

CHIEFLY SPEAKING

Monthly Newsletter for New York State Law Enforcement Leaders

November 2021

NYSACOP Members Testify on Gun Violence Fix the Law; Allow Judicial Discretion



Law enforcement leaders address the Codes Committee of the New York State Legislature on the topic of gun violence.

testimony.

Commissioner Shea fended off aggressive questioning and provided thoughtful, insightful testimony regarding gun violence in New York City. He called for immediate

On October 14th, 2021, members of the New York State Association of Chiefs of Police (NYSACOP) were fortunate to have the opportunity to give testimony in front of the Codes Committee of the State Assembly. The hearing was scheduled to address gun violence and to address a provision of the Safe Act that created a database for ammunition sales but was put on hold and never enacted. Commissioner Dermot Shea (NYPD), Assistant Deputy Commissioner Oleg Chernyavsky (NYSACOP NYPD Liaison), Commissioner John Mueller (Yonkers PD/NYSACOP Major Cities Committee Chair), and Executive Director Patrick Phelan appeared before the Committee and gave

Continued on page 5



FROM THE PRESIDENT CHIEF TIMOTHY PARISI



Office of Law Enforcement Misconduct

What Law Enforcement Executives Need to Know

As most of you know New York State Executive Law Section 75 was enacted and went into effect on April 21st, 2021. The law created the Office of Law Enforcement Misconduct Investigation within the Office of the Attorney General and gives said department jurisdiction over all “covered agencies.” Covered agency is defined as an agency of any political subdivision within the state maintaining a police force or police forces of individuals defined as police officers in section 1.20 of the CPL. Exempt from the law are any agencies under the jurisdiction of the state inspector general, the metropolitan transit authority inspector general, or the port authority inspector general

The law also creates a head of the department, a Deputy Attorney General who shall be appointed by the Attorney General. The Attorney General recently appointed an attorney, Tyler Nims, to be the Deputy Attorney General in charge of the Office of Law Enforcement Misconduct Investigation. Mr. Nims was previously the Executive Director of “A More Just NY”, an independent commission on New York City criminal justice and incarceration reform. NYSACOP has been in conversations with Mr. Nims and established an open line of communication.

The mission of the law enforcement misconduct investigative office is to “review, study, audit and make recommendations relating to the operation, policies, programs, and practices including ongoing partnerships with other law enforcement agencies, of the state and local law enforcement agencies with the goal of enhancing the effectiveness of law enforcement, increasing public safety, protecting civil liberties and civil rights, ensuring compliance with constitutional protections and local, state, and federal laws, and increasing the public’s confidence in law enforcement.”

From a police executives’ standpoint, the most important sections of Executive Law 75 to be familiar with are section 5, subsection A and B. Both relate to reporting requirements.

Section 5 (a) reads, “Every officer or employee in a covered agency shall report promptly to the law enforcement misconduct investigative office any information concerning corruption, fraud, use of excessive force, criminal activity, conflicts of interest, or abuse by another officer or employee relating to his or her office or employment, or by a person having business dealings with the covered agency related to those dealings. The knowing failure of any officer or employee to so report shall be cause for removal from office

(Continued on page 4)

FROM THE EXECUTIVE DIRECTOR CHIEF/RET. PATRICK PHELAN



Civil Service Reform—Do Something

In 2020 the Board of Governors of the New York State Association of Chiefs of Police voted unanimously to include civil service reform in our legislative agenda. Not much has happened but police chiefs agree that there is a need for change in our civil service system as nothing about the current system seems to be working.

The bureaucracy

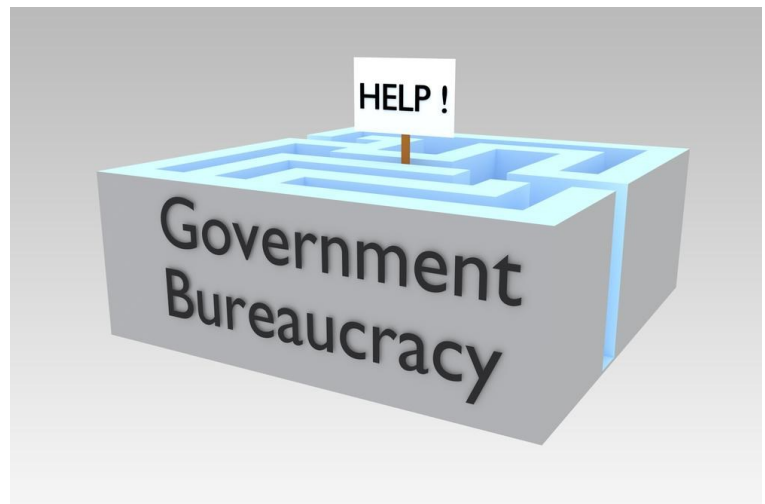
New York State Civil Service is a massive bureaucracy with all that bureaucracies bring. Bureaucrats who love to say no, and archaic rules that do not bend. Add the twist that the civil service process is administered in part by regional commissions, each with their own rules, systems, and unbending bureaucrats. The true irony of the civil service system is that it, in part, was created to prevent nepotism and favoritism. But who, in fact, most frequently navigates the system successfully? The children and relatives of those that have already navigated the system because they have an advisor to guide them through the wilderness of civil service.

That's not to say that cops' kids should not be cops, quite the opposite. But the system does not do what it is designed to do; it accomplishes the opposite.

The testing processes

Civil service exams for police officer/deputy sheriff are given every year, every other year, or every four years depending on where you stand in the state of New York. Recruiting for police jobs has become very difficult with the current climate in the country and the portrayal of police officers by the media and politicians. Add to it that you are recruiting people to take a test that is only given every other year or every four years and the

(Continued on page 8)



“...the system does not do what it is designed to do; it accomplishes the opposite.”

(Continued from page 2)

or employment, or other appropriate penalty.”

In discussions with Mr. Nims, we have brought up that many of the terms in section A are broad and subject to interpretation. Unfortunately, there is no further clarification. It is important to note that the statute cites “every officer or employee.” As we understand it through our conversations with Mr. Nims this section is intended to mandate that one employee report the actions of another employee who engages in activity that meets the definition of the terms in section A. The Office of Law Enforcement Misconduct Investigation (LEMI) will be providing further clarification and guidance on this section. However, in our conversations with Mr. Nims, he said that LEMI is drafting an agreement that agencies could enter into with the AG’s office to forward such complaints, so an officer would satisfy the legal requirement by reporting to the officer’s own agency.

