

The Chief's Chronicle



NEW YORK STATE ASSOCIATION
OF CHIEFS OF POLICE, INC.

DECEMBER 2024

The Challenge of Modern Vehicle Technology for Law Enforcement

By Chief Stuart K. Cameron - Old Westbury PD

In recent years, the automotive industry has seen a dramatic shift toward the development and proliferation of electric vehicles (EVs) and gas-powered vehicles equipped with sophisticated computer-controlled transmissions. Many modern cars that feature push button or dial transmission selectors have computer-controlled transmissions with no mechanical linkage between the shifter and the transmission, as was the case in the past. Even some new vehicles that have more traditional looking shifters, may in fact have computer-controlled gear selection. The trend toward this type of transmission interface is largely driven to pave

the way for the eventual adoption of self-driving automobile technology, which will require that the computer can operate all the vehicle's controls, including the transmission selector. While these technological advancements have introduced numerous benefits, such as improved fuel efficiency, reduced emissions, and an enhanced driving experience, they have also presented a unique set of challenges for law enforcement and emergency responders, who may not be aware that this challenge exists until they encounter it in the field. One significant

challenge is the inability to easily move these vehicles

**Addressing the Inability
to Move Electric and
Gas-Powered Vehicles
with Computer-Controlled
Transmissions**

Continued on Page 10

What's Ahead

INTERSECTIONS:
Traffic Safety
Committee

**TRAFFIC SAFETY IS
PUBLIC SAFETY**

**FACTORS IN LEADER
DEVELOPMENT**
Greg Veitch
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**DO'S & DON'TS
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TABLE OF CONTENTS



4 PRESIDENT'S REPORT

By Chief Shawn Heubusch, President

5 EXECUTIVE DIRECTOR'S REPORT

By Chief/Ret. Patrick Phelan, Executive Director

1 COVER STORY/CHIEF'S CORNER

Modern Vehicle Technology

By Chief Stuart K. Cameron- Old Westbury PD

16 COUNSEL'S CORNER

NY Court of Appeals Rulings

By Chief/Ret. Michael Ranalli, Esq.

23 COLD CASE INVESTIGATION

By Major Crimes Section Analyst Karlee Crist and Director Dave Phelps

26 INTERSECTIONS TRAFFIC SAFETY COMMITTEE

Traffic Safety is Public Safety

By Bill Georges, A/Chief (ret.) Albany PD

30 YOU ARE MAKING A DIFFERENCE

By Gordon Graham

37 FACTORS IN LEADER DEVELOPMENT

By Greg Veitch, Retired Chief of Police from Saratoga Springs, NY

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GTSC Liason **FRANK GALERIE**

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STEPHEN CONNER
MTA ASSISTANT CHIEF (RET.)

Art Director/Editor

DORIS BOVÉ ARESTA
dbaresta@nychiefs.org

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CHIEF (RET.) MICHAEL N. GERACI

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FROM THE PRESIDENT

President Chief Shawn Heubusch, BATAVIA PD



As the Christmas season unfolds, it brings with it the warmth of togetherness, the joy of giving, and the quiet reflection of a year nearly behind us. For many, it is a time to celebrate with family and friends, to light up the darkness with the spirit of the holidays. Yet, for some, this season may also carry the weight of loss and the ache of absence.

This year, our law enforcement family and our community have felt the loss of cherished individuals—officers who answered the call with bravery, neighbors who made our communities brighter, and loved ones who held a special place in our hearts. Their absence is felt deeply, especially during a time when gathering together is such an important part of the season.

As we string lights, decorate trees, and exchange gifts, let us also take a moment to remember those who are no longer with us. Let us honor their memory by carrying forward their kindness, service, and love in our own lives.

The holiday season is also a time for hope—a re-

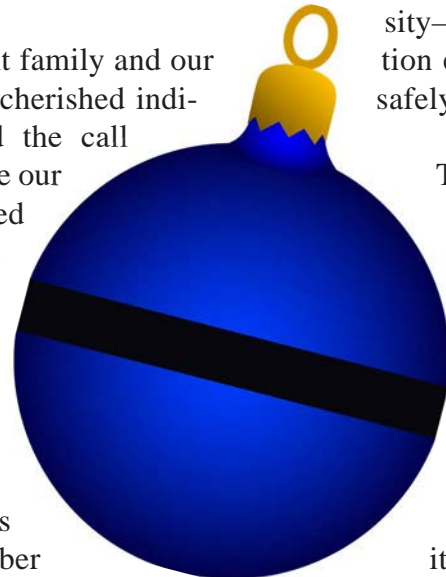
minder of the good that exists in our world and the promise of a brighter tomorrow. In this spirit, I encourage us all to focus on the moments that bring joy.

For our officers across this great state, I want to thank you for your service and sacrifice throughout the year. The work you do—often in the face of adversity—is a gift to our communities. Your dedication ensures that others can enjoy the holidays safely, and for that, I am profoundly grateful.

To our community members, thank you for your ongoing support and partnership. Together, we can create communities where safety and goodwill flourish, not just during the holidays but all year long.

As we move into the New Year, my wish for each of you is a season filled with peace, love, and safety. May the spirit of Christmas light your path and bring comfort to those who need it most.

From the Executive Board of the New York State Association of Chiefs of Police, Merry Christmas and Happy New Year!



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FROM THE EXECUTIVE DIRECTOR

Chief/Ret. Patrick Phelan

NYSACOP Meeting With the New York State Attorney General

On November 25th, 2024, NYSACOP Leadership along with the Chiefs and Commissioners of New York's Major Cities met with Attorney General Letitia James in the Capital District. The meeting was initiated by a letter sent to James from the same group several months ago in which concerns were raised about the length of time the office of special investigations was taking to complete investigations and issue reports. After receiving the letter, the Attorney General agreed to meet to discuss the matter.

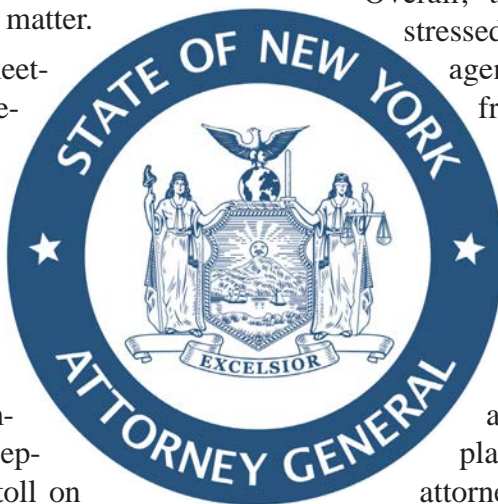
This was a very productive meeting; the chiefs and commissioners relayed our concerns about the office of special investigations. Chief among those concerns were the length of time taken by the attorney general's office to complete the investigation and the negative effects this has on police agencies. It was also expressed that the length of time taken to complete the investigation takes an exceptional psychological and emotional toll on the officer awaiting the outcome.

The Attorney General was very receptive to feedback and there were many suggestions made by the group. The suggestions included bifurcating the investigations so that the criminal nature of the investigation could be decided more quickly, and more time could be taken to me policy and procedure recommendations. It was also suggested that the Attorney General advise the police department head of a preliminary finding before the formal report was issued so that the department head would be advised of the outcome of the investigation sooner and be aware of the contents of the report before it is issued.

The Office of Law Enforcement Misconduct Investigations were also discussed, and it was suggested that law enforcement agency heads be issued preliminary reports before the issuance of a formal report so that the department head could refute any inaccuracies. It was further suggested that the agencies be given credit in the LEMIO reports for policies and procedures that have already been changed.

Overall, the theme of communication was stressed. Many of the frustrations of police agencies during OSI investigations stem from a lack of communication. Not only do these investigations take a long time but the lack of communication during the process causes added concerns. All parties agreed that better communication needs to be established between the agencies and the attorney general's office and the procedures need to be put in place to foster that communication. The attorney general agreed that changes and improvements need to be made in the process of the Office of Special Investigations "lethal encounter" investigations. Attorney General James stated that she would be announcing some changes in the near future.

