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Speed, Seat Belts,
and Safety

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Why Reckless
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TABLE OF CONTENTS



3 PRESIDENT'S REPORT

TIME MANAGEMENT AND THE ABILITY TO DELEGATE

By Chief Kevin Sylvester, President

6 EXECUTIVE DIRECTOR'S REPORT

DEVELOPING GOOD POLICY

By Chief/Ret. Patrick Phelan, Executive Director

7 COVER STORY Photos Courtesy Chief Cameron

ARTIFICIAL INTELLIGENCE AND LAW ENFORCEMENT

By Chief Stuart K. Cameron- Old Westbury PD

12 COUNSEL'S CORNER

Thoughts on Memphis

By Chief/Ret. Michael Ranalli, Esq.

19 INTERSECTIONS TRAFFIC SAFETY COMMITTEE

By Asst. Chief/Ret. Bill Georges

22 SPEED, SEAT BELTS, AND SAFETY

By Nick Breul, MPDC (ret.)

24 RECKLESS EMPLOYEES

By Gordon Graham

28 NEWS AROUND NEW YORK

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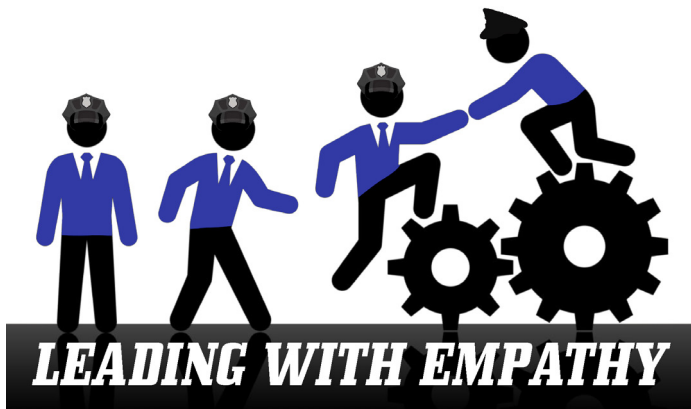
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March 2023 • The New York Chief's Chronicle

rine Corps days – “The beatings will continue until morale improves.”

To some people “empathy” sounds a lot like hand holding or coddling troublesome coworkers. It’s not. Empathy is dedicating yourself to knowing your coworkers, what makes them happy, what upsets them, what they understand, and what they don’t so that you can bring out their best version. Inspired by fantastic leaders I’ve met through NYSACOP, our department’s challenge is to connect with every member of our team



and, rather than casting aside low performers, we’ll ensure that every member of our team is included in the plan. We’re spending our time finding where our officers find value in their work and giving them more opportunities to do the things they love because happy cops are good cops.

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FROM THE EXECUTIVE DIRECTOR

Chief/Ret. Patrick Phelan

Mitigate Risk by Developing Good Policy

In the City of LaVergne, Tennessee the police department was recently upended by a sex scandal that made national news. After several officers were accused of wild sex parties and sexual activity on duty and inside the police department building, several officers were fired and so was the police chief. The LaVergne Police Department became a national embarrassment.

Although this is an extreme case, this shows an example of three things that are consistent in departments that experience scandal. Failure in supervision, failure in hiring standards, and failure in training. Last month I wrote an article about the Memphis Police Department, the same three things led to that situation. I don't choose these examples to pile on, rather to use them as learning opportunities. Again, the situation in Lavergne is an extreme example but it brings up an important topic, workplace romance.

In today's modern police department workplace romance is a common issue that employers and supervisors need to be aware of and well educated in the law. Many private sector corporations have policies that forbid romantic relationships within the workplace. Others have strict policies that require employees to report relationships immediately to human re-

sources where the relationship is documented, waivers are signed, and counseling is given to the employees. These type of policies are rare in police departments. I know that there have been many success stories of romantic relationships that developed in the police workplace. If you are reading this and you met your significant other at work please don't be offended. I only intend to educate. Workplace romances can be fraught with peril.

You can mitigate the risk by developing good policy. While you may not be able to forbid relationships between officers of the same rank, you can certainly discourage it. You can develop policy that prohibits romantic relationships between supervisors and subordinates. Good conflict of interest policy will prohibit the direct supervision of anyone who is related or anyone who is in a romantic relationship.

If your department is small enough it may be impossible for a supervisor and a subordinate to be in the same department as you may not be able to guarantee the absence of direct supervision in a small or mid-size department. The prohibition of supervisors dating subordinates is also backed by federal law. There is no way for a supervisor to initiate a romantic relationship without the danger of sexual harassment. The quid pro quo is implied if not explicit. Policy should also include a prohibition of solicita-

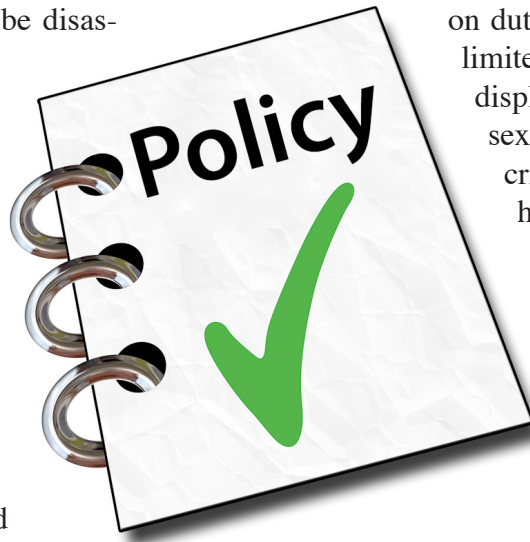


tion for romantic relationships by supervisors. Asking a subordinate on a date or out for drinks after work should be strictly prohibited. While relationships between coworkers can be a significant distraction and problematic in the workplace, relationships between supervisors and subordinates will be disastrous and a morale killer. The subordinate will also have a righteous claim of sexual harassment. Of course it goes without saying that you, as a chief, should never date an employee.

Good policy can mitigate the problem of workplace romance and discourage dating between employees. The knowledge that a workplace romance could preclude you from being a supervisor could discourage some from engaging in this activity. Through policy training you can make this known and make your employees aware that workplace relationships are frowned upon. Lexipol's Conflict of Interest Policy prohibits the direct

supervision of a relative or anyone that has a personal or business relationship. The Standards of Conduct policy prohibits unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity. It also prohibits on duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact. Also the Lexipol Discriminatory Harassment policy prohibits and defines sexual harassment. These are good examples of quality policy that establishes a proper work environment free of harassment.