Section 5 (b) states “upon receiving at least five complaints from five or more individuals relating to at least five separate incidents involving a certain officer or employee within two years, the head of any covered agency shall refer such complaints to the LEMI for review. The LEMI shall investigate such complaints to determine whether the subject officer or employee has engaged in a pattern or practice of misconduct, use of excessive force, or acts of dishonesty. The referral and investigation pursuant to this subdivision shall be in addition to and not supersede any civil, criminal, administrative or other action or proceeding relating to such complaints or the subject officer or employee.”

This section would appear to be fairly cut and dried with the exception of the fact that a “complaint” is not defined. Mr. Nims has advised us that the LEMI will ask all covered agencies to look back two years to April 2019 (two years before the law took effect) and report any employees that have received five or more complaints in that timeframe. We discussed with Mr. Nims the fact that many agencies do not document minor complaints and therefore would not be able to meet the requirement going back to 2019. It does not appear that the lack of records for minor complaints will have adverse consequences for the agency. However, agencies that do not document minor complaints will need to begin doing so in order to comply with the law. Mr. Nims advises that the LEMI hopes to have an electronic reporting mechanism in place soon but does not at the present time. The LEMI will be providing an Excel template for reporting in the near future along with guidance on reporting requirements.

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Mr. Nims has confirmed that, as stated in the law, the reporting of any activity to the LEMI does not preclude the agency from an in-house investigation. So internal investigations can proceed and do not have to be put on hold awaiting the outcome of a LEMI investigation.

NYSACOP is involved in ongoing meetings with Mr. Nims and will provide further updates as they become available. We will also be facilitating meetings between Mr. Nims and our members.

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amendments to recently enacted bail laws, discovery laws, and Raise the Age legislation. Shea stated, “I support the need for reforming these laws but certain provisions in the new laws have skewed the system in favor of those arrested for crimes and recidivist criminals at the expense of crime victims.” Commissioner Shea called for the complete elimination of cash bail, allowing judges to release an offender either with conditions, without conditions, or remand. Shea produced staggering statistics, noting, “Last year 88% of those arrested with a gun were released back onto the street within hours, this year the number stands at 82%.” The

Commissioner added, “Last year 50% of those arrested for shooting a gun were released within hours or sometimes days of that event; this year the number is 57%. The only way to correct this issue is to amend the law, to allow judges to consider the level of danger that an arrestee poses to the public. New York State is the only state in the nation that does not allow its judges to consider some form of dangerousness or risk to public safety when considering whether to remand or release defendants.”

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Comm. Dermot Shea, NYPD

On Raise the Age, Commissioner Shea stated pointed out two major issues that the law change created. The Family Court Act was never updated to allow Youth Part judges

access to a juvenile’s Family Court record when deciding whether to remove a felony case to the Family Court. The result is that juveniles accused of multiple felony crimes appear as perpetual first offenders with multiple felony cases removed to Family Court. The second is that Youth Part judges were not granted the ability to remove a case to family court based on a public safety risk. Commissioner Shea called on the Legislature to amend the law so that judges have a complete and accurate picture when considering cases. Commissioner Shea cited a 50% increase in juvenile gun arrests. On discovery reform, Shea cited the following four issues:

The requirement to turn over the identity of witnesses and victims to the defense within 3 to 5 weeks. “Our detectives have now had a significant number of cases that cannot be solved due to the lack of witnesses’ willingness to cooperate due simply to fear of reprisal and their own safety.” The Commissioner called for a staggered discovery process.

Second, the new discovery law calling for all “related” materials, whether or not it is relevant. “The related standard is so broad that the failure to produce insignificant and duplicative information can result in the dismissal of a serious case based on technical grounds.”

(Continued on page 6)

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Third, prosecutors cannot certify that they are “ready for trial” unless all related paperwork has been provided to the defense. If prosecutors certify ready for trial and a duplicative and irrelevant document is discovered 6 months after arraignment, the case gets dismissed.

Four, plea bargains are no longer permissible under the new law unless the defendant waives discovery or discovery has been completed. This necessitates a great deal of work for municipalities to provide volumes of paperwork that is not necessary to make an informed decision and for cases that will not go to trial.

Commissioner Shea said, “If left unchanged those discovery laws will not reform the system for the better, they’ll break it.”

Commissioner Mueller highlighted some solutions to the bail reform and Raise the Age laws that have resulted in record crime increases in New York State. Mueller stressed that gun violence in Yonkers is being driven almost exclusively by 16 and 17 year old offenders. He pointed out the “perennial first offender issue pointing out a surge of gang violence using 16 and 17 year old shooters. Mueller suggested an *in camera* hearing involving the judge, defense, and the prosecutor in the judge’s chambers to ask for a private unsealing of records allowing the judge only to see the previous offenses of the offender. Commissioner Mueller pointed out that 16 and 17 year old offenders are being exploited by older gang members who refer to them as “holsters” indicating that they can hold the guns because there are no consequences for doing so if apprehended. Mueller told the Committee that law enforcement supports long term restorative solutions to youth violence issues and pointed out that we all look forward to a day when youth violence is not an issue. But he added, “what about tonight? What do we do tonight to prevent gun violence?”

In his testimony Executive Director Phelan said, “As part of my job, I talk every day to Chiefs from all corners of New York; from Suffolk to Buffalo, Syracuse to New York City, Albany to Rochester, and the towns and villages in between. Over the years, one common theme became clear to us in these conversations; the system was not adequately serving the victims of crime, particularly young victims, and even the young offenders who go through a revolving door of a system which does not do nearly enough to make sure they do not fall through the cracks. You were right to focus legislation on fixing this inequitable system, but the changes to the law have not had the desired effects.” The Commissioners said that bail and discovery laws need to change to keep New Yorkers safe and protect victims and witnesses, while also treating the accused fairly. They urged for rational bail reforms that would not keep poor defendants behind bars when

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

(Continued on page 7)

(Continued from page 6)

an identical, richer defendant could walk out of jail after arraignment, while also keeping communities safe from the worst of the worst regardless of their ability to post bail. Commissioner Shea noted, “What we needed were rational discovery reforms that would give defendants adequate and timely access to relevant evidence to allow for a more educated plea bargain, while at the same time protecting witnesses and victims from dangerous criminals. A reformed discovery law that would also not unduly burden police departments and District Attorney’s offices with onerous, burdensome and meaningless discovery requirements that would kill solid cases against dangerous felons on technicalities. What we needed were rational reforms in the way young people were treated within the criminal justice system, while also recognizing the unfortunate reality that a small number of youths do habitually endanger those around them.”

