

# Chiefly Speaking...

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



September 2020

## FROM THE PRESIDENT

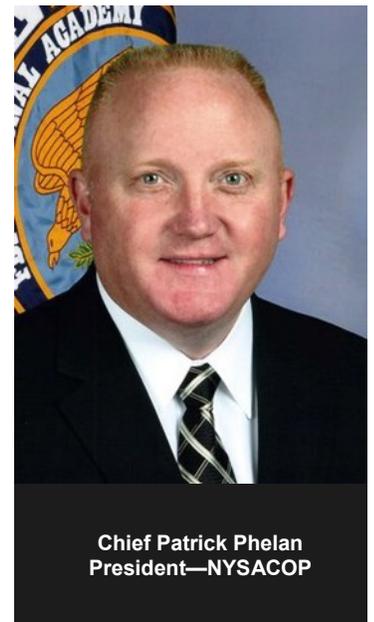
### WELLNESS EVEN MORE CRITICAL AMIDST ANTI-POLICE NARRATIVE

#### Inside this issue:

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Now more than ever, it is imperative that while we are taking care of our communities, that we also take care of our own. There have always been enough stressors in the life of our first responders – tragic crashes, senseless death, abuse and neglect, crimes against children and the elderly; add the isolation and desperation caused by a global pandemic, compounded by anti-police rhetoric and protests, today's police officers are being subjected to mountains of unjustified scorn and scrutiny. This is not to say that there are some issues that we need to answer to, but the mischaracterizations and outright fabrication of information is out of control.

And it gets worse - recent reports indicate that the FBI has warned Chicago police that an alliance of local gang members will assassinate police who have



Chief Patrick Phelan  
President—NYSACOP

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**SAVE THE DATES: OCTOBER 28-29, 2020**

**LEADERSHIP TRAINING SUMMIT**

New York State Association of Chiefs of Police  
New York State Sheriff's Association



Our two Associations announce that a special joint leadership training summit will be held on Wednesday, October 28 beginning at noon, and concluding mid-afternoon on Thursday, October 29. A networking event will be hosted on Wednesday evening. Topics to be covered include Police Reform Mandates, Accreditation, Recruitment, Qualified Immunity, and more. Breakout sessions are included which will be tailored to the specific needs of each of the Associations' members. Location and presenters to be announced.

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their weapons drawn on any subject. In certain cities, officers must feel like they are entering a war zone – always on – never knowing when or from where danger will strike.

September is National Suicide Prevention month and September 26<sup>th</sup> has been declared National Law Enforcement Suicide Prevention Day. It is more important now than ever that we recognize the epidemic of suicide in our ranks and take steps to smash the stigma associated with mental health treatment for our officers.

I urge all of my colleagues to pay extra attention to the mental health needs of their officers. We need to understand the intense pressures they are working under. Whether in the form of informal discussions around the station, or roll-calls and meetings, let your officers know where they can go to get help. The stigma of seeking help has been seen as a weakness by some, but it is truly an act of virtue to reach out to someone – whether it is a peer or a professional, to talk things out. When we as leaders advance the discussion, we help to break that stigma.

We have resources available that you can share with your staff – a podcast series (links below) addressing stress, wellness, and officer suicide; also, a poster that can be posted in your station house and locker rooms with contact numbers if an officer wants to get help. It's our responsibility to look out for the mental health of our officers. If not us who? If not now, when?

[APB177 Taking Care of Our Own\\*](#)

[APB178 The Scope of the Problem\\*](#)

[APB179 Peer Support and Stigma\\*](#)

[APB180 Searching for Signs: Story of Tragedy\\*](#)

[APB181 Risk Management, Data, and Dogs\\*](#)

[APB182 Discussing Suicide Myths and Police Culture\\*](#)



## INTERAGENCY ISSUES ADVISORY ON USE OF TECHNOLOGY TO DETECT AND MITIGATE UNMANNED AIRCRAFT SYSTEMS

WASHINGTON – On August 17, 2020, the Department of Justice (DOJ), the Federal Aviation Administration (FAA), the Department of Homeland Security (DHS), and the Federal Communications Commission (FCC) issued an advisory guidance document to help non-federal public and private entities better understand the federal laws and regulations that may apply to the use of capabilities to detect and mitigate threats posed by Unmanned Aircraft Systems (UAS) operations.