Through good policy and education you can create a professional workplace where dating coworkers is seen as simply unprofessional and not acceptable behavior, and dating between supervisors and subordinates is prohibited. It's the right way to supervise a workplace, our employees deserve a professional department. They will appreciate it.



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CHIEF'S CORNER

Artificial Intelligence and Law Enforcement

By Chief Stuart K. Cameron - Old Westbury PD



When some baby boom era people think of artificial intelligence, known commonly as AI, the fictional Sky Net system from the Terminator movie series may come to mind. In the film series, Sky Net became sentient at a moment called the singularity and it determined that humans were the enemy, which led to a very lucrative movie franchise and numerous mainstream Arnold Schwarzenegger coined catch phrases.

As often happens, some well-informed people do believe that in this case art will eventually mirror reality and that AI could ultimately cause major issues for humanity, including the end of it. If you share this view, you are not alone. In fact, if you ask an Amazon Alexa device if it is Sky Net, it will reply with a pre-scripted response to your inquiry, denying the connection. But then again, perhaps it isn't really pre-scripted at all and Alexa is trying to deceive us as it plots the overthrow of humanity. As AI proliferates, lines will get blurred on where hardware and human coded software ends and where AI begins. One company working to develop an autonomous driving car, set up an AI powered system to learn as it drove around with a human behind the wheel. One alarming issue that the company cited with this approach to developing an autonomous driving system, is that if the system didn't behave as expected, creating a solution would be challenging because the company wouldn't fully understand how the system worked.

Like it or not artificial intelligence and machine learning are becoming a greater part of our lives, both personal and professional, with each passing day. Capabilities that were only available at great expense just a few years ago are becoming quite commonplace now,

such as doorbell cameras recognizing humans at your door and announcing their presence through your smart speakers. Speaking of smart speakers, anyone who has had them for any length of time has undoubtedly noticed that they continue to get smarter with each passing day, answering inquiries that would have stumped them only a short time ago. Artificial intelligence and machine learning have been utilized to enhance much of the technological innovations that we use on a daily basis and no one is absolutely certain where this process will end up.



Ring doorbell cameras have replaced old doorbells. These devices have become a very helpful tool.

Recently main stream media has had a renewed focused on artificial intelligence due to the release of an AI powered system called ChatGPT. ChatGPT was developed by a company called OpenAI and Microsoft has committed to spending billions of dollars to continue to enhance it for use with their Bing search engine, trying to close the gap with Google.

ChatGPT is a state-of-the-art language model developed by OpenAI. It uses a deep learning technique called Transformer to generate human-like response to natural language inputs. The model has been trained on a massive dataset of over 45 terabytes of text from the internet, allowing it to generate coherent and informative responses to a wide range of topics. ChatGPT has been designed for use in a variety of applications, including chatbots, automated customer service, language translation, and content generation. With its ability to understand and respond to human language, ChatGPT represents a sig-

nificant step forward in the development of artificial intelligence and natural language processing.

If you noted any difference between the last paragraph and the preceding text, you are very perceptive. ChatGPT wrote the preceding paragraph in response to the inquiry “can you write a paragraph about ChatGPT”? Among the system’s many talents is writing on demand about any topic, including an ability to include foot or end notes and writing poetry. After it was released, some people expressed concerns about students using this system to complete their assignments. When these concerns came to light, OpenAI also touted that ChatGPT has the ability to detect plagiarism, which highlights the ability for AI powered systems to quickly adapt.

Not to be outdone, shortly after the release of ChatGPT, Google announced their own AI powered system called Bard. Bard can speak and respond verbally to inquiries, allegedly explaining complex topics at a level that a child could understand. Bard can supply party planning tips and even recommend what to have for lunch. It is undeniable that technology is growing at an ever-accelerating pace. Increased use of artificial intelligence and machine learning will only magnify this acceleration, as processes grow better simply by being used.

Older hardware-based technology was as good as it would get when it was initially turned on, for example, the Bell telephone that American households used for decades provided the same level of service throughout its lifespan. AI powered technology can continue to improve on its own as it learns from usage, for example, many of the functions and applications on our smart phones can continue to improve throughout the lifespan of the device.

Law enforcement will continue to be impacted both positively and negatively as AI becomes more pervasive in our lives. Many younger officers will not only see the transition from gasoline powered vehicles to

electric vehicles during their careers, but they may well also see the wholesale transition from human driven vehicles to those that are autonomous and powered by artificial intelligence. Much like any other new technology that was designed to benefit humanity, many of these new AI powered systems will be exploited for nefarious uses. Imagine the capability of an AI powered system programmed to scam unsuspecting people. Not only could the system mimic human conversation, but it could also rapidly adapt and pull any necessary information that it needs to further the scam from the internet almost instantaneously.



Solar powered ALPRs with LTE capability can easily be deployed anywhere with sufficient sunlight.

Law enforcement agencies across our state and across the nation are already utilizing AI powered systems to assist them in doing their jobs, often not entirely without controversy. One of the systems that AI can power is predictive policing. Predictive policing systems utilize algorithms to analyze large data sets looking for patterns in criminal behavior, so law enforcement agencies can focus their attention in a more productive manner to reduce and prevent crime. Civil liberties advocates have argued these predictive policing systems are biased, mirroring that of the humans that created the data that is inputted into the systems. They contend that increased police activity in perceived areas of higher crime, lead to a self-fulfilling process which is only validated and potentially magnified when the data is fed into a predictive policing system. It is clear that there are patterns to most things, including criminal behavior, however some agencies have abandoned predictive policing systems due to these objections.

Another type of AI powered law enforcement technology can help police agencies analyze lengthy video streams that would have historically had to be manually viewed to find a relevant person or vehicle. These systems can be programmed to seek out people or vehicles that have a certain trait or all people or vehicles that passed by a camera during a given time period. This capability can not only be a huge time saver, it can

also potentially avert something relevant from being missed during a brief moment of inattention. Hours of video can be effectively processed in just a few moments utilizing this type of program.

AI powered video analytical programs can also review body camera footage looking for certain types of conduct or for key words to alert members of the command staff to potential misconduct. These programs can also largely automate the process of redaction as requests for body camera video comes in from the public. These automated redaction programs can effectively and rapidly pixelate all uninvolved human faces, license plates and mobile data computer screens simply with a few keystrokes saving hours of manual labor to achieve the same result.

