

The New York State Chief's Chronicle



Serving New York's Police Executives Since 1901

June 2017



INSIDE:

On the Cover

Positively Promoting the Law Enforcement Image

Naloxone Study Underway

Chief Del Bianco Tribute

2017 Annual Training Conference



*Public Safety's
Most Valuable Tool...*

...Information.



RMS™



Mobile™



VCAD™

IMPACT is an intelligence company dedicated to satisfying
Information Sharing and Data demands of first responders
...anytime & anywhere.

Get Started Today

**To find out more about the IMPACT line of products and its broad
array of solutions, logon to www.impact-sys.com, or for a FREE
Needs Assessment consultation call 1-800-871-1244.**

impact[®]
Making the world safer through technology

www.impact-sys.com

contents

VOLUME 5 • ISSUE 2 • Summer 2017



In this issue

- 2 CHIEF RANDY DIAMOND COVER STORY**
- 3 PRESIDENT'S REPORT**
By Chief David Zack
- 4 NALOXONE STUDY IS UNDERWAY**
By Danielle Lloyd, MPH
- 5 EXECUTIVE DIRECTOR'S REPORT**
By Chief (ret.) Margaret E. Ryan
- 6 POSITIVELY PROMOTING THE LAW ENFORCEMENT IMAGE**
By Chief (ret.) Dennis R. Naylor
Director of Research, Development, and Training
- 7 COUNSEL'S CORNER**
By Chief (ret.) Michael Ranalli
- 9 CHIEF DEL BIANCO TRIBUTE**
- 15 LAW ENFORCEMENT: A FAMILY TRADITION**
PAUL SANDY AND SONS
- 16 CONFLICT RESOLUTION IS AN IMPORTANT**
COMPONENT OF POLICING
By Chief (ret.) Dennis R. Naylor
Director of Research, Development, and Training
- 18 NYS LAW ENFORCEMENT HANDBOOK 2017**
- 19 NYS LAW ENFORCEMENT HANDBOOK ORDER FORM**
- 20 2017 ANNUAL TRAINING CONFERENCE**

New York State Association of Chiefs of Police

Staff

Executive Director
MARGARET E. RYAN
CHIEF (RET.) DRYDEN PD

GTSC Liaison
DOMINICK MACHERONE
DEP. CHIEF (RET.) GLENVILLE PD

*Director of Research,
Development, and Training*
DENNIS R. NAYOR
CHIEF (RET.) ONEONTA PD

Office Administrator
MARISSA C. D'AMORE

Membership Coordinator
MILES L. JAHNKE

Board and Officers

President
CHIEF DAVID ZACK
CHEEKTOWAGA POLICE DEPARTMENT

First Vice President
CHIEF MICHAEL LEFANCHECK
BALDWINVILLE POLICE DEPARTMENT

Second Vice President
CHIEF JOHN ARESTA
MALVERNE POLICE DEPARTMENT

Third Vice President
CHIEF PATRICK PHELAN
GREECE POLICE DEPARTMENT

Immediate Past President
ASST. CHIEF STEPHEN CONNER
MTA POLICE DEPARTMENT

Past President
CHIEF (RET.) MICHAEL RANALLI
GLENVILLE POLICE DEPARTMENT

Zone 1 Rep.
CHIEF MARVIN FISCHER
SUNY FARMINGDALE POLICE DEPARTMENT

Zone 2 Rep.
COMM. CHARLES GENNARIO
ROCKVILLE CENTRE POLICE DEPARTMENT

Zone 3 Rep.
ASST. CHIEF THOMAS ODESSA
MTA POLICE DEPARTMENT

Zone 4 Rep.
CHIEF GREGORY AUSTIN
RYE BROOK POLICE DEPARTMENT

Zone 5 Rep.
CHIEF JOSEPH SINAGRA
SAUGERTIES POLICE DEPARTMENT

Zone 6 Rep.
CHIEF TIMOTHY PARISI
ILION POLICE DEPARTMENT

Zone 7 Rep.
CHIEF THOMAS WINN
CAMILLUS POLICE DEPARTMENT

Zone 8 Rep.
CHIEF F. MICHAEL CATALANO
CORTLAND POLICE DEPARTMENT

Zone 9 Rep.
CHIEF SHAWN HEUBUSCH
BATAVIA POLICE DEPARTMENT

Zone 10 Rep.
CHIEF JAMES MICHEL
LACKAWANNA POLICE DEPARTMENT

Retired Member Rep.
CHIEF (RET.) JOSEPH DEL BIANCO
MAMARONECK POLICE DEPARTMENT

U.S. Attorney's Liaison
CHIEF (RET.) SAMUEL PALMIERE
TONAWANDA POLICE DEPARTMENT

A publication of the
New York State Association of Chiefs of Police, Inc.
2697 Hamburg Street, Schenectady, NY 12303
Office: 518-355-3371

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

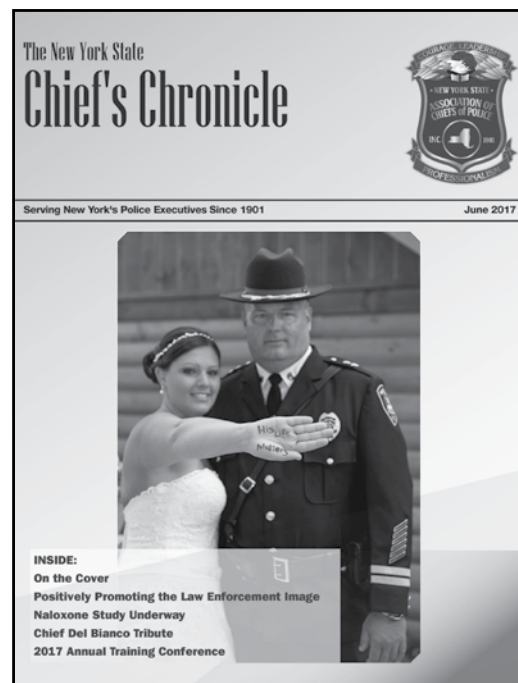
Copyright © 2017 • New York State Association of Chiefs of Police, Inc.

All rights reserved. No part of this publication may be reproduced in any form or by any means,
electronic, mechanical or otherwise without prior written permission from the publisher.

The New York State Chief's Chronicle magazine is an official communication tool of the
New York State Association of Chiefs of Police, Inc. The New York State Association of
Chiefs of Police, Inc. does not assume responsibility for statements of fact or opinion made
by any contributor. Comments made by individuals may not reflect the official position of the
New York State Association of Chiefs of Police, Inc. Acceptance and publication of articles,
advertisements, products and services does not indicate endorsement of same by the New
York State Association of Chiefs of Police, Inc., and the New York State Association of
Chiefs of Police, Inc. assumes no responsibility for their accuracy.

On the Cover:

The photo on the front cover is of Hudson Falls Police Chief, Randy Diamond, with his daughter, Kelsey (Walker), on her wedding day, September 17, 2016 in Bolton Landing, NY. As we all know, a tremendous amount of policing pride exists in law enforcement families, so it was Kelsey's wish to have her father walk her down the aisle while wearing his full dress uniform. Since the June Chronicle coincides with the month of Father's Day, we at the New York State Association of Chiefs of Police thought that this photo would be the perfect cover for our magazine. Congratulations to Chief Diamond, Kelsey, and family! Also, see related Chief Diamond story in this month's edition.



The New York State Association of Chiefs of Police is proud to highlight stories of current members whose family members are currently serving or have served in the law enforcement profession. This month's Chronicle will feature two such families who have made law enforcement a "family business": The Diamond family and the Sandy family.

Chief Randy Diamond, Hudson Falls Police Department

(cover photo)

The Law Enforcement family started many years ago in my family, and I am very proud to say, we are still going strong! It began back in 1969 when my Uncle Bob Canales was hired by the Bureau of Narcotics and Dangerous Drugs. Bob grew up in this area and after attending the Basic Training Academy in September of 1969, he was assigned to the Los Angeles Office. I was so proud as a child that my uncle was in law enforcement; listening to our family discuss him and seeing how everyone looked up to him was kind of a defining moment for our family. Bob worked many cases in the Los Angeles area and in 1971 while working a case where he was acting as an undercover agent making a drug buy, he was shot in the back by the targets he was buying from. It rang true at that time, that law enforcement was a very dangerous career.

My uncle luckily survived this shooting, but was paralyzed from the waist down and remains paralyzed to this day. He returned to work in 1972, at which time the name was changed from the Bureau of Narcotics and Dangerous Drugs to the Drug Enforcement Administration. He was assigned as Acting Regional Intelligence Supervisor at the Los Angeles Office. Despite his injury, he remained with the DEA until he accepted a disability

retirement in 1979. I remember his attitude throughout this whole ordeal and he was very positive and very motivated. It was clear that he truly enjoyed working in law enforcement.

Bob continues to enjoy his retirement in the San Diego, California area and still has many law enforcement friends and contacts around the world, and yes, I have met many of them! I would like to add that his roommate while he was attending the DEA Academy was our very own Jack McCarty, DEA Special Agent in Charge of the Albany Office (Retired) and a current member of the Northeast Chiefs of Police Conference. A small world it is!