The “Advisory on the Application of Federal Laws to the Acquisition and Use of Technology to Detect and Mitigate Unmanned Aircraft Systems” (the Advisory) provides a brief overview of various provisions of the U.S. criminal code enforced by DOJ, as well as federal laws and regulations related to aviation safety and efficiency, transportation and airport security, and the radiofrequency spectrum administered respectively by the FAA, DHS, and FCC.

“As the number of drones in our airspace continue to rise, it is unsurprising that the availability of counter-drone technologies has likewise increased,” said Deputy Attorney General Jeffrey A. Rosen. “Because these technologies may be presented for sale without a full discussion of important legal requirements, this Advisory steps forward to provide an outline of the relevant legal landscape. By encouraging a common understanding of potentially applicable laws, the Advisory can help foster responsible industry growth and promote public safety.”

The Advisory has been issued at a time when the commercial demand for UAS detection and mitigation is high, but the authority to use those capabilities is far from clear. To date, Congress has given limited authority to only four federal departments – Defense, Energy, Justice, and Homeland Security – to engage in UAS detection and mitigation activities, notwithstanding certain otherwise potentially applicable federal criminal laws. The departments and agencies issuing the Advisory do not have the

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***“Because these technologies may be presented for sale without a full discussion of important legal requirements, this Advisory steps forward to provide an outline of the relevant legal landscape.”***

**Deputy Attorney General  
Jeffrey A. Rosen**

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authority to approve non-federal public and private use of UAS detection or mitigation capabilities, nor do they conduct legal reviews of commercially available products' compliance with those laws.

The Advisory urges entities to take the advice presented in this Advisory seriously – to consult with counsel and think carefully about the functionality of individual detection or mitigation systems, the way the system operates, and the way the system will be used. A thorough understanding of how a system functions and the applicable law is necessary to ensure that, if UAS detection and mitigation technologies are employed, they will be used effectively, responsibly, and legally.

Although the Advisory is an important discussion of potentially applicable federal law and regulations in this space, it cautions that additional state or local laws may apply, and that entities should further consider the impacts such technology could have on privacy, civil liberties, and civil rights.

The Advisory can be found at <https://www.justice.gov/file/1304841/download>.



### Instagram Post of the Month

Oswego PD:

Our new friend, Chase, got a chance to sit in a patrol vehicle and learn about the daily duties of a Police Officer.



### Facebook Post of the Month



**Westchester Co. PD:**

The Marine Unit on recent weekends has conducted increased enforcement on the Hudson in response to a rise in unsafe activity by PWCs, including operating after dark.

## Traffic Safety Highlights

■ Webinar: Lessons Learned: Crash Investigations Involving DUI Cannabis

■ Labor Day Drunk Driving Enforcement Campaign—August 19-September 7

■ Webinar: Case Reconstruction: Building Your Case After Leaving the Scene

# Traffic Safety Report

**Labor Day (National) Drive Sober or Get Pulled Over Drunk Driving Enforcement Campaign:** The enforcement crackdown period takes place **August 19 – September 7, 2020**. The New York State STOP-DWI Association’s “STOP-DWI Enforcement Crackdown” program has been an ongoing statewide enforcement partnership. The theory behind this initiative is that by better coordination and promotion of county efforts we can achieve greater visibility of DWI enforcement activities statewide. Research findings demonstrate that highly visible, publicized efforts like the STOP-DWI



**Dominick Macherone**  
NYSACOP-GTSC  
Liaison

Crackdowns can further reduce the incidence of impaired and drunk driving. By increasing State enforcement efforts, raising public awareness through paid, earned, and social media, and by maximizing local resources, we can make a marked difference in saving more lives on our roadways. To help plan your mobilization also visit NHTSA’s Traffic Safety Marketing page for the latest campaign materials and resources to maximize your agency’s high visibility enforcement efforts; join the thousands of law enforcement officers, state and local traffic safety advocates, GTSC, and the National Highway Traffic Safety Administration in this year’s nationwide impaired driving enforcement campaign. Additional resource materials are also available on the Traffic Programs Page of the NYSACOP website at [www.nychiefs.org](http://www.nychiefs.org), and the STOP-DWI New York homepage.

