

# Chiefly Speaking...

Monthly newsletter of the  
New York State Association of Chiefs of Police, Inc.



July 2021

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## FROM THE PRESIDENT

We are just a few weeks away from our annual training conference. I thought it would be an ideal opportunity to highlight the conference from a personal perspective. While you will find an outstanding line up of speakers and all the events in our conference brochure, what you will not find is the profound impact the conference can have on your professional and personal life. Since attending my first conference in 2005, and only missing one conference since that time, I found great value in all that the conference has to offer. First and foremost, the training topics are selected to address relevant and emerging issues in law enforcement. While the information is fresh in your mind, on the breaks and during other events



**Chief Timothy Parisi**  
President  
New York State  
Assn. of Chiefs of Police

(Continued on page 2)

## JUST DAYS AWAY!

### NYSACOP Conference Announcement

Detail of our scheduled presentations and activities at this year's annual training conference along with hotel and registration information links.

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**2021 ANNUAL TRAINING CONFERENCE**  
NEW YORK STATE ASSN. OF CHIEFS OF POLICE, INC.

### SUPERIOR TRAINING FOR TODAY'S POLICE EXECUTIVES

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

The annual training conference brings together police leaders intent on learning, sharing, and shaping our shared profession. Our esteemed speakers will be discussing a variety of issues, particularly, events from the past year which continue to impact the way we do our jobs. Presentations will also cover areas of officer wellness, professional development, and leadership. We are joined by exhibitors showcasing the latest in technology, products and services. These opportunities are available to answer your questions about their services to assist you in your job.

Throughout the week we will have special presentations from special leaders in policing including NY FD Commissioner Daniel Shea, Congressman Elise Stefanik (R-NY), President Jim Buche of the National Police Foundation, District Attorney Sandra Danczyk, DCJS Executive Deputy Commissioner Michael Green, and Deputy Commissioner Michael Wood. Delegates will hear informative presentations from Chief Ron Kravich, Esq. on contemporary legal issues, Chief Ron Gregory Vetch on police leadership, Chief of the Attorney General's Office of Special Investigations Randolph Hill on investigations of police-involved deaths, and a special traffic safety presentation.

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

For: June 14, 2021

*(Continued from page 1)*

***There is immeasurable value in gathering with diverse law enforcement executives from across the state to learn, to deliberate and socialize.***

there are conversation opportunities available with other law enforcement executives from all over the state. Opportunities to discover some of the how, what, when, where and whys with others that may have already had an experience. In addition, all the events are rife with opportunities to meet new friends and reconnect with old ones. Think about being able to put face to a name when you need to make that phone call across the state for some information. How about the vast amount knowledge and professional experience spread across the state you might not otherwise have encountered? And sharing your own experiences with your colleagues? There is immeasurable value in gathering with diverse law enforcement executives from across the state to learn, to deliberate and socialize. There is something for everyone who seeks to expand their professional capacity, and in turn, employ that expansion for the advancement of their department. It's all here at the NYSACOP Annual Training Conference. The larger the crowd, the larger the network; and the larger the network, the stronger the voice. Hope to see you there, to meet you if I haven't already, and to reconnect with friends.

## **JOIN US!**

**July 25-28, 2021**

Annual Training Conference of the New York State Association of Chiefs of Police at the historic Queensbury Hotel, Glens Falls, New York



## FROM THE EXECUTIVE DIRECTOR

### *Legislative agenda makes more sense every day*

In December of 2020 the NYSACOP Board of Governors voted on and agreed to a set of legislative priorities. Rather than address every legislative need and problem the Board came up with four simple priorities that could be accomplished with legislation. These priorities were published in January 2021 and sent to every member of the Assembly. Six months later these priorities make even more sense and it makes one wonder why our legislators wouldn't be embracing these ideas to help keep their constituents safe and improve the quality of policing in their districts.

### *Give Judges the option of remand for possessing illegal guns*

Rather than asking for a complete rollback of bail reform, NYSACOP proposed a very fair compromise and asked the Legislature to give judges the option of remand for defendants charged with possessing illegal guns. This would address the issue of gun violence and still allow cashless bail for what the legislators call "low level non-violent crime". It made sense in January and now six months later, every major city in New York has seen a dramatic increase in gun violence. While politicians search for answers to the out-of-control violence, one tool is to simply allow judges to have the option of remand for those arrested for possessing illegal guns. This would put the people who are committing these acts of violence in jail rather than releasing them back out onto the street where they can obtain another gun and then shoot someone with it. This is not a Republican or Democrat issue, this is a safety issue. As the bodies pile up, we need to do something to keep people safe.

### *Allow Youth Part judges access to juvenile records*

The lack of access to juvenile records creates a perpetual first offender status for defendants coming before the Youth Part of criminal courts. In other words, as teenagers get arrested for gun crimes the judge in the Youth Part has no access to juvenile records making the defendant appear to be a first offender when, in reality, they may have multiple arrests for the same crime. The case can then be moved to family court and adjudicated. The record is then private and there is an endless cycle making older teens who engaged in violent crime perpetual first offenders. Simply allowing judges access to juvenile records will give them the information they need to make intelligent and appropriate decisions. This goes hand in hand with the first priority of remand for gun crimes to address public safety and gun violence at a time when it is out of control in New York.



**Chief/Ret. Patrick Phelan**  
**Executive Director**  
**New York State**  
**Assn. of Chiefs of Police**

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## Deputy Makes Miraculous Catch of Baby Infant Thrown at Police by Father During Foot Pursuit

Indian River County, Florida deputies had no idea what was about to happen when they attempted to stop a motorist who failed to maintain his lane. It was about 6:30 PM on May 26, 2021 when Deputy McKay (Indian River County, FL SO), in an unmarked unit, attempted to stop the driver but soon gave up the chase as the situation did not meet their pursuit policy. McKay and backup units continued to observe the subject and at one point reactivated emergency lights. The driver accelerated, and again, deputies discontinued pursuit. With the assistance of a helicopter deputies began to work on setting up a perimeter. While observing the suspect, the driver travelled through a side yard past one of the deputies' cars. Back into pursuit mode, Deputy Seldes attempted a PIT maneuver but the driver managed to drive into a grassy area and then back onto city streets. Again, the pursuit was discontinued with deputies continuing to observe the vehicle. Then, the suspect collided with Deputy McKay's vehicle. With the pursuit on again, stop sticks were successfully deployed, and the suspect drove into an apartment complex. When the driver bailed out of the vehicle deputies saw the suspect holding a baby by its arm. It was then that deputies realized the suspect had the 2-month-old infant in the vehicle throughout the entire pursuit in which the driver drove recklessly to evade police. Deputies chased the man on foot through the apartment complex, and according to police reports, "while running through the breezeway, and in a further attempt to elude law enforcement, the suspect turned and threw his child at Deputy Curby with no regard for the child's safety." The report continued, "Deputy Curby successfully caught the infant and brought him to the front of the building." Other deputies subdued the driver who continued to resist, even kicking one of the deputies. The suspect, 32 year old John H. James III of Vero Beach, Florida was charged with 2 counts of aggravated child abuse, 2 counts of aggravated battery on a law enforcement officer, aggravated battery on a LEO with a deadly weapon, felony flee and elude, resisting arrest with violence, reckless driving, and failure to drive with a single lane.

