

The New York State Chief's Chronicle



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Do you have an interesting law enforcement story or an article you would like to submit, photographs of member activities or field scenes?
Contact the editor: Dennis R. Naylor at dnaylor@nychiefs.org

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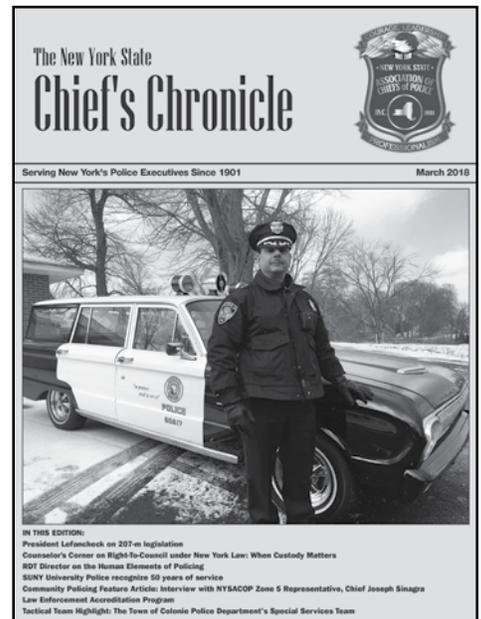
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On the Cover:

One of the highlight articles for this edition of the Chief's Chronicle involves an interview with the Town of Saugerties Police Chief, Joseph Sinagra. Chief Sinagra is a huge proponent of Community-Oriented Policing and in this edition, he shares some of the successes that he has had within his community because of his efforts. The cover photo depicts Chief Sinagra standing in front of his vintage 1962 Ford Falcon, which he purchased and completely restored into a fully functional black and white patrol vehicle. He uses this vehicle, with its working emergency lights and police radio, for various community events.

Photo courtesy of Chief Joseph Sinagra



One of the feature stories in this month's edition of the Chief's Chronicle is on the University Police Department of the State University of New York celebrating 50 years of service (see story starting on page 17.) Below are some photographs from the past and the present to illustrate some of the history and evolution over the past half century.



*Aug 1977
SUNY Security Officer Malcolm Harris*



*Oct 1981
SUNY Officers next to their patrol cars*

Joint University of Buffalo and Buffalo State Honor Guard for Veteran's Day Ceremony. ▶



June 7, 2011: UPD funeral detail for Oneida County Sheriff's Deputy Kurt Wyman who was killed in the line of duty.



Former NY State Gov. George Pataki, circa early 2000's, with UPD Officers at annual Police Memorial.



Members of the State University Police from various campuses around NYS come together for a group photo during the 2017 SUNY Police Awards Ceremony in Saratoga Springs, NY.

President's Report

The Re-installment of Section 207m is Vitaly Important



BY CHIEF MICHAEL LEFANCHECK, PRESIDENT; NYSACOP

I recently had a conversation that I'd like to share with all of you. I was contacted by someone who I haven't had the opportunity to meet in person yet, but he was familiar with me because of my involvement with NYSACOP. This person spoke about the fact that he was debating on applying for a promotion within his department to the position of Chief.

I deliberately used the word "debating" because he told me that he had spent over twenty years with his department, having worked his way up to a command position within the organization and he

He was concerned that if he lost those benefits because he accepted a promotion to Chief, he and his family would be at a severe financial disadvantage during his retirement years, than if he stayed in his current position.

felt he would be a very strong candidate for the Chief's job. He recounted to me his years serving in various assignments, his level of education and the number of promotions he had received along the way. As he spoke, he seemed articulate, knowledgeable and sounded like the sort of candidate any municipality would look to promote from "within the ranks."

I then asked this person why he was "debating" vying for the position of Chief of Police. Was it the potential loss of overtime pay, thus reducing his salary? Was it the increase in responsibility? Was it the need to attend regular meetings of the elected officials within his jurisdiction? Would the time demands of the job interfere with his home life? Is the position one that is "set-up for failure" because of previous mismanagement? The answer to all of these questions was a simple "no."

His reason was the same one that many of us have debated since 2011 when General Municipal Law 207m was repealed. His concern was that he would leave the security of a union contract that had been collectively bargained, for the "unknown" benefits associated with being a Chief of Police. He recounted to me how if he retired as a member of the bargaining unit, his medical insurance would be covered for a defined period of time, along with other benefits. He

was concerned that if he lost those benefits because he accepted a promotion to Chief, he and his family would be at a severe financial disadvantage during his retirement years, than if he stayed in his current position.

Individuals who have worked diligently their entire police career should not have to face the difficult choice of deciding to accept a promotion to the position they have strived for or remain in a bargaining unit to protect the benefits for them and their families.

This person truly wanted to compete for the promotion and said at one point in the conversation, "I've worked my whole career to get to this point, but I'm not sure I can take that risk for my family's sake." I believe this best illustrates the conundrum anyone vying for a promotion to the position of Chief of Police in New York State faces. In almost any other walk of life, a promotion does not reduce ones benefits to those below the people you supervise. Somehow, the elected leaders of New York have decided that this should be the case with Chiefs of Police.

The members of the NYSACOP Board of Governors continue to advocate for a re-installment of 207m and I feel it is vitaly important for every NYSACOP member, whenever they might have an opportunity to speak with an elected representative of the NYS Senate or Assembly to bring this issue up during their conversations. Individuals who have worked diligently their entire police career should not have to face the difficult choice of deciding to accept a promotion to the position they have strived for or remain in a bargaining unit to protect the benefits for them and their families.

I continue to be honored to serve as your President and have thoroughly enjoyed my interactions with many of you during my term. As always, if there is a matter you wish to speak with me about, do not hesitate to contact me. I welcome your comments and feedback.



NY TACTICAL TEAM HIGHLIGHT FOR MARCH 2018:

The Town of Colonie Police Department's Special Services Team

Informational content and photos for this article provided by Lt. Todd Weiss and Sgt. Guy Jubert of the Colonie Police Department.

Article composed by NYSACOP Director of RDT, Dennis R. Naylor

The Town of Colonie State accredited, police agency staffed by 113 sworn members and 49 support staff members who serve a population of approximately 83,000 people. The Department, which is led by Chief Jon Teale, has numerous specialized units, one of which is their Special Services Team (SST). The Colonie PD SST was originally established in 1985 and has been continuously active as a SWAT team for the past 33 years. Currently, the SST is comprised of 17 trained operators and four (4) newly appointed members who are due to attend the Basic SWAT Operator's school in the Spring of 2018. The SST is responsible for handling critical incidents within the jurisdiction of the Town of Colonie, but also has a Mutual Aid agreement with the City of Troy Police Department's Emergency Response Team (ERT). The SST is fully equipped to handle most critical incidents where SWAT assets are required. Additionally, the Colonie PD SST serves as a regional resource for critical incident response to neighboring jurisdictions.

All members of the Colonie PD SST have full-time duty assignments within the Colonie Police Department, serving in the capacities of patrol officers, investigators, and supervisors until the team is activated for a tactical need. Typical activations for the team consist of hostage situations, barricaded subjects, high-risk warrant service, response to suicidal subjects, and dignitary protection. SST members are also utilized extensively by the department's training division to lead and assist the department in active shooter drills and scenario/reality-based firearms training. Additionally, SST members participate in the instruction of "civilian response to an active shooter" training for businesses within the community.

The SST leadership is comprised of a Team Commander (Lt. Todd Weiss), Team Leader (Sgt. Guy Jubert), two (2) Assistant Team Leaders (Sgt. Louis DiNuzzo and Investigator Sam Criscione) and a Sniper / Observer Element Leader (Sgt. Peter Gullinese). The team includes four (4) trained and dedicated Sniper / Observers who may also operate in the capacity of entry operators. All SST operators attend 16 hours of training every month, and those operators with specialized assignments such as Sniper / Observers and Rappelers participate in further training in addition to that 16-hour requirement.

The SST is supported by additional resources such as the Department's Crisis Negotiation Unit (comprised of four (4)

trained crisis negotiators and a CNU Team Commander), Tactical Emergency Medical Services (comprised of three (3) full-time paramedics from Colonie's Emergency Medical Services assigned to train and respond with the SST on all team activations) Tactical Dispatchers (comprised of a tactical dispatcher – one currently – with plans for expansion) and the Department's newly formed UAS (Drone) Unit (comprised of 7 Pilots (1 sergeant and 6 investigators & officers) all Part 107 Pilots and an FAA Certificate of Authorization).

Training locations for the SST include the Colonie PD shooting range which contains a moving and rotating target system; the Municipal Training Center which has a mini residential street block inclusive of three houses, and a low-light warehouse facility; the City of Troy Live-Fire Shoot House; the Watervliet Arsenal Grounds; and the State Preparedness Training Center in Oriskany NY, where their cityscape, their simmunition shoothouse, their trailer park, and their wooded areas are fully utilized.

Colonie PD was the recipient of the NYS Tactical Team Targeted Grant award through the Department of Homeland Security and Emergency Services (DHSES). The grant was utilized to purchase various equipment which increased the SST core capabilities including expansion of low light tactical proficiency, conducting improved tactical surveillance through the use of robotic assets, enhanced ability to negotiate vertical obstacles, and enhanced operation in a high threat environment.

In June of 2017, the Colonie Police Department SST received NYS DCJS certification as a SWAT team, making them one of only 11 teams throughout New York State to receive such distinction. In addition to tactical response, the primary mission of the SST is to support the Colonie Police Department's administration, while continuously pursuing training and equipment which supports the SST operations. The police department's administrative expectation is that the training attained by SST operators will be shared and disseminated with surrounding agencies, along with fellow officers and supervisors. In keeping with this expectation, the Colonie PD SST has been a regional training resource in the area for many years and on several occasions has hosted and provided basic and advanced tactical training for area SWAT Teams, with the most recent being the 2017 DCJS Certified SWAT School. For more information about the Colonie PD SST, please contact Sgt. Guy Jubert at JubertG@colonie.org.

—See Special Services Team photo on page 12

Counsel's Corner



Right-To-Counsel Under New York Law: When Custody Matters



BY CHIEF (RET.) MICHAEL RANALLI, ESQ.

The right-to-counsel rules under New York constitutional law are generally more restrictive than the rules followed by federal courts. One specific question I frequently encounter: Can officers question a suspect about a charge when the suspect is represented by counsel on an unrelated charge? A person who has counsel on a charge or charges arising from a particular matter has an indelible right to counsel that may only be waived in the presence of counsel. Whether or not the person is in custody is irrelevant; the rule of law is premised on the representation of counsel on charges arising out of a particular matter. The ability to question a person about *unrelated* matters, however, is more complicated.