An open line of communication has been established with the Attorney General and her staff which can only benefit our agencies. The Attorney General expressed a desire to continue these meetings on a quarterly basis and continue this process of sharing concerns and ideas. The Attorney Generals staff also expressed a desire to visit regional chief's meetings. I will be in contact with the regional association Presidents to help facilitate these meetings.



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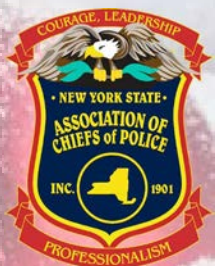
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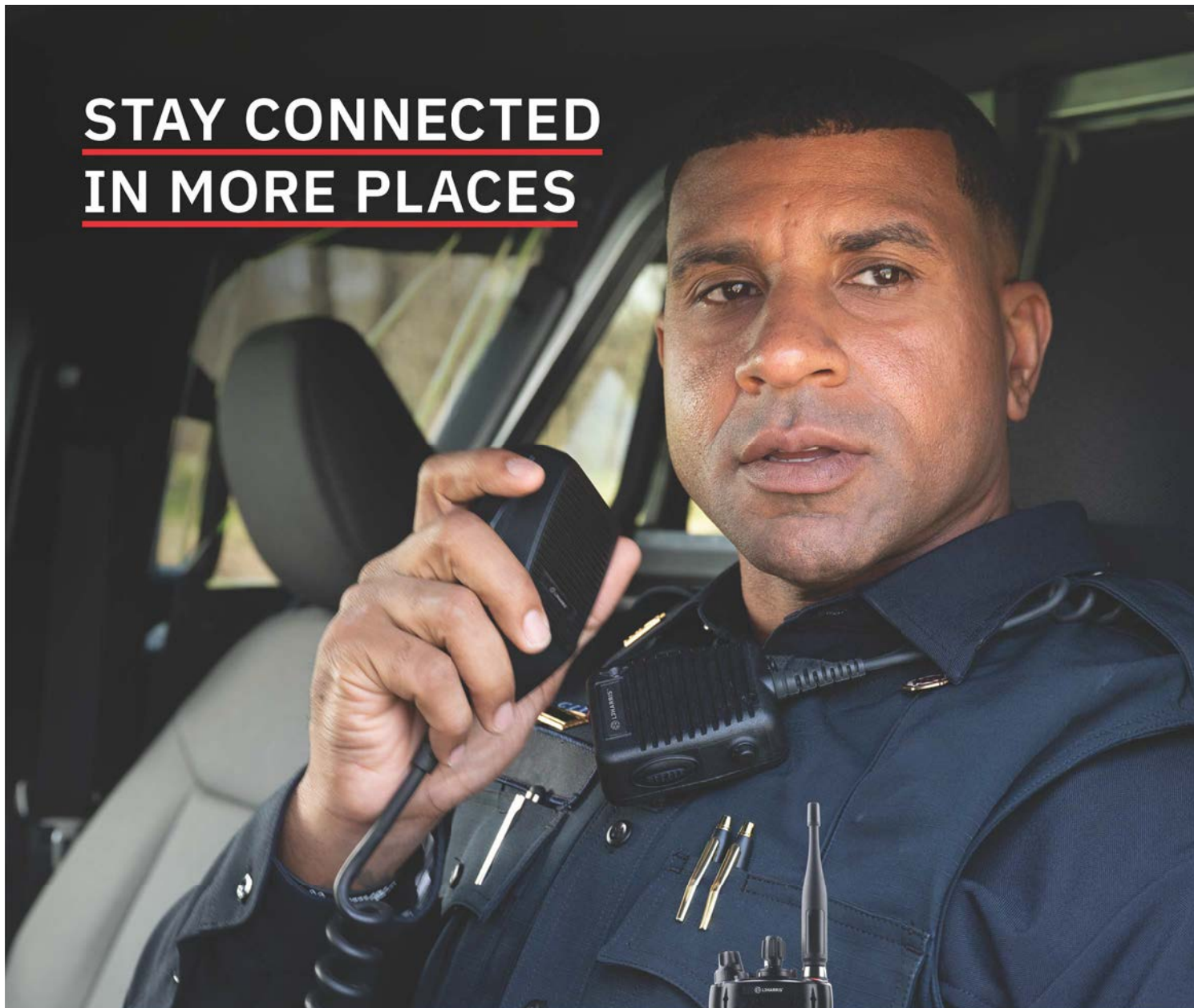
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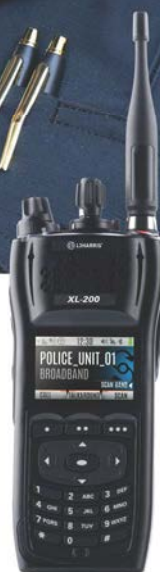
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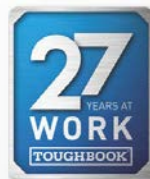
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hicles. These situations can become a priority for law enforcement, often requiring additional resources and time to resolve. Vehicles stranded immobile in traffic lanes also pose a hazard to other drivers, especially at night or in low-visibility conditions. Drivers approaching a disabled vehicle may not have sufficient time to react, leading to rear-end collisions or side-swipe accidents. Law enforcement officers must work quickly to prevent further incidents, which can be challenging when the vehicle cannot be easily moved.

The safety of law enforcement personnel is also at risk when dealing with disabled vehicles in traffic that can't be pushed out of travel lanes. Officers may need to position themselves in dangerous locations, such as the middle of a busy highway behind a disabled vehicle, to manage the situation and protect other motorists or, out of necessity, close additional lanes of traffic for increased safety. The inability to quickly move a vehicle to a safer location lengthens the exposure of officers to potential harm from passing traffic. Responding to incidents involving disabled vehicles often requires a significant allocation of resources, including personnel, vehicles, and equipment. If law enforcement agencies are unable to efficiently clear a vehicle from the roadway, they may need to call in additional units, specialized towing services or even department of transportation crash barrier trucks. This can strain resources and reduce the availability of officers for other critical emergency tasks.

Effective traffic management is a key component of public safety and can significantly impact the perception of law enforcement. If police are unable to promptly clear a disabled vehicle, leading to prolonged traffic delays or additional accidents, it can erode public trust and confidence in law enforcement's ability to manage emergencies, especially if members of the public are not aware of this issue and believe that law enforcement

personnel could easily clear the obstruction.

The root of the issue lies in the technological advancements that have been integrated into modern vehicles. With electric vehicles, the absence of a traditional gearbox and the reliance on complex electronic systems means that these cars cannot be pushed or towed easily. Similarly, gas-powered vehicles with computer-controlled transmissions can lock up if the battery is dead, the engine won't run or if the onboard computer system fails. The inability to disengage electrically controlled parking brakes or to put the transmission into neutral creates a new issue that didn't exist in the past when everything was mechanical.

In the case of electric vehicles, when the car is turned off, if there is a severe electrical failure, or the battery is completely discharged the electric parking brake is often engaged automatically as a safety feature. This brake cannot be released without power from the low voltage battery, making it impossible to push the vehicle manually. Moreover, towing an EV improperly can result in damage to the vehicle's drivetrain or battery pack, presenting further complications. Tesla

vehicles, for example, have a tow mode that can be activated through the touch screen even if the main propulsion battery is depleted, but if the low voltage battery is depleted tow mode cannot be activated, and the wheels will remain locked.

For gas-powered vehicles with modern transmissions, the situation is slightly different but equally challenging. If the transmission is controlled electronically, it may be impossible to shift into neutral without power. Even in cases where there is an override, such as a manual release hidden within the vehicle, law enforcement officers may not be trained or authorized to use these methods due to liability concerns or the potential for damage to the vehicle. Many vehicles are now equipped

Continued on Page 14



F150 – An example of a mechanically linked shifter.

with all wheel drive, meaning that all four wheels will be locked if the transmission can't be shifted into neutral.

