

# CHIEFLY SPEAKING

Monthly Newsletter for New York State Law Enforcement Leaders

May 2022

## ***Budget Includes Public Safety Items***

The recently enacted State budget included several pieces of legislation aimed at reducing violence in our communities. According to the Governor's office summary (full press release inside), new legislation allows judges to set bail for gun crimes which previously required release, closes a loophole in the Raise the Age and Discovery laws, and makes Kendra's Law more effective.

Throughout the budget negotiations process, the New York State Association of Chiefs of Police (NYSACOP) along with other public safety advocates urged for substantial changes to promote rational and responsible changes, focusing more on victims rather than criminals.



New York State Capitol Building, Albany

Pond5

NYSACOP issued the following statement in response to the Budget Bill being enacted into law on April 9, 2022:

*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 more safe.*

Read more about *What's In the Passed Budget Bill* in Executive Director Patrick Phelan's column, inside.



## FROM THE PRESIDENT CHIEF TIMOTHY PARISI

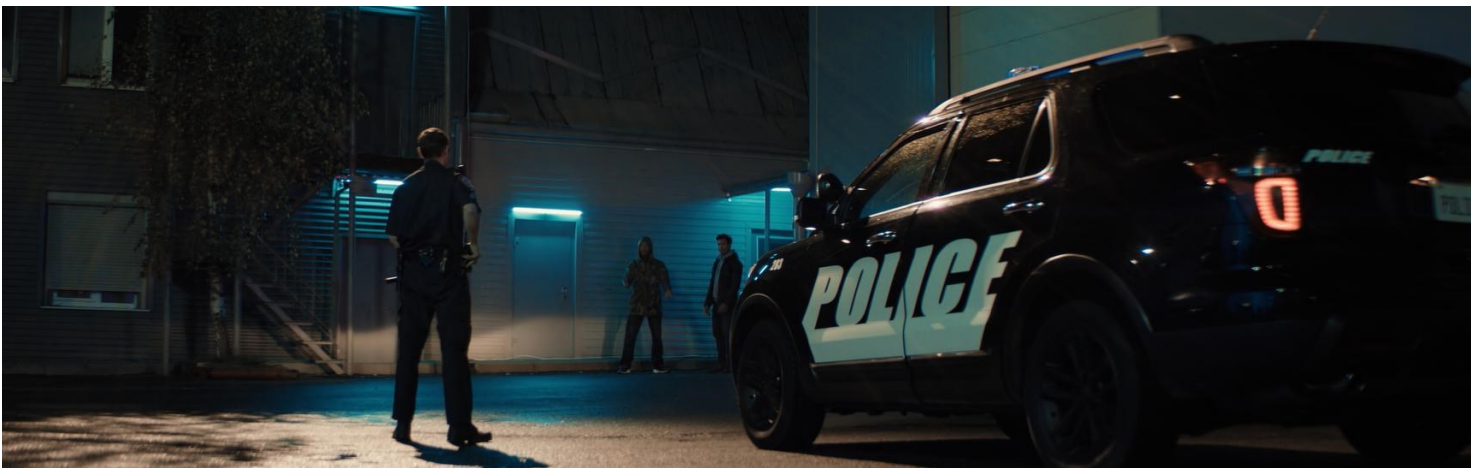


### ***Politics: “Virtue”, Motivation, and Hypocrisy***

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.

*(Continued on page 4)*



# FROM THE EXECUTIVE DIRECTOR CHIEF/RET. PATRICK PHELAN



## ***What's In the Passed Budget Bill***

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

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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 skewed 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 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

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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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## ***Continued: What's In the Passed Budget Bill***

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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 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 DAT:

Person is over 18 and is charged with criminal possession of a weapon on school grounds (PL 265.01-a).

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Person is over 18 and charged with a hate crime.

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 number 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 discovery 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 (SOL) 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 20<sup>th</sup> birthday, whichever is earlier. Previous SOL was the juvenile's 18<sup>th</sup> birthday or the CPL period of limitation, whichever was earlier.

Ensures that Family Court has jurisdiction over cases removed from the Youth Part where an adolescent offender committed an act prior to his/her 18<sup>th</sup> 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***

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:

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

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.

## **Chris Sapienza Named Yonkers Police Commissioner**

### **27-Year Veteran of the Yonkers Police and Former United States Marine to Lead Yonkers Police Department**

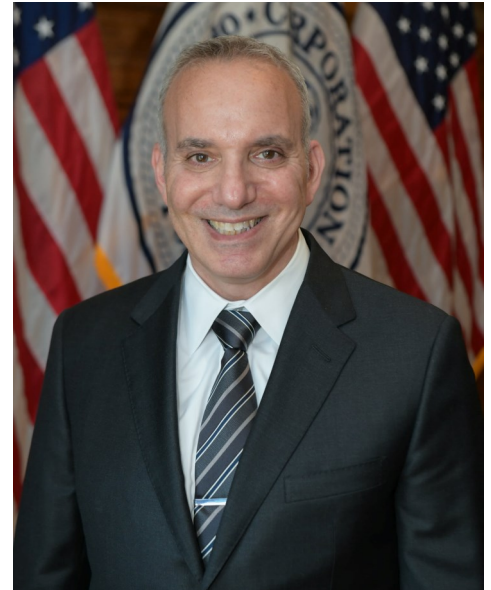
YONKERS, NY – April 29, 2022 – Yonkers Mayor Mike Spano today announced his appointment of Yonkers Police Deputy Chief Chris Sapienza as the City’s new Police Commissioner. Sapienza will serve as acting commissioner, pending Yonkers City Council confirmation. Sapienza will replace outgoing Commissioner John Mueller, who retired earlier this week.