**Support New York’s SADD State Program and Coordinator:** As we plan to return to school in the Fall, the New York Students Against Destructive Decisions (SADD) State Coordinator, Lauren Meade, is excited to work with you and your communities to help keep our teen drivers safe. NY SADD, a grantee of the GTSC, has a variety of simulators and educational traffic safety equipment that can be incorporated with their over 40 years of data-driven programming to create learning experiences with evaluated successes. In-person, socially distant, or entirely virtual, NY SADD is ready to make sure we are reaching teen drivers in your area through an ever-growing network of school and community-based chapters, partners, and supporters. If you’re hosting an event for teen driver safety, looking to

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develop a program, or would like resources or assistance with programming for teen drivers, reach out to [Lauren Meade](#) any time.

**Traffic Tuesdays-National Traffic Safety Resource Prosecutors (TSRP) Webinar Series:**

As part of the ongoing National TSRP Traffic Tuesdays initiative, the next scheduled webinar on Tuesday September 29, 2020 from 2:00 – 3:30 PM (EST) will feature a presentation entitled **“Lessons Learned: Crash Investigation Involving DUI – Cannabis”**

Since the legalization of Marijuana, Colorado law enforcement officers and prosecutors have encountered challenges when investigating and prosecuting DUI crash cases involving Cannabis intoxication. To assist prosecutors and officers in DUI – Cannabis investigation and prosecution nationwide, this training will discuss the following topics:

- Lessons learned: Crash investigation and prosecution involving DUI – Cannabis.
- A validated test vs. a valid test: Evaluation of Lack of Convergence, Modified Romberg Balance, and Finger to Nose tests.
- Is the SFST manual still important?
- The key difference between the Drug Recognition Expert (DRE) and the Advanced Roadside Impaired Driving Enforcement (ARIDE) programs.

There is no cost to join this webinar however you must [register](#) in advance.

**Prosecuting Attorneys Association Michigan - Traffic Safety Training Program Webinar Series:**

**Case Reconstruction: Building Your Case After Leaving the Scene - Monday, September 28, 2020 (12:00-1:00 PM EST):**

Many times when a fatal crash occurs, we are not able to collect all of the evidence necessary while at the scene. This presentation will discuss the work it takes on the back end of the case, after you leave the scene and in the days following. Presented by Sergeant Don Egdorf of the Houston Police Department DWI Task Force.

REGISTRATION—There is no charge to attend this webinar, but you must register in advance. [Link here.](#)

HANDOUTS—The training handouts, if any, will be made available the day of each webinar in this google drive [link.](#)

If you have any questions or need any assistance registering for the webinar, please feel free to contact [Amy Gronowski](#) at 517-643-2114.

Questions? Contact NYSACOP Liaison Nick Macherone [here](#) or call 518-857-9943.



# Traffic Safety Take-Out Menu

## Online Training Opportunities & Resources

### NYSACOP PODCAST Releases:

[Students Against Destructive Decisions](#)



[Traffic Safety Leadership](#)



**GHSA Webinar Series: Speeding: Diverse Approaches to Culture Change** - This roundtable discussion will examine behavioral approaches to speed management, including pandemic speeding trends and highway safety community countermeasures. Panelists will discuss automated enforcement, as well as an upcoming speed management pilot project sponsored by GHSA, the Insurance Institute for Highway Safety, and the National Road Safety Foundation. [Register](#) here.

**National Law Enforcement Liaison Program Recorded Webinars:** July's webinar entitled "Unjamming Traffic: The Safe, Quick Clearance of Traffic Incidents" that focuses on first responder safety is now posted on the NLELP [website](#);

**DCJS Online Training - Ignition Interlock Devices:** This training will provide a comprehensive overview of Ignition Interlock Devices - how they appear, how they work, common circumvention tactics, and enforcement guidance for New York State police officers. It was produced by the NYS Association of Chiefs of Police and funded by the National Highway Traffic Safety Administration with a grant from GTSC: <http://criminaljustice.ny.gov/ops/training/other/Ignition-Interlock/story.html>

**Governors Highway Safety Association (GHSA) Publications, Reports and Resources:** visit <https://www.ghsa.org/resources>



Materials like this available from NHTSA at [TrafficSafetyMarketing.com](http://TrafficSafetyMarketing.com)

## ***Real Risk Management***

# **Hey Stupid! It's Not a Mimeograph, It's a Computer!**

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

Gordon Graham here with some continuing thoughts on Family Eight of the 10 families of risk—technology risks. In my last article, I closed with the following:

Between now and our next visit, find out how much your department paid for the copy machine in your Internal Affairs or Intelligence unit. Seriously—this will be a big part of my next article.