This is an excerpt from the owner's manual for a popular SUV that is commonly deployed in police fleets nationwide. "The vehicle may be equipped with an electric parking brake and/or an electronic shifter. In the event of a loss of 12-volt power, the electric parking brake cannot be released, and the vehicle cannot be shifted to N (Neutral). Tire skates or dollies must be used under the non-rolling tires to prevent damage while loading/unloading the vehicle. Dragging the vehicle will cause damage not covered by the vehicle warranty."

Given these challenges, law enforcement agencies must adapt to the changing landscape of vehicle technology and develop strategies to effectively manage incidents involving modern disabled vehicles. Law enforcement officers should receive training on the basic



Genesis – A rotary computer-controlled transmission selector.

mechanics and electronic systems of modern vehicles, including EVs and computer-controlled transmissions. Understanding how these vehicles operate can help officers make informed decisions when responding to incidents. Training should also cover the use of specialized equipment, such as dollies or flatbed tow trucks, which may be required to move disabled vehicles safely. As noted in the excerpt from the owner's manual, dragging a vehicle with a locked transmission onto a flatbed tow truck may void the warranty, therefore a convention tow truck with dollies may be a better option in certain cases.

It would be helpful for law enforcement officers to know which vehicles cannot be moved and the location of any hidden transmission release actuators, as well as how to activate tow mode in electric vehicles that are so equipped. Law enforcement could benefit from partnerships with

Continued on Page 15

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vehicle manufacturers to gain access to this type of information about specific vehicle models and their systems. Manufacturers could provide training sessions or materials that educate officers on the safest and most effective ways to move their vehicles when they become disabled.

Investing in specialized equipment designed for moving disabled vehicles may be another viable solution as this issue becomes more prevalent. Electric vehicles and those with computer-controlled transmissions are all relatively new, with age, decreased reliability, and as these vehicles become more prevalent on the roadways, this issue could easily become more problematic for law enforcement officers. Specialized equipment could include portable battery boosters, tools for manually disengaging electronic brakes, or towing equipment specifically designed for EVs and modern gas-powered vehicles. Having the



Tahoe – A push / pull style computer-controlled transmission selector

right tools readily available can significantly reduce the time required to clear a disabled vehicle from a traffic lane.

Law enforcement agencies should develop clear policies and procedures for handling disabled vehicles with modern technologies. These policies should outline the steps officers should take when encountering a disabled vehicle, including how to assess the situation, what equipment to use, and when to call for additional assistance. Standardized procedures can help ensure a consistent and efficient response across the board, while minimizing damage to cars

and subsequent liability claims against police agencies.

Educating the public about the importance of proper vehicle maintenance and the potential issues with modern vehicle technology can also play a role in reducing the frequency of disabled vehicles. Campaigns could

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focus on encouraging drivers to regularly check their vehicle's battery, keep their electronic systems in good working order, and understand how to safely move their vehicle in the event of a breakdown. Simply running out of gas in a modern vehicle can result in the vehicle blocking lanes of traffic if motorists are not aware that they should immediately get the vehicle off the roadway while it still has forward momentum. Even if vehicles are placed into neutral while still operational, simply opening the driver's door can cause the computer to automatically shift the vehicle into park and apply the emergency brake. Motorists should be encouraged to think like pilots, if there is a failure, where is the safest place to go? Vehicles that become disabled in travel lanes, especially at night, can place motorists in a perilous situation.

Finally, there may be a need for legislative or regulatory changes to address the challenges posed by modern vehicle technology. This could include requiring manufacturers to design vehicles with more accessible neutral modes or emergency towing procedures. Additionally, regulations could be established to ensure that

EVs and vehicles with computer-controlled transmissions are equipped with fail-safes that allow them to be moved easily in an emergency.

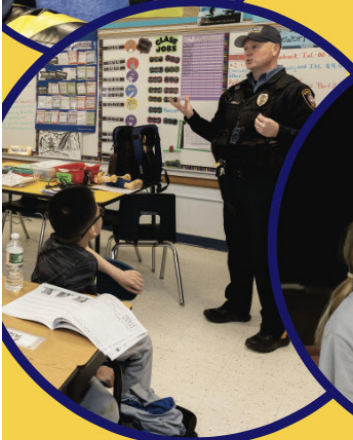
As vehicle technology continues to evolve, law enforcement agencies must remain adaptable and proactive in addressing new challenges. The rise of autonomous vehicles, for example, will likely introduce additional complexities in terms of traffic management and accident response. However, by leveraging technology, collaborating with industry partners, and investing in training and equipment, law enforcement can effectively navigate these challenges and continue to fulfill their mission of ensuring public safety.

The issue of moving disabled vehicles in traffic lanes is just one of many that law enforcement will face in the modern era. However, it serves as a reminder of the importance of staying ahead of technological trends and continuously evolving to meet the needs of the communities they serve. By embracing innovation and adopting a forward-thinking approach, law enforcement agencies can overcome these challenges and enhance their ability to protect and serve the public.

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Traffic Stops: Understanding Recent New York Court of Appeals Rulings

The New York Court of Appeals (NYCOA) has for decades provided more rights to the people within New York under the New York State Constitution than the Supreme Court of the United States (SCOTUS) provides. This can lead to confusion among New York law enforcement officers, especially when it comes to standards that apply to traffic stops.

In [an article](#) earlier this year, I discussed the confusion among New York officers caused by the SCOTUS decision of *Kansas v. Glover* (140 S. Ct. 1183 (2020)). As I was preparing to write this article, I fielded yet another question about the impact of the *Glover* case. In this article, I will not revisit *Glover* in any detail, but I will cover the standards and requirements of traffic stops under the New York Constitution. Some of these standards are longstanding, but I will also review two significant recent decisions of the NYCOA that establish new standards: the extension of protections to the operators of bicycles and a new criterion for stops based upon the “community caretaking” doctrine.

The Standards: SCOTUS vs. the NYCOA

The federal standard is straightforward. In *Glover*, SCOTUS relied on prior rulings to hold that officers may conduct a brief investigative stop when they have a particularized and objective basis for suspecting a person of criminal activity. While a “hunch” cannot suffice, required reasonable suspicion is not as demanding as probable cause. Further, such a reasonable suspicion inquiry may fall short of 51% because to be reasonable is not to be perfect (*Glover* at 1188).

In New York, under rulings of the NYCOA, the standards are both more restrictive and more complicated as there are separate rules for stops for traffic infractions and for occupants of vehicles suspected of crimes. In *People v Hinshaw* (35 N.Y.3d 427 (2020)), the court clearly stated what is required under New York law:

1. Probable cause to believe the driver of a vehicle has committed a traffic infraction, or
2. Reasonable suspicion to believe the driver or occupants have committed, are committing or are about to commit a crime.



The New York standard specifically requires probable cause for traffic infractions, while the federal standard does not differentiate and only requires reasonable suspicion of a violation of law. This is a significant difference. The Glover ruling and standard was outright dismissed in the majority opinion of the Hinshaw case.



limited as to what type of questions they can ask.

If, however, the vehicle was stopped because an officer has reasonable suspicion to believe a crime is implicated (#2 above), officers may ask more pointed questions and may ask for consent because they are investigating a potential crime. (For additional information, see the on-demand webinar [Conducting](#)

The treatment of violators stopped in vehicles in New York is further complicated by the fact the NYCOA treats the two categories of stops differently. For example, a driver or occupant stopped only for a traffic infraction (#1 above) cannot be asked for consent to search unless the officer has developed a founded suspicion that some type of criminal activity, unrelated to the underlying traffic infraction, is afoot. During this type of stop, officers are also very

[Traffic Stops in New York State.](#)) Such a distinction between types of traffic stops and limitations on what can be asked does not exist under federal case law.

Extension of the New York Standard to Operators of Bicycles

In a recent decision, the NYCOA held that stopping a bicyclist constitutes a “seizure” under the Fourth



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Amendment and New York's Constitution, requiring officers to have reasonable suspicion of a crime or probable cause to believe a traffic infraction has occurred. This decision in *People v. Rodriguez* (41 N.Y.3d 1 (2023)) offers critical guidance for officers on conducting lawful stops involving bicycles.

