

Chiefly Speaking...

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



March 2021

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FROM THE PRESIDENT

Civil Rights Legislation Seeks to Remove Good Faith Exemption for Police

There are a couple bills proposed in the State legislature that I want to address this month which are cause for concern. They are radical proposals that will assuredly impact the safety and welfare of every New Yorker. While they might be touted as police accountability, the truth of the matter is that this would be a dangerous path. One of the proposals is for a New York State version of a federal Section 1983 for the deprivation of civil rights under the color of law. But under the proposals, qualified immunity could no longer be offered as a defense (under the State bill). A police officer would no longer be able to assert



Chief Timothy Parisi
President

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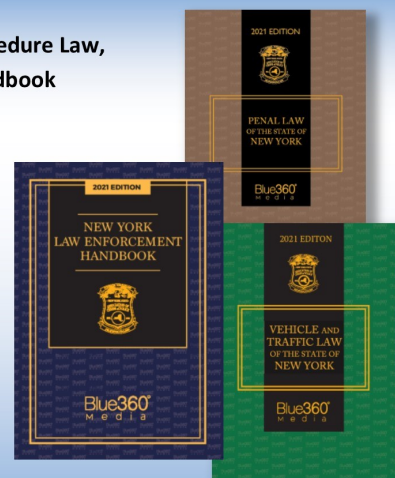


The Best Law Content At Your Fingertips

New York State titles include: Penal Law, Criminal Procedure Law, Vehicle and Traffic Law, and the Law Enforcement Handbook

Featuring the New York Law Enforcement Handbook containing the most frequently used sections of NYS laws with custom content by the New York State Assn. of Chiefs of Police:

- Bail Reform Guide
- Federal Crimes
- Good Samaritan and Syringe Law Guides
- Traffic Resources: special initiatives, training, supporting depositions, VTL index, and more
- Raise the Age Guide
- HIPAA Guidelines
- Ignition Interlock Device Guidance



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Association of Chiefs of Police

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that he or she was acting in good faith under the circumstances; it would not matter that the right was clearly established nor that the police officer could have been reasonably expected to know whether their conduct was lawful. Under a separate bill, if an action *was* brought under the proposed law and the officer was able to raise the exemption defense, the plaintiff would still be able to recover damages from the municipality. The logic of these proposals is ill-informed and will not serve the interests of the citizens whom we serve, especially the vulnerable. As with so many other pieces of legislation being offered this legislative session (also see Executive Director's article on page 3) these proposals will only empower persons with malicious intent and ambulance chasers wanting to get a check from a municipality. Like many of my colleagues and friends, I am confounded that some of our state's elected officials would have the audacity to propose such laws which will inevitably backfire. We have seen the growing fervor about the failed bail reform laws, and the outright disgust of persons with illegal guns, child sex predators, violent felons, and bank robbers being released with a ticket despite their danger to society. New discovery legislation exposes victims by having all of their information disseminated at the commencement of the criminal process; the law also allows the defense to visit crimes scenes, revictimizing them.

The logic of these proposals is ill-informed and will not serve the interests of the citizens whom we serve, especially the vulnerable.

Read more - S.1991/A.4331; S.8669 (2020)

SAVE THE DATE

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

STATE LEGISLATURE SEEKS DRAMATIC CONSTRAINTS ON POLICE DRONES, INCLUDING CRIMINAL LIABILITY

While some of our member departments have not used drones, there are many which have used them in various applications. As they become more prevalent, reliable, and affordable, they can truly be a force-multiplier. But there is a movement afoot in the New York State legislature that would close the door on the police use of drones except in very limited circumstances or without a search warrant. Even if your department is not currently using this technology, the “philosophy” behind this concerning legislation is something you need to pay attention to. One of the situations in which drones can be most useful for public safety is at mass gatherings. But the proposed law is sharply focused on precluding drone at concerts, protests and demonstrations. The bill provides that a warrantless exception is when swift action is necessary to prevent imminent danger to life. You can imagine the assessment that a supervisor would be going through before approving a drone is such a



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

“As a society, we are approaching a time where law enforcement will be seriously hampered from being proactive (something that was demanded of us in years past)...”

circumstance: is this truly “imminent danger”? Can I verify the actual threat or weapon? If you had some success in establishing communication and de-escalating the emotions but the situation is still unresolved, have you now lost the “imminence”? And if we lose qualified immunity as some politicians have been urging, many of us would likely opt out of employing this potentially lifesaving and crime-solving technology. Bad enough that the bill drastically would constrain police from getting an aerial view, even of public spaces, a violation of this law would be a crime which begs the questions: who is liable, does the chief executive have criminal responsibility for the conduct of a subordinate, does this also trigger a violation of official misconduct under the Penal Law, is the supervisor and others now on the Brady list for the prosecutor; and again, how does this stack up in the event of the repeal of qualified immunity? In addition to all of this, the bill provides for a cause of action that an aggrieved party may take against the police agency. As you can see, there is a faction of the legislature that is seeking to strip law enforcement from using technology

that can only better serve the public and protect victims. As a society, we are approaching a time where law enforcement will be seriously hampered from being proactive (something that was demanded of us in years past), and instead we will become reactionary report-takers, unable to intervene or protect without risk of committing a crime and perhaps incurring other liability.

