

The New York State

Chief's Chronicle



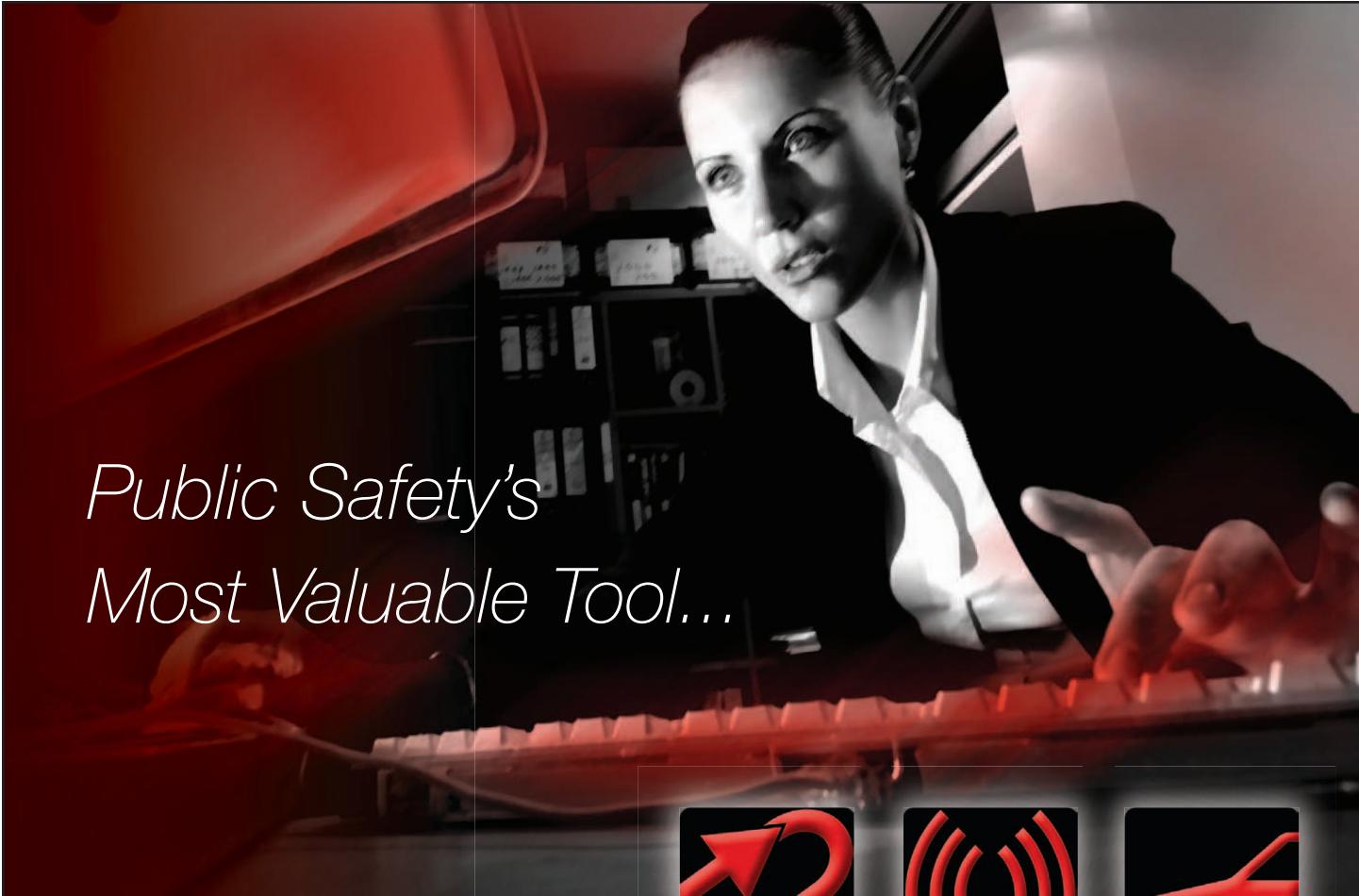
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Law enforcement leaders and experts share
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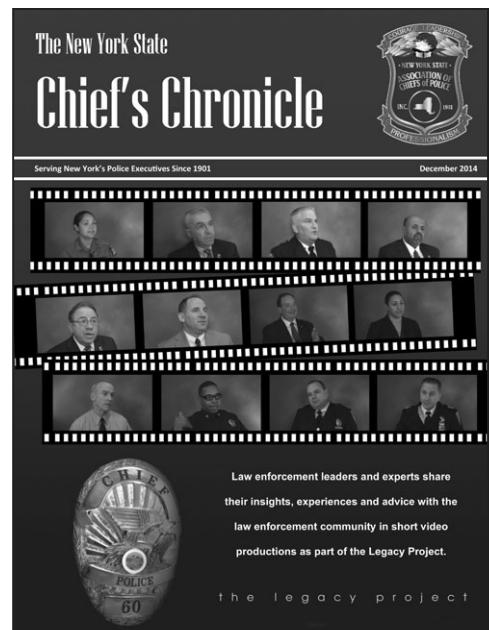
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On the Cover:

In this edition we launch the Legacy Project, a series of videos featuring law enforcement leaders sharing their experiences, insight and advice. We explore the New York State Law Enforcement Accreditation Program with articles from former Chief Michael Walsh and the Division of Criminal Justice Services. Other stories include best practices for conducting successful interrogations, traffic safety awards and synthetic marihuana. We also begin a new cartoon series in this edition with officer safety themes. Finally, read the heartwarming letter from a high school student in the Poconos and her experience with police during the manhunt for alleged cop killer Eric Frein.



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**DO YOU HAVE
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editor@nyciefs.org

President's Report

BY CHIEF MICHAEL D. RANALLI, ESQ.



PRESIDENT'S
REPORT

It is difficult to go more than a day or two without seeing an article in the media pertaining to law enforcement and cameras. The stories are split between calls for all police to have some form of in-car or body worn camera system and stories of how common it is for people to take out their cell phones upon the arrival of officers to a scene.

In-car cameras have been around for quite some time. Body worn camera systems add a whole new dimension to the video function. Both types of systems have become increasingly affordable and each have their own strengths and weaknesses. My personal feeling is that the advantages to such video systems can outweigh any disadvantages. My own department does not currently have them, but that has been primarily due to fiscal reasons. That has changed in my budget for next year. Any chief or administrator should at least consider video. This is not just because of the events of Ferguson, Missouri although, as I mentioned in a prior *Chiefly Speaking* article, it would have likely been very useful in that investigation. Our officers handle the vast majority of their calls for service professionally with no issues arising and no force (beyond handcuffing) being used, even in contentious situations. I am sure that most police administrators would agree that it would be very helpful, when faced with a personnel complaint, to have an objective audio and video recording of the incident.

The reality is that people remember things differently with and from a different perspective. While I have read different statistics on the topic, it seems safe to say that well over 90% of complaints lodged against officers with video available lead to the exoneration of the officer. From a civil liability perspective, it would also be nice to have numerous older videos of an accused officer(s) acting professionally and appropriately in prior calls for service. In fact, I would guess that most citizens would be surprised by just how much abuse many officers have to take on a daily basis. Such an archive of video may be very useful in establishing the agency was not deliberately indifferent to the rights of its citizens, nor was there a pattern or practice of misconduct. There are also clear evidentiary benefits that could result from at-scene video recordings. Oral admissions, traffic violations, and Standardized Field Sobriety Tests are just some obvious areas where the use of video can be advantageous.

One significant issue with officer video is that it truly does not tell the whole story. Any camera, even body worn, does not see necessarily what the officer is actually looking at and perceiving. Video should always be viewed as just one piece of the investigative puzzle. As many police commentators have pointed out in the numerous articles on the subject, everyone else is recording us so we should have our own to help verify the accuracy of third party video. Video editing used to be a skill mastered by few. But now, virtually all smart phones have basic video editing capability. Showing only a portion of a video and/or taking it out of context

can be very damaging and misleading. Many New York officers will remember the case a few years ago where a news outlet obtained and released an edited version of an in-car camera video of officers searching a car. It was proof, they alleged, of officer misconduct. Instead it was proof of unethical and inexcusable misconduct by the persons involved with the release. The video went viral on social media and news sources, until the police chief released the full video, which showed the full context and prior actions of the officers. Even once the full version was released, however, there were many who resisted accepting the truth because they wanted to believe the officers did wrong. This attitude is what we face in law enforcement today, and we must have whatever we can at our disposal to refute these distortions. The other reality that all police administrators face is our obligation to ensure that our officers are acting professionally and adhering to constitutional standards. Video can help us in this effort.

What should also concern police chiefs and other administrators are the cultural mores that are being developed in our society. Citizens are encouraged to record every police encounter they see and it is not uncommon for a street encounter or intervention to be videoed by numerous people wielding cell phones. The real problem is not necessarily the act of taking the video, which is clearly legal if done in a manner that does not interfere with the officer(s). The real problem is that this is not just about taking a video, it is about challenging authority. People who have no idea what is going on now feel it is their duty to verbally question and challenge an officers' actions, which could dangerously distract the officer. For many, as is evident in videos available online, the feeling is that it is also acceptable to curse at, taunt and attempt to provoke the officer. There are state legislators who wish to further encourage this by the passing of legislation that will essentially result, directly or indirectly, in further encouragement of challenges to officers at a scene. It already is legal to peacefully (and from a distance) record officers performing their duty. At this point in time there should not be one officer, let alone police agency policy, in this state that does not take this into consideration. It is already illegal to interfere with an officer in the performance of his or her duty. There is no need for further legislation that will only empower and encourage more people to intervene where they should not. It would be nice for our state legislators to take into consideration the potential impact of such legislation on our society before they propose it. Is this where the digital age has led us – to pull out your cell phone and start videoing whatever is going on? Where is the consideration of the potential duty of a citizen to assist an officer or even another civilian instead? There have been situations where officers were being assaulted and instead of people using their phones to call the police, they instead use the phone to start taking video. This issue is not confined to just taping officers. What about the videos that are out there showing kids beating

other kids up with no one offering to help? Being a good citizen is now secondary to having a video to post on social media.

Police chiefs and other administrators should at least consider the use of some form of officer-based video. We also must make sure our officers are aware of the law and be prepared to take appropriate action against officers who fail to adhere to it. Citizens have a right to record a police encounter when done in a manner that will not interfere with officers performing their duty. This was a very costly lesson for some police departments when they did not understand or accept this fact, and were held accountable for their inappropriate response. Citizens have no right, however, to interfere with a police encounter. The Constitution and current laws of this state already deal with these issues, and would apply when police and/or citizens cross the line. We do not need additional laws that will lead people to feel even more empowered to challenge officer-

citizen encounters. Our society will ultimately suffer if our officers are continuously having to deal with taunting, provocation and other interferences while in the performance of their duty. Many situations would not escalate if citizens would just comply with legitimate reasonable requests made by officers. For officers who dedicate their careers and lives in the service of their communities, it would certainly be nice to hear elected officials encourage personal responsibility and condemn those who do fail to comply with reasonable and lawful commands. As NYPD Commissioner Bill Bratton recently said, "There is no constitutional right to resist arrest." That is the message that needs to be sent.

PRESIDENT'S REPORT

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Executive Director's Report



BY CHIEF/RET. JOHN P. GREBERT, COLONIE POLICE DEPARTMENT

EXECUTIVE DIRECTOR'S REPORT

It has been a tumultuous year in policing. I don't remember a time when the operations and motives of police chiefs and their agencies have been questioned by the public as much as they have this year. It reached its high point earlier this year in Ferguson, Missouri. While watching coverage by CNN of the civil unrest, I actually got the impression that some reporters were taunting the police and inciting the protesters. On MSNBC, it seemed like one reporter wanted to throw down his microphone and join the demonstrators. Unfortunately, they probably reflect the opinions of many more citizens and elected officials than we have ever seen before and undoubtedly causes even more challenges for our members.

Police use of force, especially in cases where the cops are white and the individuals they must confront are black, is at the center of the debate. But a policy that has been at the heart of more than a quarter century of policing is being challenged here as well. "Broken Windows" is a philosophy that states when police aggressively address and enforce relatively minor offenses, they will reduce the likelihood of major offenses from happening. It has often been credited for the remarkable reduction in crime and improvement in quality of life in New York City. Police Commissioner William Bratton (NYPD) has often been hailed as one of the earliest and strongest proponents of Broken Windows. When he spoke at our Conference this year in Lake Placid, he referred to it and gave credit to the late NYPD Chief Jack Maples for being its creator. In New York City, the debate is not new. The New York City Police Department has long engaged in a practice known as "Stop and Frisk" where the department removed thousands of illegal firearms from the street and violent crime rates plunged. But for the last few years, many officials and activists complained that the program unfairly targeted minorities. They complained that racial profiling was at work here and that disproportionate numbers of minorities were being arrested, not so much because of criminal behavior, but because of racism in policing.

The Manhattan Institute, a New York City think tank, recently

convened a forum to discuss the principle of "Broken Windows". It could not have been more timely. Speaking at the event were Commissioner Bratton and Manhattan District Attorney Cyrus Vance, in addition to others. In my opinion, Bratton showed again exactly why he is respected as much as he is and why he is in charge of the largest police department in the country.