The case arose when NYPD officers stopped Lance Rodriguez while he was riding a bicycle "in a somewhat reckless manner" and they suspected him of carrying a weapon due to his behavior and a "bulky" object near his waistband. Rodriguez admitted to having a firearm, leading to his arrest. However, the court equated stops of bicycles with those of automobiles, noting that such actions con-

stitute a significant governmental intrusion. Citing the standard set forth in *People v. Hinshaw*, the court ruled the stop violated constitutional protections because the officers lacked reasonable suspicion of criminal activity or probable cause to believe a traffic violation had occurred. The court went on to emphasize that officers' general observations, such as a subject holding a waistband or operating a bicycle recklessly, do not rise to the level of reasonable suspicion. Specific and articulable facts indicating criminal activity or traffic violations are essential.

As a result of this case, officers must ensure their actions with bicyclists align with the same constitutional standards applicable to motor vehicle stops. If an



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officer observes a bicyclist violating the Vehicle and Traffic Law, any stop will need to be justified by that violation or, in the alternative, specific facts that lead to reasonable suspicion of a crime. This 4-3 decision is a significant extension of the protections afforded under the DeBour levels to operators of bicycles.

It is important to point out that whenever an officer decides to approach a vehicle or bicyclist that is stationary or otherwise parked, any approach by an officer is not considered a traffic stop and these rules would not apply. Instead, the officer's actions would be considered a "request for information" under the DeBour levels, requiring only an objective credible reason for the approach. In such a case, do not unnecessarily turn it into a traffic stop by activating your forward-facing emergency lights, which arguably would allow for the argument that the occupants were now seized.

The Community Caretaking Doctrine: A New Standard for Traffic Stops

The case *People v. Brown* (42 N.Y.3d 270 (2024)) centered on a police stop conducted under the pretext of public safety. An officer observed a moving vehicle's passenger door open and close "quickly and forcefully." The officer found this "strange" and pulled over the vehicle, believing that someone might need assistance. The car's driver, Jason Brown, complied with the stop. During the interaction, the officer noted the smell of marijuana (this was pre-legalization). Brown admitted he was in possession of ecstasy; he was subsequently arrested, and a search of the vehicle uncovered additional drugs.

At the suppression hearing, the officer testified the stop was motivated by concerns for passenger safety, not suspicion of criminal activity. The court ruled in favor of the officer, finding the stop justified on public safety grounds. Brown was convicted of disorderly conduct following a guilty plea.

Upon appeal, the Appellate Term upheld the lower court's decision, concluding the stop was warranted for public safety. The case was then appealed to the NYCOA to determine whether the police could justify the stop under the "community caretaking" doctrine, a principle permitting police to act in public safety roles beyond criminal investigations. Acknowledging this doctrine had yet to be adopted by the court, the judges conducted a review of other jurisdictions that have adopted it.

While acknowledging the historical basis of allowing police to act to aid those in distress, the court also acknowledged the risk that the community caretaking

doctrine may be used by the police to circumvent the federal and state constitutional rights that protect people from unreasonable police intrusions. The court, therefore, acknowledged that while police officers often perform community caretaking functions, including assisting individuals in distress, these activities

must align with constitutional safeguards against unreasonable searches and seizures.

To that end, the court laid out a two-pronged test to evaluate the legitimacy of community caretaking stops:

1. **Specific, Objective and Articulable Facts:** Officers must identify concrete observations that suggest an individual requires assistance. Vague or subjective impressions do not suffice.

2. **Narrowly Tailored Intrusion:** Police actions must directly address the perceived need for assistance and should not overreach beyond that purpose: "Once assistance has been provided and the peril mitigated, or the perceived need for assistance has been dispelled, any further police action must be justified under the Fourth Amendment and Article I, section 12 of the State Constitution."

Applying their newly created test to the facts of this



case, the court found the officer's rationale insufficient. The single instance of the passenger door opening and closing did not provide specific, objective facts indicating a person in need of help. The officer's testimony lacked evidence of distress, danger or irregular behavior beyond the innocuous door movement. Therefore, the first prong of the test was unmet.

This decision serves as a critical guide for New York police officers when invoking the community caretaking doctrine:

- **Document Observations:** Officers must clearly document specific behaviors or circumstances that justify public safety interventions.
- **Limit Scope of Actions:** Ensure any police response under this doctrine remains proportional and focused solely on addressing the identified safety concern.
- **Transitioning Roles:** If assistance is not required, any further interaction must meet the standards for criminal investigation, such as reasonable suspicion

or probable cause.

The court's ruling underscores the balance between effective policing and safeguarding constitutional rights, ensuring that community caretaking is not exploited as a pretext for intrusive actions.

Application of the Brown Test in *People v. Serrano*

In *People v. Serrano* (229 A.D.3d 642 (2nd Dept. 2024)), police officers encountered a situation that tested the limits of the community caretaking doctrine established in *People v. Brown*. On Aug. 29, 2021, at approximately 1:22 a.m., defendant Max Serrano was driving westbound on Montauk Highway when he flashed his vehicle's high beams several times at a marked patrol car driving ahead. Interpreting this as a possible signal for help, the officers pulled over to the shoulder. However, Serrano did not stop but continued driving past them. This prompted the officers to follow him and eventually activate their lights to pull him over to determine if he was in distress.

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Upon stopping Serrano, the officers inquired why he had flashed his lights and whether he was OK. One officer testified that Serrano did not appear to be in distress. The interaction escalated when Serrano provided an inaccurate birth date that significantly differed from his actual age. The officers then asked him to exit the vehicle, at which point they noticed signs of intoxication. A field sobriety test led to Serrano's arrest for driving while intoxicated, among other charges. He was subsequently convicted, but he appealed, arguing the police overstepped their community caretaking authority.

The court found that the officers met the first prong of the Brown test. Serrano's repeated flashing of his high beams at the patrol car constituted a specific and objective fact that could reasonably lead an officer to believe he might be in distress or require assistance. However, the case faltered when applying the second prong of the test. The court ruled there was no evidence presented as to what the response of the driver was when asked if everything was OK. Any continued detention, therefore, would have required proof of some type of distress or reasonable suspicion. The main problem was the officer who approached the driver's side of the vehicle did not testify and the other officer, who did testify, did not hear the response of the driver when asked if everything was OK.

Absent this evidence, and once the officer's determined Serrano was not in immediate distress, their justification for continued questioning and escalation under the community caretaking doctrine ended. The further discovery of discrepancies in Serrano's identification and subsequent signs of intoxication went beyond what the Brown test allows under its narrowly tailored intrusion standard.

Final Thoughts

The NYCOA over the last four years has not been hesitant to address traffic stop-related cases and has consistently stated the New York standard. Stops of vehicles and bicycles require probable cause to believe a traffic infraction has occurred or reasonable suspicion of a crime. While the Brown case did create another justification for vehicle stops based on the community caretaking doctrine, this justification is very limited and is not likely to have widespread application. The difference between New York law and federal law should now be clear, and officers must be aware of the standards.

