Emergency Services Hosts Explosive Detection Canine Teams

## Fifty Canine Teams from NYS Law Enforcement Agencies Taking Part in Weeklong Training at State Preparedness Training Center

**S**tate Division of Homeland Security and Emergency Services Commissioner Jackie Bray today announced fifty explosive detection canine teams from across the state are participating in ‘Canine Week’ this week at the State Preparedness Training Center in Oriskany. This year’s exercise was designed to allow handlers and their canine partners to practice response and leadership skills in a variety of real-world scenarios involving explosives and explosive devices.



*Exercise: EDC Teams conduct a sweep of a school following a bomb threat. (Photo: NYS DHSES)*

Teams from across the state, at all levels of government are participating in the training, which began on Tuesday, April 26.

“Specialized canine teams, like the ones training here this week, play a vital role in preventing attacks using explosive devices, and responding to real-time incidents,” said Jackie

Bray, Commissioner of the State Division of Homeland Security and Emergency Services. “During Canine Week the State and our partners who join us as instructors, offer real world scenario based training to law enforcement from local, state and federal agencies to prepare the teams for what they may face during or after an emergency warranting their response.”

New York’s more than 300 law enforcement explosive detection canine (EDC) teams play a critical role in protecting public safety as they are primarily responsible for conducting searches for explosive materials near building exteriors, parking lots, office areas, vehicles, and critical infrastructure sites, as well as mass gathering events.

Since 2009, the Division of Homeland Security and Emergency Services has allocated more than \$5.7 million in federal homeland security funds to support explosive detection canine teams across the State. This program supports New York State’s counter-IED response operations through screening, searching and detection of explosive materials. Explosive Detection Canine Teams serve as a mobile response capability for detection and identification of potential explosive and improvised explosive device type incidents.

All Canine Week EDC teams are participating in the following skills lanes:

- **Effective Parking Lot Searches:** In this lane, EDC teams develop a strategy and search plan to clear a parking lot with 50+ vehicles effectively and efficiently.

- **Search Pattern Strategies:** This lane conditions EDC teams to draw the best performance in a difficult search area, which includes both urban and rural landscapes.

- **Use of EDC Teams in School Safety:** In this lane, EDC teams conduct a sweep of a school following a bomb threat.

- **HazMat Decontamination for EDC Teams:** This FDNY-designed skills lane features the simulated exposure of a working canine to drugs (fentanyl) during an explosives sweep. EDC Handlers receive training on establishing a First-Aid Plan to minimize exposure to both the canine and the handler.

- **Post-Blast Practices for EDC Teams:** This skills lane, based on the 2013 Boston Marathon Bombings, requires EDC teams to clear a crime scene after.

- **Odor Recognition Testing:** ATF representatives “imprinted” canines on different explosives so that they can effectively detect these scents in improvised explosive devices. These odors are imprinted on a canine’s brain via constant repetition and reward.

- **Stadium Searches:** Using the Adirondack Bank Center at the Utica Memorial Auditorium, EDC teams learned to properly pre-plan for a search of a large stadium and then to execute a “top to bottom” search of the area.

- **Street Clearing Fundamentals:** Taking place outside of the Adirondack Bank Center in Utica, EDC teams learned how to systematically clear a street for explosive devices before an event and how to clear a street after an attack occurs for secondary devices.



*NYPD Explosives Detection Canine (Photo: NYS DHSES)*

The following New York State law enforcement agencies are participating (some with multiple teams):

Albany Police Department  
Binghamton Police Department  
Guilderland Police Department  
Livingston County Sheriff’s Office  
Metropolitan Transportation Authority Police Department  
Nassau County Police Department

New York State Police  
New York Police Department Critical Response Command  
New York Police Department Transit Bureau  
New York State University Police – SUNY Albany  
Oneida County Sheriff's Office  
Orange County Sheriff's Office  
Otsego County Sheriff's Office  
Peekskill Police Department  
Port Authority Police Department  
Saugerties Police Department  
Steuben County Sheriff's Office  
Suffolk County Police Department  
Syracuse Police Department  
Town of Warwick Police Department  
Town of Woodbury Police Department  
Transportation Security Administration  
Utica Police Department  
Westchester County Police Department

New York State Police Superintendent Kevin P. Bruen said, "We are proud to train side by side with our partner agencies, working toward the same goal of providing the best service for New Yorkers. Continued explosive detection training is essential and allows our canine teams to improve their skills. I thank the State Division of Homeland Security and Emergency Services for providing this resource to continue to keep our state safe."

MTA Police Department Chief Sean Montgomery said, "We are grateful to the State Division of Homeland Security & Emergency Services for the opportunity to train with other canine units across New York to sharpen their explosives detection skills. We are

proud of the work our canine teams perform to prevent terrorism and keep New Yorkers safe throughout the mass transit system."

Port Authority Police Superintendent Edward Cetnar said, "**The training of canine teams to help detect explosives is a critical component in our collective effort to ensure public safety and to best protect our citizens and facilities. We appreciate the opportunity to work with our law enforcement partners on such an important and necessary exercise.**"

### About the State Preparedness Training Center

New York State is home to one of the premier first responder training facilities in the nation – the State Preparedness Training Center (SPTC) in Oriskany. Located on 1,100 acres, the SPTC offers an extensive series of realistic training venues, a Swift Water and Flood Training (SWFT) venue, a 45,000 square foot CityScape complex, and an Urban Search and Rescue (USAR) simulator. From classroom lectures and discussions to skill development lanes to reality and high-performance scenario-based training, the SPTC offers state, local, and federal agencies a spectrum of opportunities for dynamic emergency first responder training.

### About the Division of Homeland Security and Emergency Services

The Division of Homeland Security and Emergency Services provides leadership, coordination and support for efforts to prevent, protect against, prepare for, respond to, and recover from terrorism, natural disasters, threats, fires and other emergencies. For more information, visit the [Facebook page](#), follow [@NYS DHSES on Twitter](#), or visit [dhses.ny.gov](https://dhses.ny.gov).

# Attitudes Toward Police, Justice and Accountability Rhetoric Changes Based on Polls Rather Than Logic

BY: CHIEF/RET. MARK A. SPAWN

Even in the face of historic increases in violent crime, there was still a battle cry among some for expanding reforms, some of which were blamed for waves of lawlessness across the nation. No-prosecution policies for low-level crimes by Los Angeles District Attorney George Gascon and by Manhattan District Attorney Alvin Bragg were seen by many as soft-on-crime and placing no accountability on offenders. The policies of some

**The policies of some prosecutors' offices such as those in Los Angeles and Manhattan have drawn the ire of citizens who began recall petitions for both Gascon and Bragg.**

prosecutors' offices such as those in Los Angeles and Manhattan have drawn the ire of citizens who began recall petitions for both Gascon and Bragg.

Remember when victim advocates became integral parts of the prosecutor's office? No one can argue against the merits of ensuring that victims are looked after following a crime. The accused are constitutionally entitled to defense counsel even if they cannot

afford it, so it was certainly fair to ensure that victim interests were prioritized. But when some prosecutors become more of an advocate for the defendant than for the victim, the balance of justice becomes skewed and unreliable.

Many rational people found the platform of lesser accountability to be insulting, purely irrational. Many were left scratching their heads about how such a mindset could be popular in the first place.

Now we're beginning to see a change toward common sense. As primary elections ramp up across the nation, a common thread among many candidates is a focus on... public safety. Some campaign ads and flyers highlight supporting police as a priority with many featuring images of cops in a positive light. Some of these representatives have not wavered in their pro-safety philosophy, but others are likely finding it as a strategic opportunity.

Some of the politicians who demanded "defund the police" now deny ever saying those words, trying to 'unring' the bell they sounded for more than two years. Demands to remove School Resource Officers from schools also subsided, even before the recent tragedy at Robb Elementary School in Uvalde, Texas which has generated calls for increased police presence.

Here in New York State we have routinely seen the revolving door of catch-and-release of certain perpetual defendants who were required to be released under bail reform laws, some re-offending

*Attitudes Toward Police, continued on page 35*

# Hair and Fibers Help Solve Case in 1935

The 1937 annual conference of the New York State Association of Chiefs of Police was held at the Hotel Astor in New York City. Attendees were treated to a number of lectures and addresses throughout the three day event. Welcoming NYSACOP delegates to New York City was Mayor Fiorello LaGuardia and NYPD Police Commissioner Lewis J. Valentine. Other speeches

**In 1935 the Police Laboratory at NYPD was involved with the examination of concrete particles on a suspect's footwear from a safe job; raising an obliterated serial number on a handgun; and the comparison of a radiator cap from a fatal motor vehicle crash in which a portion of the radiator cap was found in the throat of the deceased.**

were given by SAIC Rhea Whitley of the New York City office of the Federal Bureau of Investigation, and DMV Commissioner Charles Harnett.

Inspector John J. O'Connell of NYPD Crime Laboratory made a presentation to the Chiefs gathered at the Hotel Astor in New York City citing examples of cases seen in the laboratory, "to give the members of the New York State Association of Chiefs of Police a clear and readable picture of the scope of different techniques taken from the varied sciences which have been used on cases of operations by criminals." Among the investigations reviewed were the identification of burnt bonds, glass particle examination, footprints, and evidence from a hit-and-run. In 1935 the Police Laboratory at NYPD was involved with the examination of concrete particles on a suspect's footwear from a safe job; raising an obliterated serial number on a handgun; and the comparison of a radiator cap from a fatal motor vehicle crash in which a portion of the radiator cap was found in the throat of the deceased.

One particular case involved hairs, fibers and a bullet. O'Connell provided the following summary:

*About five o'clock in the morning of May 2, 1935, detectives while on motor patrol in the Borough of Queens noticed and pursued two men proceeding at a high rate of speed in a Ford sedan automobile on 107th Avenue. The registration license of the automobile had made it the subject-matter of a police alarm for theft.*

*Pistol shots were discharged without avail in an endeavor to cause the driver and his companion to stop. They escaped.*

*Later the same day the automobile was abandoned elsewhere in Queens. There were indications that it had been penetrated by bullets. Technicians of the Police Laboratory were summoned and charted the course of three bullet holes in the car. The course of one gave indication of ingress in the right front door window above the door frame, and of having struck the occupant of the seat alongside of the driver.*

*A spent bullet was found on the floor of the car. Twenty blonde hairs, a particle of glass, and a piece of dark felt clung to the bullet.*



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*A Benzidine test applied to the rear cushion on the right of the front seat gave a positive reaction for blood. The handles of the door of the car and the steering wheel had been covered with black tape, ostensibly to avoid leaving fingerprint impressions. The tail light above the license plate on the automobile was also covered with black tape to render indiscernible the numerals on the license plate.*

*Seven days later a patrolman of the 103rd Precinct arrested one John Keller for larceny of this automobile. In effecting the arrest, Keller had been shot in the right hand by the patrolman.*

*Examined by an ambulance surgeon, it was obvious that the arrested man had received a recent injury in the back of his head. Detectives compared strands of hair from the head of Keller with the hair found on the spent bullet in the car. Technicians of the Laboratory collaborated with an Assistant Medical examiner and a laboratory assistant to the City Toxicologist. A conclusion was reached that the hairs were similar and came from the same head.*

*Keller stood trial, and offered an alibi as a defense. Testimony was given regarding the hairs. A conviction resulted. Keller was entered to Elmira Reformatory.<sup>1</sup>*

For decades the New York State Association of Chiefs of Police has supported and advanced professional standards for law enforcement. The forensic sciences have facilitated the closing of cases and the administration of justice for decades, and the future of forensics will certainly bring even more advances. The scientific examination of physical evidence provides us with the ability to shine a light on the truth, whether it implicates a criminal suspect or exonerates the innocent. NYSACOP has embraced the use of science in criminal investigations since the founding of our organization in 1901. The capabilities of our front-line officers, detectives and crime laboratories have certainly evolved for more than a century, and will continue to develop as we look for new ways to uncover the truth.