Source: [https://ircsheriff.org/storage/uploads/public\\_records/4ad4a11554f527a2a28cb9ca4117c441.pdf](https://ircsheriff.org/storage/uploads/public_records/4ad4a11554f527a2a28cb9ca4117c441.pdf)



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## Former SUNY Geneseo Police Chief Passes

Waterford - Thomas Jay Kilcullen, 63, died peacefully Saturday, June 5, 2021, after a long illness.

Born in Ticonderoga, NY, he was son of the late Thomas John Kilcullen and Elizabeth Ruth Dobert Kilcullen and former husband of Barbara Kilcullen of Waterford. He was raised in Averill Park and was a graduate of Averill Park High School, Hudson Valley Community College class of 1975 and Southern Vermont College where he earned his Bachelor's Degree in Criminal Justice in 1979.

For the past 40 years, Tom was employed by State University of New York police, serving as Assistant Chief at SUNY Albany and retired as Chief of Police at SUNY Geneseo in 2020. He also served as President of the SUNY Police Chiefs Association.

Survivors in addition to Barbara Kilcullen include a son, Matthew (Chanti) Kilcullen, Clifton Park; a daughter, Erin (Timothy) Wells, Middlebury, CT; a sister, Donna Kilcullen, Atlanta, GA; three grandchildren, Elijah, Henry and Georgia Wells and many nieces, nephews, cousins and friends.

Services were held on June 12, 2021 at the Bryce Funeral Home, Inc. Troy on and at St. Henry's Church in Averill Park where a Mass of Christian Burial was celebrated by Rev. Thomas F. Holmes.

In lieu of flowers contributions may be made in memory of Thomas Jay Kilcullen to the Special Olympics of New York 94 New Karner Rd., Albany, NY 12203.

Source: <https://www.brycefuneralhome.com/obituary/Thomas-Kilcullen>



Thomas Jay Kilcullen  
Chief of Police/Ret.  
SUNY Geneseo



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Follow us  
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### ***Civil Service Reform***

Every police department in New York is working very hard to hire a more diverse workforce and create an inclusive police department that is more representative of the communities we serve. The civil service system creates hurdles and roadblocks in that process. The testing process, rule of 3, physical agility and other rules make for a very rigid hiring process. The lack of flexibility can make hiring diverse candidates impossible. The politicians and their



Pond5

friends in the media are quick to point out the lack of diversity on our departments. But when we suggest an actual solution they could not react more slowly. The civil service only complicates the hiring process and does little else, we all know that. Reforming this system would give us a chance. The antiquated system that was created to protect against favoritism and nepotism does the exact opposite. As chiefs we are told who we are allowed to hire by a board that often has no affiliation with our agency. We are given a short list from a system that is rigid and difficult to navigate. Not to mention it originates from a test that is given too infrequently and that less and less people of any color are taking. We ask that the legislature reform civil service to a more flexible, agile system allowing law enforcement executives the latitude to hire the right candidates.

***The antiquated system that was created to protect against favoritism and nepotism does the exact opposite.***

### ***Funding for Training***

The legislature has placed many demands on local law enforcement as has the governor through executive order. There are pressing training needs for New York's law enforcement officers. De-escalation, fair and impartial policing, new and safer defensive tactics are just some of the training needs. We can probably all agree that there can never be too much training for law enforcement and we can always be better trained. But training police officers is very expensive. Very few people in government take the time to try to understand the real costs of training. We all know how expensive training cops

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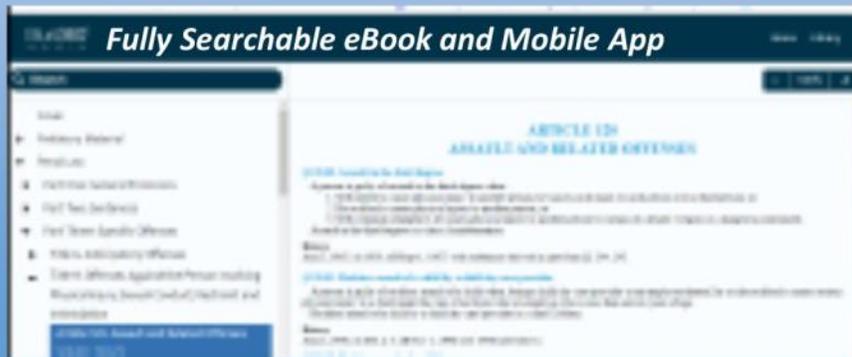
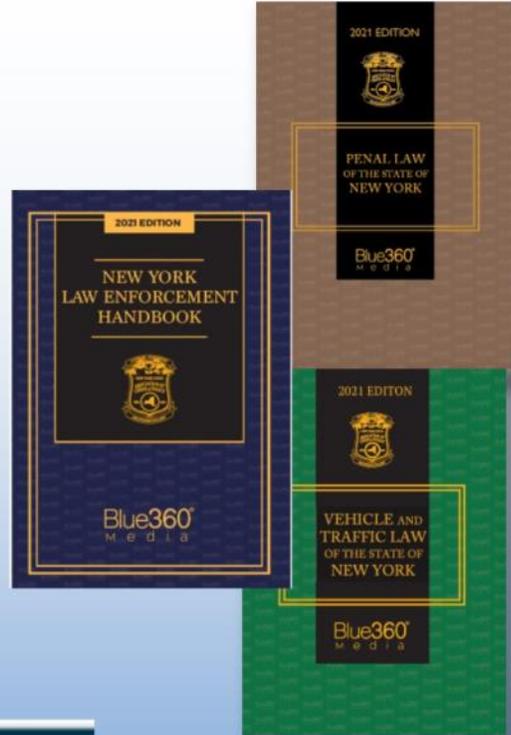


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Watch for our monthly trivia question upon the release of each edition of *Chiefly Speaking* for your chance to win a free copy of the New York State Law Enforcement Handbook.