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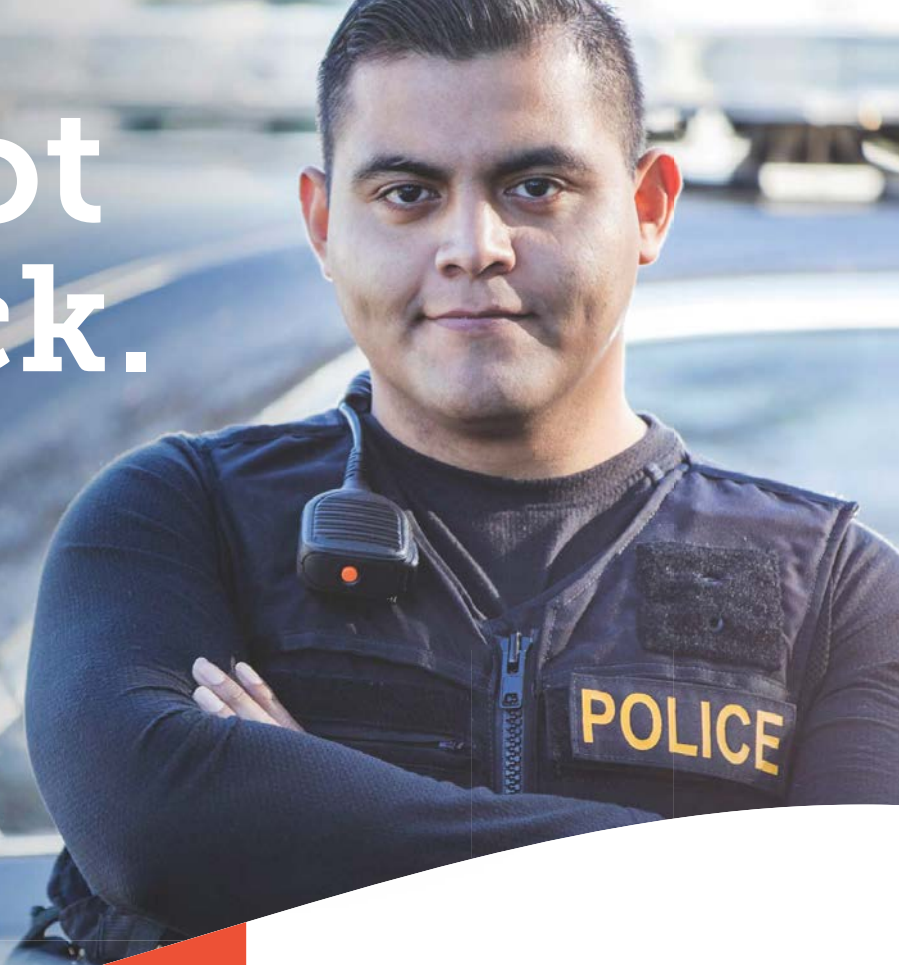
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COLD CASE INVESTIGATION:

Using Familial DNA Search Results Yields First Conviction of its Kind in New York State

By Major Crimes Section Analyst Karlee Crist, Monroe Crime Analysis Center and Director Dave Phelps, Monroe Crime Analysis Center



The profession of crime analysis has evolved over the past several decades from counting crimes and making pin maps to using a wide array of advanced technologies that assist law enforcement with administrative analysis and investigative support, including real-time crime operations. The New York State Crime Analysis Center Network, funded and supported by the state Division of Criminal Justice Services Office of Crime Analysis and Strategic Partnerships, has been leveraging technology and data sharing to develop crime analyst tools and tactics since 2007. Highly trained analysts who work at the 11 centers in the network utilize public record sources, police records, municipal cameras, facial recognition, license plate readers, GPS tracking, and numerous other information and data sources to aid police officers with their investigations.

One of the greatest skills a crime analyst possesses is the ability to find new ways to look at data sources and the technology available to them to identify suspects who may have never been found a few years ago. One type of criminal investigation that has benefited from the evolution of science, technology, and investigative and crime analyst skills, is cold case homicide investigations.

In 2019, Crime Analyst Karlee Crist, who is the Major Crimes Section Analyst at the Monroe Crime Analysis Center, assisted the Rochester Police Department with the cold case homicide investigation of 14-year-old Wendy Jerome.

On Thanksgiving night in 1984, Wendy left her Rochester home to bring her best friend a birthday card. Several hours had passed, and her mother began to worry as she had not returned home. A short time later, her parents were notified by police that Wendy's body had been found behind a nearby school. Her face was covered with her shirt, and her jeans were unbuttoned, partially unzipped. Her jean jacket was on the ground approximately 10 feet from her body and her bra was atop a chain link fence. There was a substantial amount of blood around Wendy's body and the medical examiner later determined she had died from massive blunt force trauma to her head. Wendy also had multiple lacerations on her body, defensive wounds on her hands, and indicators suggesting that she had been raped. Vaginal swabs were collected during the autopsy and tested positive for the presence of sperm cells. Investigators followed up on hundreds of leads and possible suspects, however, with no witnesses to the crime, limited DNA technology, and minimal physical evidence, the case eventually went cold.



The victim, 14 year old, Wendy Jerome

In 1996, the New York State DNA Databank began operating as part of the Combined DNA Index System (CODIS) managed by the FBI. In 1999, advances in DNA testing allowed the Monroe County Crime Laboratory to obtain a DNA profile from the sperm cells collected from the vaginal swab taken at the time of the autopsy. The DNA profile was uploaded to the NYS DNA Databank, however, databank searches performed over the course of the next 20 years yielded no hits. Although no hits were obtained the profile allowed police to eliminate several

individuals as persons of interest through DNA comparison.

In 2017, New York State approved the use of familial DNA searching in cases involving specified violent offenses when all other leads in the case had been exhausted or cases with exigent circumstances. These searches compare an unknown DNA sample from a crime scene or unidentified human remains to profiles from known individuals convicted of crimes that are contained in the state's DNA Databank. The results of the search may provide an investigative lead by identifying potential biological relatives of the contributor of the unknown sample. The police department or sheriff's office and appropriate district attorney's office handling the case must submit an application to the state Division of Criminal Justice Services to request a familial search. DCJS reviews applications and approves those that meet all required criteria; the New York State Police Crime Laboratory conducts the familial search.

The Rochester Police Department and the Mon-



The suspect Timothy Williams

roe County District Attorney's Office first submitted a joint application for the Wendy Jerome case in 2017. That application was denied because the profile did not meet requirements for testing. After re-examining Wendy's clothing, additional DNA was collected from her underwear, allowing resubmission of the familial search application in April 2019. The Rochester Police Department received results about individuals potentially biologically related to the unknown suspect in July 2020.

This information was ultimately provided to Analyst Crist, who used publicly available sources, including obituaries, newspaper articles, and birth/death records, coupled with law enforcement data, such as police reports, prison visitor records, and other information, to build a family tree. The family tree led investigators to a potential suspect, Timothy Williams, who was residing in Florida.

DNA was collected from Williams, compared to the unknown profile, and proved to be a match. Williams was arrested in September 2020 for the rape and murder

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of Wendy Jerome.

Williams's trial on the charges began in November 2023, however, the judge declared a mistrial in the case due to jury misconduct. A new trial began in February 2024, and a jury found Williams guilty of three counts of second-degree murder, making his conviction the first one in New York State to use familial DNA searching as evidence. He is now serving a prison sentence of 25 years to life for the crime.

Learn more about the New York State Familial DNA Search process, including case and sample criteria, and access forms to apply. Questions may be directed to the DCJS Office of Forensic Services at familialsearch@dcjs.ny.gov or (518) 457-1901.

Investigators seeking help with cold cases are encouraged to contact the Crime Analysis Center in their region



1984 Aerial Photo Showing Victims House and Body Recovery

and may consider submitting the case for review by the DCJS Cold Case Panel. Email missingpersons@dcjs.ny.gov or call 800-346-3543 to learn more.

About the Authors: Crime Analyst Karlee Crist is the Major Crimes Section Analyst at the Monroe Crime Analysis Center, located at the Rochester

(N.Y.) Police Department. She began her career in December 2016, working as a Tactical Crime Analyst before becoming the Major Crimes Section (MCS) Analyst in July 2018.

In that role, Crist is responsible for assisting investigators by identifying suspects and providing leads in homicides, officer-involved shootings, bank robberies, abductions, and other major cases.

Dave Phelps has been the Director of the Monroe Crime Analysis Center since 2018. Prior to serving as director, Phelps was a member of the Monroe County Sheriff's Office for 27-years. He retired as the office's Chief Deputy in 2017.



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Chair, NYSACOP Traffic Safety Committee

NYSACOP Traffic Safety Outreach Liaison

Traffic Safety is Public Safety

As the leaves turned and fall faded away, the holiday season is in full swing so let me start by saying Happy Holidays to all!