Read more – check out the following Assembly and Senate bills: S.675 A.3311 (Ramos/Kim), A.417 (Perry)

SURVEY:

What Information Needs are Critical to New York State Law Enforcement?

FROM:

Blue360° Media and the New York State Association of Chiefs of Police

Your Response Helps Officers in Need!

Law Enforcement is one of the most difficult jobs. Changes, updates, crisis, and responding to the unknown where influences from 24/7 media based on piecemeal information make it easy to get discouraged and distracted. By completing this survey, you will help shape improvements to information for law enforcement. Additionally, Blue360° Media will send a \$5 donation to New York Law Enforcement Assistance Program* on behalf of the first 500 New York law enforcement professionals who submit a completed survey before March 15, 2021. Would you take this 5-minute survey to help us understand what is most important to New York State Law Enforcement, helping those in uniform and their families?

*The New York Law Enforcement Assistance Program is a 24/7 help service available to first responders and their families.



BEGIN SURVEY



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

Not sure if one of your colleagues is already a member? Check our [online directory](#) (members only). If they are not, a member, [click here](#) and we will send them a brochure which outlines the services and benefits of membership.

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

Traffic Safety Report

Traffic Safety Highlights

- Traffic Tuesdays webinar: Everything You Need to Know about Cannabis
- NYS STOP-DWI St. Patrick's Day Enforcement Crackdown
- Sleep Awareness Week and Resources
- Vehicle Safety Recalls, and more!

National Traffic Safety Resource Prosecutors (TSRP) – Traffic Tuesday Webinar Series:

Through this ongoing TSRP training initiative, the next scheduled webinar on March 16, 2021, 2:00 p.m. – 3:30 p.m. (EST) features a presentation on “Everything You Need to Know About Cannabis” by Cpl. Ryan Hutton, Missouri State Highway Patrol.

Description: Legalization of marijuana has forced law enforcement to become more familiar with marijuana. However, most law enforcement officers know very little about cannabis. This presentation reviews the different types of cannabis plants and how they are grown and harvested. It will also discuss cannabis concentrates and how they are made and used. Finally, it will address DWI and marijuana intoxication, along with the toxicology of marijuana. NOTE: For Law Enforcement, this course is POST approved for two hours of technical studies. Register [here](#)



Dominick Macherone
NYSACOP
Liaison

2021 St. Patrick's Day STOP-DWI NY Enforcement Crackdown - Drive Sober or Get Pulled Over - March 16-21, 2021:

St. Patrick's Day, March 17th has become one of the nation's biggest times to celebrate and party. Unfortunately, it often ends with risky drunk drivers taking to the streets when the parties end. Despite our best efforts drunk and impaired driving still accounts for nearly one-third of vehicle-related fatalities in the United States. While STOP-DWI efforts across New York have led to significant reductions in the numbers of alcohol and drug related fatalities, still too many lives are being lost. Highly visible, highly publicized efforts like the STOP-DWI Crackdown Campaign aim to further reduce the incidence of drunk and impaired driving. Sobriety checkpoints and saturation patrols play a key part in raising awareness about the problem. To help plan your mobilization visit NHTSA's Traffic Safety Marketing page for the latest campaign materials and resources to maximize your agency's enforcement efforts [here](#). Additional resource materials are also available on the GTSC [website](#) and the STOP-DWI New York [homepage](#).

STOP-DWI NEW YORK Mobile App – Have A Plan: The Governor's

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Live Webinar!



THE NEW YORK STATE LAW ENFORCEMENT HANDBOOK

WED., MARCH 24, 2021 1:00 PM/ET

An invaluable resource for today's law enforcement officer, the New York State Law Enforcement Handbook includes the most used sections of state law along with a myriad of helpful resources ranging from federal crimes, DV resources, HIPPA disclosures, Raise the Age guidelines, a comprehensive VTL index, and more. Learn how to access the Handbook via eBook, app or in traditional book formats. Chance to win a free Handbook app during the webinar!

Request your free registration at APB@nychiefs.org. [CLICK HERE](#)

Learn how the Handbook helps you and your officers

*Vehicle & Traffic Law Index
Alpha & Numeric*

Federal crimes

Ignition Interlock References

*Domestic Violence Probation
Liaison Directory*

Disorderly Conduct Guidelines

Traffic Safety Resources

HIPPA Disclosures

And much more!