THE BASIC RULES: NOT IN CUSTODY VERSUS IN CUSTODY

Not in custody. The New York Court of Appeals ruled in *People v. Bing* that a suspect who is represented by counsel on a prior, pending charge does not have an indelible right to counsel on matters unrelated to the pending charge.¹ This case reversed existing precedent², holding that it was unworkable and burdensome to require police to determine whether a suspect had counsel on

**One specific question I frequently encounter:
Can officers question a suspect about a charge
when the suspect is represented by counsel on an
unrelated charge?**

unrelated charges. *Bing* involved three separate cases joined by a common issue. In all three cases the defendants had prior charges pending but they were not being held in jail on them. In each case the defendant was subjected to a custodial interrogation on matters completely unrelated to the pending charges, and, as was subsequently learned, all had counsel on the pending charges. After *Bing*, whenever officers are questioning a person not in custody, the person does not have an indelible right to counsel as long as the officers' questions are completely unrelated to the prior pending charge.

In custody. The *Bing* rule did not, however, change the longstanding rule pertaining to the right to counsel when a suspect

is in custody. In *People v. Rogers*³, the defendant was taken into custody for a robbery and advised officers he had an attorney, who

The general rules of *Bing* and *Rogers* are straightforward – if a person not in custody has an attorney on a pending charge, then the police may not question that person on the pending charge. Unrelated matters, however, are fair game.

eventually called and told the officers to stop questioning his client. The officers then began to question the defendant on unrelated crimes and he subsequently made an incriminating statement. The Court of Appeals held that since the defendant was represented on the charge on which he was held in custody, he could not be interrogated in the absence of counsel on any matter, whether related or unrelated to the subject of the representation.

In *People v. Colwell*⁴, the Court of Appeals declined to extend the right-to-counsel rule of *Rogers* to situations where the defendant stands convicted of a charge but is still represented during the appeal process. *Colwell* had counsel for a burglary conviction, which was under appeal, when he was arrested for harassment and questioned about additional sex crimes. The officers did not inquire about the status of the burglary charge at the time. While *Colwell* was decided before *Bing*, and today would probably be decided under the *Bing* rule, the Court of Appeals clearly stated that the *Rogers* rule only applies to pending charges, not to post-conviction appeals.

So, if you have a suspect in jail who has been sentenced, then he or she may be questioned without counsel on unrelated matters even while the appeal is pending⁵. The Court's reasoning here has to do with rules governing admission of evidence. *Rogers* is designed to protect a person from incriminating him or herself on the current charges. Once a conviction is obtained, new evidence cannot be used in the appeal. If, during the questioning on unrelated matters, admissions pertaining to the charge under appeal were obtained, those admissions would be inadmissible if a new trial were ordered.

The general rules of *Bing* and *Rogers* are straightforward – if a person not in custody has an attorney on a pending charge, then

the police may not question that person on the pending charge. Unrelated matters, however, are fair game. If a person is in custody, and the person has an attorney for the charge they are in custody for, then that person may not be questioned about anything related or unrelated to the pending charge. The exception to this rule applies when a person is in jail but is sentenced.

While these rules are easily stated, application of them to the real world of police work can be difficult.

APPLICATION OF *BING*: WHAT IS UNRELATED?

In *People v. Cohen*⁶, the defendant was a suspect in a burglary of a garage in which several firearms were stolen. Cohen had not been arrested for the burglary. The investigating officers had been

The lesson: Use caution in cases where the represented matter leads you to believe the suspect may be involved in an unrelated matter, as in Cohen. In such cases you must carefully plan the interview and be cognizant of these issues.

advised by Cohen's attorney not to question the defendant about the burglary or the theft of any weapons. A year later, the defendant also became a suspect in a gas station robbery-murder since one of the guns stolen in the burglary may have been used in the murder of the store clerk. Investigators questioned Cohen about not only the robbery-murder, but also about his possible involvement in the burglary. He confessed and gave a statement about the robbery-murder. The Court of Appeals suppressed the statement, finding that by intermixing the questioning on both matters, the police "purposely exploited concededly impermissible questioning in order to obtain a confession in the unrepresented matter"⁷.

In *Cohen* the Court of Appeals described two categories of police questioning of a suspect of one crime, when the suspect is represented on another crime:

- (1) "Where the two criminal matters are so closely related transactionally, or in space or time, that questioning on the unrepresented matter would all but inevitably elicit incriminating responses regarding the matter in which there had been an entry of counsel"; and
- (2) "Interrogations concerning crimes less intimately connected, but where the police were aware that the defendant was actually represented by an attorney in one of the matters"⁸.

The second category applied in *Cohen*. If the investigators were able to show that the questioning was "discrete" or "separable" and not "so interrelated and intertwined" with the represented matter, then the confession would have been allowed. But here the defendant was clearly represented, and the investigators apparently made no attempt to separate the questioning.

The lesson: Use caution in cases where the represented matter leads you to believe the suspect may be involved in an unrelated matter, as in *Cohen*. In such cases you must carefully plan the interview and be cognizant of these issues. If you have possible co-defendants or witnesses to interview, or are awaiting the results of evidence processing, you may want to consider delaying the interview of the suspect. The same is true for matters arising out of the same transaction⁹.

APPLICATION OF *ROGERS*

In *People v. Burdo*¹⁰ (1997), the Court of Appeals reaffirmed *Rogers* and explicitly refused to either expand or narrow the longstanding rule. *Burdo* was being held in a county jail after being arraigned on rape charges, for which he had counsel. Officers went to the jail to question him on an unrelated murder. He gave a written statement implicating himself in the murder. Citing *Rogers*, the Court of Appeals suppressed the statement. The key points to this case and *Rogers* are (1) the defendant was in custody, and (2) was represented on the charge on which he was held in custody. The defendant, therefore, could not be interrogated in the absence of counsel on any matter. This was a classic example of what *Rogers* is designed to prevent.

So, what do you do in these cases? The answer is sometimes easy – wait for the suspect to be released and then the rule of *Bing* takes over. In both agencies I worked for, we had cases where our investigators were literally waiting at the jail for the person to be released, and then brought him back a few hours later under new charges. If the suspect is not likely to be released soon, then you may be able to wait for the suspect to be sentenced. Under *Cohen* you would then be able to interview him or her.

Also, custody does not only mean "in jail." A common example is a person under arrest for Driving While Intoxicated (DWI). The person is read the DWI warnings and asks to call an attorney. That person now has an attorney for the charge he or she is in custody for, and *Rogers* would apply. If you have an investigator who wants to speak with that person about other crimes, then once processing is completed and the person is released, *Bing* applies, and unrelated matters are fair game again.

Now things get even more complicated.

Are the police who want to interview a suspect in jail under any obligation to inquire whether the suspect has an attorney for the charge he or she is in custody for? The Court of Appeals has held that officers who want to question a person in custody about unrelated matters must make a reasonable inquiry concerning an attorney's status on the custodial charge, even if the person is being held in another state¹¹.

Does it matter why a person is in custody under Rogers? In *People v. Williams*¹², Jeffrey Williams was in jail on a parole violation and an informant, Gary Evans, was placed in the next cell. Evans obtained incriminating statements from Williams. The Appellate Division held this was not a violation of *Rogers* or *Burdo* since Williams was not in custody for any charge whereby counsel was requested or on which counsel had appeared. So, while Williams was in custody, he did not ask for nor have an attorney for the parole violation, and the statements were admissible.

What if the person represented on a pending charge is released, arrested on other new charges, and questioned after the arrest? In *People v. Steward*¹³, Steward was arrested under a false name on various charges, arraigned, assigned counsel and then released on his own recognizance. A few days later, officers learned his identity and arrested him on a parole violation. Knowing he was represented on the other charges, the officers questioned him about an unrelated homicide. Steward waived his rights and made some inculpatory statements. The Court of Appeals distinguished *Rogers* and allowed the statements, reasoning "Thus, *Bing* could not be clearer that the *Rogers* right to counsel bars questioning on unrelated matters only when a defendant is in custody on the initial

charge upon which the right to counsel has attached. It does not extend to questioning and result in suppression when the defendant is subsequently taken into custody on an unrelated charge...¹⁴

What if the person represented on a pending charge is released, arrested on a bench warrant arising from the pending charge, and questioned after the arrest? This issue arises from the fact that the person is now in custody for those underlying warrant charges, in which the suspect may have counsel, but you are questioning about

If you have some factual deviation from straight application of the Bing or Rogers rules, the safest course of action is to consult with your local prosecutor prior to conducting an interview of a suspect.

unrelated matters. The reasoning of *Steward* has been applied and extended by at least three appellate divisions in a series of cases in which the suspect was arrested on bench warrants for charges on which they have counsel¹⁵. In other words, the defendant is arrested on a charge, obtains counsel, is released, violates some term of his or her release, and a bench warrant is issued as a result. The defendant is then arrested and questioned on matters unrelated to the bench warrant charge. In just such a case, the 1st Department Appellate Division allowed a confession into evidence, reasoning, “In any event, even if defendant had been represented, with the knowledge of the police, on the unrelated charges, the Rogers rule ... upon which defendant relies, would be inapplicable because defendant had not remained in custody on those charges but had instead been released and rearrested on the bench warrants (see, *People v Burdo*, 91 NY2d 146; *People v Steward*, 88 NY2d 496; *People v Bing*, supra)¹⁶.”

What if you want to question someone who is already being held in jail on a bench warrant? This question is more troubling, and I do not have a clear answer. The bench warrant cases discussed in the previous paragraph all deal with questioning that occurred immediately after re-arrest of a previously free suspect, when *Bing* would initially apply. The defendant was arrested and released, arguably breaking the application of *Rogers*. Whether that reasoning would apply was put into doubt by the case *People v Gibson*¹⁷. *Gibson* was a suspect in a robbery, but was arrested on an unrelated bench warrant for which he had counsel. While in jail he asked to see a detective. The detective did visit *Gibson*, but he did not ask any questions about any criminal matters. Instead, he secured for DNA testing a cigarette butt used by *Gibson*. The Appellate Division and the Court of Appeals both held that obtaining a DNA sample from a subject in custody, even if represented, would not fall into the category of a “communicative act” that would disclose the contents of the defendant’s mind.