The NYSACOP Traffic Safety Team continues to serve our members and promote traffic safety engagement throughout the State. The team, working in concert with the NYSACOP Traffic Safety Committee (TSC), the Governors Traffic Safety Committee (GTSC) and other traffic safety organizations works to provide information, resources and assistance to all our members, their agencies and allied organizations. I am pleased

to report that our 2025 GTSC Grant application was approved enabling us to continue our mission. If you would like assistance/information regarding your agency's traffic safety matters, please do not hesitate to contact NYSACOP Traffic Safety Services Coordinator, Dan Denz at ddenz@nychiefs.org.

Two projects we are currently conducting research and development on, are roadside oral fluid testing and the use of traffic enforcement warning tickets. If you are currently using, or are considering using, roadside oral fluid testing please contact us as we are building a workgroup to compile and share information on this important issue. Also, if you agency currently uses

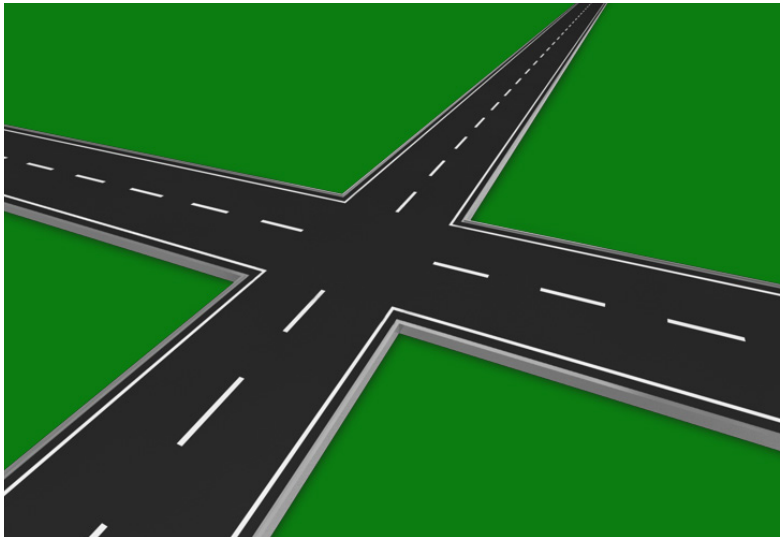
warning tickets, please let us know how you program works to help us gather information on best practices for this topic as well.

Additionally, we are working with our traffic safety partners on legislation, including the reintroduction

of the Deadly Driving Bill and NYS Bill A9923. Hopefully these legislative proposals will gain enough traction to pass this session and onto the Governor's desk for her signature.

The NYSACOP Traffic Safety Team continues to work with our partners, both at GTSC and DCJS, to promote traffic safety training courses. These are

routinely announced in NYSACOP bulletins, sent to our Traffic Safety Points of Contact and also posted on our website so please be on the lookout for them. Drug Recognition Expert (DRE) training is offered continuously, as impaired driving, especially drug impaired driving, is on the rise and more DREs are needed to help combat this problem. Cannabis Impaired Driving and Below 100 training courses are also available, so please contact us if you are interested in any of these as well. Additionally, as part of our continuing efforts to promote traffic safety, we are currently in the planning phase for scheduling our Traffic Safety Executive Leadership seminars throughout 2025. If your region/



agency is interested in having us present this training, please contact us and we will work with you to secure a date and location.

We are always very pleased to get information about traffic safety initiatives that agencies have conducted in their regions and would like to take this opportunity to thank the Utica and New Hartford Police Departments for sending us information on their joint Pedestrian Safety Education and Enforcement initiative they conducted in October. Great job!

If your department is conducting a traffic safety initiative, we would love to hear about it so we can showcase your department's efforts and commitment to traffic safety.

Several professional development conferences have occurred since our last Chief's Chronicle including the DCJS Public Safety Symposium in Albany, the International Association of Chiefs of Police (IACP) Annual Conference in Boston, and New York Highway Safety Symposium in Lake Placid. Members of our team were able to attend them all and we hope that you had an opportunity to attend as well.

Thank you all for making traffic safety a priority and special thanks to our Traffic Safety Points of Contact for assisting us with our mission. A reminder that December is National Impaired Driving Prevention Month. We all know the important components of traffic safety are enforcement, education and public information so please keep up the good work to ensure our roadways are safe for everyone.

As always, we welcome your comments, inquiries, suggestions and involvement. For further information, or if you would like our assistance, please contact NYSACOP Traffic Safety Services Coordinator Dan Denz at ddenz@nychiefs.org.

Once again, Happy Holidays to you and yours! Stay safe and remember Traffic Safety *is* Public Safety!

Bill Georges, A/Chief (ret.) Albany PD

Chair, NYSACOP Traffic Safety Committee

NYSACOP Traffic Safety Outreach Liaison

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New Hartford, New York Valley View Road Community Walking Assessment & Survey Conducted: Tuesday, September 24th, 2024

Effort Facilitated & Report Produced by:
The New York State Governor's Traffic Safety Committee (GTSC)

Mark J.F. Schroeder
Commissioner



Traffic Safety Joint Initiative

By Dan Denz, NYSACOP Traffic Safety Services Coordinator

As part of our ongoing efforts to keep our NYSACOP members apprised of traffic safety initiatives across the state, I would like to highlight some terrific work recently done in Onieda County during the month of October as part of the “See and Be Seen” pedestrian campaign.

GTSC and Herkimer-Oneida Counties Transportation Council were made aware of a pedestrian safety issue on Valley View Road, a bordering highway for the municipalities of the Town of New Hartford and the City of Utica.

GTSC, HOCTC, and I met with our NYSACOP Points of contact for New Hartford PD and Utica PD to devise a strategy for bringing awareness to the problem area.

The agreed upon strategy consisted of a NHPD/UPD joint operation, whereby a 2-week pedestrian safety initiative was developed: a week of education, followed by a second week enforcement, along with a social media and broadcast media component.

On Wednesday, October 09 and Friday, October 11, 2024 the Utica Police Department along with the New Hartford PD conducted a joint operation (Warning Phase) relative to complaints of speeding. During the warning phase 27 operators were advised relative to



speeding and one for expired inspection.

On Wednesday, October 16 and Friday, October 18, 2024 the Utica Police Department along with the New Hartford PD conducted a joint operation (Enforcement Phase) relative to complaints of speeding. During the enforcement phase a total of 3 additional warnings and 28 UTTs were issued for speeding.

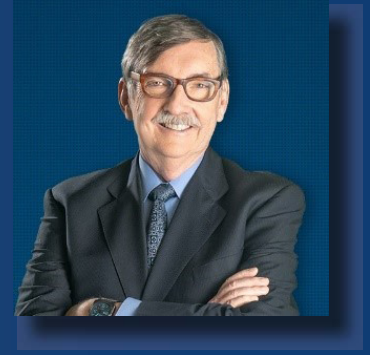
Our NYSACOP Traffic Safety Team commends the Herkimer-Oneida Counties Transportation Council, Town of New Hartford Police Department, and the City of Utica Police Department for their collaborative efforts on this initiative – well done!!

Some photos from the informational/warning phase, Valley View Rd:



You Are Making a Difference

By Gordon Graham



Gordon Graham here! Once again, thanks for all you are doing to make things better in New York law enforcement operations. And please know that in spite of the negativity directed at police personnel, you and your fellow officers are making a difference.

If you have read my past ramblings, you know I am closing in on being “retired” for 18 years. The 33 years between 1973 and 2006 flew by – and the things that concerned me when I retired were completely different than in my early years, when the only police motorcycle in the U.S. was the Harley-Davidson!

Way back then I was worried about getting killed – either by murder or a traffic collision. I was worried about succeeding in and paying for school and buying a house and staying in shape and out of trouble – all the things that young cops go through. I certainly was not concerned about retirement or post-retirement life expectancy – to me that was so far, far away. I had immediate things I needed to work on.

In other articles, I have mentioned Dr. Tony Kern, a B-1 pilot by trade who picked up his doctorate along the way and is truly the smartest person I have ever met. Years ago, I had the opportunity to feature him in a [Lexipol webinar](#). During the preparation for that webinar, I mentioned to him that he was the smartest person I have ever met. He smiled and humbly said, “I don’t know if that is true – but I do know I am intensely curious.”