Traffic Safety Take-Out Menu

Online Training Opportunities & Resources

National Center for Rural Road Safety Website: News & Events, Training & Education, Research & Resources, & more: [LINK](#)

NHTSA – Traffic Safety Facts Publication – Early Estimate of Motor Vehicle Traffic Fatalities for the First 9 Months (Jan-Sep) of 2020: Crash Stats: Early Estimate of Motor Vehicle Traffic Fatalities for the First 9 Months (Jan–Sep) of 2020 (dot.gov)

National Center for Rural Road Safety Website: News & Events, Training & Education, Research & Resources, & more: <http://ruralsafetycenter.org/rural-road-safety-topics/enforcement/>

National Law Enforcement Liaison Program Recorded Webinars: February 24, 2021 webinar “Developing Traffic Safety Champions”; visit <https://www.nlelp.org/training/recorded-webinars/> for a listing of all webinars.

DCJS Online Training - Ignition Interlock Devices: This training provides a comprehensive overview and enforcement guidance for NYS police officers on Ignition Interlock Devices. It was produced by the NYS Association of Chiefs of Police and funded by NHTSA with a grant from the Governor’s Traffic Safety Committee. [LINK](#)

Governors Highway Safety Association (GHSA) Publications, Reports and Resources: [LINK](#)

GHSA Release 2/24/2021: As Distracted Driving Deaths Increase, New Research Highlights Resources to Strengthen Laws and Enforcement.

NYSACOP Podcasts:



Tackling Rogue Stunt Riders Without Pursuit



Traffic Safety Leadership

PLEASE NOTE OUR NEW ADDRESS:

NYSACOP
3177 Latta Road, #230
Rochester, NY 14612



TRAINING OPPORTUNITY—LEADERSHIP

On March 9th, 2021 from 1:00 - 3:00PM, the New York State Association of Chiefs of Police (NYSACOP), in partnership with NYSACOP member Chief/Ret. Greg Veitch will be hosting a training session via Zoom entitled: **Building a Culture of Leadership**.

Course Description:

What is the leadership culture like in your organization? Are your leaders on the same page, do they have a consistency of purpose? Do the leaders on your team share the same goals, values, and practices? How are the leaders in your department DOING leadership? This session will address how to assess the leadership culture in any organization and examine some practical steps you can use to influence and build a strong and lasting culture of leadership.



Chief/ret. Greg Veitch

About the Instructor:

Greg Veitch retired as the Chief of Police in Saratoga Springs, NY after a distinguished 25-year career in law enforcement. A published author and graduate of the FBI National Academy, he holds a master's degree in Leadership and teaches in the Criminal Justice program at SUNY Adirondack. From state and national conferences to small group leader development programs, Chief Veitch has taught leadership principles to police and civilian leaders from the executive level to first-line supervisors through his company, Noble Cause Training and Development, LLC. Contact Chief Veitch [here](#).

Informational flyer and instructor biography—[CLICK HERE](#)

To register: <https://www.nychiefs.org/building-a-culture-of-leadership>

To view a list of our NYSACOP training course offerings for 2021, visit the home page under the red quick links"stack.



@nysacop

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Traffic Safety Committee and representatives from the New York STOP-DWI Foundation wish to remind all partners of its free “Have A Plan” mobile application. The app encourages people to have a plan to get home safely if they are impaired by alcohol or drugs. Download the mobile application [here](#).

2021 Training Schedules for ARIDE and DRE Classes:

The training schedules for the two-day Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Enforcement (DRE) classes for 2021 supported by the Governor’s Traffic Safety Committee can be found [here](#). Questions can also be directed to NYS DRE Coordinator [Renee Borden](#).

Sleep Awareness Week, March 14-20, 2021—Daylight Saving Time Begins on Sunday March 14:

The New York Partnership Against Drowsy Driving (NYPDD) is a joint effort to educate the public and high-risk groups about the dangers of fatigued/drowsy driving and promote the adoption of preventive strategies. Anyone who is tired is at risk, but the following groups have a higher risk of drowsy driving: commercial drivers, including tractor trailer, tour bus and public transit drivers; people who work long hours or late-night shifts; people with sleep disorders; new parents or caregivers of babies and young children; and high school and college students, young or newer drivers. The NYPDD partnership includes representatives from the AAA Hudson Valley, NYS Association of Chiefs of Police, NYS Association of Traffic Safety Boards, NYS Department of Health (DOH), NYS Department of Motor Vehicles (DMV), NYS Department of Transportation (NYSDOT), NYS Governor’s Traffic Safety Committee (GTSC), NYS Motor Truck Association, NYS Police, NYS Sheriffs’ Association, Stony Brook University, NYS Students Against Destructive Decisions (NYS SADD) and NYS Thruway Authority. To support engagement efforts, the NYS DOH has partnered with NYS SADD and GTSC to run a public service announcement (PSA) challenge for college students from nine SUNY colleges to submit a 25 second YouTube Video on drowsy driving awareness. The NYS brand, “Stay Awake! Stay Alive!” PSA challenge awards contracts to three winners. For further information please contact [Jennifer Hogan](#) (NYS DOH). For full PSA challenge rules, guidelines & application visit NYS SADD and to review last year’s winners visit the National Road Safety Foundation.