Another influence in my family was my Uncle Frank Diamond who accepted a job in the Corrections Department for the Washington County Sheriff's Department in 1975. Frank worked with the Department for four years before becoming a Deputy Sheriff in 1979. As a child we lived near my uncle and I remember him in uniform in the marked car patrolling our streets, keeping our neighborhood safe, and listening to him talk about being a cop. I was told over and over by my parents that to be a cop, you must be good, you have to do well in school, and obey all the rules. These are pretty much the same stories we all hear growing up but even as a child I was focused. I knew that this was definitely the direction I wanted to take and that I would somehow, someday work in law enforcement. My Uncle rose through the ranks to sergeant and eventually finished up his career as a Lieutenant with the Sheriff's Department. He retired in 2009 with 34 years on the job and had a huge influence on my life!

—CHIEF RANDY DIAMOND, continued on page 11

President's Report

Is Forensic Science Dead?

BY CHIEF DAVID ZACK, PRESIDENT



On April 10, Attorney General Jeff Sessions issued a statement ending a partnership between the Justice Department and the National Commission on Forensic Science (NCFS). The Commission, a roughly 30-member advisory panel of scientists,

As a former detective who 'made his bones' as a crime scene investigator, I was naturally alarmed by these headlines...and suspicious. After all, the spreading of "fake news" is everywhere.

judges, crime lab leaders, prosecutors and defense lawyers, had been chartered by the Obama Administration in 2013. (Hsu, 2017). Some major media outlets quickly denounced Session's announcement:

"Sessions is Wrong to Take Science Out of Forensic Science"
(*New York Times*: 4-11-2017)

"Jeff Sessions Wants to Keep Forensics in the Dark Ages"
(*Washington Post*: 4-11-17)

"Sessions Scraps Federal Commission on Forensic Accuracy, For Some Reason" (*Forbes*: 4-11-17)

"Critics Worry 'Junk Science' to Reign as Forensic Panel Ends"
(*ABC News*: 4-14-17)

The blogosphere was also quick to weigh in:

"Sessions Just Took the Trump Administration War on Science to a New Level" (*Think Progress*: 4-10-17)

"Ignorant Jeff Excluding the National Commission on Forensic Science" (*Thom Hartmann Program*: 4-10-17)

As a former detective who 'made his bones' as a crime scene investigator, I was naturally alarmed by these headlines...and suspicious. After all, the spreading of "fake news" is everywhere.

After scrolling through 6 pages of a Google search, I discovered a press release from the National District Attorney's Association (NDAA). They had a different take on the disbanding of NCFS:

"The Commission lacked adequate representation from the state and local practitioner community, was dominated by the defense community, and failed to produce work products of significance for the forensic community. Very few of the recommendations from the Commission were adopted and

signed by the previous Attorney General during its existence. Those that were signed, such as universal accreditation, had already begun to develop organically within the forensic science community as accepted best practices, thus replicating ongoing work and wasting taxpayer dollars. (National District Attorney Association, 2017)"

Emma Grey Ellis, a science writer for the online tech magazine *Wired.com* supported the NDAA position:

I find this all very interesting. President's Obama and Trump clearly have opposing ideologies regarding the criminal justice system, as do their respective Attorney General's- Lynch and Sessions. Yet all are resisting the recommendations of scientific panels and advisors weighing in on the reliability of forensic science.

"The Commissions problems mirrored those of forensic science at large; too many cooks, and too few of them graduates of culinary school. Only about a third of its 37 members were forensic scientists, and the lawyers outnumbered them. Law enforcement officers and scientists in other fields split the remaining seats. Everyone's priorities conflicted, and no one could reach consensus on what to fix or how (Ellis, 2017)."

Researching further, I discovered two articles related to the Obama administration's President's Council of Advisors on Science and Technology (PCAST). In September of 2016, the Council issued a "scathing" report on the use of forensic analysis and expertise in the criminal justice system. The first entitled: *"Justice Department Rejects Forensic Science Recommendations; Critics Disapprove"* came from the *Syracuse Law Review*:

"Shortly after the Council released its report, the United States Attorney General, Loretta Lynch, responded to its findings. She stated that the Justice Department would not be adopting any of the recommendations laid out by the Council. In explaining why, Ms. Lynch said that there had already been large steps taken toward strengthening forensic science within the Justice Department. She also said that current legal standards are already based on sound scientific principles, and therefore do not need updating or changing" (Pratt, 2016). ►

The second: “*When Obama Wouldn’t Fight for Science*,” came from the Washington Post:

“*And not only has the Obama administration done nothing about the report, the Justice Department has publicly denounced it*” (Balko, 2017).

The *Washington Post* dedicated 24 paragraphs to their April 11th Session’s piece. Buried in the 20th paragraph was a single line (in parenthesis), acknowledging that former A.G. Loretta Lynch did essentially the same thing as A.G. Sessions months earlier. The *Times* op-ed did mention Lynch’s failure to adopt PCAST’s recommendations, while *ABC News* and *Forbes* ignored it completely. The blog articles aren’t even worth mentioning.

I find this all very interesting. President’s Obama and Trump clearly have opposing ideologies regarding the criminal justice system, as do their respective Attorney General’s- Lynch and Sessions. Yet all are resisting the recommendations of scientific panels and advisors weighing in on the reliability of forensic science. What’s happening here?

The answer: Nothing. Forensic Science isn’t dead. When A.G. Sessions announced he would not be renewing the charter of NCFS he stated, “*In the coming weeks, the Department will appoint a Senior Forensic Advisor to interface with forensic science stakeholders and advise Department Leadership*” (Sessions, 2017). It would appear Sessions is looking for new scientists. *Forbes* referred to Sessions’ call for a Senior Forensic Advisor as a “*yet undetermined approach*” (Burns, 2017). The *Washington Post*, *New York Times* and *ABC News* failed to mention the position at all. Science isn’t dead-but on life support is responsible journalism. It appears the debate over forensic science has little to do with science and more to do with scientists and who gets to pick them: defense lawyers or prosecutors?

I will be following developments in the field of forensic science

as it is a topic of great interest to me. To save time, I will most likely limit my reading to Emma Grey Ellis from *Wired.com* who seems to provide the most reliable and complete information. Her conclusion:

“*Sessions’ decision not to renew the National Commission on Forensic Science will not break forensic science. It was already broken. The commission couldn’t fix the problems plaguing forensic science because it shared them. The only way to fix forensic science is for the cops and the lawyers and the pure scientists to step aside and let the forensic scientists who know their field bring it to scientific rigor, and practical flexibility, they need to do the job.*”

Seems like a reasonable approach?

Works Cited

- Balko, R. (2017, January 4). When Obama Wouldn’t Fight for Science. *Washington Post*.
 Burns, J. (2017, April 11). Sessions Scraps Federal Commission On Forensic Science Accuracy, For Some Reason. *Forbes*.
 Ellis, E. G. (2017, April 14). The War Over Forensic Science Started Well Before Jeff Sessions. *Wired.com*.
 Hsu, S. S. (2017, April 10). Sessions Orders Justice Dept. to End Forensic Science Commission, Suspend Review Policy. *Washington Post*.
 National District Attorneys Association. (2017, April 10). National District Attorneys Association Applauds Expiration of National Commission on Forensic Science.
 Pratt, J. (2016). Justice Department Rejects Forensic Science Recommendations; Critics Disapprove. *Syracuse Law Review*.
 Sessions, J. (2017, April 10). Attorney Jeff Sessions Announces New Initiatives to Advance Forensic Science and Help Counter the Rise in Violent Crime. Department of Justice.

Naloxone Study is Underway

BY: DANIELLE LLOYD, MPH, NYS DEPARTMENT OF HEALTH

Law enforcement officers play a critical role as first responders in the event of a suspected opioid overdose. As rates of overdose have continued to climb throughout the country, it has become increasingly necessary to rely on law enforcement, often the first at the scene, to be trained to recognize the signs of an overdose and administer naloxone.

In 2014, several agencies in New York State, including the Department of Health (DOH) AIDS Institute, Division of Criminal

Based on naloxone usage report data submitted to the AIDS Institute through January 2017, 1,738 law enforcement officers have administered naloxone, some multiple times.

Justice Services (DCJS), Albany Medical Center, Harm Reduction Coalition, and the Office of Alcoholism and Substance Abuse Services (OASAS), collaborated to develop and deliver a statewide program to train police and other law enforcement officers to administer naloxone. Based on naloxone usage report data submitted to the AIDS Institute through January 2017, 1,738 law enforcement officers have administered naloxone, some multiple times. These reports have been submitted from agencies in 59 counties from 213 law enforcement agencies.

Given that officers have been called upon to perform such a task as part of their routine duties with great frequency, it is necessary to learn more about some of the real-life challenges of administration. In February 2017, the DOH AIDS Institute began recruiting officers throughout the state to participate in one-on-one interviews. To date, a total of 28 interviews have been conducted with officers from Broome, Chautauqua, Erie, Jefferson, Oneida, Onondaga, Ontario, Saratoga and Ulster counties. Officers have been asked questions about challenges or barriers to naloxone administration, dynamics with the aided and bystanders, post-naloxone administration protocol, and perspectives on naloxone training and reporting. Additional interviews have been scheduled with agencies in Nassau, Suffolk, and Westchester counties.



Dani Lloyd

A special thank you to New York State Association of Chiefs of Police for assisting in the recruitment process, and to all the agencies who participated in interviews. Interviews are ongoing; if your agency is interested in participating, please contact Dani Lloyd at 518-474-7848 or Danielle.Lloyd@health.ny.gov

And please keep an eye out – we will be sharing findings from the project in a future publication!

