

The New York State Chief's Chronicle



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June 2015

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Bringing together like-minded leaders representing jurisdictions of all sizes, representatives from the state's largest and smallest communities, their stakeholders, and our training agenda serves to fill the needs of all members. This year is no exception – we will be discussing a variety of issues including technology, body-worn video, field recognition, current legal issues, officer medical training, officer safety and wellness, professional development, and more. We are joined by previous colleagues discussing the latest in technology, products and software. These opportunities are available to answer your questions about their products and services all of which aim to make your job easier.

The year's agenda is packed with high-profile presentations. One speaking day is sponsored by New York State Commissioner William Bratton and Deputy Commissioner John Miller as our scheduled keynote presentations. Will Bratton present a key-phrase from Chief Michael Rasmussen, "In our second day with officers discussing our contemporary legal issues being police throughout the nation." Dr. Harvey Karpman joins us on Wednesday to talk about counterterrorism, using current events to attract our members about current threats and what it means to lead police. The ever popular breakfast lecture speaks of the topic of "Living and Maintaining the High Reliability Organization." Neil Barry's much-anticipated keynote is "The Learning Culture." Hosted at the beautiful Huntington Hotel in beautiful Huntington Springs, New York. The facilities provide an excellent atmosphere for training and networking. Be sure to register now.

Keynote Speakers:

- William Bratton, NY State Commissioner
- John Miller, NY State Deputy Commissioner
- Michael Rasmussen, New York State Police Chief
- Harvey Karpman, Director of Counterterrorism
- Neil Barry, President of the High Reliability Organization



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Do you have an interesting law enforcement story or research paper, photographs of member activities or field scenes? Call the Editor: Mark A. Spawn at 323-474-6651 or editor@nychiefs.org

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On the Cover:

Read our feature story by Sgt. William Doherty (Floral Park PD). The heroin epidemic has resulted in multiple overdose calls daily – but with the availability of Naloxone, combined with the training of police in administering this drug, several lives have been saved. While enforcement is considered the traditional role of police in the illicit drug debate, the new paradigm includes providing critical first aid to help save people during the critical window during an overdose.

The annual training conference information and registration is available online and we have included a brief version inside – read about our featured presenters including NYPD Commissioner William Bratton, Dep. Comm. John Miller, Gordon Graham, NYSP Supt. Joseph D'Amico, Terrorism Expert Dr. Harvey Kushner, Attorney Eric Daigle, and special keynote speaker at the banquet, U.S. Attorney Preet Bharara.

(Photo credits: pond5/orcearo; NYSACOP).



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President's Report

Some Thoughts on the Future of Law Enforcement



PRESIDENT'S REPORT

BY CHIEF MICHAEL D. RANALLI, ESQ.

It is difficult to write this article since it will be my last President's Report. My term will be ending at the end of the NYSACOP Conference in July. Every day that I wake up and watch the morning news, I wonder what potentially critical event happened in policing over the last 24 hours. Over my months as President, I have written a number of articles in both this magazine and in our monthly *Chiefly Speaking* newsletter addressing the state of policing today since the Michael Brown shooting. For this final article, I would like to revisit some of those concepts and share some additional thoughts regarding the path we, as leaders of law enforcement professionals, are on. This is not intended to be a scholarly article and I most certainly do not have all the answers. Instead, this is a collection of thoughts and opinions from a 30 year veteran, a lawyer, a police trainer for the last 23 years, and a police

viewed as legitimate? As should be clear to any law enforcement professional by now, best intentions are not enough. Data driven crime reduction strategies, without community involvement and/or community interaction, has turned out to be an incomplete solution to the problem.

Transparency as to the intent and goals of enforcement efforts needs to exist if the tactics used will be accepted by the community. It is no longer enough to justify our actions by saying they are "legal". Instead, we now have to focus on achieving "legitimacy". Legitimacy exists in how our efforts and actions are perceived by the community and is subjective². Legality exists in the text of statutes and case law and is objective. When police saturate an area with primarily minority residents because of high incidence of crime, we have felt that our actions, if also done in accordance with law, were justified and legal. But when the public does not know why it is occurring, all they see are minority residents being stopped and arrested. The fact a crime may have been committed is now irrelevant, since the public is viewing the police action as illegitimate. In short, the goal of legitimacy is to establish trust in, and public deference to, police actions because the public feels the actions are justified and the police have the right to tell them what to do.

The Interim Report of The President's Task Force on 21st Century Policing (March 2015) identified building trust and legitimacy as one of the primary foundational pillars of the report. It describes the need for procedural justice, which in essence means to exercise police powers in a fair, impartial and respectful manner. Essential to this is an understanding that we all have implicit biases, and through awareness and training attempt to mitigate them.

The concept of legitimacy in policing is an important one and effort should be made to incorporate its concepts into our organizational cultures. There are things in the report that I do not necessarily agree with. Legitimacy, both internally within the agency and externally to the public, is something I do agree with. It will be part of our new paradigm for law enforcement leaders. It is, however, going to be far easier to read and learn about it than it is to successfully implement it. It is not the complete answer.

"It is no longer enough to justify our actions by saying they are "legal." Instead, we now have to focus on achieving "legitimacy."

chief who struggles every day to learn the best way to guide his employees.

LEGALITY VERSUS LEGITIMACY

For decades, police across the country have used data driven strategies to reduce crime in their communities. Quite simply, the data tells you where the crime is, dictating where the enforcement efforts should go. Has this been successful in reducing crime? It appears so, as crime, or at least street crimes¹, in many municipalities has decreased as arrests have increased. Many of these high crime areas are, unfortunately, heavily populated by minorities. But since we, the police, have worked so hard to reduce crime in those areas, shouldn't our efforts be appreciated and those efforts

REASONS FOR, AND OBSTACLES TO, LEGITIMACY

The events in Ferguson can serve as an example of both why legitimacy is needed, but also why it will be difficult to attain. The Ferguson PD probably followed the same principles of data driven enforcement and assigned their resources to areas with higher incidence of crime. What did they get in return? A Department of Justice report indicating the police department and the courts engage in discriminatory practices. In my April 2015 *Chiefly Speaking* column, I referenced the frustration I felt when I read the Department of Justice Report on the investigation into the

“Was our mistake in our crime fighting efforts to not recognize that how you accomplish something can negate the fact that you accomplished it?”

shooting of Michael Brown, released on the same day as the report finding discriminatory practices. The shooting report clearly indicates that the purported “hands up, don’t shoot” version of the events just did not occur. It also substantiates that Officer Wilson had reason to believe that Michael Brown was not only the initial aggressor, but that Brown was an immediate threat at the time of the shooting. The report lists eight witnesses who gave consistent statements, were consistent with the physical evidence, were therefore deemed credible, and who corroborated that Wilson acted in self-defense. Of those eight, two were identified as bi-racial and five as black. As Michael Brown still lay in the roadway, a crowd gathered proclaiming that Brown was shot for no reason. One witness immediately upon the scene was called racial slurs and names when he indicated to the gathering crowd that they would not like what he had to say. Five of the other witnesses were afraid of neighborhood reprisals if they told the truth, that Brown did attack Wilson, and were therefore hesitant to cooperate. No one there wanted to know what the truth was. And that indifferent attitude still continues today. I have searched, but still have not found, any news media source actually discussing the DOJ shooting report in depth, and the inconsistencies that had been originally widely reported.

Now let us add another anecdotal piece of information to this. In the April *Chiefly Speaking*, I also referenced the death of DeAndre Joshua, killed and his body burned a short distance from where Michael Brown was killed. In an Associated Press article on March 25, 2015, Joshua’s aunt was quoted as saying “...it wasn’t unusual for him (Joshua) to have a weapon, because in that neighborhood, ‘everybody carries a gun.’”³ This begs the question – why does “everybody” carry a gun? If the streets are that bad, is something being ignored here? Where is the threat actually coming from?

Let us now sum this up. We had a police department attempting to do their jobs and reduce crime in a previously accepted manner – directing resources to the problem areas. But the manner in which this was done here, as in many other jurisdictions, was in such a way that the community was alienated due to their perceptions and results of the enforcement actions. This view of illegitimacy permeated through the tragic death of Michael Brown and created an atmosphere where people did not care about the specific facts of his death. Instead they saw the results of what they viewed to be years of illegitimate police action, and that became the focus.

This overshadowed all else. No one cared about the truth at that point and many people obviously allowed falsities to be spread through the waiting and willing media. Finally, and importantly, crime still existed and the streets of Ferguson were still perceived as dangerous. So was anything really accomplished? Crime still exists, minority residents view the police as illegitimate, and their focus and anger remain on the police, and not on those within the community itself that commit the crimes.

WHAT CAN WE DO?

This is a sad indicator for the future and the obstacles officers will face if placed in similar situations as Officer Wilson. This also serves to illustrate how difficult it will be to work towards legitimacy. We in policing feel frustrated that many people will not accept the argument of “personal responsibility” when trying to attribute some blame to the individuals involved in some of the recent tragedies. Police officers are a collection of individuals, not a connected entity, and the same is true about our individual agencies. In the current atmosphere, actions in one part of the country where the issues of perceived illegitimacy do not even exist are being scrutinized in the same manner as where they do.

Is this fair to all of us who have dedicated our careers to this profession and the communities we serve? No. Is it frustrating? Yes. It would be very easy to just throw up our hands in frustration and refuse to accept any responsibility. The truth is that we, as a profession, do not help ourselves and we can be our own worst enemies. It was not hard to come up with examples to support this statement. As I finish this article on April 14th, 2015, all I had to do is look back through one-week worth of news.

The first example is the graphic video of up to 10 deputies beating a suspected horse thief. I have learned to be very careful in how I review such videos and never to jump to conclusions. But I have watched this numerous times, paused it, rewound it and reviewed it again. It is not good. Maybe more information will be available by the time this article is published, but this is a very disturbing video. What makes it worse is that the deputies had to know there was a helicopter overhead. It certainly does not help the atmosphere of distrust of the police in general. How the sheriff in that county handles this situation will also weigh heavily on what the legacy of this incident will be. But the sheriff should also be trying to determine one critical issue, and it is one we all must learn to ask when looking at an agency failure. Why and how did this happen? Without these answers, it can happen again.

Another example can be found in the 73 year old reserve deputy who appeared to mistakenly pull and fire his gun, instead of his Electronic Control Weapon (ECW), at a suspect in an illegal gun sale sting. The video of the incident also captures an officer, after the shooting, yell at the suspect, “You f**king ran! Shut the f**K up!” Then, after the suspect states he is losing his breath, the deputy states, “f**k your breath.” The investigating officer concluded that the deputy was the victim of a “slip and capture”, in which he intended to do one thing but instead did the more familiar act. In such cases, a person under stress “slips” from the intended action and instead “captures” the most familiar action, which for this deputy was pulling his gun. Based on my training and experience, I would say this is exactly what happened. This is, in fact, a real phenomenon. Any officer that drove a Ford Crown Victoria for years can attest to the fact this can happen the first time they tried to get out of a Dodge Charger while on a hot call. The investigator also concluded that the officers at the scene were suffering from “auditory exclusion” and therefore did not even hear the shot being fired. Therefore, as the explanation went, when the

deputy was swearing at the suspect, he was caught up in the stress of the moment and did not realize the suspect was shot. Auditory exclusion is also a real phenomenon and yes, officers can swear when caught up in the moment. Whether that is true in this case or not, I do not have enough information. Language aside, however, it should be very clear to all law enforcement that when a person prone on the ground is complaining they cannot breathe, you had better pay attention and you better act.

As I write this, the reserve deputy is being charged with manslaughter. To me, all of this is really a distraction from the real issue and where the real fault is. The fault in this case is with those responsible for allowing a reserve deputy to be armed with a gun and an ECW and be in the middle of a violent crime investigation. It is extremely difficult, if not impossible, to train full time officers to properly handle such high stress encounters as it is. To put a volunteer insurance executive in such a situation is just asking for trouble. The reserve deputy does not belong in jail. He was allowed to be in a situation that he did not belong in and for which he was not prepared. This case belongs in civil court, and that is where the agency will have to defend that policy, and probably pay for it. This incident does nothing to promote the professionalism of law enforcement.

Aside from incidents such as this, we also have to be careful not to set goals for our officers that are solely numerically measured. The ends do not necessarily justify the means and our focus must be on the process used by our officers to get to our desired goal. When you push for a certain result, you will get it. But you may not like the fallout from the process used. Police leaders must be willing to be critical of their processes and improve them as needed. Was our mistake in our crime fighting efforts to not recognize that how you accomplish something can negate the fact that you accomplished it? And even though crime in many communities was “reduced”, the question has to be asked – reduced to what? Negative impressions last longer than positive. Yes, people can walk now in areas that years ago they could not in some jurisdictions. But if they feel victimized by the techniques then that is what will last in their memories. But is this the whole problem?

NOT JUST A LAW ENFORCEMENT PROBLEM

More questions must be asked. Do the problems discussed exist because they are primarily minority communities, or is it the fact they are impoverished communities what really matters? Does the problem exist just with the criminal justice system or is it also the failure of the social services systems in our country? The writings of Jason L. Riley of the *Wall Street Journal* are instructive in this area. An Internet search will reveal some of his writings that are relevant to the perception of the events of the last year, and they deviate significantly from what has been in the mainstream media.

I guess the self-promoting actions of persons like Al Sharpton make better newsprint than the reasoned and researched writings of Mr. Riley. We need investigative reporters to actually investigate, do statistical research and be willing to challenge assumptions on both sides. We need the media to help the public understand what is proper police procedure and protocol instead of just repeating inaccurate assumptions.

We need our legislators to consider these questions before taking any actions that only affect the police. We need them to consider all perspectives and not be trapped in the same type of bias that law enforcement is accused of having. The virtual dismissal by the media and the public of the truth of the fully revealed Michael Brown incident should make it clear that reforming our grand jury system will not make any difference to many people.

We need elected officials and prominent members of communities to send a clear message not to resist and disobey lawful commands of law enforcement. Across the country people are feeling empowered to challenge the authority of officers and that is just leading to more potentially violent confrontations.

We in law enforcement need to do what we need to do to improve our agencies and train our officers. We must embrace the concept of legitimacy and use it to guide our agency cultures and decision-making processes. This will be part of my presentation at the July conference.

Finally, what if a thorough analysis of the true root of the problems does not occur? What if a comprehensive approach is not taken and the brunt of the responsibility falls solely on law enforcement? That will leave one question that is not addressed in the literature about legitimacy. What if we in law enforcement do follow all the tenets of legitimacy, and a community still refuses to accept the results? That, is yet to be seen.

¹ I use the phrase “street crimes” because anyone who started in law enforcement before the internet age really hit its stride can tell you how significantly cases of fraud and identity theft have increased. But these are crimes that typically occur in places local police cannot go.

² An excellent overview of this concept can be found in a report by the Police Executive Research Forum (PERF) entitled “Legitimacy and Procedural Justice: A New Element of Police Leadership”, March 2014, featuring Dr. Tom Tyler who is a professor of Law and Psychology at Yale Law School.