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can be. The backfilling of operations alone can be a backbreaking cost, let alone per diems and other contractual training costs. Not to mention the cost of the trainer. I think we can all agree that we would like to train our officers more. Give them new training and consistently update the training they have already received. This is a very simple way to improve the overall quality of policing. The training is available. The trainers are available, the cops are available. All we need is the money to pay for it. Very few local municipalities can afford to increase their training budget. We need the state to allocate resources for training for police officers. If we truly want to improve the quality of law enforcement and reimagine our police departments we have to make an investment in police training.

These very simple and reasonable requests just make sense. They are not inflammatory or political. We simply ask for legislative relief to improve the quality of our policing and help make people safe. We need to start working together and start finding middle ground that we can agree on. Stop the war on the police and let's work together as public servants to do our job and keep people safe.

*Very few local municipalities can afford to increase their training budget. We need the state to allocate resources for training for police officers.*

## Preliminary Fallen Officer Fatalities 2021

A Comparison of Officer Fatalities from Jan 1. – Jul. 5, 2020 to Jan. 1—Jul. 5, 2021

	2020	2021	% Change
Total Fatalities	147	155	+5%
Firearms-related	28	28	0%
Traffic-related	26	38	+46%
Other Causes	93	89	-4%

Source: National Law Enforcement Officers Memorial Fund; <https://nleomf.org/preliminary-fatalities>; Accessed July 5, 2021

## *Real Risk Management*

# *Fundraising or Fraud? The Risks Involved in Charitable Donations*

**By Gordon Graham**

“Gordon Graham here and I am calling on behalf of Police Helpers Anonymous and I would like to speak to ask you for a donation to this great cause. Are you aware of how many police officers are killed every year? When a police officer dies, the families have immediate needs, and that is what Police Helpers Anonymous is all about. Would you feel comfortable making a donation of \$100 to help the child of a murdered police officer?”

Gordon Graham here—for real this time. Have you received a phone call that sounds like the one above? At the risk of digressing, I recently had a death in my extended family and in the process of finalizing the estate I learned the deceased (an elderly woman) had been writing checks to “police charities”—charities I had never heard of. These charities were totally bogus—just a scam to separate this woman on a fixed income from her money. As far as I could learn, NOTHING of her donation went to anything doing with police personnel or their departments. It was a total scam!

Perhaps it is because of my having been active in law enforcement for many years, I find it offensive that some crook would prey on elderly people for any bogus scam (children, veterans, firefighters, nurses or disabled people)—but particularly offensive when the scam involves something like “the families of murdered police personnel” in paragraph one above. That is disgusting.

To be fair, there are a lot of law enforcement charities out there, and most give at least some of the donated money to help law enforcement personnel. But what percentage goes to overhead and fundraising costs? CharityWatch (an organization that keeps an eye on these things) advises that at least 75% of the donation should go to direct aid.

Let’s take a look at some major non-law enforcement charities. The Salvation Army (seriously a good bunch of people) website says their overhead and fundraising costs are 18%, while the Red Cross is even lower at 9%. On the other hand, many of you may recall the uproar a few years ago about the Wounded Warrior Foundation which (according to many news articles) spends 60% of monies donated on vets while the Disabled American Veterans Charitable Service Trust spends 96% and Fisher House spends 91% on the needs of veterans (Mrs. G and I recently made a donation to them; what a great



Gordon Graham

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charity).

At the other end of the spectrum, there are some charities that are, in my thinking, fake. Now, Madame Editor will not allow me to mention them by name for fear of massive litigation, but these are the groups referenced in paragraph two above. The costs involved in running these “charities” eat up 90+% of the monies donated. This is wrong—but in the world we live in, it is to be expected that there are bad people with bad hearts who do things like this.

Now, let’s move to the focus of this article. One would expect that when a law enforcement (or other public safety) agency runs the charity, there would be none of this type of dishonesty or skullduggery involved. Sadly, this is not always a correct assumption. I am aware of various cases from around our nation where gifts given to police agencies to benefit those in need end up in the homes or pockets of employees of the given agency. This, too, is disgusting!

Let’s go all the way back to the start of this series of articles on risk management. Whatever you are doing or thinking about doing, the first question is, “What is the risk involved in this?” If there is a risk, can the risk be eliminated? If I were in charge of a police department, there would be no direct giving to my department. Rather I would (with the assistance of staff and members of the community) identify existing charities with great track records (read: organizations with low overhead costs and expenses that provide goods and services consistent with the intent of the donor) and ask donors to give directly to the charity of their choice. Also, from an optics standpoint, it just looks better to have a separate proven charity receive funds rather than a police department.

But if your department chooses to accept gifts and funds to benefit people, you must have very, very specific control measures to ensure 100% of the donation gets to the intended recipients.

In closing, if you do receive the call mentioned in the opening paragraph from that mysterious Mr. Graham seeking a donation, your first question should be, “Can you please tell me how much of my donation goes to benefit law enforcement officers and their families?” Watch how quick the caller will hang up and go to an easier target, recognizing you are aware of their scam. If they do not hang up and give you a number, ask, “Where can I find proof of that?” That should guarantee the end of the call.

In my next article, I will address some issues involving reputation risks and how to address them proactively. Until then, please work safely.

*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](mailto:Lexipol Sr. Director of Marketing Content), at 949/276-9938 or [spieper@lexipol.com](mailto:spieper@lexipol.com).*



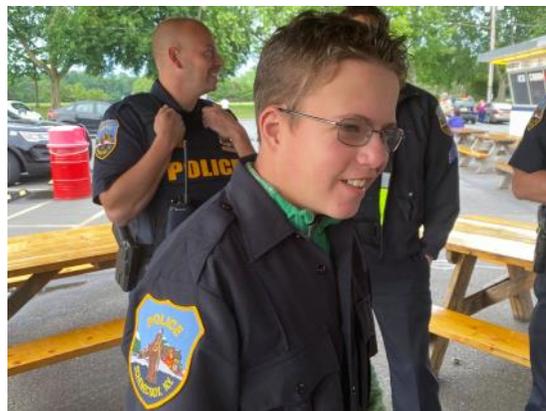
## Making Wishes Come True

With pandemic restrictions being lifted, Schenectady and Scotia police were finally able to help make a young man's dream come true. Connor's ambition is to become a police officer, so officers from both departments launched a plan to give him a front seat to the job. According to Schenectady PD's Facebook page, "Last year we were asked by CAP COM Federal Credit Union and Make-A-Wish Northeast New York to help create a wish for Connor, a young man from Glenville who wants to be a police officer. With the pandemic halting many of our community activities,



**Connor gets an up-close and personal tour of a Schenectady PD cruiser.**

Photo: Facebook, Make-a-Wish Northeast New York



**Connor, donning his own custom Schenectady PD uniform, meets with police officers at Jumpin' Jacks. Make-a-Wish arranged for Schenectady and Scotia police to help make Connor's wish come true.**

Photo: Facebook, Schenectady PD

we had to delay our plans for a bit. That was

until last night, when we had a chance to meet Connor and his family in person at Jumpin' Jacks!" The post continues, "We had ice cream, laughed, and took tours of the police cars, along with our friends from the Village of Scotia Police Department." Police also provided Connor with a custom Schenectady PD uniform, something, they say, e will need for some additional events that police have planned for him in the summer.