To become a registered Opioid Overdose Program with the NYS DOH, please visit: <https://www.nyoverdose.org/>

Executive Director's Report

Raising the Age of Criminal Responsibility



BY CHIEF (RET.) MARGARET E. RYAN

Raising the age of criminal responsibility has been introduced by the New York State legislature for many years. As of 2017, New York and North Carolina are the only two states in the United States where 16- and 17-year-olds can be prosecuted as adults. In 2016 and 2017 the discussions deepened to the point of the Fiscal Year 2018 New York State Budget where provisions were included. 16- and 17-year-olds who commit non-violent crimes will now be processed as juveniles in the family court system rather than the adult criminal justice system. On January 19, 2015, the Governor released the Final Report of the Governor's Commission on Youth, Public Safety and Justice. In addition to reviewing our current juvenile justice system, this report contained recommendations for juvenile justice reform in New York State. On January 21, 2015, the Governor released his budget proposal, and the executive budget bills included many of the comprehensive reforms called for in the Final Report. At the time, the NYSACOP Board of Governors cited concern over the manner and speed in which such comprehensive reforms were being proposed. In the

As of 2017, New York and North Carolina are the only two states in the United States where 16- and 17-year-olds can be prosecuted as adults.

Despite concerns with the legislation and a combined effort by the New York State Association of Chiefs of Police, the New York State Sheriffs Association, the District Attorney Association of New York, and the Police Conference of New York, to inform state legislators of our concerns, the legislation passed.

2016 legislative session, there was still discussion of the issue, but comprehensive proposals were submitted. On February 6, 2017, NYSACOP 2nd Vice President Chief John Aresta testified on behalf of NYSACOP before the Senate Standing Committee on Children & Families and the Senate Standing Committee on Crime Victims, Crime & Correction. Chief Aresta stated, "Our association and its members are committed to improving our criminal justice system in any way possible, whether for juveniles or adults. Further, we do

not challenge the purported value of the diversion and intervention programs cited and recommended within the Final Report. We all have a vested interest in developing and supporting processes that will help to keep our youth out of the criminal justice system. All major law enforcement organizations, however, also need to be at the table during the creation of such proposals, not reacting to them after they are released." During a press conference in

March, Cheektowaga Police Chief David Zack, president of New York State Association of Chiefs of Police said, "This legislation in its current format, must not, should not and cannot pass." Despite concerns with the legislation and a combined effort

by the New York State Association of Chiefs of Police, the New York State Sheriffs Association, the District Attorney Association



Assembly Visit



Aresta - Senate Hearing

of New York, and the Police Conference of New York, to inform state legislators of our concerns, the legislation passed. On April 10, Governor Cuomo signed the law in a celebratory ceremony in New York. In the Governor's press release announcing the passage of the FY 2018 State Budget, he stated, "For too long, draconian punishments for youthful mistakes have ruined the lives of countless young New Yorkers. By coming together, we reversed this injustice and raised the age of criminal responsibility once and for all so that 16- and 17-year-olds are no longer prosecuted as adults." Raising the age of criminal responsibility to 18 will reduce crime and costs to the state. It will give young, low-level

offenders the intervention and evidence-based treatment they need, according to state officials.

There are many programs in New York State already helping 16 and 17-year-olds and keeping them out of adult prisons. More than 95 percent have their records sealed so past crimes don't forever taint their futures. By strengthening family environments, promoting youth education and skill development, fostering healthy relationships and creating protective community environments, we can do more than help young people live safely. We can enable them, and their communities, to thrive.

Positively Promoting the Law Enforcement Image Is a Must for Successful Policing in the 21st Century

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



One of the most important courses that I took while attending the FBI National Academy was a ten-week class on marketing and promoting the law enforcement image. This course was

Although the "brand" of all agencies is appropriately articulated in the organization's mission statement, it is most vividly articulated by the way in which those wearing the uniform interact with the public for whom they serve.

a unique and one-of-a-kind training program designed to teach law enforcement leaders highly valuable concepts needed to create and maintain a positive image of their respective agencies. In a day and age in which instances of negative police encounters quickly become front page news stories and stay as such for recurrent news cycles, there could be no better time for agency leaders to focus on this often-overlooked aspect of police leadership.

It is an established fact that every person who works in law enforcement is a representative of their agency, both for good and for bad. Although the "brand" of all agencies is appropriately articulated in the organization's mission statement, it is most vividly articulated by the way in which those wearing the uniform interact with the public for whom they serve. The perception that is created through every police encounter is what will establish the tone for how the department is viewed. Therefore, to best control for this, leaders must do everything in their powers to ensure that all members, both sworn and non-sworn, are subscribing to this philosophy of continual positive self-promotion.

If an organization fails to properly market themselves, they will have no choice but to rely on other entities such as the media to do it for them. This practice can clearly lend itself to a biased or inaccurate depiction about what you and your agency represent. An agency's overall image is strongly created by the way in which citizens are treated when they call the department for service, when they are detained for a traffic stop, when they report a crime, when they are arrested, when they make a records request, or during any other official police involvement. Not only does their individual treatment form their opinion, but it also becomes the opinion of others when their story is relayed to friends and family. The first step towards positively promoting your agency is therefore to make certain that all members make professionalism, honesty, and high quality treatment a priority for every person with whom they contact each day. All instances in which this does not occur must be addressed immediately and likewise, positive reinforcement must always occur when it does.

The next step towards positively promoting your organization is in making it a practice to document the daily acts of community policing that occur, and subsequently disseminating that information to the public and local governing body. Positive policing can most easily be disseminated through a department's Facebook page, press releases, department website, and city council / town / village board reports. Tremendous photo opportunities exist for activities such as station tours, bike rodeos, child safety seat checks, foot patrols with citizen engagement, community talks, training activities, and anything along those lines. Community members always enjoying seeing police positively interacting with other citizens, so anytime that aspect of policing can be reinforced, it becomes a great tool for improving public relations.

Another way to positively promote your agency is to maintain

—*POSITIVELY PROMOTING THE LAW ENFORCEMENT IMAGE, continued on page 9*

Counsel's Corner



Implications of Policy and Police Liability: The Professional Judgement Rule



BY CHIEF (RET.) MICHAEL RANALLI, ESQ.

In the March 2017 edition of the Counsel's Corner, I discussed the implications of proposed changes of use of force policy language and its impact on the federal standard of reasonableness. In this edition, I will analyze the potential impact of policy language in a civil case.

A successful civil rights case brought under 42 USC § 1983 requires the plaintiff to show a violation of their constitutional rights or a right guaranteed under federal law. Simply showing that

policy and training should reflect legal principles that will help to protect officers, the public and the municipality from all types of liability—civil (federal civil rights and state tort law) and criminal.

an officer violated department policy is insufficient.

So, you might ask, why can't we make our use of force policies more restrictive than what's required by law?

First, as I explained in the previous article, policy must take into account the realities of human response to stress. Strict prohibitive language can create false expectations and result in potentially improper discipline of officers. Second, overly restrictive policies can become a distraction in litigation. Counsel for a municipality must spend time explaining why their officer's violation of department policy should still be considered reasonable under the law. Third, overly complex, unrealistic and restrictive use of force policies could cause an officer to hesitate, potentially compromising the safety of the officer and the public. Finally, policy and training should reflect legal principles that will help to protect officers, the public and the municipality from all types of liability—civil (federal civil rights and state tort law) and criminal. My focus in this article will be on the "professional judgment"¹ rule that can immunize municipalities from liability in state tort law negligence cases.

Johnson v. City of New York

In the New York Court of Appeals case *Johnson v. City of New York*,² officers responded to a complaint of an armed robbery. When officers ordered the suspect to drop his weapon, he started

The professional judgement rule is founded on the value judgment that government employees should be free to exercise discretion and judgment while fulfilling their official duties.

firing at them. Three officers returned fire at the suspect, who was eventually hit and fell to the ground. In subsequent pretrial testimony, none of the officers reported observing any pedestrians or bystanders on the street. The plaintiff Tammy Johnson was struck in the elbow by a bullet while lying on the ground with her daughter behind an SUV. She brought a negligence action claiming, in part, that the officers violated department guidelines and so negligently discharged their firearms.

- a. The relevant section of the department policy was No. 203-12, "Deadly Physical Force," which states in part:

Police officers shall not use deadly physical force against another person unless they have probable cause to believe that they must protect themselves or another person present from imminent death or serious physical injury.

- b. **Police officers shall not discharge their weapons when doing so will unnecessarily endanger innocent persons.**³ (emphasis added)

The plaintiff claimed that the officers violated subsection b. The city moved for summary judgment on the grounds that the officers "exercised their professional judgment" and overall acted reasonably since they were under fire.

The professional judgement rule is founded on the value judgment that government employees should be free to exercise discretion and judgment while fulfilling their official duties. The rule effectively insulates a municipality from liability for the actions of an employee "where the conduct involves the exercise of professional judgment such as electing one among many acceptable methods of carrying out tasks, or making tactical decisions."⁴ This rule, however, will not extend to those situations where the municipal employees violate their own internal rules and exercise no judgment or discretion.⁵

—COUNSEL'S CORNER, continued on page 10



A Community Partner for Over 200 Years

In 1814 Emma Hart Willard founded the country's oldest independent school for girls in grades 9-12. Today Emma Willard School in Troy, NY is a **leader in girls-first thinking**—life at Emma means a girl is in every leadership position.

