

# The New York State Chief's Chronicle



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**March 2015**



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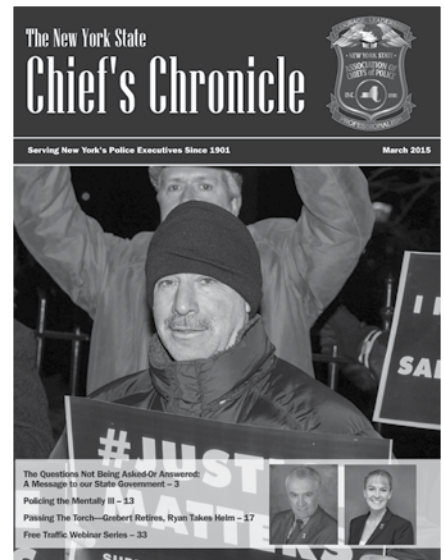
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# On the Cover:

President Ranalli discusses the questions which are not being asked - or answered - by officials in light of recent high profile cases involving police use of force. We discuss other contemporary policing issues including gun violence, the heroin epidemic, and policing persons with mental illness. Read several announcements about retirements, honors, and promotions of some of our members. We say goodbye to Executive Director John Grebert and welcome Margaret Ryan as his successor.



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# The Questions Not Being Asked or Answered –

*A Message to our State Government*



PRESIDENT'S  
REPORT

BY CHIEF MICHAEL D. RANALLI, ESQ.

In the aftermath of the deaths of Michael Brown and Eric Garner, and the subsequent decisions of the respective grand juries not to indict the officers involved, much blame has been directed at the police. Law enforcement in New York State may be facing one of the most difficult legislative sessions ever in regards to a criminal justice agenda. Many questions are being raised by the protestors and also many elected officials as to what should be done, and the misleading answer is being given – ‘we need to reform the criminal justice system’. Also, there is discussion of the New York State Attorney General or another independent unit taking over investigation and prosecution of police use of force cases. (See the NYSACOP position statement in this issue). But the real questions are not being asked and, therefore, there are many critical questions that are not being answered.

*“The law pertaining to use of force does not require perfection from officers, just reasonableness under the circumstances.”*

There is pervasive conflict in perspectives at work in this controversy between the law, expectations, and reality. This conflict is driving the reaction by many protestors and those calling for reform. Before any answers can be given it is first necessary to properly define the problem. This is a mere overview of the complex issues at play and is not intended in any way to imply that police, in general, do not need to strive to improve their procedures and tactics.

**The Law:** Police officers are authorized to make warrantless arrests by New York State Law.<sup>1</sup> A person is prohibited from using force in resisting an arrest by a police officer, whether authorized or unauthorized,<sup>2</sup> and can be criminally charged for doing so.<sup>3</sup> Officers may use reasonable and necessary force when making

such arrests.<sup>4</sup> The law pertaining to the use of force and deadly physical force by the police is governed by the Fourth Amendment to the United States Constitution and can be summed up as, “... that reasonableness ‘must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight’” and that “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving.”<sup>5</sup> The Supreme Court of the United States has also ruled that officers are allowed to make reasonable mistakes as to the existence of probable cause and/or the need for the use of force.<sup>6</sup> Application of these principles and an analysis of the totality of the circumstances of an incident can, in fact, result in the determination that an “unarmed” person can place an officer at risk of serious physical injury or death.

**The Expectations:** The expectations of citizens, the media, and some elected officials can be dramatically different than what the law allows. Many feel officers should be held to a strict liability standard and that mistakes by the police are unjustified and unacceptable, regardless of how an individual reacts to the police. Many people cannot understand how an unarmed person could ever be a threat to an officer, and that almost any level of force used against a person by an officer is unacceptable, even if the suspect possessed a weapon themselves. The protestors and some elected officials clearly feel the failure to indict either officer in the Brown and Garner cases means the system failed, that it favors the police, and it is biased against minorities. Finally, there are those, such as Al Sharpton, whose rhetoric encourages and inflames the belief that racial bias is the motivating factor and primary cause of the deaths of Brown and Garner.

**The Reality:** Our laws define us and set forth our standards of acceptable and unacceptable behavior. In both the Brown and Garner incidents it was their own behavior that brought them to the attention of the police. Both men violated the law and both men made a deliberate choice to not cooperate with the lawful commands of the police. But this is the critical point - both men were in control at that point, not the police. It was their own behavior in reaction to the police that set the tone for the rest of the encounter. The officers involved in these incidents were reacting to the decisions of both Brown and Garner, and were attempting to gain control as the law empowers them to do. Both had tragic endings, which would have been different if they had cooperated with the officers. What has been virtually non-existent in the mainstream media is a recognition that Brown and Garner had a responsibility to comply with the officers and, therefore, had a role in their own deaths.

Police officers are human beings and, as such, are fallible. The ►

*When a person resists,  
officers have to try to use  
care in how they apply  
force while the offender  
has no restrictions  
whatsoever.*

bizarre rules of engagement that some feel should apply to the police are unrealistic. As stated previously, when an officer becomes involved in a high stress encounter, such as the Brown and Garner incidents, he or she is reacting to the actions of the person with whom they are dealing. An officer(s) heart rate increases and their cognitive, motor and perception abilities become, to varying degrees, compromised. Acute stress has this impact on all persons, police or otherwise, and becoming a police officer does not mean we are now immune to those adverse effects. Officers must make split second judgments, decide how to react, and then perform the response perfectly – all while their abilities are compromised. Professional and Olympic athletes train relentlessly and yet they still make mistakes. Members of our military Special Forces train full-time for two full years *after* they complete their regular respective service training before they are fit for their specific duties. A part of that training is designed to overcome the debilitating effects of acute stress. The reality is that police officers do not receive even a fraction of the training they would need to perform at the level expected of them by many people. The law pertaining to use of force does not require perfection from officers, just reasonableness under the circumstances.