“Police Commissioner Chris Sapienza has the temperament and keen ability to cultivate relationships with the community and our officers to ensure they can all be the best versions of themselves,” said Mayor Mike Spano. “Chris has been a shining star in the Department for years, and epitomizes the meaning of true leadership, demonstrating his in-depth knowledge, training, and dedication to the men and women of our police force. We look forward to advancing the progress we have made thus far to foster stronger community relationships and continuing to keep our residents safe.”

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Sapienza’s commitment to public service began in 1987 when he enlisted in the United States Marine Corps, proudly serving for over eight years. He is a Gulf War veteran and recipient of numerous awards, including the Combat Action Ribbon. After receiving an honorable discharge, Sapienza sustained that commitment to public service with a career in law enforcement in his hometown. A dedicated police professional with over twenty-seven years of service to the City of Yonkers, Sapienza recognizes the special relationship between the Yonkers Police Department and the communities it serves and will continue working together to drive down crime and enhance the quality of life for Yonkers residents.

Police Commissioner Sapienza said, “I am deeply honored with the responsibility and privilege the Mayor has entrusted to me to guide the Yonkers Police Department. Our police officers and supervisors have done



**NYSACOP Member Chris Sapienza  
named Commissioner of Yonkers PD**

Photo:: Maurice Mercado/City of Yonkers

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incredible work during the Spano Administration to drive crime down to historic lows while enhancing community relations and improving our residents' quality-of-life. I look forward to building on that progress by working together with the community, administration, and City Council.”

Sapienza began his career with the Yonkers Police Department in 1995 as a Police Officer in the 3rd Precinct and then the Emergency Service Unit. He was promoted to the rank of Sergeant in 2006, Lieutenant in 2015, and Captain in 2019; he served as the President of the Captain's, Lieutenant's, and Sergeant's Association from 2015 - 2019. In 2019, he was appointed Deputy Chief of the Support Services Bureau, overseeing multiple divisions and units responsible for the logistic operation of the Department.

Sapienza holds a Masters from Mercy College and is a graduate of the 245th session of the FBI National Academy in Quantico, Virginia. He and his wife Kat have been married for over 15 years and enjoy traveling together.

Mayor Spano added, “I want to thank Commissioner Mueller for his service to the residents of the city and to our police department. Under his leadership, Yonkers has achieved unprecedented successes, including a reduction in overall crime, a more diverse police force, and the introduction of various community policing initiatives that have transformed our police department. I congratulate him on a stellar career and wish him the very best in his future endeavors.”

Sapienza will serve as the City of Yonkers' 23rd police commissioner.

*Yonkers PD Press Release via Facebook*

*“Police Commissioner Chris Sapienza has the temperament and keen ability to cultivate relationships with the community and our officers to ensure they can all be the best versions of themselves... We look forward to advancing the progress we have made thus far to foster stronger community relationships and continuing to keep our residents safe.”*

*Yonkers Mayor Mike Spano*

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Exhibitors: [LINK](#)

Reservations for our host hotel The Queensbury Hotel must be made separately. [LINK](#) Group Code G1506

*Meals and breaks included except for Tuesday evening July 26; For fee information click on the appropriate link, above; Visit our website often as we continue to update information about conference speakers, presentation and activities.*

Ver. Mar 1, 2022

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***Check this link often as we continue to update our presentations and exhibitors!***





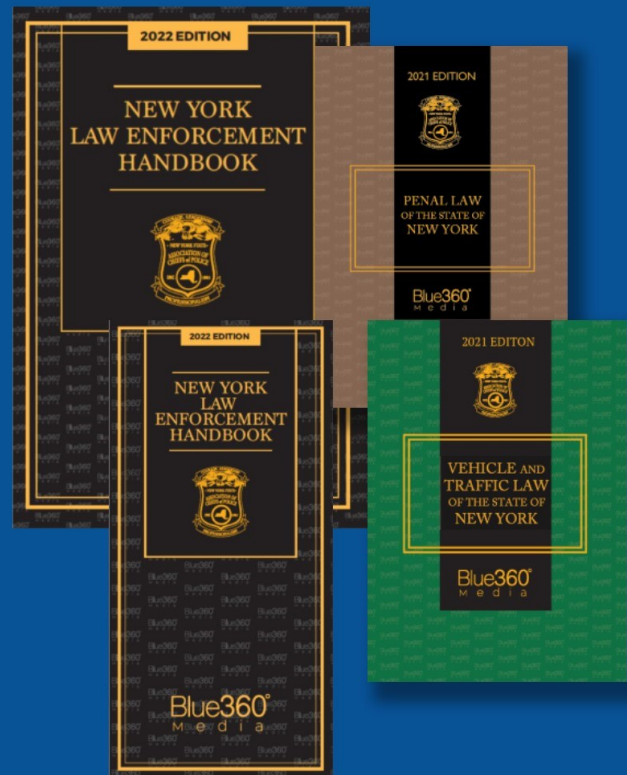


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◀ Podcast describes content and changes to 2022 Law Enforcement Handbook—[Click Here](#)

Last month's winner of a free New York State Law Enforcement Handbook was Deputy Chief David Scarzella (SUNY Stony Brook PD) for correctly answering our monthly trivia question. Congratulations Chief Scarzella! —your free New York State Law Enforcement Handbook is on the way from Blue 360° Media!