<sup>1</sup>Official Record of the Thirty Seventh Annual Convention of the New York State Association of Chiefs of Police; Hotel Astor, NYC, 1937; p.100

# From Carnies to Sunsets and Escalators: Finding the Unifying Threads of Tragedy

BY GORDON GRAHAM

**G**ordon Graham here again! In my last article, we wrapped up a long-running series on the 10 Families of Risk. The purpose of the 10 Families is to help you more easily identify and categorize the risks facing your agency and your officers.

Armed with that knowledge, we are ready to move on to another important part of the discipline I call real risk management: learning from tragedies in other industries.

Those of you who have followed my writings know I was very fortunate to have been graduated from the Institute of Safety and Systems Management at University of Southern California prior to my legal career. You can read about the genesis of the ISSM online, but in a nutshell it was a program designed to prevent tragedies in military operations. During that three-year window I got hooked on the study of tragedy. I studied hundreds of tragedies in various high-risk industries not related to military operations. I was very naive back then; I wondered why we studied tragedies that were clearly not associated with the military.

Chaytor Mason was one of my professors—later a friend and mentor who “adopted” me because I was the non-military student in a military-focused program. In one class we were discussing the crash of a military cargo plane. Professor Mason digressed into a discussion about carnivals and, more specifically, the “carnie show” that was very popular in the 1950s and 1960s, during which a very attractive woman was transformed into a mean, ugly gorilla “right in front of your very eyes.” Attendees of the carnival were prompted by a carnie to come into a tent and watch this transition “for a mere 25 cents.” The show would start with a gorgeous, scantily clad woman (by 1960 standards) in a large cage. The lights would dim and then some very, very bright lights would flash rapidly into the eyes of the viewers (mostly young men). After about one minute, the flashing lights would stop and the viewing luminosity was increased—and “wallah!” The woman in the cage was replaced with some guy dressed in a gorilla outfit who rattled the bars of the cage and scared the heck out of all the young men.

As I sat there some 45 years ago, I wondered where Professor Mason was going with this story. He then told us about how many people who attended this type of carnie show ended up having epileptic seizures during and immediately after the show. He introduced me to a concept known as “stroboscopic epilepsy”—in a nutshell that those who suffer from epilepsy or are prone to epileptic seizures can suffer an attack when exposed to these bright, rapidly flashing lights. He then linked a number of military aviation tragedies to this concept, where bright flashing lights either disoriented a pilot or induced an epileptic attack that was later linked to the crash. The bottom line here is that military aviators can learn from carnival tragedies.

During my tenure at the ISSM, I was an active motorcycle cop with the CHP, and I became aware of a highway in the Central Coast area of California that was nicknamed Blood Alley. This roadway was slightly inland from the west coast and had a number of unexplained head-on crashes and solo-vehicle-ran-off-road crashes that could not be explained by weather condition,



*Pond5*

intoxication, speed or other known causation factor. It was later discovered by some very smart CalTrans engineer that the crashes were caused by epileptic seizures of drivers who were exposed to the setting sun on the west side of the highway—a setting sun that was broken up by the regularly spaced eucalyptus trees on the west side of the highway that would cause a bright, rapidly flashing light that induced epileptic seizures in some drivers.

There is method to my madness in this writing. The U.S. military could learn from a tragedy in the carnival world, and the CHP could learn from this “carnie tragedy” also. My exposure to the study of

**I was exposed to tragedies in other industries involving fatigue, distractions, hubris, complacency and risk homeostasis—and I was able to link those tragedies to events in law enforcement operations.**

hundreds of tragedies in other industries and professions during my tenure at the ISSM allowed me to think differently about tragedies in law enforcement operations. I was exposed to tragedies in other industries involving fatigue, distractions, hubris, complacency and risk homeostasis—and I was able to link those tragedies to events in law enforcement operations. I started to realize how studying tragedies—not just in similarly situated organizations but in other high-risk occupations—could be of value to people in law enforcement.

Not to bore you, but I tend to digress. During my years as a motor cop in downtown Los Angeles, there was a massive construction project now known as the Westin Bonaventure Hotel. It was built between 1974 and 1976 and when things slowed down after rush-hour traffic on afternoon shift, I would occasionally stop by and chat with the security personnel and look at the build process. Near the end of construction, I was in the lobby area looking at the escalators being installed and I noticed bright, rapidly flashing lights on

the escalator railings. When the hotel opened the lights were still flashing—you could see them as you drove by the building—but about six months later the lights were no longer flashing. Of course I had to know why, so one evening I stopped to chat with the security personnel. You will never guess what happened. The lights were causing people to get disoriented and fall on the escalator.

So, what causes tragedies in military operations and CHP operations can also cause tragedies in hotel operations.

Sadly, the ISSM has been shut down, but if it existed I would encourage each of you to get involved in that wonderful program—a program that literally changed my life and contributed greatly to the foundation of my consulting business and ultimately Lexipol. But while you cannot attend the ISSM today, you can learn so much by learning from tragedies in other professions that may help you prevent tragedies in your law enforcement operations. The mere fact



*Pond5*

that you are still reading this rambling tells me you are looking to improve things, both personally and professionally. This new series of articles will introduce you to tragedies outside law enforcement that I believe hold important lessons for helping your agency reduce

risk and tragedy.

Let me close with this. In the preparation of this article, I went online and played around with “stroboscopic epilepsy.” I discovered that while the carnie show involving the woman morphing into a gorilla is long gone, we now have a contemporary version of this phenomenon involving “EDM” events. Yes, I had to look it up because I am old, but apparently many Electronic Dance Music events involve attendees being exposed to rapidly flashing bright lights—and you will never guess what is happening! Some attendees who are prone to seizures are suffering seizures caused by these flashing lights.

As Paul Harvey used to say, “And now you know the rest of the story.” Thanks for reading this and stay tuned for my next article, where we’ll look at a few maritime tragedies. In the meantime, if you would like to get started reading about some tragedies outside law enforcement, check out my [recommended reading list](#).



**Gordon Graham**

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

#### *Attitudes Toward Police, continued from page 32*

**In New Jersey, members of the state legislature introduced a bill to mandate minimum levels of police staffing based on municipal population and the rate of violent crime.**

**It wasn’t that long ago when some politicians shouted, “defund the police”, amplified through mainstream news and social media. Even then, logical people knew the reality of maintaining peace and order in a civilized society required law enforcement. Some politicians banked on anti-police rhetoric to maintain their own relevance.**

within minutes of being released, and some repeating their conduct multiple times over the course of a single day. Since bail reform was enacted there has been a ‘reality check’ with the law having been amended to address glaring deficiencies.

They don’t seem to be embarrassed by flip-flopping their stances either. Calls for minimizing police presence in certain communities or from schools and public events have now been met with a reversal

in attitudes in some areas. In New Jersey, members of the state legislature introduced a bill to mandate minimum levels of police staffing based on municipal population and the rate of violent crime. Under the proposal sponsored by Democratic members of the Assembly, cities with a population of more than 60,000 and a violent crime rate of 10.0 per 1,000 residents (based on UCRs) must maintain a full-time police department comprised on four police officers per 1,000 residents.

Despite political propaganda and mainstream media coverage that disparaged police and promoted anti-police sentiment, many of us heard directly from the constituents we serve that they want and appreciate their law enforcement officers. We suspected that the anti-police anthem could not last forever, and a course-correction appears to be happening. Unfortunately, many good men and women have retired or have been dissuaded due to these fabrications. For those who have served, continue to serve, and who have signed on to stand up their communities in the face of a sea of negativity, we salute you. The portrayal of police has been manipulated in many respects for political gain, and now, more and more people are aware of that. We know that the bad cops who made global headlines are absolutely not representative of our nation’s dedicated police officers. We are not perfect; we are open to criticism; we are mission-driven; we are resolute. People want safe communities, sensible justice, and reliable law enforcement – and that’s exactly what cops want, too. The continued propagation of inaccurate and outright fictitious portrayals to facilitate an agenda is manipulative and deceptive. Fortunately, most people are seeing through the political smoke.

# MAGLOCLN and New York: Partners in Law Enforcement

For more than 40 years, New York law enforcement officers and criminal justice professionals have turned to the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network® (MAGLOCLN) to assist with adaptive solutions and services that facilitate information sharing, support criminal investigations, and promote officer safety. As one of the six-regionally based Centers comprising the federally funded Regional Information Sharing Systems® (RISS), MAGLOCLN has built a trusted and proven infrastructure for New York law enforcement to share information and criminal intelligence data through its extensive partnership with local, state, federal, and tribal law enforcement.



MAGLOCLN's service area encompasses eight states in the mid-Atlantic United States, the District of Columbia, and the Canadian provinces of Ontario and Quebec. Currently servicing 1,550 law enforcement and criminal justice agencies, including 196 in New York, MAGLOCLN offers secure information sharing capabilities, critical analytical and investigative support services, and event deconfliction to enhance officer safety. MAGLOCLN supports efforts against all crimes, but particularly organized and violent crime, gang activity, drug activity, terrorism and violent extremism, human trafficking, identity theft, cybercrime, and other regional priorities.

MAGLOCLN provides a wide range of services to assist law enforcement at all stages of an investigation: from intelligence gathering to arrest to prosecution. In addition to MAGLOCLN-based services, New York State criminal justice agencies have access to RISS nationwide investigative resources through the RISS Secure Cloud (RISSNET).

## INTELLIGENCE SERVICES UNIT

MAGLOCLN's Intelligence Services Unit (ISU) has access to a wide variety of resources to assist investigators with locating pertinent information on criminal investigative targets. These include commercial and law enforcement/governmental databases such as CLEAR, Experian, Accurint, NCIC, etc. MAGLOCLN's access to these commercial databases on the behalf of New York law enforcement results in a direct cost savings for partner agencies. Inquiries to the ISU can be made electronically or over the telephone. MAGLOCLN's ISU also serves as the main point of contact for the nationwide RISSIntel™ database and as a watch center for the RISSafe™ deconfliction system.