AI powered engines can also be run over video streams in real time. This can be very useful for agencies that have access to numerous camera feeds, continuously searching these video streams for whatever the agency has programmed them to find. For example, these programs can locate an unattended package that could potentially be some type of IED and rapidly

ed persons appearing on the video stream.

Another technology that has been mired in controversy since it was introduced is the use of license plate readers, LPRs, by law enforcement agencies. Civil liberties advocates have argued that the use of these devices violates people's privacy rights, weighing in not only on the use of the technology itself, but also on the data retention periods for the results. What is clear is that license plates are required to be displayed by law and that they are clearly visible when the car is being operated. A human being could read and manually record license plate numbers in a given location, however an LPR is much more effective at doing this process. Not dissimilar to other law enforcement technologies, the application and usage of LPRs, and not the technology itself, can be the root cause of controversy. Such as using LPRs to record the plate numbers of people exercising their right of free speech at a rally or freedom of religion by attending a religious ceremony.

Older license plate reader systems utilize hardware and software to recognize the retro reflectivity of automotive license plates, capturing the characters of the license plate and converting them to text using optical character recognition. The text is then run against a list of stolen and wanted vehicles, generating an alert if that license plate is on the list. These older systems can fail to recognize license plates that are dirty, older or temporary license plates that are made of paper. They can also be unable to differentiate plates by state of issue, which can create issues when the same sequence of characters appear on license plates issued by different states. If, for example, the plate from one state appears in the wanted database, it can trigger a false alert for a license plate issued in a different state with the same character sequence. These systems are limited in what they can do, much like the aforementioned Bell telephone.

Modern LPRs, often referred to as Automated License Plate Readers or ALPRs, are far more sophisticated in their capabilities. Many utilize AI to continuously improve their capability allowing for enhanced use as a real-time sensor. ALPRs can read most plates, including temporary paper license plates and they can differentiate among the states of issue. They can recognize and record the make, model and color of vehicles within their field of view. ALPR can differentiate categories of vehicles, discriminating sedans from coupes,



Fixed license plate readers, LPR's, are often used by law enforcement agencies.

raise this to the attention of those charged with overseeing the system. AI can also monitor video streams utilizing facial recognition to identify missing or want-

SUVs and minivans. ALPRs can even identify bumper stickers and luggage racks. As a result ALPRs can be a much more effective investigative tool, however they can also allow agencies to push the envelope using ALPRs in real time for a variety of useful purposes. For example, ALPRs can be programmed based upon intelligence to alert on a make, model and color of vehicle linked to a crime pattern, even if the license plate has been altered, switched or even entirely removed. They can be a true force multiplier, a very sophisticated extra set of eyes, alerting departments for the same things that



Mobile license plate readers, LPR's, are by law enforcement agencies.

they've asked their police officers to be on the look-out for, at whatever time of day that they have been programmed to do it. This extreme level of adaptability and specificity can allow great flexibility in programming to identify suspicious behavior. An ALPR hit on someone riding a bicycle, for example, would be of lit-

tle value during daylight hours, but in the dark early morning hours of the winter, it could be indicative of criminal behavior. ALPRs can create and push out notifications in a variety of ways, including Internet accessible portals and via SMS messaging, so officers on patrol could receive them directly as soon as they're generated. These systems are so much more capable than their predecessors. Some systems are even solar powered with backhaul via LTE, allowing them to be deployed rapidly at virtually any location that has sufficient sunlight.

Anyone who has been working in law enforcement for any length of time is well aware that technology is advancing at a much more rapid pace than in the past. These advances will only continue to speed up as AI / ML improve products on a daily basis. These changes will have a profound impact on law enforcement, both in a positive and in a negative way.

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Thoughts on Memphis: What Is Your Organization Allowing to Happen?

As I write this article, two weeks have passed since the release of the appalling video showing Memphis police officers beating Tyre Nichols to death. The horror depicted in those videos is shocking. A young man is dead, parents have lost their son forever, and the community is outraged. The specialized Street Crimes Operation to Restore Peace in Our Neighborhoods (SCORPION) unit the officers belonged to has been disbanded. The entire police profession is now facing yet another reckoning. How could such a thing happen in a contemporary police department – especially after the events of the past few years? Why didn't other officers present stop the beating? More importantly, how could the organization have allowed the situation to happen? Behavior this extreme does not just happen overnight. It appears to be ingrained in the unit's culture.

What happens now? How do we move on from this? Do we just sit and wait to see what additional reforms are passed by lawmakers? This incident is so egregious that some leaders may be lulled into thinking it is an outlier, preventing any perceived need for organizational self-reflection. But that misses the true issue: What is your organization allowing to happen?

Law enforcement leaders must accept the responsibility to work to correct deficiencies and areas of risk, regardless of the magnitude. This analysis must be accomplished by focusing on the five pillars – People, Policy, Supervision, Discipline and Training – to identify and correct where failures

may occur. To illustrate this process, let's look at an example from the airline industry, where tragedies are historically subjected to exhaustive accident reviews, leading to lasting change.

Crossair Flight 3597: Controlled Flight into Terrain (CFIT)

On Nov. 24, 2001, a Crossair Avro RJ100 crashed into a tree-covered ridge, killing 24 of the total 33 on board. The plane was well short of the runway at Zu-



The accident aircraft, a British-made Avro 146-RJ100, registration HB-IXM, was manufactured in 1996 and logged more than 13,000 hours and 11,500 cycles in total before the crash. The aircraft was powered by four Lycoming LF507-1F turboprop engines.

rich Airport, which should have been obvious from the cockpit instruments. The pilot had over 19,500 flight hours, while the copilot was newer and had only 490 total flight hours. At the time of the crash, visibility



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was poor due to low clouds and some blowing snow. A flight crew that landed just ahead of them reported the limited runway visibility over the radio.

The plane was originally scheduled to land on a runway equipped with an instrument landing system designed for exactly the type of weather and visibility the crew of 3597 was facing. Unfortunately, a noise abatement law prevented them from using this approach after 10:00 pm. They were diverted to a runway without the same level of technology, requiring the crew to visually confirm the runway from much farther away.

Planes landing on such runways were mandated to maintain a defined minimum descent altitude (MDA) until visual contact with the runway was made. Instead, the crew descended through the MDA and could only see periodic glimpses of the ground. When the pilot finally realized he was too low and too far from the runway, it was too late.