In widely reported comments during the forum, Commissioner Bratton faulted critics of stop and frisk tactics and made it clear he thought the critics were undermining the police and threatening to undo the gains in public safety. He minced no words saying, "Those forces that attacked stop, question and frisk misconstrued it to the public in terms of its importance to policing and are now hard at work seeking to have a similar victory against quality of life or civility policing". Bratton did not hesitate to engage the question of race, either. In remarks to reporters after the forum he stated, "The notion that policing is racially proportionate is completely absurd" He explained that "police go where the victims are and if those numbers are racially disparate, that is the reality".

Commissioner Bratton is clearly a leader among leaders and he sets a great example for the rest of us. He is not the only high profile member of the law enforcement community with the courage to defend sound, intelligence driven police work. But now, more so than in a long time, we need individuals like him.

Of course, the obligation to always work on improving our methods has to remain as a priority. We have to recognize that sometimes we will make mistakes. There are large numbers of illegal firearms in this country in possession of people who will not hesitate to use them. In this business where split second decisions by police can be lethal to suspects and to the cops involved, citizens, members of the media and elected officials need to be very careful before assuming that the police are acting with nefarious motives. People who are least able to defend themselves are most often the victims of crime. Unfairly undermining the police not only hurts the cops; it can result in a great deal more damage to victims, as well.



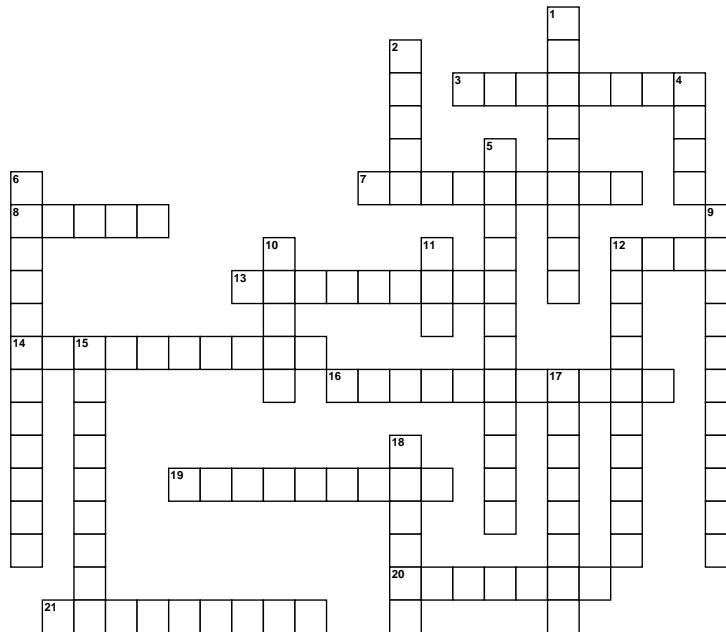
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AND THESES WITH COLLEAGUES**
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Sex Offenders in New York State

Based on the 2013 Annual Report of the NYS Sex Offender Registry

(Solution to puzzle is on page 12.)



ACROSS

- 3 In accordance with the Correction Law...each offender is assigned a particular risk level: Level 1 (low risk of repeat offense), Level 2 (moderate risk of repeat offense) or Level 3 (high risk of repeat offense and there exists a threat to public safety). The amount and type of information that is _____ about an offender depends upon the risk level of that offender.
- 7 In accordance with SORA, the local law enforcement agency may engage in _____ notification at its discretion regarding sex offenders, providing certain information to any "entity with a vulnerable population".
- 8 An approximate address based on zip code may be provided for a Level 1 offender and an _____ address can be provided for Level 2 and 3 offenders.
- 12 After registration, a local law enforcement agency is notified by DCJS whenever a sex offender moves _____ or out of its community.
- 13 Access to the Subdirectory of Level 2 and 3 Sex _____ is available online at criminaljustice.ny.gov/nsor
- 14 The complete Sex Offender Registry is a resource available through the eJustice NY _____ Justice Portal (IJ Portal), a secure website for law enforcement use.
- 16 The local law _____ agency where an offender currently resides may, if it chooses, release information on sex offenders residing in the community to entities with vulnerable populations.
- 19 Legislation enacted in 2005 requires children's camps to conduct searches on all prospective _____ and volunteers.
- 20 DCJS maintains its Registry on a secure website server. The specific information collected includes offender's name, address, photograph, physical characteristics, conviction/sentence information, crime description, Internet account and screen name information and motor _____ data.
- 21 The Electronic Security and Targeting of Online Predators Act (eStop) requires sex offenders to provide DCJS with all of their Internet accounts, Internet service providers and any e-mail addresses and screen names used for chat, instant _____, social networking, etc. on sites that permit access by children under 18 years old.

DOWN

- 1 Information about SORA, frequently asked _____ about the law and access to information about Level 2 and 3 offenders is available 24 hours a day on the DCJS website.
- 2 Legislation that became effective in April 2006 requires Level 3 sex offender registrants to submit an updated _____ once a year, and Level 1 and 2 offenders to submit a _____ every third year from the date of registration.
- 4 "The sex offender is obligated to..." provide DCJS with notification within 10 _____ of any change in address, change in Internet accounts, Internet identifiers, or change in status of enrollment, attendance, employment or residence at any institution of higher education.
- 5 Level 3 offenders or offenders of any risk level designated as sexual predators (are required) to personally verify their addresses every 90 days with the local law enforcement agency having _____ over these residences.
- 6 "The sex offender is obligated to..." annually verify his or her address by returning the non-forwardable address _____ letter to DCJS within 10 days of receipt.
- 9 The registration form and continuation/supplemental forms, accompanied by a photograph of the sex offender, are used by the state Department of _____ and Community Supervision (DOCCS), courts and local jails to register sex offenders.
- 10 (Under eStop), any change in Internet accounts, email addresses or screen names must be reported to DCJS no later than 10 days _____ such change.
- 11 The change of address form is used by a _____ offender, law enforcement agencies, probation and community supervision to document an address change.
- 12 A federal court _____ currently prohibits the release of information by police agencies on sex offenders who committed their crime prior to January 21, 1996 and who were assigned a risk level prior to January 1, 2000.
- 15 DCJS is required to operate a toll-free _____ number that the public can call to inquire whether a certain person is on the Registry.
- 17 Since November 7, 2013, the Registry can now post _____ photos of an offender to both the full Registry accessible only to law enforcement and the Subdirectory of the Registry on the DCJS website criminaljustice.ny.gov
- 18 DCJS is required to, upon request of any authorized Internet entity, release Internet identifiers that would enable the Internet entity to prescreen or _____ sex offenders from its services.

WORD BANK: after, community, corrections, days, employees, enforcement, exact, injunction, integrated, into, jurisdiction, messaging, multiple, offenders, photo, questions, released, remove, sex, telephone, vehicle, verification.

Counsel's Corner

Police Use of Deception



BY CHIEF MICHAEL D. RANALLI, ESQ.

In this edition of Counsel's Corner, I will review another recent New York Court of Appeals decision entitled, *People v. Thomas*, 22 N.Y.3d 629 (2014), which dealt with deception used by officers during a suspect interrogation. Prior case law permits deception by the police during interrogations, but the deceptive conduct cannot be so "fundamentally unfair as to deny due process". Mere deception, however, should not result in statements being suppressed. The totality of the circumstances surrounding the interrogation will be reviewed in making the determination of whether due process was violated under the facts of any given situation.

In order to lay the groundwork for a discussion of *Thomas*, it may help to understand this concept by contrasting the case of *People v. Aveni*, 100 A.D.3d 228 (2nd Dept. 2012), *appeal dismissed* 22 N.Y.3d 1114 (2014) with the Court of Appeals case of *People v. McQueen*, 18 N.Y.2d 337 (1966). The *Aveni* court explained: "Notably, in [McQueen], the officers used mere deception by telling the defendant that 'she might as well admit what she had done inasmuch as otherwise the victim, who she had not been told had died, would be likely to identify her,' but did not threaten her with repercussions if she chose to remain silent. In this case, by contrast, the detectives not only repeatedly deceived the defendant by telling him that Camillo was alive, but implicitly threatened him with a homicide charge by telling the defendant that the

consequences of remaining silent would lead to Camillo's death, since the physicians would be unable to treat her, which 'could be a problem' for him. While arguably subtle, the import of the detectives' threat to the defendant was clear: his silence would lead to Camillo's death, and then he could be charged with her homicide (*Aveni* at 238). The *Aveni* court felt the threat of a homicide charge left the defendant with no choice but to give a statement. The totality of the circumstances, therefore, could not be viewed as producing

Prior case law permits deception by the police during interrogations, but the deceptive conduct cannot be so fundamentally unfair as to deny due process.

that defendant's truthfulness might help the doctors to effectively treat his son, who was already dead at this point. They also threatened to arrest his wife. The 3rd Department Appellate Division initially ruled, "the strategies and tactics employed by the officers during these interviews were not of the character as to induce a false confession and were not so deceptive that they were fundamentally unfair and deprived him of due process." The Court of Appeals, however, disagreed with the 3rd Department and reversed the decision. The Court went through a lengthy analysis of the interrogation and objected to several aspects of how it was conducted, holding the interrogation to be involuntary as a matter of law. The Court reviewed the totality of the circumstances and found there to be a "set of highly coercive deceptions" that led to the conclusion the statement was involuntary. They were, per the opinion:

- The investigators told Thomas that if he continued to deny responsibility for his child's injury that his wife would then be arrested. This resulted in Thomas ultimately stating he would then "take the fall" in response to the threat being made against his wife.
- Next was the fact that the defendant was told 21 times that it was important to his son's survival that he told them how it happened so that information could help the doctors treat him. The son was already brain dead at this point. "These falsehoods were coercive by making defendant's constitutionality protected option to remain silent seem valueless..." (*Thomas*., P. 643)
- The defendant was repeatedly assured that whatever had happened was an accident and that it would be helpful to him if he were to reveal everything, and that if he did that he would not be arrested and could then go home. "Had there been only a few such deceptive assurances, perhaps they might be deemed insufficient to raise a question as to whether defendant's confession had been obtained in violation of due process. This record, however, is replete with false assurances. Defendant was told 67 times that what had been done to his son was an accident, 14 times that he would not be arrested, and 8 times that he would be going home." The court ruled these representations played a critical role in the "extraction of the defendant's most damaging admissions." (*Id.*, p. 645) All taken together, the Court ruled: "We do not decide whether these police techniques would themselves require suppression of defendant's statements, but that they, **taken in combination** with the threat to arrest his wife and the deception about the child, reinforce our conclusion that, as a matter of law, defendant's statements were involuntary." (*Id.*, emphasis added)

Finally, and separately in the decision, the court ruled that the statements were also inadmissible under CPL §60.45(2)(i) in that the misrepresentations and false assurances used raised a substantial risk of false incrimination. The Court reasoned that he agreed to take responsibility for the injuries to his son in order to

a voluntary waiver of *Aveni*'s Fifth Amendment rights.

This now brings us to *People v. Thomas*, which had a tragic and involved set of facts. Thomas was a suspect in the death of his four-month-old son. He was interviewed twice, the first day for two hours and the second day for seven hours. The second day led to the statements in question. The detectives used various types of deception during the interview, including the statements

protect his wife. His confession, however, failed to provide any independent confirmation that he actually caused the injuries, and that all of the admissions that resulted were actually suggested to him by the investigators conducting the interrogation.

This decision, unfortunately, does not give much guidance to investigators as to what will or will not be allowed in the future. Was it only this particular mix of tactics? It is my belief this ruling will lead to a variety of interpretations in the Appellate Divisions over the coming years. It does not directly overturn any other prior precedents, meaning none of the individual techniques were outright disapproved by this case in general, just how they were used under these circumstances.

In sum, the court focused on three primary techniques used:

- 1. The threat to arrest his wife if he kept up his denials.** The language of the case indicates that if this threat had been “permissibly marshaled to pressure defendant to speak against his penal interest.” then the technique itself could have been used, and from this language, still could be used in the future. Investigators are on their own, however, in determining how far they can go and what “permissibly marshaled” means.
- 2. The representation that the doctors could not treat the son properly without his disclosure of how the injury occurred.** It appears the Court, under these circumstances, disapproves of this technique when such a representation is, in fact, false. “Perhaps [the suspect] speaking in such a circumstance would amount to a valid waiver of the Fifth Amendment privilege if the underlying representations were true, but here they were false.” (*Id.*, p. 643) This then appears to be a technique to consider avoiding when the statement is not arguably true. This is similar to what was done in *Aveni*, above, and the 2nd Department Appellate Division did not approve of it. But again, while this case does not appear to outright condemn the technique, the court clearly was not impressed with it.
- 3. The representation it was an accident, he could help himself if he admitted it, and he could go home without being arrested.** The sheer number of these is what the court appeared to object to, not necessarily the technique itself. And when considered along with the other techniques, the statements were ruled coerced and involuntary.

Any case that now involves some type of police deception will most likely involve the defense arguing it is a violation of *Thomas*, although in many situations it will not be appropriate. Such was the case in *People v. Rutledge*, 116 A.D.3d 645 (1st Dept. 2014). In that case a detective testified that he spoke to the Rutledge for about 20 minutes prior to *Miranda* warnings being administered. He did not ask incriminating questions, but rather encouraged the defendant to talk to the police and even gave him reasons why he should. He told Rutledge he knew he was involved in the crime and that the evidence against him was very strong, further stating he should talk before others implicated him and that he would “call the D.A.” once the defendant told his story. Rutledge then told the detective he would talk. He was then administered *Miranda*

warnings, which he waived. He then proceeded to give written and videotaped statements. The court found there was nothing in the record to indicate the detective’s initial interview tricked or coerced Rutledge into waiving his rights and that his will was not overborne. The court noted that Rutledge had experience in the criminal justice system and distinguished this case from the extreme case of *Thomas*.