Commissioner Shea, Commissioner Mueller, and Executive Director Phelan all took a very positive approach and tone, and all stated that they wished to be a partner with the legislature to work together to help keep New York safe. The full hearing can be viewed online at <https://nyassembly.gov/av/hearings/>

Resources for Addressing Vicarious Trauma from the Office for Victims of Crime

The Office of Justice Programs (OJP) Office for Victims of Crime (OVC) has developed a comprehensive toolkit to support professionals in the field of trauma services who are consistently exposed to the traumatic experiences of others – known as vicarious trauma. The *Vicarious Trauma Toolkit* includes tools and resources to support organizations in addressing vicarious trauma within their organizations and occupations. Resources include strategies for creating vicarious trauma-informed organizations and the Vicarious Trauma – Organizational Readiness Guide (VT—ORG).

The *Vicarious Trauma Toolkit* (VTT) was developed on the premise that exposure to the traumatic experiences of other people—known as **vicarious trauma**—is an inevitable

occupational challenge for the fields of victim services, emergency medical services, fire services, law enforcement, and other allied professionals; however, organizations can mitigate the potentially negative effects of trauma exposure by becoming vicarious trauma-informed.

View the [toolkit](#) to learn more.



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task becomes almost impossible. How are we expected to recruit someone to the profession and then explain to them that in 18 months they can take a test and then wait three to four months for the results? Then, when we are ready to hire, we will send them a canvass letter if they scored a high enough score on the exam. Assuming we still have the right address after two years and they return the canvass letter in time, we can then start the rigorous background process. It's amazing we ever hire anyone at all.

The rule of three

Let's focus on hiring first. I used to explain this to people when I was a Chief and questioned about the lack of diversity in my department. Although we all know how this works it behooves us to put it in writing. When I wanted to hire police officers, I would have to call the county civil service commission and ask for a list of eligible candidates. These are people who have passed the test. The list may have 50, 75, let's say 100 names on it (a nice round number for discussion.) Those one hundred people are the only one hundred people on planet earth that I can even consider hiring. But it gets better, I can only start the process with those that scored 100 or 95 on the exam. Let say there are twenty of them since usually the greater numbers are those who received 90, 85, or 80. So to begin the process we invite those twenty people to a physical agility exam. In my jurisdiction we were not allowed to give our own physical agility, the county had to administer the test we were only allowed to observe. Also in my jurisdiction the average for the physical agility was that 50% of those invited did not show up and 50% of those who showed up failed. So out of those twenty that we started with there are five left, and that's just the first test. Then we have the medical exam which includes a drug test and a psychological exam. If we are lucky, we will have 3 candidates left after these exams. Boy, I hope those three are really good! Also I have absolutely no control whatsoever as to whether or not those three remaining candidates are white males, no control. Now we can begin a background investigation which most likely will eliminate at least two of those three, so we have one candidate left. Assuming he or she is suitable in every other way, and we only need one officer I guess we are ok, but if we need more than one, we have to start all over again. Keeping in mind that the aforementioned process takes a few months, let's hope we don't have a deadline looming for the beginning of a police academy. If we are lucky and this is all working, we can now start all over with the 90's and invite them to the physical agility where 50% will not show up and 50% of those who show up will fail.

To make this part of the process even more frustrating. If something is found in the background or identified in the psychological exam about one of the candidates, he/she can't just simply be removed from the list. Depending on the rules of your particular commission you may have to ask this candidate to sign off the list in order to pass him/her on the list. And to sign off again and again every time you canvass the list.

Of course, when it comes to promotions, we have the same problems. The civil service commission provides us with a list and there are three names of people we are allowed to promote. We may not want to promote any of the three. Too bad, you have to pick one of them. Once again if we were running a company, we would

(Continued on page 9)

(Continued from page 8)

consider a number of qualities when promoting employees: work ethic, quality of work product, ethics, integrity, professionalism, attitude, demeanor... we could go on for a while. You could even consider the diversity of your workplace. But in the police world you get three names, that's it. Just pick one and shut up.

So, the problems are pretty clear, and the system does not lend itself to diversity. But what are the answers? Consensus on the problems may be much easier to find than consensus on the solutions to the problem. Here are some ideas:

Alternatives

One of the obvious solutions to the infrequency of the exam is to give the test more often. Rather than once a year, every other year, or every four years we could give the test far more frequently. Every six months? More often? Why not, it would be much easier to recruit. There could simply be multiple lists in play at the same time. The simple solution to the difficulty of recruiting for a test that is given not frequently enough is to give the test more frequently.

Make the test pass/fail. Why not? The test for police officer/deputy sheriff is not that specifically geared to police work anyway. It tests reading comprehension and general intelligence. Why not just test for a minimum standard and one either passes or they don't? This would at least allow us to draw candidates from everyone that passed the test, not just those that scored 100, then 95, then 90... Creating a larger pool of candidates creates more opportunities for the employer and creates more opportunities for diversity.

Eliminate the test altogether? It's seems a bit extreme but it is something to consider. The test limits the number of candidates and creates boundaries for hiring. The elimination of testing would allow the freedom to go out and recruit a candidate and decide to hire them or not, much like a Fortune 500 company would do. What does the test really do for us?

Now some Chiefs can get a little sensitive about the next thought, but it is something to consider. What about the physical agility exam? Should the standards be relaxed? I think we probably all agree that there needs to be some sort of physical standard for hiring a police officer. We certainly don't want someone who's fitness level is so poor that they are a danger to themselves and unable to help others. But is the standard right? Probably the most common reasons for failure in my experience are the sit-up and the run. What I find particularly

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(Continued on page 10)

(Continued from page 9)

frustrating is the amount of failure that is so close. In other words, the candidate needs to do 30 sit ups and they only do 29 in the allotted time. Keeping in mind that they may have done thirty-five, but the instructor did not count 6 of them because he felt they were done improperly. Now if you need to do 30 sit ups and you can only do five, well thanks for trying. But if you can do 29 and not 30, do I really want to immediately eliminate you from the process? It seems a little extreme and I think we are losing a lot of good candidates because of it. Why not relax the standards slightly so that we are testing a general fitness level for hiring, and then requiring that you meet another, higher fitness level before graduation from the academy? That way we are not abandoning the concept of fitness, but we are also not excluding people because of how many sit ups they can complete to an instructor's standards. Personally, when hiring, I am looking for people that are smart, compassionate and possess good interpersonal skills. Do I care if they can do 29 perfect sit ups or 30? I do not.

There is widespread agreement that the civil service system needs to change. I'm sure there are a lot of other good ideas for change that have not been touched on in this article. The point is that the conversation needs to take place and action needs to be taken. The future of law enforcement depends on it. For too long we have been doing the same thing over and over again and expecting different results. It's time for change.