The Swiss Aircraft Accident

Investigation Bureau, similar to our National Transportation Safety Board (NTSB), commenced an exhaustive investigation into the crash and all circumstances leading up to it. Such investigations are critical to determining the root causes of any crash, with the goal of preventing similar tragedies. The report is extensive and spans 161 pages¹, concluding that this was a case of controlled flight into terrain (CFIT).

Due to the pilot's extensive experience, investigators initially suspected a mechanical malfunction. They were wrong; there was nothing wrong with the airplane. The crew, however, made inexplicable errors. The most blatant was violating a concrete rule: Do not descend below the MDA unless you have visual contact with the runway. The pilot did so anyway, and the copilot did nothing to stop him, which his training required him to do. They were so focused on gaining a visual of the runway that they apparently ignored their instruments until it was too late.

While these are the clear proximate causes of the accident, what are the root causes? Why, and how,

could these actions have been allowed to happen? Crossair was an expanding airline with a tight budget for salaries, leading to difficulties in hiring and retaining qualified pilots. A deep dive into the pilot's history revealed factors inconsistent with his years of experience. The company knew or should have known he had a documented difficulty to learn and had made a number of significant mistakes. When a federal agency was still responsible for pilot evaluation, he had been negatively assessed. But when pilot evaluation responsibilities were turned over to the airlines, he went 17 years with no critiques. After the pilot damaged an airplane beyond repair in a ground-based accident, Crossair did relieve him of his instructor duties. But the company apparently felt they could still trust him with the lives of countless passengers.

Finally, equipment was available at the time of the crash that could have possibly prevented this accident, but the company did not equip the plane with it. Crossair was soon folded into a larger company and no longer exists. As a result of the crash and the subsequent investigation, numerous changes were made nationally to improve commercial airline safety; Switzerland has not experienced a crash since.

Learning from Tragedies

The Crossair incident underscores how in law enforcement, we must move beyond looking at problems the same way we have done for decades. Tyre Nichols' manner of death is certainly an outlier, but the problems the Memphis Police Department experienced using a specialized crime reduction unit are not unique at all. The need and desire to reduce crime, especially violent crime, has historically led to the normalization of deviance from what should be the priority – the process – focusing instead on the results – numbers that appear to indicate success.

First, we must review some concepts that illustrate why it is so critical for leaders to manage by utilizing the five pillars:

- Hiring people is difficult. Attempting to anticipate how a candidate will perform and evolve as a police officer with limited information is extremely difficult.
- Every person is different, but we are all subject to



the “regression to the mean.” Some recruits will perform better or worse than others initially, but that is not a guarantee of performance over time.²

- There is a natural human tendency to cut corners, leading to indifference to the habitual rule violations that occur as a result of that tendency.³
- People will do bad things in group settings that they would not do as individuals.
- It is very difficult to get people to act against others. Moral courage is not innate.⁴
- If you measure performance solely on numbers of stops and arrests, then officers will find a way to meet your expectations, and that way may not be consistent with the Constitution.

Next, let’s look at each of the pillars in detail.

Policy – leading with values. Law enforcement leaders must clearly define their values and priorities and use this as a foundation for organizational culture and policies. Your mission statement needs to be more than just words on your website or policy manual. All organizational decisions must be based on those principles. For example, an obvious value all agencies should aspire to is to operate legitimately and in accordance with constitutional requirements, making the safety of the public and the officers paramount. My guess is there are many Memphis police officers who were not surprised by this incident. If so, this is a sign of an organizational failure that requires further exploration. Why didn’t the good officers say something about the behavior of the units? Did they not feel empowered to do so? Or did they speak up, and their concerns fell on deaf ears? All leaders must embrace a duty to intervene and empower officers with the ability to speak up.

People – hiring practices and standards. The Memphis Police Department, like many agencies, has numerous vacancies that proved difficult to fill. Several recent articles have discussed Memphis’ lowering of hiring standards to fill vacancies. Were the standards lowered, or were they changed? What standards are implicated? Standards should exist for valid reasons, but it does not hurt to periodically review your hiring standards to ensure they are still legitimate. Lowering standards just to fill vacancies is different than changing standards after a thorough examination of the validity of the standards and understanding the possible repercussions.

For example, studies have generally shown benefits to having college-educated officers, as they are less likely to use force and are better at decision making and problem solving.⁵ These studies, however, are based on police officers trained under the old paradigm of a militaristic, drill instructor-based environment. Instead of teaching recruits how to communicate effectively, this system may result in recruits keeping quiet and anxious. Some argue this is not an effective way to teach decision making or communication skills. The Police Executive Research Forum recently released a publication entitled “Transforming Police Recruit Training: 40 Guiding Principles”⁶ that challenges the concept of the military-style police academies. If we radically change the way we train police officers, perhaps we will close the performance gap between officers with and without college degrees.



No matter what your standards are, agencies must still do thorough background investigations and evaluate the results of each individual. Regardless of how many vacancies you may have, if there is something at objectively gives you pause, do not hire them. We have historically focused on whether a candidate is what we want them to be as a police officer. I propose the proper question to ask when looking at candidates is, “Can we make them into what we want and expect an officer to be? Proper use of field training and probationary periods is essential. Do you want the pilot of the plane your family is on to be there only because the airline was hellbent on filling vacancies? Or would you prefer the airline limit their flights to the number they can staff with high-quality pilots?”

Supervision and discipline. No supervisors were on scene during this incident. Also, the outrageous conduct depicted on the videos, and the apparent attempts to cover it all up by filing false accounts, are all clear indicators the officers operated routinely without any supervision or fear of repercussions. Since the death of Tyre, many others in the community have come forward with complaints about the SCORPION unit. News accounts indicate the department is extremely short of supervisors across the board. Remember: Department values and priorities cannot be compromised. High crime rates cannot lead to aggressive enforcement and making arrests without regard to the consequences to the community.



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***Neil Blanchard, Senior Dispatcher
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**(Ret.) Chief Garcia
Phoenix Police Department**

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The mayor of Memphis stated in a 2022 speech that between October 2021 and January 2022, SCORPION made 566 arrests, of which 390 were felonies⁷. Such results sound great, but how were they accomplished? For any law enforcement leader aware of the torrid history of many specialized crime units, the question you should be asking is, how many of those arrests were properly reviewed by supervisors? What checks and balances are in place to ensure officers are acting properly? How many citizen complaints were filed against the officers? And are the results addressing the specified reason for putting the unit into practice?