This case involved a very difficult situation for the investigators involved in a tragic situation. They did the best they could with what information they had available to them. With that said, we need to learn from it and prepare for similar cases which will, unfortunately, arise. I would like to focus for a moment on the part of the decision where the court indicated that the confession did not produce any “independent confirmation” that any act of Thomas actually caused the injuries to the victim.

The court further held the confession essentially consisted of a repetition of what the investigators proposed to him. This brings out a point in the larger issue of false confessions, of which we in law enforcement must be cognizant. This interview was video recorded so that aspect of it was not an issue.

All detectives and officers must, however, understand that when dealing with a case that has little or no corroborating physical evidence the confession will potentially undergo far stronger scrutiny. In such a case it can be critical to the outcome in court that there be something within the confession that the interviewers could not have known. Or, from the other perspective, contain a refutation of something that the interviewer knew was not true when they proposed it during the interview. If a suspect ultimately repeats something that is not true then that should be a clear indicator to the detective that something is not right. The mere parroting of what is suggested by interviewing officers can be fraught with potential danger, and may be an indication the confession is not accurate or true. Finally, defense attorneys are now predictably trying to argue that all deception is no longer allowed after *Thomas*. That is not true and officers need to be an advocate for their case when it is necessary.

We do not decide whether these police techniques would themselves require suppression of defendant’s statements, but that they, taken in combination with the threat to arrest his wife and the deception about the child, reinforce our conclusion that, as a matter of law, defendant’s statements were involuntary.



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AND THESES WITH COLLEAGUES**
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Appreciation for Law Enforcement

Student Pens Letter Amidst Massive Manhunt

Editor's Note: On September 12th, Eric Frein allegedly shot and killed Cpl. Bryon Dickson and seriously wounded Tpr. Alex Douglass. A weeks-long manhunt ensued, culminating in the October 30 capture of Frein in Pennsylvania. A letter written by a high school student in the Pocono region was delivered to the police command post near Canadensis, Pennsylvania. The student, Mindy Rinker, shared her appreciation to all of the officers searching for Frein. Mindy's mother, Cathy, said that many people were delivering food to the command post for the police and Mindy also wanted to do something. So, she penned this letter. When we asked permission to reprint her letter, she humbly consented, saying that her intent was to share her feelings with law enforcement. I explained that her letter was a topic of conversation at the recent International Association of Chiefs of Police Conference in Florida. Mindy said, "I didn't imagine it would be spread so widely. I am so honored." I asked Mindy if Frein's capture made her feel safer. She said, "I always felt safe because of the police, but it was a relief to know he was captured." Her letter is insightful, inspirational and a testament to the officers who scoured the community while still engaging residents, assuring them and keeping them informed. It exemplifies the positive impact that can occur when we take the time to communicate with the people we serve. We are grateful to Mindy for sharing her story.

My name is Mindy Rinker. I'm a junior at Pocono Mountain East High School and a resident of Canadensis, Pennsylvania. Recently, my neighbors and I have been (and continue to be) affected by the significant police presence in our area due to the manhunt for Eric Frein. One day about two weeks ago my family and I were in the car together on the way home. We were talking about the whole situation in general, and how grateful we all are to have the courageous men and women we call police officers. I, in particular, was talking about how I want to give them all I can, and really show them how appreciative I am of what they do. I made the comment, "I wish I was into baking, like Grammy. I'd make them a whole bunch of cookies, but I'm no good at that. All I can do is write a decent essay," or something like that, kind of chuckling. I do pretty well in school, especially when it comes to writing. My dad turned around and said, "You know, that may not be a bad idea. I bet they'd really appreciate that." So, I hope you do. I feel it necessary to express to you my immense gratitude and appreciation of each and every one of you.

On September 12, 2014, the lives of two families were altered forever, and not for the better. For reasons unknown, one cowardly

pathetic excuse for a man stole the life of one of your own, and seriously injured another, with the intent to kill. To many civilians, this is just another cop, another face, another badge.

It happens, right? What they fail to imagine is the newly titled widow who wakes up alone in bed every morning. They fail to imagine two fatherless children, with no one to take them fishing or toss around a baseball in the special way only a father can. How about the parents who must now bury their son, when he should be the one who buries them? They woke up on the morning of September 12th and said goodbye to their loved one, not knowing it was the last time they would ever see his face or hear his voice. It's not even as much about sympathy for the families of Corporal Bryon Dickson and Trooper Alex Douglass as it is about empathy. Anyone who gripes about being inconvenienced by this whole investigation has obviously failed to put themselves in the shoes of Darla Dickson, Bryon Dickson, III, Adam Dickson or even the shoes of the wonderful troopers stationed here in Barrett right now, and those of the family members they left back home for who knows how long.

Over the course of the search so far, three pairs of Pennsylvania State Troopers, six men, have come to our driveway and talked to my family. I speak for my whole family when I say that these troopers we met personally really made a lasting impression on us. They were the friendliest, most courteous people you'll ever meet. They were extremely professional, yet down to earth – the polar opposite of the egotistical stereotype our society has come to associate with police officers. One of the pairs was from Pittsburgh, about five to six hours away from here. One of the troopers told my dad he just got news from home that some kid in the same school as his own children was found with a gun in the school. He expressed his anxiety as a father away from his family at a time like that. The lives of his kids were put in danger and he couldn't even be there. That's just one story from one trooper.

Imagine all of the other troopers facing similar "inconveniences". I'm sure none of the law enforcement officers here were thrilled to pick up and relocate hours away from home, without definite knowledge of how soon they may return. Some residents complain of being inconvenienced – they can't go to school or work, or go out to dinner because they might not be able to get back into their homes. Do they think about how the police are inconvenienced? How about anyone who wants to complain and bash the police



Mindy Rinker

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puts on thirty-five pounds of bulletproof vests and runs around in eighty degree weather, or crawls through thick laurel bushes in the pouring rain, working eighteen hours a day (more than double the average work day), and getting three to four hours of sleep, not to mention risking their lives while doing so. If they think they can do a better job, they should try. Personally, if you couldn't tell, I have no respect for anyone who denounces law enforcement in general. They are selfish, insensitive and unappreciative; it makes me sick. "Cops are all cocky bigots," until someone breaks into their home or mugs them. Who do they call when they become a victim of a crime? They call the cops, who are there at the scene of the crime ASAP, regardless of what they may have been busy with. Every day that an officer wakes up and puts on that uniform, he or she does so knowing that there will always be the chance he or she may not return home in the evening. He or she worries and wonders about running into a kidnapper, gunman, armed and dangerous drug dealer, or a sniper who will see him or her before he or she sees the sniper. The most the average person worries about on the way to work is not finishing the report before the deadline or speaking in front of coworkers in a meeting. Police officers are heroes, they run into situations when everyone else is running away, in order to protect people they don't even know, the same people who talk trash about them. They risk their lives doing so, willingly.

Feeling safe within the walls of one's own home is important. Thanks to the tireless efforts of the Pennsylvania State Police, New Jersey State Police, New York State Police, local law enforcement and federal agencies, I feel safe in my home, despite the fact that there's an armed killer hiding in my backyard. Because of their presence, my family and I can sleep at night. The sound of hovering helicopters and circling planes, and the sight of spotlights going up and down the road are reassuring. A sense of security of oneself and one's family is essential. I thank you for that. I trust you and your work. I trust you are doing your best, because you don't know how to do anything less than that. I have faith you will bring Eric Frein to justice, no matter how long it takes. Be safe, and pay no mind to the unjustified negativity you unfortunately sometimes receive. **THANK YOU.**

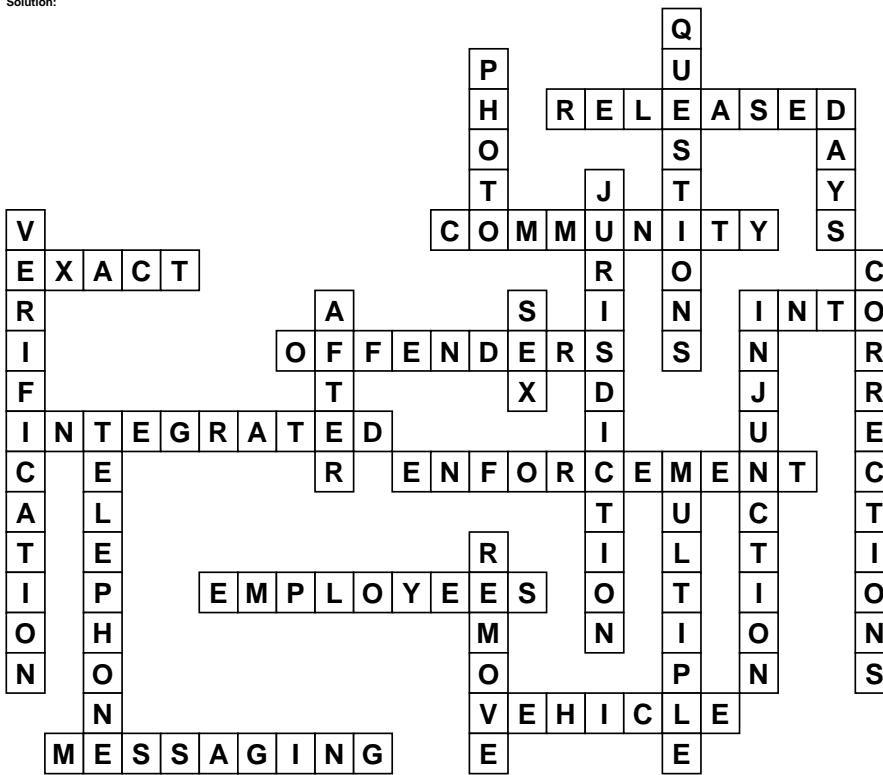
I feel it necessary to express to you my immense gratitude and appreciation of each and every one of you.

Mindy Rinker

Crossword Solution for Puzzle on Page 8.

Sex Offenders in New York State

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New York State Law Enforcement Accreditation Program

BY NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES



New York State established its voluntary Law Enforcement Accreditation Program (LEAP) in 1989 with the goal of promoting professionalism, efficiency and effectiveness within the law enforcement field. The program also provides a mechanism by which to acknowledge the excellence of agencies that decide to participate. Executive Law Article 36, §846-h created the Law Enforcement Accreditation Council (the Council), the governing body responsible for approving program standards, awarding accreditation and generally overseeing the direction of the program. The accompanying New York State Rules and Regulations (Part 6035) tasked the administration of the program with the New York State Division of Criminal Justice Services (DCJS).

When the accreditation program was created, it was designed to give state law enforcement professionals influence over both the direction and oversight of the program, as evidenced by the organizations that nominate the Council's 17 members:

- The New York State Association of Chiefs of Police and New York State Sheriffs' Association each nominate three members; the state's Deputy Sheriffs' Association, one member; and police labor unions, two members.
- The New York State Association of Towns, the state's Conference of Mayors, the state's Association of Counties, the state Senate and state Assembly each nominate one member.
- One full-time faculty member of a college or university who teaches in the area of criminal justice or political science is nominated directly by the Governor's Office.
- The Superintendent of the New York State Police and Commissioner of the New York City Police Department also serve as ex-officio members.

The Accreditation Unit within the DCJS Office of Public Safety (OPS) administers the program. Staff members within this unit implement all aspects of the program in accordance with the policies set forth by the Council. All decisions with respect to the program are made by the Council with the ultimate goal of further improving law enforcement within the State and meeting the needs of law enforcement professionals.

Being accredited has been known to increase public confidence in the agency and heighten staff morale because it provides consistency to agency operations and practices. In addition, accreditation may reduce an agency's vulnerability to civil suits and costly settlements, and in some cases, the status may lead to a reduction in the agency's liability insurance premium.

PROGRAM OVERVIEW

There are a number of law enforcement accreditation programs throughout the country, but New York's is one of the few that imposes no fees or costs on participating agencies.

Law enforcement administrators who wish to participate in the program complete an application indicating their intent to work toward accreditation, and submit to a participation agreement that outlines the responsibilities of the applicant agency, the Council and DCJS.

In order to become accredited, law enforcement agencies must develop and implement policies and procedures to meet 133 standards that have been established by the Council: 69 standards are related to agency administration, 52 to operations and 12 to training. Agencies must maintain program files on each of these standards. The Certificate of Accreditation is awarded to agencies that have met or exceeded those standards.

Agencies can expect to spend between six to 18 months preparing for accreditation, depending on the amount of staff time devoted to the project and the number of policies that must be developed.

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Once standards are developed, an agency must operate according to those standards for 90 days. The agency then will undergo a rigorous on-site assessment conducted by LEAP assessors, who are law enforcement professionals with accreditation experience. Those individuals have either worked for at least five years within an accredited agency or have been directly involved in either the management or oversight of the Accreditation Program within the agency. Individuals also are trained by experienced program assessors before serving as assessors themselves.

Assessments are conducted on-site at the law enforcement agency and generally consist of three assessors spending three days reviewing the agency's program files, conducting interviews and making observations about the agency's compliance with the program standards.