## RECOMMEND A COLLEAGUE FOR MEMBERSHIP TO THE NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE

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Membership open to Chiefs, Commanders, Superintendents and certain command staff of local, county, state, university, tribal, and federal (within NYS) law enforcement.

## City of Batavia Urging Change to Bail Reform Law

Revolving Door Affects Community Safety; Citizens Reluctant to Become Involved

*Chiefly Speaking* exclusive

Photo: pond5

The Common Council of the City of Batavia is sending an [official letter](#) to Governor Cuomo and other elected leaders to let them know how bail reform is having a serious impact on their community. New York State's bail laws were substantially changed effective January 1, 2020 requiring the release of defendants without bail for many crimes. But after an outcry during the first weeks of the new practice, an amendment was made in April 2020, and effective in July 2020, permitting bail or remand in cases of any crime resulting in death, sexual performance by a child, sex trafficking, weapons possession, and certain hate crimes. Also included in the amendment was bail jumping and escape, previously not eligible for bail or remand.<sup>1</sup> Even before the law became effective, there was much criticism of the legislation from law enforcement, foreseeing a detrimental impact on community safety and repeat offenders.

Batavia Police Chief Shawn Heubusch told *Chiefly Speaking* that his jurisdiction has experienced repeat offenders which have caused a dramatic impact in parts of the community. "There was a couple notable offenders over the past year where they were out on ROR and committed multiple crimes while out." Chief Heubusch noted that the bail reform law has also influenced the level of

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cooperation they are used to seeing from citizens. “We’re actually seeing people less cooperative than they used to be, victims and witnesses (who are) unwilling to come forward and speak or sign statements or sign charges because they know it’s just an appearance ticket and they’ll be back in the neighborhood causing issues.”

*Chiefly Speaking* asked Heubusch if there was some common ground relating to bail and remand policy. Heubusch said, “From our perspective there was some legislation introduced into our house and senate that didn’t pass, that would have given judges the authority to view potential impacts of the person to the community when considering bail, taking into account the seriousness of the charge and the potential that they could create more victims if released.” The chief continued, “I think common sense legislation like that, giving some authority back to judges to make decisions, really makes a lot of sense. A blanket ‘yes or no’ on certain charges does not make sense to us.”

Asked whether a letter campaign putting state officials on notice could be compelling, Heubusch said, “Absolutely, the more letters, the more calls and interactions with your local representatives, even if they’re on your side, it’s still more voices being heard. Specifically from police chiefs and those in law enforcement. They need to hear from the people on the ground that this is going to affect. I definitely see value in it.” Chief Heubusch urged that all municipalities and community members take a stronger stance on the problems with bail reform and reach out to their state representatives.

<sup>1</sup> Bail Reform Revisited; The Impact of New York’s Amended Bail Law on Pretrial Detention; Rempel, Michael and Rodriguez, Krystal; Center for Court Innovation; pp 1-4

***“We’re actually seeing people less cooperative than they used to be, victims and witnesses (who are) unwilling to come forward and speak or sign statements or sign charges because they know it’s just an appearance ticket and they’ll be back in the neighborhood causing issues.”***

***Police Chief  
Shawn Heubusch  
Batavia PD***

## Municipal Police Training Council Meeting Updates

- *Changes to Psychological and Physical Standards for Police Officer Candidates*
- *Training in the Recognition of Cannabis Impaired Driving*
- *Informational De-escalation Training Online*
- *Firearms Instructor Course Changes*
- *Model Policy Change: Recording of Custodial Interrogations*



*The following information was released on behalf of Deputy Commissioner Michael R. Wood, DCJS Office of Public Safety on June 17, 2021.*

During the Municipal Police Training Council's (MPTC) 254th meeting on June 2, 2021, the Council took action on the following items: approving regulatory amendments to NYCRR Part 6000 Medical and Physical Fitness Standards and Procedures for Police Officer Candidates; approving a new Recognizing the Cannabis Impaired Driver training course; approving a new de-escalation online training; adopting updates to the Firearm's Instructor course use of force section; and amending the Recording Custodial Interrogations Model Policy. Each of the items are discussed in further detail below.

### **NYCRR Part 6000 - Medical and Physical Fitness Standards and Procedures for Police Officer Candidates**

With the enactment of the New York state professional policing act of 2021, the MPTC was directed, pursuant to Executive Law 840(2) and (2-b), to establish rules and regulations pertaining to the psychological requirements and background investigations of persons for provisional or permanent appointment in the competitive class of the civil service as police officers of any county, city, town, village or police district to determine the applicant's fitness and eligibility.

During the recent Council meeting, the Council voted to adopt amendments to the Medical and Physical Fitness Standards and Procedures for Police Officer Candidates that included a new regulatory framework for psychological and background investigation standards. These amendments will be posted for public comments and DCJS will advise law enforcement in a future communication of the final regulatory language.

### **Recognizing the Cannabis Impaired Motorist**

*(Continued on page 16)*

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The Council adopted a newly developed 7.5-hour in-service course titled “Recognizing the Cannabis Impaired Motorist” designed to enhance an officer’s skills in detecting the cannabis impaired motorist. The program includes a review of the standardized field sobriety tests and instruction on the difference between recreational cannabis, medical cannabis, and hemp; how cannabis affects the body; a break-down of the steps in the vehicle and traffic stop that aides the officer to recognize cannabis impairment; the introduction of three additional tests (Lack of Convergence, Modified Romberg and Finger-to-Nose); and how to properly administer the tests and document the results. This program will not take the place of Advanced Roadside Impaired Driving Enforcement (ARIDE), in fact, this program will enhance the ARIDE program by better preparing the officer to understand the concepts of ARIDE.

DCJS will be announcing future training opportunities for SFST Instructors and Drug Recognition Experts to attend the new cannabis course which will enable those instructors and experts to deliver the training to other instructors and officers. All officers that complete the training will receive an MPTC course completion certificate as well as have their statewide training record updated to reflect successful completion of the course.