LEARN MORE at emmawillard.org

Em
EMMA WILLARD
SCHOOL



a focus on the various details which community members will observe daily. This could be as simple as making sure that the department patrol cars are always clean, that officers are observing the vehicle and traffic laws while on patrol, that officers are

The first step towards positively promoting your agency is therefore to make certain that all members make professionalism, honesty, and high quality treatment a priority for every person with whom they contact each day.

squared-away with shined shoes and pressed uniforms, and that officers are polite to all of those with whom they speak. As much as these items may appear to be small details, they are also big representations about the department's image and illustrate that the department emphasizes professionalism. Since everything an agency does should be done with the goal of inspiring confidence in their abilities to protect and serve, it is important to be attentive

to all the details. When something goes wrong, the prior attention towards the above will be strong factors in allowing an agency to

Community members always enjoying seeing police positively interacting with other citizens, so anytime that aspect of policing can be reinforced, it becomes a great tool for improving public relations.

recover and maintain the respect from the community that they worked so hard to build.

If, as you read this article, you see that your organization is already performing these activities, or variations of them, then you are doing well and promoting not only your agency's activities but a positive policing profession. If this is an area which has not received much attention, then there could be no better time to start. Consider all the ways that you can show off all the good things that you and your department does daily. When this becomes a foundational component of your organization's approach towards policing, many positive results will occur.

Chief Del Bianco Tribute

On Friday, April 28th 2017, the Westchester County Police Chief's Association paid a special tribute to Chief (ret.) Joseph Del Bianco. After 65 years of service and commitment to the law enforcement profession, Chief Del Bianco officially turned over the reins of Executive Director of the Westchester County Police Chief's Association, and will now be assuming the new title of Executive Director Emeritus.

Chief Del Bianco is a role model as a police executive. He is a man who has dedicated his life and his career to his community and even after retiring as Chief of Police from the Mamaroneck Police Department, he continued to improve law enforcement through his service as the Board of Governor Retired Representative with the New York State Association of Chiefs of Police (NYSACOP) and with the Westchester County Police Chief's Association as Executive Director.

CHIEF DEL BIANCO TRIBUTE, continued on page 17



Members of the Westchester County Police Chief's Association pay tribute to Joseph Del Bianco.



Margaret Ryan, Timothy Bonci, Westchester County Police Chief's Association President, and Joseph Del Bianco.

The N.Y. Supreme Court denied the city's motion for summary judgment, finding that there was an issue of fact as to whether the officers violated the relevant department procedure by discharging their weapons. The Appellate Division reversed and dismissed the complaint, holding in a 3-2 decision that the plaintiff failed to demonstrate that the officers violated the guidelines. Without proof there were pedestrians in view, the three-judge majority stated, there were no questions of fact in dispute. The dissenting judges, however, relied on the officers' depositions stating they *did not look* for bystanders, which created an issue of fact regarding compliance with the guidelines since the officers failed to even determine if anyone was at risk before discharging their weapons.

The Court of Appeals affirmed the Appellate Division in a 4-3 decision. The majority focused on the specific language "unnecessarily endanger innocent persons" to hold that the

Policy is sometimes drafted to meet potentially unattainable results. It may sound good in a perfect world, but it's not always achievable, especially in a rapidly unfolding situation.

procedure does grant discretion to officers to make a judgment call as to when it is necessary to fire their weapons. The court found that the record supported the fact that all the officers did not see any bystanders in the area while firing and "it cannot be said that the officers failed to exercise discretion in discharging their weapons."⁶ There also was no evidence that the plaintiff was in the line of fire during the exchange of gunfire. Therefore, the court reasoned, the officers exercised their discretion and there was no question of fact as to whether the officers violated their guidelines by firing their weapons.

The dissent disagreed, finding the crime scene sketch established Johnson was across the street from one of the officers and therefore should have been visible to the officer. In addition, the dissent focused on the fact that the officers did not *look* for bystanders, rather than relying on the fact that the officers said they did not *see* any bystanders. These factors, according to the dissent, created a triable issue of fact as to whether they violated the guideline that prohibits them from unnecessarily endangering innocent persons. The immunity provided by the professional judgment rule requires that reasoned judgment be used in exercising discretion. By not looking for bystanders, the dissent stated, the officers did not even try to comply with their own procedures.

Analysis

The first thing to understand about this case is how close the decision was. Six judges—the Supreme Court judge, two appellate judges and three Court of Appeals judges—all felt there was a triable issue of fact of whether the officers violated the department guidelines and, therefore, may have been negligent in their actions. This compares with seven judges who granted immunity to the city under the professional judgment rule. This case could have easily gone before a jury, with the issue essentially being whether the officers complied with their own department policy.

The majority decision seemed to rest heavily on the fact that the officers stated they did not *see* anyone and the record did

not support that Johnson was in the line of fire. The dissent felt the written procedure created an obligation to *look*. This is the critical point: The courts are divided by the interpretation of the written procedure, and this entire litigation arose because of that procedure. The professional judgment rule does not have to arise from a written policy, and can instead be litigated by experts for both sides giving their opinions as to proper police procedure.⁷ There are situations where, for a variety of reasons, the actions of the officers would violate the standard duty of care of a common-law negligence case with or without written department policy and procedures.⁸ But policy and/or procedure will be the starting place for plaintiff's counsel.

What if the record did show bystanders were present and/or Johnson was obviously in the line of fire? Would the result have gone the other way? Possibly, and the language of the department guidelines may have worked against the officers and the department. Or consider the situation of an active shooter indiscriminately shooting at people in a public area. It could be objectively reasonable for an officer to shoot at the suspect, even though there may be bystanders placed at risk, because of the overwhelming ongoing risk the shooter is creating. But would the guideline in this case create an additional layer of legal debate over whether the specific actions taken "unnecessarily endanger innocent persons" as compared to other options?

Policy Matters

I am not remotely suggesting that we should, by *not* imposing restrictions on officers in policy, encourage or allow officers to indiscriminately spray bullets whenever they reasonably perceive a threat. Officers *should* not place innocent persons at risk when it is not reasonably necessary to do so. The use of *shall not*, however, ignores the fact ignores the fact the *suspect* is potentially placing people at risk as well, and stopping that behavior may be the lesser of two evils. Considering the discussion in the March 2017 Counsel's Corner, the question becomes: Are officers always capable of adhering to a guideline such as the one in this case?

The impact of stress on human physiology can cause selective attention, or tunnel vision as it is more commonly known, and auditory exclusion, which can impair hearing. In addition, even under normal conditions a person has a limited attentional load—

No policy, no matter how carefully drafted, will insulate any agency from all liability.

there are only so many things we can attend to at once. A police officer, under stress and in a complicated and dangerous situation, may focus all attention on the immediate threat. Vision is centered on the suspect and visual stimuli on the periphery may become a blur.⁹ Policy is sometimes drafted to meet potentially unattainable results. It may sound good in a perfect world, but it's not always achievable, especially in a rapidly unfolding situation.

Further, written policy or procedure alone cannot sufficiently impact officers' performance under stress. Creating a list of prohibited behaviors will not ensure officers make the right decisions. Because of limited attentional load, an officer will unlikely be able to retrieve that list from memory and make the appropriate decision in the fraction of a second in which he/she must make a use of force decision. Instead, scenario-based training must be used to reinforce legally sound and attainable policy provisions.

In my current position at Lexipol, I am frequently asked by New

York customers why our use of force policy is not based on Penal Law Article 35. The answer is that the Lexipol policy is based on Fourth Amendment principles and is designed to help protect officers and municipalities from all possible legal challenges—civil (federal and state), criminal and administrative. The justification provisions of Article 35 provide the basis for the criminal defense of an officer, and would *not* be the operant standard of care in a civil negligence case.¹⁰ Why draft policy that will only guide and protect an officer and agency in one legal forum?

Making policy and conducting training consistent with the Fourth Amendment standard is the simplest way to try to satisfy all the legal hurdles in all possible forums, but it also a difficult task. No policy, no matter how carefully drafted, will insulate any agency from all liability. There will always be questions of interpretation of the application of a policy to a case, and litigation is always a potential, but staying true to the Fourth Amendment standards is the place to start.