³ A tale of 2 Ferguson deaths: 1 well known, 1 anonymous. Holbrook Mohr, Associated Press, March 25, 2015



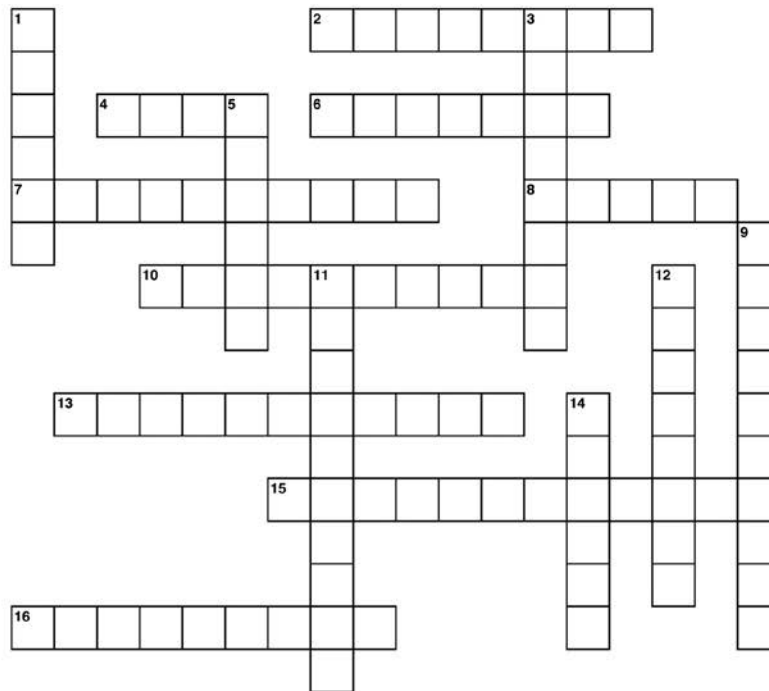
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Opioid Overdose and Naloxone

Source: BJA National Training and Technical Assistance Center; Law Enforcement Naloxone Toolkit



ACROSS

- 2 - _____ has no potential for abuse.
- 4 - Certain groups, including veterans, residents of rural and tribal areas, recently released inmates, and people completing drug treatment/detox programs are at an especially _____ risk of opioid overdose.
- 6 - When administered, naloxone (marketed in the past under the tradename, Narcan) restores respiration within two to five _____, and may prevent brain injury and death.
- 7 - First and foremost, an overdose reversal program offers a potential _____ opportunity.
- 8 - Naloxone works on overdoses caused by opioids, which includes prescription painkillers and street _____ like heroin.
- 10 - Across the United States, law enforcement agencies are increasingly training their officers to carry naloxone in an effort to stem the tide of overdose _____.
- 13 - As of October 2014, law _____ agencies in at least 19 states have implemented naloxone programs.
- 15 - ...officers have cited improved job _____ rooted in an improved ability to "do something" at the scene of an overdose.
- 16 - Law enforcement agencies that have implemented an overdose reversal program report improved community _____, leading to better intelligence-gathering capabilities.

DOWN

- 1 - Law enforcement officers are on the front lines of the _____ against drug-related harm in our communities. The current opioid overdose crisis is no different.
- 3 - Claiming nearly 120 American lives daily, drug _____ is a true national crisis.
- 5 - ...collaboration between law enforcement, public health, drug treatment, and other sectors on law enforcement overdose response initiatives lead to improved cross-agency communication, and helps take a public _____ approach to drug abuse.
- 9 - The vast majority of opioid overdoses are accidental and result from taking inappropriate doses of opioids or mixing opioid drugs with other _____.
- 11 - These poisonings typically take 45-90 minutes to turn fatal, creating a critical window of opportunity for _____ intervention.
- 12 - Opioids cause death by slowing, and eventually _____, the person's breathing.
- 14 - Providing law enforcement with the knowledge and the tools to reverse overdoses in the field can reduce the time between when an overdose _____ is discovered and when they receive lifesaving assistance.

WORD BANK: Battle, drugs, enforcement, fatalities, health, high, lifesaving, minutes, naloxone, overdose, relations, satisfaction, stopping, substances, victim.

Solution on page 18

Executive Director's Report



EXECUTIVE DIRECTOR'S REPORT

BY MARGARET E. RYAN

As days go by and public safety reform discussions continue after events have raised concerns and shaken public confidence, communities and public safety officials have a chance to change things. In an address to the President's Task Force on 21st Century Policing, City of Milwaukee Police Chief Edward Flynn accurately stated the following: "We are the most violent and most heavily armed Western society. Police uses of force are the most publicly scrutinized government action, and they should be. Use of force against human beings, no matter how righteous and justified, are never easy to watch. They are never pleasant. They are also not entirely avoidable." Throughout an officer's years of service, emotions run from deep sorrow to great joy; great satisfaction to utter heartache. We all desire fairness in our criminal justice system, safe communities and mutual respect between citizens and law enforcement. Police work, police officers and public safety are always in the news and not always for the best reasons. What about all of those police-community encounters and interactions that all too often go untold publicly? What does it mean to be a police officer today? What does it mean to be a police chief today? The Merriam-Webster dictionary simply defines a police officer as, "a person whose job is to enforce laws, investigate crimes, and make arrests." Police chiefs are typically the top official in the chain of command in a police department. Is it really that simple? We wear so many hats during and after a career, and not always those of a police officer or a police chief. Some days, often numerous times throughout a day, we wear the hat of a problem solver, safety educator, negotiator, teacher, drug counselor, grief counselor, marital counselor, parent, medic, computer expert, mechanic, traffic controller and terrorist expert, just to name a few.

As I read through news articles, watch a news clip or check social media, I know we as a profession do more than fight crime. We provide public safety and embrace our communities day in and day out. One police agency's D.A.R.E. unit sponsored a basketball tournament for youth. Another agency's crime prevention officers were in an elementary school reading to students. From shaving heads to help fight cancer to law enforcement teams participating in organized heart Run & Walk events, or volunteering in home building, officers are in their communities. A trained and equipped officer is the first emergency responder to arrive on the scene of a twelve year old suffering from a severe allergic reaction and administers oxygen and an EpiPen. Police are using Naloxone to reverse the effects of suspected heroin overdose on a weekly if not daily basis. Crisis communications skills are used to diffuse a situation and save a distraught person on a bridge, in a car, or in a home. We post Public Service Announcements: "UDrive. UText. UPay."; "Operation Hang Up"; and "Identity Theft." We are a profession that "...the public repeatedly calls on law enforcement officers for assistance...because officers alone combine free, around-the-clock service, with unique mobility, a legal obligation to respond and a legal authority to detain." (Finn & Sullivan, 1987) Character, integrity and respect are not our right to possess, but earn. Those public safety and community interactions show your character as a police officer and public servant. The role law enforcement frequently assumes is that of human service provider where there are few boundaries. We have professionals out there every day making a difference in their community, this state and our world. As NYPD Commissioner Bratton recently remarked, "Twenty-five years ago, our public-safety crisis was about safety. Today, our public-safety crisis is about the public half of that equation."

As NYPD Commissioner Bratton recently remarked,

“Twenty-five years ago, our public-safety crisis was about safety. Today, our public-safety crisis is about the public half of that equation.”



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Counsel's Corner



BY CHIEF MICHAEL D. RANALLI, ESQ.

In this edition of Counsel's Corner, I would like to share some insight into the complexity of case law, particularly with street encounters. I have been a police instructor and attorney for over 23 years. During all of that time I have struggled to take the numerous decisions continuously being issued by the courts, and turn them into something useful and practical for law enforcement officers. In addition, it is difficult to balance the need to explain the law while not overwhelming officers with its complexity, potentially hindering their ability to do their jobs effectively. There are many variables that come into play beyond the mere facts of the case. Some of those variables are the testimony of the officer, the competency of the prosecutor and defense attorney, and how the judge (hearing) or judges (appellate panel) that are involved in the case interpret the facts and the relevant law. For purposes of this article, I will be focusing on the judiciary role in this issue, specifically the interplay of the hearing court, the appellate divisions, and the New York Court of Appeals.

During my two plus decades of teaching street encounters to police officers, a common question, in one format or another, has arisen: 'How do I know if my actions in a rapidly unfolding incident were legal or not?' When teaching supervisor schools, this is an even more compelling question since sergeants are responsible for reviewing and judging the actions of their subordinates. My response to the supervisor is, for actions that are clearly wrong, you take whatever action is necessary, up to and including releasing the person arrested¹. But for all the other cases, which I believe would be the vast majority, their facts will most likely reside within the mystical "gray area" that anyone who has been in my classes has heard me explain. The "gray area" is not an excuse to justify an officer's questionable behavior, as some would suggest. Instead, the gray area concept is a reflection of the reality that each individual case frequently stands alone on its own specific and detailed facts, and of all the variables at play in any given case. It comes down to this: how can we, at our level in this process, while on the street in the midst of rapidly evolving situations, know for sure whether we did the right thing when even the courts cannot agree with each other?

In order to assist in explaining this concept, I am going to focus on two companion cases recently decided by the First Department Appellate Division, which has jurisdiction over cases arising from New York County and Bronx County, and the dismissal of the subsequent appeal by the New York Court of Appeals. Those cases are *People v. Brown*² and *People v. Thomas*³. Both defendants in these cases were arrested together in the same incident.

Our first step in the analysis of these cases is to briefly review what happened at the suppression and trial levels. I am going to

initially intentionally avoid giving any specific details regarding the facts of the case, other than stating the events occurred at 4:40 AM in the Times Square area. The men were stopped by the police and subjected to a showup identification procedure. The issue at the suppression hearing for both men, was whether there was sufficient reasonable suspicion to justify the detention. The judge heard the relevant testimony, judged the credibility of the witnesses, and found the officers did have reasonable suspicion. Both men went to trial, where they were convicted by a jury of grand larceny in the third and fourth degrees and fraudulent accosting.

The defendants then appealed the case to the First Department Appellate Division, which can review both issues of law and findings of fact. This is where things start to get interesting. The majority opinion in both cases reversed the lower court in a 3-2 decision, finding the facts did not support reasonable suspicion. As

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a result, the showup results and physical evidence found as a result of the detention were suppressed, the convictions reversed, and the cases remanded for new trials. While there are two separate written decisions, I am going to primarily focus on *Brown*. The majority focused on the following facts in coming to their conclusion:

1. Brown and Thomas were seen by officers running across Broadway in the Times Square area, and
2. Brown and Thomas were looking over their shoulders as if to see if they were being followed, and
3. The observing officers knew from prior contacts with Brown that he had engaged in fraudulent accosting in that area.

The majority of judges found these three factors did not amount to reasonable suspicion and the forcible detention was not justified. Specifically, the court found relevant that no crime had been reported, the officers did not see anyone chasing Brown and Thomas, and there was no “apparent contraband” visible. Further, the court reasoned that knowledge of prior crimes did not give rise to reasonable suspicion. If the decision ended here, I would not be writing this particular article. The fact the court concluded that these three factors did not give rise to reasonable suspicion is not overly troublesome. What is troublesome, are the facts that the majority overlooked in coming to their conclusion. What the court essentially did, and what they have a right to do at that level, was to apply their own inference of the facts, reversing the decision of the Supreme Court Judge.

The dissent, by two judges, was even longer than the majority opinion and offered additional information to consider. The dissenting judges felt the majority decision would discourage “police work that is not only constitutionally proper but also laudable.” This was based on the total facts of the case, not just the ones the majority chose to use and draw their inference from:

1. Brown and Thomas were seen by officers running across Broadway in the Times Square area, and
2. Brown and Thomas were looking over their shoulders as if to see if they were being followed, and
3. The observing officers knew from prior contacts with Brown that he had engaged in fraudulent accosting at strip clubs in that area and one officer had personally arrested him twice for fraudulent accosting in that same area. Further, that officer saw him outside “Lace” club that same night and told him to move on
4. When seen running later on they were looking back in the area of Lace nightclub.

Based on all this, the officers believed a crime had just occurred. Two officers stopped the men in front of a hotel, and a third quickly found the victim outside of Lace from whom they had just stolen a Rolex watch. The dissent in the Court of Appeals opinion (which I will discuss more in the next paragraph) further described this brief confirmatory encounter: “The officers exited the van, called to defendants and both men stopped. Brown, who was out of breath, sat on the ground. Neither Brown nor Thomas was placed in handcuffs. After the victim identified both Brown and Thomas as the perpetrators, they were placed under arrest.”²⁴ The majority completely ignored that not only were the officers aware that Brown had committed prior criminal acts, they were acts specific to the exact area he was seen in previously, and then was seen running from.

In a 6-1 memorandum decision, the majority of the Court of Appeals dismissed the appeal for failure to fulfill the requirements of Criminal Procedure Law (CPL) §450.90(2)(a). The short explanation of this is that, as a general rule, only one level of appellate court can review and draw conclusions on both the law and the facts of the case. As a result, the Court of Appeals is prohibited, by the above section, from reviewing anything but decisions of law, or a combination of law and facts that are so closely tied together that the facts would have led to a reversal but for the decision of law. The dissenting judge felt the issue of what the minimum required to establish reasonable suspicion, is such a question of law, the Appellate Division erred as a matter of law, and that reasonable suspicion did exist here. Just to put this in perspective for the purposes of this article, only one, the dissent, of the seven judges on the Court of Appeals actually addressed the facts and the issue of whether reasonable suspicion existed. The other six merely concluded the appeal was not proper under the CPL.

Act in good faith and as reasonably as possible and never act with malice or out of anger. Treat people with respect and always testify to the truth, even though it may hurt your case.

We now need to address the implications of this case that originated on December 9, 2010. That morning, three officers made a quick decision based on all the facts and circumstances available to them. In the subsequent years, three levels of courts and judges have reviewed the decisions the officers made with the benefit of time. So let us do a quick count on how that came out. Three judges of the appellate decision ruled the decision made, and actions taken, by the officers were wrong. The Supreme Court judge, two members of the appellate division, and one dissenting Court of Appeals Judge concluded the officers’ actions were proper under the circumstances. The final six judges rendered no opinion on that particular issue. So the final score is four judges to three in favor of the officers’ actions. Of course that means nothing legally since all that really matters is the appellate division case was 3 – 2. But understand the implications of this. Even judges, with the luxury of time, cannot agree on what amounts to reasonable suspicion and what does not.

I could go on for pages further dissecting this case. Instead, I now go back to the question I posed earlier in this article: how can we, at our level in this process, while on the street in the midst of rapidly evolving situations, know for sure whether we did the right thing when even the courts cannot agree with each other? The answer is that we cannot, and I pursue this exercise to make it clear that we truly do work in a very gray area. It would be delusional for anyone to believe that the world of street encounters is full of black and white situations. The only advice that I can give is to know and respect the law to the best of your ability. Do your jobs, make the call and act without over analyzing a rapidly evolving situation. Act in good faith and as reasonably as possible and never act with malice or out of anger. Treat people with respect and always testify to the truth, even though it may hurt your case. If a court rules you should have made a different decision, then so be it. Understand that is the nature of the system. Try to learn from it and go back out and continue to do your job.

¹Explaining the complex liability issues involved here is beyond the scope of this article. Supervision is a complex and multifaceted responsibility. What would be considered clearly wrong is also beyond the scope of this article. Suffice it to say, however, that a reasonably trained police officer should have a pretty good idea of what is clearly wrong.

²115 A.D.3d 38 (1st Dept. 2014)

³115 A.D.3d 69 (1st Dept. 2014)

⁴People v. Brown, People v. Thomas, 2015 Slip Op. 02552 (2015), dissent by Pigott, J., quoted material from third paragraph of dissent.

A New Patrol Paradigm: Police Officers Carrying Naloxone (Narcan¹) and Reversing Overdoses

BY SGT. WILLIAM DOHERTY, FLORAL PARK POLICE DEPARTMENT



About the author: Sgt. Doherty was a police officer in the New York City Police Department from 1998-2000. He transferred to the Floral Park Police Department (Nassau County) in 2000 where he is currently a patrol supervisor and a certified General Topics Police Instructor. He was a New York State certified Emergency Medical Technician – Critical Care (EMT-CC) from 1997-2010. He is a 2007 graduate of Pace University School of Law and is admitted to practice law in the State of New York.

Sgt. William Doherty

INTRODUCTION

Police department responses to medical emergencies are nothing new to our field. Depending on the size of the police department, patrol officers may respond to hundreds or thousands of medical aided cases per year. Among the most frequent of these assignments is that of the “unconscious person.” Aided persons can become unconscious for a wide variety of reasons, and a common one is due to opioid overdose. Frequently police are first to arrive at the scene of an overdose. Sometimes, police will get there long before emergency medical services, depending on the service area.

According to the New York State Department of Health (NYSDOH), drug overdose deaths throughout the State have risen from 1,395 in 2010 to 1,848 in 2012—an increase of more than 30 percent.² Opioid painkillers were involved in 879 of these deaths in 2012.³ In 2012, heroin was involved in 478 of the State’s overdose deaths, an increase of over 180 percent from two years earlier.⁴

According to the New York State Attorney General’s office, 40 percent of overdose deaths nationwide are from overdoses of opioid painkillers.⁵ These drugs include oxycodone, hydrocodone and

“.....40 percent of overdose deaths nationwide are from overdoses of opioid painkillers.”