The Council also established that, on or after January 1, 2022, all employers and academies conducting the Basic Course for Police Officers or equivalent, and the Campus Public Safety Officer Course, must include the newly approved Cannabis curriculum in the basic course. A separate notice will be sent to academy directors informing them of this new requirement.

For more information about the course content, instructor and student requirements, and future course offerings, please contact [ops.traffic@dcjs.ny.gov](mailto:ops.traffic@dcjs.ny.gov).

### **De-escalation Online Training**

The Council adopted a new in-service informational online program entitled “What is De-escalation?”. In this 40-minute video, de-escalation is defined and various tactics, techniques, and considerations for its use are discussed. This outcome-oriented approach to de-escalation acknowledges that successful de-escalation is the result of a well-trained officer drawing from a variety of skill sets – including verbal communications skills – to achieve a successful resolution to potentially volatile situations. Recognizing that no stand-alone program can adequately train an officer on the various skillsets that lead to an outcome

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of de-escalation, additional resources for officers and agencies seeking to conduct related training are included within the program and also found here. Topics such as officer wellness, emotional intelligence, and active bystandership as well as resources for training officers on skills that are used during de-escalation encounters can be found in the document.

The link below may be used to access the “What is De-escalation?” online program. Officers completing the training will receive a MPTC course completion certificate as well as have their statewide training record updated to reflect successful completion of the program.

[https://www.criminaljustice.ny.gov/ops/training/other/DCJS-What-Is-De-escalation/story\\_html5.html](https://www.criminaljustice.ny.gov/ops/training/other/DCJS-What-Is-De-escalation/story_html5.html)

For a complete list of online trainings currently available, descriptions of each, and a link to access the online trainings, please click on the following link: <https://bit.ly/DCJSOnlineTrainingLinks>. Any questions regarding online trainings may be directed to [ops.generalpolicing@dcjs.ny.gov](mailto:ops.generalpolicing@dcjs.ny.gov).

### **Firearm’s Instructor Course – Use of Force Update**

The Council approved the adoption of a replacement for the Use of Force section of the Firearms Instructor Course. The primary change is to focus the instruction on the objective reasonableness standard used to test the constitutionality of police use of force. Although the Council has plans to engage in a complete re-write of the Firearms Instructor Course in the future, it’s important to ensure the Use of Force section is consistent with the training conducted within other MPTC instructor courses. This includes the Defensive Tactics Instructor and Reality Based Training Instructor courses as well as instruction provided at the Basic Course for Police Officers and the in-service online video on the topic.

All future deliveries of the Firearm Instructor course approved on or after June 2, 2021 will be required to use the updated materials. The newly updated materials can be downloaded here: <http://bit.ly/MPTCFIC>. Any questions regarding these changes may be addressed to Mike Puckett at [michael.puckett@dcjs.ny.gov](mailto:michael.puckett@dcjs.ny.gov).

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### **Recording Custodial Interrogations Model Policy**

The Council adopted an amendment to page five of the MPTC Recording of Custodial Interrogations Model Policy pursuant to a recently signed bill that requires the video recording of all interrogations of juveniles [Laws of 2020, ch. 299; S 6533/A 7970]. Effective November 1, 2021, any custodial interrogations of juveniles less than 18 years of age must be recorded in its entirety.

As a reminder, CPL section 60.45(3)(e) establishes the statutory requirement that all video recording of a custodial interrogation must be conducted in accordance with standards established by rule of the Division, this includes these new amendments.

This model policy/DCJS standards and additional model policies issued on other contemporary law enforcement issues may be accessed by visiting the following link:

<https://www.criminaljustice.ny.gov/crimnet/ojsa/standards/index.htm>

Any questions pertaining to the recording standards issued by DCJS may be directed to [ops.generalpolicing@dcjs.ny.gov](mailto:ops.generalpolicing@dcjs.ny.gov).

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### **IACP REGISTRATION NOW OPEN**

The IACP announced that first come, first served registration for the 2021 conference is now open.

[Register](#) for either the in-person event in New Orleans or online events which will occur simultaneously September 11-14, 2021.

According to the IACP release, a completed registration confirmation will include a link to reserve one (1) hotel room in an IACP hotel for the conference. In-person registration includes access to the online platform for three months after the event.

NYSACOP Members: While there is not a designated hotel block for the New York State contingents, many of our members will be lodging at the Marriott Warehouse Arts District which is close to the main venue.



# BEYOND MINNEAPOLIS

## Media coverage and mass protests could have long-term effects on law enforcement recruitment, retention, and preparedness

By Dr. Grant McDougall

Originally published in the National Sheriffs' Association's *Sheriff & Deputy* magazine ©2021. Reprinted with permission.

On a recent ride-along, I sat with a deputy in his patrol car, “doored-up” alongside another deputy. They talked while waiting for the next call from dispatch. In the past, these deputies would likely have been patrolling assigned zones and practicing proactive policing. However, in the weeks following the deaths of George Floyd in Minneapolis and Rayshard Brooks in Atlanta, many law enforcement officers had changed the way they do their jobs.

That change may have less to do with the policy changes and police “reforms” that occurred following the deaths of Floyd and Brooks, and more to do with the fear and vulnerability that many law enforcement officers feel as a result of the widespread backlash and protests that ensued. The dismissals and criminal charges brought against the LEOs involved—and perhaps more significantly, the public reaction—has had a ripple effect on LEOs far from the center of the controversy.

This article is not defending the actions of LEOs who violate policies or commit criminal acts. It instead focuses on the thousands of LEOs who serve honorably in their communities every day, and the psychological impact that the media coverage and public opinion and protests are having upon them.

### STILL SHORT-STAFFED

While speaking recently at a national law enforcement conference, I asked audience members to raise their hands if their agency was fully staffed with patrol officers. In a large crowd that represented agencies from across the country, only two or three hands went up. More attendees responded with laughs or eye rolls. I then asked how many agencies had lowered their hiring standards in an effort to fill vacancies. The number of hands raised was alarming.

Recruitment and retention problems within law enforcement is not a new phenomenon. But political, media, and public reactions to the Floyd and Brooks incidents will almost certainly exacerbate the problem. Individuals and organizations who advocate the defunding or disbanding of law enforcement agencies may, in an indirect way, get what they want with fewer LEOs on patrol and smaller police forces.

The Police Executive Research Forum (PERF) held a national conference in 2018 that focused in part on the workforce crisis in law enforcement. Fewer people are applying for law enforcement positions, and more officers are leaving their jobs after only a few years. Given the current social, political, and cultural

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climates, this problem is probably going to get worse.