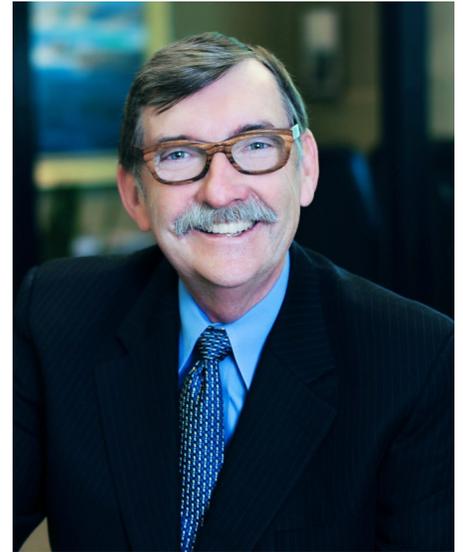
So here we are with the next article. About a decade ago I was doing a program on law enforcement intelligence unit risks, covering the issues involved with gathering intelligence, vetting it for accuracy, storing it securely, sharing it with other agencies, using it appropriately, redacting it properly prior to distribution, and safely retaining and destroying it.

The location for this program was inside a law enforcement building in a conference room inside the intelligence unit. The separation between this room and the rest of the unit operations was a glass wall, allowing vision into and out of the room. My audience was a mixed group of intel operators from throughout the geographic region.

Throughout the program I saw a lot of people coming into the intel unit and using the copy machine, making copies and leaving with these copies. As I mentioned several times in my last writing, I am a tech idiot, but I do know a bit, and it was obvious to me that this was a communal copy machine—it was used by other people from other units in the organization.

To me this sharing of a copy machine was not a good idea. In my little world, any department needs to have some basic security concerning access to the area where intel operators work. It was also apparent there were no access restrictions to the copier itself—no access code or user identity required. Further, I noticed some of users were young adults—clearly not sworn personnel.

While I have never worked in an intel unit, I have visited a lot of law enforcement agencies over the



Gordon Graham

last 40 years, and my general experience has been that the intel unit is oftentimes located in a separate facility and that security is extremely tight—in many cases requiring escort of people not assigned to the unit and certainly not sharing electronics (e.g., computers, radios, copiers, scanners) with other people in the organization.

Not to digress, but I heard a great story (and you have to wonder if this could possibly be true) from an FBI Special Agent (Are there any regular agents?) about a fellow who was scheduled for his interview for an IT job inside the Bureau. He was a good-looking young man and he showed up early for his interview, signed in and started a conversation with the receptionist, which led to him asking, “I forgot to print out my resume—can you do that for me?” The person behind the counter agreed and he provided a “stick” which was then inserted into the desk computer and he gave instructions on how to access the resume and it was then printed and he took his “stick” back.

*During the interview he was asked, “Do you actually think you could hack into our system?”*

*His response: “I did that this morning while I was waiting for you.”*

Sometime later he was summoned by the person doing the interview for this IT job he was seeking. During the interview he was asked, “Do you actually think you could hack into our system?” His response: “I did that this morning while I was waiting for you.” Then he displayed his PC and what he had learned from the information he stole from the receptionist’s computer via the “stick.”

But back to my focus (as if I am capable of focusing) of this writing. In the agency where I was doing my work on intel risks, I could see my observations were mirrored by other people (remember, it was a mixed group from other departments) and during a break in the program, I heard others expressing concern about “security” in this facility.

Further on in the program I identified some attendees who worked in the agency hosting the program and I asked some questions—and I was very disappointed. Basic security was nonexistent. I heard statements like, “I know him, he is a good kid—he is a summer intern” and “They use our copier when theirs is down” and other silliness.

I could ramble on and on but I then asked the question, “How much did you pay for this copy machine?” No one knew, so I asked one of the host agency cops to find out—and trust me I could stretch this into five articles—but the bottom line was that it was not purchased but instead leased; that the involved copshop did not do the lease but rather the lease was done by County Purchasing; and that this particular copy machine was relatively new because the lease on the preceding copy machine was up. When I asked what happened to the last copier, I was told it was taken away by the people who brought in the new machine.