## STRATEGIC AND TACTICAL ANALYTICAL UNIT

MAGLOCLN tactical intelligence analysts utilize a wide variety of analytical techniques to provide direct analytical case support to active criminal investigations. Analytical support includes telephone toll and cellular communications analysis (i.e.: cell tower mapping), link analysis, cold case analysis, and bank statement analysis. Analysts are also adept in the creation of interior/exterior crime scene diagrams, demonstrative aids for courtroom or press conference presentations, crime mapping, high resolution-low altitude aerial imagery, and the creation of Action Response Plans

(ARP) for Schools.

MAGLOCLN's strategic intelligence analysts research and monitor criminal activity and emerging trends of specified criminal groups, namely street, prison, and outlaw motorcycle gangs, drugs/narcotics, and domestic extremism. Strategic analysts are considered subject matter experts and are available to satisfy intelligence requests from partner agencies, as well as provide trainings/briefings related to these criminal topic areas. These analysts also prepare comprehensive strategic threat assessments and intelligence reports, and contribute research articles to MAGLOCLN's monthly intelligence publication, the NETWORK.

## INTELLIGENCE PUBLICATIONS

MAGLOCLN's Analytical Unit also produces two recurring intelligence publications, the weekly *E-Bulletin* and the monthly NETWORK publication. Delivered electronically, both are classified as law enforcement sensitive and serve as a primary conduit for the sharing of criminal investigative information between MAGLOCLN and its partner agencies, as well as between agencies themselves. New York law enforcement agencies can directly submit their briefs, BOLOs, alerts, and officer safety items for inclusion in these bulletins.

## AUDIO/VIDEO ENHANCEMENT UNIT

MAGLOCLN's audio-visual lab is equipped to handle all media formats (both audio and video) and can edit, enhance, and combine disparate files into a concise package for investigative purposes or courtroom presentation. The Audio/Video Enhancement Unit also has the capability to extract and enhance still photographs from video media, which can be used for identifications in an investigation. Audio files can also be enhanced to remove background noises, isolate voices, and add transcription if provided.

## TECHNICAL EQUIPMENT LOANS

Investigative equipment is available for loan to all MAGLOCLN partner agencies. The Equipment Unit handles all availability, maintenance, and any training assistance that an agency may need. The Equipment Unit is also capable of assembling custom systems for targeted or unusual applications. Several types of video equipment, for fixed or portable covert surveillance, as well as video recorders, trackers, tripods, and low-light cameras are available. Equipment and assorted accessories are available, such as ground penetrating radar, cameras, lenses, audio recorders, encrypted portable radios, night vision monocular devices, and countermeasure devices.

## FINANCIAL SUPPORT TO FURTHER INVESTIGATIVE EFFORTS

MAGLOCLN has funding available to partner agencies, which can assist their investigative efforts should the agency have budgetary concerns. Funding can be used for investigative travel reimbursement, as flash money for buy-bust operations, used to purchase contraband in controlled buys, or used to purchase goods and services (i.e.: rental vehicles, genetic genealogy, etc.) to help further an investigation.

## TRAINING

MAGLOCLN's Training Unit provides the means for local, state, federal, and tribal law enforcement and criminal justice personnel to receive and exchange information on relevant law

enforcement topics through a variety of resources for no or little cost. These include intelligence sharing roundtable discussions, technical instructional courses, training seminars, and large-scale conferences. MAGLOCLN's training calendar provides a listing of these New York-based events, which focus on a wide variety of established and emerging criminal subject matters, surveillance techniques, and officer safety training. Over the past several years, MAGLOCLN has hosted or co-hosted numerous trainings in New York either in-person or virtually.

### RISS NATIONWIDE INVESTIGATIVE RESOURCES

Accessed through the RISS Secure Cloud (RISSNET), the RISS Program has developed numerous intelligence and investigative resources specifically designed to assist state and local law enforcement.

- RISSIntel is a sensitive, but unclassified (SBU) real-time, online federated search of more than 50 RISS and partner intelligence databases with a single sign-on. RISSIntel is a 28CFR23 compliant system.
- RISSLeads™ provides authorized law enforcement officers with the ability to post, view, and respond to investigative alerts and briefings.
- The RISS Officer Safety website and the RISSGang™ website offers topic specific news, law enforcement documents, and intelligence publications, which allow users to securely collaborate.
- RISSafe is a deconfliction system, which maintains data on planned law enforcement events, such as undercover operations, warrant service, or surveillance activities, to help avoid unintended "blue-on-blue" situations. RISSafe is one of three nationally recognized deconfliction systems, along with Case Explorer and SafeTNet, that are interconnected to provide for enhanced officer safety. RISSafe is accessible and monitored by law enforcement personnel on a 24/7/365 basis.
- RISSProp™ automates the collection and access of data related to pawn, scrap, and second-hand property.
- The RISS Master Telephone Index™ (MTI) is an analytical database designed to compare and match common telephone numbers in law enforcement investigations from across the nation.
- The investigative resources section of the RISS Portal provides access to dozens of governmental and private sector assets to assist any criminal investigation.

### ADDITIONAL INFORMATION AND CONTACT INFORMATION

Although MAGLOCLN and the RISS Program are congressionally funded, it is locally managed. A policy board composed of 17 representatives from partner agencies throughout the region serve as the governing authority for the Center and provide direction affecting Center policy, operation, and administration. The policy board is comprised of 17 state and local law enforcement leaders, elected by MAGLOCLN partner agencies from each state within MAGLOCLN's eight-state region. The local New York law enforcement representative is from the Town of Colonie Police Department, and the state level law enforcement representative is from the New York State Police. Additional details concerning New York leadership for MAGLOCLN, as well as MAGLOCLN's current role in New York law enforcement efforts can be found at [www.riss.net/impact/new-york](http://www.riss.net/impact/new-york).

Questions concerning MAGLOCLN and the services available to your agency can be directed to either Mr. Kevin Smith, MAGLOCLN's in-state Law Enforcement Coordinator for Northern New York, Quebec, and Eastern Ontario; or Mr. Richard Smith, MAGLOCLN's in-state Law Enforcement Coordinator for Southern New York, New York City, and Long Island. MAGLOCLN's Law Enforcement Coordinators serve as the primary liaison between New York agency personnel and

### MAGLOCLN CONTACTS: NY

Kevin Smith 716-807-8622

[ksmith@maglocloclen.riss.net](mailto:ksmith@maglocloclen.riss.net)

Richard Smith 631-235-9761

[rsmith@maglocloclen.riss.net](mailto:rsmith@maglocloclen.riss.net)

MAGLOCLN. Both Law Enforcement Coordinators are well versed in the variety of services and resources available from MAGLOCLN / RISS and has an operational understanding of a partner agency's needs. They are available to coordinate regional trainings, provide partner agency orientations, and facilitate information sharing and interagency collaboration. Mr. Kevin Smith can be reached via email at [ksmith@maglocloclen.riss.net](mailto:ksmith@maglocloclen.riss.net) or by telephone at (716) 807-8622; and Mr. Richard Smith can be reached via email at [rsmith@maglocloclen.riss.net](mailto:rsmith@maglocloclen.riss.net) or by telephone at (631) 235-9761.

### ANALYTICAL SERVICES

*Cold Case Identification:* The Bethlehem, New York, Police Department requested assistance from the MAGLOCLN analytical staff in identifying a 41-year-old cold case John Doe. At the time when the case was first opened, familial DNA comparison was not approved for the sole purpose of identifying an unidentified person according to New York State policy. The MAGLOCLN analytical staff created a timeline for the press conference held by investigators, which outlined the efforts taken to identify their John Doe. As a result of these actions, the John Doe was identified and the state policy was changed to enable authorities to use familial DNA for the purpose of identifying an unidentified person. Investigators commented, "[The MAGLOCLN analytical staff] were a true asset to this case. [The timeline] prepared by MAGLOCLN was extremely well done."

### AUDIO/VIDEO SERVICES

*Homicide:* The Onondaga County, New York, District Attorney's Office submitted video clips and photos of a suspect who was arrested for a shooting homicide, which occurred in Syracuse, New York, to the MAGLOCLN audio/video staff for enhancement. The shooting resulted in the death of a 17-year-old Syracuse resident. The enhanced videos showed the suspect prior to the shooting, after the shooting, and in a vehicle matching the description of the shooter's getaway vehicle. The evidence enhanced by MAGLOCLN staff was presented to the suspect's defense attorney, and the suspect pleaded guilty to second-degree murder prior to the start of the trial.

### EQUIPMENT SERVICES

*Narcotics/Weapons:* The Elmira, New York, Police Department and the New York State Police, Violent Gang Drug Enforcement Team, utilized MAGLOCLN equipment during an investigation involving the sale of narcotics from a private residence. During the

investigation, the MAGLOCLN equipment enabled investigators to maintain surveillance on the suspected location from a safe distance to establish probable cause for a search warrant. The information gathered resulted in the execution of a search warrant and the arrest of one suspect, who was in possession of nine ounces of cocaine, valued at \$12,690; two loaded handguns; drug paraphernalia; and an undisclosed amount of U.S. currency. The suspect was charged with two counts of criminal possession of a weapon, along with drug offenses.

### *Video Enhancement Assists in Murder Case in Syracuse*

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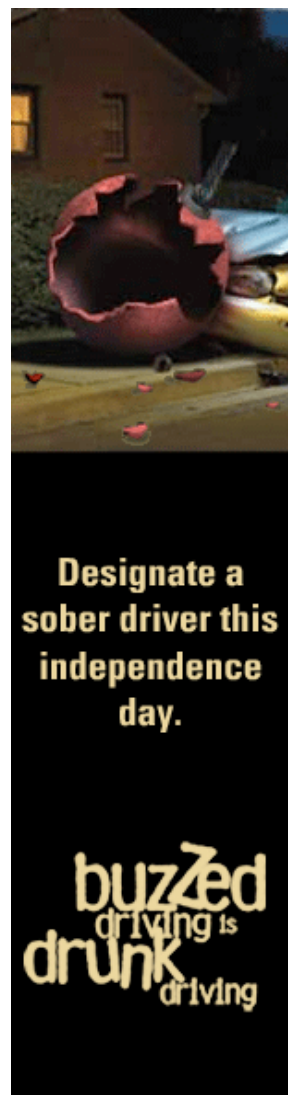
## Are You Ready for the Fourth of July?

Traffic safety materials (such as the 'cherry bomb' image at right) from NHTSA are available to help promote your own campaign are available at [TrafficSafetyMarketing.gov](https://www.traffic-safety-marketing.gov)

- In 2020, 493 people died in motor vehicle crashes over the July 4th holiday period (6 PM July 2 – 5:59 AM July 6, 2020). Forty-one percent (201) of those fatalities occurred in alcohol-impaired-driving crashes.
- From 2016 to 2020, there were 1,390 drivers killed in motor vehicle traffic crashes over the 4th of July holiday period. Thirty-nine percent (542) of the drivers killed were alcohol-impaired (with a BAC of .08 or higher), and more than half (51%) were between the ages of 21-34.