In 2014, an officer-involved shooting in Ferguson, Missouri, resulted in the death of African American teenager Michael Brown; the incident brought a national focus on law enforcement's use of force on minorities. Borne out of that incident was the "Ferguson Effect," a theory that says LEOs become less proactive in policing out of a fear their actions will be second-guessed or punished by their superiors and/or the public.

The Pew Research Center conducted a study in 2017 and found that almost three-quarters of officers surveyed (72%) said they were less willing to stop and question individuals who seem suspicious or to use force when it is appropriate to do so after the Ferguson incident. Such data leads one to consider the likelihood of a "Minneapolis Effect" taking place in the ensuing months and years. And while such a development is concerning, it may be only one component in the overall fallout from recent events.

## **COLLECTIVE PUNISHMENT**

Most of us are able to remember a time in our youth when one person got in trouble and the whole class or team was punished as a result. Collective punishment is not a new phenomenon. But the extent to which law enforcement agencies are criticized, judged, and condemned based upon the actions of a select few is likely unparalleled.

Consider how mistakes and bad behavior affect some other professions. In March 2015, a co-pilot flying a Germanwings passenger flight deliberately initiated a controlled descent that continued until the aircraft crashed into a mountain. All 144 passengers and six crew members died. The co-pilot had been treated for suicidal ideation previously and was declared unfit to work by his doctor.

In 2019, in less than one week, authorities arrested three pilots from two different commercial airlines under suspicion of intoxication just before they took the controls. Changes were made in the airline industry as a result of the incidents, but there was no mass outcry that the airlines be shut down. Everyone kept flying with the general understanding that the vast majority of pilots are competent and trustworthy.

Another example? Most of us visit doctors for routine and emergency medical care. In 2016, Johns Hopkins Medicine published a study that found medical mistakes to be the third leading cause of death in the U.S., with more than 250,000 deaths per year. Yet, we still go to doctors. Most people understand that the vast majority of medical providers are competent and trustworthy.

I could go on with examples that extend to dentists, bankers, lawyers, financial advisors, and priests. The point is that the collective punishment law enforcement agencies feel is not typically an aspect of other professions.

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## **HOW STORIES ARE TOLD**

Raw data may be objective, but how it is interpreted and used is almost always subjective. The use and interpretation of data varies widely; sometimes, the same data can be presented in a way that supports completely opposing positions.

For example, a website that purports to map police violence, [mappingpoliceviolence.org](http://mappingpoliceviolence.org), says that 99% of killings by LEOs between 2013 and 2019 did not result in officers being charged with a crime. The website might lead readers to assume that many LEOs are getting away with murder, but if that data is accurate, one could also claim that the reason only 1% of LEOs are charged with a crime is they are acting within agency policies and within the law.

Context matters. The general public, including the media and lawmakers, often only see a single component of an incident and draw conclusions based upon a non-comprehensive understanding of the situation. There are many reports of LEOs killing unarmed individuals, for example. But if you delve further into the story, you might find that a person is coded as unarmed if they were holding a toy or nonlethal weapon such as a pellet gun.

Consider the following hypothetical situation: You have been dispatched to a call regarding an individual who called 911 and said he was suicidal and armed. You encounter and engage the individual, who is holding what appears to be—but isn't—a real firearm. You instruct him to drop his weapon repeatedly. He never explains that the weapon is fake. After several minutes of negotiation, the individual raises the gun toward you. You shoot and kill the “unarmed” suspect. The outcome is tragic, but not criminal.

## **INSIDE THE MIND**

After an officer-involved shooting, most agencies require the officer to participate in a critical incident debriefing, often with a licensed mental health professional. During a debriefing, the officer may discuss what he or she was thinking and feeling before, during, and after the incident. There has been a disturbing shift in the content of those reports in the past decade, and that shift may get worse.

Historically, LEOs reported thoughts occurring during use of force incidents that were more logical and tactical in nature. Are there less lethal options? What is my field of fire? Who/what is downrange? Do the subject's actions present a lethal threat? More recently, LEOs reported thoughts during the incident such as: Will I get fired? Will I be wrongly prosecuted? What will this incident “look” like? These thoughts are dangerous to have during an incident, but many LEOs have them long before any trigger is pulled.

It should be noted that in my experience, perhaps the most common thought reported by LEOs before and during a shooting is: “Please don't make me do this.”

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## **EXPANDED RESPONSIBILITIES**

In my early years working with law enforcement professionals, I learned a surprising thing on ride-alongs: The vast majority of calls LEOs respond to are oriented around social services or mental health issues. As Terrence Cunningham, former president of the International Association of Chiefs of Police (IACP) once said, “It’s 90% social services and 10% law enforcement.”

Today’s LEOs aren’t just asked to fight crime; they are also tasked with managing homelessness, mental health care, and substance abuse and addiction. Most LEOs don’t pursue a career in law enforcement so that they can be mental health counselors or clinical social workers, but much of their time is spent in such roles.

Serious proposals to “defund” law enforcement agencies seek to return them to their traditional core function—law enforcement and public safety. “Defunding” would take some of the money paid to law enforcement to perform duties outside public safety and give it to other agencies, which would then take on responsibilities such as social and mental health services.

LEOs can’t be expected to become experts in the areas of mental illness, marriage counseling, familial conflict, drug addiction, or suicide prevention. But we can only consider defunding if we also want to take some of responsibilities away from law enforcement and give them to social service and mental health agencies. If we continue to give LEOs such a complex set of responsibilities, we will need to consider more training and funding.

## **THE COMING CRISIS**

It is difficult to estimate how recent events will impact the recruitment and retention of LEOs, but there is certainly cause for concern. If agencies are indiscriminately defunded or qualified immunity is revoked, or if LEOs are wrongfully terminated, prosecuted, and convicted, we will likely face an unprecedented workforce crisis in law enforcement. So what can be done?

There are no simple solutions, but there are strategies that can improve officer morale, resilience, and longevity. Many LEOs say that more than anything, they want the support of their command staff. “When something bad goes down, will my agency have my back?” one officer asked.

This is not to say that a sheriff, police chief, or other leader should support an officer’s actions if he or she violates policy, abuses his or her power and authority, or breaks the law. But now more than ever, LEOs and agencies are concerned about the “optics”—how an incident might look or how it is portrayed in the media.

Law enforcement leaders need to be crystal-clear about their expectations and their parameters of support.