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. Those executives note that preparing for and participating in accreditation ensures:

- the agency routinely reviews existing policies and procedures with an eye toward expanding and strengthening policies and procedures, where applicable;
- the agency's directives and practices are always current and consistent with law;
- personnel remain adequately trained and informed of agency practices; and
- gaps in agency operations are identified, addressed, and corrected in a timely manner.

Agencies are accredited for a five-year period. During that time, agencies must maintain compliance with all program standards and report on their progress through an Annual Compliance Survey,

Beginning in January 2015, Accreditation Unit staff will be visiting each accredited agency at least once during their period of accreditation with the goal of providing assistance and guidance. During these periodic site visits, the Accreditation Unit staff will review a sampling of program files and provide resources to assist agencies in their efforts to maintain compliance and achieve reaccreditation.

intended to ensure that lapses in compliance are immediately identified and remedied. If an agency seeks reaccreditation, arrangements will be made for the agency to undergo another full assessment approximately three months before their accreditation is set to expire.

PROGRAM PARTICIPATION

Executive Law Article 36, §846-h, 9 (a), establishes the law enforcement agencies or departments that are eligible to participate in the program. Law enforcement agencies or departments of any municipality, any police district, or agencies, departments, commissions, authorities or public benefit corporations of the state of New York employing a police officer or police officers as that term is defined in paragraphs (a), (b), (c), (d), (e), (f), (j), (k), (l), (o), (p), and (s) of subdivision thirty-four of section 1.20 of the Criminal Procedure Law are eligible participants.

There are currently 144 agencies of varying sizes accredited through the Law Enforcement Accreditation Program. Accredited agencies range in size from only a few employees to more than 4,000 employees. Approximately 58 percent of all New York State police officers are employed by an accredited agency. An additional 47 agencies are actively working toward becoming accredited. Of the 47 applicant agencies, eight are currently scheduled to undergo an initial assessment during the next 12 months.

CHANGES TO REASSESSMENT PROCEDURE

In 2011, the Accreditation Council approved a change to the procedure used to reaccredit agencies. Agencies seeking their second reaccreditation or beyond are now eligible to undergo a Compliance Audit, which is an abbreviated version of an assessment. Compliance audits are only intended for agencies that

have consistently demonstrated excellent compliance with program standards during their previous full assessments. Accreditation Unit staff review each eligible agency to determine whether a compliance audit is the appropriate path to take.

Though the procedure can vary slightly from agency to agency – due to size, logistics and other factors – a compliance audit generally consists of one assessor reviewing approximately one-third of the agency's program files, including files for 21 "critical standards," which are those designated as having the highest risk of liability to an agency, and a minimum of 20 additional standards. The assessor usually reviews the program files prior to visiting the agency and then spends one day at the agency to follow up on any additional information needed to satisfy file documentation, conducting interviews with staff and making observations throughout the agency.

While every accredited agency is aware of which standards comprise the critical standards, the additional 20 standards are selected at random by the assessor just prior to the start of the audit. This ensures that agencies continue to maintain program files on all standards, not just those that will be reviewed during a compliance audit. Assessors can opt to review more than the minimum number of files if time permits and they also may recommend a full reassessment if the compliance audit is not going as well as expected.

Finally, even after successful compliance audits, agencies may still be selected to undergo a full reassessment if it is deemed necessary. A chief law enforcement officer may also request a full reassessment be conducted in lieu of a compliance audit for a variety of reasons. The Council entertains those requests on a case-by-case basis. These safeguards were put in place by the Council when developing the new policy to ensure that this procedural change does not lead to relaxed compliance efforts on the part of the accredited agencies. It is paramount to the Council, DCJS, and members of accredited agencies that the integrity of the program is maintained.

UPCOMING PROJECTS

Review of Standards

The Council formed a Standards Review Committee in August since the last full review of program standards occurred more than a decade ago. The committee will explore standard consolidation, deletion and clarification, as well as additions to address issues that have emerged in the past 10 years. It is the goal of the Standards Review Committee to provide agencies with the most up-to-date and relevant standards possible, and to provide necessary clarification on some of the standards.

Once the committee completes its work, members will provide law enforcement officers and program managers from accredited agencies with draft proposals and an opportunity to comment on them. The committee will consider agency input and make changes where appropriate and then send the draft of the revised standards to the Council for its review. Once the final revisions are approved

The accreditation program enhances agency effectiveness and promotes accountability of staff; increases professionalism; and ensures that policies and practices are current, valid and implemented as intended.

by the Council, a new standards manual will be distributed. Accredited agencies will be given ample time to begin complying with any new or revised standards.

Enhanced Technical Assistance

Beginning in January 2015, Accreditation Unit staff will be visiting each accredited agency at least once during their period of accreditation with the goal of providing assistance and guidance. During these periodic site visits, the Accreditation Unit staff will review a sampling of program files and provide resources to assist agencies in their efforts to maintain compliance and achieve reaccreditation.

CONCLUSION

The New York State Law Enforcement Accreditation Program is a major source of pride for the accredited law enforcement

agencies and DCJS.

The accreditation program enhances agency effectiveness and promotes accountability of staff; increases professionalism; and ensures that policies and practices are current, valid and implemented as intended.

DCJS is pleased to be able to provide this free service and resource to the law enforcement community and the Council is committed to the integrity and longevity of the program and seeks to meet the ever-changing needs of law enforcement professionals across the state.

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

Domestic Violence and Victim Advocates

New Roll Call Video Available

BY MARK A. SPAWN

A new video titled, *SAVIN: A Victim's Perspective* was released recently to demonstrate how the Statewide Automated Victim Information and Notification (SAVIN) system helps domestic violence victims in planning for their personal safety. SAVIN, a project funded by the U.S. Department of Justice Bureau of Justice Assistance and led by the New York State Sheriffs' Association Institute, affords victims the ability to receive automated notification when a Family Court order of protection has been served. The video production consists of interviews with Dan Foro, Project Director for the SAVIN Project, Wendi Gapczynski, Advocacy Coordinator at the Schenectady YWCA, and Executive Director Gwen Wright of the New York State Office for the Prevention of Domestic Violence.

According to a research report by the New York State Division of Criminal Justice Services, almost one-fourth of the homicides reported in 2013 involved a domestic relationship. The report indicates that just over half of all homicide victims age 16 and older were killed by intimate partners.¹ For those who have been victimized in a domestic relationship and sought out an order of protection, the handling of that order is very important. Victim advocates are available in most parts of the state to help victims navigate the justice system, whether in criminal or family court. They attend court with victims, help them understand the justice system, terminology, return dates, petitions and more in order to protect themselves and their children.

Gapczynski said, "First of all, the most dangerous time for a victim is when she decides to leave a relationship, not when she actually does." She explained the fear that many victims experience waiting for word that the order of protection has been served on their alleged abuser, adding, "The unknown is more nerve racking than doing the order itself...it's very important for her to know when that order is served."

The Statewide Automated Victim Information and Notification system provides domestic violence victims with the ability to get prompt notice when a Family Court order of protection has been served. Foro explained how it works. "A victim can register on NY Alert to receive notification when an order of protection has been

served. They can receive notification by phone, text, email, fax or through an iPhone app called iAlertz." He added, "There is also an inquiry function which allows a victim to check the status of an order." Foro explained that the latter option is useful for victims who prefer to not register on a computer in order to maintain confidentiality.

Victims and advocates can register by using the issuing court name, docket number and order of protection number. For victims concerned about receiving such a message, the status of an order can also be checked by making an inquiry online. Advocates can use the system to register multiple victims and orders so that the advocate receives the notification and then determines the most secure way to contact their client.

Prior to SAVIN, notifications to victims that an order was served was inconsistent. Some agencies and advocates called victims, but the process was inconsistent, and not always timely. In some jurisdictions, many orders were unserved.

Executive Director Wright said, "It's one thing to walk out of court knowing that your order is granted, then it's a question of how can I go about my daily business? What happens if he shows up?"

Wright added, "It allows victims to feel like they have some control on what's going on – they can monitor through the SAVIN program whether an order has been served."

Gapczynski, said that receiving a notification that an order has been served lets victims know they should promptly implement their personal safety plan. "They need that security – and if he does come to the house, she can let police know that he has been served and say, 'I need your help now'".

Access the video for free by going to the iTunes Store - search "SAVIN: A Victim's Perspective" or visit the APB Podcast page at www.nychiefs.org. For more information about the SAVIN project, go to SAVIN-NY.com

¹ Domestic Homicide in New York State 2013, New York State Division of Criminal Justice Services Criminal Justice Research Report; Adriana Fernandez-Lanier, Ph.D.; October 2014

NYSACOP CUSTOM LICENSE PLATES



The Department of Motor Vehicles is now offering a custom license plate for the New York State Association of Chiefs of Police. If you are interested, here are the details:

Must be active or retired member in good standing.

Member may request, without additional charge, a three number series between 100-999 if it has not already been assigned. (e.g. – Member requests “234” – would appear as “234CHF” as shown above). If no preference is stated, next number in series will be assigned by DMV.

Member may request personalized plates at additional fee.

Member may request handicap symbol. Members must first call the Custom Plates office at 518-402-4838. Submit MC664.1 if first time applicant for handicap plates.

Complete the MV413 form (available on-line). Do not enter anything in the bold black outlined section. NYSACOP will complete that section and forward to DMV.

Enclose check or money order payable to COMMISSIONER OF MOTOR VEHICLES, or indicate credit card information on the MV413 form.

SEND THE MV413 FORM, REQUEST FORM (SEE NEXT PAGE) AND PAYMENT TO OUR OFFICES AT:

**NYS ASSN. OF CHIEFS OF POLICE
2697 HAMBURG ST.
SCHENECTADY, NY 12303**

PLEASE NOTE:

- Only one set of custom plates per member
- Plates must be surrendered upon death of member
- Commercial and motorcycle plates are not available.

Order form for Custom License Plates on page 28



Chiefs Retiring

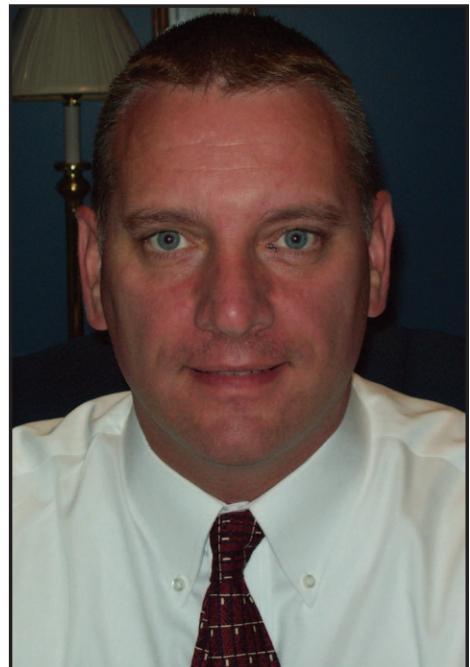
Chief Hayes recently retired from the Bedford Police Department. He is now the Executive Director-Westchester Intelligence which is operated through the District Attorney's Office. A reception was held in his honor on November 22 at the Holiday Inn in Mt. Kisco.

Chief Timmy Currier has announced his retirement upon his election as the new Mayor of Massena. According to the Massena Police Department (MPD) website, "Chief Tim Currier began his career with the department on February 29, 1988 as a Patrol Officer. In June of 1992 he was promoted to Patrol Sergeant." Currier was appointed police chief in 1993.

The MPD website continues, "Chief Currier is an active member of the Massena community, serving in various capacities in many organizations including the Massena Basketball Association, BPOE Elks #1702, the Massena Central Schools Safe and Drug Free Advisory Council, the Massena Central Safety Team and Massena TRIAD.



Chief William J. Hayes



Chief Timmy Currier

Video Series Features Law Enforcement Role Models

Preserving the Legacy of Notable Police Leaders

The New York State Association of Chiefs of Police released a series of video interviews at the annual training conference in Lake Placid. Nine productions were showcased, featuring interviews of veteran police leaders and others. The theme of the Legacy Project is, "...a series of interviews with law enforcement leaders sharing their insights, experiences and advice." Some of the videos will appeal to currently serving police officers while others

share advice for those aspiring to be a street cop or agency executive. Additional videos are slated for production, including meaningful stories of ethics, service and survival. The personal stories shared by the featured officers showcase the reality of law enforcement.

Mark Spawn is the Executive Producer of the Legacy Project series. Realizing there is a wealth of information to be shared by active and veteran police officers, Spawn developed the video series to preserve and share relevant law enforcement stories of ethics, perseverance, survival and service.

While the primary audience for the series is aspiring and currently serving officers, the videos will also be enlightening for the general public. Spawn's wife, Jeanna, is also a producer for the Legacy series.

How many times have you heard, "If I only knew then what I know now? There are lessons to be learned from all of the leaders we have interviewed in the Legacy Project," said Mark Spawn. For example, being prepared for the media onslaught when a major case happens is the message in an interview with Chief Steven Heider. Chief Michael Biasotti discusses the impact of the seriously mentally ill on the criminal justice system, and how persons in need of services often fall into the hands of law enforcement and corrections. Executive Director John Grebert shares advice for officers thinking about a career as chief of police. His frank discussion about political landmines as well as the lack of legislative protections are a must see for anyone considering taking the top post in their municipality. Perhaps the most important message is in the story of MTA Officer John Barnett, stabbed in the eye during an ambush, Barnett reacted instinctively, giving verbal commands, drawing his weapon and point-shooting. Having lost vision in one eye and bleeding profusely, Barnett shot four rounds, struck the assailant four times, and ended the confrontation without any casualties to the public at the busy Jamaica-Queens MTA Transit Station. Mark Spawn said, "Every police academy should show this to new officers, and it is an ideal component to be

added to firearms qualifications programs." Jeanna Spawn noted, "It is a compelling story about the value of training, and the spirit of survival."