Then and now his response resonated with me. I have never considered myself really smart, but I do know that I am and have always been very, very curious

about things. The “why” question is always popping up in my head. It often drives my wife nuts when I want to drill down on something to figure out what is going on!

It is precisely this curiosity that led me to Dr. Dwight Moge, who in turn taught me a valuable lesson about life expectancy.

The vast majority of people I arrested in my first 10 years were booked at Parker Center, formally known as the Police Administration Building (PAB), located in downtown Los Angeles at what was then the headquarters of LAPD. Protected parking was always at a premium in the booking area and on busy nights, especially Fridays and Saturdays, I had difficulty finding a parking spot for my assigned motorcycle.

So I was surprised to find that one car repeatedly occupied three parking spaces. It was a Mercedes 600 –



The Mercedes 600 was known as the “dictators’ limousine”.

very rare and very expensive to buy and maintain. And there it was in the PAB parking lot taking up a space, with traffic cones blocking the spaces on the left and right side. My curiosity was piqued: There is a shortage of parking and here is this luxury car taking up three spaces. Who owns this car? How does he (I had never seen a woman driving what

was known among car nuts as the “dictators’ limousine”) get away with taking up three spaces?

It did not take many inquiries to learn this car was owned by one of the rotating jail doctors, Dwight Moge. I had dealt with him many times when I was booking sick or injured arrestees. Back then I did not have a personal doctor; if I needed medicine or had a medical complaint, I (and a lot of other cops) got treatment and

Continued on Page 36



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Continued on Page 34
prescriptions from the jail doctor.

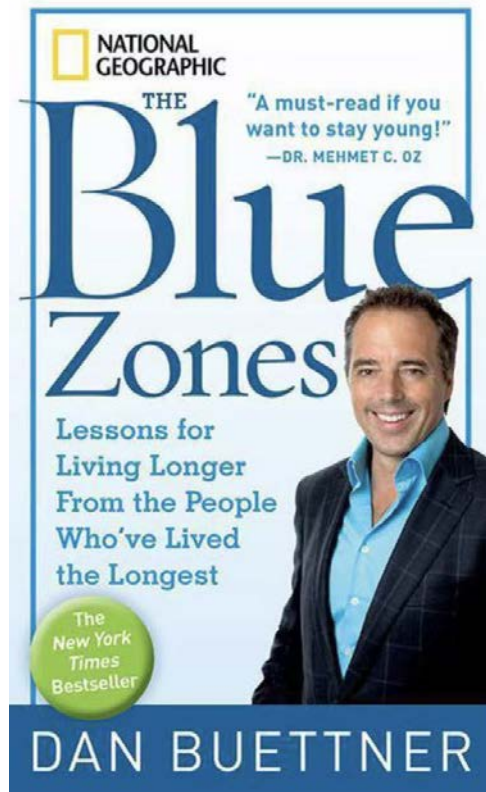
On my next contact with Dr. Mogee, I asked him about his car, complimented him on his excellent taste in automobiles and ultimately got to the question: “How do you get three parking spaces?” He was very direct in his response. “Wherever I work as a doctor the first item on my contract is about three parking spaces so my Pullman (a term used to describe the 600) does not get damaged by cars parking alongside.” Dr. Mogee told me he worked at several hospitals and did consulting for Fortune 500 companies. Well of course I had to know what type of consulting. He told me he did a lot of work in predicting life expectancy for candidates for CEO positions at major corporations.

Let’s say the board of directors at a major corporation is looking for a chief executive officer. This is a very expensive process with a lot of financial moving parts. If the person they select dies soon after appointment, all that money is essentially lost. So, these boards would hire Dr. Mogee to examine the candidate and predict how long that person would live. When I asked Dr. Mogee if he was any good at it, he responded, “I am deadly accurate” (in addition to good taste in cars, he also had a good sense of humor). That led to a discussion on determination of life expectancy – a topic Dr. Mogee and I returned to regularly while he was taking care of my arrestees and filling out paperwork.

Many years later I read the book *Blue Zones* by Dan Buettner (you should read it). The book talks about several regions around the world where people regularly live past 100 years and the reasons for their extended life span. This led me to other sources on this topic, including my personal physician for the last 20 years, Dr. David Bloom, and I learned quite a bit.

Here is my interpretation of the factors contributing to life expectancy: DNA is very powerful and has a lot to do with lifespan. You and I have no control over the DNA side of things – we are stuck with that at birth.

But there are a lot of things we can do to maximize length of life within the DNA parameters. As I read study after study and book after book, I saw a pattern developing. Out of all this I came up with what I call the “10 Fs.” If you want to live a long time – and not just length of life but quality of life – understand and take these “10 Fs” seriously. I have an hour-long presentation on this topic, but here they are without any in-depth explanation – just a quick overview. And here’s a heads-up: There is a reason the last of the “Fs” holds that position.



Faith — Believe in a higher power.

Family— Take care of your family – always.

Friends — You don’t need a crowd, but having two or three great friends who will always watch out for you is very important.

Fitness — Keep yourself in shape – just walking an hour a day is wonderful. Get regular medical check-ups, even if you are feeling great. And remember to take care of your mental health, too.

Food — Everything in moderation. As a general rule, if your grandmother would not recognize it, don’t eat it.

Fun — Laugh a lot. There are a lot of benefits to being happy and laughing a lot.

Funds — Think about financial planning early on and try to retire debt-free.

Freedom — Be grateful you are here in the United States of America. Protect the freedoms that so many have died for over the centuries.

Future — Time flies by quickly – strategic thinking is essential.

Fulfillment — Make every day count. Make every contact count. Be humble – it is not all about you. You get the opportunity every day to make a difference in someone’s life. Simultaneously, you are “building your dash.” Take a look at [the poem](#) of that name by Linda Ellison.

Continued on Page 36

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As you know I am very concerned about my word count for these articles, primarily because Madame Editor is concerned that a smart reader may take a look at the length and conclude that it is not worth their time. But let's spend a little more time on this last "F" – fulfillment.

Prior to getting married I dated – not a lot, but some – and one woman I dated for about six months was a beautiful executive for a major toy company. She was funny as heck and fun to be with, but our relationship ended not long after a conversation about our jobs. "Gordon, you know what really bothers me about you is that you love your job. Every time we get together you are talking about what you did during your day – what you and Bruce did, what you and Mike did, what

you, Bruce and Mike did – and you drive me nuts with how much you love your job."

My response was short and frank. "I've got the best job in the world. I am a Highway Patrol motorcycle cop!" Well, she said, "I hate my job. I hate the people I work for, I hate the people I work with. I hate my job but the money is excellent!" That surprised me then, and it still does today. I have never had a job I hated – whether it was my cop days, my lawyer days, my consultant days, my speaking days – I really love what I do.

You are cops – and I hope you love your job. I am very aware of the problems today – the assaults on and murder of cops, the scrutiny, the negativity from both outside and inside police agencies, the repeated exposure to trauma of all kinds. I know about these serious issues. But you need to know this – every day you work, you have an opportunity to make a positive change in someone's life. It might be saving a baby, arresting a serial rapist, shutting down terrorist activity or simply helping someone who needs help. There are a lot of people who work for the money. While money is important, being able to make a positive difference in someone's life is a big deal.

Above, I referenced the poem "The Dash" by Linda Ellison. Go to any cemetery in America and on the headstone or grave marker is the date of birth and the date of death. And in between these dates is "the dash." That little mark represents what you did during your time on earth.

What is your "dash" going to be in the eyes of others? As a law enforcement officer, your actions benefit the people you serve and society. Every day you work as a cop you are making a difference. And those actions are also "building your dash." If you focus on that – and the 10 Fs – the challenges of this career are far outweighed by the rewards.