The fact that Michael Brown and Eric Garner were “unarmed” has appeared countless times in media reports. First, it is completely unrealistic to presume that an unarmed person cannot become a deadly threat. From 2004 through 2013, there were 573,456 assaults on police officers, with 80% of the officers attacked by the perpetrators personal weapons (hands, fists or feet), resulting in 29% being injured. In that same time period, 33 officers were killed by perpetrators with their own service weapon after it was taken from them. An additional 35 officers had their weapon stolen after they were killed with other firearms.<sup>7</sup>

Attempting to place a person in custody can be difficult and 120 police officers over the last 10 years have died, and over 15,000 injured while attempting to effect an arrest or handle a prisoner. When a person resists, officers have to try to use care in how they apply force while the offender has no restrictions whatsoever. This makes it very difficult for officers and why electronic control weapons, pepper spray, and or multiple officers are sometimes needed to take a person into custody as they attempt to minimize any potential injury to the person being arrested. The officers in the Garner case were in a very difficult position due to the size of

Mr. Garner.

The Questions: Before any proposed change takes place, our Governor and legislators need to ask and answer a number of questions. In the process of this, they must also anticipate and consider what the logical results could be – both intended and unintended. These are just some of the many questions that need to be asked.

*What should a police officer do when confronted with an uncooperative subject when attempting to enforce the law?* Our laws, and the mores behind them, must be reinforced by the words and actions of our political leaders. Without clear and decisive messages being sent, both directly and indirectly<sup>8</sup>, there are many who will feel empowered to challenge and disobey the lawful requests of police officers. The predictable consequence of this is there may actually be an increase in potentially violent encounters. Any changes to the criminal justice system, at any level and degree, will have limited effect without a corresponding strong message stressing personal responsibility.

*Should minor or low level offenses not be enforced if to do so means that a disproportionate number of people from any one race are being arrested for it?* Police officers do not make the laws but are charged with enforcing them and then receive the criticism for doing so. What was the reason for the law in the first place? For example, selling “loosies” (individual cigarettes) is in all likelihood designed to ensure the collection of the proper taxes. But it also is likely to protect the business owners in the area who have to pay the appropriate taxes. If that law is now ignored, what about the rights of the business owners? Will it now be okay for them to sell their cigarettes without charging the appropriate taxes? When looking at these “minor offenses” it cannot be ignored that the laws exist for a reason. If the law is repealed or the police instructed not to enforce it, then be prepared for the predictable outcome – the people previously benefiting from or protected by that law will now demand answers. In any event, do not blame the police for the law.

*Did the grand juries that investigated the Brown and Garner incidents actually fail?* Does our grand jury system in New York need to be reformed? As for Brown, Missouri law allows for the release of evidence presented to the Grand Jury. Even a cursory review of this material can lead an objective reviewer to the conclusion that the decision may have had a rational basis. That is, once one gets past the false assumption that an “unarmed” man cannot be a deadly threat. The Garner case was different in that evidence cannot be released. I, like everyone else, have no idea what the basis of the grand jury decision was. But a review of the video and of the sections of law that Officer Pantaleo could possibly have been charged with leads to a pretty good guess. All would require the actions of Pantaleo directly and individually to have *caused* Mr. Garner’s death. It is entirely possible the medical evidence did not indicate the “chokehold”<sup>9</sup> was the cause of death. In fact, many news reports have indicated the causes may have been numerous, including his physical condition and a heart attack. Even if the neck pressure was the cause of death, there would still be the need to prove Pantaleo had the requisite culpable mental state. It is also entirely possible that the members of the respective grand juries attributed blame upon Brown and Garner themselves for their own actions. But the point is this - these grand jury decisions may have been rational and founded in law, although contrary to the opinions of the protestors and many elected officials and commentators. This is not to say the entire incident was handled appropriately, in total, by all of the NYC staff on the scene. That will be litigated in a



different forum. Perhaps it would be beneficial to revise the law pertaining to grand jury proceedings to allow district attorneys to release evidence and/or encourage the issuance of reports. This would potentially alleviate the concerns of many and explain the reasons of the decision in cases such as Garner.

*Will creating an independent investigative unit for police use of force cases actually result in the elimination of such controversial decisions in the future?* Regardless of who investigates police actions, the law must be their guideline and any potential felony charges must be brought before a grand jury. The grand jurors of today's information age are far less likely to be susceptible to influence than in 1987 when former Chief Judge Sol Wachtler stated that a grand jury could "indict a ham sandwich", if that was what the district attorney wanted. As discussed in this article, there is a conflict between the law, societal expectations and reality when it comes to police use of force cases. Creating a new investigative unit will not change that. What matters is the law and the facts that are presented before the members of a grand jury. It is entirely possible, and likely, that a new situation involving the death of an "unarmed" person at the hands of the police will arise again and be investigated by this new unit. It is also entirely possible that a grand jury may clear the officer(s), which would again be against some public opinion. Once that occurs, will we really be better off than we are now?