Please use these social norming marketing tools to fit your needs and objectives while, at the same time, partnering with other states, communities, and organizations on this impaired driving prevention initiative.

Fact sheets, press releases, social media posts, variable message board signs, images and other resources to help you craft messaging for your own jurisdiction.



# Traffic Safety Committee

FROM: ASST. CHIEF/RET. BILL GEORGES, CHAIR NYSACOP

The NYSACOP Traffic Safety Team and Traffic Safety Committee (TSC) have remained busy since our last Intersections article. Before I report on our many activities, let me first say that I am pleased to announce that the TSC has some news! Richard Tantalo, Monroe County Director of Public Safety, was recently appointed by President Parisi as our newest member...welcome Rich! Rich's knowledge and experience will be a great asset to the committee's work. We still have a few vacancies that we would like to fill so if you are possibly interested in joining us please contact us at [Traffic@nychiefs.org](mailto:Traffic@nychiefs.org) for further information.

We continue to work closely with the Governor's Traffic Safety Committee (GTSC) and we recently submitted our 2023 grant application. In March we sponsored another grant training webinar that many members participated in that hopefully assisted you with your GTSC grant application. As always, if you need assistance with your GTSC grant please don't hesitate to contact us.

One of our grant responsibilities is to support GTSC training courses. In that regard, we participated in planning/monitoring several GTSC trainings in both Commercial Motor Vehicle Enforcement and Motorcycle Enforcement that were conducted across the state. The sessions were well attended and we will announce if/when additional courses will take place. Drug Recognition Expert (DRE) training is also being offered and as drug impaired driving is on the rise, more DREs are needed statewide. DRE training classes are posted in the NYSACOP bulletins and on our website. Also, proficiency in Standardized Field Sobriety Training (SFST) is critical for DRE training so if you are considering becoming and/or sending personnel to DRE School consider attending an SFST refresher course first.

We work closely with the New York State Sheriff's Association's (NYSSA) Law Enforcement Liaison and recently they have released a County Crash Dashboard where you can easily get crash data for your jurisdiction. We sent out information on how to access the dashboard to all NYSACOP Traffic Safety Points of Contact (POC) so if you need additional information you can contact your agency's POC or us directly.

The New York State ESLETS Conference was held in East Syracuse on April 6th and 7th. NYSACOP presented a panel discussion at the conference entitled, *Traffic Safety Engagement in Today's World – What We Know, What We See and What We Must Do*. Panelists included DMV/GTSC Assistant Commissioner Chuck

DeWeese, Chief Kevin Sylvester (Ossining PD; NYSACOP First Vice President) and TSC members Chief Joseph Sinagra (Saugerties PD and NYSACOP Second Vice President) and Inspector David Regina (Suffolk County PD)

Speaking of conferences, the NYSACOP Annual Conference will once again be held on July 24 – 27 in Glens Falls at the Queensbury Hotel. Traffic safety presentations will be offered in both the Traditional (Main) Track and the Police Executive Track. We hope to

see you there!

Have you seen the recently released NYSACOP Traffic Safety Position Statement and Talking Points? If not, please take a look at them on our website. They were developed to assist our members about why traffic safety/enforcement is an important

**...data now clearly shows that both nationally and here in New York State, traffic fatalities have increased while enforcement has decreased.**

component of public safety. While the pandemic resulted in a temporary decrease in enforcement for many agencies, data now clearly shows that both nationally and here in New York State, traffic fatalities have increased while enforcement has decreased. These days it is commonplace to see unsafe/illegal driving on our roadways! Despite all of the hardship and death that the pandemic has caused, people are still dying and/or being seriously injured in traffic crashes and the proven best way to combat this critical issue is with data-driven, fair and balanced enforcement and companion public information and education. We must all continuously strive to remedy this dangerous situation and recent polls have shown that the public supports traffic safety.

As I said, we've been busy however we are never too busy to support your efforts! We are constantly looking for information that we believe would be beneficial for you and distribute these materials/information through NYSACOP bulletins, our Traffic Safety Points of Contact (POC) and on our website. We hope that you find this information helpful and if you haven't checked out the Traffic section on the website lately, please take a look when you have time.

As always, we welcome your comments, suggestions and involvement. For further information or if you would like our assistance, please contact Dan Denz, Mike Geraci or Bill Georges at [Traffic@nychiefs.org](mailto:Traffic@nychiefs.org).



# Police Accountant Puts 2 + 2 Together, Helps Nab Pursuit Suspect

## Suspect Tries to Hide... in Police Parking Lot

FROM: WESTCHESTER COUNTY POLICE DEPARTMENT

A motorist who fled from a traffic stop on Friday night decided to pull into a quiet parking lot in an attempt to elude capture. The first problem for him: the lot was at Westchester County Police Department (WCPD) headquarters.

His second problem was that he was spotted by an eagle-eyed civilian employee who was headed home but decided to go



back inside headquarters to report his suspicions. Thanks to our department accountant Lou Codella, the suspect was taken into custody before he could flee once again!

The incident unfolded on Friday, March 4th just before 9 P.M. when a black Mercedes sedan with Tennessee license plates blew past one of our officers on the north bound Saw Mill River Parkway in Yonkers. The officer attempted a traffic stop, but the driver continued northbound at speeds up to 100 mph.

The officer lost sight of the vehicle but it was subsequently observed entering the northbound Taconic State Parkway. The Mercedes exited at Route 117 and once again was out of sight as officers canvassed the area.

A short time later, Lou was leaving work when he observed a black sedan turn into our property from Route 9A at a high rate of speed. Lou stopped his car to assess the situation, thinking the driver was perhaps in need of emergency assistance. Lou then

observed two marked WCPD vehicles passing headquarters on southbound Route 9A with their lights and sirens activated.

As our department accountant, Lou has a lot of experience putting two and two together! He quickly suspected that the black sedan may have been attempting to avoid those officers. He went into headquarters and reported what he had observed.

Officers confronted the driver in the lot, where he had just put Connecticut plates on the car. He rammed a WCPD Patrol vehicle several times with his car before attempting to run away. He was taken into custody after a struggle with multiple WCPD officers and personnel from other departments working in the Real Time Crime Center.

Richard Whyte, 41, of Brooklyn was walked the very short distance from the visitor lot to the booking room, which is how he found out he had actually pulled into a police station in his effort to evade the police.

Whyte was charged with Assault 2nd Degree, a felony; Resisting Arrest, Reckless Driving and Unlawful Fleeing an Officer in a Motor Vehicle 3rd Degree, misdemeanors; and Disorderly Conduct and Obstruction of Governmental Administration, violations.

As for Lou, he has been recognized before for assisting officers. In 2007, he physically intervened to protect a person from being



stabbed in a road rage incident in White Plains and held the suspect at bay until police arrived. Lou was honored by our Department with the Civilian Award of Merit for his brave actions that day.

Lou also has done volunteer work for over 40 years as a chaplain with juvenile offenders and at-risk youth at Woodfield detention facility and Children's Village.

# A Career Inspired by Family Role Models

## Chief William Moore Led Olympic Village Over 10 Years

William “Bill” Moore has law enforcement in his roots. His grandfather was a New York City police officer, and Bill’s father was a Senior Investigator with the New York State Police. While attending high school in Croton-on-Hudson in Westchester County, his father



***Dorothy Hamill (1976 Gold Medalist) with Chief Moore at the Goodwill Games in Lake Placid.***

was stationed with the New York State Police in Sidney, New York as a Senior Investigator working major crimes and homicides. When he was in middle school Bill closely followed a case that his father was working on – the disappearance and death of a college student. Linda Jill Velzy of Long Island was a student at SUNY Oneonta when she disappeared on December 9, 1977.

Moore said, “It was in the newspapers daily. As a kid I cut out the articles as my dad was working on the case. The suspect got arrested on New Year’s Eve when he was moving her body.” Ricky A. Knapp was found guilty of manslaughter by a jury after a nine day trial in June 1978. (Freeman’s Journal, June 21, 1978). He was sentenced to 25 years to life. (Freeman’s Journal, July 5, 1978). Moore said that you didn’t hear a lot about forensics in policing in the 1970’s as you would today, and that was something he found captivating with the Velzy case. “An interesting part of that story was that in the back seat of Knapp’s car they found Linda Velzy’s contact lens.” The future police chief said it was that case which motivated his interest to become a police officer. He attended college at SUNY Plattsburgh, studying Criminal Justice. During college Moore worked on a Boat Patrol with the Essex County Sheriff’s Office, enforcing marine laws. He met the Lake Placid Police Chief and became interested in working in Lake Placid and took the Civil Service test for the department. When Moore graduated from college, he was already on the list and in 1990 got a job immediately with the Lake Placid Police Department. He recalled his days attending the police academy when recruits did not have to graduate to work the road. “When we came back from the academy, two of us actually worked ‘C’ Tour, at least 2 nights a week,” remembered Moore. “That was 32 years ago,” he quipped, noting how police training has changed. Moore was promoted to Detective in 2003, Sergeant in 2004, and Assistant Chief in 2007. In 2011 he was named Chief of Police where he served until his retirement earlier this year.

### PRIDE IN THE LAKE PLACID COMMUNITY

Bill Moore is extremely proud of his police department and his community. He recalled how the village experienced several problems during Halloween in the early 1990’s so they sponsored the Lake Placid Police Department Halloween Dance for middle and high school students to provide an alternative. “It started small, but over time, the community became involved in supporting the event. We have several merchants on Main Street – someone would donate a bicycle, a bobsled ride, TV, iPad, things like that. There were donations of pizzas, chicken wings, cookies, and gift certificates.” The dance used to run from 6:00 PM – 8:00 PM, but because of the tremendous interest it now starts at 3:00 PM for the younger children and their parents to attend before trick-or-treating. During that time kids can play games with uniformed officers or just sit down and color with them, said Moore. The event now runs until 10:00 PM with a DJ for the evening when the party transitions to the middle and high schoolers. Moore noted that a generation has passed since they began the Lake Placid Police Department Halloween Dance held at the large Olympic Center venue which is attended by practically every kid in the community. “Consequently, we have no more problems on Halloween. All of the kids come to the dance, they don’t know any different. The kids look forward to it. It’s like asking someone to the prom.” Moore said that the Halloween Dance is now a regular line item in the annual police budget. “It has been a big success story for us,” said Moore.

Moore remembered that when he started as a police officer, Halloween and the Fourth of July were the major community events in the village. But over the past twenty years, Lake Placid has become a destination for world class events. “We have the Ironman Triathlon, the Lake Placid Horse Show, two other marathons, we’ve hosted the Goodwill Games, the Children World Games, Empire State Games, the World University Games, we host the country’s biggest lacrosse tournament, and the World Rugby Tournament,” said Moore. In addition, he said, there’s always hiking, camping



***Two-time Gold Medalist Jack Shea (1932 Winter Olympics) with Chief William Moore. Shea and Moore used to hunt together in the Adirondacks***

and fishing. It keeps Lake Placid on the map,” said Moore. “For a small town of 2700 residents, it’s unbelievable. We’re seeing people here from several countries on a weekly basis.” With the exponential growth in tourism, Moore is proud that his small police department is able to handle such large events.