– NYS Attorney General’s Office

others that may be prescribed for lawful reasons. Sometimes the overdose is deliberate; sometimes the overdose is a tragic accident. Overdoses are also common with illicit drugs such as heroin. During the decade following the year 2000, heroin overdoses increased 55 percent.⁶ In New York State alone, 2,051 people died from a fatal opioid overdose in 2011. That statistic was twice the

number of fatal overdoses reported in 2004.⁷ New York City saw fatal heroin overdoses skyrocket 84 percent from 2010 to 2012.⁸

Police officers serve on the front lines of fatal overdoses. A poll of veteran police officers would be unlikely to find one who has never responded to an overdose where the aided person had either already died or was near death. One of the avenues through which police officers are able to combat fatal overdoses is by being equipped with an opioid antagonist drug called naloxone. Naloxone is an easy-to-administer medication that can be legally carried and administered by appropriately trained police officers in New York State.

As with many new, and untraditional tools available for police officers there are barriers to entry into the departmental cache of resources. Whether it is funding for the materials or funding for the necessary training, new initiatives may meet unintended resistance. The New York State Department of Health, working with the Division of Criminal Justice Services (DCJS), has undertaken efforts to overcome these barriers as has the New York State Attorney General’s office, through its Community Overdose Prevention (C.O.P.) program. Assistance of these state agencies, coupled with some innovative thinking on the part of police departments, has enabled our profession to play a larger role in saving the lives of these New Yorkers.

This article is meant solely to be a primer for the police executive who may be interested in this initiative. It is not meant to replace training in any of the topics herein. For complete information and training materials, the reader should refer to some of the sources listed below along with their local training academies, etc.

WHAT ARE OPIOIDS?

The term “opiate” is applied to any drug derived from the opium poppy. Morphine, codeine and heroin are examples of opiates. The term “opioid” is used to include these opiates as well as synthesized drugs which behave in the same way as opiates.⁹ These synthesized opioids include hydrocodone (Vicodin), oxycodone (OxyContin), oxymorphone hydrochloride (Opana), and many others.

The effects of opioids in the brain can be threefold: 1) they have an analgesic—or pain-killing—effect; this is generally why opioids are *prescribed*, 2) they create euphoria—or a feeling of being



Photo credit: pond5/Bialasiewicz

high; this is generally why opioids are *abused* and 3) opioids suppress the person's drive to breathe. The drugs will tell the brain that the person can breathe less than it normally would. This becomes a problem when prolonged exposure causes the brain to signal the body to stop breathing or to

breathe so little that the aided person becomes hypoxic (lacking oxygen in the blood system). A cascade effect results in brain damage, respiratory arrest, cardiac arrest and ultimately, death.

WHAT IS NALOXONE¹⁰?

Naloxone is a medication that has been used in hospitals and the pre-hospital emergency medical setting for more than 40 years. It is an opioid antagonist. This means that it works to block the effect of opioids on the brain.

If the reader can take a moment to hearken back to the days of high school or college biology class, something called "Receptor Theory" may help. Basically, when any substance, whether it is prescribed medicine or some unintentionally ingested substance, enters the bloodstream it seeks a receptor in the person's brain. If there is a perfect fit, the substance or medicine's effects begin to work. Opioids seek the receptor they are designed for and when they find them, the effects take hold. When an opioid antagonist is administered to an aided, that medicine (e.g. naloxone) literally *antagonizes* the opioid's bind with its particular brain receptors. The naloxone will bounce the opioid off the receptor, chemically speaking. A good way to think of this is that the naloxone "steals the parking space¹¹" of the opioid in the person's brain.

The next logical question for a police officer is: "How can an officer administer a medication such as naloxone if he or she is not a paramedic or other type of medical provider?" That answer will come in two parts, one practical and one legislative.

Naloxone is a medication that has been used in hospitals and the pre-hospital emergency medical setting for more than 40 years.

THE PRACTICAL ADMINISTRATION OF NALOXONE

Some background information may be in order. Generally speaking, naloxone would be administered intravenously (through a vein) using a catheter and needle. Other administration routes, some more technical and antiseptic, are available to the trained medical provider as well. These administration routes might be the right option when there is trauma present, or no venous access. However, these options are not available to a non-emergency medical certified responder. With the advent of nasal atomizers, that has changed. Naloxone can be provided to properly trained police officers in a kit that comes with what is called an atomizer.

The atomizer is a small conical piece of foam that fits in an aided person's nostril. Most drugs that can be administered intravenously can be administered intra-nasally. The septum between the nostrils, and the surfaces within the nasal passages, provides a medium through which a substance can effectively enter the bloodstream. Whether it is an illicit substance (e.g. snorting cocaine or heroin) or a worthy one such as naloxone, this is an easy route to the person's bloodstream. In the case of the police officer's naloxone atomizer, there is no sharp needle involved and no puncture into the victim's skin. The atomizer lessens the possibility of body substance exposure to the police officer. However, universal precautions such as latex gloves are always an imperative.

Intranasal administration of naloxone is also a relatively rapidly reacting entry into the aided person's bloodstream. The training regimen developed by DCJS directs police officers to spray about half of the vial of naloxone (approximately 1ml) into each nostril of the aided person. If all goes well, the drug should bring a person out of the overdose relatively soon. There are tactical considerations that are important as well. Remember that the officer who administered this life saving medication has broken the aided person's high and aids are sometimes combative afterward. Results tend to be quick, when the aided that has overdosed has not yet gone into cardiac arrest. However, police officers trained to use naloxone should also be trained in CPR and AED usage because they often go together in these situations. For a complete instructional guide, the reader is advised to visit the DCJS website where a training guide is available for download.

WHEN TO USE NALOXONE¹²

As stated above, opioids suppress a person's drive to breathe. The drugs will tell the brain that the person can breathe less than it normally would. This becomes a problem when prolonged exposure to the opioid causes the brain to signal the person to stop breathing or to breathe so little that the aided person becomes hypoxic (lacking oxygen in the blood system). A deadly cascade effect results: brain damage, respiratory arrest, cardiac arrest and, ultimately, death.

All public safety responses to an opioid overdose should include verification that EMS has been summoned. Intervention in an opioid overdose by public safety personnel does not supplant the role of EMS. It complements it by allowing for a timely, life-saving response prior to the arrival of EMS. However, EMS still must be called.

The DCJS training regimen suggests that when the trained police officer encounters an unconscious (or semi-conscious) aided and an opioid overdose is suspected, breathing status should immediately be assessed and a painful stimulus is in order. If the person is not responsive, rub the person's sternum in such a way as to wake them. Sometimes this sternum rub is sufficient to bring the aided person back to a responsive state. If that does not work and the person is breathing normally or rapidly, DCJS suggests that the aided person be turned on his or her side in the "recovery position" so as to maintain an open airway. The additional benefit of this is that if the aided person vomits his or her airway is less likely to be impaired or blocked as a result. If the aided person is breathing less than 10 times per minute and is unresponsive, naloxone should be administered. If the aided person is unresponsive and is not breathing or is gasping, naloxone should be administered and CPR should be initiated¹³.

If administered timely, naloxone can save the life of an aided person who has overdosed on opioids. However, if the person has overdosed on another substance that has caused them to stop breathing, naloxone is not likely to harm them¹⁴. Additionally, the

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True Blue

Chief John Brogan encourages officers to 'take the extra step'

Chief John Brogan retired on January 31 after 38 years in law enforcement. Brogan served as a member of the Association's Board of Governors. We congratulate John and wish him well in his retirement. In celebration of his years of service, we found a great article published by The Scarsdale Inquirer in 2013 which recaps John's career and exemplifies his ethics, style and personality. Our thanks to The Scarsdale Inquirer for sharing this story.



John Brogan

BY: ILENE NECHAMKIN, THE SCARSDALE INQUIRER

A while ago, a Scarsdale police officer assigned to post 4, the village center, found a key ring with a remote fob left on a parking meter in the course of his downtown patrol. Also attached was a loyalty tag from a local business. The officer went to the store and asked a cashier to scan the barcode to identify the keys' owner. Then he telephoned her to report that the keys had been found — and offered to drive over to her Edgewood house and personally return them.

This isn't a story about a policeman's remarkable sleuthing or ingenuity. It's about the level of concern and service that Scarsdale Police Department chief John Brogan asks of the 41 men and three women in the police department. Anyone who skims the police report in these pages is aware of the untraditional, even unlikely, services asked of the police. Residents call for assistance when the microwave oven isn't working, when a son or daughter won't do homework or go to school or stays out too late, or when they don't remember exactly where they parked their car.

Brogan likes his officers "to take that extra step." On Feb. 25, for example, a patrol helped a woman catch her dog — it had been scared by the low-battery beep of a carbon monoxide alarm — and then helped her replace the batteries.

"All policing is local and what's important is daily life," Brogan said during a recent interview at his office in the new public safety building. The dispatch radio broadcast from speakers throughout the hour or so. Brogan religiously reads the local papers and gets a sense of what's happening. "All issues are cross-jurisdictional," he explained.

He was recently elected president of the Westchester County Chiefs of Police Association, a group of 42 chiefs, FBI and Secret Service agents-in-charge, and representatives from the NYPD, transit authority and Environmental Protection Agency that meets monthly "to discuss crime trends, best practices and common solutions," he said.

Brogan, who joined the police department 35 years ago, will mark his 11th anniversary as chief May 13. He took the top chief job eight months after 9/11 — "There's a tradition of promoting from within," he said — when concern over law and order, security and safety had heightened. The public had a renewed appreciation, if not affection, for the police, and gratitude for first responders in general.

"I took over from a very progressive chief of police," Donald Ferraro, Brogan said; Ferraro had a master's in social work and a professorial mien. He'd steered the department through the qualification process for state and national accreditation, and left in place "a solid set of policies and procedures, and a department that was very well equipped," Brogan said.

Unlike his predecessor and, he said, "most Westchester County chiefs of police," who favor suits and jackets, Brogan is frequently seen in uniform, looking more patrol than chief. He's a very young-looking 60 year old. "I wrote down in my transitional plan to wear my uniform at least once a week," he said, for a variety of reasons: "I want the public to know that the police chief is out in the community. I take pride in my uniform and profession. And it's a visible display to my officers. I think it creates an important presence in the community — and in the department."

He's proud of the department, too. "I call the trustees when they're appointed commissioner of police to let them know that they're going to get complaints, four or five a year, about rudeness. But that's it. No scandals, or brutality, corruption or constitutionality." The inevitable complaints "are minor compared to what you read about in the newspapers. It's a well-run, well-disciplined organization. That's the tenor that's established here."

Brogan grew up "200 yards from the 45th Precinct House" of the New York City Police, or Throgs Neck, Bronx. His father was a fireman for the city, and an uncle and a brother were policemen with the city. After graduating from college in 1974, Brogan enrolled at the city police academy "and always envisioned becoming part of the NYPD." But it was the mid-'70s, the Carter years, and police departments were laying off staff and not hiring, he said. He worked for the state park police for a while, then for the City of Newburgh Police, where he was laid off, hired back and laid off again. He came to Scarsdale in February of 1978 when a job in a neighboring village fell through; he's served as a patrol officer, communications sergeant, patrol sergeant, deputy patrol section commander and patrol section commander.

"I learned policing in Scarsdale," he said. "Our success is not dictated by the numbers, whether of arrests or summonses issued."

Brogan said, "A citizen survey assessment and anecdotal feedback from the police commissioner" showed a high level of

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Preparing for the Future in U.S. Policing

Six Steps to Police Transformation



Jody Weis

About the author: Jody Weis is a senior innovation executive with Accenture, a global management consulting and technology services company, that helps law enforcement and public service agencies improve operations, information management and citizen engagement. Prior to joining Accenture, Mr. Weis served as the Superintendent of Police of the Chicago Police Department, North America's second largest police agency. In this role, he led more than 13,000 sworn officers and

helped the department implement new crime fighting strategies and technologies to achieve the city's lowest homicide rate in 45 years in 2010. Before joining the Chicago Police Department, Mr. Weis spent 23 years in the Federal Bureau of Investigation (FBI), moving through various roles. Most recently, he held the position of Special Agent in Charge (SAC) for the Philadelphia Field Office, where he oversaw one of the FBI's largest field operations. Prior to that, he worked for the FBI in six cities, assuming roles of increasing responsibility, from Special Agent through Deputy Assistant Director, supervising programs to address terrorism, violent crime, narcotics, organized crime, major gangs, and more. Mr. Weis is a frequent guest commentator on public safety matters for local and national media, and also lectures at Loyola University of Chicago, and Northwestern University's School of Continuing Studies. He received his bachelor's degree from the University of Tampa.

For police agencies everywhere, the principles of maintaining law and order and protecting public safety remain the same. But the environment in which this mandate is carried out is changing dynamically.

The findings of a recent Accenture study which included a series of in-depth interviews with 20 senior police leaders from across the U.S.¹, found that most forces share common challenges and goals. And in this era of disruption, most agencies are rapidly moving to build new capacity to adapt, innovate and transform to meet the evolving challenges in law enforcement. Our study identified three core trends that are driving change in policing:

- Budget pressures and evolving threats to community safety, are forcing agencies to look for new operating and organizational models that improve use of resources, increase speed and efficiency in the delivery of services, and support greater collaboration.
- Rising citizen expectations around access to police services and information, transparency and accountability, and a desire to collaborate more in reducing crime through community policing programs, are requiring police to engage with citizens in new and cost-effective ways and reshape their organization's mission and culture to adapt to changing societal demands.

- Crime is increasingly more sophisticated, organized and complex, requiring police agencies to develop new strategies and harness an array of technologies that can support intelligence-led policing, leveraging digital tools from mobile to surveillance, data-rich networks and analytics to proactively fight crime, while carefully balancing individual privacy and civil liberties.

PREPARING FOR THE FUTURE

While there is no “silver bullet” solution, Accenture's recent study among senior police leaders in the U.S. identified six steps police forces can take to help them address these challenges, embracing operational, organizational and technological change to build a foundation for the future:

STEP 1. ENGAGE CITIZENS:

Police services must embrace a range of communications channels that enable interaction with citizens in new, dynamic, personalized and cost effective ways. Citizen engagement should be online, social as well as face-to-face, and underpinned by trust. Empowered by technology, particularly social media, citizens want to participate more actively in assisting law enforcement agencies, and are looking for increased information sharing. A 2014 Accenture survey of 2,000 U.S. citizens² found that they specifically want their police forces to provide new ways to report crime (91 percent), increase information sharing on police services (92 percent), and to collaborate with citizens through community policing programs (91 percent). And most citizens (86%) want more police services available online, while 71% want to see improvement in mobile access to services and police information. A majority of citizens (70%) also say they would like to use digital communications to interact with police and believe it will increase police effectiveness.

Police departments have answered this call and have generally embraced digital communications, especially websites and social media. But most chiefs also acknowledge that they are just beginning to take advantage of all the opportunities digital to mobile channels present, from improving crime reporting, increasing information sharing, more efficiently disseminating news and providing access to services, to developing more effective partnerships with citizens, as well as helping to build public trust in police. Digital tools also allow police to reach more audiences, “We realize the younger generation(s), this is the way they communicate, so we want to make sure that we establish those means, so that we can stay in touch with the community,” according to one police chief interviewed.

STEP 2. EMPOWER POLICE OFFICERS:

Police investigations rely on accurate and timely information. Officers need to be empowered with real-time access to information that is available when and where needed, and presented in an intuitive, interactive and predictive way, to achieve operational benefits and fiscal savings. U.S. police leaders are now investing in new technologies, ranging from mobile computing devices to

real-time crime centers, analytics software, body-worn cameras, information sharing systems and more, to improve investigations, productivity, and information sharing. As one police chief noted, *“We’ve seen arrests increase. We’ve seen cases being cleared faster. We’re seeing suspects that are being caught quicker. It’s helping a lot. It’s helping us to do our jobs much faster and efficiently.”*

STEP 3. OPTIMIZE WAYS OF WORKING:

Embracing operational and organization change, along with new technologies, police departments can better utilize resources, lower the cost of providing and delivering services, and support efficiency gains to address future demands. Re-evaluating resource planning and importantly, demand management, allows police agencies to make the best use of their assets and re-allocate officers to areas where they are most needed.

By using predictive modeling to align resources to demands, agencies can not only react in real-time, but also proactively adapt their organizations to make greatest use of their officers—their most expensive and valuable asset. Implementing new tools that support an integrated information management approach, and help to automate administrative work processes, can also optimize workflows, and create new efficiencies across operations and investigations, to increase productivity and results.