The problem with the case arises from one sentence of the opinion: “The people do not dispute that the attachment of that right {right to counsel} precluded the police from questioning the defendant about any matter (see *People v Burdo*...)”¹⁸ This presumption by the court is arguably “dicta”, which means it is language from the opinion that is not directly related to the specific issue of law in question - whether the 5th Amendment prohibition

against self-incrimination is violated by obtaining a DNA sample, which it was not. If this presumption is accurate, then the suspect is rewarded for violating a term of his or her release. But for the bench warrant, the suspect would be free, and *Bing* would apply, allowing questioning on unrelated matters. Due to the uncertainty, the safest course of action would be to determine if the suspect has requested or retained counsel on the pending matter. If they have done either, then caution is advised, and you should wait until the suspect is released and/or discuss the issue with your local prosecutor before questioning.

This article has been a limited review of one narrow issue in a very large and complex area of law. It is not intended to be a comprehensive overview of the topic. While the basic rules will most frequently apply, many variations exist. If you have some factual deviation from straight application of the *Bing* or *Rogers* rules, the safest course of action is to consult with your local prosecutor prior to conducting an interview of a suspect.

(Endnotes)

¹ *People v Bing*, 76 NY2d 331 (1990)

² *People v Bartolomeo*, 53 N.Y.2d 225 (1981)

³ 48 N.Y.2d 167 (1979)

⁴ 65 N.Y.2d 883 (1985); see also *People v Carrasquillo*, 50 A.D.3d 1547 (4th Dept. 2008), *lv denied* 11 N.Y.3d 735 (2008)

⁵ *People v Davis*, 171 A.D.2d 672 (2nd Dept. 1991), *lv denied* 78 N.Y.2d 1075 (1991); *People v Coutant*, 111 A.D.3d 981 (3rd Dept. 2013), *lv denied* 23 N.Y.3d 1019 (2014); *People v Koonce*, 111 A.D.3d 1277 (4th Dept. 2013)

⁶ *People v Cohen*, 90 NY2d 632 (1997)

⁷ *Cohen*, 641, quoting *People v Ermo*, 47 N.Y.2d 863 (1979)

⁸ *Id.*, 638-640, see also *People v Silvagnoli*, 151 A.D.3d 443 (1st Dept. 2017)

⁹ See *People v Townes*, 41 N.Y.2d 97 (1976)

¹⁰ *People v Burdo*, 91 N.Y.2d 146 (1997)

¹¹ *People v Lopez*, 16 N.Y.3d 375 (2011)

¹² *People v Williams*, 263 A.D.2d 772 (1999), *lv denied* 94 N.Y.2d 831 (1999)

¹³ *People v Steward*, 88 N.Y.2d 496 (1996)

¹⁴ *Steward*, at 502

¹⁵ See *People v Orlando*, 61 A.D.3d 1001 (2d Dept. 2009), *lv denied* 13 N.Y.3d 837 (2009); *People v Acosta*, 259 AD2d 422 (1st Dep’t. 1999), *lv denied* 93 N.Y.2d 1001 (1999); *People v Garcia*, 40 A.D.3d 541 (1st Dept. 2007), *lv denied* 9 N.Y.3d 961 (2007); *People v Clarke*, 298 A.D.2d 259 (1st Dept. 2002), *lv denied* 99 N.Y.2d 613 (2003); and *People v Pitts*, 290 A.D.2d 580 (3rd Dept. 2002), *lv denied* 97 N.Y.2d 759 (2002)

¹⁶ *People v Acosta*, 259 AD2d 422 (1st Dep’t. 1999), *lv denied* 93 N.Y.2d 1001 (1999)

¹⁷ *People v Gibson*, 17 N.Y.3d 757 (2011)

¹⁸ *Gibson*, at 759

The New York State Law Enforcement Accreditation Program Has Tremendous Value for All Law Enforcement Agencies

BY HILARY McGRATH, NYS DCJS ACCREDITATION PROGRAM MANAGER

Article contributed and written specifically for the March 2018 Edition of the Chief's Chronicle

INTRODUCTION

New York State's Law Enforcement Agency Accreditation Program is much more than state recognition of a police agency and a nice plaque: it demonstrates the agency's commitment to excellence, professionalism and leadership.

Accreditation is a management tool that sets the foundation for consistency within an agency through comprehensive policies that are effective, relevant, and current. It provides for the highly-effective operation and management of an agency based upon professionally developed and legally sound standards that reflect industry best practices.

Achieving – and maintaining – accreditation means knowing that the highest liability areas of policing have been carefully analyzed and addressed through policies and procedures, and ultimately, through the actions of the agency's officers and command staff to strictly adhere to those written directives.

While many agencies that are not currently accredited are functioning in an efficient and professional manner, achieving accreditation provides independent confirmation of that professionalism. It also provides a blueprint for ongoing and continuous self-assessment to ensure your department continues to function at optimal performance.

PROGRAM OVERVIEW

New York State established its voluntary Law Enforcement Agency Accreditation Program in 1989 with the goal of enhancing professionalism, efficiency and effectiveness within the field of law enforcement. Accreditation is accomplished through an agency meeting and maintaining compliance with 110 professional standards related to administration (52), operations (46), and training (12). Because the New York State program is one of the few accreditation programs in the nation that imposes no direct costs on agencies, participation in the program is a realistic goal for many.

The program was developed and is overseen by law enforcement professionals, so attaining accreditation is essentially a peer-approved achievement. The Law Enforcement Agency Accreditation Council, which is responsible for approving program standards, awarding accreditation and general program oversight, has 17 members, 10 of whom are active law enforcement professionals.¹ The state Division of Criminal Justice Services (DCJS) administers the program and provides staff support to the Council.

The council consists of: three incumbent chiefs of police; three incumbent sheriffs; one deputy sheriff; one police officer; the Superintendent of the New York State Police; the Commissioner of the New York City Police Department; one member of a statewide labor organization representing police officers; one incumbent mayor of a city; one incumbent supervisor of a town; one incumbent executive of a county; one full-time member of

a college or university who teaches criminal justice, and; one appointment each made by the state Senate and state Assembly.

PROGRAM PARTICIPATION

There are currently 152 agencies accredited through the program. Those agencies range in size from a handful of employees to more than 4,000. Approximately 58 percent of all New York State police officers who work outside of New York City are employed by an accredited agency. An additional 32 agencies are actively working toward becoming accredited. Of the 32 applicant agencies, five are currently scheduled to undergo an initial assessment during the next 12 months.

PROGRAM BENEFITS

Although preparing for accreditation is hard work and undergoing an on-site assessment may seem daunting, executives of agencies that have successfully completed the process consistently tout the benefits of accreditation. Preparing for and participating in the accreditation process ensures:

- regular review of existing written directives, with an eye toward expanding, updating, and strengthening policies and procedures when necessary;
- written directives and practices are always current and consistent with law;
- gaps in agency operations are identified, addressed, and corrected in a timely manner;
- fair recruitment, selection and promotion processes;
- enhanced understanding by agency personnel of agency policies and procedures;
- greater administrative and operational effectiveness, and;
- enhanced and ongoing training for all sworn members of the department.

Accreditation can increase public confidence in the agency. According to one chief law enforcement officer of an accredited agency: "This program provides an additional level of transparency that is a cornerstone of public trust. At a time when the need for public trust is perhaps at its greatest, this program provides an excellent opportunity to further those efforts."

Accreditation also may reduce an agency's vulnerability to civil suits and costly settlements by enhancing the performance of officers by providing a comprehensive set of guidelines to assist in the discharge of their duties. Through this consistency and

—ACCREDITATION PROGRAM, continued on page 10

A Well-Articulated Policy Regarding Civilian Complaints and Internal Investigations is Essential for All Police Departments

BY CHIEF (RET.) DENNIS R. NAYOR, DIRECTOR OF RESEARCH, DEVELOPMENT, AND TRAINING; NYSACOP

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One of the best mechanisms to safeguard the integrity of any police department is a well-defined policy regarding civilian complaints and the internal investigation process. If allegations are not properly documented and recorded in a uniform manner and an established protocol concerning how allegations are to be investigated each time is not in place, then there could likely be a perception, or even a reality, that accountability

is relaxed or nonexistent within a department. This article will highlight some basic tenets for police chiefs to review to help ensure that effective civilian complaint and internal investigation processes exist within their department policies.

First and foremost, having a well-articulated policy in place that covers civilian complaints and the internal investigative process is extremely important because it provides a consistent and specific course of action in all scenarios involving allegations against members of the department. It also allows the citizens of the community to know that they have a voice and a means of recourse if they feel that they are treated improperly.

The civilian complaint and internal investigation policy should clearly define who directs internal investigations and provide a detailed explanation of how these investigations are handled. These explanations demonstrate to all parties that the treatment administered during internal investigations is equitable, that there is objectivity in the investigative process, and that collective bargaining agreements are not compromised.

It is widely understood that complaints can range from simple allegations of rudeness to, and including, various forms of criminal activity. Some lower-level complaints can be appropriately addressed by the first-line supervisor with the complainant and involved officer(s) via a clarification of the policy or some other means that fosters their satisfaction. In the instances where the allegation is more serious, a formalized plan of action must be followed.

For walk-in complaints that occur when the appropriate investigative authority is not immediately available, a basic form should be provided to the complainant, enabling him or her to list his or her name, address, and contact information along with a description of the allegation and the officer(s) involved. The completed form should be sealed in an envelope and directed to the attention of the police chief or his or her designee. When the chief or person responsible for facilitating

the investigation is not available, an email or phone call should be made to that investigative authority to properly inform him or her of the complaint and its nature, if known. Prompt attention to civilian complaints and the rapid commencement of internal investigations, when required, are essential.

When the person responsible for conducting internal investigations receives any complaint, an investigative file should be started. The file should be given an internal control number for tracking purposes. Furthermore, an internal and secure log that includes the date, the names of the complainant, officer(s) involved, and assigned investigator, along with descriptions of the allegation and final findings should be maintained and correlated to this internal control number. The log also provides a quick means to view which cases are open and grants the chief and/or internal affairs investigators the ability to see whether individual officers' names repeatedly appear as the involved officers, thereby making the log an early warning system that detects employees who may be developing patterns of repeated complaints.

Unless it jeopardizes the investigation, it is appropriate to let the officer(s) involved know when an allegation is made against him or her. Sometimes a brief discussion or a written memo from the officer involved can provide an appropriate accounting of the incident, which can be later verified by witnesses, body camera footage, or alternate means. If the allegation is criminal in nature or a serious violation of policy, the officer must be made aware of it so he or she can secure proper union representation and/or an attorney. Again, every case is different, and the severity of the allegation dictates much of how the process will occur. The key is to always act in fairness and with consistency so that, when an internal investigation is commenced, all members know that a clearly delineated and impartial process is being followed. There must be one standard that is equally applied to all personnel.