## **Governor Hochul Announces FY2023 Budget Investments to Create a Safer and More Just New York State**

Governor Kathy Hochul today announced the public safety highlights of the FY 2023 Budget. The Budget includes meaningful and significant changes to our public safety laws that tackle the pervasive unease many are feeling in our streets and make our state safer and our criminal justice system fairer. These changes include allowing judges to set bail for gun charges that were previously subject only to release, adding factors that judges must consider when setting bail for any bail-eligible offense, closing problematic loopholes on Raise the Age and Discovery, making Kendra's Law more effective, and \$90 million in new funding to support discovery reform implementation and pretrial services.

"When it comes to the safety of New Yorkers, we cannot go backward - we must move forward toward a safer and more just state, and I applaud Majority Leader Stewart-Cousins and Speaker Heastie for this collaborative process that led to meaningful and significant changes to our public safety laws," Governor Hochul said. "By putting an end to the trafficking of illegal guns, protecting victims of hate crimes and domestic violence, stopping the cycle of repeat offenders, and investing in our mental health infrastructure, we are proving that justice and public safety are not mutually exclusive."

The Budget will also include \$227 million to fund bold initiatives that will strengthen the gun violence prevention efforts of law enforcement and community-based organizations. Through these comprehensive actions, we will work to restore New Yorkers' sense of safety and community by tripling the state's gun violence intelligence resources, providing \$13.1 million to expand the use of Community Stabilization Units, tripling investment in New York's SNUG outreach program, providing \$18 million in direct support to local law enforcement for gun violence prevention, allocating \$20 million to respond to regional needs in the aftermath of gun violence, and \$3 million - an increase of \$2.5 million - for the Office of Gun Violence Prevention.

### **Clarify and Expand the Factors That Judges Must Consider When Setting Bail**

The FY2023 Enacted Budget expands the list of factors that judges must consider when setting bail, adding: (1) history of gun use or possession (which currently applies only in domestic violence cases); (2) any previous violation of an order of protection (which currently applies only in domestic violence cases); and (3) whether the charge is alleged to have caused serious harm to an individual or individuals. In addition, there will be new reporting requirements related to bail determinations made by judges, and how they relate to recommendations made by prosecutors.

### **Expand Arrest-Eligibility and Bail-Eligibility for Repeat Offenses and Hate Crimes**

The FY2023 Enacted Budget will allow police to make arrests, not just issue desk appearance tickets, for all repeat offenses currently covered by the bail law — repeat felonies and class A misdemeanors involving harm to a person or property will now be both arrest-eligible and bail-eligible. Repeat offenses involving theft of

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property will also now be arrest-eligible and bail-eligible, with limited exceptions for crimes of poverty. In addition, the "Desk Appearance Ticket loophole" will be closed, so that these provisions of law will apply to repeat offenses even if there has not yet been an arraignment for the first offense. Finally, all hate crimes that are not currently arrest-eligible will become arrest-eligible if the individual is eighteen or older.

### **Expanding Bail Eligibility for Gun Offenses**

The FY2023 Enacted Budget allows judges to set bail for all three felony gun offenses that are not currently bail-eligible: criminal sale of a firearm to a minor (265.16) and criminal possession of a defaced firearm (265.02(3)) will be fully bail-eligible, while criminal possession of an unloaded gun (265.01(b)) will become bail-eligible (and arrest-eligible) on a second offense. In addition, criminal possession of a gun on school grounds (265.01(a)) (commonly applied to unloaded guns), which is already bail-eligible but not arrest-eligible, will become arrest-eligible if the individual is eighteen years old or older.

### **Make it Easier to Prosecute Gun Trafficking**

The FY2023 Enacted Budget makes it easier to prosecute gun trafficking, which will facilitate the work of the Governor's newly established inter- and intra-state gun tracing consortium. The illegal sale of two or more guns within a year will now constitute a C felony (down from five guns), and the illegal sale of three or more guns within a year will now constitute a B felony (down from ten guns). In addition, possession of three or more guns (down from five) will constitute a presumption of the intent to sell, making it easier to bring forth these charges.

### **Fix the Discovery Statute**

The FY2023 Enacted Budget ensures that cases will not be automatically dismissed when prosecutors make belated discovery disclosures in good faith. Judges will assess the extent of the prejudice to the defendant created by any belated disclosure, and determine what, if any, sanctions are appropriate. In addition, automatic discovery will no longer apply to traffic infractions and other administrative tickets.

### **Close the "Raise the Age Loophole" and Provide Program Referrals to Juveniles on Release**

The FY2023 Enacted Budget closes the "Raise the Age loophole" and provides Family Court with jurisdiction over cases when 16- and 17-year-olds are charged with an offense but not arraigned until they are 18; currently these cases are dismissed due to lack of jurisdiction. Courts will also be required to provide referrals to programs and services to juveniles who are being released.