(Endnotes)

- 1 This rule has also been call the “judgmental error rule.”
- 2 15 N.Y.3d 676 (2010)
- 3 Id, 679
- 4 Id. 680, quoting *McCormack v. City of New York*, 80 N.Y.2d 808, 811, [1992], quoting *Kenavan v. City of New York*, 70 N.Y.2d 558, 569, [1987]
- 5 *Haddock v. City of New York*, 75 N.Y.2d 478, 485 (1990) The case involved a work relief program that was available to employable recipients, which included ex-convicts. City guidelines required each person with a criminal conviction to be reviewed on an individualized basis, with the facts and circumstances of their crimes evaluated and considered when placing the person in jobs. He stated on his application he had no criminal record when in fact he had an extensive criminal record, including rape. He was placed in the parks department and committed a rape at a playground. The court found the city did not exercise any discretion since they made no effort to comply with their own procedures to give them the information necessary to make a discretionary decision. The immunity provided by the professional judgment rule was inapplicable in this case.
- 6 *Johnson*, at 681.
- 7 See *Rodriguez v. City of New York*, 189 A.D.2d 166 (1st Dept. 1993). Expert testimony on proper police procedure and departmental guidelines prevented application of the judgmental error rule to a situation where an officer fired at the armed suspect with a crowd of people in between them, resulting in a bystander being hit.
- 8 See *Lubecki v. City of New York*, 304 A.D.2d 224 (1st Dept. 2003)
- 9 For more information on these concepts see Honig, Audrey & Lewinski, William J. (2008). A Survey of the Research on Human Factors Related to Lethal Force Encounters: Implications for Law Enforcement Training, Tactics, and Testimony. Law Enforcement Executive Forum, 8(4), 129–152, Chabris, C. & Simons, D. (2010) *The Invisible Gorilla: How Our Intuitions Deceive Us*. New York, Crown Publishing Group; Schmidt, Richard A. & Lee, Timothy D. (2014) *Motor Performance and Learning*, 5th Edition. Champaign, IL: Human Kinetics, Chapter 3. There are also numerous other sources on the topic and some can be find through the Force Science Institute website at www.forcescience.org.
- 10 See *McCummings v. New York City Transit Authority*, 81 N.Y.2d 923 (1993).

CHIEF RANDY DIAMOND, CONTINUED FROM PAGE 2

Then in 1979 my older brother, Rick, was hired by the Hudson Falls Police Department as a part time officer, subsequently promoting to fulltime in 1980. I was a senior in high school at that time and really looked up to Rick. He helped me make the decision that after graduating high school and college, law enforcement was absolutely the path that I needed to take. I would do anything in my power to spend time with him when he was off duty so I could listen and learn about the law enforcement culture. I would stop by the PD and speak to the various officers and continue to try to get my foot in the door for when I graduated from college. While my brother was working as a patrolman, I managed to get hired as a part-time dispatcher for the Hudson Falls PD in 1982. I would work the overnight and weekend shifts so that it did not interfere with my schoolwork. I was thrilled to finally be working in law enforcement. In 1985 I was hired to the position of full-time patrolman, and after all of this waiting I had finally made it! My brother and I worked together in the department, although on opposite shifts for several years. I can say that I really enjoyed being a cop and I realized early on that I definitely made the right decision. My brother was promoted to sergeant in 1987, and then detective in 1991, proudly serving this department and community for over 20 years. He retired in 2002 from a very distinguished career and it was an honor working with and learning from him for the many years we worked together.

I continued working with the department being promoted to sergeant, then detective in 2002, then Deputy Chief in 2004 and eventually Chief of Police in 2008. I am so glad all of these “family members” influenced my career choice, and despite everything that is happening in the country with Law Enforcement, I would still recommend this job to anyone who will listen. In our Family, it’s the “Family Business.”

The influence continues on today; my nephews Kyle was a peace officer for Lake George Village between 2003-2006, then hired as a Deputy by the Warren County Sheriff’s Department in 2007. He is currently a detective sergeant with the Glens Falls Police Department. My other nephew Jason, was a peace officer for Lake George Village between 2004-2007 and currently is a deputy with the Washington County Sheriff’s Department. I wonder what the future holds!!





In Memory of

Mike Smith, 70th Pct.

**From the Landau Family
Brooklyn, New York**

Marketing Opportunity



If you or your company would like to become a part of our Partner Program with NYSACOP, please email us at partner@nychiefs.org with questions or to sign up.

The Marketplace Media Kit is available on our homepage at www.nychiefs.org



Lexipol

PREDICTABLE IS PREVENTABLE®



AXON



SECUREWATCH24



New York State Association of Chiefs of Police

2697 Hamburg Street
Schenectady, NY 12303
P: (518) 355-3371
F: (518) 356-5767
E: media@nychiefs.org
Website: www.nychiefs.org

Marketplace Media Kit

**Do you or someone
you know want to
get more involved
with the New York
State Association
of Chiefs of Police?**

Visit our Marketplace
Media Kit on our
website for Sponsorship
and Advertising
opportunities!



- 2017 Conference Sponsorships available
- eNewsletter and Magazine Advertising
- Email blasts and more!



We've teamed up to serve you better.

When it comes to great banking and insurance,
we've got you covered.

1st National
Bank of Scotia
MEMBER FDIC

Scautub
A G E N C Y
SINCE 1926

Products offered through Scautub Agency are not a deposit. Not FDIC insured May go down in value
Not insured by any federal government agency Not guaranteed by the bank Scautub Agency, Scotia, New York.

Law Enforcement: A Family Tradition

Pictured are Paul Sandy, Deputy Chief of the City of Cortland Police Department with his sons, Kyle and Cody.

I have been in law enforcement with Cortland City Police for 31 years.

My oldest son, (rt), Kyle A. Sandy (26), has been with Cornell University Police for the past 4 years and my youngest son, Cody L. Sandy (23), has been with the Cortland County Sheriff for the past year.

I also have a nephew, Brian J. Guernsey (40), who is with the New York State Police in Homer, New York for about the past 14 years.

This photo is from my youngest son's graduation from Elmira Police Academy.

I was very fortunate to have had the privilege of handing each of my sons their diploma at their graduations from the police academy and to have attended my nephew's graduation in the NYSP academy.



Keeler

MOTOR CAR COMPANY

Keeler Motor Car Company is a proud sponsor of The NYS Association of Chiefs of Police



SPRINTER



Keeler
Pre-Owned

KEELER MOTOR CAR COMPANY
COLLISION
Center

Route 7, Latham, NY • (518) 785-4197
Visit us online at www.keeler.com



2017 Training Conference

Registration costs and training agenda can be found:

www.regonline.com/2017nysacopconference



In addition to training, be sure to sign up for our planned group activities:

Golf, Group Dinner, Banquet, and more!

Please visit our website for conference updates and common questions

www.nychiefs.org

P: (518)355-3371

E: conference@nychiefs.org

Conflict Resolution is an Important Component of Policing

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



In law enforcement, the common thread among our daily activities is that we frequently deal in conflict. Each situation to which we respond presents a unique set of challenges, with our end goal being to resolve the issue to the best of our ability. Sometimes the situation may be resolved via a custodial arrest whereas other times basic mediation is all that is needed. In any regard, the more we can understand each of the

basic conflict resolution styles in conjunction with the style with which we each most strongly connect, then the better the chances are that we will have a successful outcome each time we try to remedy a situation.

The five primary styles of conflict resolution; competing, accommodating, avoiding, collaborating, and compromising each has value depending upon the circumstances. A competing style is assertive with the goal of winning the conflict at all costs. Contrary to this is the accommodator who is non-assertive and will sacrifice their wants simply to resolve the conflict. The avoidant style seeks to ignore the conflict so as not have to deal with the situation. Opposite to the avoider is the collaborator who works with all

Understanding all conflict resolution styles is important so that efforts can be made to utilize the best mode of resolution, especially when our primary style may not be appropriate or available for the situation.

sides to find an amenable solution to the problem for all parties. Finally, the compromising style works towards quickly developing a remedy to solve the situation but ultimately leaves both sides only partially satisfied.

Every individual has one of these styles which feels most natural to them and to which they predominately subscribe. This is generally based upon a person's personality, their comfort level with conflict, and their life experiences. We can all probably think of people that we know who fit into each of those categories and we can also

readily determine which category most accurately describes our own personal conflict resolution style. Understanding all conflict resolution styles is important so that efforts can be made to utilize the best mode of resolution, especially when our primary style may not be appropriate or available for the situation.

For example, in the case of a mandatory arrest scenario in which a suspect does not wish to get arrested, we can all agree

the more we can understand each of the basic conflict resolution styles in conjunction with the style with which we each most strongly connect, then the better the chances are that we will have a successful outcome each time we try to remedy a situation.

that a competing style is essential on the part of law enforcement to appropriately perform their duties. Conversely, if an officer is responding to a landlord/tenant dispute, then a collaborating or compromising style of conflict resolution will likely be much more appropriate. Even the avoidant style has merit for times when it is simply better to avoid a non-winnable situation which will potentially resolve itself on its own.

Knowledge of the above styles is also important because once you understand the place from which an opposing side is attempting to resolve their conflict, you will be better suited to determine which strategy is best for you to employ. Understanding how you personally resolve conflict is also important for self-improvement. If you find that you are constantly arguing with others, it is possible that your conflict resolution style may need to be adapted to something less competitive.

Conflict arises in everyone's life, on a regular basis throughout each day. As law enforcement professionals, it is our responsibility to repeatedly respond to that conflict and appropriately resolve the situation. It is great when a situation can be resolved to everyone's liking, but we know that sometimes there must be a winner **and** loser, or some level of compromise involved. Considering these factors ahead of time and knowing what your primary conflict resolution style is, will make you better prepared to appropriately approach and deal with each conflict-driven situation to which you are involved.

Chief Del Bianco was called to the podium for special recognition during the Westchester County Police Chief's Association Installation Banquet. Remarks by Irvington Police Chief and new Westchester County Police Chief's Association Executive Director, Michael Cerone, were as follows:

Chief Del Bianco, AKA "The Godfather" is our beloved director of this great association. His tenure in law enforcement spans from 1952-2017 for a total of 65 years. During this timeframe, Joe has worn a lot of hats and what has become to be expected of every police officer in today's society. As the rhyme goes, he is the butcher, the baker, and the candlestick maker. He defined the meaning of the term "multi-tasking" and many would say that he was the king of multi-tasking. Joe is well respected and a king amongst his peers. The positions he has held are very significant ones and from everyone in this room, to the village and county in which he works and lives, to the community of law enforcement, all have benefited. Some of his titles he has held in the past and to date are as follows:

This is going to be David Letterman's top 10 list of Chief Joseph Del Bianco, A.K.A., this is your life!