Many agencies are also moving to use data tools and systems to better evaluate performance, looking not just at organizational data, such as calls handled, response times, but even individual performance. As an example, one police leader explained, *“Every single officer’s performance is measured against a strategic plan, and the vision and values of the department. That’s a weekly process, and it’s dynamic . . . It’s all based on dynamic data, and what it’s doing to meet our goals. So I think the fact that we have a very robust analysis unit, and weekly meetings to hold everybody accountable, even down to the officer level, makes a difference.”*

STEP 4. PREDICT AND IMPROVE SERVICES THROUGH ANALYTICS:

Analytics is a critical part of a new wave of technologies that lie at the heart of real-time intelligence. The goal is to better equip police officers to fight crime and optimize investigations, using high-quality data and automated analytics processes to better predict and respond to crime trends and patterns. A majority of U.S. police departments already use data analytics to support crime fighting, but the level of sophistication, tools and resources applied to analytics varies. Most often this is affected by budget limitations, the challenge of determining how to get the most from your data, identifying the right technology solutions, and ensuring all information resources are seamlessly joined to leverage data-rich networks.

But the use of predictive analytics, especially systems that

incorporate social factors and local demographics, can play a significant role in enhancing the intelligence-led law enforcement that will help police anticipate crime, tackle chronic recidivism and manage risk more effectively. And some forces are using data analytics to effectively predict crime hotspots and implement proactive crime-fighting strategies, which in turn, can help boost citizen satisfaction.

As one police leader summarized the benefit of analytics: *“It’s . . . helped us better understand what’s taking place, and if you understand what’s taking place, it makes it easier to develop strategies to deal with it.”*

STEP 5. ENHANCE COLLABORATION:

Now more than ever, police forces need to cooperate with each other both regionally, nationally, and even internationally. As well, collaboration needs to encompass more than just fellow police officers to be truly effective. The private sector, other public service organizations, and, of course, citizens themselves—are all sources of information that could be important to a criminal investigation and need to be drawn into a collective effort to fight crime, led by the police.

Our study showed that Police chiefs agree that there are myriad benefits to collaborating with other public safety organizations, particularly in their region, including increasing available resources, access to training, equipment, and thereby, improved effectiveness and cost-efficiency. *“We now understand that in order to be successful, the collaboration has to be not a move of last resort, but the first move we make,”* said one police leader.

STEP 6. PROACTIVELY MANAGE CHANGE:

U.S. police forces must equip police leaders to manage and implement change effectively across their organization, now and into the future. By fostering a climate of change, police leaders can help their organizations understand and accept new ways of working, roles and identities, as well as new technologies. Further, focusing on communications, education and skills-development programs to manage and guide change, can reinforce learning, engage stakeholders and ensure successful adoption of new tools, structures and processes to support individual and organizational performance.

In a time of unprecedented change, police organizations have a unique opportunity to transform. Considering these six steps, police services can adapt and evolve their operations and organizations to better predict and respond to crime, utilize resources, improve policing strategies, engage and serve citizens, and prepare for the future of public safety.

¹Source: Accenture online survey of 2,000 citizens across the United States, conducted by Penn Schoen Berland, September 2014.

²Source: Accenture qualitative telephone interview survey of 20 senior police leaders across the United States, conducted by Penn Schoen Berland, November 2014.



**DO YOU HAVE
AN INNOVATIVE PROGRAM?**

editor@nychiefs.org

Controversy about residency laws and sex offenders resolved. For now.

BY CHIEF/RET. MARK A. SPAWN, DIRECTOR OF RESEARCH, DEVELOPMENT AND TRAINING,
NEW YORK STATE ASSN. OF CHIEFS OF POLICE

New York Court of Appeals Rules

On February 17, 2015 the New York State Court of Appeals decided the case of *People v. Michael Diack*¹, and ruled that state statutes regulating sex offenders preempts local law residency restrictions. The case stemmed from a Nassau County local law which prohibited registered sex offenders from residing within 1,000 feet of a school. The Court acknowledged that local laws such as Nassau County's were popular, citing, "That such laws are proliferating at an accelerated rate is hardly surprising, given the significant interest involved, namely, the protection of children from sex offenders." In striking down the Nassau County local law, the Court reasoned, "Local governments have, understandably, relied on their police power in furthering that interest. But a local government's police power is not absolute."²



Photo credit: pond5/zimmytws

New York's Sex Offender Registration Act

When New York State's Sex Offender Registration Act took effect in 1996, a system of risk levels and community notification was established. The law evolved over the years with added requirements for offenders attending, residing or registering at institutions of higher education; notification of Internet and social media accounts; and regular updating of Registry photographs. Violations of the law began as misdemeanors for first offenses and felonies for subsequent offenses. Today, almost all offenses are felonies – even for first offenses. More than ever, comprehensive sex offender information was readily available to law enforcement and the public as offenders entered and moved about the community.

Evolution of Residency Restrictions

It became popular for jurisdictions in New York and in other states to enact local laws restricting where sex offenders could reside. Typically, local laws would prohibit sex offenders from residing within a specified distance from schools, parks, playgrounds,

churches, libraries and other public places. Some laws prohibited offenders from living near places where children congregate, and others included day care centers. The Village of Massapequa Park prohibited a registered sex offender from residing within a one mile radius of any school or park; Suffolk County law prohibited registered sex offenders from residing within a quarter mile of ...any school, daycare center, playground or amusement park; Rensselaer County prohibited level 2 and 3 sex offenders from residing within 2,000 feet of a school or childcare facility; Albany County prohibited level 2 and 3 sex offenders from residing within 1,000 feet of a school or childcare facility; Rockland County prohibited sex offenders from residing, working or loitering within 1,000 feet of a school, childcare facility, playground, youth center or public swimming pool.³

It is easy to understand the political popularity of these regulations. The Court of Appeals even noted in its decision that the prevalence of local laws was, "hardly surprising"⁴. The public often envisions sex offenders as the predatory, stalking, rapist. But this profile is not typical of the majority of registered sex offenders. For those working in law enforcement, corrections, and community supervision, we understand both the public perception and the reality.

As of March 9, 2015 in New York State, there were 38,213 sex offenders registered: 14,779 Level 1 (low risk), 13,378 Level 2 (moderate risk), and 9,264 Level 3 (high risk) offenders. Another 792 were pending risk assessment. Of the total registered offenders, over 4,000 were listed as incarcerated, with the Level 3 offenders representing the largest category for the incarcerated group.⁵ The number of registered offenders has grown since the inception of the Registry, with new registrations exceeding those that are removed for cause, by death, or transfer to another jurisdiction.

Local Residency Laws

In 2008, the New York State Association of Chiefs of Police conducted a nonscientific survey of member agencies on sex offender residency laws⁶. Of 71 responding agencies, 25 stated that their jurisdiction had a residency law; 42 did not; and 4 did not but were having active discussions about the development of such a law. For the agencies that said they had a residency law, 18 said that the law was regularly enforced, 2 said it was occasionally enforced, 2 said it was seldom enforced, and 3 said it was never enforced. The same group was asked if there had been any legal challenges to their residency law. 3 said that the law was upheld (local and county courts), 3 said litigation was pending, 5 had other comments, and none said their law had been declared unconstitutional. The survey asked whether the local laws were based upon risk levels of offenders – 17 indicated yes, 9 replied no, and 3 were listed as unknown. Respondents were able to enter comments with their answers. Those comments provided a unique perspective on the state of residency restrictions for sex offenders. One respondent stated, "Our law was enacted due to (adjoining) county enacting a law and law enforcement officials were not consulted or interviewed for their views." Another respondent

Even without residency restrictions, we in law enforcement are monitoring this offender group better than many other categories of offender.

commented, “Problems have developed finding housing outside of the 1000’ restriction”, and another said, “Local law enacted due to public misinformation.” Other comments spoke about the then-unanswered question of constitutionality of some laws, and preemption by the state (ultimately addressed in *People v. Diack*).

Efficacy of Residency Laws

I traveled extensively with the New York State Office of Sex Offender Management providing training to law enforcement and community supervision professionals throughout the state. I also had the opportunity to work with the International Association of Chiefs of Police on the Sex Offender Management Treatment and Technical Assistance project. Classroom and off-line discussion was very interesting, particularly on the topic of residency laws. And I think that the public would have learned a lot from listening to police officers, parole and probations officers, including command and line staff, about the effects of such laws. It was practically a universal opinion from these practitioners that residency laws were counterproductive. Common to today’s best practices, sex offenders are routinely subject to specialized terms and conditions of supervision (i.e., mandatory participation in sex offender-specific treatment; no possession of videotapes, film, cameras, pornography; no adult book stores, adult-oriented materials or erotica; cannot frequent places where children congregate; no



Photo credit: pond5/alarish

residence “specifically” or “tangentially” that it was an area open to local police power.⁸ Within that philosophy, many municipalities enacted legislation restricting where sex offenders could live. The opposing perspective was that the state did not delegate the option of residency laws to local jurisdictions, and that the absence of such regulation was intentional. This debate continued for several years, and while there had been challenges in the lower courts, a case had not reached our state’s highest court. That was until the case of *People v. Diack*. The Court of Appeals said, “...it is clear from the State’s continuing regulation with respect to identification and monitoring of registered sex offender that it’s ‘purpose and design’ is to preempt the subject of sex offender residency restriction legislation and to ‘occupy the entire field’ so as to prohibit local governments from doing so...”⁹

Informing Our Communities about Sex Offenders

We need to do a good job in the way we inform our communities about sex offenders as well as how we manage them from their original registration, address verification, and regular monitoring. Any restriction on this group will generally be met with approval by the public at large. Our corrections system aims to set offenders up for success with gainful employment, positive relationships, rules of conduct while under probation or parole, and a safe and positive living arrangement. When we place unreasonable or irrational restrictions on offenders, we are setting them up for failure. These restrictions often result in offenders being relegated to a menial job, forced to live in substandard housing miles from friends, services or support. You may have heard accounts of sex offender colonies in Florida where several lived beneath a bridge; or the Ohio registry listing offenders living in cars. In those examples, the offenders are complying with the law. But for others, they may simply reside where they want, and thus, many will stop registering or will register fictitious addresses.

Problems with Local Laws

While most local laws dictated that sex offenders *could not reside* near schools, parks, playgrounds, daycare centers, amusement parks, etc., these laws did not generally prohibit an offender’s *presence*. But there were some laws such as Rockland County’s, which prohibited offenders from residing, working or loitering within 1,000 feet of designated areas.

One of the general terms and conditions for community supervision of persons under parole or probation supervision is prohibition of fraternization with other sex offenders. But in some localities, clustering has occurred because of the difficulties in

Our corrections system aims to set offenders up for success with gainful employment, positive relationships, rules of conduct while under probation or parole, and a safe and positive living arrangement.

contact with victims/families; full and appropriate dress when in public view; etc.).⁷

Even without residency restrictions, we in law enforcement are monitoring this offender group better than many other categories of offender (particularly because even after their term of supervision has ended, they are required to register for extended periods). I recall discussion with detectives from a large downstate area where one county had implemented a residency restriction that resulted in many offenders moving to the neighboring county. As the story goes, the neighboring county, not necessarily wanting a residency law, enacted their own because of the influx of offenders and the impact on public assistance and subsidized housing.

The Philosophy of Home Rule for Residency Restriction

Enacting strict and restrictive legislation for sex offenders is not difficult. At public hearings you won’t find much support for offenders, though you may hear from groups concerned about the civil liberties aspect of such legislation. The legal debate on this topic suggested that, because the state did not regulate

finding appropriate housing. And if New York's more than 38,000 sex offenders were all subject to restrictions which effectively relegate them to rural areas, how will that impact their ability to be gainfully employed? Their proximity to counselling services? And the ability of parole and probation officers to adequately supervise them?

Some local laws did provide for different regulations depending on the risk level of the offenders. But what about the offenders whose status is 'pending'?

What is the state law concerning residency of sex offenders?

When Level 3 sex offenders or those whose victims were under age 18, are placed on probation, conditional release or parole they are prohibited from entering school grounds¹⁰ or other institutions primarily used for the care or treatment of persons under the age of eighteen while one or more of such persons under the age of eighteen are present (see full subsection for certain exceptions)¹¹. Because the language in the definition of school grounds includes a 1000 foot boundary, the Court of Appeals noted, "The practical effect is that any sex offender who is subject to the school grounds mandatory condition is unable to reside within 1000' of a school facility..."¹²

What's next?

While our state's highest court has now ruled on the issue of residency under our current laws, bills have been introduced in

the state legislature concerning residency for sex offenders. It is not unusual that bills are introduced each year in the Senate and Assembly to more strictly govern a variety of issues concerning sex offenders. But in the wake of the Court of Appeals decision, it will be worth watching to see what happens in the realm of residency legislation. As mentioned before, this is an area with overwhelming popularity by elected officials and their constituents. While our justice system tries to employ alternatives to incarceration and to provide for successful re-entry for those who are coming out of prison and jail, what we do with this special population will likely drive their success – or failure.

¹⁰People v. Diack, 24 N.Y.3d 674 (2015)

¹¹Id., at 676-677

¹²Id., at 677, FN 1

¹³Id., at 677

¹⁴Division of Criminal Justice Services, Sex Offender Registry; http://www.criminaljustice.ny.gov/nsor/stats_by_county.htm; March 9, 2015

¹⁵Survey; New York State Association of Chiefs of Police; 2008

¹⁶Community Supervision of the Sex Offender: An Overview of Current and Promising Practices; January 2000; Center for Sex Offender Management; <http://www.csom.org/pubs/supervision2.html>; last accessed on April 15, 2015

¹⁷Diack, supra, at 679-680.

¹⁸Id., at 680.

¹⁹School grounds as defined under NYS Penal Law §220.00(14)

²⁰See NYS Penal Law §65.10 (4-a)(a) and NYS Executive Law §259-c (14)

²¹Diack, supra, at 682

Obituary:

Chief Lawrence A. Hoffman, Jr.

HOFFMAN, Lawrence A., Jr. February 25, at age 89. Beloved husband of Susan L. (nee Liebold) Hoffman and the late Arlene M. (nee White) Hoffman; dearest father of Merry (Robert) Liles, Lawrence III (Ruth), Garry Hoffman and Jane (Dan) Gerwitz; loving grandfather of 9 grandchildren, 14 great grandchildren, and a great great grandson; dear brother of William (Alice) Hoffman and the late Betty (Gary) Eldridge. Mr. Hoffman was a retired Police Chief with the Town of Tonawanda with 36 years of service and a U.S. Navy Veteran of WW II. He also took part in an "Honor Flight" in June of 2014 to attend the WW II Veterans Memorial in Washington, DC. A Memorial Service will be held in May on a date and time to be announced. Memorials may be made to "Honor Flight Buffalo" at P.O. Box 338, Buffalo NY 14223 or at honorflight.org or the Roswell Park Alliance Foundation. Arrangements by the (Tonawanda Chapel) AMIGONE FUNERAL HOME INC. Thanks to Chief Uschold (Tonawanda PD) for providing the picture of Chief Hoffman as a new patrolman; Hired 1/16/49, retired 8/29/85.



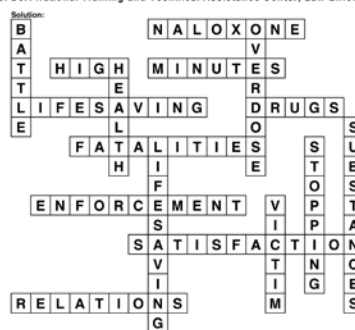
*Lawrence Hoffman
as a Patrolman in 1949*

PUZZLE ON PAGE 6

Crossword Puzzle Solution

Opioid Overdose and Naloxone

Source: BJA National Training and Technical Assistance Center; Law Enforcement Naloxone Toolkit



satisfaction with the police department. “Our officers respond and take the time to deal with quality of life issues. Of course we have felony arrests and serious assaults and other crimes, but we take the time to help, to go that extra step, like with the car keys.”

“Police contact is adversarial by nature,” he said, “and we don’t generally see people at their best. The department issues 3,500 to 4,000 moving violations a year, 22- or 23,000 parking tickets. Without traditional policing, we’d regress to anarchy. But in the nonadversarial contacts, we are excellent.”

Personnel

Before he was promoted to chief, he attended the FBI National Academy in Quantico, along “with 250 law enforcement officers from every state and 13 or 14 foreign countries, a time to mingle, share stories and create a network.”

Back in Scarsdale, “I’ve been blessed with a smart, talented command staff and tremendous officers. Most are college graduates and they all have the talent and ability to do local suburban policing,” he said.