### **Extend and Improve Kendra's Law**

The FY2023 Enacted Budget extends Kendra's Law through 2027, and enacts the most significant substantive amendments to the law since it was overhauled in 2005. These amendments will make "assisted outpatient treatment" (AOT) orders function more effectively, remove procedural bars, and increase coordination

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between service providers. To better enable AOT hearings, physicians will now be able to testify virtually. Courts will be able to issue AOT orders for individuals whose symptoms have worsened. And hospitals will now be required to share patient information with the mental health professionals responsible for supervising AOT orders. Additionally, the state will conduct an independent study on mental health treatment outcomes for individuals on AOT compared to individuals receiving voluntary services by June 30, 2026.

### **Allows Judges to Require Mental Health Evaluations as a Condition of Pretrial Release**

The FY2023 Enacted Budget allows courts to order psychiatric assessment for individuals who appear, by clear and convincing evidence, to be mentally ill such that if left unattended their conduct may result in harm to themselves or others. Upon assessment and determination by a physician, individuals may be subject to involuntary commitment in accordance with the mental hygiene law. Additionally, judges will have access to assessment summaries to ensure compliance with any conditions of release, including essential treatment and services.

### **Invest in Mental Health Services and Treatment**

The Enacted Budget makes substantial investments in mental health crisis infrastructure, including:

- \$35 million to prepare New York for the nationwide launch of 9-8-8, the suicide prevention and behavioral health crisis hotline system, increasing to \$60 million in FY2024;
- \$55 million (\$27.5 million in State funds plus federal matching dollars) for hospitals to bring up to 1,000 inpatient psychiatric beds back online;
- \$11.3 million to launch the Governor's Safe Options Support (SOS) homeless outreach teams comprised of mental health specialists to conduct direct one-on-one outreach to New Yorkers experiencing homelessness, ramping up to the full annual investment of \$21.5 million starting in FY2024;
- \$12.5 million for 500 dedicated scattered site supportive housing beds to more quickly transition those in crisis from the streets, subways, and shelters to stable housing;
- An additional \$10 million in crisis response infrastructure investment;
- A restoration of \$10.2 million in funding for OMH State-Operated Psychiatric Centers to ensure adequate staffing and capacity; and
- \$9 million to launch a loan forgiveness program to recruit psychiatrists and psychiatric nurse practitioners.

In addition, the comprehensive housing capital plan in the Enacted Budget includes 10,000 units of supportive housing.

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## **Invest in Discovery and Pretrial Services**

The Budget includes \$90 million in new resources to support discovery reform implementation and pretrial services. This includes \$65 million in new investments to discovery that ensure public safety, including system-wide coordination, technology, expanded storage capabilities, and administrative support. It also includes \$25 million for pretrial services, alternative to incarceration services and reentry programs. These services include reminders and monitoring of court attendance, screening, and referrals for mental health and substance abuse treatment.

## **Cybersecurity**

Governor Hochul's historic proposal in this year's Budget for investment in New York State's cyber protections includes \$61.9 million for cybersecurity, doubling the previous investment. These investments will fund critical protections, including the expansion of the state's cyber Red Team program to provide additional penetration testing, an expanded phishing exercise program, vulnerability scanning and additional cyber incident response services. These investments help ensure that if one part of the network is attacked, the state can isolate and protect the rest of the system.

Also, as part of this proposal, the Governor is proposing a \$30 million "shared services" program to help local governments and other regional partners acquire and deploy high quality cybersecurity services to bolster their cyber defenses. The interconnected nature of the state's networks and IT programs means that attacks can quickly spread across the state. Many government entities often do not have the funding or resources necessary to protect their systems, some which provide critical services like healthcare, law enforcement, emergency management, water treatment, and unemployment insurance, to name a few.

Press Release: Governor's Office Apr. 9, 2022

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## **Retiring Soon?**

**You are still a valued member!**

**Check your NYSACOP Profile to ensure that  
your email and address preferences are updated so  
that you continue to receive our notifications and publications.**

**Go to the Members tab at [nychiefs.org](http://nychiefs.org)**



## **Joseph Cecile Named Syracuse Police Chief**

Syracuse Mayor Ben Walsh announced today that First Deputy Chief Joseph Cecile, a nearly four decade long veteran of the Syracuse Police Department (SPD), will be Syracuse's new Chief of Police.

Cecile assumes responsibility for the Department effective immediately. He has served as first deputy police chief to two prior chiefs of police covering a period of twelve years. He has been with the department for 37 years. Cecile's career has taken him through several policing units and divisions until his promotion to Deputy Chief in 2010 and First Deputy Chief in 2015.

"Joe Cecile is an innovative, collaborative and forward-thinking leader who motivates others to work toward successful solutions. He is respected by both members of the force and the community," said Syracuse Mayor Ben Walsh. "I have had the honor of working closely with Chief Cecile for the past decade and have seen his strength of character, leadership and commitment to the community up close and personal. It is for these reasons that I believe Joe Cecile will make an excellent Chief of Police for our City and is the right person to continue to lead."