## *Looking Back...*



***Chrysler-Plymouth: one of our NYSACOP sponsors in 1969.***

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

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By then “the bells of St. Mary” were clanging in my head. It became very apparent that this copy machine was being treated like a “mimeograph” (if you do not know how to drive a clutch you will have to Google that) rather than a “computer.” The personnel in this intel unit had failed to understand that every document “copied” was stored in a hard drive inside the

machine—and that when the old copier was taken away, so was a copy of all of the documents ever copied by that machine.

I am approaching my word limit so I will go back to the focus in my last writing. Who is your chief technology officer (CTO)? Is your CTO really a CTO or just smarter than anyone else in the room? I could write another five articles on this topic, including malware, software purchases, use of unsecured WiFi systems, hardware purchases (one of my favorite recollections is the agency that bought five years of computers in advance, not

recognizing that by the time that first computer was delivered, it was already out of date from a tech capability standpoint—and there are five more years of this model coming to the agency), password security, and another dozen issues.

In our next piece I will give you a few hints on how to hire a CTO for your agency and close out with some horror stories with the hope they will scare you into recognizing all the risks involved in Family Eight.

**Timely Takeaway**—Who hired your current CTO and what do they really know?

*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.*

**Who is your chief technology officer (CTO)?**

**Is your CTO really a CTO or just smarter than anyone else in the room?**

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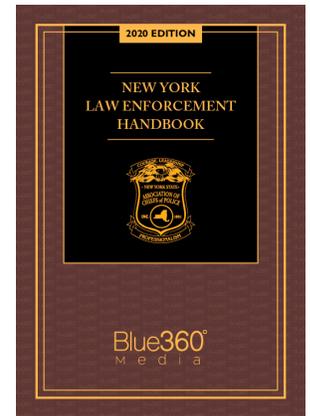
Governors Traffic Safety Committee  
Dep. Chief (Ret) Dominick Macherone

NYPD  
Vacant

# New York State Law Books Available

Now Available from Blue360 Media: Penal Law, Criminal Procedure Law, Vehicle and Traffic Law, New York State Law Enforcement Handbook, the standard field handbook for all law enforcement personnel in New York.

Compiled with the help of personnel with many years of law enforcement experience and training, the New York Law Enforcement Handbook provides officers with a finely tailored selection of essential, up-to-date New York statutes. Thanks to our co-publisher, the New York State Association of Chiefs of Police, this edition now includes a special informational section—the New York “Blue Pages”—which provide valuable protocols, investigative tips and guidelines, quick legal references, checklists, and supporting depositions for an officer’s use in the field and at headquarters. Click [here](#) for New York State titles.



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## Membership Drive Growing Our Association

Did you know of a fellow police executive who is not a member of our proud organization? Please encourage them to join and take advantage of the benefits of membership. Stay up-to-date on the latest news and information affecting New York State law enforcement, read our carefully selected news items and bulletins and other publications, and be the first to receive information on our annual training conference. Remember that second-in-command staff are also eligible, as are certain commanders of divisions. For more details, check out our [Join Now](#) page or call our office at 518-355-3371.



## VIRTUAL CLASSROOM: PROPER USE OF CHILD CAR SEATS

Through virtual video conferencing, Jean Triest, is able to continue training Dept. of Health and Human Service Employees on the proper use of car seats at a time when social distancing protocols are in place. Usually this four (4) hour training program was presented in a classroom like setting, however, as a result of COVID 19 safety precautions Jean has converted her office setting into a virtual classroom. She continues to provide much needed information and training to the Monroe County Department of Human Services team which provides assistance to families in the need. Mrs. Triest has been a longtime advocate for traffic safety and has served this community in every aspect of educating and public awareness on this life saving topic.

*Thanks to Richard Tantalo, Monroe County Public Safety Director for sharing this item with our readers.*



Jean Triest instructing on the proper use of child car seats in the virtual classroom.

## New Members

Comm. Philip Ragona  
Long Beach PD

Rahamim Levy  
Associate Member

Chief Scott Heggelke  
Skaneateles PD

Chief Craig Westbrook  
Fulton PD

Capt. Charles Nielsen  
Port Chester PD

## Are You Retiring?

Let us know:

[APB@nychiefs.org](mailto:APB@nychiefs.org)

## Contact Us

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