NHTSA’s Vehicle Safety Recalls Week, March 8-12, 2021 & NSC Check to Protect Campaign:

Did you know right now, over 55 million vehicles on the road have open recalls? In support of Vehicle Safety Recalls Week, the National Safety Council (NSC) has launched its *Check To Protect* campaign that encourages drivers to check the recall status of their vehicle. It is easy, free, and only takes a minute to check a vehicle’s status to ensure your safety by visiting <https://www.checktoprotect.org/> and entering the vehicle’s VIN (vehicle identification number). Remember: checking often for open recalls helps you stay safe; don’t assume you’ll get a recall notice by mail; ignoring a recall can lead to costly damages. Also visit the NSC [website](#) for additional resources and outreach materials to help promote this safety program in your departments and communities.

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Real Risk Management

Bad Cases Make Bad Law

By Gordon Graham

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! The “timely takeaway” in my last article on financial risks suggested you take a look online at “asset seizure and forfeiture.” When I commenced the study of this topic decades ago, my “pro-cop bias” crept in and I liked the concept. In a nutshell, when bad people commit crimes and benefit financially, law enforcement officers can seize the money and property involved in these “ill-gotten gains” and use these proceeds to benefit society. It made sense to me then and it makes sense to me now, but as you have heard over the years and in these articles, “bad cases make bad laws”—and this topic is no exception.



Gordon Graham

Thirty-five or so years ago (late 1980s), I was a field sergeant in Los Angeles and I also was doing quite a bit of training for my department. One afternoon I got a phone call from the assistant chief in charge of training. He was an HQ guy I had met in the past and after all the introductory comments on the call, he posed this question: “How many major drug seizures have you been involved in so far in your career?”

That was an interesting query—I wondered where this conversation was going. I had been very active as a cop prior to promoting and as a sergeant I had a great squad of cops who seized a lot of drugs. So as I was calculating a number to impress the chief with my work, a thought popped into my head—what is his definition of *major drug seizures*?

His response floored me: “More than two kilos of heroin, or more than 10 kilos of cocaine, more than a pound of ‘rock’ or more than 20 kilos of marijuana.” (I always wondered why “rock cocaine” weights were referred to using the Imperial System of measuring weight and regular cocaine and heroin received a Metric Weight designation. My guess is this goes back to the days of the Revolutionary War but that is another story along the lines of why we drive on the right side of the road in the United States and the Brits drive on the left side of the road and why they add in O’s and U’s to some words. I guess since the U.S. invented “rock cocaine” we can measure the weight the way we want. But I am again digressing.)

I was embarrassed to tell the chief the truth—which was “none.”

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While I dealt with a lot of drugs over the years, I was working in Los Angeles and most of my arrests for dope involved personal use or occasionally some low-level street dealer who had relatively small amounts of dope for sale. I had seen some major loads seized by LAPD and LASO, but I had no personal involvement in these big arrests.

When I told him “none,” he explained the CHP was going to kick off a program called “Operation Pipeline” that involved the processes and laws involved in seizing drugs from vehicles traveling on major roadways (the pipeline) and he wanted me to teach a portion of the program dealing with the legal aspects of these arrests and seizures. But to do that, I needed to have some personal knowledge of major drug arrests.

Long story short, I got involved with some officers (from my department and others) who had made lots of these major seizures. At that time, I knew I was doing good stuff—helping train cops to get drugs off the street—and that was a good goal to have.

During my ridealongs and discussions with experienced dope cops, I learned a lot. Almost all the cops I dealt with were solid and doing things right. But over the time I was teaching “Legal Aspects of Operation Pipeline,” I saw some behaviors that (while not illegal) were stretching the limits of the law.

One cop was very clever: He would stop a driver for a vehicle code violation (and this cop knew the code better than anyone I had ever met; he could always come up with some section of the V.C. to justify the stop). If he suspected the car was carrying some serious dope, he would ask the driver, “Have you used cocaine today?” When the driver said, “No,” the officer would ask, “Have you *ever* used cocaine?”

Some drivers would say “Yes.” And then the officer’s next question would be, “And when was that?” Let’s say the response was “last year” or something along those lines. The cop’s next question was, “Did you get arrested for using cocaine then?” The suspect would say “No,” at which point the cop would say, “Well, you are under arrest for that now.”

His logic was (and this is indeed a stretch) that use of cocaine was a felony and there was a three-year statute of limitations in California, and this guy just admitted he had committed a felony a year ago and had not been arrested, so “you are under arrest now” was a legal arrest. And thus, the cop had probable cause to search the vehicle for evidence. When I later read the involved report, that is exactly what he wrote, and the D.A. would file the case. In my head, that was a “strettttttch” of the law—but the prosecutors did not have a problem with it.

Over the next couple of years, I noted another trend. Cops indeed seized the dope, but they were also seizing the car (even if not owned by the suspect carrying the dope) and copious quantities of cash. It hit me one night: Some cops (and departments) are more concerned with the cash than they are the illegal drugs.