For all allegations against department members, it is beneficial to have the complainant provide a written statement in which he or she signs it in accordance with Section 210.45 of the New York State Penal Law. By using this process, the complainant is aware that he or she may be charged with a crime if he or she knowingly provides a false written statement. If the accuser is about to make a false allegation, this knowledge may dissuade him or her from doing so. If, however, it is revealed through the course of the investigation that the accuser ignored this and did knowingly make a false allegation within his or her sworn statement, then the ability to apply charges against said person now exists to a greater degree.

—WELL-ARTICULATED POLICY, continued on page 10

—*WELL-ARTICULATED POLICY, continued from page 9*

During any investigation in which actual criminal activity is alleged against a member of the department, the district attorney should be apprised at the onset. Spelling this out within the civilian complaint and internal investigation policy is crucial because this action helps to minimize accusations of a “cover-up,” particularly when the allegation is not sustained or determined to be unfounded through the investigative process. Doing this also allows members of the department to know what to expect and allows the district attorney to have input in the investigative process, which is necessary if a crime did indeed occur.

After a finding in any internal investigation is determined (e.g. sustained, not sustained, unfounded, exonerated), the complainant should be notified of the decision in writing. The complainant does not necessarily have to be provided the specifics regarding the level of discipline applied when the complaint is founded or any other information that may be protected, but the formal notification allows him or her to know that the complaint was taken seriously and thoroughly investigated. Likewise, the officer(s) involved

should also be notified in a prompt manner when the investigation concludes and of the findings and any further actions. As always, the control log must be updated with the case status, and the written investigative report must be securely maintained in an appropriate file system.

The internal investigation process is very important and should never be done in an arbitrary or capricious manner. When officers are doing their jobs correctly, police chiefs must fully back and support them. When allegations of wrongdoing occur, there needs to be a clear and methodical means of addressing them. The articulated civilian complaint and internal investigation policy provides for this. Making literature available to the public regarding this process is also very valuable. Whether it is made available electronically on the department website or as a brochure in the department lobby, this literature is an effective way to educate the community and, at the same time, helps to demonstrate fairness, transparency, and professionalism within your department.

—*ACCREDITATION PROGRAM, continued from page 8*

adherence to policies that are known to meet a standard of excellence, agencies are better prepared to defend the agency’s practices and the actions of their officers.

BECOMING ACCREDITED

The Accreditation Unit within the DCJS Office of Public Safety administers the program based on parameters detailed in Executive Law Article 36, §846-h and the policies set by the Council. All final decisions related to the program are made by the Council with the goal of further improving law enforcement within New York State while meeting the ever-changing needs of law enforcement professionals.

To become accredited, police agencies must develop and implement policies and procedures to meet all 110 standards established by the Council. Agencies can expect to spend between six to 18 months preparing for accreditation, depending on the time devoted to the project and the number of policies that must be developed.

Agencies must adhere to the policies and procedures developed to meet the standards for a full 90 days before being eligible to undergo an on-site assessment. This rigorous assessment is conducted by assessors, all of whom have applied for the position and been approved by the Council. All program assessors are law enforcement professionals who have worked for a minimum of three years on the New York State program, either as a program manager or assistant program manager within their agency, or as a supervisor/command staff member directly involved in the management and oversight of the accreditation program within their agency. All assessors must undergo a day-long training prior to being assigned to a team. Additional “on-the-job” training is provided by partnering new assessors with more experienced ones.

Assessments are conducted on-site at the law enforcement agency. A three-person assessment team spends three days reviewing the agency’s program files, which contain all the documentation needed to demonstrate compliance with the standards; conducting interviews of various members of the department; and making observations within the agency to further document compliance with the program standards.

The Council awards Certificates of Accreditation to agencies that have met or exceeded the standards. Agencies are accredited

for five years. During that time, they must maintain compliance with all program standards and report on their progress through an Annual Compliance Survey, which is intended to ensure that lapses in compliance are immediately identified and remedied. DCJS Accreditation Unit staff also conduct site visits at least once during the period of accreditation to ensure compliance is being maintained and provide technical assistance. Agencies seeking reaccreditation undergo another full assessment approximately three months before their accreditation is set to expire.

CONCLUSION

The New York State Law Enforcement Agency Accreditation Program is a major source of pride for the accredited agencies and DCJS, and it is one of very few accreditation programs in the country that imposes no direct costs on agencies that participate. DCJS is proud to provide this free service and resource to the law enforcement community, and the agency and Council are committed to the integrity and longevity of the program, always striving to meet the ever-changing needs of law enforcement professionals across the state.

New York State is often recognized as a leader in policing, a direct result of the commitment that law enforcement executives across the state have made to professionalism and to providing the best possible service to their communities. Participation in the accreditation program will enhance those efforts.

For more information, visit <http://www.criminaljustice.ny.gov/ops/accred/index.htm> or contact Hilary McGrath, Program Manager for the New York State Law Enforcement Accreditation Program, at hilary.mcgrath@dcjs.ny.gov or (518) 485-1417.

¹The council consists of: three incumbent chiefs of police; three incumbent sheriffs; one deputy sheriff; one police officer; the Superintendent of the New York State Police; the Commissioner of the New York City Police Department; one member of a statewide labor organization representing police officers; one incumbent mayor of a city; one incumbent supervisor of a town; one incumbent executive of a county; one full-time member of a college or university who teaches criminal justice, and; one appointment each made by the state Senate and state Assembly.

The Human Element of Policing Must Always Exist



BY: CHIEF (RET.) DENNIS R. NAYOR, DIRECTOR OF RESEARCH, DEVELOPMENT, AND TRAINING; NYSACOP

In my capacity as the Director of Research, Development, and Training for this Association, all the articles which I have authored for the monthly e-Newsletter and the quarterly Chief's Chronicle magazine have focused on highly relevant and contemporary issues regarding professional 21st century policing. Whether the article's emphasis was on building trust and legitimacy, policy development, technology, social media, community policing, safety and wellness, tactics and training, or specific key issues within modern policing, the primary goal was always to provide insightful and thought-provoking information to assist law enforcement leaders during these challenging times.

There is however another extremely important topic in addition to those mentioned above which is worthy of its own article, and that subject is "the human element" in policing. Every member of every department, from the newest officer through the highest ranking official, has an incredible amount of power vested in them and the way in which that authority is used and the way in which they treat those with whom they have contact, oftentimes can have much greater impact than any ticket or criminal charge. This article will provide some important points of considerations into this sometimes-forgotten topic.

The reality is that policework, by its very nature, involves daily human interaction which includes seeing life in its raw, unedited, and most unfiltered form. As we know all too well, a typical day for law enforcement exposes officers to not only harm, but to seeing people at their absolute worst. Whether it's because of a bad situation in which a person finds themselves, or an issue of substance abuse, or any of a myriad of other reasons, people are usually not in a good place when law enforcement arrives. Regardless of whether

The ability to view each situation as unique is essential, and to know that all arrestees are not necessarily career criminals and that all people who commit a crime are not necessarily bad people, is something that must remain within the hearts and minds of every law enforcement officer as they perform their duties.

that person is the subject of an arrest, a victim of a crime or accident, or the target of an investigation, it is fair to say that the event is something which will remain with him or her forever. For this reason, the way in which law enforcement responds and reacts to every call for service is of extreme importance.

With the above being said however, there is an important distinction to be made; we know unquestionably that true evil

exists in our world. There are individuals predisposed towards committing heinous acts of despicable violence upon others, there are those who prey upon the weak and the innocent, and there are those who simply lack any reverence for human life. The most suitable place for these individuals is prison, and they are certainly not the category of people to whom this article refers. This article's reference is that of the average citizen of any community who may find themselves on the other side of the law.

When law enforcement officers work in areas of high-crime density and / or see criminal acts and victimization multiple times per day, it's easy to understand how every interaction and every call for service can simply meld into the next. This same idea holds true if an officer is burned-out, bitter, or struggling with personal issues of their own. In these situations, responses and reactions may occur from a place of apathy or complacency, both of which are devastating for all involved. The ability to view each situation as

an organizational culture must exist in which an understanding that all persons through a series of bad breaks in life, poor decisions, poverty, mental health issues, or life-changing events (divorce, death of loved one, health issues, loss of job) can find themselves in a place in which police intervention is required.

unique is essential, and to know that all arrestees are not necessarily career criminals and that all people who commit a crime are not necessarily bad people, is something that must remain within the hearts and minds of every law enforcement officer as they perform their duties. Having a keen sense of humanity and empathy are crucial for this to occur.

As police leaders today, it's therefore not only incumbent that a culture is created within every Department whereby the officers are tactically sound and properly equipped to deal with all situations, but at the same time, an organizational culture must exist in which an understanding that all persons through a series of bad breaks in life, poor decisions, poverty, mental health issues, or life-changing events (divorce, death of loved one, health issues, loss of job) can find themselves in a place in which police intervention is required. The ability to maintain empathy and consideration towards that truth must remain constant.

Modern law enforcement leaders work diligently towards ensuring that only quality people are hired and trained to take on today's tough policing challenges. It however also becomes the

Early warning systems that track use of force, citizen complaints, and personnel issues should be in place so that an officer who may be heading in the wrong direction can be brought back on track.

responsibility of today's police leaders to verify that these officers do not become jaded and negative in their treatment towards the public, or forgetful of the significance of the power that is vested in them, throughout their careers. Early warning systems that track use of force, citizen complaints, and personnel issues should be in place so that an officer who may be heading in the wrong direction can be brought back on track. Sometimes this may involve switching shifts or patrol zones, especially if the officer in question has worked the overnight shift or a high crime zone for an extended period, other times it may involved offering Employee Assistance Plan (EAP) based counseling for issues that may be occurring within an officer's personal life. Sometimes it can be a matter of providing sensitivity-based training, and other times it may be as simple as talking to the officer to see what may be affecting their attitude, and collaborating on a possible remedy. If a solution is not achievable, then progressive discipline up to and including releasing that officer from employment may be the necessary course of action.

YouTube and numerous other social media platforms contain examples in which an officer is found to have lost his or her temper and the related footage of the officer's treatment towards the public with whom he or she is interacting reflects that. Whether from a gruff or demeaning traffic stop to an instance of excessive force, the perception of the entire police profession can become tainted when these things occur. Clearly this is the exception and not the

rule because there are countless instances whereby officers go well above and beyond the call of duty every day, while treating even the most belligerent of persons with the utmost of respect.

Treating people respectfully and always maintaining wisdom towards the innate foibles of humanity will never go out of style.

Since perception is reality however, we all must work extra hard to continually demonstrate that elevated level of professionalism.