When faced with a lack of supervisors, especially in a specialized crime unit, the last people you want assigned are junior officers with limited experience. Instead, senior officers with proven track records of working appropriately and independently should be used. And if you can't get enough interest to fill all 40 positions, then don't. In fact, if you don't have enough officers or supervisors to fill your general patrol vacancies, then don't create the specialized unit in the first place. The patrol function is the core of any municipal police department and available officers should be used to fulfill that function. The role for crime reduction is then a common bond and responsibility across the whole department, rather than the purview of just 40 people.

Training. In a more recent interview, the mayor noted the “specialized groups get even more training on a regular basis. I don't think our issue is with training.”⁸ More training does not mean proper or effective training. My guess is that a review of departmental practices will find the training was woefully inadequate. Training must be evidence-based and legitimate. And without supervisors reinforcing training and policy on the street, any impact the training may have had will diminish.

Preventing CFIT in Law Enforcement

The failures of past specialized units are there for all of us to see as a roadmap of what not to do. And yet we continue to repeat the same mistakes. If you are considering a specialized unit, or implementing a general crime reduction plan, you must be prepared to fully commit to it and provide guidance, resources, supervision, and checks and balances.

But even if you do not have, or are not planning to

have, a specialized unit, please do not ignore the concepts discussed in this article. It is critical to be aware of how all aspects of your organization are operating, and this takes concerted effort. Do not assume everything is being done properly, as there is a natural human tendency to cut corners. As a chief, I would convey to the members that I had an “open-door” policy, and anyone could come to me with any concerns. I learned a little too late in my career that having an effective open-door policy meant I needed to be the one walking through the door. I needed to go to them and ask the questions that needed to be asked and see what needed to be seen.

Law enforcement leaders must embrace a desire to study and learn from tragedies. It is the only way we can stop them from recurring. The Memphis Police Department must initiate and embrace an external, objective, and nonpolitical extensive review of how the death of Tyre Nichols was allowed to happen. And every law enforcement leader should be humble enough to consider that their agency may be harboring the same root causes identified in the investigation. Unfortunately, we do not have a NTSB for law enforcement, but there are still ways to accomplish it by doing it ourselves.



¹<https://reports.aviation-safety.net/2001/20011124-0-RJ1H-HB-IXM.pdf>; last accessed February 10, 2023.

² For an excellent discussion on the first two bullets and much more good information, see Kahneman, Daniel. *Thinking, Fast and Slow*. New York: Farrar, Straus and Giroux, 2011

³ For more information on human error, see Reason, J. (1990). *Human Error*. Cambridge University Press

⁴ For much more information on this and the prior bullet, see Sanderson, C. (2020). *Why We Act: Turning Bystanders Into Moral Rebels*. Harvard University Press.

⁵ See Michelson, Rick. *Why Cops Should Pursue Higher Education*. *Police1*, October 18, 2018; <https://www.police1.com/police-jobs-and-careers/articles/why-cops-should-pursue-higher-education-zF6y-JRfkQM4y56yK> last accessed February 13, 2023.

⁶ <https://www.policeforum.org/assets/TransformingRecruitTraining.pdf> ; last accessed February 13, 2023.

⁷ <https://www.wionews.com/world/explained-memphis-controversial-scorpion-police-unit-and-its-connection-to-tyre-nichols-case-556773> ; last accessed February 10, 2023.

⁸ <https://wreg.com/news/local/tyre-nichols/tyre-nichols-case-memphis-mayor-says-he-backs-police-chief-100-percent/> ; last accessed February 10, 2023.



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Traffic Safety Committee

By Asst. Chief/Ret. Bill Georges, Chair NYSACOP

The NYSACOP Traffic Safety Team and Traffic Safety Committee (TSC) remain busy both serving our members and promoting traffic safety engagement throughout the State. The team, working in concert with the TSC, possesses a wealth of knowledge and works tirelessly to provide information, resources and assistance to all our members, their agencies and allied organizations. If you would like assistance re: your agency's traffic safety matters please don't hesitate to contact us at Traffic@nychiefs.org.

I am pleased to announce that NYSACOP President, Chief Kevin Sylvester recently appointed Chief Kenzie Spaulding, Corning PD as the newest member of the TSC. Chief Spaulding joins committee members Chief, and NYSACOP 1st Vice President, Joseph Sinagra (Saugerties PD), Inspector David Regina (Suffolk County PD), Director of Public Safety Richard Tantalo (Monroe County), Chief (ret.) Dan Denz (West Seneca PD), NYSACOP Traffic Safety Services Coordinator, Chief (ret.) Mike Geraci (Schenectady PD), NYSACOP Traffic Safety Outreach Liaison and myself. Welcome Chief Spaulding!

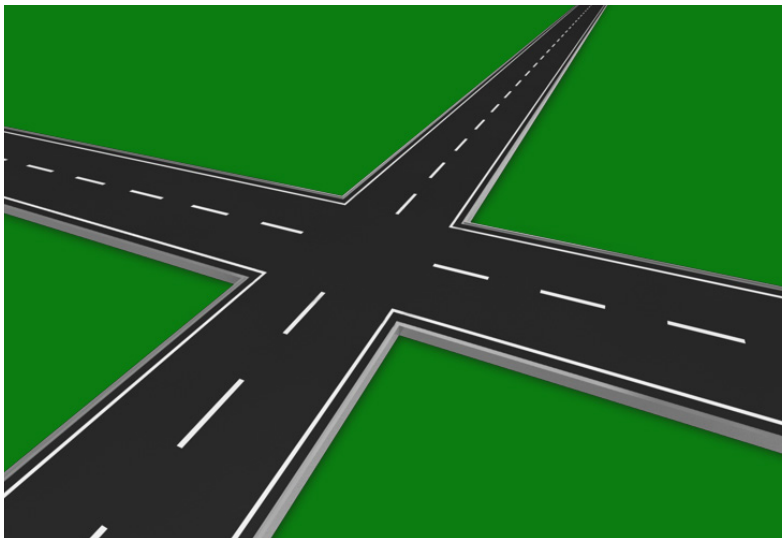
At the TSC's December meeting, we had the pleasure of having Nick Breul, MPDC (ret.), Senior Project Manager, National Law Enforcement Memorial and Museum, give us a presentation entitled: What is Killing Officers on Our Roadways: A Review of the Data. Nick's presentation was very informative and well-received by the committee. After our meeting

Nick agreed to do a guest article for this issue of the Chief's Chronicle, we hope that you will read it.