The quaint Adirondack village has wide appeal to sports enthusiasts, hikers, hunters, shoppers, and sightseers. But its Olympic heritage is proudly celebrated, a badge of honor for the residents of the Village. Moore is certainly one of the cheerleaders promoting the rich history which continues to today. “I believe that we’ve had a person from Lake Placid in every winter Olympic Games since 1932. We had two at the 2022 Winter Olympics. My next door neighbor is Luge Silver Medalist Gordon Sheer. You could walk down the street and you would see two-time Gold Medalist Jack Shea (1910-2002), speed skater, who won in 1932 and then boycotted the next Olympics because of Hitler’s inhumane treatment of the Jewish people. We’re such a unique community in that respect.” Moore added, “It’s cool that you have this small little town in the Adirondack Mountains and it’s getting international attention every two years,” said Moore referring to the Winter Olympics. “One of our residents is Alpine Skier Andrew Weibrecht, he’s a Silver and Bronze Medalist. I’ve heard tourists talking about him and I would say, ‘would you like to meet him? I’ll give him a call.’ People in this community are like that. We have that small town feel, and yet we’re on the international stage quite often.”

### **POLICE CHIEF’S ASSOCIATION**

Speaking to his membership with the New York State Association of Chiefs of Police (NYSACOP), Chief Moore said, “The Chief’s Association absolutely helped me, it gave me tools, but moreover, I got the contacts. The networking was probably the most valuable thing you could have.” Moore added, “Secondly, when my family would come with me to an event, they were always welcomed. My kids still have their conference IDs from over the years from when they were little - they cherish them. It is so interesting to see how they changed.” Moore said that other chiefs would talk with his kids during the conference events. “To this day my kids remember the people they met, and now that my son’s in the workforce, he reflects back and knows how honored he was to have met 100 chiefs from around the state. And my wife Kristen was always welcomed into the NYSACOP family and she, too, has made lasting friendships. We have a family there, and my kids got to meet other chief’s kids, too,” said Moore.

Moore urges police chiefs at all levels to attend NYSACOP training events. “Join the Association, attend the conferences, go to the trainings. It’s not just for the big police departments, in fact



***NYPD Commissioner Bill Bratton is greeted by Chief Bill Moore upon arrival in Lake Placid for the 2014 NYSACOP Annual Training Conference.***

there’s more departments that have under 30 officers than you might think. It’s a great resource especially for the young police chief, and I have encouraged everyone along the way to get involved.”

When the annual NYSACOP training conference was held in Lake Placid over the years, Moore was an ambassador for his village, arranging tours and events at various the Olympic venues for his colleagues

Moore said that he will always remember the NYSACOP conference at which NYPD Commissioner William Bratton and Deputy Commissioner John Miller spoke at the banquet. “That was incredible, I still tell people the story of their visit here. Commissioner Bratton is probably the most famous law enforcement officer in the world and he came to Lake Placid. That was unbelievable. I was fortunate enough to drive Bratton from the airport to the conference, here he was sitting in the front seat with me. That was one of the highlights of my career,” recalled Moore. “We were joking in the car – he said to me, ‘Don’t tell me you’re a Yankees fan’, because Bratton was still a Boston fan,” said Moore. “How many people get to say they met Bill Bratton?” he added. “But John Miller’s story about interviewing Osama bin Laden, that was an amazing presentation. I was immersed in his speech, he is an excellent speaker. What a great conference that was.”

### **MOORE’S FUTURE**

The now-retired Police Chief says that he has no concrete plans at the time, but said that his heart will always be in policing. For now, Moore will be working on his golf game, deer hunting, and bass fishing.

# 2022 ANNUAL TRAINING CONFERENCE

NEW YORK STATE ASSN. OF CHIEFS OF POLICE, INC.

## SUPERIOR TRAINING FOR TODAY'S POLICE EXECUTIVES

### REGISTRATION IS OPEN:

The New York State Association of Chiefs of Police Annual Conference has been our premier training event since 1902, bringing together like-minded leaders representing jurisdictions of all sizes.

The rich traditions of our conference draw police leaders who are intent on learning, sharing, and shaping our proud profession. Esteemed speakers will be discussing a variety of issues, particularly, events from the past couple of years which continue to impact the way we perform our jobs. Presentations will also cover areas of officer wellness, professional development, and leadership. We are joined by an array of exhibitors showcasing the latest in technology, products and services.

*New this year—dual tracks!* Throughout the conference our schedule will include two simultaneous educational platforms: our **Traditional Track (Gold Banners inside)** which will feature topics on contemporary issues in law enforcement; and our new **Police Executive Training Track (Blue Banners inside)**, specifically developed for new and aspiring police leaders. This new track has been developed based on feedback from our peers who have been seeking relevant training for today's police executives that is often difficult if not impossible to find. Regardless of the track for which you register, attendees may float between tracks in the event they want to attend a topic that is of interest to them. This flexibility affords an even better educational experience for all of our registrants.

Join us at The Historic Queensbury Hotel in Glens Falls—located in the beautiful Lake George-Adirondack Region of New York. The location and facilities provide an excellent atmosphere for learning and networking. Details inside.

### REGISTER TODAY:

NYSACOP Members: [LINK](#)

Exec Training Track: [LINK](#)

Exhibitors: [LINK](#)

Reservations for our host hotel The Queensbury Hotel must be made separately. [LINK](#) Group Code G1506—**SOLD OUT** Please use Fairfield Inn [LINK](#)

*Click on appropriate registration link for fees; meals included with registration except for Tuesday evening, July 26; Visit our website often as we continue to update information about conference speakers, presentation and activities.*

Ver. May 6, 2022

# JOIN US AT THE CONFERENCE

There is a lot to talk about—to share—and to learn— and that is what our conference is all about. Each year the conference provides a unique learning opportunity developed specifically for law enforcement leaders in New York State. You will see from the agenda in this announcement that we have an exciting lineup of dynamic presenters on topics that are important to you and your jurisdiction. There have been many changes in policing over the past few years, making training even more important for police leaders. We have crafted an agenda with wide range of topics including leadership,, cybersecurity, domestic violence, gun crimes, legal issues, and traffic programs. Recognizing the need for specific training in a rapidly changing environment of new police leaders, this year we have added an additional track for covering an array of topics to help new and aspiring police leaders in their daily work.



Chief Timothy Parisi  
President

In addition to our top-notch training programs, there will be a number of networking events to catch up with old friends and make new ones. I look forward to seeing you in Glens Falls this summer.

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## Schedule At-a-Glance

<b>Sunday, July 24</b>	
12 Noon—5 PM	Arrival and Registration
6 PM—8 PM	President's Reception
<b>Monday, July 26</b>	
8:30 AM—10 AM	Opening Ceremonies
10:45 AM	NYSACOP Annual Business Meeting and Elections
11AM—12 N	Training (Traditional and Police Chief Exec. Training Tracks)
1 PM—4 PM	Training (Traditional and Police Chief Executive Training Tracks)
6 PM—7 PM	Reception
7 PM-9 PM	Banquet and Installation of Officers
<b>Tuesday, July 26</b>	
8:30 AM—12:00 N	Training (Traditional and Police Executive Training Tracks)
1 PM—4 PM	Training (Traditional and Police Executive Training Tracks)
4:30 and 5:30 PM	Shuttles depart for dinner cruise
6 PM	Dinner Cruise on Lake George
<b>Wednesday, July 27</b>	
8:30 AM—12 N	Training (Traditional and Police Executive Training Tracks)

*Community Focused—Mission Driven*

# THE QUEENSBURY HOTEL – GLENS FALLS

The Queensbury Hotel, centrally located between Saratoga Springs and Lake George, has been a focal point of the Glens Falls region for close to 100 years. The hotel, according to local historians, is named after the British Queen Charlotte. The parcel of land that is now Glens Falls was granted in 1762. The hotel's name was given to honor that grant. That is one theory. Another theory, regarding the hotel's name, is that "Queensbury" sounded elegant. The English-sounding name had a broad appeal regionally.

Glens Falls is home to a collection of shops and restaurants for all tastes and budgets, plus festivals, museums, cultural events, and recreational activities are available year-round for all ages to enjoy. Even more, The Queensbury Hotel is conveniently situated within minutes of some of Upstate New York's most popular destinations – Saratoga Springs, Lake George, and the Adirondack Mountains.

Hotel reservations: [online](#) or 855-516-1090 Group Code: G1506

*SOLD OUT—Please use overflow Hotel below*

Overflow hotel: Fairfield Inn [LINK](#)

## *Hotel Amenities*

High speed wireless Internet

Full HD Direct TV

Indoor Pool

Restaurant and Lounge

Barber Shop

Fitness Room



## CONFERENCE INFORMATION

**Who May Attend:** The Annual Training Conference is open to all NYSACOP members and their guests. The conference is not open to the general public. Admittance into the sessions requires a NYSACOP Training Conference badge. Please remember that badges allow entry to all conference functions including boat dinner cruise, sponsored lunches, hospitality room, and banquet. Registered spouses, guests, and children are invited to attend all meals, events, and our hospitality room. Conference badges and programs will be issued on-site only at the Registration desk which will be open Sunday 12–5 PM, and Monday through Wednesday 8 AM—12 Noon.

**REGISTER ONLINE**—go to our website at [www.nychiefs.org](http://www.nychiefs.org), or click:

[Members](#) [Police Exec Track](#) [Exhibitors](#)

**On-site Registration:** On-site registration begins at 12:00 Noon on Sunday, July 24. There is an additional \$100.00 handling fee for all on-site registrations.

**Non-Members of NYSACOP:** If you are not a member of NYSACOP and wish to attend the Training Conference, complete the non-member guest registration online. Would you like to join our Association? Call our office at 518-355-3371 to see if you are eligible for Active, Retired or Associate membership status.

**Conference Banquet:** The Banquet will be held on Monday evening, July 25. Scheduled events include the Installation of Officers and presentations of the Chief Thomas P. Reilly Medal of Honor.

**Refunds:** If you register in advance and are unable to attend the conference, your refund will be issued upon receipt of your written request after the Training Conference.

**Lodging:** Lodging is not included in the conference registration fee. The Queensbury Hotel has been sold out; Overflow hotel: Fairfield Inn by Marriott [HERE](#)

### WHAT'S INCLUDED?

The 2022 Conference Registration fee provides you access to all training sessions, 3 breakfasts, 3 lunches, mid-morning and mid-afternoon breaks, President's Reception, Dinner Cruise on Lake George, and Formal Banquet.

## MAIN TRACK CONFERENCE PRESENTATIONS

Presentations in our traditional, Main Track have been developed for our members and veteran executives on an array of topics pertinent to police leaders in New York State. Look for the gold heading on the following pages for themes and presenters in the Main Track. Topics include Gun Crimes, A Review of the Riots in Asheville, NC, Cannabis Industry, Police Disability Cases under Section 207-c, and the Domestic Violence Lethality Assessment Program, Traffic Safety, and Data Sophistication.