Syracuse Mayor Ben Walsh (left) at a press conference announcing the appointment of Joseph Cecile (right) as the next Chief of Police.

City of Syracuse Press Release Photo

Cecile has a deep commitment to promoting sustainable, positive change through direct interactions with residents and stakeholders. Cecile sits on the Board of Directors at Salvation Army and Huntington Family Center, and is a committee member of the New York State Criminal Justice Reform and Reinvention Collaborative and the City of Syracuse Surveillance Technology Work Group. In addition, Cecile is a longtime member of International Association of Chiefs of Police, Police Executive Research Forum, Central New York Association of Chiefs of Police, Onondaga County Chapter of Chiefs of Police and sits on the Procedure Review Oversight Committee (PROC) for both the 911 Center and the County CNYLEADS Committee. He has served as First Deputy Chief since 2015.

"I want to thank the Mayor for his confidence in my ability to take on the role of Chief of Police. I am both honored and humbled to assume leadership of the Syracuse Police Department, a police department I consider to be one of the best trained, best outfitted, most professional and dedicated police departments in the entire nation," said Cecile.

Cecile's follows Chief of Police Kenton Buckner's announcement that is he resigning to pursue other opportu-

nities. He led the Syracuse Police Department since December 2018 and is credited with introducing major improvements to policing and public safety; including, the update of department policies and procedures based on best-in-class public safety practices; guiding the city through police reform and the pandemic; growing diversity on the force; launching a Police Athletic League; and strengthening police-community relations.

“Chief Buckner has served Syracuse with excellence during the past three years. During his tenure as chief, the Department has made major progress in its policies and procedures, recruiting and diversity on the force, and community engagement,” said Mayor Walsh. “He led our department through the challenges of the COVID-19 pandemic. I was proud to partner with him in embracing the police reform movement as an opportunity accelerate further improvements in police, public safety and community relations. Chief Buckner’s management style always looked to the future. Because of that, our department is strong and prepared to keep our community safe and continue the progress he began.”

*Press release, City of Syracuse*

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## **4th of July Impaired Driving Prevention Campaign**

We all love to celebrate the 4th of July with family, friends, food, and fireworks, but all too often the festivities turn tragic on our nation's roads. The fact is, this American holiday also brings increased drinking and impaired driving with potential deadly consequences:

In 2020, 493 people died in motor vehicle crashes over the July 4th holiday period (6 p.m. July 2 – 5:59 a.m. July 6, 2020). Forty-one percent (201) of those fatalities occurred in alcohol-impaired-driving crashes.

During the 2020 July 4th holiday period, 60% of those who died in alcohol-impaired crashes were in a crash involving at least one driver or motorcycle operator with a BAC at or above .15 — almost twice the legal limit in almost every state.

In 2019, 49% of drivers who were killed in crashes and were tested for drugs, tested positive.

Campaign materials [here](#)



## ***5 Police Officers Injured in Stolen Vehicle Case 3 Adolescent Offenders Charged***



On April 24, Nassau Police observed a stolen vehicle in Great Neck and after an attempt to pull the vehicle over, the vehicles driver intentionally collided with a marked police vehicle. The three occupants in the stolen vehicle proceeded westbound to the Long Island Expressway where they intentionally collided with another three police vehicles causing heavy damage to all four of them. Three police officers and two detectives were injured and are currently on medical leave. The three arrested are adolescent offenders between the age of 16 and 17 years old from Newark, New Jersey. Two of the arrested were released with ankle bracelets and one Arrestee was held due to an open warrant in New Jersey.

The Nassau County Police Department reminds all residents to remove their fobs and to lock their vehicles at all times to assist us in combating this increase in stolen automobiles.

Photo: Nassau police holding a press conference following the arrest of three suspects in a stolen vehicle investigation which left five NCPD officers injured when suspects intentionally crashed into police vehicles.