One final question can legitimately be asked – *Can the police continue to improve their procedures?* The answer is clearly yes, and our NYSACOP membership knows this. We strive to improve and make our agencies into learning organizations and attempt to make proper decisions. (See the *Counsel's Corner* article in this edition). Contemporary police leaders are quickly learning it is not enough to act "legally" and that we must also strive for legitimacy. Legitimacy brings with it public trust and a willingness of the public to accept the police and their actions. If there is a larger, underlying societal problem regarding bias and policing, then that must be addressed on its own merits. These two incidents should not be used as the catalyst for change. We have many established laws that govern the regulation of the police. These laws exist for legitimate reasons. Making officers accountable to the level of false expectations will have a chilling effect on police willingness to take action. Any discussion as to potential changes to our system must include a detailed analysis of the existing law and why it is what it is today.

*Note: Due to publishing deadlines this article was written and submitted prior to the Governor's State of the State address and very early in the legislative session.*

*...these grand jury decisions may have been rational and founded in law, although contrary to the opinions of the protestors and many elected officials and commentators.*

<sup>1</sup> NYS Criminal Procedure Law §140.10. The NYS Law sections referenced by the first four endnotes do not apply to the Brown case. For purposes of this article it is presumed Missouri Law is similar.

<sup>2</sup> NYS Penal Law §35.27

<sup>3</sup> NYS Penal Law §205.30

<sup>4</sup> NYS Penal Law §35.30

<sup>5</sup> The Supreme Court of the United States in *Ryburn v. Huff*, 132 S.Ct. 987, 991 - 992 (2012), citing *Graham v. Connor*, 490 U. S. 386, 396-397 (1989)

<sup>6</sup> *Saucier v. Katz*, 533 U.S. 194 (2001)

<sup>7</sup> 2013 Law Enforcement Officers Killed & Assaulted (LEOKA), Uniform Crime Reports, U.S. Dept. of Justice, F.B.I., [www.fbi.gov](http://www.fbi.gov), Tables 13 and 70. These numbers are not necessarily complete as not all agencies participate in LEOKA reporting.

<sup>8</sup> See the Presidents Report in the January edition of *Chief Speaking*, distributed by NYSACOP.

<sup>9</sup> There has been much controversy over how the actions of Officer Pantaleo have been labeled. Anyone who has been trained in or has seen a true "chokehold" defensive tactic technique applied knows that this was not a chokehold in its true sense. Instead, §203-11 of the NYPD Patrol Guide includes virtually any pressure to a person's throat or windpipe into their definition of chokehold.



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# Executive Director's Report

## 40 years in Law Enforcement



## EXECUTIVE DIRECTOR'S REPORT

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

**T**he problem of writing articles for the *Chief's Chronicle* and its predecessor, the *Police Chief Executive* has always been that you have to submit the content two months before its published. In a world where news often breaks and fades in a 24 hour news cycle, much of what you have previously written may not be nearly as relevant when it appears a couple of months after you originally compose it. So as I write my last article for the *Chief's Chronicle* I am not going to report on what President Mike Ranalli and the Board of Governors are currently dealing with or even how the fledgling 2015 legislative session is shaping up even though there will be a lot of issues affecting NYSACOP and its members. I will instead make some observations on my last forty years in law enforcement.

What drew me into police work is probably what draws many into this career. It can be so damn interesting. At times it is like having a ringside seat at events that are so important that they actually mark time in communities, sometimes even for the nation. And we actually know the inside story, not what you hear or read in the news. I once heard NYSP Superintendent Joe D'Amico say that there were days in his career that were so satisfying that he felt like he would do this job for free. I'm pretty sure that was before he started a family but I think we all know what he was talking about. Police work is always in the news, not always for the best of reasons, but it is there nonetheless.

Another reason this job keeps our interest is that the priorities that shape the work we do are constantly changing. Looking back over the last few decades, it is easy to see where new challenges appeared. It is also important to note that successful leaders have to be prepared for change when it comes.

Highway safety is an issue that is always there, sometimes being pushed to a backburner but it's an area where we can claim success. Seat belt and speed enforcement have made a difference in the same way as DWI enforcement and education have helped to reduce alcohol related deaths. The change in the attitude of just about everyone toward impaired driving has dramatically shifted for the better and this is an area in which we can all take pride.

Domestic violence never got the attention it deserved until O.J. made it happen because of the gruesome crimes he committed. Justifiably, it became job one for a while. In truth, it deserves the same level of constant attention as any of our other priorities. Reducing crime rates just in this area still holds some of the best promise for bringing down overall crime rates.

Illegal drug use has always been a concern during my time as a cop although it has changed considerably. Enforcement was the only tactic for quite a while until prevention programs like D.A.R.E. became popular. The primary drug of concern evolves as well from cocaine to crack, methamphetamines to prescription drugs, and now heroin. And now there is a trend toward legalizing

marijuana for recreational use around the country. I can't imagine how this would ever be a step forward for civilization but only time will tell.

Community policing and intelligence driven policing have both become accepted practices in most agencies. Obviously they take on different forms when you compare urban policing to suburban law enforcement or especially more rural police work and highway patrol. Some "experts" will try and claim that one interferes with the other. The fact is they are not mutually exclusive and can easily complement each other. I would also say any large urban area with a high crime rate is doing a disservice to the public if they are not using both strategies to some degree.