Singletary Running for Congress

On November 4th, 2021, La'Ron Singletary announced his candidacy for New York's 25th Congressional District. His campaign website says, "La'Ron ... is eager to reform systems that have been plaguing our residents. Empowering our families with school choice, improving our educational system, and expanding business opportunities to help our residents thrive. On the topic of public safety, Singletary said, "The primary role of government is to provide for the safety and protection of its citizens. As a former Chief of Police, I support good policing and stand by our brave men and women in uniform. Police Officers serve selflessly to ensure that citizens have a fundamental right to be safe in their communities. We cannot demonize, demoralize, nor defund our police departments and then turn around and ask for better policing. Change requires resources." On the Second Amendment, Singletary said, "I will support and defend the right of Americans to protect and defend themselves. The right to bear arms is a fundamental Constitutional right. Shall Not Be Infringed, means Shall Not Be Infringed." Learn more about La'Ron Singletary's platform at Singletary4Congress.com



Former Rochester Police Chief
La'Ron Singletary Recently
Announced Bid for Congress

Photo: Singletary4Congress

REAL RISK MANAGEMENT

BY GORDON GRAHAM



A Shortsighted View of the Future

Editor's note: This is the latest installment in the Real Risk Management series, designed to introduce the breadth and depth of risk management by organizing risk into 10 Families. To request earlier articles from the series, please contact Shannon Pieper, Lexipol Sr. Director of Marketing Content, at 949/276-9938 or spieper@lexipol.com.

Gordon Graham here and hello again. In this article I will move on to Family 10 of the 10 Families of Risk—Political Risks. If you recall my comments on Family One—External Risks many articles ago, I identified those risks as the most difficult family of risks we face. Oddly enough, Family 10 is the second-most difficult family of risks we face. Like external risks, we have very little control over politicians, yet they have great control over our society.

Allow me to digress before getting into my thoughts on politicians. I will assume that after 18 months of COVID issues and all the restrictions on travel and meetings that you have spent more time at home, and perhaps more time watching television. You have finished Netflix and Prime and do not want to pay more money for monthly subscriptions. You're unable to find a rerun of *CHiPs* (perhaps the greatest TV show ever) on ME TV and you need a laugh. What can you do?

Go to any search engine and type in “famous quotes about politicians.” You will be very busy for quite a while reading some very, very funny and simultaneously sad quotes from various people about politicians. By the way, in preparation for this article I spent considerable time reading these various ramblings and while I have several favorites, this one tops my list:

“The difference between a politician and a statesman is that a politician thinks about the next election while the statesman thinks about the next generation.”

These words are attributed to James Freeman Clarke, a theologian and author from the mid-1800s. I chose this as my favorite quote (although there are many other quotes that are hilarious) because Mr. Clarke's quote is the most accurate of the lot.

(Continued on page 12)

(Continued from page 11)

Earlier in this series I wrote about Family Three—Strategic Risks, which focuses on the importance of looking into the future and proactively addressing issues. In that article I bemoaned how shortsighted too many people are—how for many of them the future is Friday and the distant future is next Friday. I also wrote about my mother. She had no formal education beyond high school, but she was brilliant in so many ways, including preparing for the future. She saw things decades in advance and took action to address them proactively. Every time I see someone my age typing on a keyboard using two fingers instead of 10 fingers, I remember how my mom enrolled me in typing school in my early teens.

How it is that she was able to do this—and so many of our highly educated politicians (many of them lawyers from top-notch institutions) are unable to do so? In some of my recent writings in this series I mentioned the idiocy demonstrated by so many politicians in the last year who jumped on the “defund police” bandwagon or the incredibly irresponsible “abolish the police” train. Were they really thinking about the next generation—or were they thinking about the next election? Are they completely unaware of how violent people in our society can be, how many murders we suffer every week in major cities, how many violent crime victims we have? The police are trying to keep the good people in our society from being harmed or murdered by bad people—and you want to do away with them? I am not the brightest bulb on the tree, but even I could see that one coming.

In many areas, the result of this shortsighted thinking was a dramatic increase in violent crime—murders up, carjackings up, robberies up, sexual assaults up. Very quickly many of the politicians saw this rise in crime might impact their next election and changed their tune. But there are still some pushing a “defund police” agenda, blaming the increased crime on COVID. I will probably not be alive to witness this, but my guess is that in future decades a writer will cite the idiocy of 2020 and the attacks on police agencies and how crime increased dramatically as an example of shortsighted thinking among politicians. And maybe in their research they will find this article in some future type of search engine and say, “How is it that this retired motorcop figured this out when the elected intellectuals did not see this coming? And some of them wanted to actually blame the tremendous increase in violent crime on COVID!?” That will be funnier than watching “Ponch” (you young kids will have to look that up) trying to ride a motorcycle and talk on the radio at the same time.

...I bemoaned how shortsighted too many people are—how for many of them the future is Friday and the distant future is next Friday.

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As long as we are on this topic of the future, look at the mess in Afghanistan! I recognize the risk of even talking about this BUT way, way, way back in the '80s I read a book by former President Richard Nixon entitled *No More Vietnams*. Whether you like Nixon or hate him, his words in this book were so prescient. I wonder how many politicians in any party have read this book over the last 20 years and learned from the mistakes made in Southeast Asia in the '60s and '70s.

So what can we do to influence our collective future in a positive way? That will be our focus in my next article. I will give you a hint: Please remember that you are not just a cop. You are a citizen and you vote for people who will be running things. More on this next month. Until then, please work safely and remember how critical your role is in our society.

Timely Takeaway Hint—Have you ever visited PFI – Police Futurists International? I am a huge fan of this site as there are some very, very smart people all with a background in law enforcement talking about the future of our profession.

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.

Conference Planning Survey

If you have not already done so, please take a couple minutes to respond to our survey about the scheduling of our annual training conference. Emails were sent to all active and retired members during the last week of October seeking your opinion on the timing of our premiere event.

When scheduling our annual conferences, several issues are considered to ensure that we get the best price possible. We take into consideration the cost of lodging, travel, activities, food and beverage in our analysis. Obviously, the more scenic destinations are more costly during peak times, particularly in July when we usually hold our conference. Please let us know which times during the summer would generally be most convenient for you and your ability to attend the annual NYSACOP conference. Click [here](#) or scan the QR code to begin the survey.



Utica Police Arrest Man Reported to Have Sawed-Off Shotgun in Store

When a Walmart customer noticed a man in the store with a gun protruding from his pocket, he reported it to a store employee. According to police reports, the employee had already taken notice of the man who was acting erratically and appeared to be under the influence. The employee alerted the store manager who locked down the store and summoned police.