*Nassau County Police Department Facebook Page*

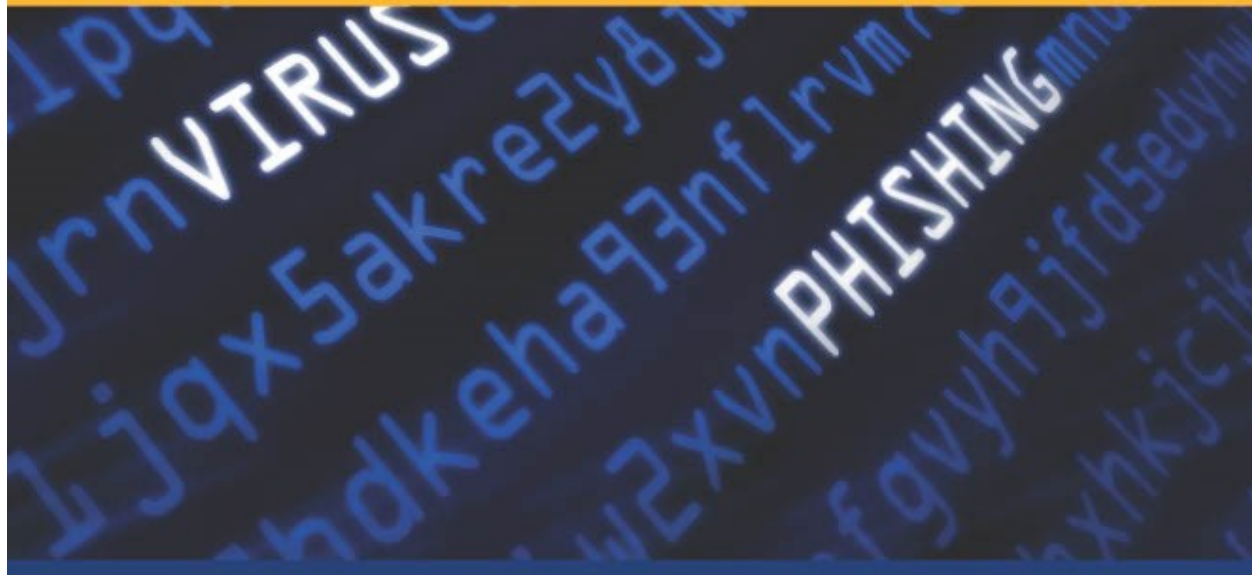




Counter  
Terrorism

Cyber Incident  
Response Team

Kathy Hochul  
Governor



## Phishing Attacks

**Phishing emails – or emails that appear to be from a legitimate source but are designed to infect your computer – are the #1 means of attack used by malicious cyber actors.**

- More than 9 in 10 cyber attacks start with a phishing email
- More than 75% of organizations say they experience phishing attacks
- More than half of all email is malicious email

**Here are some tips to help you detect and avoid a phishing attack:**

- Be suspicious of unsolicited emails, text messages, and phone calls
- Only open an email attachment if you are expecting it and know what it contains
- Know how to recognize valid emails
- Phishing emails can look like messages that you might not be surprised to receive
- Think before you click
- Verify the email
- Don't fall for scare tactics
- Make sure your computer, laptop, notepad, and smartphone are secure
- Keep your antivirus software up-to-date to detect and disable malicious programs, such as spyware or backdoor Trojans

**If you suspect a cyber incident, immediately contact:**

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**CIRT is an initiative of the New York State Division of Homeland Security and Emergency Services.  
For additional information, visit [dhses.ny.gov/cyber-incident-response-team](https://dhses.ny.gov/cyber-incident-response-team)**

*"If You See Something, Say Something®" used with permission of the NY Metropolitan Transportation Authority.*





Herkimer Police Department  
 Public Safety Complex  
 120 Green St  
 Herkimer, NY 13350  
 Chief Michael J Jory  
 Phone 315-866-4330 Fax 315-866-1005

**TO:** All New York State Law Enforcement Agencies  
**FROM:** Chief Michael Jory  
**DATE:** April 28, 2022  
**SUBJECT:** Law Enforcement Bicycle Patrol Course

The Herkimer Police Department is pleased to announce that it will be hosting a **Law Enforcement Bicycle Patrol Course**. Law enforcement agencies throughout the state are finding the addition of bicycle patrols to be a real asset to community policing through increased mobility of the officers and interaction with neighborhood residents. This course trains law enforcement personnel in the skills required to do patrol and enforcement activities from the modern mountain bike.

**Prerequisite:**

- Possess a high school diploma or its equivalent.
- Be a police or peace officer at the time of certification and have completed the appropriate MPTC basic course.
- If not a police or peace officer be sponsored by their employing police or peace officer agency (documentation is required).

**Location:**

- Herkimer Police Department, 120 Green St., Herkimer

**Dates:**

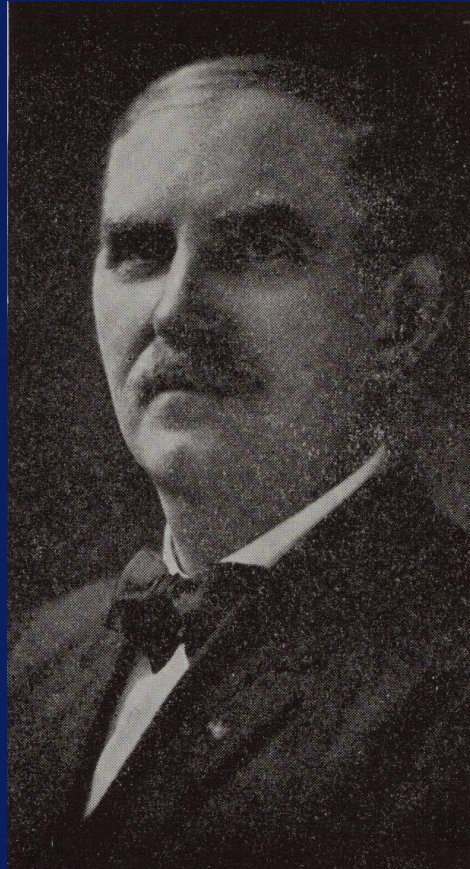
- May 23 – 27

**Flyer**

Seats are limited so please send your request for enrollment ASAP. Send enrollment requests to Sgt. Richard Bowman at [rib@village.herkimer.ny.us](mailto:rib@village.herkimer.ny.us). In your request please include: Name, DOB and Agency.

Directions to the training site and additional course information will be included in your confirmation email. If you have any questions about the training, please contact Sgt. Richard Bowman at (315)866-4330 or via the above email.