Having cutting-edge technology, high tactical standards, great equipment, and sound policies are tremendous assets for every law enforcement agency, but these assets can quickly lose their value if the human element is not equally maintained along the way. Treating people respectfully and always maintaining wisdom towards the innate foibles of humanity will never go out of style. Ensuring that all members of every department, from patrol officer to police chief, maintain a sense of empathy and understanding in the way in which they perform their duties will always be a benefit to the department, the community, and the legacy of the entire policing profession.

I have tremendously enjoyed the opportunity to serve as your Director of Research, Development, and Training. I've met some amazing people along the way and have had many great experiences that I will always value. I will be moving on from the Association however to pursue other interests, but I will always be a resource for you. If I can ever be of assistance to anyone on any contemporary law enforcement issue, please don't hesitate to contact me at nayor61@yahoo.com. In the meantime, please stay safe and keep up the excellent work that you all do for this noble profession! -Dennis Nayor



Pictured in the photo above are the members of the Town of Colonie Police Department's Special Services Team (SST) after completing a full day of training on February 13, 2018. In June of 2017, the Town of Colonie Police Department SST received NYS DCJS certification as a SWAT team, making them one of only 11 teams throughout New York State to receive such notable distinction. (See full article on page 4)

Community-Oriented Policing: Interview with Town of Saugerties Police Chief, Joseph A. Sinagra

In this edition of the Chief's Chronicle, I have the privilege of conducting a Question and Answer interview with Chief Joseph A. Sinagra of the Town of Saugerties Police Department. Chief Sinagra is the Zone 5 representative for the New York State Association of Chiefs of Police and is also a huge proponent of Community Oriented-Policing. In this interview, Chief Sinagra will share some of his community policing philosophies along with some of the successful initiatives that he has undertaken within his community. -Dennis Naylor, Director of Research, Development, and Training; NYSACOP

Q: Chief Sinagra, for the readers, what is the population and demographic composition of the Town of Saugerties? What is the organizational structure of your Department?

A: The Saugerties Police Department is responsible for patrolling an area of 60 square miles with a population of just under 23,000. The Town of Saugerties is the largest municipality in the County of Ulster with the second largest population, closely behind the City of Kingston. The Town of Saugerties Police department provides 24-hour per day / year-round police service to both the Town and Village of Saugerties. In 2011, the Village of Saugerties Police Department and the Town of Saugerties Police Department consolidated into one police agency. There is a vast stratum of demographics represented throughout the municipality, inclusive of a large non-English speaking population that continues to grow within our communities. The Department compliment consist of the Chief, a Captain in charge of patrol, a Lieutenant in charge of Special Operations and responsible for the direct oversight of all major investigations, a Detective Sergeant, three case detectives, six patrol sergeants, nine uniform police officers assigned to the patrol division, one SRO assigned to the local high school, (also serves four elementary schools and one Junior High School); one officer assigned on a full time basis to the Ulster County Regional Gang and Narcotics Team; 14 part time police officers assigned to patrol, three full time dispatchers, nine part time dispatchers, and one administrative aide. We also have a reserve police officer program (Volunteers in Policing) that currently has four certified police officers who are assigned to patrol, in addition to three chaplains and one clerical aide, all volunteers. Normal shift consists of one patrol sergeant, three uniform officers, and a civilian Dispatcher. There are three tours, A-Line 23:00-07:00, B—Line 07:00-15:00, and C-Line 15:00-23:00. In 2017, the department handled 21,973 complaints resulting in the arrest of 539 individuals. The department FY 2017 police budget was \$2,428,438.

Q: How would you best describe your philosophy regarding Community-Oriented Policing? What does community policing mean to you?

A: First and foremost, we prescribe to the philosophies of Sir Robert Peel as it relates to the nine policing principals, which we have embraced throughout our agency. The most important principles being that "Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public"; and "The ability of the police to perform their duties is dependent upon public approval of police actions."

Community policing really means that the agency fully cooperates and understands the needs and expectations of the community they serve. This can only be achieved through direct contact and the



establishment of relationships throughout the community, between the police and public. When one of our officers drives through a neighborhood, I want the community member to not only recognize the fact that the "cops" drove through, I want them to be able to say, they recognize that officer by name. We encourage our officers to stop in the neighborhoods when they see residents are home and outside, perhaps doing their yardwork, simply to say hello and ask how has everything been in the neighborhood? Has anything recently happened that we should be aware of? Showing interest in the community and its members fosters community relations and helps to build community trust.

Q: How do you foster that same philosophy within your entire Police Department so that you have buy-in from everyone?

A: We are a business just like any other business, we must constantly strive toward providing better services and customer satisfaction. We use roll-call as an opportunity to address community oriented

policing philosophies with the men and women of our agency. We are constantly reminding our officers that we are here to serve the public and to be effective, we must take the time to listen to their needs, expectations and complaints. We need to treat our community members with an unbiased demeanor and empathy. This means that all personnel complaints are investigated in a timely manner and the results of the investigation are shared with both the complainant and the effected officer(s). We also practice a form of restorative justice in a way. What I mean by this is that we will occasionally have the complainant sit down with the officer(s) whose actions were in question and provide opportunity for both



sides to express their thoughts. This provides ample opportunity for both us, the police and the community, to better understand what happen and why each responded in the manner that they did. The end results brings about a better understanding for both parties, respecting the position each other perceived at the time of their interaction. This has greatly enhanced public trust, as our community recognizes that they do have a say in how we respond to their needs, in addition to providing opportunity for them to be heard. In most cases, individuals just want an opportunity to explain their side of the situation and why they acted in the manner they did. This further provides an opportunity for us, as the police, to share with our community our expectations and actions which are in most cases policy driven because of the greater national law enforcement picture. Officers have been willing participants in these ventures, as they too desire to be heard and have ample opportunity to explain their rationale. This has been one of the most educational opportunities, benefiting both community and police. Through dialogue, understanding is achieved, and voluntary behavioral changes occur.

Q: Can you describe some of the community policing initiatives which you employ in the Town of Saugerties?

A: Providing services to both a village and a township provides a plethora of opportunities to implement a variety of policing strategies toward bridging police-community relationships. In the Village, we have a robust business district where we provide foot patrols on a regular basis. Officers on all three shifts are responsible for completing these foot patrols. The public loves to see police officers walking the streets, particularly during the

evening hours and on weekends, when individuals are patronizing our local restaurants, bars and stores. The overnight foot patrol, upon finding an unlocked business door, will notify the owner of such, making a check of the premises with the owner at whatever time of night it may be. Simply finding an unsecure door at 2:00 a.m. provided the business owner with the comfort of knowing that their tax dollars are at work for them, even when they are sleeping. This further creates trust in the fact the police are doing what is expected of them.

When we can, we also utilize written warning summons, over that of issuing regular uniform traffic summons. There is nothing like seeing a motorist smile and thanking an officer who has just issued them a summons. Motorist who are stopped for minor V&T infractions; instead of leaving the motorist with a negative experience through their interaction with the police, we leave them with a positive experience, through the issuance of these warnings. As you are walking up to the motorist vehicle with summons in hand, you at first see their look of disgust, as you explain the summons to them, and they begin to realize that the summons is simply a written warning, and not an actual traffic summons that will put points on their license and further cost them some of their hard-earned money, they smile and thank you! The motorist leaves that traffic stop feeling good about being stopped and the encounter they just experienced. They won't be carrying a scornful attitude throughout the rest of their day and their perception of law enforcement is drastically changed for the better.

As the police chief, I too go out on routine patrol and make traffic stops. I also back our officers up and on occasion, handle calls for service when no other patrols are available. I do this for many reasons. I don't want to ever forget that at the end of the day, no matter my title, I am still a law enforcement officer and still responsible for meeting our community needs. I also use this as an opportunity to show the men and women of our agency that I won't ask them to do anything that I won't do. This builds trust and respect in administration, as I too expect this same behavior from all my administrators. This has greatly enhanced our ability to achieve buy-in from the rank and file when instituting any new programs, since the officers know I will be out there myself doing the same thing. Last but not least, the public sees their police chief walking the beat, making vehicle and traffic stops, answering calls for service. The community knows their police chief by name. I always find it interesting when a member of our community tells me that in the past, prior to my arrival in Saugerties six years ago, they had no idea who the town or village police chiefs were. That they had never seen the police chief walking the beat or stopping cars. This is a part of community policing I strongly believe in, that I too must be visible and accessible to the community. When attending the FBINA, 233rd session, I had the opportunity to go on the Philadelphia trip. There I met then, Philadelphia Police Chief, Charles Ramsey. Chief Ramsey was in uniform. I asked the Chief if he was wearing the uniform because the FBINA was visiting. Chief Ramsey informed me that he wore a uniform every day to work. Chief Ramsey explained to me that he goes out into the neighborhoods and meets with community members, being in uniform made him easily recognizable to his community and they respected him for coming out and listening to their concerns. I learned a lot from Chief Ramsey that day, and as a result I too wear

a uniform to work every day.

I recognize that I can't reach every community member throughout our community by simply walking the beat or answering routine calls for service. To reach those individuals, I have instituted several initiatives. The first Wednesday of each month I do a radio call in show from 07:30-08:30 on our Local AM/FM radio station. This gives opportunity for members of our community to call in and ask me directly about current issues, and their concerns, whether it be current crime trends or simply questions regarding the police budget. I also do a monthly TV show on our local cable access, Lighthouse TV 23. This is a pre-recorded program that runs throughout the month at varying hours throughout the day. The show is called "From the Chief's Desk." I use this platform as an opportunity to address public rumors, recent criminal activity, budget analysis. I also conduct interviews, such as on January 2018 show where I conducted an interview with the newly elected Town Supervisor, Fred Costello. (These shows can be accessed via the internet at <http://www.saugertieslighthouse.com/>) This provides our community with the ability to watch these shows, and past shows at their leisure.

Q: What initiatives have you found to be the most rewarding and why?

A: Most rewarding by far, is dealing with the Non-English-speaking segment of our community.