As Utica police arrived at the Walmart store they noticed a man matching the description who was then outside of the store and appeared to be avoiding arriving police units. The subject, later identified as Ryan Doliver, age 28, walked around a shipping container where police confronted and detained him. Officers searched the area around the shipping container finding a BB gun. As officers

placed Doliver in the back of a patrol car, he told officers, “Yo, I want my book bag.” Doliver

indicated that he may have left it in the store. Police went inside the store and retraced Doliver’s route described by witnesses. In one of the aisles they located a backpack and a sawed-off shotgun. In addition to the shotgun, police also recovered a 12 gauge shotgun slug. Utica police commended the Walmart customers for immediately notifying staff. Police also praised the prompt actions of Walmart staff in keeping their store safe.



Sawed-off shotgun allegedly possessed by Ryan Doliver inside a Utica Walmart store.

Photo: Utica PD



Ryan Doliver, charged with Criminal Possession of a Weapon 3rd degree and Criminal Possession of a Weapon 2nd Degree (loaded firearm).

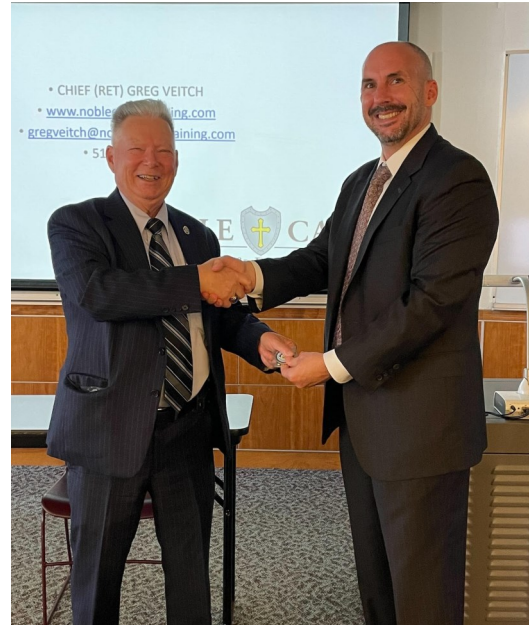
Photo: Utica PD

Dutchess County Chiefs of Police Leadership Training

Police leaders in Dutchess County recently hosted a special training course in law enforcement leadership. Presented by Chief/Ret. Greg Veitch, the course covers the four core pillars of a police organization: Leaders, Followers, Culture, and Mission. It is crucial for police leaders to focus their attention to these areas in order to achieve both short-term and long-term success, Sponsored by the Dutchess County Association of Chiefs of Police, the event was held at Dutchess Community College with 43 supervisors in attendance, representing 14 agencies from throughout the county.

S.A./Ret. Nick Valhos, President of the Dutchess County Assn. of Chiefs of Police noted that there is nothing more valuable to an organization than solid leadership. He said, “It is important for the public to be aware that we are moving forward in the current environment, and leadership is one aspect of many.”

Valhos added, “We will continue working to face these challenges of policing, keeping Dutchess County communities and our police officers safe.”



SA/Ret. Nick Valhos, President of Dutchess County Assn. of Chiefs of Police, with Chief/Ret/ Greg Veitch, Instructor for Police Leadership Training

Photo: Dutchess Co. Chiefs Member

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Looking Back...



Swearing in of NYSACOP President William E. Ecroyd (Chief/ Haverstraw PD) in 1978 at the Concord Hotel.

George Strait Song Honors Those on the Front Lines

Music Video Features New York State First Responders

The King of Country Music honored first responders with the release of a song and music video. According to George Strait’s official website, *The Weight of the Badge* was launched on October 28, First Responders Day, as a tribute to the nation’s selfless emergency workers. Strait’s website said, “The video focuses on stories and moments of our nation’s first responders and their families, giving some insight on what it means to live everyday bearing the weight of the badge.” The video made its premiere at the 20th anniversary gala for the First Responders Children's Foundation in New York City. Among those featured in the video is NYSACOP Second Vice President Joseph Sinagra (pictured below). George Strait said, “the men and women in this music video are our friends and neighbors who carry The Weight of the Badge each day. Thank you. We appreciate you and the sacrifices you and your families make.”

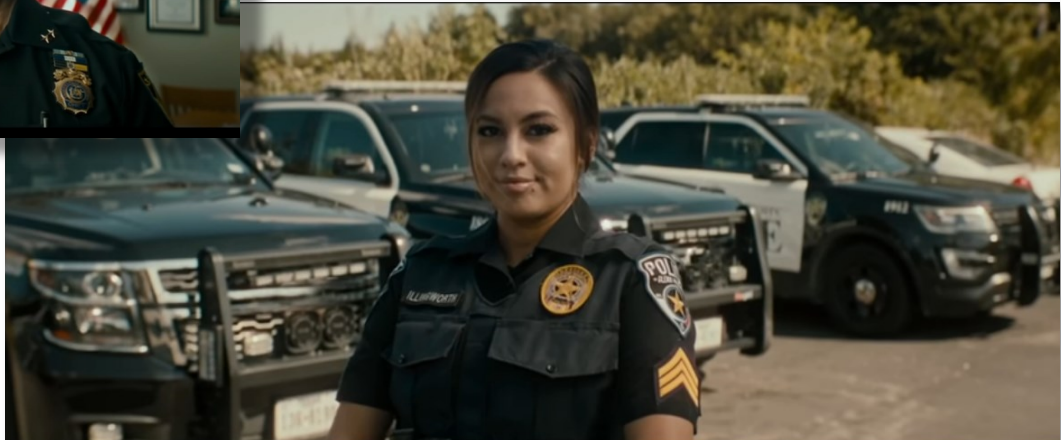
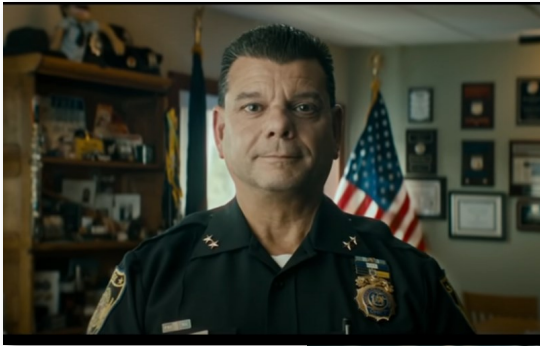


Photo excerpts from music video; Watch the video on YouTube by clicking the images above or this [link](#).



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Assemblyman Will Barclay Speaks Out on Failed Bail Reform



William A. Barclay
NY Assembly
Minority Leader
Assembly Dist. 120

It could not be more apparent that the criminal justice “reforms” being championed by the liberal Majority Conferences are creating a dangerous environment for New Yorkers. One need only open their local newspaper to document the myriad failures and backfires of these policies. Residents in my district were forced to experience them firsthand this week as we witnessed one individual terrorizing our neighborhoods and getting arrested four times in less than a day.