*Looking Back...*



*Chief Frederick Bowker of the Cortland Police Department  
NYSACOP Member in 1915*



# COP TALES

ASST. CHIEF/RET. BRIAN SMITH,  
CALIFORNIA HIGHWAY PATROL

## ***Why Is That Baby Lying There?***

On my first day as a Commander of a highway patrol office, I responded to a reported serious accident. When I arrived, I saw debris everywhere with a few cars scattered around. I exited my vehicle and started to approach the officers when I came upon a baby sleeping in his car seat in the center divider. I could not believe they would leave a baby all alone in the center divider. I called an officer over and asked why would we not be protecting the baby and who would leave a baby alone in the center divider. He looked at me and said, “Captain, the baby is dead.” He then showed me how the back of the baby’s head was missing. I was shocked to see it. I then advised him to at least cover the baby with a body blanket. Apparently, the car seat was not securely fastened in its base and when the car crashed, the seat flew out of the vehicle. The baby’s head skipped along the asphalt. I was told the mother who was driving was taken to the hospital with injuries along with her young daughter, but her twelve-year-old son and infant were killed in the accident.

I then responded to the hospital to talk to the mother. When I arrived, a priest was just walking out. I remember thinking how relieved I was that he made the death notifications to her. When I started to talk to her, I realized she didn’t know anything about the deaths. Apparently, the priest was just visiting someone in the next bed. I can’t even tell you how I felt telling her that her son and infant were killed in the crash. My stomach feels the same way now typing this as it did that day.

*The author served four years in the United States Marine Corps, and retired as an Assistant Chief with the California Highway Patrol. He resides in Bakersfield, CA. If you have a personal “Cop Tale” to share, please contact Brian at [bmsmith778@gmail.com](mailto:bmsmith778@gmail.com)*

## Training Calendar

*Check out these training opportunities specially selected for New York State law enforcement leaders; with links for registration and questions. DO you have a training event you would like to share? Email us at [APB@nychiefs.org](mailto:APB@nychiefs.org)*



MPTC Use of Force for Correction Officers [Online Training Questions](#)

ALERRT First Responder Medical Train the Trainer May 9-11  
[Register](#) [Questions](#)

2022 NYS Police Officers Memorial Remembrance Ceremony—May 10 [Invitation](#) [Instructions](#)

Fundamental Crisis Intervention Skills for Law Enforcement: Instructor Level Training - (Broome, Jefferson, Suffolk) - [Details and prerequisites](#)

Webinar- From Over the Counter: The Role of Prescription Drugs in Impaired Driving—May 13 [Info](#)  
[Register](#) [Questions](#)

Suicide Prevention, Intervention and Postvention (\$125) May 13-14 (Cheektowaga) [Registration Questions](#) [Curriculum Questions](#)

MPTC Defensive Tactics Instructor Course (Chautauqua) - May 16-27, 2022 [Register](#) [Questions](#)  
St. Lawrence Co. May 4; Monroe Co. May 12; Oneida Co. May 25 (All times 12N-4PM) [Register Questions](#)

RADAR/LIDAR Instructor Course - May 4 (Ontario Co.); May 25 (Dutchess Co.) [Register](#)

St. Lawrence Co. May 4; Monroe Co. May 12; Oneida Co. May 25 (All times 12N-4PM) [Register Questions](#)

Open-Source Intelligence - Oneida County: May 9-11, 2022 [Announcement](#) [Register](#) [Questions](#)

Street Gang Investigations May 9-11 NCTC [Info](#)

Mass Casualty Response—FBINAA; May 9-10 (Saratoga Spgs.) fees apply [Register](#)

Open-Source Intelligence (NCTC) - (various dates/locations) Free [Register](#) [Questions](#)

Street Gang Investigations (NCTC/free) May 9-11; Hilbert College, Hamburg NY. [Register](#) or call: 717-861-2070

IPTM Traffic Crash Reconstruction Course - Oneida Co.—May 9-13 and May 16-20, 2022  
[Announcement](#) [Register](#) [Questions](#)

(Continued on page 25)



(Continued from page 24)

ICISF Group Crisis  
Intervention (Onondaga  
Co.) Free May 17-18  
[Register](#) [Questions](#)

Police Bicycle Course—  
Herkimer PD—May 23-27  
[Information](#) [Flyer](#)

ICISF Suicide Prevention,  
Intervention, & Postvention - Monroe Co. (Free) May 26-27  
[Register](#) [Questions](#)

DWI Documentation and Testimony Course—Erie Co. June 14;  
Columbia Co. July 21; [Register](#) [Questions](#)

DRE Training/Certification—Phase I & II June 6-17 (Suffolk);  
Phase III Jax, FL June 26-Jul. 3 [Application](#) [Questions](#)

Drug Recognition Expert Training & Certification—Phase I &  
II: July 18-28 (Plattsburgh, NY); Phase III Aug. 7-14 (Phila.,  
PA) [Application](#) (due May 2) [Questions](#)

Basic Crime Prevention Through Environmental Design  
(CPTED) Training Course—[Monroe](#) Jun 21-23; [Rockland](#) Jul  
19-21; [Oneida](#) Aug 23-25; [Schenectady](#) Sep 20-22; [Questions](#)