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Command staff should address specific concerns, discussing the what-if scenarios LEOs may encounter. Leadership should reassure officers that if their actions are correct and within policy, their agency's support will be unwavering. Doing so during roll call, inner-agency meetings, and in public can have an immeasurable positive impact.

## **STRATEGIES FOR FRONT-LINE LEOs**

Media is a powerful and pervasive part of our society. The average American looks at their cell phone more than almost 100 times a day, and much of it is social media. LEOs are no exception, so control what you can control.

Limiting exposure to negative and toxic media messages can help LEOs cope in difficult times. It can be helpful to think of one's emotions like money: You wouldn't want to continuously pour money into investments that have limited or negative returns, so why would you put so much emotional investment in social media? What is the impact on your mental health?"

Now more than ever, LEOs must invest in their off-duty selves. Being in law enforcement can consume a person's identity—it is a hard job to turn off. But separating your psyche from that identity during off-duty hours can be critical to survival.

Invest time and energy in roles that create balance and have a positive return on your investment to build and maintain resilience. Being a father or mother, mentor or volunteer, fisherman or grillmaster can help an officer disconnect from the pressures of the job. In my practice, I see a powerful correlation between the amount of media LEOs consume, the time they invest in work-related issues while off-duty, and their overall level of stress, anxiety, and depression.

This year has seen unprecedented challenges for LEOs and their agencies. It is difficult to predict the long-term impact of the present situation, but support for law enforcement has never been more needed. Agency leaders must clearly convey their support of their LEOs internally and publicly. LEOs must cultivate and maintain a healthy work/life balance.

One's strength and resilience is best measured during times of adversity. While some deputies may choose to lay down their stars and seek out a different career path or retire, those who choose to stay will be tested during these tumultuous times. It is critical that we support these officers through leadership, training, and recognition.

*Dr. Grant McDougall operates Southeastern Counseling and Consultation in Gainesville, Florida. He is a consultant and provider of mental health services for numerous law enforcement and first responder agencies and organizations. He is also a frequent keynote speaker and trainer at national and international conferences.*





## Cop Tales

By Asst. Chief/Ret. Brian Smith, California Highway Patrol

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)

### That's Not Them

My partner and I were always getting involved in cases that caused our sergeant to do extra paperwork, so he always tried to keep us out of the high crime beats. One night when we were leaving the jail after booking someone, dispatch advised everyone of a shooting that had just occurred. A deputy had been shot at and the deputies were setting up a perimeter and needed our help. We immediately went to the command post where the sheriff sergeant advised that the wanted suspects were a white male adult and a black male adult. He also said he needed one of our units to set up on one of the main roadways. We volunteered to go to that location, but our sergeant assigned another unit and told us to just work the outside perimeter. We knew he only sent us there so we wouldn't get involved in anything.

We no sooner reached our location when we observed a van approach our location. The driver was a black male adult and the right front passenger was a white male adult. We immediately advised dispatch and made a felony stop on the suspects. As they turned around, we observed a handgun tucked in their waistbands.

The funny thing is, they were not the suspects wanted in the deputy's shooting. They had just robbed a liquor store at gunpoint and were unfortunate enough to take the street we were watching. Of course, our sergeant was not happy.

**Visit our website: [nychiefs.org](http://nychiefs.org)**

**Recent and archived publications; NYSACOP Partners; membership directory; podcasts; training, and much more.**



## Teen Accused of Stealing Vehicle Arraigned on Felony Charges for Injuring Police Officers During Arrest, Pursuit

Erie County District Attorney John J. Flynn announces that a 16-year-old male from Buffalo, N.Y. was virtually arraigned on June 8, 2021 before Youth Part Judge Kevin M. Carter on the following charges:

- One count of Assault on a Peace Officer, Police Officer, Firefighter or Emergency Medical Services Professional (Class “C” violent felony)
- One count of Criminal Possession of Stolen Property in the Fifth Degree (Class “E” felony)
- One count of Criminal Possession of Stolen Property in the Fourth Degree (Class “A” misdemeanor)
- One count of Unlawful Fleeing a Police Officer in a Motor Vehicle in the Third Degree (Class “A” misdemeanor)
- One count of Unauthorized Use of a Motor Vehicle in the Third Degree (Class “A” misdemeanor)
- Various Vehicle and Traffic Law violations

It is alleged that on Monday, June 7, 2021, at approximately 11:20 p.m., an officer observed a reported stolen vehicle at a gas station on Bailey Avenue and Langfield Drive, which is located across the street from the Buffalo Police Northeast “E” District station. The vehicle had been reported stolen that morning from a residence in North Buffalo. When police officers approached the vehicle, the adolescent offender allegedly refused orders to exit and put the vehicle into reverse, hitting one of the officers.



The adolescent offender is accused of fleeing from police in the stolen vehicle. During the pursuit, the adolescent offender allegedly swerved into a civilian car, which subsequently hit a police patrol vehicle. Two officers inside the vehicle were injured.

The adolescent offender allegedly ran from the vehicle after crashing into a parked car on Peach Street and Best Street. While apprehending the adolescent offender, three other officers were subsequently injured. All of the officers were treated at ECMC and continue to receive medical treatment for various injuries.

The adolescent offender, whose name will not be released due to his age, is scheduled to return on Friday, June 11, 2021 at 9:30 a.m. for a felony hearing. Due to the nature of the alleged crimes, prosecutors requested that the adolescent offender be remanded. Judge Carter set bail at \$25,000 cash,

\$30,000 bond or \$50,000 partially secured bond. If convicted of all charges, the adolescent offender faces a maximum of 15 years in prison.

DA Flynn commends Buffalo Police Department for their work in this ongoing investigation. The case is being prosecuted by Chief Danielle D’Abate of the Community Prosecution Unit. As are all persons accused of a crime, the adolescent offender is presumed innocent until proven guilty in a court of law.

Source: Erie County District Attorney’s Office; News; [https://www2.erie.gov/da/index.php?q=press/teen-accused-stealing-vehicle-arraigned-felony-charges-injuring-police-officers-during-arrest-;](https://www2.erie.gov/da/index.php?q=press/teen-accused-stealing-vehicle-arraigned-felony-charges-injuring-police-officers-during-arrest-) Accessed June 9, 2021

## All About the Conference

Read about our presenters, presentations, hotel links, and special events.

Click on the image below for up-to-date details

**2021 ANNUAL TRAINING CONFERENCE**  
NEW YORK STATE ASSN. OF CHIEFS OF POLICE, INC.

### SUPERIOR TRAINING FOR TODAY'S POLICE EXECUTIVES

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

The annual training conference brings together police leaders intent on learning, sharing, and shaping our proud profession. Our esteemed speakers will be discussing a variety of issues, particularly, events from the past year which continue to impact the way we do our jobs. Presentations will also cover areas of officer wellness, professional development, and leadership. We are joined by exhibitors showcasing the latest in technology, products and services. These supporters are available to answer your questions about their services to assist you in your job.