At this point you may be thinking, “*Gordon, is there a point here?*” I assure you there is.

Richard Thornberg was the Attorney General during the Reagan Administration (same 1980s timeframe) and he would regularly say:

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“It’s now possible for a drug dealer to serve time in a forfeiture-financed prison after being arrested by agents driving a forfeiture-provided automobile while working in a forfeiture-funded sting operation.”

I had no problem with seizing the assets associated with criminal activity then—nor do I have a problem with it now. Nor do I have a problem with Mr. Thornberg’s thoughts on how to use this seized money. But when seizing the cash rather than getting drugs off the street becomes the goal, I have some heartburn. This “heartburn” intensified about 20 years ago when I was visiting a police department (not in NY or CA) and during this visit a cop made a stop and seized a huge amount of cocaine. When the chief learned there was no cash seizure, he was visibly angry and viewed this seizure of dope a “failure.”

I am closing in on my word count, but go back to the beginning of this article: If you did search online for “asset seizure and forfeiture,” you read about “bad seizures” of cash—gifts from relatives, proceeds from restaurant sales, money intended to buy a car, inheritance money—and after the seizure of cash (and other property), the legitimate owner had the burden of proof to show there was no criminal activity. That is expensive and time-consuming for them—and in my head it is not right.

I am not alone in this thinking. Every time law enforcement seizes property or cash from someone who is not involved in criminal activity, it bolsters the arguments of those who are against seizing assets from criminal activity. And if that happens often enough, sooner or later we will lose the ability to strip the “ill-gotten gains” from criminal suspects.

Again, back to paragraph one of this piece: Bad cases make bad law. Please make sure the seizures your cops are making meet not just the letter of the involved laws, but also the spirit of the law. It is the right thing to do.

Timely Takeaway—Using your favorite search engine, do a search for “misuse of law enforcement grant money.” I will fill in some blanks on this issue in our next visit together.

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.

Every time law enforcement seizes property or cash from someone who is not involved in criminal activity, it bolsters the arguments of those who are against seizing assets from criminal activity. And if that happens often enough, sooner or later we will lose the ability to strip the “ill-gotten gains” from criminal suspects.

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U DRIVE. U TEXT. U Pay. HVE Mobilization & Connect 2 Disconnect (C2D) Enforcement and Awareness Initiative - April 8-12, 2021:

Texting and other forms of distracted driving have reached epidemic levels, especially behind the wheel. Thanks to officers across the nation, a strong law enforcement presence will make this annual campaign a success by saving many lives. During April's National Distracted Driving Awareness Month please join law enforcement partners from across the country in your high visibility enforcement efforts targeting cell phone, texting, and other distracted driving behaviors in the *U DRIVE. U TEXT. U Pay. Mobilization & April 8th Connect 2 Disconnect (C2D)* Initiative. For more information on this mobilization and resources materials click [here](#).

Traffic Activities From the Field :

The Post Star – Joe Mahoney, CNHI News Service – February 15, 2021 – New York State Troopers Gird For More Pot Smokers Behind The Wheel

NYS DMV “P” Memos:

“P” 3 – To Require Operators of Alter Motor Vehicles to hold, at a minimum, a Commercial Driver License (CDL) class C, with a Passenger Endorsement – February 2, 2021

Visit the Governor's Traffic Safety Committee [website](https://trafficsafety.ny.gov/) at <https://trafficsafety.ny.gov/> for additional traffic safety information and resources. NYSACOP's Highway Safety Coordinator Dominick Macherone can also be contacted by [email](#) or by phone at 518-857-9943.



**Share Your Stories:
Programs, Photos, Retirements...**

APB@NYchiefs.org

APPOINTMENTS MADE TO THE ACCREDITATION COUNCIL

The Governor recently appointed Chief Joseph Sinagra (Saugerties PD) and Chief Martin Flatley (Southold PD), to fill vacancies, and reappointed Chief Gregory Austin (Rye Brook PD) to the Law Enforcement Agency Accreditation Council. According to the Division of Criminal Justice Services website, the Accreditation Program consists of professional standards in three categories – administrative, training, and operations. Administrative standards include fiscal, recordkeeping, and personnel management. The training category includes basic and specialized training from the basic recruit to supervisory and specialized areas. Operational standards include high risk areas and unusual occurrences.¹ Three nominees to the Accreditation Council are advanced by the New York State Association of Chiefs of Police and subject to appointment by the Governor.

President Timothy Parisi (Chief, Ilion PD) noted, “Since the Accreditation Program was started in New York State, it has evolved to include contemporary standards to meet the needs of the times. It is essential that the Council includes experts with real world experience. When it comes to Law Enforcement Accreditation the bar is set high, but it is evidence-based, rational, and reachable.” Executive Director Patrick Phelan said, “Our Association is proud to be represented and have a voice in this important committee. The work of the Accreditation Council is critical to the safety of our communities, the high standards of our profession, and the degree of trust of those we serve.”