Village of Mamaroneck Police Department. August 1st 1952 to June 1st 1994. He held and spent time in every key position and retired as Chief of the Department. During his tenure, in his sergeant position, he served as President of Westchester's Youth Officers Association. He is a founder and charter member of the New York Juvenile Officers Association and responsible for bringing the DARE program to this department.

As a member of the Mamaroneck PBA, he held every office of their fraternal organization.

President of the local Lions Club.

Member of the Knights of Columbus.

He served on the Mamaroneck Harbor Commission.

He was a charter member of the Westchester Police Columbia Association.

He served as president of the Larchmont/Mamaroneck Youth Employment Services.

He is also a member of the NYSACOP. In 1985 he served on the Board of Governors as the zone 4 representative and in 1995 he became a NYSACOP retired members representative, still representing to this date.

He is the only retired chief that I know who has a boat named after him; In his honor, the Village of Mamaroneck's mayor and members of the village board named their police patrol boat after him.

He has served the Westchester County Chiefs of Police Association for 35 years, with the last 15 years as director. It would take too long to list all his achievements, but they all show grounds for kingship. I would like to hold a coronation for you as king, but that's beyond my powers. So Joe, you'll have to accept what the members have affectionately dubbed you as our "Godfather."

Before I continue with this presentation, I want to acknowledge Joe's family. He has four children, eleven grandchildren, and three great grandchildren. Now with all of what Joe has accomplished and succeeded in, we know that he didn't do it alone.



We pay a special acknowledgement to his wife of 62 years, Doreen. God bless you on keeping him on the straight and narrow path all of these years (flowers were then presented to Doreen.)

**Joe and Doreen
Del Bianco**



Before I close, we have one more task to do. I request that all members of the association, current and retired, come forward and please form a double line formation on both sides of Joe. It is my honor to represent all of the members of the Westchester County Chief's Association and on their behalf, in presenting you with this gift and token of our appreciation for all of your service to God, country, family, community, and this organization. You have become well known and respected throughout Westchester County, New York State, and with our Federal Law Enforcement members as well. We thank you for all of your service, achievements, and bestow upon you this gift of our appreciation.

The detail then came to attention and formally saluted Chief Del Bianco. Chief Del Bianco was given the opportunity to say a few words during which time he stated for the first time he's speechless.

On behalf of the New York State Association of Chiefs of Police, we concur with Chief Cerone and the Westchester County Police Chief's Association and echo the same sentiments!

Well done Chief Del Bianco!



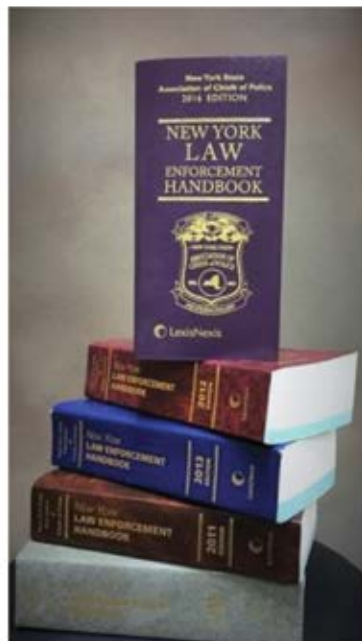
NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE, INC.

NEW YORK STATE LAW ENFORCEMENT HANDBOOK

COMMONLY USED LAWS:

Available February 2017, 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
- Social Services Law
- Transportation Law
- Vehicle & Traffic Law

NEW YORK-SPECIFIC RESOURCE SECTION:

The resource section of our exclusive Handbook includes more than 180 pages of items you can use in your daily work:

- **Ignition Interlock Devices:** Resources and Enforcement Sections
- New **sex offender registration** information
- **Drug Facilitated Sexual Assault** investigative guidance
- **Route alerting** sample messages
- **Syringe program**/law guide/policy
- **HIPAA** disclosures
- **Sex offender registration** guide

- **Supporting depositions** including passed school bus violations
- **Traffic safety** programs and trainings
- Evidence change for **prostitution**
- **Good Samaritan 911** Law
- and more!

A convenient size (3 3/4" x 7 1/2"), the handbook fits easily into your field utility bag, briefcase, or glove compartment.

Thousands of copies sold to New York criminal justice professionals since 2008

\$21.00 per copy plus shipping

Accepting Individual and Departmental Orders Now!

TO ORDER:

PLEASE FILL OUT ATTACHED FORM AND SEND IT TO:

Email:

apb@nychiefs.org
OR

Fax: (518) 356-5767

You can also download the form online at:
www.nychiefs.org



NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE, INC.

2697 Hamburg Street, Schenectady, NY 12303

EMAIL: APB@NYCHIEFS.ORG • FAX: (518) 356-5767

NEW YORK STATE LAW ENFORCEMENT HANDBOOK

2017 VERSION

ORDER FORM

NAME:		
AGENCY/DEPT:		
BILLING STREET ADDRESS:		
CITY:	STATE:	ZIP CODE:
TELEPHONE:	EMAIL:	

SHIPPING STREET ADDRESS (IF DIFFERENT THAN BILLING):		
CITY:	STATE:	ZIP CODE:

QTY:	ITEM NO.	ITEM DESCRIPTION	UNIT COST	TOTAL
		NEW YORK STATE LAW ENFORCEMENT HANDBOOK- 2017	\$21.00	
SHIPPING CHARGES			SUBTOTAL	
			ADD SHIPPING (SEE CHART*)	
			TOTAL	

NO. OF BOOKS	ADD TO ORDER
1	\$5.50
2-3	\$8.50
4-5	\$12.50
6-12	\$20.50
13-15	\$25.00
16-22	\$33.00
23-30	\$38.50

Check or Money Order Payable to: NYSACOP

Please call (518) 355-3371 to pay with credit card or order online at www.nychiefs.org. Questions can be directed at apb@nychiefs.org

OFFICE USE ONLY

Date Form Received:	Date Shipped:	Date Payment Rcv'd:	Check#	Entered into Database
				<input type="checkbox"/>

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 beginning, bringing together like-minded leaders representing jurisdictions of all sizes. Representatives from the state's largest and smallest communities share similar concerns, and our training agenda strives to fill the needs of all members. This year, we will be discussing a variety of issues including counterterrorism, crowd management and control, technology pitfalls, ICAT, weeding out morale killing behavior and more! The following Partners are available to answer your questions about their products and services to make your job easier; Lexis Nexis, Taser, Lexipol, and more. Join us at the Syracuse Sheraton Hotel and Conference Center in Syracuse, New York from July 23-26, 2017. The facility provides an excellent atmosphere for learning and networking. Be sure to register soon!

2017 ANNUAL TRAINING CONFERENCE



2017 ANNUAL TRAINING CONFERENCE

2017 ANNUAL TRAINING CONFERENCE



SUPERIOR TRAINING FOR TODAY'S POLICE EXECUTIVES

2

This year's agenda is packed with high profile presenters. Back by demand is the ever popular **Eric Daigle**. His training will focus on establishing guidelines for managing crowds and preserving the peace during demonstrations and civil disturbances. How law enforcement officers deal with crowds in civil actions, whether in demonstrations or civil disturbances, has direct bearing on their ability to prevent property damage, injury, or loss of life and minimize disruption to persons who are uninvolved. He will also focus on procedures that better handle technology pitfalls in law enforcement operations, emphasizing how to elevate procedural effectiveness and increase officer safety.



Attorney Eric Daigle



**Michael Nila
Blue Courage**

For twenty-nine years, **Michael Nila**, while serving his nation in the policing profession, honed his leadership skills before retiring as a Police Commander with the Aurora, IL Police Department. As a police officer, he served in many capacities and led the department's transition from a traditional police agency to a community-policing department. His vast experience in the field has made him the trainer of choice for police agencies and communities nationwide. A valued and sought after speaker, Michael has trained and certified thousands of employees, executives, and trainers for notable organizations worldwide.

Ron Glidden is a retired police chief with over 26 years of law enforcement experience (the last 17 as chief) and a nationally recognized authority on leadership, interpersonal communications, and employee performance issues. His training seminars, conference presentations, and weekly *Bulletproof Leadership Tips* have reached supervisors of all ranks in over 1,000 organizations throughout the country, helping them improve employee morale, accountability, and performance.



Ron Glidden



Dic Donohue

Dic Donohue is a retired transit police sergeant who was wounded in the line of duty during the Watertown shootout following the Boston Marathon bombings. After being shot, Dic was rushed to a nearby hospital and was feared to be dead due to significant blood loss. Yet, he managed to fend off death and face the incredible subsequent challenges of recovery. Now, Dic is telling his story across the country, performing inspirational talks to businesses and organizations. Sgt. Donohue's presentation focuses on the often overlooked aspects of being involved in a high-profile critical incident. First and foremost, the short and long-term impacts of the event on his family are outlined. He then concentrates on the role of resilience through depiction of his own personal strengths and those of the people around him. Lastly, Donohue presents some takeaways that he has learned from other officers who have faced similar situations. See page six for more information on Dic Donohue.