POLICE-MILITARY LIAISONS

For those who attended the Association's annual training conference in Lake Placid, you will recall a presentation by Trooper Juanita Salas-Jackson. A Sergeant First Class in the Army Reserves, she talked about her position as Military Liaison with the New York State Police.

She shared a particularly meaningful story about the arrest of a veteran for DWI whose comments to the troopers were about how his government had failed him. Concerned for the man's welfare, they reached out for family members who were distraught by the situation and not knowing where to go for help. Trooper Salas-Jackson and her partner researched some veteran assistance programs and were able to connect the man and his family with assistance. In addition to connecting veterans with programs, she assists Troopers and their families with questions about military law and benefits while deployed, paperwork issues when they return, and by making sure that the veterans know they are not forgotten. Trooper Salas-Jackson described the Military Peer Program, which consists of volunteers at all ranks within the State Police. She recommends similar programs in police agencies regardless of size.



Trooper Juanita Salas-Jackson
New York State Police

MENTAL ILLNESS AND THE CRIMINAL JUSTICE SYSTEM



Chief Michael Biasotti is a researcher, commentator and consultant on issues associated with our nation's mental health systems. In this first of a two-part production, he discusses the history of deinstitutionalization of the seriously mentally ill,

and how limited support systems have left the criminal justice system as a last resort for many in crisis.

IMPROVING OUR MENTAL HEALTH SYSTEMS

Chief Michael Biasotti is an advocate for improving our mental

health systems. In this second of a two-part production, he talks about New York State's program for court-ordered treatment of persons with serious mental illness (Kendra's Law). Biasotti describes Crisis Intervention Teams, a collaboration of mental health professionals who deploy in the field with first-responder law enforcement officers to assist persons suffering from mental health issues.

DOING IT RIGHT



Chief Steven Heider talks about a homicide case and how budgetary concerns for overtime caused a delay in the case, eventually costing more in the end. Heider also discusses how leaders should 'step up' when things go wrong, saying, "...at the end of the day the only

thing we have left is our credibility." This video is part of the Legacy Project of the New York State Association of Chiefs of Police.

THE NEXT "BIG ONE"

How do we know when the next big case will happen? Chief Steven Heider (Colonie Police Dept., NY) discusses his experiences in over 40 years of law enforcement. Heider served as a detective commander and public information officer for several years before becoming Police Chief.

SURVIVING AN AMBUSH

Without notice or provocation, MTA Police Officer John Barnett was attacked on July 4, 2012 at the MTA Jamaica-Queens terminal. A knife was thrust into his eye and the attacker continued an aggressive assault. Learn how this brave officer survived the attack, saved himself, and protected hundreds of commuters.



CHALLENGES FACING TODAY'S POLICE LEADERS

Executive Director John Grebert (NYS Assn. Chiefs of Police) talks about challenges facing today's police leaders.

ARRESTING A SERIAL KILLER



Executive Director John Grebert (NYS Assn. of Chiefs of Police) recalls the arrest of Lemuel Smith, a notorious serial killer who was travelling through Colonie, NY with another victim he had kidnapped that day. Executive Director John Grebert (NYS Assn.

of Chiefs of Police) recalls the arrest of Lemuel Smith, a notorious serial killer who was travelling through Colonie, NY with another victim he had kidnapped that day.

OVERCOMING OBSTACLES

Chief David Zack describes a murder investigation in Cheektowaga, New York plagued by obstacles – gangs, reluctant witnesses and a school teacher who identifies a witness to the murderer – during class. Despite the interference, the suspect was arrested and convicted.

TAKING DOWN 3 BANK ROBBERS

Chief Michael Biasotti recalls a case early in his career where three bank robbery suspects were right in front of him. He describes the sequence of events and how the case came together. He also reflects on an active shooter incident that occurred across the street from the police station.



Other Legacy Project videos are in production and will be added to the Association library from time to time. If you have a suggestion for a Legacy Project production, send an email to APB@nycchiefs.org

the legacy project
the legacy project

Schenectady Police Recognized for Leadership in D-DACTS

The Schenectady Police Department was lauded by DMV Commissioner Barbara J. Fiala at the New York Highway Safety Symposium on October 21 at the High Peaks Resort, in Lake Placid. The Commissioner recognized them for their innovation and statewide leadership role in the Data Driven Approaches to Crime and Traffic Safety Initiative (D-DACTS).

Sponsored by NHTSA and GTSC, D-DACTS integrates location-based crime and traffic crash data to determine the most effective methods for deploying law enforcement and other resources. The goal of D-DACTS is to reduce crime, crashes and traffic violations. Schenectady Police became the first agency in New York State to successfully implement D-DACTS in the fall of 2012. In January 2013, the Department was featured in a New York State Association of Chiefs of Police training video entitled, "Using Research, Planning and Analysis in Operations" which highlighted their efforts and implementation of D-DACTS. They were also a featured presenter at New York's first D-DACTS Follow-Up Roundtable in September of 2013, sharing their success story and helping other police agencies identify common needs, challenges and issues.

Schenectady Chief Brian Kilcullen and Crime/Data Analyst Matthew Douglas traveled to Charlotte, North Carolina in March of 2014 to be trained as Subject Matter Experts. Commissioner



From left, Sgt. Patrick Morris, Chief Brian Kilcullen, Comm. Barbara Fiala, Lt. Todd Stickney and Crime Analyst Matthew Douglas.

Fiala said, "The Department's resources and ability to showcase the potential benefits of D-DACTS to New York police agencies provides immense credibility to the program and furthers our efforts to implement D-DACTS statewide." Chief Brian Kilcullen received the 2014 GTSC Chair Award on behalf of the Schenectady Police Department flanked by members of his team, including Sgt. Patrick Morris, Lt. Todd Stickney and Crime Analyst Matthew Douglas.

Chief Gerald Pickering to Retire in January

BY: TOWN OF WEBSTER

Webster Police Chief, Gerald L. Pickering, has announced his pending retirement to Webster Town Supervisor, Ronald Nesbitt and the Town Board.

Chief Pickering has served the Town of Webster as Police Chief since his appointment to the position on April 1, 2001. His law enforcement career has spanned 36 years, the last 30 spent with the Town of Webster. Chief Pickering was appointed as a police officer in Webster on April 1, 1984 and rose through the ranks to become police chief.

"It is with great reluctance that I accept Chief Pickering's notice of retirement. Since 2001, he has proven to be an outstanding Chief of the Webster Police Department and a great asset to the Webster community," said Supervisor Ron Nesbitt.

He has served the Webster residents as our Chief of Police for the last 13 years. "I am very proud of the men and women of the Webster Police Department who serve with pride and distinction. I will never forget their dedication to service and duty, especially during the Webster Tragedy on December 24, 2012 when we lost

one of our own, Lt. Michael (Chip) Chiapperini," said Chief Pickering.

Chief Pickering has accepted a position with the University of Rochester as Deputy Director of Public Safety to start in January of the New Year.

Chief Pickering added, "It is bittersweet for me to leave a community that I love. I will miss working alongside the officers and staff that are

among the finest professionals in the nation. The time is right for me to turn over the reins and transition into my next career with the University of Rochester."

Chief Pickering's last day with the Webster Police Department will be January 3, 2015.



*Chief Gerald Pickering
(NYSACOP Photo)*

An Examination of the Accreditation of Law Enforcement Agencies

Criminal Justice Action Research Project



BY CHIEF/RET. MICHAEL WALSH

About the author: Michael J. Walsh worked for the Syracuse Police Department from 1978-2000. He served as the Chief of Police of the Town of Geddes (Onondaga County) from 2000-2008. In 2008, Walsh became the Director of the Onondaga Crime Analysis Center, an initiative of the New York State Division of Criminal Justice Services. He is a Past Chairman of the Onondaga County Chiefs of Police, a Board Member for the Central New York Association of Chiefs of Police, and a member of the New York State Association of Chiefs of Police and the International Association of Chiefs of Police. He holds a Bachelor of Arts Degree in Public Justice from State University of New York at Oswego and a Master's Degree in Criminal Justice Administration from Keuka College. He is currently the Director of Security for the Central New York Regional Transportation Authority.

In 2008, Michael Walsh conducted a research project to examine the benefits of accreditation for New York State law enforcement agencies. His research paper has been revised for publication in 2014.

The major purpose of the research project was to examine the process of accreditation of law enforcement agencies within New York State. This process is voluntary and many agencies do seek accreditation. However, there are initial and annual costs associated with the process, which leads to the value of accreditation being questioned. The research explored whether accreditation has value to the organizational, whether it is a worthwhile program from a liability standpoint and if it is a justifiable expense from a budgetary perspective. The project was designed to survey police administrators and ask their opinion of the value of accreditation to the organization, employees and community, and to assess if there were any liability insurance savings.

The findings revealed several key points:

1. The statewide program is perceived to be a worthwhile organizational investment. To attain accreditation, a law enforcement agency must have many procedures in place, including policies such as dealing with use of force, pursuit driving, departmental goals and objectives, and financial audit controls. If these policies are in place, organizational functions will be improved. However, if all the policies are in place and the agency does not seek accreditation status, the agency will still have improved their organizational performance.
2. If strict policies are in place and adhered to, the potential liability for the agency should be reduced.
3. The majority of the departments did not save money from being accredited. Either their insurance premium was not reduced after achieving accreditation or they were self-insured, so the accreditation had no effect.

Several conclusions were drawn from the culmination of the research as follows:

1. The program is worthwhile and meets their objectives.
2. The participants of the program see the value of the program.
3. The expense is perceived as worthwhile by the participants.

Accreditation of law enforcement agencies is an optional program and can be costly. The issue for many police administrators is to weigh the benefit of accreditation against the cost.

DESCRIPTION OF THE PROBLEM

There are standards or levels of achievement which should be a component of any law enforcement agency. Many departments may not have any policies regarding concepts such as Human Resource Management tools (i.e. personnel evaluations, promotion and recruitment policies). Establishment of policies such as these are components of accreditation. An examination of the process should be conducted to determine if the accreditation process is a worthwhile goal of a police department or if acceptable recognized standards can be established without going through the formal accreditation process.

Although a number of law enforcement agencies in New York have participated in an accreditation program since 1989, the majority of the departments are not accredited. Some research questions that were posed were relative to the organizational value that accreditation brings and whether it has monetary value. Additionally, a question concerning the reduction of liability issues relative to accreditation was researched.

HISTORY AND BACKGROUND OF THE PROBLEM

The 1967 President's Commission on Law Enforcement and Administration of Justice called for a change in the criminal justice system, with a majority of the recommendations dealing with the police. The report called for a clarification of operational policies and enhanced coordination of services. In the following decade, courts held that municipalities could be held liable for the actions of employees. In 1983, the New York State Sheriff's Association developed an accreditation program of its own members. In 1986, a blue-ribbon planning committee was formed to explore the feasibility of developing a statewide program. The following year, state legislation was passed and was signed into law in 1988. Development into the program continued and the program became operation in December of 1989. The Council reviewed the program and prepared resource materials to assist participating agencies. The accreditation council has remained committed to evolve with the changing needs of the participating agencies. Several revisions

of the original standards have been written over the years (DCJS, 2006a).

Since the New York State program is not mandatory, there is not full participation among law enforcement agencies. The program materials cite benefits of participation such as better organizational objectives and possibly reduced insurance premiums.

INTRODUCTION

The concept of accreditation may be foreign to some. To those that have gone through the process, the mention of accreditation may bring back memories of a lot of hard work. To those who lived through an accreditation and passed, the word may bring a smile and a feeling of accomplishment.

Accreditation of law enforcement agencies in New York State is optional. There are two accreditation organizations available for law enforcement agencies in New York State – the New York State Division of Criminal Justice Services and the Commission on Accreditation for Law Enforcement Agencies.

NEW YORK STATE ACCREDITATION

The New York State Division of Criminal Justice Services (DCJS) provides the opportunity for accreditation to all law enforcement agencies in the state. New York was the first state in the country to provide such a service. This is the accrediting organization that is more widely used in New York State. Of the approximately 525 law enforcement agencies in New York State, 116 agencies or 22% of the total eligible have become accredited through the state (DCJS, 2006a).

New York State was the first state to sponsor a law enforcement accreditation program. The DCJS program became operational in 1989 after many years of discussion on how the program should be designed and implemented. The program has four goals:

- To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the fullest extent possible;
- To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice system;
- To ensure the appropriate training of law enforcement personnel; and
- To promote public confidence in law enforcement (DCJS, 2006b).

GLOBAL ACCREDITATION

The Commission on Accreditation for Law Enforcement Agencies Inc. (CALEA) provides accreditation services for agencies across the country and internationally. Like the DCJS program, CALEA directs an agency to develop a comprehensive, well thought out written set of directives that show compliance to the standards. CALEA is much more expensive than the DCJS program and has more standards. Of the approximately 525 law enforcement agencies in New York State, 7 agencies or 1% of the total eligible have received accreditation status through CALEA (CALEA, 2006a).