The United States unfortunately has much higher rates of violent crimes, many involving firearms, than almost all other developed nations. This has been one of the most frustrating problems to attack. The combination of millions of readily available weapons and a multi-generation culture of violence in inner cities indicates this problem is not going away soon. Unbelievably, after the NYPD brought violent crime rates to historic lows, they are criticized more than commended because they, in effect, went after the people responsible.

There is simply not one day in this business, not even remotely more important than September 11, 2001. May God bless all of the police personnel and other first responders who lost their lives on that day. I have heard incredible stories from members of the NYPD of what took place that day but hearing those stories will never come close to being there. I wasn't there but for everyone who was, there will never be a better example of having a ring side seat at a historical event of national and international impact even as tragic as it was. That day set the stage for another change in priorities. Counterterrorism was definitely a piece of our job before that day but nothing like it became after the attacks. As I write this piece, counterterrorism is taking center stage again after the massacre in Paris by Islamic fundamentalists.

As important as counterterrorism is though, at this point in time it has to share the center of attention with police use of force, race relations and civil unrest. This time is a little different from past experience in this area. Criticism of police and the justice system comes mainly from two incidents where both individuals involved were petty criminals who resisted arrest. As much as none of us wants to see a tragic end as was played out in these cases, neither incident involved perfectly innocent victims intentionally set upon by cops intending to harm them or violate their rights. But that brings me to the final priority issue that Chiefs and cops have to deal with - public opinion.

Sentiment towards cops has changed. I still believe that most of the public wants you to succeed especially when it comes to ►

maintaining law and order. But your popularity has changed when it comes to support for compensation and employment issues. The lingering effects of the great recession has most people viewing all employees in the public sector somewhat differently and not in a good way. As you continue to carry out your rewarding, sometimes exciting, sometimes dangerous, always interesting job responsibilities, keep in mind that you are in a fishbowl more than ever before. Any misstep, even just hesitation in some cases or a perceived rush to judgment in others, may subject you to intense criticism. As you face challenges that evolve from something we have dealt with in the past or encounter something completely

new in the future you will all find much better solutions if you work on them collectively rather than independently. Having an organization made up of individuals facing the same challenges is more important than any time in recent memory. It is vitally in your best interest to support the professional associations that exist to help you perform your job better and protect you at the same time. For police chiefs and command level officers in New York State that would be the New York State Association of Chiefs of Police. It's worked well since 1901 and will only continue to work well with the dedicated support and participation of its Board of Governors and members.

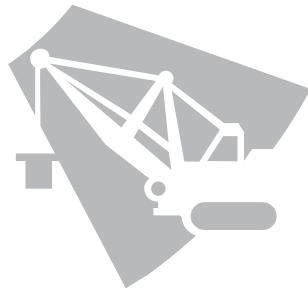
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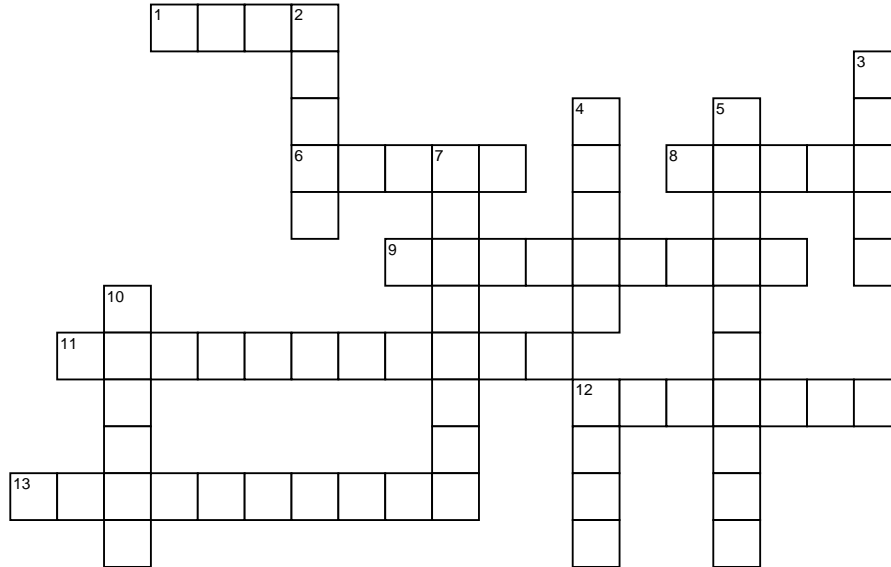


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# Human Trafficking

Solution to Puzzle on Page 32



Source: Human Trafficking Resource e-Guide, U.S. Dept. of Justice's Office for Victims of Crime and Bureau of Justice Assistance

## ACROSS

- 1 - Human trafficking is a low risk, \_\_\_\_\_ profit industry for the trafficker. Human trafficking is believed to be one of the fastest growing illicit industries in the world.
- 6 - In the United States, some of the most highly vulnerable populations include undocumented workers, runaway and homeless youth, individuals with substance \_\_\_\_\_ or addiction issues, and low income individuals; however, individuals across all income and education levels can be trafficked.
- 8 - Victims of this crime may be men, women, transgender persons, adults, minors, U.S. citizens, legal permanent residents, or foreign nationals. Any person \_\_\_\_\_ the age of 18 who engages in commercial sex acts, regardless of the use of force, fraud, or coercion, is a victim of human trafficking, even if they appear to consent to the commercial sex act.
- 9 - Typical locations where labor trafficking is found include: agricultural fields, retail businesses, private and residential group homes, construction sites, manufacturing plants or \_\_\_\_\_, restaurants, bars, or cantinas, and fairs and other community events
- 11 - ...current research indicates that many law enforcement agencies in the United States have encountered some form of human \_\_\_\_\_ or contacted victims through routine work and investigations into other crimes.
- 12 - Due to the complex nature of the crime, perpetrators often operate unnoticed, and those who suffer are not likely to self-identify as \_\_\_\_\_ of human trafficking.
- 13 - Trafficking victims do not always see themselves as victims, often blaming \_\_\_\_\_ for their situation.