Several years ago, we formed a partnership with the Worker's Justice Force of Kingston, NY. Through this program we can provide NYS ID Cards, which are legal forms of identification to those individuals who reside within our community who don't speak English. One of my Sergeants, Jorge Castagnola, speaks Spanish fluently and has spearheaded our efforts toward bridging this gap in our community. I have only been with the Saugerties Police Department for six years now, and when I first came here, we had a major gap in addressing the needs of those individuals who did not speak English that were living within our community. I also learned, that as is such the case in many other communities throughout our Nation, that these individuals were more likely to be victimized and less likely to report crimes perpetrated against them. Most of these individuals were fearful that any interaction with local law enforcement would immediately result in their deportation. We began to hold community meetings within this populous using these opportunities to educate this part of our community as to what information they were obtaining was factual and what was not. We also could provide the ID Cards during these same meetings. Our first meeting was not well attended, only about seven individuals showed up. After listening to what we had to say, and receiving their ID cards, we informed these individuals that we were done for the evening. There was a look of surprise on their faces, some asking if this was a trick; were they now going to be picked up by immigration agents and deported? We assured them this was not our intentions and that we simply wanted them to know that, whether they are in our country legally or illegally, they had rights, and that as the police, we are here to protect them, just the same as anyone else living in our community. They asked if we planned to hold any similar meeting again in the future, assuring us that they had several other friends who also wanted to obtain an official ID cards but for whatever reason could not attend this

session. SO, we set our next meeting up, utilizing the local boys and girls club as we had for our first meeting. We decided to hold the meeting on a Saturday morning. We figured we would get another handful of people attending, as was the case for the first meeting. We never expected to get the turnout we had; In fact, we had to turn people away, as we had exceeded our capacity for the day. As a result, we began holding regular events which brought



forth more and more members from this part of our community. The relationships we have established continues to flourish and we are slowly gaining the trust of this unique populous within our community.

Q: Can you site any specific examples that illustrate how having a strong community-policing philosophy assisted your agency in a positive way?

A: Our Community Policing Strategies also include a very open and transparent relationship with our local media. The Media can be the best means of disseminating information quickly and accurately, through the utilization of prepared statements. To advance this effort, one must have a trusting relationship and respect, the media for the police and the police for the media. In fact, every media outlet has my personal cell phone number, and for the past six years, not once has this privilege been abused. I mention this, because before the media writes any story about our agency, a story they may have obtained through outside sources, I always receive a call from the reporter, advising me as to what they had been told, then affording me an opportunity to either validate the story, or to correct the information, or to totally discount the event(s) as the incident or circumstance alleged, simply wasn't true. In some cases, the story is never done, in others, the story written provides both sides of the issue, factually and verbatim as stated by me. The media has been beneficial to our agency's efforts in getting our community programs out to the public. When we have a good news story involving one of our officers, the media will print it and give us opportunity to show the community that police officers do a lot of good deeds, which without their support would go unnoticed and unreported. People want to trust the police and feel good about their local law enforcement agency. Unfortunately, the news is filled everyday with negative law enforcement encounters throughout our nation. These stories only taint and jade our community's perceptions of who the police really are. As such, part of our Community Policing Strategy includes utilizing the media, to get the good things law enforcement does on a regular basis out and into the limelight. I attend both Town Board meetings and Village Trustees' Meetings monthly, providing those in attendance, including the media, with what the department did for the previous month. This report includes arrest stats, training information and most importantly the achievements accomplished that benefit our community. The newspapers print this information which the public perceives as positive attributes. In the six years I've been in Saugerties, we have received an overwhelming show of

support from our community. This is especially appreciated when our Budget request comes up for review, and out of a population of nearly 23,000 residents, to have only three or four individuals speak out against the proposed budget is a tremendous accomplishment, as most speakers favor the police and the job we are doing.

We also include, community members in the process of policy development, as often as possible. As I stated earlier, to be responsive to the community we serve, we need to fully understand their expectations of their police department. We need to know we have their approval in the way we administer our duties. The most recent endeavor was our Unbiased Policing Policy, which was drafted by me, along with three of our community members, none of whom have any affiliation with law enforcement or any member of our agency. Once adopted, the local media was more than happy to do a story on the policy and the process of its development. This gathered a very positive response from our community as they thanked the police department for providing an opportunity to participate in the process of developing a policy that impacts those living here in addition to those visiting our community.

Q: Other than time and effort, are there any significant costs associated with your community-policing initiatives?

A: Time is really the only cost associated with these programs. I am fortunate in that I have a nucleus of officers who volunteer much of their time in participating in these special efforts. We have five members of the department that oversee our Police Explorer Post. These men and women spend their free time engaging our youth through this program which has strengthened the relationship between police officers and the youth in our community. These positive experiences also extend beyond the borders of our municipality, as these young men and women participating in this program, will carry the experience of their interaction within our agency throughout their lifetime.

Q: Because of your efforts, do you feel that your community has a high level of trust in your Department?

A: Yes, I most certainly do! One of the most important things we did in this respect, was obtaining our designation as a State Accredited Police Agency. Through this process, the men and women of the Saugerties Police Department worked as a team toward the standardization of providing police services. The tenacity of their efforts to buy into such a program and to continue with its process was reflected in our achievement in becoming an accredited police agency in just under seventeen months from when I came to Saugerties as their police chief. The fruits of their labor in supporting this mission is the constant public acclaim we receive from our community in their continued support of us. As the Chief of Police, I am constantly hearing from community residents about how professional our agency has become and how grateful they are to have us as their police department. During this past holiday season, we were flooded with cards of goodwill and goodies, not just from our adult residents, but also from our elementary school children and daycare providers. We set up special Nixel Groups for our daycare providers and school district. Through this venue we can provide valuable information instantaneously to those vulnerable entities within our community, when an incident occurs that may require a quick lockdown, or the

delay in releasing children from an area or neighbor, due to police activity in their area. This has created a trusting relationship that has paid back dividend ten-fold in their support for our officers.

Q: Do you think that your town board recognizes your efforts towards a highly proactive approach to community policing?

A: Yes, I honestly believe that our elected officials, in both the Town and Village of Saugerties get it. This is most evident in their regular recognition of the efforts put forth by the men and women of our agency. The positive support we receive during contract negotiations and the positive feedback they provide us with that has been obtained from other community members. They like the fact that I as the police chief walk the beat, answer calls for service, and attend most public functions in support of our community initiatives. Six years ago, the police department and the Village of Saugerties Mayor, along with several village business owners teamed up together to bring about our first ever New Year's Eve Ball Drop. We solicited the services of a local crane company to lower the ball. We worked with local businesses in the trades, to manufacture the ball and our local Chamber of Commerce to advertise and obtain businesses support, with the theme "Stay Local, Stay Safe." This event just passed its sixth year and despite how cold this New Year's Eve was, the event was still very well attended, with hundreds of residents turning out into the streets in our Village, to watch the Ball Drop as we welcomed a New Year, 2018. Those in attendance thanked the police and the Village for once again providing a community event that continues to stimulate our local economy. Putting this event on keeps the business district open all night, providing meals and spirits to the attendees. This is just another example of community policing, immersing ourselves within the community and sponsoring and providing events where we can all socialize together.

Q: What advice would you give to other police chiefs who want to become more involved in community policing?

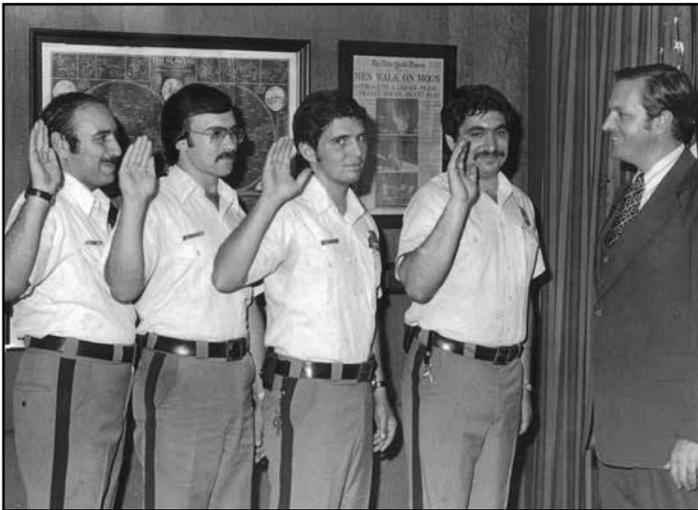
A: I will refer to Sir Robert Peel one more time, as I believe this principle is what we all need to get back to, that being "Police at all times, should maintain a relationship with the public that gives reality to the historical tradition that the police are the public and the public are the police; the police being the only members of the public who are paid to give full-time attention to the duties which are incumbent on every citizen in the interest of community welfare and existence." I don't live in the community that I am responsible for ensuring the protection of, however I spend time within our community, listening and participating within the community. A police chief who simply directs from their office and not from the street can lose sight of their mission and become out of touch with their community. When this happens, the community no longer trust the police, whom in turn can develop a perception of an "us against them" mentality. Community-Oriented Policing philosophies are based on strong community ties and strategies that involves all members of the community, regardless of their social, economic, religious, sexual orientation, or residence status. Start off small, maybe simply engaging your community through a "coffee and cops" program. If you once had a walking post and did away with it for whatever reason, now may be the time to re-establish such a post, even if only for a few hours a day. Cops need to be approachable and this can easily be attained through constant positive interaction with those we are entrusted to protect.

University Police of the State University of New York: The First Fifty Years

BY STEVEN DANGLER, UNIVERSITY POLICE - CORTLAND (RET.)
AND MALCOLM HARRIS, UNIVERSITY POLICE - UTICA/ROME (RET.)

Article written specifically for the March 2018 edition of *The Chief's Chronicle*

Throughout this year, University Police Departments of the State University of New York are celebrating 50 years of service. According to Commissioner Paul Berger, since 1968 the men and women of then security and public safety, and now police, strive to make our campuses safe for academic, social, and research endeavors. The development of today's University Police evolved over time beginning with a security model that transitioned to full-service policing. Today, University Police departments are found at 29 locations staffed by over 600 sworn personnel. This article gives a brief overview of the changes that have occurred over time.



Security Officers getting sworn in at SUNY Farmingdale 1972, with Marvin Fischer, current NYSACOP Zone 1 Representative and Police Chief of SUNY Farmingdale, at the beginning of his career.

THE STATE UNIVERSITY AT A GLANCE

The State University of New York was created in 1948 under legislation signed into law by Governor Thomas Dewey to serve the needs of returning World War II veterans. Up to this time, public higher education in New York consisted of vocational training and teacher's colleges that were eventually combined under the SUNY flag (Clark et.al. 2010). Today, University Police Departments are found at doctoral degree institutions (Albany, Buffalo, Binghamton, Stony Brook) and comprehensive colleges of arts and sciences and technology (Alfred, Brockport, Canton, Cobleskill, Buffalo State, Cortland, Delhi, Farmingdale, Fredonia, Geneseo, Morrisville, New Paltz, Old Westbury, Oneonta, Oswego, Plattsburgh, Purchase, Potsdam). Additionally, departments are located at the College of Environmental Science and Forestry at Syracuse University, two teaching hospitals (Upstate Medical Center – Syracuse, Downstate

Medical Center - Brooklyn), and three specialized colleges (Polytechnic Institute- Albany/Utica, Maritime College, College of Optometry in New York City.) There is also a department at System Administration located in downtown Albany.