If you see a topic in the Police Executive Training Track (blue heading) that peaks your interest, please feel free to attend that session as all of our registered attendees may visit either track.

## POLICE EXECUTIVE TRACK CONFERENCE PRESENTATION

Presentations in the Police Executive Training Track have been selected to the new or aspiring police executive. Presenters will be speaking on topics of specific interest to new police executives on topics such as Policing Hiring and Decertification, Changing Culture of Policing, Recruitment Challenges, Officer-Involved Shootings and Critical Incidents, Traffic Safety, the Duty to Intercede and Root Cause Analysis to Mitigate Risk, Police-Media Relations, and Officer-Involved Critical Incident Investigations and Policy Development.

If you see a topic in the Police Executive Training Track (gold heading) that peaks your interest, please feel free to attend that session as all of our registered attendees may visit either track.



## MAIN TRACK CONFERENCE PRESENTATIONS

### Reviewing the Three R's: Riots, Retention & Recruitment

During the riots and protests of 2020, police in Asheville, NC were faced with big city challenges in their city of 90,000. Parts of the city seemed like a war zone, and the police department used all of the chemical munitions in the first day of a week of rioting.



**Chief David Zack**  
Asheville NC PD

Asheville Police Chief David Zack (former NYSACOP President) will discuss the issues facing local police during the summer of 2020, including police deployment, mutual aid, and communications logistics.

Chief Zack will also discuss recruitment and retention concerns. During the police defunding debate, Chief Zack said he lost about one-third of his officers. Since that time, recruitment has been a major challenge. Zack will discuss the innovations he and his department are undertaking to rebuild the department.

*Presenters and Presentations subject to change.*



## MAIN TRACK CONFERENCE PRESENTATIONS

### Expediting Crime Gun Intelligence to Local Agencies



Director Mark Heller  
Crime Analysis  
Program  
NYS DCJS

The New York State Crime Analysis Center (CAC) network, in partnership with the New York State Intelligence Center (NYSIC) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is implementing the Crime Gun Intelligence Center (CGIC) model across New York's 10 CACs. This initiative enhances investigator access to significant criminal intelligence critical to gun violence and illegal firearm investigations. Additionally, this collaboration will provide police departments with greater capacity to submit and receive ballistic evidence results in a more timely fashion from the ATF National Integrated Ballistic Network (NIBIN) System. Collectively, this effort will expand access to timely leads on recovered crime gun, shooting investigations while also enhancing illegal trafficking investigations.



Director John Riegert  
Crime Analysis Center  
Albany



SAC John DeVito  
BATF  
New York  
Field Division



**Visit the Registration page of our website  
for rates for Retired Members and Families**

## MAIN TRACK CONFERENCE PRESENTATIONS



Chief Joseph Sinagra  
NYSACOP  
Vice President

### The New Cannabis Industry— Implications for Law Enforcement

Since cannabis was legalized in New York State last year, a number of questions have arisen, particularly surrounding public consumption and retail sale. In this session, Chief Joseph Sinagra and Ruben J. Lindo will discuss cannabis consumption lounges, what they might look like,

and how a consumption lounge differs from a cannabis retail outlet. Mr. Lindo and Chief Sinagra both sit on the Hudson Valley Cannabis Industry Association, a panel of stakeholders advocating for a legal, responsible adult use cannabis program, and the improvement of the medical cannabis programs<sup>1</sup>. They will also discuss concerns from both the cannabis industry and law enforcement on how to address the cannabis-impaired driver.

<sup>1</sup>HVCIA website; <https://ciamembership.org/hv/>



Ruben Lindo.  
Entrepreneur  
Advocate for Ethical &  
Equitable Cannabis Industry

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### Police Officer Disability



Jaclyn Goldberg, Esq.  
Keane & Beane PC

Police Officer Disability: When does a case qualify under Section 207-c versus worker's compensation? Can an employee be entitled to both? What policies should you have in place? Are there timelines and deadlines? In this session, Jaclyn Goldberg, Esq. will explore the intricacies of labor and employment law relating to police officer disability including the investigation of police disability cases, independent medical examinations, orders for light duty, and grounds to deny disability. Ms. Goldberg will also discuss disciplinary practices including recordkeeping, procedures, and tips for preparing a case.

## MAIN TRACK CONFERENCE PRESENTATIONS

### Domestic Violence Lethality Assessment Program

What are the 12 questions that can determine the degree of risk in intimate partner domestic violence calls? As the Director of the Westchester County Domestic Violence High Risk Team, Police Chief David Ryan (Pound Ridge PD) says, “the Lethality Assessment Program (LAP) is the single most comprehensive tool for a law enforcement response to intimate partner domestic violence that I have seen.” Founded on the research by Dr. Jacqueline Campbell who examined 2500 cases of domestic homicide over the course of 25 years, the lethality assessment tool being used in Westchester County helps reduce domestic violence homicide.

This panel presentation provides an in-depth look at the research-driven assessment tool which allows officers to assess danger and risk to victims on domestic violence calls, which in turn, identifies potential risks to law enforcement.

Presented by:

- Chief David Ryan Pound Ridge Police Department,
- Fredric I. Green, Second Deputy District Attorney and Chief of the Special Prosecutions Division, Westchester County District Attorney’s Office.
- Licia K. Sandberg, Senior Director, Sexual Assault and Crime Victims Advocacy, Westchester Medical Center
- Darlene Reda, Program Administrator, Westchester County Office for Women
- Susan Carroll, Director of Training, Outreach & Education, Pace Women’s Justice Center
- and the dramatic story from Reese, a survivor who fled her home after 30 years of abuse, and while afraid of the police, when she was introduced to the LAP, it was pivotal for her escape from her abuser.



Chief David Ryan



Susan Carroll



Darlene Reda



Licia K. Sandberg



Frederic I. Green

## MAIN TRACK CONFERENCE PRESENTATIONS

### Data Sophistication

Amid a 15 year high in traffic fatalities, law enforcement agencies are focusing on various ways to reduce crashes in their community, including the leveraging of data and technology for resource deployment and solution strategies. By improving data sophistication, which refers to the automation of unstructured data, agencies can evolve their traffic safety strategy from one that is reactive to proactive and ultimately preventive in order to help them stem fatal crashes. Deb Emerson of LexisNexis Coplogic Solutions will discuss in an interactive presentation how police leaders can improve process automation to create workflow efficiencies and deliver detailed maps, graphs, and dashboards to pinpoint crash hotspots and trends at their fingertips, within seconds, in order to help them make the kind of data-driven decisions that help reduce crashes in their communities.



Deb Emerson  
Law Enforcement  
Specialist  
LexisNexis  
Risk Solutions

### Traffic Safety Engagement in Today's World: What We Know, What We See, and What We Must Do

This session will focus on conditions that have negatively impacted traffic engagement and enforcement and the outcomes that have occurred as a result. Panelists will discuss what they now know and observe in their jurisdictions and how they are working to enact positive change by implementing innovative strategies, tactics and programs in the areas of enforcement, community outreach and how social media can enhance public information and education efforts.



William P. Georges  
Chairman NYSACOP  
Traffic Safety  
Committee  
Asst. Chief/Ret.  
Albany PD  
  
Moderator



Chuck DeWeese  
Assistant Commissioner  
New York State  
Department of Motor  
Vehicles/GTSC



Chief Kevin Sylvester  
Village of Ossining PD



Chief Joseph Sinagra  
Town of Saugerties PD



Inspector David Regina  
Suffolk Co. PD

# POLICE EXECUTIVE TRACK CONFERENCE PRESENTATION

## Eliminating the Normalization of Deviance: Application of the Duty to Intercede and Root Cause Analysis as Tools to Mitigate Risk

The duty to intercede when observing excessive force or otherwise unethical or illegal officer behavior has long been a bedrock component of law enforcement and correctional policy. Despite this, confusion remains among all types of officers and leaders about what this concept means and how to intercede effectively. But is it enough to intercede in an ongoing situation? Has this and other types of behavior been “normalized” within the organization? Leaders need to understand how to do a root cause analysis of incidents by application of the Five Organizational Pillars to determine whether their operations support a normalization of deviance from policy and acceptable procedures. Law enforcement leaders and the organizations members need to embrace these concepts as tools to help keep officers safe and mitigate risk. An organizational culture founded upon the proper application of the Five Pillars - People, Policy, Training, Supervision and Discipline - can create redundancies to help prevent and/or mitigate tragedies when officers are under high-stress situations and during routine operations. This course will use videos of contemporary events as examples and will explain:



Chief / Ret. Michael Ranalli, Esq.

- When and to whom “duty to intercede” applies and how that concept should be expanded to be used to relate to officer safety.
- An overview of the Five Pillars and root cause analysis that is applicable to officers of all ranks and assignments.
- An overview of the concept of the normalization of deviance
- The impact of high-stress encounters on officers and warning signs that may indicate an officer is overly emotionally involved in the incident.
- How law enforcement leaders can and must build the duty to intercede and root cause analysis into agency culture and why members should embrace it.

*Presenters and Presentations subject to change.*

# POLICE EXECUTIVE TRACK CONFERENCE PRESENTATION

## Traffic Safety

The traffic safety session will include information on the importance of traffic safety as a component of policing/public safety, an overview of crash/enforcement data and recent trends; positive impact of a comprehensive traffic program; equity/non-bias policing; GTSC grants and grant training and how NYSACOP can support agencies' traffic safety efforts.



Asst. Chief / Ret. William Georges  
Traffic Safety  
Outreach Liaison

## Officer Involved Critical Incident Investigations and Policy Development

Knowing what to do when a major incident occurs involving an officer-involved force incident is essential. Detective/Ret. Brian Ross discusses NYS Executive Law 70b, and the role the State Attorney General will play in cases within New York State. He will also explore the response of first-line supervisors and will discuss policy recommendations for administrators. Ross draws upon his experience with the Buffalo PD, where he was a Detective in the Homicide and Cold Case Units. Following his retirement from BPD, Ross worked as an Investigator with the NYS Attorney General's Office, where he served as an investigator in the Special Investigations and Prosecution Unit which was tasked with investigating the deaths of unarmed civilians under Executive Order 147. Building upon the media relations aspect of officer-involved incidents, Capt. Rinaldo joins in this presentation to discuss his experience in the state's first mandated referral to the Attorney General's office for a death caused by police action.



Det./Ret. Brian Ross  
Buffalo PD

*Presenters and Presentations subject to change.*

# POLICE EXECUTIVE TRACK CONFERENCE PRESENTATION

## Police-Media Relations

The ability to effectively communicate with the media in the current social and political environment has become one of the most important aspects of the job of a police leader. This course is an introduction to media relations as it pertains to social media as well as television media. Together we will explore the “do’s and don’ts” for police executives irrespective if they have a dedicated Public Information Officer (PIO) or if they handle media relations themselves. Part of the course will include the examination of real-world examples in media relations and lessons learned that will assist police executives to be successful in this very important part of their job.