## DOWN

- 2 - According to federal legislation, \_\_\_\_\_ trafficking (includes) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- 3 - According to federal legislation, human trafficking (includes) sex trafficking in which a commercial sex act is induced by \_\_\_\_\_, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- 4 - While sex trafficking is currently the most publically recognized form of human trafficking, \_\_\_\_\_ trafficking is found in many industries.
- 5 - Many victims and traffickers share ethnic or cultural backgrounds. In these cases, traffickers are better able to \_\_\_\_\_, gain trust, and ultimately exploit victims.
- 7 - Typical locations where sex trafficking cases are found include beauty salons, massage parlors and spas, bus \_\_\_\_\_ or truck stops, casinos, hotels/motels, private and residential group homes, restaurants, bars, cantinas, streets, and strip clubs
- 10 - Human trafficking often involves severe violence to its victims, along with a host of other \_\_\_\_\_, including gang, drug, and property crimes; organized criminal operations; and other violations of state, federal, and international law.
- 12 - ...victims live in plain \_\_\_\_\_ and interact with people on a daily basis, yet they experience commercial sexual exploitation or forced labor under extreme circumstances in public settings such as exotic dance clubs, factories, or restaurants...

**WORD BANK:** Abuse, crimes, factories, force, high, human, labor, stations, themselves, trafficking, under, understand, victims, view.





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# Counsel's Corner



BY CHIEF MICHAEL D. RANALLI, ESQ.

In this edition of *Counsel's Corner* I would like to address and develop a couple of the concepts I addressed in my President's message (page 3). First, we must continually seek to improve how we, from the Chief down to the most junior officer or deputy, make decisions and perform our duty. Second, because of the inherent risks associated with high stress encounters, we, as administrators, must take particular care before we place our officers in high-risk situations.<sup>1</sup>

The recent Second Circuit case of *Terebesi v. Torres*<sup>2</sup> serves as a comprehensive overview of how our United States Court of Appeals will review cases involving deployment of tactical teams. This case, however, has relevance to all law enforcement administrators, regardless of whether your agency has a tactical team. Before we review the facts of the *Terebesi* case, it will be necessary to first review the legal concepts of "qualified immunity" as it pertains to federal civil rights cases brought pursuant to §42 U.S.C. 1983.

## §1983 ACTIONS AND QUALIFIED IMMUNITY

Federal Civil Rights actions are authorized under Section 1983 of Title 42 of the United States Code (also known simply as "§1983 actions"). The protections of §1983 arise when a person (or a local government) acts under the "color of law" and behaves in a manner that violates a federal constitutional or federally protected right. When qualified immunity applies, law enforcement officers "can know that they will not be held personally liable as long as their actions are reasonable in light of current American law."<sup>3</sup> When determining whether qualified immunity is appropriate in a particular case, two questions must be answered. The first is whether the officers' conduct violated a constitutional right. If not, no further inquiry is necessary. If the answer is yes then the second question is whether that right was clearly established.<sup>4</sup> This test was further modified in that courts are now free to address either question first.<sup>5</sup> A court may now choose to go right to the issue of whether the alleged violation involved a clearly established constitutional right. If it is clearly established, then the court will proceed to the first prong. If the right is not clearly established then the court may grant qualified immunity without a detailed review of all the specific facts and circumstances of the particular case. The first prong involves a review of the officer's specific conduct and typically takes the most time. It is a fact driven review as compared to the second prong, which is a law driven analysis. Qualified immunity will typically arise when a municipality makes

*This case [Terebesi v. Torres]...  
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a motion for summary judgment before the case is litigated. When such motions are considered, the courts must look at the facts that are either stipulated by both parties and/or those most favorable to the plaintiff. Appeals are typical, as in the *Terebesi* case.

## *Terebesi v. Torres*

During a raid executed by a multi-jurisdictional tactical team, officers shot and killed a houseguest of Terebesi, the target of the search warrant being executed. Terebesi was also allegedly injured during the raid. In the weeks leading up to the raid in question, the local police had several contacts with Terebesi. During these contacts the police confiscated one handgun and learned he may possibly have another gun at his parents' house. They also learned that he used crack cocaine daily and at least one neighbor complained of a steady flow of traffic in and out of Terebesi's house. In one incident, unknown subject(s) fired seven shotgun blasts through the windows of his house, and Terebesi was less than cooperative during the subsequent investigation. On the day of the raid in question, an informant told the police that she had personally observed the use of a small quantity of drugs in Terebesi's home. The Chief of Police in that jurisdiction directed that a search warrant be completed and executed on that day. The terms of the search warrant, along with some witness statements, made it clear they would only be searching for "personal use" quantities of drugs and paraphernalia. Nevertheless, the Chief requested that the Southwest Regional Response Team (SWERT) perform the warrant execution.