He’s become “much more involved with the community.” He was president of the Rotary Club in 2009; he’s met business owners, school board members, the countless volunteers on the various village and district committees and neighborhood associations.

All the police officers who worked for the village when he became chief have been promoted, and he’s hired the entire patrol force, an exhaustive procedure that involves culling from civil service lists, giving a minimum of two interviews, and review of physical and psychological evaluations. The entire command staff must weigh in on and approve a new recruit, Brogan said. “We probably have the most diverse department of any similar community,” he said. “The community is 97 percent white if you check the census, and we’re 33 percent minorities.” Five officers are fluent in Spanish, five are black and three are women. “I’m looking to increase the number of women,” he said, “but, of course, my priority is to hire quality officers.” He said that about one in 25 candidates considered actually made the cut.

All the recent new hires are college grads, he said; three are starting second careers. One recruit was a starting linebacker at the University of Buffalo, one came from the NYPD domestic violence unit, one worked at an aircraft company, another was a food salesman and the fifth had worked in environmental planning.

Among the innovations of his tenure is an orientation program for new policemen that starts “from Day 1,” he said. “We tell them what policing is going to mean, how it’s going to affect their families, when they’re working nights, weekends and holidays. Then we speak of the specific type of policing in Scarsdale. We give as much information as we can to make sure it’s a good fit. This isn’t an urban environment.”

Chief

Brogan reviewed his accomplishments over the past 11 years.

The multimillion dollar public safety building was built and he oversaw the department’s temporary relocation to the public works facility on Secor Road, and its return to Post Road, without an interruption in service. The new building provides facilities for women — before a restroom doubled as a locker room — a firing range and gym.

He’s also introduced a school walk-through program, initially at the high and middle school, but recently expanded to the five elementary schools, Kids’ BASE and Immaculate Heart of Mary School, providing “a nonadversarial police presence.” The police hit a school “almost every day,” Brogan said. He checked the computer. “Yesterday, we visited three schools.”

Since the Newtown tragedy, Brogan has developed a closer relationship with school administrators, in particular, schools superintendent Dr. Michael McGill. He’s met with administrators and building principals — the first meeting was within 24 hours of the shooting — to discuss appropriate remedial efforts.

He organized a team of police officers from the command level and a patrol division was formed to create a plan for dealing with school violence, Brogan said, and meet once a month.

And for the first time, the department sponsored a five-week teen police academy in collaboration with the Scarsdale Teen Center.

There are three police shifts every day, 7 a.m. to 3 p.m., 3 to 11 p.m. and 11 p.m. to 7 a.m. Each shift begins with a “turnout” (like on TV) when, Brogan explained, “the first line supervisor turns out the working tour.” He rarely attends, but “when a guy has done great work, I stop by and say, ‘well done.’ The detectives do the same thing,” Brogan said. “There’s no substitute for personal contact.”

Other changes Brogan introduced are not novel — barcoding evidence, special uniforms for the honor guard, increased involvement with the teen center and a command center — but they signify a police chief concerned with his officers’ sense of identity, their efficiency and their connection to the community.

Terrorism

The phrase is tired, but true: 9/11 changed the world, or at least our perception of it, and began the search for what Brogan calls “a balance between personal freedom and security.” By way of example, he cites the resistance to and criticism of TSA procedures at airports, which waxes and wanes according to the national mood.

Brogan believes that the U.S. infrastructure is “so vast” that it’s difficult to attack. But it’s easy to profoundly affect “people’s sense of well-being and security.” The recent bombing in Boston was successful in that regard, he said: It didn’t physically destroy very much, but people felt vulnerable and imperiled. (9/11 was successful on both counts.)

But the country has been relatively safe, he said. Brogan attended an anti-terrorism workshop sponsored by the Anti-Defamation League and was struck by the experience of one Israeli general. “He said that in the U.S., we close a site for weeks on end, it’s on the news nonstop, and the population is bombarded with images. They don’t have that luxury in Israel. When there’s an incident, authorities move in to terminate the threat, clean up and move on. Life goes on.”

He said that in 2005, there were 28 attacks in that general’s district. “We’ve now had two attacks in this country since 2001, 9/11 and Boston.”

Almost immediately after the marathon explosions, he said, the Scarsdale police went into higher alert, “increasing checks at the train station and religious institutions, schools and government places.”

The heightened presence of the police provoked no ill will. “As events happen, our sense of security declines. People are willing to forego personal freedom to regain that sense,” he said. “Two oceans separate us from the rest of the world, but it’s coming to this country. Terrorism is a global threat.”

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early administration of CPR in the proper circumstances has saved countless lives.

LEGISLATIVE FRAMEWORK

Although naloxone is not a controlled drug, it does require a prescription or order be in place for it to be provided. This is no different than for any other prescription medication. As such, a legislative avenue to get this invaluable tool into the hands of non-traditional healthcare providers (such as police officers on patrol) was necessary.

The New York State legislature found that “prescriptions for opioids, particularly oxycodone and hydrocodone have skyrocketed.”¹⁵ Additionally, citing the Centers for Disease Control and Prevention’s statistics, the legislature reported that every 19 minutes someone overdoses, either intentionally or accidentally, in the United States.¹⁶ They also reported that because heroin has become cheaper than prescription opioids, “heroin addiction has increased fourfold since 2011.”¹⁷

In 2006, New York State’s Opioid Overdose Law (Public Health Law Section 3309) went into effect which implicitly permitted the prescribing of naloxone to non-medical individuals, including police officers, who were potential witnesses to an opioid overdose. This prescribing was done solely through opioid overdose programs which registered with the State Health Department pursuant to 10 NYCRR 80.138. In June of 2014, the New York State legislature enacted bill number S6477B-2013, which was signed into law as Chapter 42 of the Laws of 2014 by Governor Cuomo. This bill amended New York State Public Health Law §3309¹⁸ to allow, among other things, non-patient specific prescriptions for the opioid antagonist naloxone. This important change allows prescribers—who must still be affiliated with registered overdose programs—to issue a standing order which covers all trained personnel within a police department. The standing order may also delegate to a General Topics Police Instructor or another non-medical person the role of actually furnishing the naloxone to one’s colleagues.

Among other pertinent highlights of this law are the ability of local and state agencies such as police departments to participate in opioid prevention programs, the ability of public safety officers to carry and dispense naloxone, non-patient specific prescriptions for naloxone to be issued to organizations or agencies and agency-wide sharing of naloxone for officers under the “common organizational or workforce bond” requirement of the implementing rules.¹⁹

The importance of the non-patient specific prescription availability should be understood. This allows participating agencies to provide their naloxone-trained officers with shared access to naloxone kits. The naloxone kits are dispensed to the participating agency, which then permits the officers to have access and use of the naloxone kits. The practical advantage of this, according to DCJS, is that a department might choose to equip their patrol cars with a naloxone kit, rather than requiring each individual officer to carry his or her own.²⁰

The 2014 changes to the regulations expanded the entities eligible to maintain their own registered opioid overdose programs. A public safety agency may now register with the State Health Department.²¹ A public safety agency, however, does not need to become a registered program in order for its personnel to be trained and provisioned with naloxone. It may choose instead to work with a local registered program—perhaps a county health department, a drug treatment program, another law enforcement agency—and have its officers trained through that program.

THE GOOD SAMARITAN LAW ANEW

This information is particularly pertinent to police officers who may encounter a drug overdose or someone who has sought aid. “[P]ursuant to Chapter 154 of the Laws of 2011, a person who

in good faith seeks care for himself or another... and who is experiencing a drug or alcohol overdose or other life threatening medical emergency, shall not be charged or prosecuted for a controlled substance or marijuana offense, or possession of alcohol or drug paraphernalia...” if the contraband substance came to the attention of the police while the person was seeking or receiving health care.²² This covers someone on whose behalf a good faith request for aid is made as well. Basically, if the police officer responds because someone called for help (whether it is someone in the room, or the actual aided person him or herself) the police should not make a drug-related arrest of either party even if there are drugs or paraphernalia present. The motivation behind these changes was that the state wants to encourage people who may be suffering overdoses or problematic medical reactions to drugs (or witnessing someone else suffering from them) to call for help rather than refrain from seeking help out of fear of arrest and prosecution. These protections do not apply to possession offenses at the A-1 felony level.²³ These protections also do not apply to situations where drugs are provided for sale “for consideration or other benefit or gain.”²⁴

NEW YORK STATE DEPARTMENT OF HEALTH’S REGISTERED OPIOID OVERDOSE PROGRAMS²⁵

There are more than 200 opioid overdose prevention programs throughout the State registered with the Department of Health. A growing number of these are law enforcement agencies or other eligible organizations that are willing to work with public safety agencies for purposes of supporting their overdose efforts. The Department of Health provides naloxone at no cost to registered programs. A link to the online directory of current programs may be found at www.health.ny.gov/overdose.

NYSDOH has worked closely with DCJS, the Harm Reduction Coalition and the Albany Medical Center in the development of the DCJS-authorized overdose curriculum, which takes approximately 60 to 90 minutes to deliver. These partners also rolled out a series of regional trainings, most of which use a train-the-trainer approach so that General Topics Police Instructors could provide the bulk of the overdose training going forward.



Photo credit: pond5/CandyBoxImages

THE NEW YORK STATE ATTORNEY GENERAL COMMUNITY OVERDOSE PREVENTION (C.O.P.) PROGRAM

The Attorney General’s C.O.P. program offered funding to reimburse police departments for training costs (both manpower costs and materials costs) if the departments participated in the program.²⁶ The program allowed participating departments to be

A NEW PATROL PARADIGM, continued on Page 25

2015 ANNUAL TRAINING CONFERENCE



SUPERIOR TRAINING FOR TODAY'S POLICE EXECUTIVES

The New York State Association of Chiefs of Police has been providing the latest in training, innovation and procedure since 1901. From the evolution of the traffic signal to the advent of DNA, New York's law enforcement community has had a voice in the debate and development of our justice system for more than 100 years. The annual conference has been an institution of our Association since the



Dep. Comm. John Miller
NYPD

beginning, bringing together like-minded leaders representing jurisdictions of all sizes. Representatives from the state's largest and smallest communities share similar concerns, and our training agenda strives to fill the needs of all members. This year is no exception – we will be discussing a variety of issues including technology, body-worn video, facial recognition, current legal issues, officer-involved shootings, officer safety and wellness, professional development, and more. We are joined by premiere exhibitors showcasing the latest in technology, products and software. These supporters are available to answer your questions about their products and services all of which aim to make your job easier.

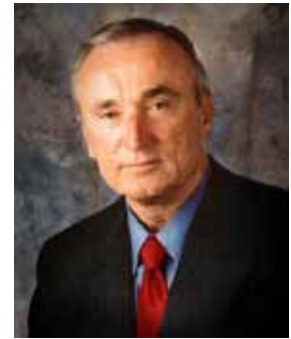
This year's agenda is packed with high profile presenters. On opening day we are honored to have NYPD Commissioner William Bratton and Deputy Commissioner John Miller as our scheduled keynote presenters. Well known attorney Eric Daigle



Dr. Harvey Kushner

joins Chief Michael Ranalli, Esq. on our second day with relevant discussion on contemporary legal issues facing police throughout the nation. Dr. Harvey Kushner joins us on Wednesday to talk about counterterrorism, using current events to orient our members about current threats and what it means to local police. The ever popular Gordon Graham speaks on the topic of Creating and Maintaining the High Reliability Organization And there's much more – details inside. Join us at The Saratoga Hilton in beautiful Saratoga Springs, New York.

The facilities provide an excellent atmosphere for learning and networking. Be sure to register soon.



Comm. William Bratton
NYPD



Gordon Graham



Eric Daigle, Esq.

2015 ANNUAL TRAINING CONFERENCE

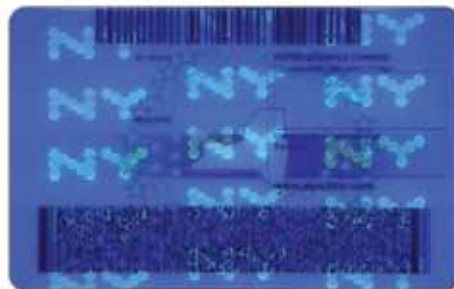
DMV DOCUMENT ALERT



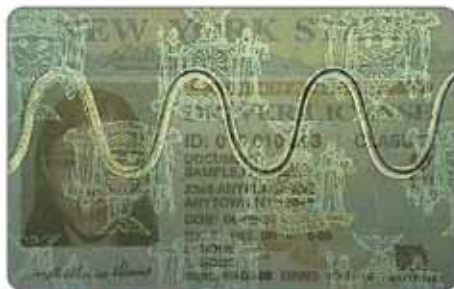
Authentic



Authentic UV



Authentic UV Back



Retro-reflective Laminate



Visible Light



Ultra-violet Light



Tactile Laser Engraving



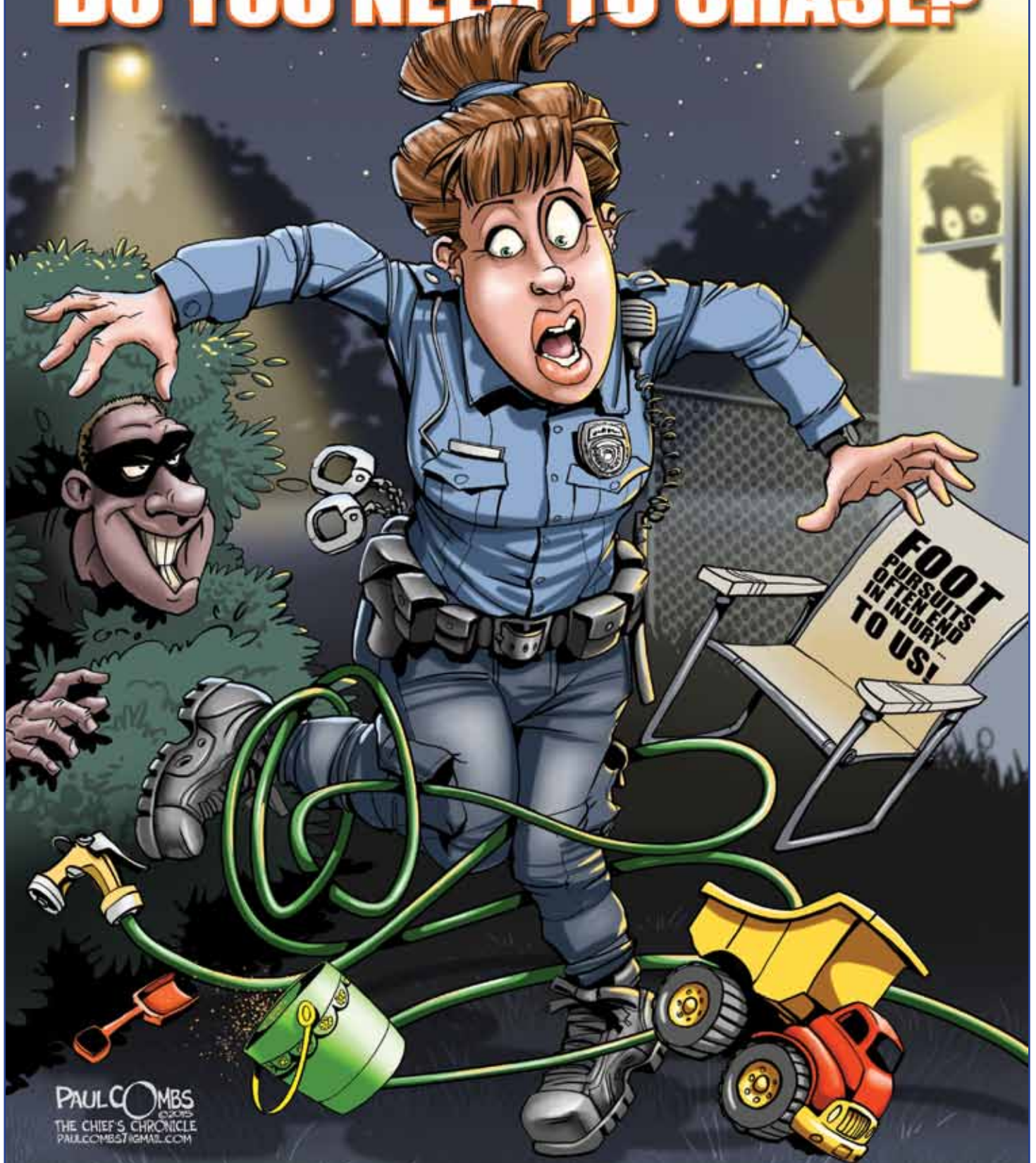
Fine Line Design

The New York State Department of Motor Vehicles Division of Field Investigation has received inquiries from law enforcement about the security features in the two styles of Drivers Licenses currently in circulation. About one half of New York's residents have the old style license or Non-Driver ID, while the other half have the new format. The Division of Field Investigation has provided this Document Alert with advice for law enforcement on checking the authenticity of driver licenses. If any law enforcement agency would like assistance in validating the old style license, DMV has free verifiers they will ship to any interested agency. Please contact the Division of Field Investigation at 518-474-8805 to request the viewers.