Bryan Salazar, a 25-year-old man from Del Rio, Texas, was arrested and released on three separate occasions over the course of a 24-hour period before finally being held with bail for felony burglary and grand larceny. Prior to his last arrest, which was the result of Salazar breaking into a construction office in Whitestown, the Texan had been arraigned not 10 minutes prior for another burglary charge.

The many accusations levied against the man include breaking into a car dealership, stealing a mobility scooter from a local Walmart and trespassing into the home of a nearby resident. Each time Salazar was arrested, he was released back into the community.

I have repeatedly warned my colleagues in the Majority the overhauling of the bail system and taking away the authority of judges to hold defendants was going to make New York less safe. Stories like Bryan Salazar’s have become commonplace, and the ugliest parts of criminal justice “reform” championed by the liberal lawmakers are being exposed every day. Additionally, another misguided component of Democrats’ “reforms” – one that called for criminal defendants to have access to crime scenes, including the homes of the individuals they were accused of victimizing – was fortunately struck down as unconstitutional by the New York State Supreme Court.

Simply put, Democrats have created a system that protects and emboldens criminals to continue to repeatedly commit crimes. These so-called “reforms” were pitched to the public as a way to alleviate some of the pressure on the prison system and ensure poor individuals were treated fairly in the courts. These are laudable goals, but unfortunately have no correlation to the illogical and misguided policies currently in place.

New York is less safe than it was just a few years ago, and it is the job of the Legislature and governor to protect every single person they represent. Right now, that is not happening. We cannot continue to let New York slip any further. The criminal element here is operating unchecked, and it is long past time for a drastic overhaul of the policies and procedures governing our criminal justice system. Without that overhaul, I have no doubt we will be reading about another Bryan Salazar terrorizing another community next week.

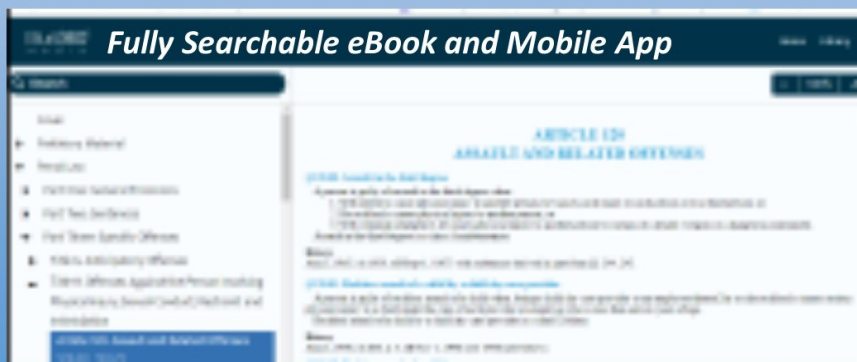
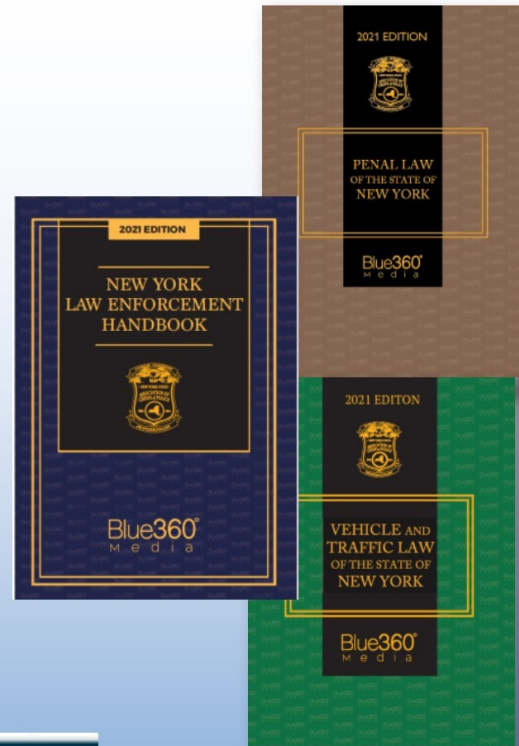


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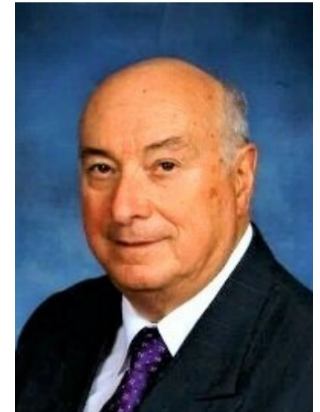
Last months' winner of a free New York State Law Enforcement Handbook was Chief Michael Martin (Pulaski PD) for correctly answering our monthly trivia question. Congratulations Chief Martin! —your free New York State Law Enforcement Handbook is on the way from Blue 360° Media!



NYSACOP President's Father Passes

Daniel Parisi, father of NYSACOP President Timothy Parisi (Chief, Ilion PD), passed away on October 16, 2021. Below is the obituary from Enea Family Funeral Homes.

DOLGEVILLE - Daniel Parisi was born in Buffalo NY to Domenic and Philomena (Basile) Parisi, in 1938. He passed to the loving hands of God on Saturday evening, October 16, 2021, in Utica, New York. He was the beloved husband of Rose Marie (Antonucci) Parisi. He is predeceased by his older siblings: Anthony, Vito, Jane and sisters-in-law and brothers-in-law. He leaves his children: Daniel J. and Lucie (Elliott) Parisi, Timothy and Heidi (Jones) Parisi, Rebecca (Parisi) and Christopher Gushue, Sr. He will be greatly missed by his grandchildren: Bethany (Parisi) and David Lavoie, Jr., Dominick Parisi, Rachel (Parisi) and Miller Tooley, Hannah (Parisi) and Jarrett Ingerham, Joshua Gushue, Andrew Parisi, Jacob Parisi and Christopher Gushue, Jr. He is also survived by his sisters, Angelina (Parisi) Romano and Marie (Parisi) Perrello; his in-laws, Louis and Nancy Antonucci, Angelina (Antonucci) and Daniel Perri and Marietta (Antonucci) Pileggi. Dan was loved by his many nieces and nephews. After graduating Burgard Vocational high school, he became a licensed aircraft mechanic by the Civil Aeronautics Authority. He attended Zion Bible Institute, graduating with a diploma in Bible and Theology, in 1959. He then proceeded to Pine Crest Bible School. During his attendance there he met the love of his life, Rose Marie, during missionary services. They got married and he continued his education at Barrington College, RI where he graduated with 2 degrees, BA of Elementary Education and Bible and Theology in, 1964. Dan and Rose Marie returned to Dolgeville after graduating accepting a teaching position in Dolgeville prior to accepting a position at West Canada Valley Central Schools where he taught for 28 years. He also accepted the Senior Pastor position at Little Falls Assembly of God Church, in 1964. Dan was ordained in 1968. He retired from Sr. Pastor, in 2003. Dan remained a faithful servant of God through his outreach ministries including 6 missionary trips to Mexico and serving as the NY District Central Section Secretary. Dan touched many lives and all who met him called him friend. He was always kind, you never heard him speaking negatively about others. He always had advice and guidance to share even if you were not willing to listen. Music was always an instrumental part of his life. Participating in choirs and Gospel bands. Rose Marie was never able to get Dan in the kitchen to cook but he was always there supporting each of his children and grandchildren in all their sports and activities.