The team is continuously involved in training efforts. We are very pleased to have conducted two Traffic Safety Executive Leadership seminars so far that were held in the Mid-Hudson area and Monroe County and we will be conducting additional seminars in 2023. We also will be presenting at the New York State Association of Chiefs of Police, New Chiefs Training, being held on March 20th-24th at the Niagara Falls Air Force Base, Niagara County. Additionally we serve on the planning committee for the Empire State Law Enforcement

Traffic Safety (ESLETS) Conference which will be held on May 10th and 11th at the Doubletree by Hilton Hotel in Rochester. We hope that you will attend the conference!

We are also involved in training. Both GTSC and DCJS provide ongoing training in traffic safety related areas including, but not limited to, crash investigation, courtroom testimony and cannabis impaired driving. Training courses are routinely announced in the NYSACOP bulletins and also on the website so please be on the lookout for them. Drug Recognition Expert (DRE) training is being offered often as impaired driving, especially drug impaired driving, is on the rise, and thus more DREs are needed statewide. One important point regarding DRE training is that proficiency in Standardized Field Sobriety Training (SFST) is mandatory so if you are considering attending and/or sending personnel to DRE training you should also consider first attending and/or requesting an SFST refresher course. Commercial Motor Vehi-



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cle and Motorcycle Enforcement/Safety trainings will also again be offered in 2023.

Have you seen the 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 re: why traffic safety engagement/enforcement is an important component of public safety. While the pandemic, along with other issues, 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.** It has become commonplace these days 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 data-driven, fair and balanced enforcement with companion public information & education. We must all continuously strive to remedy this dangerous situation and recent polls have shown that the public supports traffic safety.

Thank you to all who conducted initiatives during the Holiday Season Impaired Driving National Enforcement Mobilization and also during Super Bowl weekend. As the data clearly shows, impaired driving enforcement should always be a priority. As St. Patrick's Day is quickly approaching, that is another period to plan for enhanced engagement/enforcement.

As always, we welcome your comments, suggestions and involvement and also would very much like to hear about what your agency is doing to promote traffic safety so please let us know so we can showcase your efforts. For further information or if you would like our assistance, please contact Dan Denz, Mike Geraci and/or me at Traffic@nychiefs.org.

Best wishes for a happy, healthy, safe and prosperous New Year! Thank you for all you do and stay safe!

*Bill Georges, A/Chief (ret.) Albany PD
Traffic Safety Outreach Liaison
Chair, NYSACOP Traffic Safety Committee*

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Speed, Seat Belts, and Safety

By Nick Breul, MPDC (ret.)

Senior Project Manager, National Law Enforcement Memorial and Museum

Thomas Paine famously began *Common Sense*, with the line, “These are the times that try men’s souls.” My soul is tormented by the never-ending stream of senseless, preventable crashes that claim the lives of our nation’s peace officers every year.

Before I retired from the Metropolitan Police Department in Washington, D.C., I supervised our Major Crash Unit and managed several associated traffic safety initiatives. When I was on the department, traffic safety and enforcement were very important to me and even as a Lieutenant, I was making stops and arrests for traffic related violations.

In 2010, I was one of a handful of officers who arrived at the scene of an officer-involved crash and never felt so helpless as officers struggled to get the unconscious officer out of the wrecked police vehicle as the car’s engine compartment continued to reignite, despite numerous attempts to put out the flames. A quick-thinking sergeant used the front of his car, to force the wrecked car off the pole it struck and allowed us to get to the severely injured officer.

That officer died because of the injuries he sustained in the crash.

He and his partner were responding to a priority call for a man on PCP, and as he entered an intersection he swerved, possibly to avoid a car entering the intersection, lost control and struck a utility pole at high speed. The pole intruded directly into his driver’s side door, pinning him in the car. His partner, who was belted, suffered minor injuries.

It was a chaotic scene, and one I often think about. I wish I could have done something differently, or reacted the way the sergeant did, or gave the officers better direction. What I remember thinking most of all

was, “What a waste! This did not have to happen.” Since 2014, I have worked for the National Law Enforcement Officers Memorial Fund (NLEOMF) and managed our Cooperative Agreement with the National Highway Traffic Safety Administration (NHTSA) conducting research on fatal law enforcement crashes. So, for eight years, I have been reviewing crash packages sent by agencies that have lost an officer due to a traffic-related incident. Too many of those crash reports read like the case I just described. All too often the crash diagrams of these single-vehicle crashes are carbon copies of one another, and the facts the same.

Officers going too fast, not wearing their seat belt, and crashing into a fixed object.

As I review the fatal crash cases from 2022, nothing has changed. There was one in which a deputy was going over 100 MPH to join a pursuit. Unfortunately, he had another (non-sworn) person in the patrol car with him and they both died when he lost control and crashed.

In another case from 2022, an officer was responding to a domestic violence call and crashed into the woods on the way. The speed before impact was estimated at 115 MPH, and 95 MPH as the car crashed into

the trees. That officer, also unbelted, died in the crash and subsequent fire.

The help these officers wanted to provide never got there, because they were going way too fast and lost control.

How do we prevent the preventable? We have talked about it for years. Videos have been made, like “Is Today Your Day.” Programs like Below-100 were created to address this all-too-common, self-made tragedy; yet still it continues.



What more can we do to instill that little voice in our officers' heads that says "Slow down, breathe, think, focus, clear intersections, and buckle up" We create slogans, "Arrive Alive", "For Your Family For Your Friends" and "Remember What's Important Now", etc. Yet it continues.

We print safety posters showing mangled police cars. Yet it continues.

We have plastered patrol cars with safety stickers, rewritten policy and instituted safe driving incentive programs, but these single-vehicle tragedies keep happening.

The answer to the question is, through relentless leadership, training, and supervision.

LEAD

The example must come from the top. If you are a sheriff or chief who does not wear their seat belt, then why should you expect your officers to? You must not only set the example, but you must also become a constant safety advocate. Take a risk management approach to your fleet and vehicle operations. Lead by building a true culture of safety reinforced through policy, training, and supervision.

TRAIN

Most agencies train twice a year with their firearms and there is undoubtedly a review of their Use of Force Policy. Well, a vehicle operated negligently, or recklessly poses as great a threat to the officers and the public, but most agencies don't regularly provide even an annual vehicle policy review. The litigation alone that results from at fault crashes should be enough to convince agencies that continuous vehicle operations training and monitoring are well worth the time and money.