When the new style license was released in 2013, DMV also added a Digital Signature to the barcode that will validate a document when it is checked with a scanner containing the digital key. The digital key has already been uploaded to TRACS which validates any of the new style licenses that are scanned. If your agency uses any other scanner devices and would like to obtain the digital key for your devices please contact the Division of Field investigation at 518-474-8805.

If you have any questions about the validity of any document issued by DMV or if you would be interested in a brief roll call type review of the documents by DMV investigators, please call the Division of Field Investigations Frauds Office at 518-474-1106.

DO YOU NEED TO CHASE?



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Backup? – Containment? – Canine? – Air Support?

Former NYSP Superintendent Thomas A. Constantine Dies



Thomas A. Constantine

MAY 4, 2015 - NEW YORK STATE POLICE - It is with deep regret and sadness that Superintendent Joseph A. D'Amico announces the passing of former Superintendent Thomas A. Constantine on Sunday (May 3, 2015) following a brief illness.

Superintendent Constantine joined the New York State Police in 1962 as a uniform trooper. Over the next 34 years, he rose through all uniform and investigative positions, serving as Troop Commander of Troop G before moving to Division Headquarters where he served as Staff Inspector; Lieutenant Colonel/

BCI; and Colonel/Field Commander overseeing all uniform and BCI operations.

In 1986, Superintendent Constantine was nominated by Governor Mario Cuomo to be the 10th Superintendent of the New York State Police. It was the first time in 30 years that a State Police member rose through the ranks and was appointed to lead the agency.

During his time as Superintendent, he created a State Police Forensic Investigation Support Services unit whose mission was to support and enhance the investigation of violent crimes; and dramatically increased the number of investigators in the State Police

Narcotics Unit to combat a growing drug problem.

Superintendent Constantine also established the Colonel Henry F. Williams Homicide Seminar, the first training of its kind to bring homicide investigators from around the world together to hear from leading medical, forensic, legal, and investigative experts. This annual training opportunity is held in high regard and continues to this day.

Superintendent Constantine retired from the New York State Police in 1994, and was appointed Administrator of the U.S. Drug Enforcement Administration by President Bill Clinton, a position he held until his retirement in 1999. Superintendent Constantine also served as Oversight Commissioner for a major reform of provincial policing in Northern Ireland, and as a professor at UAlbany's Rockefeller College of Public Affairs and Policy.

The New York State Police thank Superintendent Constantine for his service to his country, his State, and his unwavering support of the Division during and after his time with the agency. His contributions to the law enforcement community were unmatched and his service will never be forgotten.



State Police pall bearers escort the casket of former Supt. Thomas Constantine to funeral services in Niskayuna. (Photo: D. Macherone)

New York State Honors Fallen Officers

PRESS RELEASE – GOVERNOR'S OFFICE:



Officers assemble in formation for the procession from St. Mary's Church to the Police Officers' Memorial. (Photo: D. Macherone)

Governor Andrew M. Cuomo today honored 27 fallen law enforcement officers from agencies across New York State, including officers who died last year from injuries sustained in the line of duty, officers who died from Ground Zero-related illnesses, and historical deaths.

The names of the 27 officers honored today have been inscribed on the Police Officers' Memorial located on the Empire

State Plaza in Albany. They join 1,360 others represented on the memorial from 141 police agencies across the state and five federal law enforcement agencies.

The names of fallen officers are placed randomly and without rank on the memorial's walls to signify that every officer's sacrifice is the same. This concept was suggested by Colleen Dillon Bergman, the daughter of Trooper Emerson J. Dillon, Jr., who was killed in the line of duty in 1974 after more than 16 years of service. Following her father's death, Ms. Bergman wrote a letter to the Police Officers' Memorial Advisory Committee, which oversees the memorial, writing, "It doesn't matter from which department they came, the feeling of loss is experienced the same." That sentence is now etched on the memorial's nameplate, which was dedicated in 1991.

2014 Line of Duty Deaths

Eight officers died last year from injuries they incurred while in the line of duty:

- Detective Dennis E. Guerra of the New York City Police Department died from complications from smoke inhalation after responding to a fire in a Coney Island public housing development (April 9).

- Detective WenJian Liu and Detective Rafael Ramos of the New York City Police Department died after being shot without warning or provocation while they sat in their marked Critical Response Vehicle in a Brooklyn neighborhood (Dec. 20).

- Detective Douglas H. Mayville of the Albany Police Department died from Wegener's Granulomatosis developed after inhaling toxic chemicals and materials while performing his duties at the Forensic Investigations Unit from 1982 through 1997 (April 9).

- Police Officer Daryl Pierson of the Rochester Police Department died after being shot and killed by a suspect he was pursuing on foot (Sept. 3).

- Trooper Christopher Skinner of the New York State Police (Troop C) was struck and killed by a hit-and-run driver while conducting a traffic stop on I-81 in Broome County (May 29).

- Police Officer David W. Smith of the Johnson City Police Department died after being ambushed and shot responding to a disturbance call at a local business (March 31).

- Police Officer Michael C. Williams of the New York City Police Department died of injuries suffered from a motor vehicle accident involving a marked department van that crashed into a highway divider while on patrol in the Bronx (Sept. 21).

The memorial's complete Roll of Honor is posted on the New York State Division of Criminal Justice Services' website: <http://www.criminaljustice.ny.gov/ops/docs/pomc/complete-roll-of-honor.pdf>.

The Remembrance Ceremony is coordinated by the agency's Office of Public Safety, with Executive Deputy Commissioner Michael C. Green serving as Chair of the Police Officers' Memorial Advisory Committee.

reimbursed for training their members as well as for purchasing naloxone kits for those police officers who were trained. This alleviated one hurdle for many departments who suffer from perennially tight purse strings. Again, the training lasts approximately 60 to 90 minutes and provides the trained officers with the ability to carry the naloxone kits as yet another tool on their proverbial tool belt.

NALOXONE AT WORK

The Floral Park Police Department has been participating in this program for approximately one year and has already used naloxone once successfully. The officer who used it is a 27 year veteran who successfully reversed an opioid overdose and brought back an aided person from the brink of disaster.²⁷ Since June of 2014,

Since June of 2014, naloxone has been administered 194 times by law enforcement personnel... Of these, there was a response to naloxone among 138 individuals.

naloxone has been administered 194 times by law enforcement personnel, based on reports sent to the Health Department. Of these, there was a response to naloxone among 138 individuals. In nearly 90% of the naloxone administrations, a police officer was the first on the scene. In one reported case, naloxone was successfully administered within one hour after the rescuing officer was trained.²⁸ Since 2010, the Quincy (MA) Police Department has successfully reversed over 208 opioid overdoses.²⁹ As of May 2012, the Suffolk County (NY) Police Department reported over 32 successful opioid overdoses.³⁰ The Lummi Nation (WA) Police Department also reported several successful opioid overdoses.³¹ These are just an unscientific sampling of success stories.

CONCLUSION

As with all medical emergencies, EMS must be summoned and medical treatment must be obtained for aided persons. The information in this article is meant to provide police executives with broad-stroke information, which may then promote their interest in the topic. Proper medical training for police officers is imperative and individual research into the topic should be done by the reader.

The author has been most fortunate to gain a great deal of information and help from Mark Hammer of the New York State Department of Health in regards to this initiative.³² He offers his assistance to agencies, and agencies desirous of participating would do well to contact him. As police officers we are often presented with new tools that are supposed to enhance our effectiveness or make us work smarter or more efficiently. Body cameras, various firearms, Tasers and body armor were not always commonplace for police officers. However, they are as ubiquitous now as star-shaped shields once were in the 19th Century. While police officers may (I stress *may*, because this is not a given) be resistant to change, in the case of naloxone we should all be aware of how this effective tool can actually make our tours of duty easier. A life saved is one

that may not need a police car to be out of service at a DOA; a life saved is one whose family will almost certainly now have an exceptionally favorable view of the police; and more importantly, the saving of a life is the very embodiment of what we all, in one way or another, swear to do: *To Serve and Protect*.

¹Narcan is a Registered Trademark of Endo Pharmaceuticals, Inc., Chadds Ford, Pennsylvania 19317, Source: <http://www.drugs.com/pro/narcan.html>. Any other brand names used are trademarks of their respective manufacturers.

²Source: Division of HIV, STD and HCV Prevention, AIDS Institute, New York State Department of Health.

³*Id.*

⁴*Id.*

⁵Source: N.Y.S. Attorney General Office memorandum dated April 3, 2014, inviting law enforcement agencies to participation in the Community Overdose Prevention (C.O.P.) program.

⁶*Id.*

⁷*Id.*

⁸*Id.*

⁹Naloxone will not work on drugs such as cocaine or methamphetamine that are not opiates.

¹⁰Naloxone is the generic name for the well-known opioid antagonist Narcan. Just as acetaminophen is to Tylenol, Naloxone is to Narcan.

¹¹This anecdote is found in the DCJS training materials.

¹²For a complete training regimen and guide, see the DCJS website and attend the proper training course. This article is not meant to be an exhaustive treatment of how to use Naloxone, but is only an introduction to how the drug can work to save lives in our communities.

¹³The above is all part of the training regimen provided by DCJS and is included in their available downloads.

¹⁴As with all drugs, side effects are possible. Proper training should address this topic. DCJS training materials state that no negative health outcomes have been reported after years of experience in several state and cities. See generally Opioid Overdose and Intranasal Naloxone Training for Law Enforcement Trainer's Guide.

¹⁵See generally bill jacket for L. 2014, Ch. 42.

¹⁶*Id.*

¹⁷*Id.*

¹⁸See generally N.Y.S. PHL §3309.

¹⁹10 NYCRR §80.138.

²⁰NYS DCJS Opioid Overdose and Intranasal Naloxone for Law Enforcement Trainer's Guide (August 2014), Appendix B: Administrative Guide, p. 4.

²¹Other eligible entities include prescribers (physicians, nurse practitioners and physician assistants); health care facilities; drug treatment programs; local and state government agencies; not-for-profit community-based organizations; colleges, universities and trade schools; and pharmacies.

²²NYS DCJS memorandum of January 28, 2013 to statewide law enforcement agencies detailing the Good Samaritan 911 Law.

²³Such as CPCs 1st (PL 220.21), CSCS 1st (PL 220.43), operating as a major trafficker (PL 220.77)

²⁴See generally NYS DCJS memorandum of January 28, 2013 *supra*.

²⁵Source: Mark Hammer of the New York State Department of Health.

²⁶It should be noted that initially \$5,000,000 was available and departments were asked to initially apply for funding by June 3, 2014. More information is available at <http://ag.ny.gov/press-release/ag-schneiderman-announces-more-100-lives-saved-community-overdose-prevention-cop>.

²⁷Reference herein to any specific commercial products, process, or service by trade name, trademark, manufacturer, or otherwise, does not necessarily constitute or imply its endorsement, recommendation, or favoring by the author or Floral Park Police Department (FPPD). The views and opinions of authors expressed herein do not necessarily state or reflect those of the FPPD and shall not be used for advertising or product endorsement purposes.

²⁸Source: Mark Hammer, New York State Department of Health.

²⁹See generally <https://www.bjatraining.org/naloxone/what-are-some-success-stories-law-enforcement-overdose-reversal-programs>.

³⁰*Id.*

³¹*Id.*

³²Mr. Hammer is the Director of Program Integration and Special Projects, Division of HIV, STD and HCV Prevention, AIDS Institute, New York State Department of Health. Inquiries regarding the New York State opioid overdose program may be directed to him at (212) 417-4669 or at overdose@health.ny.gov. He welcomes any inquiries.

JOIN US AT THE CONFERENCE

On behalf of the New York State Association of Chiefs of Police I would like to invite you to attend our 2015 Annual Training Conference in Saratoga Springs. Each year the conference provides a unique learning opportunity developed specially for law enforcement leaders in New York State. You will see from the agenda in this announcement that we have an exciting lineup of dynamic presenters on topics that are important to you and your jurisdiction. Occasionally I hear from our members that they need to justify their attendance at conferences and other training to local officials. I can appreciate that sentiment and am confident that attendance at this conference, with the high caliber experts, diverse topics, and relevant subject matter will more than justify the quality of this conference. Of course, the networking events are great opportunities for building relationships with other chiefs. It is always rewarding for me to witness or participate in discussions where one chief shares a strategy or solution with another, which would not have happened had it not been for the conference. I truly believe that our local officials should not be asking, "why should you attend the conference?", but instead should be demanding, "why aren't you going to the conference!" As your President I look forward to seeing you in Saratoga Springs this summer.



Chief Michael Ranalli
President

CONFERENCE SCHEDULE

Sunday, July 12	Registration 12 Noon-5 PM Board of Governors Meeting 3 PM President's Reception 6-8 PM
Monday, July 13	Opening Ceremonies Half Day Training Golf Outing Barbecue at 5:30 PM
Tuesday, July 14	All Day Training & Networking Sessions
Wednesday, July 15	All Day Training & Networking Sessions Reception at 6 PM Installation Banquet at 7 PM

Please note: Schedule subject to change.

**NEW YORK STATE
& LOCAL
RETIREMENT
SYSTEM**

Representatives from the New York State and Local Retirement System are slated to be on hand to provide information and estimates for you. To schedule an appointment for July 14 or 15, check in at the NYSACOP Registration Desk!

THE SARATOGA HILTON – SARATOGA SPRINGS

Located in the heart of downtown Saratoga Springs, The Saratoga Hilton hotel is only minutes from Saratoga Race Course and Performance Arts Center, and just steps away from an exciting selection of restaurants, distinctive shops, sidewalk cafes and thriving nightlife. Enjoy our full-service Saratoga Springs hotel location near the Adirondacks and 26 miles from Lake George, 6.5 miles from Saratoga County Airport and 30 miles from Albany International Airport. Come see why Saratoga Springs, NY was rated one of America's Best Main Streets by Fodor's Travel in 2014.

Wake up in a contemporary, stylish guest room, or upgrade to a suite with separate living and dining areas. All rooms have complimentary Wi-Fi. Dine on American cuisine in a relaxed, contemporary setting and fun atmosphere at The Springs. Children are welcome, with high chairs and a kid's menu available. Work out in the modern fitness center, featuring state-of-the-art equipment, or swim a few lengths laps in the heated indoor pool. Pick up a souvenir from the gift shop or relax and enjoy room service.

Reservations can be made at: <https://resweb.passkey.com/go/NYSChiefPolice2015>. Room rates for the conference start at \$164. Self parking \$10 per vehicle per night.

Highlights:

- Saratoga, NY hotel rooms with complimentary Wi-Fi
- Located along Broadway in the heart of downtown Saratoga, New York
- 6.5 miles from Saratoga County Airport and 30 miles from Albany International Airport
- Minutes from Saratoga Race Course and Performance Arts Center
- Saratoga Springs hotel just 26 miles from Lake George
- Special offers at The Saratoga Hilton

What to do around here:

Ideally located along Broadway in the heart of downtown Saratoga Springs, NY, The Saratoga Hilton hotel is a few steps away from a vibrant and exciting district of bars, shops and restaurants. Saratoga Springs is best known for its race course; the thoroughbred track is the oldest continuous sporting event of any kind in the US. The healing waters of the region fuel many bathhouses – including the Roosevelt Baths. Go for a soak and see if you can feel the effects.