The plan for serving the warrant was developed by three team members and approved by the tactical commander, with final approval given by the Chief of Police. Three officers were to toss two "stun grenades" (also known as "flashbangs") through a rear window while another group of officers were tasked with knocking

and announcing at the front door, which would be breached if Terebesi did not open the door. In the case of a breach, yet another stun grenade would be deployed through the front door. The first officer that entered had a shield. The door was breached and once inside, the first officer observed two men screaming. At the same time the third stun-grenade apparently went off, resulting in the officer thinking he was taking fire. He also said that Terebesi was pushing and pulling on his shield and that his pistol was being pulled away. He opened fire and three shots hit and killed Terebesi's houseguest. Another officer fired his weapon into the floor. The plaintiffs claimed no such struggle took place. Terebesi was injured after he was pinned to the floor with the shield. The rear stun grenades also started a small fire in the house. Some drug paraphernalia was found along with 0.020 ounces of a "brown rock-like substance".

The 2nd Circuit reviewed the principles of qualified immunity before addressing the specific issues of this case. The court then went on to analyze a series of claims, all falling under an excessive force analysis of "objective reasonableness".<sup>6</sup> These issues can be summarized as:

1. The Chief's decision to activate the SWERT;
2. The raid plan itself;
3. The use of the stun grenades; and
4. The role of the two officers who fired their weapons while executing the warrant.

The court granted summary judgment as to the chief's decision, but denied it as to the other issues. The reason qualified immunity was granted to the chief was because the court held "...there is no clearly established right in this Circuit to be free from the deployment of a tactical team in general."<sup>7</sup> Then, in a footnote, the court indicated they would be hesitant to create such a rule since there are so many reasons to legitimately activate a tactical team.

It is important to put the decision regarding these four issues in context. The court is not finding that the Chief's decision was correct. Instead it means that there was no legal precedent to put the chief on notice that he could have been liable for that decision. As to the other three issues, the court is not holding the officers were clearly wrong. Instead the holding means there was clear legal precedent that the raid planning, the use of stun grenades and the use of firearms are all "subject to Fourth Amendment scrutiny." So the latter three issues are now free to be litigated before a jury.

The court next turned to the purported knock-and-announce violations by both teams in the front and rear of the house during the raid. Because of the conflicting evidence as to whether Terebesi was in fact a threat and the understanding the evidence being sought was only for personal use, the court refused to grant qualified immunity to both the front and rear teams.

The next issue in the case, which all officers should pay attention to, was the failure of the officers who felt the use of the SWERT was inappropriate under these facts. "An officer who fails to intercede in the use of excessive force or another constitutional violation is liable for the preventable harm caused by the actions of other officers."<sup>8</sup> The facts of the case indicated that every defendant had the duty to intervene and this would be a proper question for the jury to review. Understand that there is no indication in this ruling that rank matters. This language indicates that everyone involved in such a plan has potential liability without any initial exception for rank. Whether officers tried to object, failed and then were acting subject to orders will be up to the jury to decide. This would put all on notice that, regardless of rank, if concerns exist as to whether an action being taken by the police may be excessive, the concerns must be raised. This is a critical point for all officers to consider.

*This would put all on notice that, regardless of rank, if concerns exist as to whether an action being taken by the police may be excessive, the concerns must be raised.*

## SOME THOUGHTS FOR POLICE ADMINISTRATORS AND OFFICERS

The result of this decision is that virtually every issue related to the deployment of the tactical team and the raid itself, with the exception of the decision of the Police Chief to deploy the team, can potentially end up before a jury. This raid is a tragedy since it ended up in the death of a person that was apparently not involved in the investigation. In addition, a considerable amount of time and expense must have been expended by the agencies and officers involved in defending their decisions and actions of that day. Plus the aggravation and stress that results from being involved in such litigation, and the result, cannot be measured. This case is similar to many others and begs the question – was a dynamic entry by a tactical team necessary in this situation?

Dynamic entries place officers under a considerable amount of acute stress. High levels of stress can impair, to varying degrees, the cognitive, motor and perception abilities of an officer. The amount of training a particular officer may have can mitigate the negative effects associated with acute stress, but for most officers they will still occur to some degree. The speed of a dynamic entry increases the likelihood that an officer will need to make split second judgments and decisions. The job of a law enforcement officer is difficult enough as it is, even when an officer does not have to deal with a high stress situation. Add in acute stress and you are increasing the chances of a less than optimal decision being made.

The realities of police work virtually ensure that officers will be thrust into high stress encounters through no choice of their own while following up on calls for service and conducting street encounters. These are situations that typically do not allow for any discretionary time on the part of the officer, and the officer must react to the unexpected events. But as law enforcement administrators, we are, or should be, obligated to utilize the discretionary time we have available to us when doing functions such as raid planning. Because numerous prior raids have been conducted without a problem does not guarantee the same result in the future. Those prior raids still had a considerable amount of risk attached to them but they happened to result favorably. The question must be asked: is whatever being sought after worth the potential life of an officer and/or a person within the premises? Also, is there another way to make the arrest/search which will mitigate or minimize the risk? There are many situations that warrant the use of a tactical team and a dynamic entry, and their use should be limited to only those situations and only to the level of their training. Help to preserve your officer's physical, personal,



and professional lives by asking the right questions and making the right decisions.

<sup>1</sup>Portions of this article will appear in my newly revised Fourth Edition of *Civil Liabilities of New York State Law Enforcement Officers*, to be published this spring by Looseleaf Law Publications, Inc.