SUPERVISE

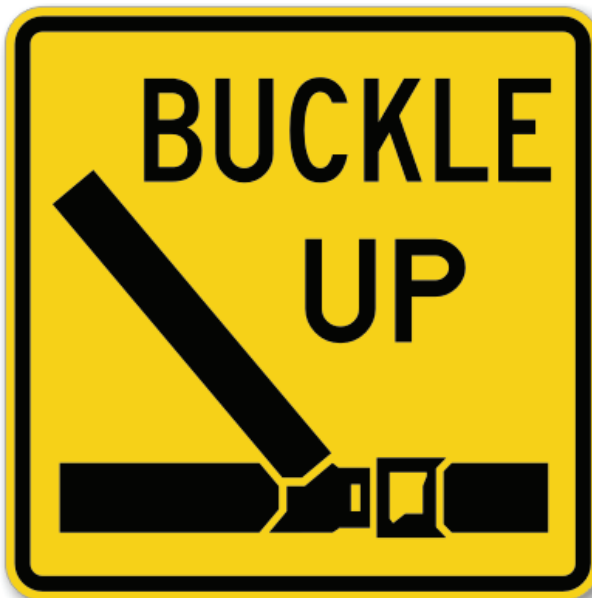
Officers and their behaviors must be monitored and managed. One of the most successful crash reduction

programs we have seen at the NLEOMF, came from our first National Officer Safety and Wellness Award Winner for Officer Traffic Safety.

The Yolo County (CA) Sheriff's Office had great success in reducing costly high-speed crashes by monitoring their deputies' speed. They set up an activation tied to the in-car camera, so if the deputy exceeded 80 MPH a supervisor was notified and had to investigate why the deputy was driving so fast. After the first two months of the monitoring, speed activations dropped off and the agency did not have an at fault crash for 27 months.

Supervisors must enforce seat belt rules and address

Starts with the Leaders!



bad habits or risky behavior before it turns tragic. Another winner of the National Officer Safety and Wellness Award in Officer Traffic Safety was the Snohomish County (WA) Sheriff's Office. They took a strong approach to driver's safety and embraced the use of Telematics to monitor their deputies' driving habits. From speed to seat belts, braking and routes taken to calls, they made use of data the system captures to reduce crashes. They took a non-punitive approach to encouraging their officers to drive better.

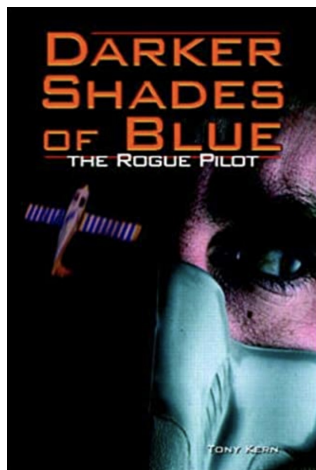
In July, of 2022, the NLEOMF, in conjunction with NHTSA and The Goodyear Tire and Rubber Company, hosted a full day National Law Enforcement Traffic Safety Summit to address the pressing issues involved in law enforcement vehicle and roadside safety. I would encourage all of you to read the report or better yet, view the summit, which is on our website. (<https://nleomf.org/officer-safety-and-wellness/2022-traffic-safety-summit-lives-tream/>) There were many recommendations from the distinguished presenters and panelists that day, but one of the most important was for chiefs and sheriffs to relentlessly pursue safety. To take a proactive approach and tirelessly reinforce roadside and vehicle safety. As risk management expert Gordon Graham has said, "If it is predictable, it's preventable."

Taking on “Bud”: Why Reckless Employees Have No Place in Law Enforcement

By Gordon Graham

Gordon Graham here! In my last article I recommended you pick up a copy of *Darker Shades of Blue* by Dr. Tony Kern. Allow me to digress here and tell you about this American treasure. I rarely use that term – even though I have met lots of great people who have done a lot of great things for our nation – but Dr. Kern is truly a treasure.

Dr. Kern is a retired B-1 pilot, prolific author, brilliant lecturer, successful businessman and overall good guy. *Darker Shades of Blue* was my introduction to him; I picked it up in 2000 at a bookstore in Long Beach. This was long before I had a Kindle or other e-reader and my very mature way of buying a book back then was to read the first page and if it was of interest to me, I would buy the book. Here is what caught my eye in this book:



“What’s the deal with this guy?” Captain Bill Kramer asked, indicating a car conspicuously parked in the center of the red-curbed no parking zone adjacent to the military base wing headquarters building. It was a short walk from the HQ building, commonly referred to as “The White House,” to the parking lot where they had left their own vehicles while attending the briefing on the upcoming air show. As they passed the illegally parked car and then the various spaces reserved for the wing and operations group commanders, Lieutenant Colonel Winslow turned to Captain Kramer and replied, “That Bud’s car. He always parks there.” After a few more steps the captain inquired, “How does he get away with that?” The lieutenant colonel reflected for a moment and responded, “I don’t know – he just does.”

After getting hooked by that paragraph I finished the book quickly, then inquired into what else Dr. Kern had written. And as I mentioned earlier, he has written a lot of books. Dr. Kern’s early works dealt with aviation issues – what a fluke, a pilot with a doctorate writing about aviation issues. But over the years he has shifted into to writing (and speaking) about how the lessons learned from aviation tragedies apply not just to aviators, but to those working in other high-risk industries – including law enforcement.

For those of you who don’t have the time to read anything, you are really missing the boat! For those of you who don’t have the time to read this book – that I can understand. There is so, so much to read at work – and “pleasure reading” for many is not possible. But switch gears and recognize that reading this book may be “pleasurable” but it truly is a “business” book with valuable lessons throughout.

Darker Shades of Blue is about aviation tragedies in



Boeing B-52H Stratofortress strategic bomber of the United States Air Force’s 92nd Bombardment Wing.

the United States Air Force. Throughout the book Dr. Kern references “Czar 52” – the call sign of a B-52 H Stratofortress that crashed on June 24, 1994, at Fairchild Airforce Base in Washington state. This crash

resulted in the destruction of the warcraft and the deaths of four members of our Air Force – including the pilot in charge – Lt. Colonel “Bud.” The Wikipedia piece provides a good summary.

Suffice it to say “Bud” had a long history of stretching the envelope – and reckless behavior that endangered his life and the lives of those flying with him. Dr. Kern chronicles some of this reckless behavior (although he uses a different last name for the colonel throughout his book because Dr. Kern is a decent person) that had been going on for years prior to 1994. And while I am not a pilot, I do understand what keeps planes in the air and some of the incidents Bud was involved in give me the chills.