Daniel Parisi
1938-2021

Instead of flowers, donations to First Assembly of God Church, Little Falls, NY would be much appreciated by the family. Funeral services were held on October 23, 2021 at the First Assembly of God Church, Little Falls, NY.



COP TALES

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

Active Shooter

One day when I was a state highway patrol commander, I was in my unmarked patrol car when I observed a vehicle pass another vehicle using the right shoulder. I stopped the vehicle and made a right-side approach. When I looked at the driver, I noticed he was a middle-aged man wearing a nice dress shirt and tie with nice socks and dress shoes, but he was wearing gym shorts. His dress shirt was tucked into his shorts.

I asked him where he was going, and he politely said, "I'm going to work." Then his attitude changed, and he said, "Well, it's not my work anymore. Those *&^% fired me for no reason and look at all these bills I have." He then showed me a bunch of envelopes and even removed a couple to show the words "Second Notice".

I looked in the rear seat and I observed a large gym bag with the barrel of a rifle sticking out. I called for a back-up unit as I watched him. We got him out of the vehicle and handcuffed him. When we looked in the bag, there were several weapons and thousands of rounds of ammunition. It was obvious he was on his way to shoot up his workplace. A potentially serious active shooter incident was foiled due to a simple traffic violation.

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

Hiring Standards and Decertification Reporting

Important News for New York State Police Executives

In October, Deputy Commissioner Michael R. Wood of the New York State Division of Criminal Justice Services issued a memorandum to New York State Police Executives about two particular provisions of the New York State Professional Policing Act of 2021. The memo distills the essential parts of various law changes impacting the hiring and decertification processes. Toward the end of this article is an advisory about amendments proposed to certain regulations: 9 NYCRR Part 6000 and Part 6056, published in the Department of State Register on October 20, 2021 and open for public comment. **For New York State police leaders, this is your opportunity to be heard on the proposed amendments.** The sections are available on the DCJS website main page <https://criminaljustice.ny.gov> under 'What's New'.

On April 19, 2021, the "New York State Professional Policing Act (PPA) of 2021" was signed into law effectuating revisions and updates to numerous statutes in relation to the policing profession. Among several statutory changes, the PPA includes amendments to Executive Law (EXL) §§ 840, 845, General Municipal Law (GML) §209q, Civil Service Law (CSL) § 58 and Criminal Procedure Law (CPL) § 1.20(34) that will directly impact hiring standards and decertification reporting effective October 16, 2021.



**Division of Criminal
Justice Services**

Hiring Standards

Amendments to Executive Law §840(2) and a new (2-b) directed the Municipal Police Training Council (MPTC) to establish minimum hiring standards for all new hires. Impending changes to Part 6000 of Title 9 of the Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR), codify requirements for all municipal police employers as it relates to background investigations and psychological standards under 9 NYCRR §§6000.10 and 6000.11, respectively. Again, these changes are effective October 16, 2021.

Pursuant to 9 NYCRR §6000.10(a), the appointing agency shall ensure a thorough background investigation is conducted by an experienced investigator to determine the candidate's moral fitness for employment as a police officer. The background investigation procedures set forth in paragraph (b) shall include, but not be limited to:

- Comprehensive application and personal history statement;
- Fingerprint-based criminal history check;
- Review of information from family members, DMV, and others etc. as outlined in Section 6000.10(b)(3);
- In-person interview; and
- Search of the Central State Registry of Police and Peace Officer (Registry) and the National Decertification Index (NDI).

Further, 9 NYCRR § 6000.11(a) requires each candidate to be evaluated by a qualified psychologist or

(Continued on page 23)

(Continued from page 22)

psychiatrist to determine whether the candidate is psychologically fit to perform the essential functions of a police officer. The psychological assessment must include the following:

- Screening for psychopathological disorders, personality characteristics, and substance abuse problems;
- Use of validated written tests;
- Required interview process [9 NYCRR § 6000.11(b)] and
- Psychological assessment report and recommendation.

An employer can choose to exempt a candidate from the psychological assessment if they possess a valid police training certificate pursuant to GML 209-q.

Please be advised any hiring process that commences on or after October 16, 2021, subject to Civil Service Law § 58, Criminal Procedure Law §1.20 (34) and Executive Law §840, must satisfy all of the abovementioned hiring standard requirements. All employers will be required to attest to compliance on the new DCJS Police Officer Registry Entry Form – Certification of Initial Employment (2214a) available here: <https://drive.google.com/file/d/10SalQF7RnnNJdEr4Eiiz7CReDIVr3G0-/view?usp=sharing>

In order to conduct a search of the Registry, an agency must provide the candidate(s) full name, date of birth and last four digits of their social security number to the following email address:

ops.registry.record.search@dcjs.ny.gov .

Additionally, the following web link provides information on police and peace officer decertification; including an excel document updated monthly that contains decertification data as reported to DCJS by employers: https://www.criminaljustice.ny.gov/Officer_Decertification.htm

The data contained on the spreadsheet is reported to the NDI. For access to the NDI, please submit your request by utilizing the following link: www.iadlest.org/our-services/ndi/request-ndi-access .

Decertification Reporting

Statutory amendments included in the PPA made significant changes to the decertification process with an eye toward enhancing decertification standards. 9 NYCRR Part 6056 has been amended to reflect those changes as follows:

- Section 6056.2(h)(1): redefines removal for cause based on clearly defined conduct;
- Section 6056.7: authorizes the DCJS Commissioner to correct any material inaccuracies reported by an employer after providing an opportunity to correct the inaccuracy and an opportunity to be heard; and
- Section 6056.4(f): a basic training certificate awarded under GML §209-q(1)(b) may be permanently invalidated upon a police officer's removal for cause.