CALEA has been accrediting law enforcement agencies since

1979 and is associated with several different law enforcement executive associations such as the International Association of Chiefs of Police (IACP), the National Association of Black Law Enforcement Executives (NOBLE), the National Sheriff's Association (NSA), and the Police Executive Research Forum (Daughtry, 2005). Through this partnership with such leading organizations in police executive management and leadership, CALEA promotes self-credibility and facilitates professional excellence (CALEA, 2006b).

For the purpose of this research project, only the DCJS model will be discussed. The small numbers of CALEA accredited agencies are not significant to this project.

“There are standards or levels of achievement which should be a component of any law enforcement agency.”

SYNTHESIS OF THEORIES, CONCEPTS AND PRACTICES

The literature review revealed through the synthesis of the theories, concepts, and practices of accreditation programs that a general set of constructs existed that were efficient and effective. That set of constructs is listed as follows:

1. Accreditation Programs: Various programs promote themselves as the best for each application.
2. Accreditation Selection: This consisted of the characteristics of the different accreditation selection processes.
3. Mentor Program Framework and Criteria: This consisted of a definitive mentor program framework within the organization as well as structured and validated criteria.
4. Accreditation Program Models: This consisted of the isolation of the specific accreditation program model that would be best for the specific law enforcement agency.

LITERATURE REVIEW SUMMARY

With respect to the accreditation programs available for law enforcement agencies, the literature review supported the concept of accreditation in both the business and law enforcement environments. Although there were critics of a global accreditation, their fear was that it was going to become mandatory and a national accreditation process would be forced upon administrators with no funding support.

The literature pointed out the value of accreditation for agencies and associated a financial value of accreditation status. None of the literature presented a solid dollar figure relative to accreditation, however.

DESCRIPTION OF THE METHODOLOGY

The methodology used in this research project was to create a survey and send it to all law enforcement agencies that are accredited by the New York State Law Enforcement Accreditation Council. The survey was designed to gather information regarding

the value of the accreditation as to organizational values, financial value and legal benefits from the process.

The survey was mailed to all 116 (at the time of the original survey) law enforcement agencies currently accredited. This mailing was done in May of 2007. Of the 116 surveys mailed, a total of 57 were mailed back and found to be valid.

The population group for the survey was the administrators of the agency or the accreditation managers. These are the personnel that are designated as having the responsibility for overseeing and maintaining accreditation status. The specific questions in the survey were crafted to establish the value placed on different components of the accreditation process. The constructs were presented through the use of several quantitative questions designed to objectively evaluate the program, based upon the information presented in the literature review chapter of this document.

BUDGETARY CONSTRUCT

A qualitative question in the survey asked whether savings in insurance premiums was realized, and any amount was that was saved. One of the qualitative questions also asked for an estimated cost associated with initial accreditation.

LEGAL CONSTRUCT

Of the 11 quantitative questions in the survey, two were related to the legal construct of the process. Two other questions related to the opinion of the respondents if they felt participation in the accreditation program had reduced the liability insurance premium and if accreditation has helped in defending lawsuits.

The above questions were found to be relevant to the hypothesis based upon the literature research that was conducted relative to this project. The data received as a result of this survey was instrumental in making a conclusion in this matter.

LIMITATIONS OF THE DATA COLLECTION PLAN

1. The survey was mailed to only those agencies that have achieved accreditation status. It would be likely that the majority of the results would have favorable comments on the program.
2. The data can be analyzed of those agencies which return the survey. If an accreditation manager or agency chose not to return the survey for a reason that is not favorable to the program, their input would not be included.
3. This researcher was limited by the Institutional Review Board and the survey process to identify myself as a student at Keuka College conducting a research project. It is possible that if this researcher was able to be identified as a police chief of one of the accredited agencies that they may have had a higher return rate of the surveys.

The results show that the accreditation process is viewed a positive procedure for police agencies.

SUMMARY OF RESULTS

Research Question 1: The first construct dealt with the organizational value to the agency. The three questions that

composed this central idea were question #1, which read, "I feel that accreditation is a very worthwhile goal." Question #2 stated, "I feel that accreditation brings value to the organization." Question #6 in the survey read, "I feel that the accreditation program is very well structured." The answers to these three questions have a common theme.

Research Question 2: The second construct dealt with the budgetary value to the agency. The two questions that composed this central idea were question #5, which read, "I feel that the expense of accreditation is a cost effective benefit." The second question is Question #10, which read, "I feel that accreditation has helped in defending lawsuits."

Research Question 3: The third construct dealt with the liability value to the agency. The two questions that composed this central idea were question #4, which read, "I feel that accreditation has reduced our liability insurance premium." The second question is Question #10, which read, "I feel that accreditation has helped in defending lawsuits."

The three questions that were asked in Construct 1 concerning the organizational value clearly showed that the research population (both CEOs and accreditation managers) were very pleased with their participation in the accreditation program. The research and data has led to a conclusion that would support the alternative hypothesis that the accreditation process brings value to an organization. The population group (n=57) that responded is 49% of the research population, which a significant return and exceeds acceptable standards.

The two questions that were asked in Construct 2 concerning the budgetary value clearly showed that the research population (both CEOs and accreditation managers) felt that the cost associated with becoming accredited and maintaining accreditation status are cost effective. The research and data has led to a conclusion that would support the alternative hypothesis that the accreditation process brings value to an organization. The population group (n=57) that responded is 49% of the research population, which a significant return and exceeds acceptable standards.

The two questions that were asked in Construct 3 concerning the liability value has responses that should be examined independently. Question #4 stated, "I feel that accreditation has reduced our liability premium". A related question asked, "If a reduction in liability insurance was realized as a result of accreditation, what is the annual amount saved?" A review of the answers provided (n=51) showed that in many cases there was no reduction in premiums or the question did not apply as the municipality is self-insured.

CONCLUSIONS

The data clearly shows that accredited agencies support the accreditation process. The major conclusions drawn from the research are that those agencies who have participated in the accreditation process feels that it is a worthwhile goal and it is a

The data clearly shows that accredited agencies support the accreditation process.

very worthwhile expense. The cost of accreditation varies greatly depending on the organization. Being accredited does not generally reduce insurance premiums, but it does help in defending lawsuits. However, again it must be mentioned that strong internal policies can also help a non-accredited agency in a civil suit.

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Multi-tenancy in Law Enforcement

SUBMITTED BY ACCENTURE

MULTI-TENANCY IN LAW ENFORCEMENT

Public safety is the cornerstone to society. The police are the entrusted guardians of the people they serve. In an advanced digital world, there is zero tolerance for information being lost in information and technology siloes, unavailable to our first responders due to incompatible and disparate records and case management systems. The public expect law enforcement agencies to keep them safe – everywhere, all the time, across jurisdictions, across all boundaries. Enter in multi-tenant policing solutions.

Multi-tenancy is the ability to support multiple agencies in a single installation of a Records Management System (RMS). This allows agencies across jurisdictions to share information, something that can't happen when law enforcement agencies keep information siloes within their single application solution.

A CASE FOR CHANGE

The United States alone has more than 17,000 state and local law enforcement agencies, most with their own core law enforcement systems. While the public safety landscape in the US is vast and complex, the challenges facing law enforcement are common.

Budget freezes and on-going requirements to go leaner are now the reality. Law enforcement must delicately manage this fiscal reality against increasingly high public expectations. In 2012, 51 percent of law enforcement agencies in the US said they are cutting back plans for technology initiatives due to budget cuts.¹ Law enforcement agencies can no longer afford their own system to support police operations.

With multi-tenancy, multiple law enforcement agencies can band together to leverage their collective resources to purchase, implement and maintain solutions that support the collective. Savings are seen not only upfront, but down the line from reduced maintenance and upgrade requirements.

Multi-tenancy keeps costs down by increasing the number of end users for a single system, integrating common core functions and bringing together technologies. Shared solutions will result in more standardized and sophisticated systems at a lower cost.

Criminal activity and people's needs rarely fit neatly within organizational boundaries. Problems that require public safety interventions typically span the purview of multiple organizations. And even when the public can be well-served within organizational borders, the movement of criminals and criminal activity cannot be confined. This calls for systems that promote and support collaboration and information sharing.

Disparate systems that prohibit the sharing of information and the maintenance of accurate records are a major problem that law enforcement agencies need to address, but progress is slow. The average state has more than 300 different records management or case management systems. Disparate, disconnected systems are expensive, form information silos, create information sharing challenges and require complex integration solutions.

WHY MULTI-TENANCY MAKES SENSE

In a multi-tenant environment, the majority of the system can be standardized across agencies – shared applications running on the same operating system, on the same hardware with the same data-storage mechanism. Such standardization makes sense, especially when 75 percent of processes required to track and respond to crimes are essentially the same.²

BUSTING THE MYTHS

MYTH: It's expensive.

FACT: One system for multiple tenants rather than each tenant buying, building and maintaining their own system represents a powerful opportunity to drive savings.

Multiple tenants can band together to leverage their collective resources to procure, implement and maintain solutions that support the collective. When smartly implemented, savings can be reaped from the upfront consolidated procurement, and also downstream from reduced systems maintenance requirements.

MYTH: We'll lose control.

FACT: A multi-tenant system is a controlled environment: different tenants access common functionality with common data structures, all managed by security and access controls to regulate who can see and update records. Tenants can retain ownership and maintain integrity of their data.

MYTH: It's not secure.

FACT: A single records or case management system can serve multiple law enforcement agencies without jeopardizing the security and privacy of information. Within these systems, the tenants maintain autonomy and security of their proprietary data and information. Each tenant can further customize access rights and dictate restrictions for their users.

LOOKING TO MULTI-TENANT SOLUTIONS FOR THE ANSWER

Technology advancements and the onset of the digital age have brought fundamental shifts in public safety service provision. Driven by the need to use public money more efficiently and spurred by a public who have become increasingly sophisticated, law enforcement agencies are continuously re-evaluating how they deliver services to improve public value. Organizationally, these drivers are leading to the search for efficiencies through shared information and technology that transforms the way they protect and serve – making the case for 'multi-tenant' integrated solutions.

A multi-tenant system allows disparate groups of users to have access to common functionality with common data structures, all managed by security and access controls to regulate who can see and update records—in other words, one system with multiple tenants.

Multi-tenancy is secure. A single records or case management system can serve multiple law enforcement agencies, allowing

them independence without jeopardizing the security and privacy of their information. The owner of the information determines the access privileges.

Within these systems, police organizations maintain autonomy and security of their proprietary data and information. Each tenant can customize access rights and dictate restrictions for their users.

A LONG-TERM ANSWER FOR LINGERING CHALLENGES

Law enforcement agencies cannot continue to effectively enable a safe and secure nation and deliver public services for the future without solutions that break through fragmented information sharing and intelligence gathering barriers. Multi-tenant solutions will generate economies of scale, enable more effective information sharing and promote collaboration, driving mission productivity. Most importantly, it will give the police the information they need to keep their residents safe. Criminals will no longer be able to hide their true intentions from technology challenged agencies of the past. Multi-tenant solutions are the future for modern police agencies.

While multi-tenancy breaks down information siloes, paired with mobile solutions it is even more powerful. Imagine getting information into the officers' hands in real time no matter where they are.

WHY MOBILITY MATTERS

With mobility, incident, event, person and location information can be updated, an officer's workload can be managed and crime scene information be recorded instantly. In this way, investigations can progress without delay, improving the chances of detection and conviction. Mobile technology is not for the street alone, apps and mobile devices can help manage tasks in the station, augment the custody suite system by mobilizing detainee checks, and aid property and evidence management in both property stores and forensic labs.

Key to this vision is the personalized, individual, single device that officers use for a given role. Custody officers may require a tablet device to manage prisoners; response officers may require durable hand-held mobile devices for crime reports, witness statements and intelligence, while traffic officers need ticket-printing devices.

It's apparent that the use of mobile technology is growing,

and fast. We live in a world where more people have access to a mobile phone than running water³ and 35 percent of people use a smartphone app before getting out of bed,⁴ but what does this mean for policing?

Let's be clear – mobile technology isn't new. Policing has been using mobile technology for years; more common examples include the police radio, devices for issuing traffic tickets, fingerprint identification devices, automated license plate recognition technology and terminals to query national databases. So, a level of effort and interest from policing is evident, and benefits have already been seen.

Most police officers use smartphones in their personal lives and have come to expect the same level of mobility and access to information when at work. Indeed it is hardly surprising that officers are now regularly using their own smart phones to help them do their job. Importantly, the key point is not about automating outdated and inefficient paper system; it is about enabling the officer to do their job with greater ease and effectiveness, using single data entry, and the seamless integration with other systems. This could be helping to send and receive the right information, regardless of format (e.g. photo, voice, text, video), quickly and intuitively or the use of built in "artificial intelligence" providing automatic analysis of information. Ultimately mobility can help redefine the way officers use information making them more effective; fighting crime and improving citizen satisfaction.

Police must also consider how they can use "policing apps" to engage with citizens. By deploying mobile apps, new leads regarding investigations could be delivered to officer's mobile devices directly from concerned citizens. The ability for citizens to submit photographs of suspicious behavior or people via apps could be a valuable source of real-time intelligence. In the current financial climate and given the advances in available technology, the time is right to further explore and exploit mobility and seize upon the appetite of citizens for new ways of engaging with police.