Chief Greg Austin (Rye Brook PD) was first appointed to the Accreditation Council in 2016 and will now be serving as the Chair. He looks forward to bringing the perspective of the smaller agency to the table. He said, “The majority of police departments in New York State are 50 officers or less. I have that insight on how a small department with limited resources and personnel can become accredited. I know how you get it done because my department is doing just that.” Chief Austin’s agency was first accredited in 2015 and completed their first reassessment in October (2020). When asked what the accreditation program has brought to his department, Austin said, “It brought everyone to the same page. For example, we just went through a round of interviews for a Sergeant’s position. The village board was interviewing the candidates for the position, I give them questions to ask the candidates for real-world scenarios that come up. They



Chief Greg Austin

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all basically answered the same. There may have been slight deviations, but everybody was following the same path and I attribute that to accreditation. It's not 27 cops with 27 different ways of doing things." He added, "Over the past 5 years that we have been accredited my job has been easier because everyone knows what they have to do. Everyone has a specific task. I really feel that accreditation has put us in that position."

Chief Joseph Sinagra was first introduced to the Accreditation Program when he served with Ulster PD. After taking Ulster PD through its first reaccreditation, he served as Program Manager and also became an Accreditation Assessor. When Sinagra was appointed Chief of Police at Saugerties PD, his goal was to get the



Chief Joseph Sinagra

agency accredited. Sinagra said, "Within 17 months of going to Saugerties PD I implemented a number of policies and we conducted training to become an accredited agency." Chief Sinagra said he is humbled by his appointment to the panel, saying "Being a member of the Council is a great opportunity – I like hands-on work, and to have an impact on the future of policing. Listening to the people is going to drive our work."



Chief Martin Flatley

Chief Martin Flatley (Southold PD) brings 40 years of police experience to the table, and he said that his position is different than his colleagues in that his agency is not accredited. But his passion for meeting the program's standards is apparent. "Over the years we have started and had to stop the accreditation work. I've been chief for over 10 years now. Every year I get more frustrated. I was able to convince my supervisor and town board to cut away a Sergeant and another officer to get it done. I'm excited about it." The importance of being accredited is clear for Chief Flatley who said, "To me it's everything. When you're not an accredited agency, it's one of the first points that someone will make against your department. 'How can we trust you when conducting your work in this manner?' The community is aware that we're not accredited. It's important to me that we demonstrate to the community that we are committed to performing at a higher level and that we meet the gold standards of accreditation."

Chiefs Austin, Sinagra and Flatley all agree that the Law Enforcement Accreditation Program

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can only bolster community confidence in an era of police reform. Austin said, “The feedback I’ve received from other accredited agencies about the reform, reinvention and reimagining collaborative is that it has gone smoother for them because they have a lot of things already in place. During our reform meetings in my jurisdiction, my mayor is very proud to inform the public that we have an accredited police department.” Flatley looks forward to his department completing the process, noting, “It’s going to go a long way to satisfy the reform committee that we have here in the town.” Sinagra said that accreditation is a great asset to the community and his officers. “The public doesn’t always know what we do. Many times I have suggestions brought to me from the community and I’m able to say, we’re already doing that!”

Austin believes that there will be many more agencies seeking accreditation to help them comply with evolving mandates and the needs of the community. “I think we’re going to see a lot more activity with accreditation moving forward. We’re going to see an influx of departments applying for accreditation, and I want to help the professional staff at the Accreditation Unit at DCJS help them meet the demands and deal with the influx of applications and questions and policy requests.” There are currently 160 accredited agencies participating in the New York State Law Enforcement Accreditation Program.²



All three appointees are members of the New York State Association of Chiefs of Police, serving as zone representatives on the Board of Governors for their respective regions.

¹ New York State Division of Criminal Justice Services; Accreditation Program; <https://www.criminaljustice.ny.gov/ops/accred/index.htm> ; Accessed Feb. 20, 2021

² Marruso, Gabe; New York State Division of Criminal Justice Services; Feb. 22, 2021



Rhetoric and Vilification Impact Public Safety

Subway Slasher is Latest Incident Drawing Attention to Defunding

Tragedy in the Subway

On February 12 and 13 a knife-wielding slasher attacked several people in the New York City subway. The following day police arrested Rigoberto Lopez, a 21 year old man, on three counts of murder and two counts of attempted murder for the vicious attacks. Some say that this behavior is a result of a lax criminal justice system energized by the ‘defund the police’ movement. Paul DiGiacomo, President of the Detectives’ Endowment Association in New York City, representing 19,000 current and former detectives said about the slasher, “I would bet my last dollar that when he went onto the subway system he jumped a turnstile or didn’t pay his fare. Years ago, there would have been a cop there who would have stopped that individual and got that knife because he or she jumped the turnstile and (that) would have saved these people’s lives.”