2017 ANNUAL TRAINING CONFERENCE

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 2017 Annual Training Conference in Syracuse. This is our premier event, bringing together our colleagues from all parts of New York State for a diverse agenda of contemporary topics in law enforcement. This year's agenda includes everything from counterterrorism, to morale building, to traffic safety. The conference will help you to be a better and more informed leader.

It has been my honor to serve as President of our distinguished organization over the past year and I look forward to seeing all of you at the conference.



Chief David Zack
2016-2017 President
NYSACOP

CONFERENCE SCHEDULE

Sunday, July 23rd	Registration: 12 PM - 5 PM Premier Exhibitors: 12 PM - 4 PM Board of Governors Meeting: 3 PM President's Reception: 6 PM - 8 PM
Monday, July 24	Opening Ceremonies: 8 AM - 9:45 AM Training: 10 AM - 12 PM Golf Tournament: 1 PM - 5 PM Group Dinner: 5:30 PM - 8:30 PM
Tuesday, July 25	All Day Training & Networking Sessions Live Band and Dancing: 7 PM - 10 PM
Wednesday, July 26	All Day Training & Networking Sessions Reception: 6 PM Installation Banquet: 7 PM

Please note: Schedule is subject to change.

NEW YORK STATE & LOCAL RETIREMENT SYSTEM

Representatives from the New York State and Local Retirement System will be on hand to provide information and estimates for you. To schedule an appointment for July 25 or 26, check in at the NYSACOP Registration Desk!

SHERATON SYRACUSE UNIVERSITY HOTEL AND CONFERENCE CENTER

This year's conference is being held at the Sheraton Syracuse University Hotel and Conference Center, 801 University Avenue, Syracuse, NY 13210. With a stay at the Sheraton, you'll be centrally located in Syracuse, steps from Syracuse University. Group Rate for hotel rooms are available now until June 22nd, 2017 *Subject to Availability*

Enjoy the following at the Syracuse Sheraton:

An indoor heated pool and sauna; a gift shop with newspapers, toiletries, and gifts; complimentary shuttle service to Hancock International Airport and the William Walsh Transportation Center with Amtrack Train Service, Greyhound Bus Service, and Trailways Bus Service.

Complimentary parking is available at the hotel for overnight guests. While here, enjoy live music and trivia at the Citrus On the Hill during happy hour, occurring Wednesday through Friday. You'll also enjoy a complimentary state of the art fitness center with new equipment from life fitness, including a 48" LCD TV.

To unwind, you can visit the Link@Sheraton for a bite to eat, games, to get online, or to meet friends. You can also conduct business or relax in a social atmosphere. Additionally, the hotel offers the Sheraton Club Lounge, which is a private lounge available for all guests to relax, enjoy a complimentary breakfast, hors d'oeuvres, beverages, or use the complimentary copier, fax, and printer.

A bike share program is also available to explore Syracuse, tour the Syracuse campus, or ride downtown. Weather permitting, the bikes are available daily.

Go to sheratonsyracuse.com features for more information.



DOWNLOAD UPDATED CONFERENCE ANNOUNCEMENTS AND REGISTER AT
NYCHIEFS.ORG

OPENING CEREMONIES & KEYNOTE ADDRESSES



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

On Monday morning (July 24th), opening ceremonies include welcoming remarks by President David Zack, Executive Director Margaret Ryan, Executive Deputy Commissioner Michael C. Green of the New York State Division of Criminal Justice Services, New York State Deputy Secretary for Public Safety Rachel Small and others guests.

President Zack will wrap up his term at the conference and will provide delegates with a summary 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.



Chief David Zack
2016-2017 President
New York State
Association of
Chiefs of Police



Michael C. Green
Executive Deputy
Commissioner
New York State
Division of Criminal
Justice Services

Immediately following comments from the opening ceremonies dais, Sergeant (Retired) Dic Donohue and Trooper Christopher Dumont will address attendees on the Watertown shooting incident during the Boston bombing investigation. They will address what lessons can be learned from the critical injury and will discuss the lengthy recovery from a wounded officer's perspective. When they met, Donohue was in dire condition and Dumont, a trained paramedic, made critical decisions that ultimately saved his life.

The conference program has been specially developed for New York's police executives. Topics on relevant issues in criminal justice are presented by experts in the field. The New York State Association of Chiefs of Police provides unparalleled education for today's police leaders.



Rachel Small
New York State
Deputy Secretary
for Public Safety



OPENING CEREMONIES & KEYNOTE ADDRESS

Sergeant Richard “Dic” Donohue

Sergeant Richard “Dic” Donohue is a native of Winchester, Massachusetts. He began his law enforcement career in 2010 as a member of the MBTA Transit Police Department. Donohue is a graduate of the Virginia Military Institute and holds master’s degrees from the University of Massachusetts-Lowell and the University of Limerick, Ireland. Prior to a career in law enforcement, Sergeant Donohue worked in the hospitality industry and served as an officer in the United States Navy.

In the early morning of Friday, April 19th, 2013, Donohue, then a patrol officer, responded to back up local law enforcement officers in Watertown, Massachusetts. A gun battle ensued with two suspects who were later identified as the Boston Marathon bombers. A bullet severed Donohue’s femoral artery and he suffered severe blood loss on site. He was given immediate lifesaving care, prolonged CPR, and received multiple blood transfusions. Given a two percent chance to live, Donohue pulled through and began a long process of recovery.

After two months in hospitals, Donohue returned home where he continued rehabilitation. He returned to the force after 23 months and, shortly thereafter, was promoted to the rank of Sergeant. For his actions in Watertown, he received the state’s highest law enforcement award, the George L. Hanna Medal of Honor, and the department’s highest award, the MBTA Transit Police Medal of Honor. Sergeant Donohue has been recognized by over 20 law enforcement and civic organizations for his involvement following the Boston Marathon Bombing and role in community service.

Sergeant Donohue recently retired from the MBTA Transit Police Department due to his line of duty injuries. Since his release from the hospital in June, 2013, Donohue has brought his story of survival, resilience, and adaptability to police academies, law enforcement executives, students, and private sector audiences. He also works as a spokesman and board member for the American Red Cross, an organization he credits for his survival. Sergeant Donohue maintains a close connection with law enforcement as an instructor for the Bureau of Justice Assistance’s VALOR Program and is currently a doctoral student in criminal justice at the University of Massachusetts-Lowell. He currently lives outside of Boston with his wife and two sons.



Dic Donohue



Got a Question? Need Help?

Call us at 518-355-3371

Email us at conference@nychiefs.org

OPENING CEREMONIES & KEYNOTE ADDRESS

Trooper Chris Dumont

Trooper Chris Dumont is a 20 year Emergency Medical Technician with 15 years certification at the Advanced Paramedic level in Massachusetts. While obtaining a Bachelor's Degree in Criminal Justice from Northeastern University in Boston, he worked for several EMS agencies in the Metropolitan Boston area. Trooper Dumont's career in law enforcement began 17 years ago with his service in the New Bedford, Massachusetts Police Department prior to his appointment to the Massachusetts State Police in 2005. Trooper Dumont has worked primarily as a homicide investigator for the Bristol County District Attorney's Office State Police Detective Unit.



Chris Dumont

Trooper Dumont was presented with the Massachusetts State Police Medal of Honor, the department's highest award, for his actions during the April, 2013 Watertown shooting with the Boston Marathon bombers and for his contribution as a paramedic during the rescue of wounded Massachusetts Transit Police Officer Richard Donohue who ultimately survived cardiac arrest from near total blood loss. Trooper Dumont also received the National Association of Police Organization's 2014 Top Cops Award in Washington, DC and was named the American Association of State Trooper's 2014 National Trooper of the Year.

Since the Watertown incident, Trooper Dumont has been trained as a Tactical Medic and he instructs other public safety professionals in emergency medical care. Trooper Dumont has also assisted the American Red Cross by educating the public about the importance of blood donations and has become a regular blood donor.



Got a Question? Need Help?

Call us at 518-355-3371

Email us at conference@nychiefs.org

CONFERENCE PRESENTATIONS

Assistant Commissioner Of Intelligence Analysis Rebecca Weiner



Rebecca Weiner

Assistant Commissioner of Intelligence Analysis Rebecca Ulam Weiner manages intelligence analysis and production for the New York City Police Department's Intelligence Bureau. She is one of the principal advisors to the Deputy Commissioner of Intelligence and Counterterrorism, and she shares responsibility for Bureau-wide policy development and program management. Assistant Commissioner Weiner coordinates and integrates intelligence analysis and operations and represents the NYPD in matters involving counterterrorism and intelligence. In March 2010, Assistant Commissioner Weiner became the first representative of local law enforcement to serve in the Office of the Director of National Intelligence's National Intelligence Council, where she focused on transnational crime and terrorism. She served previously as legal counsel to the Intelligence Bureau's Intelligence Analysis Unit and as a team leader for the Middle East & North Africa. She oversaw intelligence collection and analysis related to threats associated with those regions.