<sup>2</sup>764 F.3d 217 (2nd Circuit 2014)

<sup>3</sup> Anderson v. Creighton, 483 U.S. 635, at 646 (1987)

<sup>4</sup> Saucier v. Katz, 533 U.S. 194 (2001)

<sup>5</sup> Pearson v. Callahan, 129 S.Ct. 808 (2009)

<sup>6</sup> Graham v. Connor, 490 U.S. 386 (1989)

<sup>7</sup> Terebesi, at 233.

<sup>8</sup> Terebesi, at 243.

# Policing the Mentally III

By Chief/Ret. Michael Biasotti (New Windsor, NY)



*Chief Michael Biasotti received the Muriel Shepard Advocate of the Year Award at a ceremony in Colonie, NY sponsored by the National Alliance on Mental Illness in New York State. The following is the speech offered by Chief Biasotti at the award ceremony.*

**P**olice only shoot someone to protect their own safety or the safety of the public. But when officers shoot a person with a mental illness, the mental health community goes up in arms, headlines and editorials scream, and we're pictured as trigger-happy barbarians. Yet after several of these incidents, the National Alliance on Mental Illness of New York State (NAMI/NYS), still gave myself and the New York State Association of Chiefs of Police (NYSACOP) their highest award for advocacy. What's wrong with this picture? Nothing. NYSACOP and NAMI/

NYS have a vested interest in the exact same thing. NYSACOP worked on our common issues with NAMI for several years before receiving this award.

Treatment before tragedy is important to people with serious mental illness and their families. But families sometimes fail to recognize it is also something police have a vested interest in, and here are just some of the reasons why.

## SUICIDE BY COP

A quick story: A man driving erratically was pulled over by police, he leapt from his vehicle approached the officer brandishing a handgun. When ordered to stop and drop the gun, he instead raised it, aiming at the officer, and was shot and killed by the officer. The gun was later found to be a pellet gun. Upon a search of his vehicle ten letters were discovered on his front seat, including one addressed, "To the officer who shot me." It said: "Officer, It was a plan. I'm sorry to get you involved. I just needed to die. Please send my letters and break the news slowly to my family and let them know I had to do this. And that I love them very much. I'm sorry for getting you involved. Please remember that this was all my doing. You had no way of knowing." What effect do you think that had on the officer and his family for the rest of his life, and their lives? What about the rest of the department? At least two families were destroyed that night.

So, the police have a vested interest.

People with untreated severe mental illnesses are killed by police in justifiable homicides at a rate nearly four times greater than the general public.

Police have a vested interest.

People with untreated mental illnesses kill law enforcement officers at a rate 5 1/2 times greater than the rest of general public.

We have a vested interest.

Persons with mental illness are 11 times more likely to be victims of a violent crime than they are to assault someone.

As police, we have a vested interest in protecting them.

One half to two thirds of our homeless population is comprised of persons with mental illness, a population we deal with every day.

We have a vested interest.

It is estimated that up to 50% of mass fatality shootings are perpetrated by persons with untreated severe mental illness.

Again, we have a vested interest.

Today there are approximately 35,000 mentally ill persons in public hospitals. However, ten times that number (350,000) are in prisons and jails.

We have a vested interest.

On New York City's Riker's Island correctional facility, the average inmate stay is 42 days. The average stay for a mentally ill

*To the officer who shot me. Officer, It was a plan. I'm sorry to get you involved. I just needed to die. Please send my letters and break the news slowly to my family and let them know I had to do this. And that I love them very much. I'm sorry for getting you involved. Please remember that this was all my doing. You had no way of knowing.*

- Letter found on front seat of car of a man who confronted police with a pellet gun

inmate is 215 days - almost 7 times as long. Jail shouldn't be the place you go to get treatment.

Believe me, I could go on all night.

We have the same goals as NAMI – increase proven science based services for the seriously mentally ill. Increased services means less involvement with the criminal justice system and improved quality of life for those with mental illness and their families.

We fully and strongly support diversion programs such as Mental Health Courts and Crisis Intervention Training although we don't see them as truly diversionary. When you are in a mental health court or when the police are at your door, you have already entered the criminal justice realm, and can only hope for the best at that point.

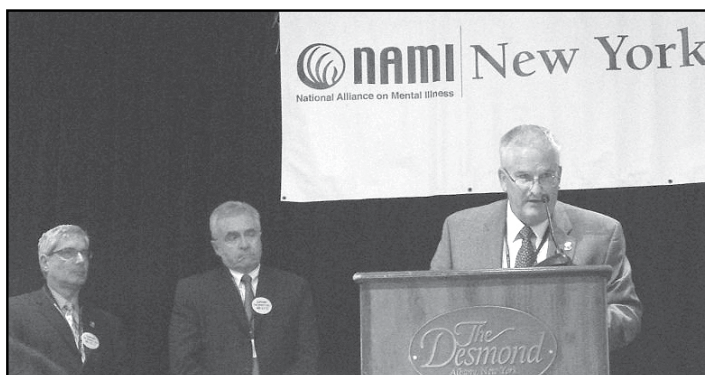
A true diversion plan would be expanding services to the seriously mentally ill, and getting treatment before the police are at your door, before you are standing before a judge, and before you find yourself in jail.

*No one should see law enforcement as a threat to the mentally ill. Quite the contrary. Police officers today interact more frequently with untreated severe mental illness than does any psychiatrist in your community.*

– Chief Michael Biasotti

Police chiefs in New York have stood shoulder to shoulder with NAMI/NYS in Albany and in Washington, advocating against further psychiatric bed reductions. We aren't looking for people to be hospitalized, but we do want adequate bed space available so that persons in crisis can be properly stabilized before being returned to the very situation that originally caused their hospitalization. Because all too often, the second police interaction ends, at best, in jail.