Additionally, the system has 30 community colleges, which are county or regionally sponsored and have various levels of security including armed peace officers. The statutory colleges at Cornell University and Alfred University are served by their respective police or security departments. Each institution of the State University has a unique history which plays an important position in the political, economic and social life of their respective communities. Campuses are strong economic engines in every region of the State for jobs, consumer goods, and real estate, including off-campus student housing.

In its first year of operation, SUNY only had a combined enrollment of 32,000. Within a decade, this number would almost double. Today the system has a combined student enrollment of approximately 600,000 students in credit bearing courses and just under 3 million alumni (Fast Facts, 2018).

ROLE OF THE CHANCELLOR AND THE BOARD OF TRUSTEES

Overseeing the SUNY system is the Board of Trustees consisting of 18 members, of which 15 are appointed by the Governor. Among the important activities undertaken by the Board is the appointment of the Chancellor and senior staff at System Administration, who oversee daily and strategic operations for the University. By statute, the Board approves tuition rates and program curricula, allocates state funds for campus and system operations, administers labor contracts, and approves and drives major educational policies.

Since the beginning days, the SUNY system was developed on a de-centralized operational model. Unlike many state agencies, campuses have a great deal of discretion for daily operations and hiring. On the campus level, presidents continue to be chosen by local college councils and recommended to the Board of Trustees. Campus presidents remain responsible for academic and support staffing within their mission and budgetary perimeters set by the Board of Trustees. As with campus administrators and faculty, the hiring of University police chiefs and personnel is no different. Each job title is hired by the local campus through the authority delegated to campuses by the Board of Trustees. Line personnel, such as dispatchers, officers, investigators, and supervisors, must first be selected from regional civil service lists created through state-wide tests and then appointed by the individual campus. Thus, one must view System Administration and its operating officials as the coordinator for University operations under what is termed a shared governance management model.

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EARLY LAW ENFORCEMENT

From 1948 to roughly 1960, SUNY law enforcement consisted of campus safety departments that worked with local police departments to deal with criminal matters. The main mission of these departments was to provide general security and fire prevention services, and enforce parking regulations. By 1958, the Board of Trustees created the job title of Institutional Patrolman, who had the legal title of “Special Policemen” through the New York State Education Law (Campus Security Services, 1975). These special policemen were designated as peace officers and could make arrests for felony and misdemeanors offenses, and issue traffic summonses within the geographical confines of the campus. At this early stage, the Board of Trustees prohibited these security officers from bearing firearms unless approval was obtained through the campus president.

Organizationally on campus, the chief of security generally reported to the director of the physical plant. It was common practice at the time for the dean of students to handle most disciplinary concerns involving students; the “outside police” were only called for very extreme cases involving violent crimes or serious emergencies. Compared to today’s regulations, it was a much different era. Residence halls were separated by gender and either sex was not permitted to enter areas and private rooms outside of common areas. Women often had curfews; for example, at Oswego, the curfew was 11 pm during the week and 1 am on Friday and Saturday and this was not changed until 1967.

As outlined by various writers in *SUNY at Sixty* (2012), the period from 1965 to 1975 was a major decade of dramatic development for the University under the administration of Governor Nelson Rockefeller and Chancellor Samuel Gould. Post-World War II “baby boomers” entered SUNY in great numbers and often many campuses found that they had more students than they could handle. There were, however, other national and international trends that were occurring, which together would have an impact on the University. By 1963, the United States was increasing its involvement in Southeast Asia in what ultimately came to be known as the Viet Nam War. In addition to the questions regarding American involvement in this conflict, the focus of student attention for the war was on the draft through selective service system, military recruitment and research on campus, and the recruitment of students as potential employees for military vendors. America was also experiencing a new movement called the “Civil Rights Era”, which was focused on addressing national racism and segregation policies initially in the southern states but also informal segregation policies throughout the United States. Students were demanding more decision-making power on campus as it related to governance, grading, the curriculum, student life issues, and tuition costs. Alcohol remained the drug of choice as the legal drinking age in New York State was 18. It was not uncommon for campuses to have sponsor beer parties and operate pubs which sold alcohol. However, many residence hall regulations forbade the use and storage of alcohol. By 1967, new substances were becoming common on SUNY campuses including marijuana and LSD.

Throughout this period there were many on- and off-campus demonstrations against the war and the need for national civil rights legislation that were generally peaceful. In April 1970, President Nixon announced that American troops were in operation

in Cambodia thus officially expanding the geographical confines of the war. This prompted a dramatic increase in the number of student demonstrations, including the shooting deaths of four persons by National Guardsmen on May 4th. The Kent State shootings resulted in a sudden increase of campus protests, sit-ins, and building takeovers, and the virtual national shutdown of many campuses and cancellation of classes and final exams.

RESPONDING TO CRIMINAL INCIDENTS

Against this background from 1968 to 1972, general violence and property crime also became important matters as it became clear that campuses were not immune to crimes occurring both on-campus and in adjacent off-campus neighborhoods, the most common being property crimes, loud parties, and increased drug use. In 1968, the New York State Joint Legislative Committee on Crime undertook a study to review campus security operations on State University campuses. This study concluded that the University had a responsibility to supervise its own affairs and not depend upon local or state law enforcement for law and order maintenance. It recommended the creation of a law enforcement department on campus under university control which must be professional and supportive of the educational activities and that campuses should not be sanctuaries for illegal activities. Based on this report, in 1968, the University’s Board of Trustees endorsed a resolution entitled “Proposal for University Security”. The resolution recommended the creation of a central office for security to function in a coordinating role at Central Administration headquarters. As in many other operational matters, each president was given the responsibility for, and authority over, the security program through an appropriate administrative officer which in due time became the campus director of security.

Platt Harris, a retired member of the New York State Police, who had risen through the ranks to the position of Inspector, was appointed Coordinator and eventually Director of SUNY Campus Security Operations in 1969 and charged to create a law enforcement program.

During the 1970’s, various initiatives were completed under the leadership of Director Harris including the first civil service entrance examination for campus security officer, which was developed and held in April 1971. Additionally, job descriptions were also designed for directors and assistant directors. An educational requirement of completion of an associate’s degree in criminal justice was established for all new employees under the rationale that educated officers would be better prepared to serve in an educational environment, and have better communication and analytical skills. This was later changed to completion of 60 credit hours based on the small pool of potential job candidates. Thus, the State University became one of the first agencies to require a college education for new officers. Other developments included a common uniform, general operational policies, and development of training standards. Assisting Director Harris in these endeavors was the newly formed SUNY Security Directors Association, composed of campus directors and assistant directors. This would eventually become the organizational framework for the SUNY Police Chiefs Association, which continues to advise the Commissioner and System Administration on state-wide policies and programs. ►

MAJOR ISSUES

By the mid- 1970's, 28 campuses had adopted the SUNY Campus Security model for operations. There were three major issues that were always on the forefront. The first was that the legal authority of SUNY officers was not often recognized by local criminal courts as their peace officer powers were derived from the Education Law. This changed in 1980, when all peace officers in the state became listed in the Criminal Procedure Law. The second main issue was jurisdiction, which was limited to campus property under the control of the University and adjoining roadways. In short, SUNY officers lost their authority when they ventured off-campus for investigations or transports. Ironically, during this time additional powers were granted to SUNY peace officers including the power to apply for and execute arrest and search warrants on campus property.

The third major issue was arming. As discussed above, campus presidents were given the authority to arm their officers. As recounted by former Oswego Chief Larry Jerritt, it was common practice for most SUNY officers to perform vehicle and traffic stops, respond to dangerous calls, and make arrests of violent criminals without a firearm. In the early days of SUNY Security, few if any officers, supervisors, and directors, predicted that sworn personnel would ever be allowed to carry firearms on duty.

In the mid-1970's, the Director's Association advocated for changing the name of SUNY law enforcement from security to police since the public regarded security officers as having no law enforcement powers. At the same time, many departments were heavily involved in fire safety, parking, and environmental safety. Based on this trend, the term "public safety" became the adopted term used to embody all the responsibilities performed by security departments. In 1977, the Board of Trustees endorsed the public safety model as an appropriate mechanism for campus departments to deliver a wide range of safety and security services, and within two years, "Public Safety" replaced campus security on job titles, car decals, uniform patches, and department headings.

Throughout this time, training for new officers at the beginning was often completed at local police academies. Based on changes in state training policies, the University and the Public Safety Directors Association embarked on a new program whereby all officers were centrally trained at the New York State Police Academy in a University sponsored program that focused on basic police training topics and dealing with campus issues.

In 1986, Platt Harris retired and Bruce McBride, a faculty member at Utica College who had directed the first training program at the State Police Academy, was appointed Executive Director of Public Safety and eventually Assistant Vice Chancellor. Dr. McBride began his law enforcement career at the College at Oswego and then transferred to the Baldwinsville Police Department. From the very beginning of his appointment, McBride and the Directors Association agreed that SUNY officers should be police officers. From 1987 to 1996, many changes occurred which included increasing training hours to reflect police standards, changing the color of the uniforms from taupe brown to blue gray, and embarking on legislative changes to define officers as police in the Criminal Procedure Law.

In the 1990's, there were increasing national and state concerns on the rise of violent criminal events on campuses including a number of high profile cases at SUNY campuses. After extensive



University Police Honor Guard at the funeral for fallen Virginia Tech Officer, Deriek Crouse, Dec 2011.

University-wide debate including two major tasks forces, the Board of Trustees on November 18, 1997 approved a legislative initiative to change the status of SUNY peace officers to police officers in the Criminal Procedure Law and the Education Law. This action followed a period of lobbying by System Administration, the Directors Association, and Council 82, the collective bargaining unit for officers and supervisors. On July 22, 1998, Governor Pataki signed the measure, which became effective January 1, 1999. What drove the march to police status were concerns for campus safety and the need for expanded jurisdiction to allow for off-campus investigations, transports, and to assist area police departments particularly those in rural areas of the state.