**Capt./Ret. Jeff Rinaldo**  
Buffalo PD

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## Recruitment: Challenges and Innovations

In the aftermath of a tumultuous period for law enforcement, the difficulties of maintaining adequate staffing has become a monumental challenge in some jurisdictions. Chief Zack will discuss the steps his department is taking in Asheville, NC and how they are using an outside recruiting firm to attract candidates.



**Chief David Zack**  
Asheville NC PD

*Presenters and Presentations subject to change.*

## POLICE EXECUTIVE TRACK CONFERENCE PRESENTATION

### Changing Culture in Policing

Implementing transformational change is one of the most difficult challenges for law enforcement leaders, however, it is also one of the most important. This session will offer an interactive discussion on creating a culture of change within policing. Policies, directives and legislation don't drive behavior, culture does. Training, organizational environment, enhanced police-community relations and maintaining an atmosphere of shared goals are a sampling of change elements that will be discussed.

External demands that seek to transform policing are not a substitute for visionary leadership driving cultural change. That is, and always will be our responsibility.



**Chief Anthony Geraci**  
Newburgh Police Dept.

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### Hiring and Decertification of Police Officers

A discussion of New York State law and regulations concerning hiring and background standards for police candidates. Johanna Sullivan, Director of the Office of Public Safety at the New York State Division of Criminal Justice Services will also discuss the decertification process for peace and police officers. Learn about the reporting requirements and definitions of removal for cause and removal during probationary period and the implications of both.



*Presenters and Presentations subject to change.*

# POLICE EXECUTIVE TRACK CONFERENCE PRESENTATION

## Cybersecurity in 2022



**Lisa Guerin**  
Sr. Vice President  
Total Technology Solutions

Cyber criminals are always searching for and finding new ways to execute cyber attacks. With the ever-changing threat landscape, and current global events, it is very important that municipalities are properly protected. In this presentation given by Lisa Guerin and James Tauer of Total Technology Solutions, the following topics will be discussed: The evolution of the threat landscape; New services that can add protection from new threat tactics; and The increase in compliance / audit requirements across all verticals.



**James Tauer**  
IT Consultant  
Total Technology Solutions

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## Officer-Involved Shootings and Critical Incidents

Officer Involved Shootings & Critical Incidents - An interactive discussion about the procedures surrounding an Officer Involved Shooting (OIS) – departmental obligations, external notifications to the Attorney General’s Office. procedural concerns; Sgt. Rusin reviews Critical Incident Debriefing and Return to Duty protocols. Going beyond an OIS, this session explores Use of Force investigations, the role of body worn cameras, and reporting requirements to the Attorney General’s Office. (90 min.)



**Sgt. Mark Rusin**  
Syracuse PD

*Presenters and Presentations subject to change.*

## CONFERENCE BANQUET—MONDAY

The formal banquet will be held on Monday this year. A Reception begins one hour prior to the Banquet. During the banquet, First Vice President Kevin Sylvester will take his oath of office for the upcoming year. Incoming officers will also be sworn as they begin their terms. Special presentations will be made of the Association's Medal of Honor to recipients who have demonstrated bravery and courage in the performance of their duties. Dignitaries and the keynote address will be announced soon.



Delegates of the 1958 NYSACOP Conference at the Hotel Astor in New York City gathered for the annual banquet.

## DINNER CRUISE—TUESDAY



Relax at the end of your day by joining us for a scenic dinner cruise on Lake George aboard the Lac du Saint Sacrement sponsored by our friends at Axon and Blauer. After dining, relax in your seat, enjoy the entertainment or head topside to enjoy the fresh air on the outer decks. Cruise by beautiful mountain wilderness areas on the crystal clear waters of Lake George and the Adirondack Mountains. The Saint's Dining Room is climate controlled for your comfort.

## VISIT OUR EXHIBITORS

Exhibitors will be on site beginning Sunday, July 24  
Be sure to stop by, say hi, and thank them for their support!

Be part of our exhibitor showcase at the annual conference. This is our premier event offering you the chance to engage in-person with law enforcement executives from across New York State over the course of four days. Don't miss this exclusive opportunity! [Register here](#)

[Exhibitor  
Registration](#)

[Exhibitor  
Questions](#)

### **Advanced Cardiovascular Diagnostics**

Advanced Cardiovascular Diagnostics is a mobile heart testing diagnostic tool to save lives and test for cardiac diseases and pre-heart conditions. We have been screening the police departments throughout New York State for the past few years. We have detected many early treatable heart conditions and saved many, many lives! Our state-of-the-art bus and equipment is second to none along with our doctors and highly specialized ultrasound technicians. We come to your departments, set up dates and times that are convenient.

### **AmChar Wholesale**

AmChar is a firearms wholesale company that provides firearms and ammunition to law enforcement agencies.

### **AXON**

#### *Gold Partner*

#### *Dinner Cruise Sponsor*

Axon is on a mission to protect life. We offer state-of-the-art technology, innovative tools and intuitive software that transforms the way officers and agencies process information, serve their community and save lives.



## VISIT OUR EXHIBITORS

**Exhibitors will be on site beginning Sunday, July 24**  
**Be sure to stop by, say hi, and thank them for their support!**

**Black Creek Integrated Systems Corp.** For 44 years, Black Creek has served the Public Safety market, providing security control systems, state-specific JMS, welfare check systems, and more. Our latest offering is BCRMS-NY, a CAD/RMS solution that integrates with our SallyPort©NY JMS to form a complete Public Safety Suite tailored to the requirements of New York State. Black Creek has a strong market presence in New York State, with our SallyPort©NY JMS implemented at over 40 County Jails in NY, with several poised to implement BCRMS-NY.

**Blauer**  
*Dinner Cruise Sponsor* Blauer is the premier manufacturer and online store for police, law enforcement, firefighter, and EMS/EMT uniforms, outerwear, and other tactical gear for public safety professionals

**Blue360° Media** Blue360° Media is the leading provider of legal information to the law enforcement community. Additionally, with the recent acquisition of Looseleaf Law Publications, we also have the largest collection of training materials for law enforcement and corrections recruits. Contact us at [Sales@Blue360Media.com](mailto:Sales@Blue360Media.com).

**Central Square Technologies, Inc.** CentralSquare Technologies is an industry leader in public safety and administration software, serving over 8,000 organizations across North America. Its technology platform provides solutions for public safety and corrections, finance, payroll, citizen engagement, asset management, regulatory compliance, and community development; proudly serving 3 in 4 citizens across North America. More information is available at [CentralSquare.com](http://CentralSquare.com).



## VISIT OUR EXHIBITORS

**Exhibitors will be on site beginning Sunday, July 24**  
**Be sure to stop by, say hi, and thank them for their support!**

**Clearview Asset  
Protection**

Saving lives and reducing property loss with advanced technologies integrated with "Boots on the Ground".

**Cradlepoint**

Public Safety agencies rely on Cradlepoint and its Cellular Intelligence to build a reliable, secure network for fixed and temporary sites, vehicles, IoT devices, and remote employees — anywhere. A pioneer in Wireless WAN, — controlled through Cradlepoint Cradlepoint offers advanced 4G and 5G NetCloud™ routers and adapters

**CrimeWatch  
Technologies, Inc.**

CRIMEWATCH enhances the way Law Enforcement releases information and the methods for which the press and public receive and share public safety news.

**Empire & NY  
Chapters Scrap  
Industries**

Scrapyards are reaching out to law enforcement agencies, utilities, and other stakeholders to prevent materials theft, capture thieves, and make it clear that the scrap industry is almost always the victim, not the perpetrator, of such crimes.

**NYSACOP  
Silver Partner**

Interested in being one of our Exhibitors? Details and Registration [here](#).

Exhibitor hotel registration information [here](#).

Check back frequently as we add new exhibitors



## VISIT OUR EXHIBITORS

### **FARO**

FARO® is the industry leader in crash and crime scene documentation/reconstruction and arson investigation. FARO enables law enforcement, public safety and fire professionals to utilize 3D laser scanners and forensic software to capture, analyze and visualize data to provide unbiased 2D and 3D digital information for investigation and pre-incident planning. FARO hardware and software solutions deliver maps, scene documents, animations and other exhibits and tools helping preserve physical scene evidence and convert raw data into compelling courtroom presentations, exhibits and action plans. For more information visit [www.FARO.com](http://www.FARO.com).

### **Flock Safety**

#### **NYSACOP**

#### **Silver Partner**

Capture every vehicle & all the vehicle details needed to solve crime with Flock Safety license plate reader cameras.

### **Glock**

Proudly Celebrating 30 Years in the United States

30 years of Perfection, a simple evolution of time introduced to the U.S. market in the 1980s, GLOCK is proud to continue its journey and celebrate 30 years of quality, commitment, design and innovation in the U.S.

### **Gun Busters NE**

### **Harbor of Grace Wellness Center**

#### **NYSACOP**

#### **Silver Partner**

The National Law Enforcement & First Responder Wellness Center at Harbor of Grace is a 51 bed inpatient substance abuse and mental health treatment center exclusive to law enforcement, where all the staff, including the therapists are first responders. Treatment for substance abuse, PTSD, trauma, depression and anxiety are our specialty.



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**Exhibitors will be on site beginning Sunday, July 24**  
**Be sure to stop by, say hi, and thank them for their support!**

### **Intellicheck**

*NYSACOP*

*Silver Partner*

When it comes to verifying ID's, it's important for law enforcement professionals to have a solution that works fast! Intellicheck's solution has the ultimate tool you need to verify ID quickly and effectively, so you can do your job with confidence.

### **Island Tech Services**

Integrating technology, mobility and vehicle solutions.

### **L3 Harris**

*Sponsor of President's  
Reception*

In a fast moving and increasingly complex world, L3Harris is anticipating and rapidly responding to challenges with agile technology – creating a safer world and more secure future.

### **LensLock**

LensLock is a cloud-based mobile video vendor that offers body worn, in car, and fixed camera solutions. Secure data storage is at the core of everything we do at LensLock. We have developed an enriched Software-as-a-Service (SaaS) platform for the management of mission critical video data.

### **Leonardo**

*NYSACOP*

*Silver Partner*

Leonardo's ELSAG ALPR solutions assist law enforcement with recovering stolen vehicles and license plates, securing large public venues such as sporting events, conventions and concerts, aiding homeland security tactics and tracking down criminals.



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### **Lexipol**

Lexipol is the leader in policy, training and wellness support for first responders and public servants.