Stock photo – Pond5

DiGiacomo said the suspect was homeless and that services previously available to help such people have been stripped from police as well. “The Homeless Outreach Program here at the NYPD was defunded and taken away from the police... this person may have been a product of the police getting him to a shelter or a home to get some sort of stability in his or her life and get mental help.” Published reports last year said that the homeless outreach has been transitioned from police to the city’s social services department.

DiGiacomo attributed the tremendous uptick in shootings and homicides due to politicians enacting laws that tie the hands of the police and create a revolving door in the criminal justice system. Pointing to bail reform as well as the defunding movement, DiGiacomo said that elected leaders are prioritizing politics over safety. While overall crime in New York City was lower in 2020 than in 2019, there was a 97% increase in shooting incidents and 44% increase in the number of murders.¹ DiGiacomo describes a vicious cycle where resources to help police protect communities are being removed, and innocent residents are suffering. “So all these defunding mechanisms take away from helping the people in the City of New York who need help, and from prosecuting and keeping the criminals in jail where they belong.”

Hypocrisy

In response to increased violence and mass stabbings, patrol presence is being increased. DiGiacomo noted the hypocrisy of elected leaders who first decry the police when it is politically popular, but when

(Continued on page 19)

Looking Back...



Some of our members from 1914

***...revisiting the rich history of the
New York State Association of Chiefs of Police***

(Continued from page 17)

society breaks down, their reaction is to bring in more police. “That’s what amazes me. In one breath people are talking about defunding the police and taking all jobs away from the police, and in the next breath when someone is stabbed they’re calling to put 1000 police into the subways where crime is being committed.” He continued, “You can’t have it both ways. Eventually you’re going to push us too far and get what you asked for. You’re going to get a police department that is reactive and not proactive, which is happening as we speak. At that point when crime is running even more rampant than it is now these same politicians and activists will be begging the police to come back.”

Real Crime – Real Victims

President DiGiacomo said, “I keep in touch with a lot of victims of crimes – two in particular, two women who lost their children to stray bullets. One of them an 18 year old boy who was going to St. John’s University on a basketball scholarship and another a 13 year old girl who was riding in the car with her mother and the bullet hit the girl in the head, her blood was spattered all over the roof of the car with the mother sitting right next to her. So these are things that are going on a regular basis, we have people in New York City being shot from babies to grandmothers.”



Political Posturing Causing Harm

DiGiacomo said that the messages from elected officials, whether in the laws they pass or by their words – or lack of words, is having a direct impact on the safety of the community. He also noted that “Elected officials and politicians are remaining silent, and the reality is that their (victim’s) blood is on the politicians’ hands for enacting the laws they enacted, for bail reform, and for not supporting the police. I have never, in 38 years, seen a government body on a city, state and federal level turn their backs on the police like this before. Without the support of our elected officials the police are not going to be effective because they are being demonized by a select few, and the press is putting out fake news about the police.” He continued, “They’re targeting law enforcement because it’s a popular thing to do right now and its only affecting and hurting the people of the city, state and country. It’s most of the constituents in their districts that are getting killed and are getting shot. They’re not representing and protecting the people in their community.”

¹ Overall Crime in New York City Reaches Record Low in 2020; Significant Surge in Shootings and Murders Amid the Ongoing COVID-19 Outbreak; NYPD, January 6, 2021; <https://www1.nyc.gov/site/nypd/news/p0106a/overall-crime-new-york-city-reaches-record-low-2020>; Accessed February 18, 2021

NEWS BRIEFS

Double Duty

Deputy Commissioner of Intelligence and Counterterrorism John Miller will now oversee Public Information for the NYPD in addition to his current duties.



Continuing Temporary Suspension and Modification of Post-Retirement Earnings Relating to the Disaster Emergency

Executive Order 202.11 issued on March 27, 2020 allows post retirement earnings to be excluded from the Section 212 (NYS Retirement and Social Security Law) limit. The original scope of the Executive Order was through April 26, 2020. However, this order has been extended on a monthly basis up to March 16, 2021. The New York State and Local Retirement System advises that it is unknown how long this extension will continue.

Grand Jury No Bill in Rochester PD Case

On February 23, the New York State Attorney General and Rochester PD released statements concerning the grand jury investigation of the case involving the death of Daniel Prude in March 2020. The grand jury did not indict any police officers in this matter. Chief Cynthia Herriott-Sullivan said that internal investigations are still underway as the city braced for protests in the wake of the grand jury report. The Attorney General's office has issued recommendations for changes in the way police handle persons with a mental health crisis.

New Electronic Human Trafficking Victim Referral Procedure

The New York State Division of Criminal Justice Services is pleased to announce its new electronic human trafficking victim referral procedure. This secure, web-based e reporting system will allow law enforcement to electronically submit human trafficking referrals. Previously, the only method to submit a referral was by fax. This streamlined process more quickly and efficiently permits New York State victims of human trafficking to access much needed support and services.