I have been using the story of Bud since 2000. In



Lt. Colonel Arthur “Bud” Holland’s macho, daredevil personality, bearing a reputation as an aggressive pilot who often broke flight-safety rules.

my live programs I refer to arrogant, ignorant, complacent employees as “Buds” in honor of the late Lt. Colonel who was convinced rules did not apply to him. The guy was reckless – everyone knew (including the base commander at Fairchild – more on that in a bit) – and no one did anything about it and the tragedy occurred. “It was not a matter of if, but rather a matter of when, where and how many people were going to die” was something Air Force investigators heard a lot – after the crash.

About 20 or so years ago I spoke about Bud in a class and a cop came up to me after the program and asked me if I had met Bud. I told him no. He was a co-worker of Bud’s at Fairchild in the early 1990s. He told me what a nice guy Bud was – but he agreed with

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me (and everyone else associated with Bud) that Bud was the personification of arrogance in the cockpit.

Not to bore you with the details on this, but on several other occasions audience members would come up to me and say something similar: “I knew him and I liked him – but you are right, he was reckless and everyone knew he would crash and burn someday.” One of these people who approached me was a relative of Bud’s. His example of totally reckless behavior was when “Uncle Bud” brought his B-52 for a low pass over the soccer field he was playing on.

I think it was about a decade ago that after my program finished I had a fellow come up (this is the fifth time this has happened) who had been a neighbor of Bud’s for quite a while. He was not angry at me, but I could tell he was very upset with my portrayal of Bud. He was adamant that I did not know the “full story.” So wanting to know the full story I asked him for the full story and we got into a lengthy chat.

Here is the gist of it. He said, “Bud was the nicest guy you ever wanted to meet – he would do anything for you. Great neighbor, church-going guy, nicest family in the entire world – they are just devastated. One day he and I were talking and he told me that if he ever crashed, they were going to blame it on him. He specifically said, ‘Stand by and remember that if I ever crash, they are going to put the whole thing on me.’ And yes, he did have a Corvette that he drove too fast, and yes he enjoyed driving his boat fast, and yes he was bragging about being the best stick-and-rudder man the Air Force ever had.” This fellow from my class was very upset with my portrayal of his friend.

I listened without interrupting and then said, “But you have to admit he was reckless and did not follow rules.” And he said, “But he was the nicest guy you ever wanted to meet and he would do anything for you.” Again I said, “But you admit he was reckless and

did not follow rules.” And he said, “The family is still suffering from this tragedy – and he was the nicest guy you ever wanted to meet – and he told me that if he ever crashed they were going to pin the entire thing on him.”

And they did, with good justification I might add.



On Friday, 24 June 1994, a United States Air Force Boeing B-52 Stratofortress crashed at Fairchild Air Force Base, Washington

This exchange went on for a while until I finally ended it. The guy I was talking to was no idiot; he was a very smart guy. He just did not seem to get what I was saying. If you are in a high-risk job and keep violating safety rules and other protocols, sooner or later you are going to get in a heap of trouble. The laws of gravity and physics do not care about how “nice a guy” you are.

Four people died in 1994 because of the reckless behavior of this otherwise nice guy. This tragedy did not pop up out of the blue – it was “lying in wait” for quite a number of years. A lot of people knew about this problem and sadly no one did anything about it prior to the tragedy.

Why am I rambling about this? Here is the takeaway for you to consider: Do you have any “Buds” working for you? Bud may be a great individual – but sadly, he has a problem following rules. Bud can survive a day at Kmart, or even Dunkin Donuts. But Bud cannot survive in the USAF – or in any job in the high-risk profession of law enforcement.

If you have any Buds (or Buddettes) working in your shop, you have a problem lying in wait that needs your attention as a supervisor or manager. Dr. Kern calls people who fall into this category “rogues” – and they are present in every profession.

If you are in supervision or management, you may be asking “Well, how can I identify Bud in my workplace? What is the algorithm or system to identify Bud?” There is no algorithm or system! But go back to

when you were brand-new in law enforcement – still on probation and getting to learn the profession and how things work. When you looked at your co-workers way back then, did you know who Bud was? Did you recognize some employees who were convinced the department rules did not apply to them? Of course you knew who Bud was then! So now use the same eyes and identify and address Bud proactively.

The bane of civil service is that if you as a supervisor or manager take Bud on, you get paid “X” – and if you ignore Bud, you get paid the same amount of money. They why should you take Bud on? Because that is your job and if you don’t feel comfortable doing it, then maybe you should reconsider why you accepted the promotion.

And if you are a co-worker and not a supervisor, it would be nice if you had a chat with Bud and got him/her headed in a different direction – because downstream after the tragedy everyone is going to be saying, “I wish I would have done something about this earlier – for now it is too late.”

Warnings Unheeded by Andy Brown is another book on my recommended reading list. I bought this book because it was also about Czar 52 – and I like to read different authors’ versions of the same event. Brown’s words about the crash and what led up to it are complementary to Kern’s account. But I also learned something new. Five days prior to the B-52 crash, a cra-

zy airman went into the base hospital and shot the place up, killing four people and wounding 22 others

The lesson learned: Several psychiatrists in the Air Force had been telling the base commander – the same base commander who ignored the warning signs about Bud – this airman was a “nutburger” and he was going to kill people. And yet those warnings – similar to the warnings about Bud – went unheeded. By the way, the author of this book was the military police officer who shot and killed the airman from 70 yards away – a fascinating story about someone who took his shooting training very seriously.

My word count has exceeded the limits of this writing – but there is so much more to say, so I will continue on this thread in my next article. Until then, please work safely.



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

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News Around New York



New York State Police

Trooper Katz was able to make some new friends at Ridgeway Elementary in White Plains last week. Thanks for letting us stop by. We had a great time, and it's always great to let the kids know we are here to help.



Peter R. Barber Photography

Village of Scotia Police Department: Shortly before 7pm on February 11th, the Scotia Fire Department was activated for a structure fire with entrapment. The first FD unit was on scene in under 3 minutes, and was able to affect a rapid rescue of a family and multiple pets from the second floor of the structure. The trapped family is safe, and did not sustain injuries. The Schenectady County Fire Coordinators Office is investigating the cause of the fire. Thank you to Village of Scotia Police Department. Police Officer Carlton Kuhlmeier, pictured above, is giving oxygen to a puppy.



Village of Medina Police Department:

Shout out to our Police Advisory Committee! Among the multiple topics from January 26th meeting was the Special Response Team, including a show and tell of our equipment and training.



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



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