Throughout the week we will have special presentations from noted leaders in policing including NYPD Commissioner Dermot Shea, Congresswoman Elise Stefanik (virtual), President Jim Burch of the National Police Foundation, District Attorney Sandra Doorley, DCJS Executive Deputy Commissioner Michael Green, and Deputy Commissioner Michael Wood. Delegates will hear informative presentations from Chief/Ret. Michael Ranalli, Esq. on contemporary legal issues, Chief/Ret. Gregory Veitch on police leadership, Chief of the Attorney General’s Office of Special Investigations Rudolph Hall on investigations of police-involved deaths, and a special traffic safety presentation.

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

Ver. June 24, 2021

**Comm. Dermot Shea**  
NYPD

**Congresswoman Elise Stefanik**  
21st District

**Sandra Doorley**  
Monroe County District Attorney

# ***Looking Back...***



***April 1, 1889: The original four members of the  
Cortland Police Department:***

***Chief of Police Albert Goldsmith, Night Patrolmen Nathan Hunt,  
Edward D. Parker, and O. L. Jackson.***

***Order of appearance is not  
defined in notes accompanying the photograph.***

## Officers & Staff

President:  
Chief Timothy Parisi  
Ilion Police Department

1st Vice President  
Chief Kevin Sylvester  
Ossining Police Department

2nd Vice President  
Chief Daniel Denz  
West Seneca Police Department

3rd Vice President  
vacant

Executive Director:  
Chief (Ret.) Patrick Phelan

Director, Research, Development & Training:  
Chief (Ret.) Larry Eggert

Treasurer: Asst. Chief (Ret.) Stephen Conner

Immediate Past President  
Chief John Aresta  
Malverne Police Department

## Board of Governors

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Chief Michael Lefancheck  
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Zone 1  
Chief Martin Flatley  
Southold Police Department

Zone 2  
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Garden City Police Department

Zone 3  
Asst. Chief Sean Montgomery  
MTA

Zone 4  
Chief Gregory Austin  
Rye Brook Police Department

Zone 5  
Chief Joseph A. Sinagra  
Saugerties Police Department

Zone 6  
Deputy Chief Michael D. Woods  
Colonie Police Department

Zone 7  
Chief Michael J. Crowell  
Manlius Police Department

Zone 8  
Pending

Zone 9  
Chief Shawn L. Heubusch  
Batavia Police Department

Zone 10  
Chief Joseph Wehrfritz  
Orchard Park Police Department

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

## Liaisons

U.S. Attorney's Office  
Chief (Ret.) Samuel M. Palmiere

NYPD  
Dep. Comm. Oleg Chernyavsky



## Facebook Post of the Month

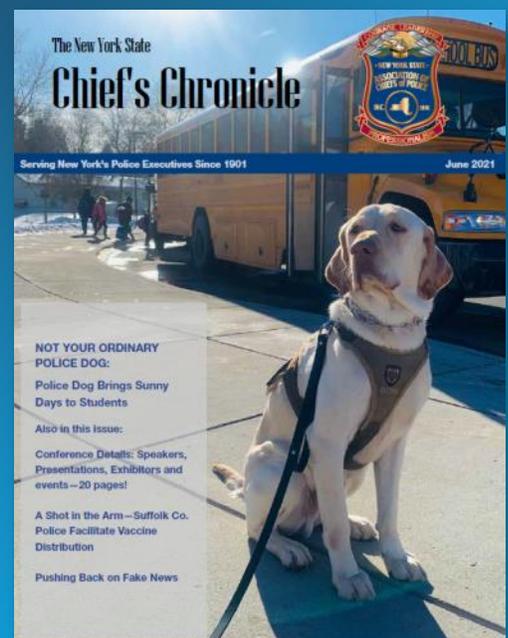
### NEW YORK STATE POLICE

We don't stop  
working ever, even  
holidays.

Bloodhound Tilly and  
her partner Trooper  
Bell helped find a  
missing adult early  
this morning  
(7/4/2021).



Check out the  
June edition of  
our magazine,  
*The Chief's  
Chronicle*  
Click on  
Publications  
at [nychiefs.org](http://nychiefs.org)



# 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](#)

NCTC—Interview and Interrogation for LE—Erie County – July 21-23, 2021 [Link](#)

RADAR/LIDAR Instructor Course [Link](#) [Questions](#)  
Ulster County-July 21, 2021

Fundamental Crisis Intervention Skills for Law Enforcement: Instructor Level Training /Rockland Co.—July 6-8, 2021 [Registration](#) [Questions](#)

Suicide Prevention in County Jails and Police Lockups: Instructor Level Training - Westchester Co.—July 7-8, 2021 [Link](#) [Questions](#)

FBINAA Annual Conference, Orlando, FL July 7-10 [Link](#)

DWI Documentation and Testimony Course July 15 (Broome Co.); July 27 (Seneca Co.) [Link](#) [Questions](#)

DWI Detection and Standardized Field Sobriety Testing Instructor Course July 20-23 [Registration](#)

Response to At-Risk Missing and High-Risk Endangered Missing Children (online) July 21, 2021 [Link](#) [Questions](#)

NYSACOP Conference—July 25-28, 2021 [Link](#)

IACP Drugs, Alcohol, and Impaired Driving (DAID) Conference—August 14–16, 2021 [Info](#) [Registration](#)

Electronic Measuring Device/Forensic Mapping Course—August 23-26 [Link](#) [Questions](#)

NCTC—Social Networking—Erie County – September 21-22, 2021

NCTC—Technology Threats & Trends Against LE—Erie County – September 23-24, 2021 [Link](#)

State of New York Police Officers Memorial Remembrance [Ceremony](#)—September 28

IACP Conference, New Orleans—September 11-14 [Link](#)

Law Enforcement Training Directors Assn. of New York State Conference—Sept. 29—Oct. 1 [Link](#)



## New Members

**Capt. Joseph Milosich**  
Tonawanda PD

**Chief/Ret. Jaakov Winkler**  
Union City PD/EMS

**Patrick Fitzgerald**  
Orchard Park PD

**Greg Shepard**  
Orchard Park PD

**Asst. Chief/Ret. Pat Cooke**  
Hempstead PD

**Chief Keith Dworkin**  
Fishkill PD

**Lt. Paul Schettino**  
Fishkill PD

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