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IN THE MEMBER'S AREA AT NYCHIEFS.ORG**



OPENING CEREMONIES & KEYNOTE ADDRESSES



Margaret E. Ryan
Executive Director
New York State Association
of Chiefs of Police

On Monday morning (July 13), opening ceremonies include welcoming remarks by President Michael Ranalli, Executive Director Margaret Ryan, Deputy Secretary for Public Safety Terence O'Leary, Executive Deputy Commissioner Michael C. Green of the New York State Division of Criminal Justice Services, New York State Police Supt. Joseph D'Amico and other invited guests.

President Ranalli will be wrapping up his term at the conference and will provide delegates with an overview of the past year's events and challenges facing law enforcement. Executive Director Margaret Ryan will also welcome attendees and give an overview of the conference agenda, activities and events in the days ahead.

Deputy Secretary for Public Safety Terence O'Leary was appointed by Governor Cuomo in January 2015. Mr. O'Leary served as Director of the Bureau of Narcotic Enforcement from 2011 through December, 2014. He served as a New York County Assistant District Attorney assigned to the Office of the Special Narcotics Prosecutor from 2001 to 2011.



Chief Michael Ranalli
President
New York State Association
of Chiefs of Police



Joseph D'Amico
Superintendent
New York State Police



Executive Dep. Commissioner
Michael C. Green
New York State
Div. of Criminal Justice Services



OPENING CEREMONIES & KEYNOTE ADDRESSES

The New York State Association of Chiefs of Police is honored to have two of the most distinguished representatives in contemporary law enforcement as our keynote presenters for opening day. NYPD Commissioner William Bratton began his career in 1970 as a beat cop in Boston. By 1980 he had risen to the position of Superintendent of Boston Police. During his first term at NYPD he achieved the largest crime declines in New York City history. He led the development of CompStat in 1994-1995, the acclaimed command accountability system currently used in police agencies throughout the nation. As Chief of LAPD from 2002-2009 he brought crime to historically low levels,

greatly improved race relations, and reached out to young people with a range of innovative programs. He is the only person ever to lead the police agencies of the nation's two largest cities.



Commissioner William Bratton
NYPD



John Miller
Dep. Commissioner
for Intelligence—NYPD

NYPD Deputy Commissioner for Intelligence John Miller is the former Deputy Director of the Intelligence Analysis Division at the Office of the Director of National Intelligence (ODNI) where he worked as part of the Analysis Division team to support the National Intelligence Managers and Unifying Intelligence Strategies relating to global regions and threats. Miller served as Assistant Director of the FBI. Before joining the FBI he was the Commanding Officer for Counterintelligence and Criminal Intelligence at LAPD. Deputy Commissioner Miller is a noted journalist and author, a winner of nine Emmy Awards, two Peabody Awards and a DuPont Award. He is best known for his interview with terrorist leader Osama Bin

Laden in Afghanistan, his coverage of international terrorism and his live coverage of 9/11.

Join us on Monday morning as Commissioner Bratton and Deputy Commission Miller share their insights into the contemporary issues facing law enforcement leaders.



Got a Question? Need Help?

Call us at 518-355-3371

INSTALLATION BANQUET: KEYNOTE ADDRESS

One of the great traditions of the New York State Association of Chiefs of Police is the formal installation banquet on the last day of the conference. We are grateful to have U.S. Attorney Preet Bharara as our keynote speaker for this special event.

On May 15, 2009, President Barack Obama nominated Preet Bharara to become the U.S. Attorney for the Southern District of New York. Mr. Bharara's nomination was unanimously confirmed by the U.S. Senate in August 2009.

Under Mr. Bharara's supervision, the office continues to combat corruption in city and state government. The office remains at the forefront of prosecuting corruption in Albany and at the local level, bringing charges and securing convictions against multiple elected officials and other corrupt public servants. The office also has prosecuted more than 500 members and associates of various gangs operating in the Bronx, Newburgh, Yonkers and other areas in an effort to make communities in the Southern District safer for residents.

He supervises an office of more than 220 Assistant U.S. Attorneys, who handle a high volume of cases that include domestic and international terrorism, narcotics and arms trafficking, white collar crime, public corruption, gang violence, organized crime, and civil rights violations.

Since Mr. Bharara's appointment as U.S. Attorney, the office successfully extradited and prosecuted one of the most notorious arms traffickers in the world, Viktor Bout, who is now serving a 25-year sentence. The office also obtained a life sentence for Faisal Shahzad, the Times Square bomber, and for one of the Al Qaeda plotters of the 1998 bombings of two American embassies in East Africa. (source: U.S. Attorney website; <http://www.justice.gov/usao/nys/meetattorney.html>, 4/17/2015)

Please join us as Mr. Bharara and other dignitaries greet our delegates and guests at the formal event at which our new President and selected Board of Officers will take the oath of office.

Presenters and Presentations subject to change.



Preet Bharara
United States Attorney/SDNY



Got a Question? Need Help?

Call us at 518-355-3371

CONFERENCE PRESENTATIONS: LEGAL ISSUES

Decision Making: Law, Organizational Culture and Officer Safety in Incident Response and Planning

The day to day processes used by law enforcement agencies and their personnel can have a direct impact on how critical incident planning and execution is conducted. Chief Michael Ranalli, Esq. will discuss a recent court decision involving the deployment of a SWAT team which has serious implications for all departments – *even if you do not have a SWAT team*. The U.S. Court of Appeals for the 2nd Circuit case of *Terebesi v. Torreso* will be used as the foundation of the analysis of how and why our decision making process can be flawed and inconsistent with the safety of our officers and the law. The case involved the chief's decision to activate a tactical team and the use of stun grenades for a search warrant involving personal use quantities of drugs. As officers entered, an unarmed occupant was killed by police gunfire during the chaos of the entry. Some officers felt that the use of the tactical team was excessive. What are the ramifications when an officer – of any rank – raises concerns about dynamic entry and the use of special tactics and teams? Chief Ranalli will discuss those issues along with the factor of human error in disasters, and why transforming an agency into a learning organization, with open and honest internal communication, should be the ultimate goal for all contemporary police administrators.



Chief Michael Ranalli, Esq.

Force Investigations; Pitfalls of Technology

Attorney Daigle has devoted his career to representing, counselling, and advising law enforcement personnel. As a litigator, trainer, and consultant, he uses his knowledge and experience to provide entertaining and informative “real-life” training. This year, Daigle will speak about Managing and Conducting Use of Force Investigations, and the Pitfalls of Technology, including body worn video. His dynamic presentation style provides attendees with the tools necessary to operate under current police practices, and provides resources to assist police to make better decisions.



Eric Daigle, Esq.

Presenters and Presentations subject to change.

PREMIER EXHIBITORS

Enjoy an array of premier exhibitors who will be showcasing a variety of products, services and information. They will be available beginning Sunday, July 12 through Wednesday, July 15. Please stop by and thank them for supporting our annual conference.

CONFERENCE PRESENTATIONS

Case Study: Examination of Two Officer Involved Shootings



Chief Ronald Knapp
City of Poughkeepsie PD

In the span of about two months last year, City of Poughkeepsie Police were involved in two officer-involved shootings. In the first case, a 29 year old man was the subject of a disturbance call. The man became increasingly hostile and was armed with a small knife as officers on the scene tried to negotiate with him, ultimately using verbal commands, baton strikes and a Taser. But when the man lunged at one of the officers with the knife, another officer fired two shots, killing the subject. In the second incident, officers responded to a call of a man 'acting out' in the street. When officers arrived, the 27 year old man attacked one of the officers before she could exit her vehicle. The man continued the assault on the officer until he was subdued by



Capt. Tom Pape
City of Poughkeepsie PD



Aftermath of the officer-involved shooting of May 2014 in which one officer was repeatedly slashed by a suspect with a box cutter about her face and neck. The suspect was shot and killed by a backup officer. [Photo - Poughkeepsie PD]

gunfire from another officer. The 26 second incident was captured on a police street camera as well as other video sources. In both cases, the assailants were minorities, and the NAACP met with the Mayor's office and police command staff to discuss these incidents. Learn about these cases from Chief Ronald Knapp and Captain Tom Pape (Poughkeepsie PD) as they recount the dramatic incidents, and explain how their response is an example of rapport building, transparency, and being vested in the community they serve.

**SARATOGA
SPRINGS**

Visit the Saratoga Convention and Tourism Bureau at DiscoverSaratoga.org for information about the Saratoga Race Course, horses, mineral springs, and great restaurants and shopping, and special events.

CONFERENCE PRESENTATIONS



Creating and Maintaining the High Reliability Organization

with Gordon Graham



Dir. Owen McShane
NYS DMV Division of
Field Investigation

Facial Recognition Technology

Join DMV Deputy Commissioner Thomas Higgins and Director of the DMV Office of Field Investigation Owen McShane for an update on facial recognition usage by the New York State Department of Motor Vehicles including some new cross jurisdictional endeavors with New Jersey.



Dep. Comm. for Integrity
Thomas Higgins
New York State DMV



Ian Hamilton
IACP

Officer Safety & Wellness

No Officer Death or Injury is Acceptable: Developing Safety and Wellness Programs for Law Enforcement. This session will highlight the work of the IACP Center for Officer Safety and Wellness and will offer strategies based on current, promising practices for law enforcement executives to improve the safety and well-being of their officers through policy and culture change.



Presenters and Presentations subject to change.

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CONFERENCE PRESENTATIONS: LEADERSHIP

Command Transitions: Research into Practice



Dr. James C. Brown
Utica College



Anthony Callisto, Jr.
Sr. VP
Syracuse University

Effective transitions of power are essential to the smooth operation of any public administration organization, in particular a criminal justice agency. Prior research has shown generalized discussion surrounding agency succession planning. Transitions, however, are differentiated from succession planning within this research, along with the associated attitudes and behaviors of those engaged in both behaviors. The purpose of this presentation is to discuss the results of a recent research study by Utica College; to provide a quantitative and qualitative analysis of proactive management strategies for command transitions for criminal justice and other public administration civil service, appointed and elected agency leaders as analyzed and reported by those members involved in such transitions.

Presenters:

Dr. James C. Brown, Principal Investigator, Professor of Practice, Utica College; Former Chief Deputy, Law Enforcement & Civil Operations, Oneida County Sheriff's Office; NYSACOP Member

Raymond L. Philo, MPA, Co-Investigator, Professor of Practice, Utica College; Chief of Police, New Hartford Police Department (Ret.); NYSACOP Member

Anthony Callisto, Jr., MPA, Co-Investigator, Chief/Director of Public Safety, Syracuse University; Former Chief Deputy, Corrections, Onondaga County Sheriff's Office; NYSACOP Member

Dr. Polly J. Smith, Associate Provost for Online Learning, Associate Professor of Sociology, Utica College.



Dr. Polly Smith
Utica College



Raymond L. Philo
Professor of Practice
Utica College

New York State Association of Chiefs of Police
A Distinguished History—A Progressive Future

CONFERENCE PRESENTATIONS

The Future of Terrorism:

Where is terrorism headed? How do recent events in Europe relate to the expansion of the threat of terrorism? What is law enforcement doing in Europe? What should we be doing? What will the threat be like ten years from now? Important publications throughout the world, including the New York Times, have called Kushner the “go-to-expert” for plain talk about the subject of terrorism. He’s often quoted in the print media, as well as in the worldwide wire services. His statement to The Associated Press on September 11, 2001, reverberated around the world: “When you think of the coordination this took, it’s historic. When you think of the measures that will have to be put in place to ratchet up security in the United States, it’s monumental. This opens up a new era in the history of terrorism.”

Dr. Kushner’s distinguished career as a college administrator and professor spans nearly five decades. He is currently Director of the Homeland Security Management Institute and the Chair of the Department of Criminal Justice at Long Island University. He holds a BA in political science from Queens College of the City University of New York, and the MA and PhD degrees in political science from New York University.



Dr. Harvey Kushner

Citizen Expectations



Jody Weis

Sr. Innovation Executive, Accenture
(Superintendent/Ret., Chicago PD)
(FBI SAC/Ret., Phila., PA)

Citizen expectations around policing are changing. A recent survey undertaken by Accenture showed that citizens desire more information from police and through a variety of mediums. Increasingly, they also expect to play a role in policing and are looking for more ways to collaborate in crime prevention. The growth of mobile and social media has created an “always connected” culture, where information moves instantly. This dynamic is increasing citizen demands for greater levels of transparency, more say in the alignment of services to community needs, more opportunities to collaborate, and higher expectations on the quality of service. As a result, police must embrace new ways to interact with the public and address their changing expectations. Understanding citizen perspectives, police leaders will gain insights to advance their digital and engagement strategies with the benefit of building stronger community relationships, more trust, and delivering increased satisfaction.

Presenters and Presentations subject to change.

CONFERENCE INFORMATION

Who May Attend: The Annual Training Conference is open to all NYSACOP members and their guests. The conference is not open to the general public. Admittance into the sessions requires a NYSACOP Training Conference badge. Conference badges and programs will be issued on-site only at the Conference Registration desk which will be open Sunday, 12–5 PM and Monday through Wednesday 8 AM—12 Noon.

Advance Registration: Advance registration saves you time and money. Just stop by the Advance Registration Table at the Conference and pick up your badge. **To take advantage of Advance Registration, payment /voucher MUST accompany your registration form (see back page).**

On-site Registration: On-site registration begins at 12:00 Noon on Sunday, July 12. There is an additional \$10.00 handling fee for all on-site registrations.

Confirmation and Receipts: You will receive a confirmation card acknowledging receipt of your Advance Registration upon receipt of payment. The deadline for Advance Registration is July 9, 2015. Forms received after this date cannot be processed and will be held for on-site registration. Additional fee will apply.

NYSACOP Members: Each member must register on a separate form. List names of all relatives and guests for whom you will require a badge. Please remember that badges allow entry to all conference functions except for the golf outing. All children registered for the Training Conference are cordially invited to attend the banquet and barbecue.

Non-Members of NYSACOP: If you are not a member of NYSACOP and wish to attend the Training Conference, complete the non-member guest registration of the form and enclose all applicable fees. Would you like to join our Association? Call our office at 518-355-3371 to see if you are eligible for Active, Retired or Associate membership status.

Conference Banquet: The Installation Banquet will be held on Wednesday evening, July 15.

Refunds: If you register in advance and are unable to attend the conference, your refund will be issued upon receipt of your written request after the Training Conference.

Lodging at The Saratoga Hilton : It is your responsibility to secure accommodations for the Training Conference. We have negotiated the following conference room rates at The Saratoga Hilton (does not include applicable taxes or parking fees):

Room	Single	Double	Triple	Quad
Run of House	164	164	179	194
Junior Suite	194	194	209	224
Luxury Suite	325	325	340	355

WHAT'S INCLUDED?

The 2015 Conference Registration fee includes the negotiated room rate at The Saratoga Hilton (you are required to secure your own hotel reservations), banquet ticket, President's reception, and barbecue. Other activities such as the golf outing are not included in the registration or hotel fees.

New York State Association of Chiefs of Police
2015 TRAINING CONFERENCE REGISTRATION FORM

ADVANCE REGISTRATION saves you time and money! If you need to register on-site, the registration desk will be open on Sunday, July 12 from 12:00 Noon to 5:00 PM. Please complete one registration form for each NYSACOP member. All non-members should be registered as guests. Additional registrants should be listed on a separate form. Please note that this form is your registration for the Training Conference only. *You are required to make your own hotel registrations at The Saratoga Hilton (see page 2, inside).* **Advance Registrations must be accompanied with payment in full or voucher. *Single day registration does not include special activities. Inquire about availability at Registration Desk.**

REGISTRATION CATEGORY	ADVANCE (BEFORE JULY 3)	ON-SITE/LATE	SINGLE DAY * TRAINING SESSION ADVANCE (BEFORE JULY 3)	SINGLE DAY * TRAINING SESSION ON-SITE/LATE
ACTIVE MEMBER	\$175	\$185	\$60	\$70
ACTIVE RETIRED MEMBER	\$105	\$115	\$50	\$60
ASSOCIATE MEMBER	\$150	\$160	\$60	\$70
GUEST OF A REGISTERED MEMBER	\$150	\$160	\$50	\$100
GUEST OF A NON-REGISTERED MEMBER			\$75	\$100
SPOUSE	\$105	\$115		
NON-MEMBER			\$85	\$100
CHILDREN UNDER 16	\$105	\$115		

NYSACOP MEMBERS — PLEASE PRINT LEGIBLY

NAME
TITLE
AGENCY
ADDRESS
CITY/ST/ZIP
TELEPHONE
E-MAIL ADDRESS

GUEST — PLEASE PRINT LEGIBLY

NAME
TITLE
AGENCY
ADDRESS
CITY/ST/ZIP
TELEPHONE
E-MAIL ADDRESS

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New York State Association of Chiefs of Police
2015 GOLF OUTING REGISTRATION FORM

This year's golf outing will be held at the Saratoga Lake Golf Club, 35 Grace Moore Rd., Saratoga Springs, NY 12866 on **Monday, July 13**. Shotgun start at **1:00 PM**. The fee is **\$75 per person** for 18 holes and **includes a cart, box lunch, and 3 beverage tickets**.