Prior to joining the NYPD in 2006, Assistant Commissioner Weiner was an International Security Fellow at the John F. Kennedy School of Government's Belfer Center for Science and International Affairs, focusing on national security and legal issues. She also worked as a biotechnology consultant at the Organization for Economic Cooperation and Development, and as a Science & Technology Research Associate at the Council on Foreign Relations. Assistant Commissioner Weiner graduated *magna cum laude* from Harvard College in 1999 with a Bachelor of Arts in History & Literature, and she graduated *cum laude* from Harvard Law School in 2005 with a *Juris Doctorate*. She was admitted to the Bar of the State of New York in 2006 and is a member of the Council on Foreign Relations.

Panel Discussion: Traffic Safety

The panel discussion will be comprised of experts who will discuss important information regarding traffic safety and related emerging issues of concern for the members of the organization.



DOWNLOAD UPDATED CONFERENCE ANNOUNCEMENTS AND REGISTER AT
NYCHIEFS.ORG

CONFERENCE PRESENTATIONS



Captain Steve Rotunno (left) from Camillus Police Department along with Captain Dave Mirizio (right) from Syracuse PD will present on their current Counter Terrorism Zone Seven (CTZ-7) red team exercises. Since the conception of New York State's 16 Counter Terrorism Zones, Counter Terrorism Zone Seven (CTZ-7) has been actively evaluating the community's ability to detect and report potential terrorist activity throughout the zone. In particular, over the last few years, CTZ-7 has conducted

over 400 "Red Team" exercise assessments throughout the 6,472 square mile counter terrorism zone, which encompasses the six counties of Hamilton, Herkimer, Madison, Oneida, Onondaga, and Oswego. The "Red Team" scenario-driven and operations-based exercise assessments were designed to represent terrorist threats and/or hazards of statewide significance with high consequence. The scenarios were broadly applicable, focused on a range of capabilities, and were developed operationally to test organizations, facilities, and individuals against foreseeable terrorist threats.

During the Red Team Functional Exercises, CTZ-7 focused on accomplishing the following objectives:

- Assess the capacity or theory of Operation Safeguard and the Terrorism Tip Line to gather information from individual citizens and private sector businesses.
- Assess private sector ability to recognize indicators and warnings and use established lines of communication to report these observations.
- Assess law enforcement's ability to recognize indicators and warnings and use established lines of communication to report these observations.
- Assess the capacity of law enforcement to coordinate with officials from private sector critical facilities to facilitate an investigation.
- Assess the ability to share investigation-related information across jurisdictions and among law enforcement agencies.

CTZ-7 takes pride in being the most active of the 16 Counter Terrorism Zones within New York State when it comes to conducting Functional Red Team Exercises. CTZ-7 Co-Chairs, Camillus Police Captain Steve Rotunno, and Syracuse Police Captain David Mirizio will present an informative presentation related to the intriguing and noteworthy findings relating to the communities' current awareness and response posture to a conceivable terrorist threat.

**DOWNLOAD UPDATED CONFERENCE ANNOUNCEMENTS AND REGISTER AT
NYCHIEFS.ORG**

CONFERENCE PRESENTATIONS



**Chief (ret.)
Michael Ranalli
Esq.**

Mike Ranalli recently retired after serving for 10 years as Chief of Police for the Town of Glenville. Before that, Mike served for 22 years with the Town of the Colonie PD. He is a graduate of the Albany Law School and a member of the New York State Bar. He regularly instructs law enforcement on a range of topics including legal updates, safe and legal traffic stops, use of force, and ethics. He is a member of the IACP's Police Professional Standards and Ethics Committee, and was the Chair of the state's Accreditation Council. Mike is a Past President of this Association, and he recently became Program Manager for Lexipol. Mike is a regular presenter at our conferences, and we are excited about his topic for us this year – Tactical Decisions and Use of Force: Understanding the Impact of Human Dynamics Under Stress.

Tactical Decisions and Use of Force: Understanding the Impact of Human Dynamics Under Stress

Chiefs, line supervisors and officers need to understand some basic concepts of the realities of the human response to high stress situations. This understanding and awareness should have direct application to the tactical decisions made by officers with discretionary time. These concepts will be tied to the realities of how courts will interpret – and possibly misunderstand – officer's actions in use of force cases. Court decisions from 2017 will be used as examples as well as recent videos from officer involved incidents. Finally, these concepts will be applied to situations involving persons threatening to do harm to themselves to assist officers and supervisors in determining the appropriate response.



**DOWNLOAD UPDATED CONFERENCE ANNOUNCEMENTS AND REGISTER AT
NYCHIEFS.ORG**

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.

Advance Registration: Advance registration saves you time and money. Just stop by the Advance Registration Desk at the Conference and pick up your badge. **To take advantage of Advance Registration, please go to www.regonline.com/2017nysacopconference.**

Confirmation and Receipts: You will receive a confirmation message online after completing full registration.

NYSACOP Members: Each member must register separately online. Please remember that badges allow entry to all conference functions except for the golf outing. All spouses, guests and children who are registered for the Training Conference are cordially invited to attend the banquet and group events.

Non-Members of NYSACOP: If you are not a member of NYSACOP and wish to attend the Training Conference, complete the non-member registration and call our office at 518-355-3371 to see if you are eligible for Active or Associate membership status.

Registration: On-site registration begins at 12:00 PM on Sunday, July 23rd, and runs until 5 PM. Monday through Wednesday, the Registration Desk will be open 7:30 AM—12 PM.

Conference Banquet: The Installation Banquet will be held on Wednesday evening, July 26th.

Refunds: If you register in advance and are unable to attend the conference please contact the office at (518) 355-3371. Your full refund minus \$50.00 processing fee will be returned via original payment type.

Lodging at the Sheraton Syracuse University & Conference Center : It is your responsibility to secure accommodations for the Training Conference. We have negotiated the following conference room rates at the Sheraton (does not include applicable taxes). [Please click here for direct room block.](#)



One queen	\$102
Two doubles	\$102
Prices are Government Rate	

WHAT'S INCLUDED?

The 2017 Conference Registration fee includes the negotiated room rates at the Sheraton (you are required to secure your own hotel reservations), training sessions, installation banquet ticket, President's reception, and barbecue. Other activities are not included in the registration or hotel fees.

New York State Association of Chiefs of Police 2017 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 23rd 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 Syracuse Sheraton.*

Advance registrations must be accompanied with payment in full or voucher.

****Single day registration does not include special activities.**

Inquire about availability at the Registration Desk.**

REGISTRATION CATEGORY	ADVANCE REG. (SAVE \$50 WHEN YOU REGISTER BEFORE JUNE 20)	REGULAR OR ON-SITE REGISTRATION	SINGLE DAY* ADVANCE REGISTRATION WHEN YOU REGISTER BEFORE JUNE 20	SINGLE DAY* REGULAR OR ON-SITE REGISTRATION
ACTIVE MEMBER	\$225	\$275	\$100	\$150
ACTIVE RETIRED MEMBER	\$175	\$225	\$75	\$125
ASSOCIATE MEMBER AND ADDITIONAL EXHIBITORS	\$225	\$275	\$100	\$150
SWORN GUEST OF A REGISTERED MEMBER	\$225	\$275	\$100	\$150
SUSTAINING MEMBER	\$225	\$275	\$100	\$150
SPOUSE—Guest—Partner **does not include training certificate**	\$175	\$225	\$100	\$150
NON-MEMBER—includes conference registration & discounted 2018 New MEMBER DUES	\$350	\$400	\$225	\$275
CHILDREN UNDER 16	\$100	\$125	\$25	\$25
INSTALLATION BANQUET	\$75	\$75	\$75	\$75



**DOWNLOAD UPDATED CONFERENCE ANNOUNCEMENTS AND REGISTER AT
NYCHIEFS.ORG**

A Proud Heritage – A Noble Calling

I came here by the invitation of your esteemed host, Chief Hunt of Binghamton, whom I had the pleasure of meeting in Chicago. I made the journey of 346 miles and after arriving here feel that I am in very congenial company. These organizations stand for something, and I am sure that you are doing good work—coming together and getting acquainted and joining one with the other in finding ways and means in making it safer and better for the communities which you represent.

S. J. Dickson

Past President of the International Association of Chiefs of Police

Toronto, Canada

*at the 26th Annual Convention of the New York State Association of Chiefs of Police
July 27-29, 1926*

THE VALUE OF THE CONFERENCE

Today's police executive needs to be informed on a variety of issues. Finding the right training that is pertinent to our jobs is essential. That is what our training conference brings to the table—important topics, relevant information, and energetic discussion. The speakers and presentations will not only impress you but will make you a better leader. Attendees will get the best information on labor law, technology, risk management, legal issues, and other prevailing topics in law enforcement. Additionally, you will get to meet our Premier Exhibitors over the course of the four days—please visit their booths and tell them that you appreciate their support. I'll see you in Syracuse!



Chief Michael Lefancheck
1st Vice President
New York State
Association of
Chiefs of Police

**DOWNLOAD UPDATED CONFERENCE ANNOUNCEMENTS AND REGISTER AT
NYCHIEFS.ORG**

SEEKING HELP IS NOT A SIGN OF WEAKNESS

RESCUE...
PEER SUPPORT?!
BUT I'M NOT
DROWNING YET!



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

New York State Association of Chiefs of Police
Annual Training Conference



SAVE THE DATE

July 23-26 , 2017

Sheraton Syracuse
University Hotel &
Conference Center



Register before June 20th for a discount at
www.regonline.com/2017nysacopconference

Details can be found on our website at nychiefs.org/events