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Agencies Recognized for Excellence in Traffic Safety

New York Law Enforcement Challenge Winners Announced



Several New York State law enforcement agencies were recognized for excellence in their traffic safety initiatives during the Fall Highway Safety Conference in Lake Placid on October 21. The New York Law Enforcement Challenge is an innovative program that recognizes excellent law enforcement traffic safety programs. It is coordinated and supported by the Governor's Traffic Safety Committee. The program provides law enforcement agencies with an opportunity to make a difference in the communities they serve and allows agencies to learn from one another and establish future goals



First row, from left: Sgt. Anthony Tostanowski (Cornell University Police); DMV Dep. Comm. Terri Egan; GTSC Dir. James Allen; Asst. Chief Kevin Velzy (SUNY Oswego Police). Second row: Chief Eric Osganian (Geneseo PD); John Coyle (NHTSA Region 2 Law Enforcement Liaison); GTSC Asst. Comm. Chuck DeWeese; Officer Matt Slatte (Camillus PD). Top row: Capt. Kevin Schafer and Officer Ben Kapusta (Manlius PD).

competition focuses on an agency's overall traffic safety efforts in the categories of occupant protection, impaired driving, speeding, and a state/local traffic safety issue. There are fifteen individual State Challenge Programs across the U.S. that mirror the National Law Enforcement Challenge. The International Association of Chiefs of Police (IACP), the National Sheriffs' Association, and the National Highway Traffic Safety Administration are sponsors of the National Challenge Program.

In addition to recognizing the winning agencies in the New York State competition, four New York Law Enforcement agencies were also named as winners in the National Law Enforcement Challenge. Those departments were recognized at the International Association of Chiefs of Police Conference in Orlando, Florida.

2014 CHALLENGE AWARD WINNERS

FIRST PLACE – 1-25 SWORN OFFICERS CATEGORY:

The Geneseo Police Department addressed a priority traffic safety issue relating to underage drinking and associated impaired driving offenses, the agency developed a multifaceted education, awareness and enforcement program and partnership with other entities in

targeting fraudulent driver licenses used by minors. This initiative has reduced the number of impaired driving offenses. Geneseo Police also placed first in the National Law Enforcement Challenge.

FIRST PLACE – 26-75 SWORN OFFICERS CATEGORY:

The Manlius Police Department serves a population of 32,000 residents in its large 54 square mile geographic area as an eastern suburb of the City of Syracuse. The Town is a highly traveled traffic corridor serving several medical centers, commercial centers, and two school districts. Crash analysis is an essential component of their comprehensive traffic safety programs. The department's national award winning Pedestrian/Bike Safety Program which combines a public information and awareness campaign with targeted enforcement efforts resulted in a 53% reduction of pedestrian/bicycle involved collisions. Manlius Police received the Bike/Pedestrian Safety Special Category Award in the National Law Enforcement Challenge competition at the IACP Conference in Orlando.

FIRST PLACE – COLLEGE/UNIVERSITY

LAW ENFORCEMENT CATEGORY:

The New York State University Police at Oswego continues to be a leader and strong partner with all law enforcement agencies in the success of Oswego County's highway safety programs. Traffic safety education and awareness initiatives are significant components of their ongoing efforts addressing campus safety. A new area of outreach is in motorcycle safety and enforcement. Overall traffic safety efforts by the SUNY Oswego Police have also resulted in an average of only 3 personal injury crashes per year. University Police at Oswego placed second in the National Law Enforcement Challenge competition.

SECOND PLACE – COLLEGE/UNIVERSITY

LAW ENFORCEMENT CATEGORY:

The comprehensive traffic safety initiatives of the Cornell University Police incorporate strong education, awareness and enforcement components that have reduced roadway crashes on campus by 22%. Their Pedestrian/Bike/Skate Campaign is a major contributor in their crash reduction efforts on campus. The campus also has a 98% seat belt compliance rate. Cornell University Police placed third in the National Law Enforcement Challenge competition.

Participant Awards included these agencies which competed in the Challenge.

- Town of Camillus Police Department
- Town of Bedford Police Department
- City of Oswego Police Department
- SUNY at Buffalo Police Department

The Law Enforcement Challenge is supported by corporate partners who support the program and provide awards for the winning agencies. The GTSC offered a special thanks to All Traffic Solutions, Applied Concepts/Stalker Radar, and Emergency Services Communications. For information about the Law Enforcement Challenge and how your agency can get involved, contact GTSC Liaison Dominick Macherone at Dominick.Macherone@dmv.ny.gov or call 518-474-4935.

REQUEST FOR CUSTOM LICENSE PLATES

To:	New York State Association of Chiefs of Police, Inc.
From:	(member name)
Date:	

I verify that I am currently an "Active" "Active Retired" member in good standing. I am requesting the custom NYSACOP license plates for my personally owned vehicle, registered in my name.

"I wish to upgrade my old "NYSACP" series plates to the new plates. Current plate no. _____

I request the following three numbers (between 100-999) and check the "standard plates" box on the MV413 form (download from our website or from <http://www.dmv.ny.gov/forms.htm>):

FIRST CHOICE				SECOND CHOICE				THIRD CHOICE			
-----------------	--	--	--	------------------	--	--	--	-----------------	--	--	--

I request a personalized plate with the following numbers/letters: (also indicate same on the MV413 form, attached). Please check the "personalized plates" box on the MV413 form and complete the personalized plate section of the MV413 form. _____

I am requesting handicap plates. "Yes" "No (Call Custom Plates Office at 518-402-4838 before submitting your application to NYSACOP) If requesting handicap plates for the first time, submit MV664.1 form. "Enclosed I understand that in addition to my regular DMV registration fees that I will be charged 31.25 per year for the custom plates, and will be charged an additional 62.50 per year if I selected a personalized custom plate. I understand that DMV registration fees are subject to change.

Enclose the following:

If upgrading old "NYSACP" plates to the new plates, submit 28.75.

If first time request for new plates, submit 60.00.

If requesting personalized new plates, submit 91.25

I have enclosed my check or money order for the above amount payable to the COMMISSIONER OF MOTOR VEHICLES.

Send all of the above to the New York State Association of Chiefs of Police offices at 2697 Hamburg St., Schenectady, NY 12303.

MEMBER'S SIGNATURE	
PRINTED NAME	
DAYTIME TELEPHONE	

Conducting Successful Interrogations

Best Practices Yield Best Results



BY JOSEPH BUCKLEY, PRESIDENT, JOHN E. REID AND ASSOCIATES

Most police officers train at least annually for firearms proficiency, and the majority never fire their handgun in the performance of duty. Many police officers routinely engage in interrogations without any specific training past the police academy. The value of professional, ethical and contemporary interview and interrogation skills cannot be underestimated.

John E. Reid and Associates began developing interview and interrogation techniques in 1947. The Reid Technique of Interviewing® and Interrogation is now the most widely used approach to question subjects in the world.

THE REID TECHNIQUE OF INTERVIEWING AND INTERROGATION – BEST PRACTICES

The Reid Technique is built on a core of principles that include the following:

1. Always conduct interviews and interrogations in accordance with the guidelines established by the courts
2. Do not make any promises of leniency
3. Do not threaten the subject with any physical harm or inevitable consequences
4. Do not deny the subject any of their rights
5. Do not deny the subject the opportunity to satisfy their physical needs
6. Always treat the subject with dignity and respect

BEST PRACTICES

The successful interrogation is one in which (1) the suspect tells the truth to the investigator and, (2) persuasive tactics used to learn the truth are legally acceptable. With these goals in mind, the following are a list of best practices for applying the Reid Technique, along with a brief discussion of each practice:

Conduct an interview before any interrogation. Absent a life-saving circumstance the investigator should conduct a non-accusatory interview before engaging in any interrogation. During the interview the investigator can establish rapport with the suspect, assess their credibility, develop investigative information and establish a behavioral baseline. Also, during the interview the suspect is more likely to reveal information that can be used to develop an interrogation strategy.

Conduct an interrogation only when there is a reasonable belief that the suspect is guilty or withholding relevant information. The belief that a suspect is guilty of a crime or is withholding relevant information may be based upon investigative information, evidence, the suspect's demeanor, or verbal responses to interview questions. The investigator should avoid conducting an accusatory interrogation as a technique to separate innocent from guilty suspects.

Consider a suspect's behavior in conjunction with case facts and evidence. The assessment of a suspect's credibility during

an interview will be enhanced and likely more accurate if it is based not only on the suspect's verbal and nonverbal behavior, but also on case facts (the suspect's established opportunity, access, motive and propensity to commit the crime) as well as forensic or testimonial evidence.

Attempt to verify the suspect's alibi before conducting an interrogation. The most efficient means to prove a suspect's innocence is to verify his or her purported alibi. Conversely, when it is determined that the suspect provided a false alibi, this finding offers support for the suspicion of the suspect's probable guilt.

A single investigator should be the lead communicator. While it is often appropriate to have a third person in the room during an interrogation, perhaps as an observer or witness, there should only be one primary investigator communicating with the suspect at a time.

A guilty suspect is more likely to offer a voluntary confession to a single investigator who has established a rapport and trust with the suspect. A tactic to be avoided is to have two or three investigators simultaneously bombarding the suspect with themes or alternative questions, or working as a "tag team" wearing the suspect down over an extended period of time.

When interrogating a non-custodial suspect, do not deprive the suspect from his freedom to leave the room. The suspect's exit from the interrogation room should not be blocked by positioning the investigator's chair between the suspect's chair and the door. The room should not be locked from the inside (requiring a key to open the door) and the room should not be in an area that requires a key or pass code to exit the building. Finally, the investigator should not make verbal statements implying that the suspect is not free to leave the room, e.g., "You're not going anywhere until we get this clarified!"

Do not conduct excessively long interrogations. In most instances, if the suspect is still adamantly maintaining his innocence and has not made any incriminating statements or admissions after three to four hours of interrogation the interrogation should be re-assessed and most likely terminated.

Exercise extreme caution when interrogating juveniles, suspects with a lower intelligence or suspects with mental impairments. This class of suspect is more susceptible to false confessions and, therefore, the investigator should be cautious in utilizing active persuasion such as discouraging weak denials, overcoming objections or engaging in deceptive practices. Proper corroboration of a confession will be critical with this class of suspect.

The successful interrogation is one in which... the suspect tells the truth to the investigator and... persuasive tactics used to learn the truth are legally acceptable.

When using interrogation tactics involving deception the investigator should not manufacture evidence against the suspect. Courts make a distinction between false verbal assertions, e.g., "We found your fingerprints in her bedroom." which are permissible and manufacturing evidence, which is not permissible. An example of manufacturing evidence is taking the suspect's fingerprints and transferring the prints to an evidence card, which indicates that the prints were found in the victim's bedroom.

When a suspect claims to have little or no memory for the time period when the crime was committed the investigator should not lie to the suspect concerning incriminating evidence. While it is not uncommon for guilty suspects to feign memory loss, an overriding concern is an innocent suspect who experiences true memory loss for the time period when the crime was committed. Under this circumstance, if the investigator lies to the suspect about incriminating evidence and the suspect confesses, it may be argued that presenting false evidence caused an innocent suspect to believe that he had committed the crime.

Do not reveal to the suspect all information known about the crime. A legally admissible confession should include corroboration. One form of corroboration is information only the guilty suspect would know, e.g., the method of entry in a burglary, a memorable statement made to a victim, the denomination of money stolen, the murder weapon that was used, etc.

When interviewing a suspect or offering information to the news media, the investigator should carefully guard this protected information so that the only person who would know it would be

the investigator and the person who committed the crime.

Attempt to elicit information from the suspect about the crime that was unknown to the investigator. The best form of corroboration is information not known to the investigator about a crime that is independently verified as true. Examples of independent corroboration include the location of a knife used to kill the victim, where stolen property was fenced or the present location of a car the suspect stole.

The confession is not the end of the investigation. Following the confession the investigator should investigate the confession details in an effort to establish the authenticity of the subject's statement, as well as attempt to establish the suspect's activities before and after the commission of the crime.

About the author: *Joseph Buckley is a graduate of Loyola University with a Bachelor of Arts degree in English, has a Master of Science degree in the detection of deception, and is certified in The Reid Technique®. He has been employed by John E. Reid and Associates since 1971 and has been president of the company since 1982. Joe has conducted in excess of 10,000 interviews and interrogations and has been a speaker in the seminars for over 35 years. Joe is a frequent guest on many radio talk shows, TV's McNeil-Lehrer, 60 Minutes and a much sought-after guest speaker for police and security organizations throughout the country, discussing the art of interrogation and interviewing. For more information visit reid.com*

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Chief David Rouse Retires

After 33 years in law enforcement, Bath Police Department Chief Davis Rouse retired on October 26. He began his career in 1981 and served as Chief of Police for the last 18 years.

He began his law enforcement career in Addison, New York where he served for about one year before becoming a police officer in Palm Beach Gardens, Florida. He returned to New York State where he served as a police officer and sergeant with the Hammondsport PD. In 1988, he moved to the Bath Police Department where he served as a sergeant, Investigator, Acting Chief and Chief of Police.

Rouse was appointed to the Municipal Police Training Council by Gov. George Pataki in 2004, and was reappointed by Govs. Spitzer, Paterson and Cuomo. He attended his last meeting of the MPTC on October 8. He also served on the newly formed Domestic Violence Fatality Review Team from 2012 until his retirement.

Chief Rouse was Past President for the Western New York Association of Chiefs of Police (1999-2002) and served as the Zone 8 representative on the Board of Governors for the New York State Association of Chiefs of Police. He is also a member of the IACP, was Vice Chairman of the Steuben County Traffic Safety Board, and was an instructor at the Southern Tier Law Enforcement Academy.