Saratoga Lake Golf Club features a par 72 golf course in the heart of a lush forest, just 10 minutes from downtown Saratoga Springs. Visitors to our course love the 200 acres of hilly terrain with a stream running through the middle of the course. This is one of the most relaxing upstate New York golf courses, and every round will take players past sparkling ponds and beautiful wetlands. The entire course layout boasts a natural, pristine feel, complete with thick strands of pines and hardwoods. Players love feeling like they're in the middle of a national forest. This is truly a must-play course. (source: Saratoga Lake Golf Club website)



GOLF TEAM MEMBERS — PLEASE PRINT LEGIBLY

PLAYER 1	PLAYER 1 EMAIL ADDRESS
PLAYER 2	PLAYER 2 EMAIL ADDRESS
PLAYER 3	PLAYER 3 EMAIL ADDRESS
PLAYER 4	PLAYER 4 EMAIL ADDRESS
PERSON SUBMITTING FORM/TELEPHONE	

MAKE ADDITIONAL COPIES OF SECTION BELOW AS NECESSARY FOR EACH PLAYER

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PLAYER 1	PLAYER 2	PLAYER 3	PLAYER 4

A Distinguished History—A Progressive Future

"This meeting of the New York State Association of Chiefs of Police is a happy occasion for me. It gives me the opportunity to convey to you the appreciation of the Federal Bureau of Investigation for the splendid cooperation which you, the leaders of law enforcement in New York, have afforded us."

J. Edgar Hoover

"The police of the city have become a sign. It used to be a job, but it is no longer that, and I believe that most communities have recognized that a police officer cannot be made overnight, and that it required specialized training and many long years of experience to be able to intelligently administer a police department or to be able to properly enforce the law in any community."

Mayor F. H. LaGuardia

*Transcripts from the 40th Convention of the New York State Association of Chiefs of Police
Hotel Astor, New York City, July 1940*

THE VALUE OF THE CONFERENCE

I have been attending the training conference since 2007 and have found the training to be relevant to the issues that we face as police chiefs. The credit for keeping these topics relevant goes to the NYSACOP staff and Board of Governors. What is most refreshing is that every year I make new acquaintances from throughout the state and this networking aspect is invaluable. Combining the training component with the social environment keeps chiefs coming back year after year. What should not be glossed over is that the conference also allows for spouses to enjoy a couple of days away and to get to know our professional



Chief Stephen Conner
1st Vice President
NYS Assn. Chiefs of Police

counterparts and at times, sit in on the dynamic speakers that the conference avails.

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Obituary

ALBANY- Joseph V. Ross, 77, died Monday, March 23, 2015 at St. Peter's Hospital. Born in Albany, he was the son of the late Joseph and Mildred Horick Ross.

Mr. Ross was most proud of his work in law enforcement for over 40 years. He worked in various positions in State, County and Military capacities in several communities including, Albany, Bethlehem and Lake George. He was active in the Fraternal Order of Police and the Capitol District Police Information Network. He was

an active member and communicant of Blessed Sacrament Church.

He was the husband of the late Eileen McGuire Ross; father of Heather E. Ross (Brian); brother of Sr. Joyce Ross, RSM and the late Lorraine MacBeth.

Funeral services were at the McVeigh Funeral Home, Albany, New York. Interment at Memory Gardens Cemetery. McVeigh Funeral Home, Inc., Albany, NY.



UPDATE



State Budget Update

We had some wins this budget season! And we thank you for your support, which included phone calls to key legislators at the eleventh hour of negotiations.

New funding includes:

- \$30M for Pre-K for three- and four-year-olds outside of New York City. Our Keep the Promise of Pre-K campaign was instrumental in calling attention to the disparity in funding between New York City and the rest of the state last year.
- \$4M for the Nurse-Family Partnership (NFP) maternal, infant and early childhood home visiting program. This was the first time that NFP was included in the Executive Budget!
- \$3M for QUALITYstarsNY, the quality rating and improvement system that offers professional development opportunities to providers while giving parents a sense of the quality of their child's program. This was also the first time QUALITYstarsNY was included in the Executive Budget, and this funding maintained existing sites for 26,000 children.

Policy Update

While we are pleased with the funding that early learning initiatives received, there is still work to be done to ensure that all children have access to those programs.

There are now four Pre-K funding streams, with different eligibility criteria and quality requirements. We will work to streamline the way Pre-K is delivered across the state, and strive for consistency across programs.

While NFP is a wonderful home visiting program, it will never serve all children because of its eligibility requirements (the program only serves first time mothers in the first two trimesters). Therefore, a continuum of services and supports is critical. We will be asking you to join us as we meet with key policymakers to discuss a more universal approach.

Outreach

We are still missing chiefs in many critical communities across New York State. If you are not yet a member, please contact us for information at tmemole@fightcrime.org. Our goal is to have every city, town, or village represented. There are no membership dues and your level of engagement is up to you. We are happy to talk and share materials. We make advocacy easy!



Jenn O'Connor
State Director

Chief Mark White Retires

After more than 34 years of service, Chief Mark White retired from the Suffolk County Police Department (SCPD). A retirement party was held in his honor on April 22 at the Venetian Yacht Club in Babylon, NY. Chief White grew up in Levittown, New York and began his career with SCPD in 1981. He worked in SCPD's 2nd, 3rd and 5th precincts, Personnel, Internal Affairs, Police Academy, Office of Homeland Security and Anti-Terrorism, and Support Service Division. White held the ranks of Police Officer, Sergeant, Lieutenant, Captain, Deputy Inspector, Inspector, Deputy Chief and ultimately promoted to Division Chief in 2012. He received his Master's Degree in Criminal Justice from Long Island University C.W. Post campus, is a graduate of the Naval Post Graduate Homeland Security Certificate program, and also a graduate of the FBI National Academy 180th Session. White was the First Chair of New York State Counterterrorism

Zone One (Long Island) until his promotion to Division Chief. He also helped to establish the NYS Office of Public Security, now known as the Office of Homeland Security, after the 9/11 attacks, one of four officers chosen statewide to serve on the planning group. Chief White was the first SCPD Chief of the Office of Homeland Security and Anti-Terrorism. He is a New York State certified Master Police Instructor and has taught at the police academy and has lectured on terrorism at New Scotland Yard in London.

Thanks to Asst. Chief Stu Cameron for his assistance with this article.



Chief Mark White
Suffolk Co. Police Dept.



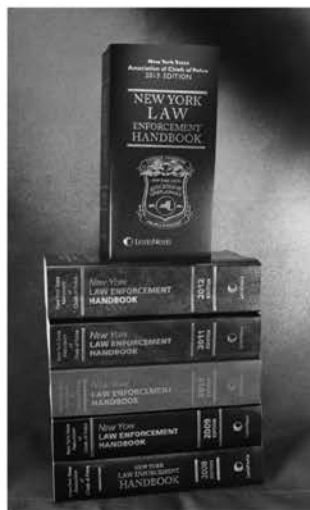
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NEW YORK STATE LAW ENFORCEMENT HANDBOOK

COMMONLY USED LAWS:

Available in February 2015, the New York State Law Enforcement Handbook has become one of the more popular resource items for New York State law enforcement officers. Used by street officers, detectives, commanders, probation, parole and prosecutors, it contains the Penal Law and CPL, along with frequently used sections of law:

- Agriculture & Markets Law
- Alcoholic Beverage Control Law
- Correction Law
- Environmental Conservation Law
- Family Court Act
- Mental Hygiene Law
- Navigation Law
- Parks, Rec. & Historic Preservation Law
- Public Health Law
- Railroad Law
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- Route alerting sample messages
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- Samaritan Law legal bulletin
- HIPAA disclosures
- Sex offender registration guide
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New York State Bar Association Honors Nine for Distinguished Service in Criminal Justice

*Chief/Ret. Margaret Ryan and District Attorney Gerald Mollen
Among the Honorees*

JANUARY 30, 2015 - The New York State Bar Association has recognized three judges, four attorneys, a police chief and a nun for their outstanding contributions to the criminal justice community in 2014.

Five of the award winners were honored by the Bar Association's Criminal Justice Section January 29 during the Bar Association's Annual Meeting in New York City. The remainder will be honored at the section's May meeting in Saratoga Springs.

"The State Bar Criminal Justice Section takes great pleasure in honoring these exemplars of professionalism," said Judge Mark R. Dwyer (Supreme Court, Kings County), chair of the Criminal Justice Section. "And, of course, we are especially pleased to note the career achievements of Judge Graffeo and Judge Smith, who both left the Court of Appeals in 2014 after years of extraordinary service to the people of New York."

Award winners honored at the Annual Meeting include:

JUDGE ROBERT S. SMITH, NEW YORK CITY, AND JUDGE VICTORIA A. GRAFFEO, ALBANY (CO-WINNERS) - THE VINCENT E. DOYLE, JR. AWARD FOR OUTSTANDING JUDICIAL CONTRIBUTION IN THE CRIMINAL JUSTICE SYSTEM

Judge Robert S. Smith is a retired associate judge of the state Court of Appeals. Appointed by Governor George E. Pataki, he served from 2004 through 2014. Smith has taught at the Benjamin N. Cardozo School of Law since 2006.

Judge Victoria A. Graffeo also served on the State Court of Appeals from 2000 when she was appointed by Pataki to November 2014 when her 14-year term expired. She is a partner at Harris Beach and leader of its alternative dispute resolution practice group.

TERRENCE M. CONNORS, BUFFALO - CHARLES F. CRIMI MEMORIAL AWARD

Terrence M. Connors (Connors & Vilardo) concentrates his practice in civil and criminal litigation and is a frequent lecturer and author on trial practice. Connors represents numerous judges from various courts before the State Commission on Judicial Conduct and has represented lawyers in grievance proceedings before the Appellate Division, often on a pro bono basis.

JUDGE ROBERT T. RUSSELL, BUFFALO - OUTSTANDING CONTRIBUTION TO BAR & COMMUNITY

Judge Robert T. Russell, Jr., is an associate judge for Buffalo City Court and serves as an acting Erie County court judge. He established, and presides over the nation's first "Veterans' Treatment Court" as well as Buffalo's Drug Treatment Court and Buffalo's Mental Health Treatment Court.

GERALD F. MOLLEN, BROOME COUNTY - OUTSTANDING PROSECUTOR

Gerald F. Mollen has served as Broome County District Attorney since 1987, leading the county to the forefront of prosecution standards. He helped establish a multi-disciplinary child abuse

review team, the Broome County Gang Task Force and the Broome County Gang Prevention Program. Mollen created protocols for the start-to-finish video recording of suspect interviews by police in major felony cases, making Broome County one of the first counties in the state to fully implement the practice.

Award winners honored in May include:

SISTER TERESA FITZGERALD, LONG ISLAND CITY - OUTSTANDING CONTRIBUTION IN THE FIELD OF CORRECTIONAL SERVICES

Sister Teresa Fitzgerald is the executive director of Hour Children, a not-for-profit organization that provides services to mothers both inside and outside of prison. Assistance includes reuniting families, providing housing, employment training, mentoring and day care.

CHIEF MARGARET E. RYAN, DRYDEN POLICE DEPARTMENT/FORMER PRESIDENT OF THE NYS ASSOCIATION OF CHIEFS OF POLICE - OUTSTANDING POLICE CONTRIBUTION IN THE CRIMINAL JUSTICE SYSTEM

Margaret E. Ryan has served as chief of the Dryden Police Department since 2002. She oversees the 17-officer department and is a member of the International Association of Chiefs of Police, where she serves on the Juvenile Justice & Child Protection Committee and the Smaller Police Department Technical Assistance Program Advisory Group.

JANET C. SOMES, ROCHESTER - OUTSTANDING APPELLATE PRACTITIONER AWARD

Janet C. Somes has worked in the Monroe County public defender's office since 1985. She has practiced in all levels of the trial sections of the office, and in 1990 joined the Appeals Bureau. She is vice president of the Honeoye Falls-Lima Board of Education and is a founding member and trustee of the Honeoye Falls-Lima Education Fund.

ANDREW KOSOVER, NEW PALTZ - THE MICHELE S. MAXIAN AWARD FOR OUTSTANDING PUBLIC DEFENSE PRACTITIONER

Andrew Kosover is a partner at Kosover Law Offices and is Ulster County's chief public defender. He is a member of the adjunct faculty at the State University of New York at New Paltz, president-elect and co-legislative chair of the New York State Association of Criminal Defense Lawyers and serves on the executive committee of the Criminal Justice Section of the New York State Bar Association. He also is a member of the advisory group of the New York State Justice Task Force on Wrongful Convictions.

The New York State Bar Association, with 74,000 members, is the largest voluntary state bar association in the country. It was founded in 1876.

Source: New York State Bar Association

Chief Steven Heider Retiring



Chief Steven H. Heider

NEWS RELEASE – TOWN OF COLONIE, NY - After 42½ years with the Town of Colonie Police Department, Chief Steven H. Heider wishes to announce his retirement on or about July 1st of this year.

Chief Heider began his career with the Town as a Public Safety Dispatcher in 1973. He was appointed a Patrol Officer in 1974, and rose through the ranks until becoming the fifth Chief of Police in the history of the Town

on July 7, 2003.

Since assuming the position of Chief, he has become a member of the International Association of Chiefs of Police, the New York State Association of Chiefs of Police, Inc. where he is a former President of the organization, and has served as secretary and treasurer of the Northeastern Chiefs of Police Conference. He currently serves on various State Committees for the advancement of criminal justice initiatives and programs. The Chief is also the First Vice Chairman for the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network.

Chief Heider is a highly regarded speaker and seminar instructor addressing topics such as crime and crime prevention, identity theft, white-collar crime, the law, drug dependency, juvenile

delinquency and child abuse. He is also a recognized authority frequently asked to testify before and serve on committees of the New York State Executive, Legislative and Judicial branches on the issues of juvenile justice, victimization and legal reform of the Juvenile Justice System.

Chief Heider is currently a member of the Juvenile Justice New York State Strategic Planning Action Committee and its work group. Additionally, he serves as the representative for municipal police administrators in his assignment to the New York State AMBER Alert Review Panel. He is a member of the Albany County Task Force on Child Abuse and a charter member of the Steering Committee for the formulation of a Child Advocacy Center for victims of child abuse in Albany County.

Colonie Town Supervisor Paula A. Mahan said, "I want to thank Chief Heider for his many years of service to the Town of Colonie. Throughout his tenure, he has had a long list of major accomplishments. For many years Colonie has been ranked as one of the safest communities in the nation, including two years as the number one safest community, due in large part to Chief Heider's leadership. His dedication and commitment to our Town has greatly contributed to Colonie achieving these prestigious rankings." Mahan continued, "In 2013, he brought great honor for our Town when he was named President of the New York State Association of Chiefs of Police. He has been an integral member of my team, and I truly appreciate all that he has helped us accomplish. I wish him many years of good health and happiness as he begins this new chapter in his life."

Westchester County Chiefs Install Officers



The Westchester County Chiefs of Police Association recently installed a slate of officers at a meeting at the Beach Point Club in Mamaroneck.

BOTTOM ROW, FROM LEFT:

Asst. Chief Stephen Conner, First VP New York State Assn. of Chiefs of Police (NYSACOP); Executive Dir. Joe DelBianco, WCCPA; Chief Michael Cerrone (Irvington PD), Incoming Pres. WCCPA; Dep. Dir. Richard Carey, NYSACOP;

TOP ROW, FROM LEFT:

Asst. Chief Tom Odessa (MTA PD) Zone Rep. NYSACOP; Chief Gregory Austin (Rye Brook PD), NYSACOP Zone Rep.; Chief/Ret. Robert D'Angelo, Past President NYSACOP; GTSC Liaison Dominick Macherone, NYSACOP.



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