For more information on the referral process and the electronic submission form, please visit the DCJS website by clicking [here](#)

If you have questions regarding this new procedure, please contact C.J. Boykin, the DCJS Director of Human Trafficking Prevention, at 518 485-7718 or 518 320-4121 (carl.boykin@dcjs.ny.gov).

Media Basics for Police Chiefs

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

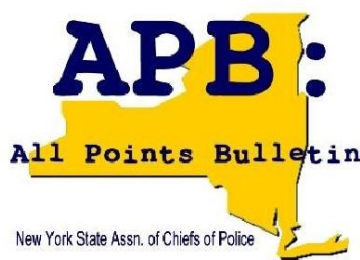
About the Instructor: Captain Jeff Rinaldo is a 23-year veteran of the Buffalo Police Department. He is also a graduate of Canisius College with a Bachelor of Arts degree in Sociology. Over the course of his 23-year career, he has worked as a patrol officer, a Community Police Officer, a Detective in the Sex Offense Squad also investigating juvenile crimes and elder abuse, Patrol Lieutenant, Lieutenant in charge of special projects where he supervised social media platforms, the department body camera and Taser implementation programs, and assisted in the implementation of the BPD Emergency Response Team. Captain Rinaldo was promoted to his current rank in 2017 and became the department Chief of Staff where he oversees all media relations, the department Body Camera Program, citywide camera surveillance system, discovery unit, FOIL unit, management information systems, Commander of the Hostage Negotiations team and other important projects. In his 3 years as the department Public Information Officer, Captain Rinaldo has established himself as an effective and respected PIO handling numerous in custody deaths, the on-duty death of an officer, officer misconduct cases, and many New York State Attorney General investigations.



Capt. Jeff Rinaldo

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Instagram Post of the Month

Nassau County PD:

Congratulations
to [#NassauCountyPD](#)'s
newest Three Star
Chief, Lorna
Atmore!



Facebook Post of the Month

COMPLIMENT SHARED BY MOHAWK VALLEY PSYCHIATRIC
INSTITUTE W/ UTICA PD:

"Officer Dodge was incredible in a mental health situation. I work for Mohawk Valley Psychiatric while conducted a home visit I needed assistance. The young man we were with had attempted to take his life in November by jumping off the bridge in Proctor Park. Officer Dodge did an excellent job de-escalating and making the youth feel comfortable. This led to the youth remaining home with his family."

New Members

Dep. Chief
Joseph Monaco
Yonkers PD

Octavian Bishop
Sustaining Member

Chief Daniel Harrigan
Scotia PD

Dep. Chief John Joly
Ithaca PD

Chief Jim VanBrederode
Gates PD

Chief Steven McManus
Westhampton Beach PD

Lt. Matthew Weise
Glenville PD

OIC Shawn Copp
Painted Post PD

Chief Christopher Walsh
Old Brookville PD

Chief Anthony Hoffmann
Carmel PD

Capt. Jeffrey Rinaldo
Buffalo PD

Commissioner
Frank Scobbo
Port Washington PD

Navdeep Singh
Sustaining Member

Contact Us

Share your stories, photographs,
and questions:

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Training Opportunities

MPTC Defensive Tactics Instructor Course—Westchester – March 1-12

Where to Look - A Law Enforcement Guide for Missing Person Searches—March 2

DCJS Law Enforcement Webinar Series: Procedural Justice for Law Enforcement Executives—March 18 [Questions](#) [Registration](#)

Winning Interdiction: Conducting Complete Traffic Stops—March 24
(STOP-DWI)

Helping Those Who Help Others webinar—March 25 [Questions](#) [Registration](#)

BAO Instructor Update—March 26 [Erie](#)

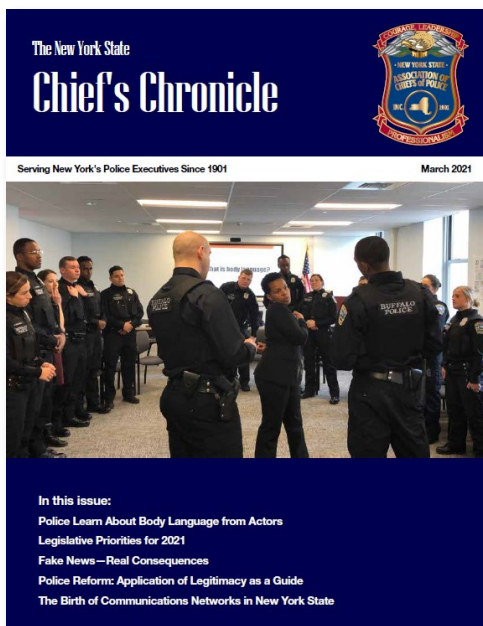
BAO Student Course—March 23-25 [Erie](#)

Webinar - Recognizing Impaired Persons (RIP) Training March 30

Suicide Prevention and the Corrections Workforce - Webinar March 9

NYSACOP Conference—July 25-28, 2021

IACP Conference, New Orleans—September 11-14



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