Gordon Graham is a 33-year veteran of law enforcement and is the co-founder of [Lexipol](#), where he serves on the current board of directors. A practicing attorney, Graham focuses on managing risk in public safety operations and has presented a commonsense approach to risk management to hundreds of thousands of public safety professionals around the world. He holds a master's degree in Safety and Systems Management from University of Southern California and a Juris Doctorate from Western State University



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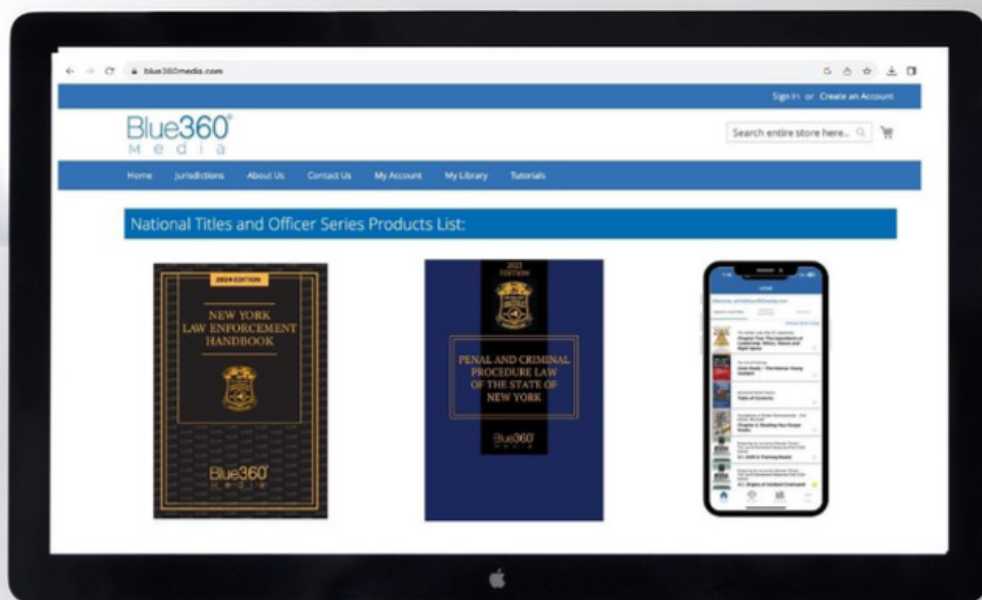
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Factors in Leader Development: Leadership Traits

By Greg Veitch, Retired Chief of Police from Saratoga Springs, NY



The Do's and Don'ts of Mentoring

Many years ago, as a young patrol officer, I was assigned to a post for a couple of hours at the registration table for a conference for police chiefs in Saratoga Springs. Most of the attendees, if they noticed me standing at (somewhat) attention nearby at all, either simply nodded or said, “hello officer.”

Until one chief, whose name escapes me after all these years, wandered over and started asking me about my department and what I thought of the job, along with wanting to know about my family and educational background.

When he finally got around to asking about my career ambitions and I mentioned that I would someday, maybe, like to get promoted up the chain of command, this wise senior leader gave me some advice that has stuck with me ever since. He said, “If you want to be a good leader, find yourself a good mentor. I struggled for a long time with the leadership and management stuff after I first made sergeant. That was until I found a mentor and then suddenly everything started to click. So, find a good mentor to learn from, it will make your life a whole lot easier.”

I am not sure my life was made any easier, but I do know that during the course of my own leadership journey I was blessed with several mentors who helped me immensely over the years. I was able to learn from some excellent leaders both inside and outside my department. Not only was the advice given by that chief decades ago verified through my own experience, but the leadership research indicates that mentoring is a

powerful leadership development tool with most Fortune 500 companies and many governmental agencies now having formal mentoring programs for their up-and-coming leaders.

All leaders should keep in mind the development of their followers. For police departments, the development of leadership capability throughout the ranks is a



primary concern since the next generation of leaders is almost always drawn from within the department.

In addition, on a personal level, as many senior leaders come toward the end of their careers, they often begin to think about their legacy. And while it is often easiest to identify a leader's legacy by tangible things, like a new police station, an updated policy manual or department reorganization, most leaders would probably think that a more lasting and valuable legacy would be the one left in the people who will remain in the department, long after they have gone.

One of the ways in which senior leaders can develop their junior leaders and leave a positive legacy is by

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mentoring. Mentoring, like culture, is something that we recognize immediately when we see it and feel its absence when mentoring is not taking place throughout an organization. We know that it works, but we do not always know how to go about doing it.

While not an exhaustive list, the following are some do's and don'ts for a senior leader who is now or is planning to mentor someone in their organization.

DO: Be Patient. The mentor-mentee relationship can only be successful if it is based on trust and trust takes time to develop. The chief's badge does not come with automatic trust.

Trust is built in the long term, through many interactions. Whether it forms the basis of a mentoring relationship or not, however, all leaders should strive to build trust. Keeping commitments and accepting responsibility for decisions made are a good start. Being open and transparent in communicating with subordinate leaders is always a good idea. Having a steady, patient, and reasonable approach to challenges helps model the way for others. A good mentor is trustworthy.

DON'T: Fail to give feedback. A good mentor does not micromanage their protégé but does provide much feedback as to how the junior leader is performing. When the junior leader has success, praise and recognition should always follow. When failure occurs, encouraging conversations are had that focus on how performance can be improved. The whole point of the mentoring process is to not leave less experienced leaders to figure things out on their own. Helping them through their experiences through frequent feedback is a characteristic of effective mentors.

DO: Accept input from the mentee. There are often many different ways to accomplish professional goals. All too often those at the top believe that their way is the best way to accomplish those goals. However, a

mentor worthy of the name allows their mentee to have input into how to accomplish these goals. When a junior leader suggests a way forward, many leaders will often say, "yes, but we should do it this way instead." What they are really saying is that we are going to do it my way. An experienced mentor will say, "let's give that a try, how can I help you." Of course, if the mentor knows that the mentee's plan will not work due to restrictions of policy or regulation this should be explained and not allowed as alternative options are explored.

DON'T: Bring a negative attitude. Whether you are having a planned meeting with a junior leader, or you have just bumped into them in the hallway, keep the negativity in check. Mentors are human just like everyone else and we all have bad days, but there is probably no more important quality that a mentor can possess than a positive attitude towards the profession, the department and the mentee. It is better to reschedule with a mentee than to

proceed with a meeting when you are in a negative head space.

DO: Share your network and expertise. Mentors already have a network in place and leadership knowledge gained through the trials of supervising human beings. The whole point of mentoring is to support the junior leader on their leadership journey while they gain experience. What better way to build a legacy than to offer the benefits of your leadership scars to a mentee. So, bring them along to your "high level" meetings. Let them see how you operate in various situations and talk about it afterward. Share your knowledge and contact list with those who will fill your role when you are gone.

DON'T: Set hard deadlines and parameters. Some of the most successful mentoring relationships extend well beyond the professional. I can attest to the value in having a mentor that provides advice, support and guidance in both work and life settings. Sometimes



the most valuable conversation a chief can have with a lieutenant will have nothing to do with the work that needs to be done. Sometimes a leader does not need help with a work problem. Tasks need specifications and timelines. Relationships do not.

Mentoring is a powerful leadership development tool with benefits for the mentor, mentee and organization.

Many senior leaders stagnate in their careers when they reach a point with limited advancement opportunities. It is, indeed, lonely at the top. Mentors often find that they are rejuvenated in their career when they have a protégé they are invested in. The simple altruistic act of giving time and effort to a junior leader is often a reward in and of itself for an executive officer.

The mentee benefits from connections, support and

feedback provided by a trusted mentor. Mentees often feel encouraged and more confident to step out of their comfort zone and stretch their leadership skills when they know they have the support and confidence of an accomplished leader above them on the organizational chart.

The organization benefits from stronger bonds between superior and subordinate officers along with the more well-rounded development of future leaders.

Coaching, professional counseling and mentoring have many similarities, and the terms are often used interchangeably. The characteristics of effective mentoring are also characteristics of all effective leaders. Whether you are formally or informally mentoring someone, keeping in mind the do's and don'ts of mentoring will go a long way in terms of leadership success.



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