### **LexisNexis Coplogic**

#### ***NYSACOP***

#### ***Gold Partner***

LexisNexis® Risk Solutions harnesses the power of data and advanced analytics to provide insights that help businesses and governmental entities reduce risk and improve decisions to benefit people around the globe. Headquartered in Georgia and part of RELX, a global provider of information-based analytics and decision tools. <https://risk.lexisnexis.com/law-enforcement-and-public-safety>

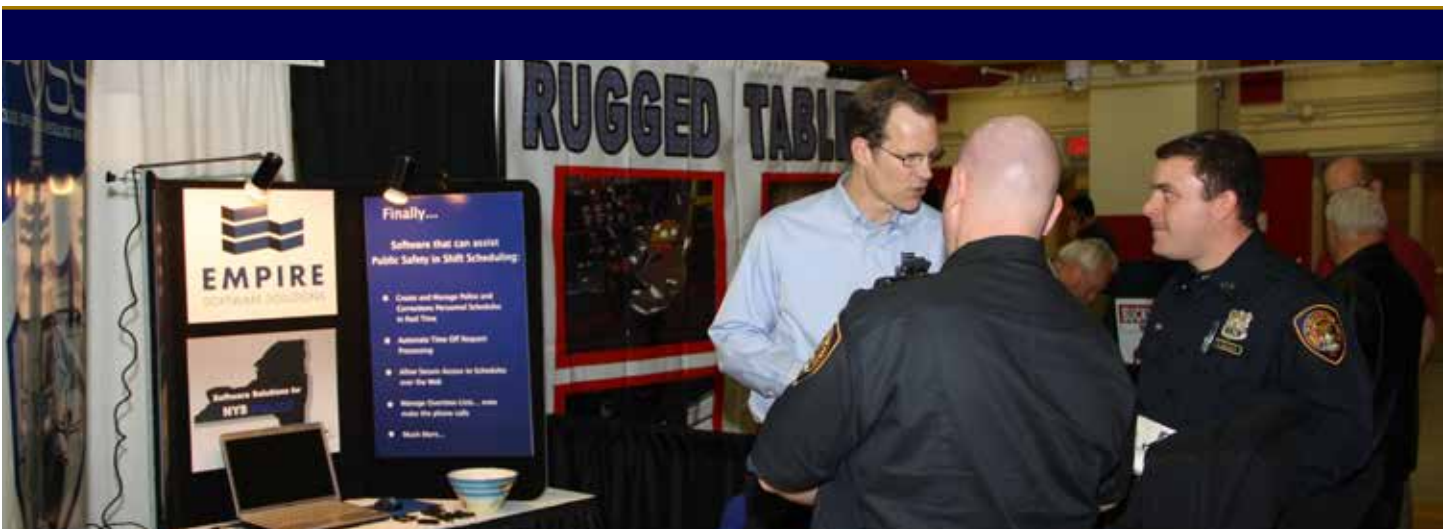
### **LexisNexis Risk**

#### **Solutions Government**

LexisNexis® Risk Solutions harnesses the power of data and advanced analytics to provide insights that help businesses and governmental entities reduce risk and improve decisions to benefit people around the globe. Headquartered in Georgia and part of RELX, a global provider of information-based analytics and decision tools. <https://risk.lexisnexis.com/law-enforcement-and-public-safety>

### **Linstar**

Law enforcement officials rely on LINSTAR for help securing and monitoring their facilities- as well as public spaces within their domain, recording of suspect interviews for evidentiary purposes, issuance of badges and credentials for sworn and civilian employees, identifying and tracking visitors - and more.



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### **Motorola**

Motorola Solutions is a global leader in public safety and enterprise security. Our solutions in land mobile radio mission-critical communications, video security & access control and command center software, bolstered by managed & support services, create the most integrated technology ecosystem to make communities safer and help businesses stay productive and secure.

### **Niche RMS**

There's a good reason why NicheRMS365™ is the law-enforcement platform of choice for the New York State Police (NYSP), the Suffolk County Police Department (County-wide RMS) and Orange County (County-wide RMS). Our industry-leading RMS is comprehensive, easy-to-use, fully mobilized, and configurable and it covers all the functionality you'll need to manage your operational information.

### **NYSACOP Platinum Sponsor**

### **Off Duty Management**

Off Duty Management is dedicated to supporting and protecting law enforcement agencies, their officers, and community vendors, by offering a fully customizable, centrally administered no-cost solution that manages all aspects of off-duty programs and keeps agencies in full control mitigating their risk and liability.

### **PAC Tool Mounts**

Specializing in Tool and Equipment Mounting for Mobile Installations. PAC products are designed to mount life-saving tools safely and securely. Versatile and flexible mounting options provide the most efficient and accessible solutions for your tools and equipment. Whether new or in-service vehicles, PAC products can be customized for individual needs and requirements. PAC products are shock tested to the highest standards and are compliant with NFPA – 9G 1901 and MIL-S901D Military Specifications. Call or visit us at 888-514-0083,



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### **Patrol PC**

Patrol PC® RhinoTab® UltraRugged® touch screen MDTs are purpose built for First Responders – Police and Fire. Choose from our flagship M2 which is loaded with mission critical features or our new dockless fixed mount solution, the F5. Designed for operator safety, comfort and efficiency, our platforms support handheld and vehicle-based missions – custom fit for any marked or unmarked vehicle or apparatus. Our UltraRugged® Printer Mounts, compatible with Brother mobile printers, make it easy to launch a mobile ticketing program or to simplify an existing one. Contact us at [sales@patrolpc.com](mailto:sales@patrolpc.com) or 508-699-0458 to learn more.

### **PERMA**

#### **NYSACOP**

*Platinum Partner*

A trusted partner to New York State public entities for Workers' Compensation and comprehensive workplace solutions.

### **Positive Equity**

#### **NYSACOP**

*Silver Partner*

Positive Equity purchases used, surplus, and excess assets from government agencies. We aim to make the asset disposition process easy – by paying top dollar and quickly removing what we buy. Depending on your agency's requirements, we can make an instant cash offer, sealed bid, or attend your auction. To learn more about our buying process, please visit <https://positiveequity.com/how-it-works/>

### **PowerDMS by NEOGOV**

#### **NYSACOP**

*Platinum Partner*

### **RollKall**

RollKall is the law enforcement industry's leading technology for off-duty administration. The RollKall platform and mobile app help law enforcement streamline the scheduling, invoicing and payment process while providing access to insurance. RollKall further helps agencies improve transparency, accountability and policy compliance with off-duty documentation.



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### **SecureWatch24**

SecureWatch24 provides its Intelligent Transportation System agency clients with a host of analytical tools to facilitate innovative traffic system analysis and control, fostering a well managed system-level approach to enhanced mobility.

### **NYSACOP**

### **Silver Partner**

### **SKYDIO**

Skydio is the leading U.S. drone manufacturer and world leader in autonomous flight. Skydio leverages breakthrough AI to create the world's most intelligent flying machines for use by consumers, enterprises, and government customers. Founded in 2014, Skydio is made up of leading experts in AI, robotics, cameras, and electric vehicles from top companies, research labs, and universities from around the world. Skydio designs, assembles, and supports its products in the U.S. from its headquarters in Redwood City, CA, to offer the highest standards of supply chain and manufacturing security.

### **Street Smarts VR**

Street Smarts VR is a veteran-owned, dual-use technology platform that's revolutionizing tactical training through virtual reality and improving public safety outcomes by integrating software, hardware, and training data. 10,000 users across 50 US military bases on 3 continents and over 30 police departments currently train with SSVR.

### **T-Mobile**

T-Mobile for Government provides innovative connectivity solutions that help government better serve citizens. We offer America's largest, fastest, and most reliable 5G network, as well as tools that help you take advantage of 5G. Plus, an exceptional customer experience and outstanding value—with no trade-offs. To learn more, please visit [T-Mobile.com/Government](https://www.t-mobile.com/government).



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### **Total Technology Solutions**

Our mission is to secure and support IT infrastructure with reliable solutions and exceptional service so that Total clients can focus on their core businesses.

### **NYSACOP Silver Partner**

### **Tyler Technologies**

Tyler Technologies' integrated public safety software suite provides multi-jurisdictional support for police, fire, and EMS agencies. From computer-aided dispatch to records, mobile, and field reporting, Tyler's public safety solutions improve data-sharing, streamline processes, and provide reliable access to mission-critical information when it is needed most.

### **NYSACOP Silver Partner**

### **University of San Diego**

Earn your Master's Degree in Law Enforcement and Public Safety Leadership. Take your leadership skills to the next level with a top ranked degree you can earn from home.

### **NYSACOP Silver Partner**

### **VSC Software**

VCS provides leading workforce management software for law enforcement with signature solutions POSS (Police Officer Scheduling System) and JOBS4BLUE (Managed Services for Extra Duty). Backed by 20+ years of experience, VCS currently helps 700+ police departments across the U.S. to better manage their scheduling, time and attendance, control overtime costs, minimize compliance risk, eliminate extra duty management challenges, and so much more. Visit [vcssoftware.com/police](http://vcssoftware.com/police) for more information.

### **NYSACOP Silver Partner**

### **Verizon Frontline**

On the front lines of an emergency, first responders need to know the mission-critical technology they carry in their hands, on their belts and in their vehicles is reliable—lives depend on it. The technology your agency uses can affect your ability to respond to a crisis. Verizon is committed to supporting the public safety community across the United States. We put our extensive, reliable networks and our powerful suite of collaboration, networking, and security services to work everyday to meet your communication needs. Our Team assists public safety and takes pride in its partnership with federal, state and local agencies. We sponsor numerous public safety events and associations throughout the country. We are a proud partner and sponsor of the National Law Enforcement Officers Memorial Fund and Museum.

Interested in being one of our Exhibitors? Registration [here](#).

Exhibitor hotel registration information [here](#).

Check back frequently as we add new exhibitors

# NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE

2022 TRAINING CONFERENCE, GLENS FALLS, NEW YORK

## *Community Focused—Mission Driven*

*For most of our member agencies, conforming to the mandates of New York State's Police Reform were not an obstacle. Time and time again we heard stories of overwhelming public support of local police. At the same time, New York State's police executives were more than willing to hear criticism and make their agencies more responsive to the needs of their citizenry. Through collaborations at the local level, communities got to know their police better, and many learned just how progressive their hometown cops have been long before the calls for reform.*

*The politicization of anti-police rhetoric across the country created distrust in law enforcement, but many people saw through the smoke. Today we are seeing the pendulum swing to the side of reason and rationality. Through it all, police continue to do their job—necessarily ignoring the uninformed critics—marching on to do what is right and just.*

*As we assemble for the 120th time in the history of our proud organization, our discussion, training, and advocacy remains as it has since 1901—we a group of professionals focused on the needs of their respective communities, and driven by the mission to protect and serve.*

## THE VALUE OF THE CONFERENCE

Our training program is designed to meet the constantly evolving needs of New York State's police executives. If you are new to our conference, you will be impressed by the topics discussed, the colleagues you will meet, and the friendships that will be forged. If you are a returning member, you know the high caliber speakers will enlighten, inform, and inspire you. The annual conference has been our premiere event since 1901, a proud tradition which has facilitated the exchange of ideas, embraced forensic advancements, and advanced public policy.

Whether you are a returning NYSACOP Member or a new or aspiring police chief attending our new Police Chief Executive Training track, be sure to join us in Glens Falls this summer!

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