In 2000, Dr. McBride retired and Roger Johnson, who had also served as training director and was formerly a New York City detective, was appointed Assistant Vice Chancellor for University Police. The main initial challenge that Director Johnson and the newly minted SUNY Police Chiefs Association faced was obtaining legislative changes that would allow officers to participate in the New York State Fire and Police Retirement System. At this time, sworn officers were placed in the State Retirement System. This effort was temporarily diverted when on April 16, 2007 a student at Virginia Polytechnic Institute and State University (Virginia Tech) killed 36 people and wounded many others before committing suicide. Up until this time, these killings were the deadliest peacetime shooting incident by a single gunman in United States history, on or off a college campus. Virginia Tech would have a significant impact on campus safety throughout the country in terms of responding to active shootings and emergency warning programs to alert the campus community if a serious event were to occur. For University Police Departments, critical attention was focused on developing Emergency Response Plans (ERP) and communication processes to notify the campus community of a major incident or emergency event through active alarms and electronic notifications. Response training for active shooters and other emergencies became an immediate priority. The other consequence that occurred was closing the arming argument. Up until this time, a few campuses did not allow arming for their police officers and that stance ended within months after the Virginia Tech incident.

Another important development were legislative changes to the New York State Executive Law which would allow SUNY departments to take part in the Police Accreditation Program. In 2006, the University of Buffalo became the first SUNY department to achieve accreditation followed by Stony Brook University and

—SUNY, continued on page 20

the College at Cortland. Today there is a University-wide policy to have all departments accredited.

In October 2012, Dr. McBride was asked to return to head University Police in the newly created position of Commissioner. His re-appointment came the evening before Hurricane Sandy arrived wreaking havoc in the metropolitan New York City area. For approximately one month, all state agencies were under the authority of the State Police in the event of a major mobilization of law enforcement resources. Mobilization of University Police for short-term assignments at other campuses was not a new procedure as it had already taken place at major athletic and controversial speaker events starting in the 1980's.



The Michael J. Bailey II award for Passion in Leadership, given in memory of former SUNY Police Deputy Commissioner Michael Bailey, is presented by Dep. Commissioner Bailey's wife and son to this year's recipient, Chief Dayton Tucker of SUNY Purchase, at the 2017 SUNY Police Awards Ceremony. SUNY Police Commissioner, Paul Berger, is pictured in the background during the award announcement.

The need for the retirement bill was a primary goal for Commissioner McBride and the Chiefs Association. Up until this time, despite vigorous efforts by the University, the Chiefs Association, and collective bargaining groups, and with support from the New York State Association of Chiefs of Police, the measure had been vetoed several times due to cost considerations. In July 2015, Commissioner McBride retired and Paul Berger was appointed Commissioner. Berger was initially appointed to the then titled "Public Safety" department at SUNY Delhi before transferring to the University at Albany where he served as officer, investigator, and assistant chief. He was also president of the SUNY Police Chiefs Association just before his promotion to Commissioner. Michael Bailey was also appointed Deputy Commissioner later that year. Bailey had retired from the Utica Police Department as deputy chief and was appointed chief at SUNY Purchase in 2016.

On December 22, 2016, Commissioner Berger was informed that a revised version of the retirement bill had been signed into law by Governor Cuomo; members would have two weeks to decide whether to stay with the Employee Retirement System or to switch to the new plan. In July 2017, tragedy struck the University Police community with the untimely death of Deputy



SUNY Purchase Police Chief Dayton Tucker speaking after receiving the Michael J. Bailey II Award for Passion in Leadership at the 2017 SUNY Police Awards Ceremony held in November of 2017 in Saratoga Springs, NY.

Commissioner Baily due to surgical complications. He was buried with joint police honors by the University Police and the Utica Police Department.

THE FUTURE

University Police today are well positioned to provide high quality service to all community members. Training in areas of sexual assault, personal safety, mental health, active shooter, implicit bias, age of responsibility, and drug and alcohol abuse, to name a few, is ongoing. The system is well on its way to have all 29 departments accredited through the New York State Division of Criminal Justice Services.

The philosophy of community policing will continue to remain an important part of the law enforcement mission as well as continued strong relationships with all police departments that serve SUNY communities. Marvin Fischer, Chief of University Police – Farmingdale reminds us that the 1998 change to University Police allowed SUNY police executives to join the New York State Association of Chiefs of Police. Fischer, who today serves on the Board of Governors, writes that strong relationships between University Police and various police departments have been forged with inclusion of SUNY in NYSACOP. "Now having had the pleasure of being on the Board of Governors and representing my Zone, I have realized how important the New York State Association of Chiefs of Police is in representing all of our members and departments. NYSACOP's voice is heard throughout the state and by our members, our peers in federal, state and local law enforcement as well as our elected officials" (Personnel Communication, 2018).

References

Clark, J.B., Leslie, W.B. & O'Brien, K.P. (2010). *SUNY at sixty: The promise of the State University of New York*. Albany, NY: State University of New York Press.

Fast Facts: State University of New York. (n.d.). Retrieved <https://www.suny.edu/about/fast-facts/>

Task Force on Campus Security. (1975, October 15). *A review with recommendation in State University of New York*. State University of New York.

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Community Schools: An education strategy to support the whole child

BY CHRIS NEITZY, POLICY DIRECTOR, NEW YORK STATE NETWORK FOR YOUTH SUCCESS

Contributed specifically for March 2018 Edition of Chief's Chronicle

Many of our personal experiences with K-12 education revolve around the idea that schools provide a singular function of educating children through a model where teachers teach and students learn. But as we learn more about the factors behind a successful education, we begin to understand that traditional systems do not work for all. Barriers to education exist for many students and families across the nation, and those barriers are not always addressed through our current education structure.

What if we were able to take a structure that already exists in every child's life and turn it into a hub to connect children and parents to the services and supports they need? Because our public schools are fixtures in the lives of children and their parents, these structures can be used for more than just academic instruction for 7 to 8 hours a day.

"Community schools" is not a new term, but it has gained attention in recent years, particularly in New York, as a strategy to create partnerships between schools and community resources that can address underlying factors to a successful education. By using the school as a centralized location for these supports, students are able to receive services they need such as dental checkups, vision screenings, or mental health services, which they otherwise might not have had access to or would have had to miss school to receive. After the school day or year ends, when their families are likely still at work, students have access to targeted afterschool and summer programs that provide engaging, hands-on activities that complement their school day learning. Parents' needs are also addressed with adult education services that allow them to enroll in GED courses or attend training sessions to better understand personal finances.

When parents feel they have a positive relationship with the school and its administrators, they are more likely to be engaged in their child's education. The focus on family and community engagement has had positive impacts not only on academic outcomes but in reductions in substance abuse and lower incidences of violence and street crime in the surrounding communities.¹ These efforts result in lower arrest rates and higher graduation rates among students, ensuring children remain in school and receive the skills they need to be productive in school and career.

COMMUNITY SCHOOLS IN NEW YORK STATE

Building on the success of existing community schools in the state started through federal and philanthropic funding, New York began piloting community schools as a state initiative beginning in 2013. In 2016, this investment rapidly expanded to \$100 million to

over 200 school districts to begin implementing community school strategies. In the years since, the investment has continued to grow steadily.

RESULTS FROM COMMUNITY SCHOOLS IN NEW YORK STATE

In the years since the state began supporting community schools, impacts have been seen across school districts, from rural to urban.

- The Broome County Promise Zone, a county wide effort led by Binghamton University and Broome County, has seen dramatic increases to the number of families engaged in the school system, growing from 100 families in 2014-15 to 642 in 2016-17. These efforts have also resulted in increased academic outcomes among students, as 32% increased their English grades and 46% increased math grades.
- The benefits aren't just felt by students either. In New York City, the Department of Education has begun implementing adult education programs in 22 schools throughout the city. Not only have adults been able to access training and development programs, but results have found that parents have gained trust in the school and have begun to think of the school as their space.
- Finally, the Hudson City School District placed an emphasis on addressing chronic absenteeism (commonly defined as missing 10% or more of school days in an academic year) by hiring community school coordinators to make home visits to students and parents to better engage them in dialogue around supporting their children. The district has also provided extra transportation to students identified as chronically absent or late to ensure they come to school on time every day, resulting in strong increases to attendance.

As you follow education in your community, you'll recognize some of these same strategies being implemented in your local schools. If there are particular issues faced by the communities you work in, and you believe community schools can address these issues, the schools and their partners need to hear from you. In order for our schools to successfully address the needs of our children and parents, community members should be involved in ensuring the proper supports are available, and that is especially true for law enforcement.

¹Dryfoos, J.G. ((2000). Evaluation of community schools: Findings to date. Hastings-on-Hudson, NY: Carnegie Corporation



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Thank you for being patient during this transition to electronic membership profiles. We have found the first year to be a success for both the members and office staff!

We are here to answer questions and help in anyway!

Join us May 9th, 2018 at the Albany Capital Center in Albany, NY for our 2018 Annual Law Enforcement Vendor Exposition!



Held on May 9th, 2018 at the Albany Capital Center, this event will feature different technology and security opportunities that are relevant to law enforcement. Various products, services, and training opportunities will be presented and offered by exposition vendors from across the United States, making it a one-stop-shop for all law enforcement executives.

This year's exposition will also include a training event for law enforcement personnel. Further details regarding this training will be provided in the coming weeks.

Please contact the NYSACOP Office via phone at (518) 355-3371 or by email at expo@nychiefs.org for more details.

ON MY HONOR, I
WILL NEVER BETRAY
MY BADGE, MY
INTEGRITY, MY
CHARACTER OR
THE PUBLIC TRUST...



**HONOR AND INTEGRITY MUST ALWAYS
STAND THE TEST OF TIME THROUGHOUT
ONE'S CAREER IN LAW ENFORCEMENT**

**NEW YORK STATE ASSOCIATION
OF CHIEFS OF POLICE, INC.
2697 HAMBURG STREET
SCHENECTADY, NY 12303**

Join Us at the Annual Training Conference July 15-18, 2018

The New York State Association of Chiefs of Police has been providing the latest in training, innovation and procedure since 1901. From the evolution of the traffic signal to the advent of DNA, New York's law enforcement community has had a voice in the debate and development of our justice system for more than 100 years. The annual conference has been an institution of our Association since the beginning, bringing together like-minded leaders representing jurisdictions of all sizes. Representatives from the state's largest and smallest communities share similar concerns, and our training agenda strives to fill the needs of all members. This year we will be discussing a variety of issues including current legal issues, officer-involved shootings, officer safety and wellness, professional development, and more. We are joined by premier exhibitors showcasing the latest in technology, products and software. These supporters are available to answer your questions about their products and services to make your job easier.

The conference culminates with our formal installation banquet on Wednesday evening. We will install new officers and say thank you to those whose terms are ending.

**Join us at Glen Cove Mansion, Glen Cove, New York. www.glencovemansion.com
Additional information and updates will be posted as they become available.**