New York State Assn. of Chiefs of Police Annual Training  
Conference (Glens Falls) July 24-27 [Brochure](#) [Main Track](#)  
[Police Exec Track](#) [Questions](#)

ALERRT Active Shooter Level 1- Train the Trainer  
(Westchester) June 20-24 [Register](#) [Questions](#)

Supervisor Leadership Institute (FBI-LEEDA) —June 20-24  
(Bath NY) [Info](#) [Register](#) [Questions](#)

Crisis Intervention Team Training—Aug. 8-12 Cortland Co.—  
[Info](#)

Interview and Interrogation Training Seminar—Sept. 15-16  
(9AM-5PM—Cortland Co.—[Info](#))

Public Safety Symposium—Detail and Registration to be  
announced soon—Sept. 27-29 [Questions](#) [Symposium Trailer](#)



## Welcome New Members

Chief Thomas Atkins  
Pelham Manor PD

Commissioner Robert Gazzola  
New Rochelle PD

Commissioner Joseph Gramaglia  
Buffalo PD

Chief Mark Kearns  
Ogdensburg PD

Commissioner Andrew Lauer  
Woodsburgh PD

Chief John Nikitopolous  
Frankfort PD

Lt. Sharon Rood  
Rome PD

David Brewer (Ret.)  
Suffolk Co. Parks PD

Officer (Ret.) Keith Hayner  
Albany PD

Dep. Chief Peter LaMarch  
NYC Department of  
Sanitation/Environmental PD

## Contact Us

Share your stories, photographs,  
comments and questions:

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Fax: 518-571-1212

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Visit us on the web at [www.nychiefs.org](http://www.nychiefs.org)  
New York State Association  
of Chiefs of Police  
3177 Latta Rd., # 230  
Rochester, NY 14612

## Officers & Staff

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Ilion Police Department

1st Vice President  
Chief Kevin Sylvester  
Ossining Police Department

2nd Vice President  
Chief Joseph Sinagra  
Saugerties Police Department

3rd Vice President  
Chief Shawn Heubusch  
Batavia Police Department

Executive Director:  
Chief (Ret.) Patrick Phelan

Director, Research, Development & Training:  
Chief (Ret.) Mark Spawn

Treasurer: Asst. Chief (Ret.) Stephen Conner

Immediate Past President  
Chief John Aresta  
Malverne Police Department

GTSC Liaison:  
Chief/Ret. Daniel Denz

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Chief Martin Flatley  
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Commissioner Kenneth O. Jackson  
Garden City Police Department

Zone 3  
Asst. Chief Sean Montgomery  
MTA

Zone 4  
Chief Gregory Austin  
Rye Brook Police Department

Zone 5  
Chief Dominick Blasko  
Crawford Police Department

Zone 6  
Chief Michael D. Woods  
Colonie Police Department

Zone 7  
Chief Michael J. Crowell  
Manlius Police Department

Zone 8  
Chief Patrick J. Garey  
Endicott Police Department

Zone 9  
vacant

Zone 10  
Chief Shane Krieger  
East Aurora Police Department

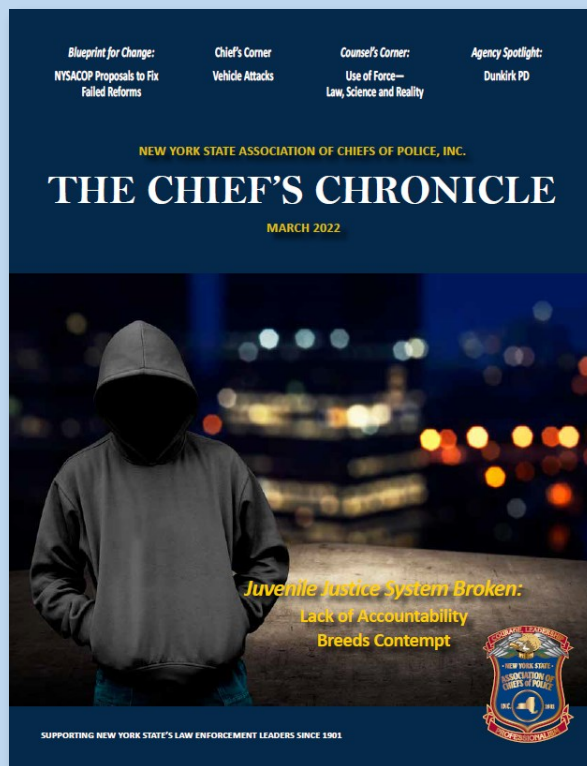
Retired Member Rep.  
Chief (Ret.) Joseph DelBianco/Mamaroneck

### Liaisons

U.S. Attorney's Ofc.—Chief (Ret.) Samuel M. Palmiere  
NYPD—Dep. Comm. Oleg Chernyavsky  
State University Police—Chief Chris Bartolomei

Check out the  
March edition  
of our  
magazine,  
*The Chief's  
Chronicle.*

Click on  
Publications  
at [nychiefs.org](http://nychiefs.org)



## Facebook Post of the Month

**City of Rye PD**  
Today, we swore in  
Auxiliary police officer  
Anthony Cassano. We  
are thankful for our  
Auxiliary police officers.  
They assist us with  
traffic details,  
community events,  
school/sporting events,  
and routine patrol.



4/20/2022