As a reminder, police employers still make removal for cause determinations pursuant to regulation, and an officer continues to retain local due process rights. The determination by the local department must be

(Continued on page 25)

Welcome New Members

Administrative Sergeant
Patrick Tenaglia
Monroe PD

Chief William Ohnmeiss
Ellicott PD

Sgt./Ret. Christopher Broich
Southampton PD

Calendar of Events



NYS Domestic Violence Fatality Review Team (webinar recording): Recognizing Lethality Risk in Domestic Violence Cases and the Role of Law Enforcement” [View here](#)

Fundamental Crisis Intervention Skills for LE: Instructor Level Training - Erie, Monroe and Oneida Counties (various dates—see link) [Link](#) [Questions](#)

Suicide Prevention in County Jails and Police Lockups: Instructor Level Training - Erie, Monroe, Oneida and Suffolk Counties [Link](#) [Questions](#)

ICISF Advanced Assisting Individuals in Crisis - Chautauqua and Schoharie Cos.—Nov. 2-3, Dec. 2-3 [Register](#) [Announcement](#) [Questions](#)

Use of Force Updates/2 Day Refresher: NYC—Nov. 19-20 [Registration](#) [Questions](#)

Post Critical Incident Seminar (Saratoga Co.) - Dec. 6-8 [Registration](#) [Questions](#) [Information](#)

DCJS Defensive Tactics Booster Training Series—Jefferson: December 1-2; Niagara: December 13-14 [Link](#) [Questions](#)

Breath Analysis Operator Student Course—Broome County - Nov. 16-18; Dutchess County—Dec. 8-10 [Register](#) [Questions](#)

Property/Evidence Room Management Course
Rockland County **FULL** (Nov. 3-4); Monroe County **FULL** (Dec. 1-2); Oneida County (Feb. 1-2); Nassau Co. (Feb 24-25); Saratoga County (Mar. 1-2) Erie Co. (Mar. 22-23) [Announcement](#) [Registration](#) [Questions](#)

Reality Based Training Instructor Course—Oswego Co.; Nov. 8-12 [Registration](#) [Questions](#)

Commercial Vehicle Enforcement Training - Oneida (Nov. 10-12) and Westchester (Mar. 9-11, 2022) Counties [Information](#) [Register](#) [Questions](#)

ALERRT Active Attack Integrated Response Course Train-the-Trainer—Albany Co., Dec. 6-10 [Registration Form](#)

(Continued on page 26)

(Continued from page 23)

reported to DCJS, but DCJS does not collect details about specific incidents or conduct leading to reporting under these regulations. Any legal advice should be sought and provided by your municipal attorney or similar authority.

Please be advised the amendments to 9 NYCRR Parts 6000 and 6056 were published in issue 42 of the Department of State Register on October 20, 2021 for public comment. In the meantime, copies are enclosed for your reference. *[Ed/ note: amendments to 9 NYCRR Part 6000 and 6056 are available at <https://criminaljustice.ny.gov> – main page, under ‘What’s New’]*

Questions regarding compliance with the amended hiring standards or decertification reporting regulations should be directed to David Mahany via e-mail at davej.mahany@dcjs.ny.gov .

DCJS Memorandum, October 8, 2021

Securing Communities Against Hate Crimes Funding Available

Applications due by noon on Friday, Jan. 7, 2022

The Division of Criminal Justice Services seeks proposals to fund safety and security projects at nonprofit organizations at risk of hate crimes or attacks because of their ideology, beliefs or mission. Approximately \$25 million is available to fund approximately 500 projects throughout New York State.

[Request for Proposals \(RFP\)](#)

[Press Release](#)



Fingerprint Processing Equipment Funding Available

The Division of Criminal Justice Services has \$1.7 million in federal funding available to law enforcement agencies for the purchase of Livescan fingerprint processing equipment.

Applications for this grant funding are due by **Noon on Tuesday, Nov. 16, 2021**; agencies must provide a 25 percent match for grants funded through this request for proposals (RFP).

Any questions about this RFP will be accepted through Wednesday, Oct. 20, 2021. Answers will be posted on the [Grants / Funding page](#) on or about Tuesday, Oct 26, 2021.

[Livescan RFP](#)



(Continued from page 24)

Post Critical Incident Seminar—Saratoga Co. Dec. 6-8 [Registration](#) [Questions](#)

Disability Awareness for LE Instructor Level Training—various virtual and in-person dates; [Information](#) [Registration](#) [Questions](#)

Ethics and Professionalism Workshop Training—Erie (Dec. 21); Onondaga – (Dec. 22); Warren – Jan. 21; Westchester – Feb. 21. [Announcement](#) [Registration](#) [Questions](#)

Crash Management Course Training Series - various levels at [Oneida](#) and [Dutchess](#) Counties (2021-2022) [Questions](#)

IPTM Pedestrian/Bicycle Crash Investigation Course :
Saratoga Co. – Jan. 24 - 28; Westchester Co. – June 27 – July 1;
[Ped/Bike Course Registration](#) [Motorcycle Course Registration](#)
[Announcement](#) [Questions](#)



Contact Us

Share your stories, photographs, comments and questions:

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New York State Association

of Chiefs of Police

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Facebook Post of the Month



GREENBURGH, NY POLICE

It's #BreastCancerAwareness Month! We #WearPink to remind all of our loved ones the importance of self-exams and regular physicals. (10/08/2021).

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Saugerties Police Department

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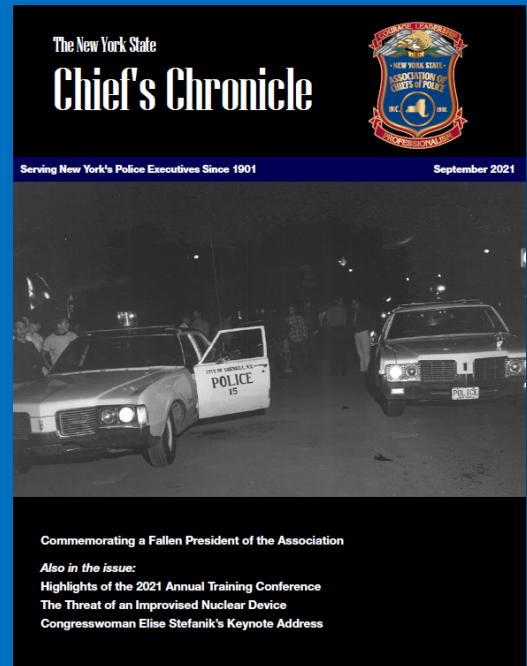
Chief (Ret.) Samuel M. Palmiere

NYPD

Dep. Comm. Oleg Chernyavsky

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

Click on
Publications
at nychiefs.org



NEW MEMBER INCENTIVE: NO DUES FOR BALANCE OF 2021

Join your colleagues throughout New York State now! The New York State Association of Chiefs of Police is offering a one-time incentive for free membership to New Active Members for the balance of 2021.

A new member will then be billed for their annual membership at the beginning of 2022 in the amount of \$175.

[Join Questions](#)