Rouse recalled that his family was active in the military and that he always had an interest in law enforcement. "My father served in the Army and Air Force. I had several cousins and uncles who also served." He said that there was one person in particular who truly inspired him to start in policing, "Gary Mattice used to take me out raccoon hunting. He was with the sheriff's department and retired as Undersheriff. I thought the world of him." Rouse was the middle child having two sisters, the younger who is a Lieutenant in the Orlando PD and his elder sister a Town Justice in the Town

of Wheeler in Steuben County.

Rouse said that one of his greatest rewards as police chief was his participation in the Pre-Employment Police Officer Basic Training Project. The project began in 2002 providing a mechanism for persons interested in law enforcement to complete part of basic police training on their own (Phase 1). Subsequently, candidates would be sponsored by police departments in order to complete the remaining subject areas (Phase 2). Rouse said, "Coming from a smaller police agency, this was a win-win for us. When you look at other professions such as doctors, nurses, accountants, they complete a large degree of training on their own before getting a job in that field." Rouse noted that he has officers working in his agency today that took part in the pre-employment project.

In his retirement Rouse plans to do a lot of motorcycling. He has travelled as far north as Newfoundland, west to New Mexico and south to Florida. Dave and his wife will reside in Bath and in their new home in Tavares, Florida. He is looking forward to taking a few months off before embarking on his next adventure. An informal barbecue was held at the American Legion in Bath on November 15.



Chief David Rouse (left) received a certificate of appreciation from MPTC Chairman Sheriff Ronald Spike. Rouse served on the MPTC for over 10 years.



UPDATE ★★★★

BY JENN O'CONNOR, STATE DIRECTOR

FEDERAL FUNDING

A big “thank you” to the 65 NYS members who signed a letter to Congress in support of federal funding for home visiting. Your signatures will be added to those of colleagues across the country and sent to Congress in November. As you know, maternal, infant and early childhood home visiting programs provide voluntary services and supports to parents. Programs decrease child maltreatment, improve health outcomes and increase school readiness. Federal funding is needed to continue and complement the work going on in the states.

KEEP THE PROMISE OF PRE-K CAMPAIGN

Last year, NYC received \$300M in new full-day Pre-K funding and the rest of the state received \$40M. This year, we are urging the Governor to invest \$150M in programs outside of NYC, while continuing to fund (and expand funding for) programs in NYC.

We are kicking off our Keep the Promise of Pre-K campaign with press events around the State. Our model is to bring Fight Crime: Invest in Kids members into a Pre-K program, make remarks to the press, meet the teachers, and read to the children. If you are interested in highlighting a program in your area, please let us know!

POLICY AND BUDGET PRIORITIES 2015-16

In addition to our Pre-K budget request, we are asking for State funding for four home visiting programs: Healthy Families New York (HFNY), the Nurse-Family Partnership (NFP) program, The Parent-Child Home Program, Inc. (PCHP), and Parents as Teachers (PAT).

We are also asking for funding for afterschool programs, child care subsidies, and a quality rating and improvement system to measure and improve the quality of early learning programs.

We will be contacting you after the first of the year to ask you to join us in advocating for a system of early learning that coordinates services and funding streams for children from the prenatal period through age eight. We hope you will lend your voices again this year!

A FOND FAREWELL

Massena Chief Timmy J. Currier has served as one of our Fight Crime: Invest in Kids co-chairs for several years. In this role, he went above and beyond to show support for investments in children’s education and well-being. He testified at legislative budget hearings, participated in policymaker meetings, lent his name to numerous letters, and helped us think through some tricky questions. As he steps down to run for Mayor, we thank him for his dedication and hard work. We will miss him... but have a feeling that we will see him again!



*Jenn O'Connor
State Director*

We thank all those who are retiring this year—we hope that you will remain involved, and encourage your successors to join Fight Crime!

SOCIAL MEDIA

Once again, we ask that you “like” our page and connect us to yours. This is an easy way to stay in touch and informed.

OUR THANKS

We could not do the work we’re doing without you. Please accept our appreciation and gratitude for taking time out of your busy schedules to join us for events, submit Op-Eds or sign letters with your colleagues. Your voices are important, respected and well-received. Kudos to our unique messengers!

You can always reach us with any questions at 518-396-5774 or via e-mail: Jenn O’Connor at joconnor@fightcrime.org or Tamae Memole at tmemole@fightcrime.org



**CONSIDER SHARING YOUR
RESEARCH PROJECTS AND THESES
WITH COLLEAGUES**

editor@nyciefs.org

Schumer Urges Feds to Prohibit Sale of New, Dangerous Synthetics

A New Form of Synthetic Marijuana called "Spice," is Still Legal Despite Efforts to Curtail Use

Released on: September 24, 2014

From: Sen. Charles Schumer's Office

On September 24 at the City of Kingston Police Department, U.S. Senator Charles E. Schumer urged the U.S. Drug Enforcement Agency (DEA) to add new synthetic drug chemical combinations that have emerged over the past couple of years, and have made Ulster County kids sick, to its list of banned controlled substances. Schumer said that despite efforts to limit synthetic drugs, synthetic marijuana and other hazardous drug-like products are still being sold online and on store shelves. These drugs can lead to seizures, hallucinations, high blood pressure, rapid heart rate and panic attacks, as well as dangerous and erratic behavior, which is why Schumer sponsored and passed a bill in 2012 that enhanced the DEA's enforcement power to ban many forms of these chemicals and give DEA the authority to ban new ones that emerge. Schumer said that the DEA currently has identified around 300 unique synthetic drug chemicals, but they have not yet added the majority of them to their list of controlled substances. Schumer urged the DEA to add these chemicals to their controlled substances list quickly, as the problem is re-emerging in Ulster and throughout the country. Schumer also pushed a bill he has co-sponsored that will help crack down on new synthetic chemical compounds that are likely to emerge in coming years, which is critical to combating the growing threat posed by these dangerous drugs.

"Despite efforts to crack down on synthetic drugs, this recent uptick throughout the country and in the Hudson Valley shows that these horrible chemical compounds are far from being in the rear-view mirror," said Schumer. "Statistics show that synthetic drug use is on an upswing, and that is largely because synthetic drug makers are skirting around restrictions that have been put in place by developing new, dangerous chemical compounds that are not yet regulated. As a result, more and more kids are ending up in the emergency room, and it is time for federal law to catch up."

Schumer continued, "I helped pass legislation in 2012 that gave the DEA enhanced authority to ban new synthetic drugs, but they are currently researching about 300 different chemicals to decide whether they should be added to the controlled substances list. For the sake of Ulster kids and families, we cannot afford to wait any longer. That is why I am urging the DEA to quickly ban these chemicals, and any substances similar in nature to those that are already banned so that we can stem the tide of synthetic drug use that is rising again."

Synthetic drugs are a toxic combination of chemicals made to mimic 9-tetrahydrocannabinol (THC), the main psychoactive ingredient of marijuana. Schumer explained that these drugs are very powerful and often come with severe side effects because they

are powerful chemicals that are not tested for safety. These drugs are often made to seem inviting and harmless – sold under names like "plant good," "incense," "spice," etc. – but in actuality they are dangerous chemical concoctions, and this false advertising lures users in. According to the Congressional Research Service, the effects of synthetic drugs ranges from nausea to drug-induced psychosis, making the harmful nature of the drugs unpredictable and making them unsafe for human consumption.

Schumer explained that, between the years 2009 and 2012, synthetic drug abuse was on the rise. As a result, Schumer helped to pass the Synthetic Drug Abuse Prevention Act of 2012 that banned many forms of these chemicals and enhanced DEA authority to ban new ones that emerge. As part of the legislation, Congress used its legislative authority to place over 20 chemical compounds that had been used in synthetic marijuana and other synthetic drugs into Schedule I of the Controlled Substances Act (CSA), the classification for the most dangerous drugs. The legislation gave DEA enhanced authority to temporarily place uncontrolled substances that pose an imminent hazard to public safety, like these synthetic chemicals, into Schedule I of the CSA.

After passing the Synthetic Drug Abuse Prevention Act, synthetic drug usage declined, however, according to data from the American Association of Poison Control Centers, synthetic drug use is back on the rise again in 2014, with human exposures this year projected to far outpace the number of exposures in 2013. Schumer said that this startling increase, that is taking place despite the federal crack-down, can largely be attributed to synthetic drug retailers and makers who are now developing synthetic drugs with new chemical compounds that are not currently on the DEA's controlled substance list. Schumer said the DEA is currently investigating approximately 300 of these compounds, which have been found in synthetic drugs across the country, but the DEA has yet to add the majority of them to the list of controlled substances. Therefore, given the recent incident in Westchester and the rise in synthetic drug usage across the country, Schumer is calling on the DEA to act quickly in banning more of the nearly 300 dangerous chemical compounds on its list that are used to make synthetic drugs before the problem becomes more rampant. Schumer said that his 2012 legislation enhanced the DEA's authority to ban these chemicals and they must act quicker to stem this tide of new cases.

Schumer also said that even though New York State issued a public health regulation making it illegal to manufacture, distribute, sell or offer to sell synthetic cannabinoids or any compound that has a chemical structure that is substantially similar

to psychoactive chemicals, teens and young people can just as easily purchase synthetic drugs out of state or on the Internet with little to no consequence. With this rapid increase, and enhanced availability, in synthetic drug usage, Schumer is asking that the DEA to prioritize using its emergency scheduling authority under the Controlled Substances Act to make illegal as many dangerous chemical compounds as possible. Schumer said that the federal government must do what it can to keep these harmful compounds off the street and out of the hands of young people.

Schumer also pushed for the passage of the Protecting Our Youth from Dangerous Synthetic Drugs Act of 2013. This bill was introduced in July of 2013, with Schumer as an original co-sponsor, and is designed to further combat synthetic drugs. Schumer explained that this legislation, authored by Senator Dianne Feinstein (D-CA), would make it illegal to import controlled substance analogues – or alternative hazardous synthetic drugs – for human consumption and establish an inter-agency committee of scientists and the DEA responsible for the establishment and maintenance of an administrative list of controlled substance analogues. Schumer said that synthetic drug makers will continue to try to produce chemical compounds that skirt around federal law, and as a result, legislation like this is needed to provide the DEA with more authority to prevent new synthetics that are bound to crop up in the years to come.

Schumer was joined by Ulster County Executive Mike Hein; Chief Egidic Tinti, Chief of Police, City of Kingston; Shayne Gallo, Mayor, City of Kingston; and Ulster County Department of Health Staff.

“Synthetic marijuana presents a real danger to our children,” said Ulster County Executive Mike Hein. “I applauded Senator Schumer back in 2012 when his efforts led the DEA to ban many of the chemicals used to manufacture this dangerous drug; however, unscrupulous drug manufacturers have developed new chemicals and are again putting our children at risk, which is something we simply cannot ignore. I want to thank Senator Schumer for his steadfast leadership and for bringing this issue back to Washington to ensure that children across the country are shielded from the dangers inherent to synthetic marijuana.”

Schumer’s push to ban these new synthetic drug compounds comes in light of an incident just this month where six Pleasantville High School students were sickened and three were rushed to the hospital after smoking a synthetic marijuana called “spice.” Schumer also noted that over the course of four days this summer 15 New York City residents were hospitalized following synthetic marijuana use, which led to the city’s Department of Health issuing a warning to stay away from synthetic drug products. Schumer

also noted that a Dutchess County woman was recently arrested attempting to smuggle synthetic marijuana into a Downstate Correctional Facility.

SENATOR SCHUMER’S LETTER TO THE DEA ADMINISTRATOR

Dear Administrator Leonhart,

I write to you today to address a pervasive issue that has continued to harm local communities throughout my home state of New York. Despite our efforts, synthetic drugs, extremely dangerous chemical compounds with harmful effects, are still marketed and sold to children and young adults. Working with the Drug Enforcement Administration (DEA) in 2012, Congress used its legislative authority to place over 20 chemical compounds that had been used in synthetic marijuana and other synthetic drugs into Schedule I of the Controlled Substances Act (CSA). Pursuant to 21 U.S.C. § 811, the Attorney General has the authority (which has been delegated to the DEA Administrator) to temporarily place an uncontrolled substance into Schedule I of the CSA if it is deemed to present an imminent hazard to public safety. Congress also expanded this emergency scheduling authority to more quickly ban new combinations that may be used to similar effect, and I am thankful that since that time, the DEA has used this authority over twenty times.

Unfortunately, criminals have continued to create new chemical formulas that have not yet been listed as controlled substances under the CSA. Additionally, while the sale of analogue substances marketed as brand names such as “Spice” or “K2” has been banned in some states, including New York, this has not stopped them from popping up in stores across the country. New York City is particularly emblematic of the increasing frequency of emergency department visits related to synthetic drugs, where there has been a 220 percent increase in the past year. And just this September, three Westchester high school students ended up in the hospital after using synthetic drugs.

With this rapid increase of synthetic drug usage, I ask that the DEA prioritize using your emergency scheduling authority under the Controlled Substances Act to make illegal as many dangerous chemical compounds as possible. The federal government must do what it can to keep these harmful compounds off the street and out of the hands of our citizens.

I thank you for your attention to this important matter, and look forward to working with you to prevent the sale and distribution of these harmful chemicals.

Sincerely,
Charles E. Schumer
United States Senator



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