Just two weeks ago (October 2014) my wife and I, on behalf of the New York State Association of Chiefs of Police, presented a resolution in support of Assisted Outpatient Treatment (AOT) before the International Association of Chiefs of Police (IACP) at their annual conference in Orlando Florida. IACP is comprised of 20,000 police chiefs from 100 countries. It is the largest police affiliation in the world. The resolution indicated our support for AOT, which allows judges to order six months of mandated and monitored treatment in the community for the seriously



**Chief Michael Biasotti comments at a NAMI ceremony in Albany at which he accepted an award on behalf of the New York State Association of Chiefs of Police. Looking on, from left: President Michael Ranalli, Executive Director John Grebert.**

ill who have a past history of arrest, violence, incarceration or needless hospitalization. It passed unanimously. The AOT program in New York, called Kendra's Law, reduced arrest, violence and incarceration over 70% each and will hopefully be taken to each state due to police and families of the mentally ill working together. It keeps patients, public and police safer. And hopefully, Representative Tim Murphy's "Helping Families in Mental Health Crisis Act" (HR 3717) will pass because it funds AOT.

As a past President of NYSACOP my platform was improving the interactions between criminal justice and the untreated seriously mentally ill. NYSACOP represents the vast majority of police chiefs in our state. We are not a union. We are an association whose goal it is to advance the professionalism of law enforcement. It is comprised of an 18-member Board of Governors, which includes ten zone representatives, six elected officers, one retired member representative and an Executive Director. They are from and represent every area of this state. Every single vote before the NYSACOP board that has pertained to NAMI programs and mental health issues has passed unanimously.

These are YOUR area police chiefs, and they deserve this award more than I. Without their unwavering support we would not have been able to accomplish what we have, working together, as a team, NAMI and NYSACOP.

No one should see law enforcement as a threat to the mentally ill. Quite the contrary. Police officers today interact more frequently with untreated severe mental illness than does any psychiatrist in your community. Unfortunately, law enforcement often ends up being a family's last resort to get help for their loved one. It shouldn't be that way.

We have a vested interest in seeing it isn't.

*Michael Biasotti recently retired as Police Chief in New Windsor, NY. He is a former President of the New York State Association of Chiefs of Police, and a widely recognized expert on Policing and Mental Illness.*



**DO YOU HAVE  
AN INNOVATIVE PROGRAM?  
[editor@nychiefs.org](mailto:editor@nychiefs.org)**



# Most Police Deserve Support, Accolades-Not Animosity

*A Legislative Column by Assemblyman Will Barclay*



*Assemblyman Will Barclay*

I, like almost everyone, was sadden and troubled when I heard about the two NYC police officers who were assassinated last weekend. They were shot as they sat in their patrol car in Brooklyn by a deranged man named Ismaaiyl Brinsley. Prior to the shooting, Brinsley apparently had posted on his social media account that he was going to kill police officers in revenge for the Eric Garner and Michael Brown cases. The Garner and Brown cases sparked demonstrations around the country. It has been reported that at these

demonstrations (and in other social outlets such as social media) anti-police rhetoric was strongly expressed and that the organizers of these events did little or nothing to stifle such rhetoric. Indeed, it has been claimed by some that organizers actually encouraged the anti-police rhetoric. This is tragic because no matter how you feel about the Garner and Brown cases, hatred towards individual police officers is wholly unwarranted. Even more tragic, apparently the killer Brinsley felt like he needed to act on this rhetoric.

During this time when there has been a lot of police bashing, it is important to point out all the positive things our police officers do that get little, if any attention.

For starters, the crime rate in New York has steadily declined since 1990. We hold the rank of the safest large state and New York City is one of the safest major cities in the nation. Keeping violent criminals in prison longer, expanding the DNA database, Megan's Law (requiring sex offenders to register among other things), civil confinement of sexually violent predators, and implementation of Operation IMPACT (an enforcement tactic which assigns more resources and officers to high crime areas) have all contributed to a safer state. While some of it is thanks to public policy, the enforcement is all thanks to police.

In 2011, homicides in New York totaled 769 but in 2013, homicides statewide dropped to 642. Murders in New York City declined 41 percent over the past decade. This is because of investigations and protections put in place by police.

The media tends to overlook the safety they provide on a regular basis and many are guilty of taking the service they provide for granted. Thankfully some of the more heroic deeds do make headlines. In Syracuse earlier this year, two police officers

*“Our police officers constantly put their lives at risk to save others and most deserve our respect and admiration. Our families and neighborhoods are safer because of their work and skill, and many wouldn't venture to put a price on the service they provide.”*

successfully secured a man who had a loaded, stolen pistol and was ready to use it in public after it became clear he was recognized by police. He was wanted on four warrants. In another story, an off-duty police officer saved a baby from choking recently in Nevada. The officer took the child from the father and quickly performed a reverse Heimlich maneuver on the child. Another off-duty New York State trooper saved a man from a burning gas station before his car went up in flames this summer in Westchester County. The driver had reportedly gone into diabetic shock and crashed into a gas pump, which quickly caught on fire.

Our police officers constantly put their lives at risk to save others and most deserve our respect and admiration. Our families and neighborhoods are safer because of their work and skill, and many wouldn't venture to put a price on the service they provide. My condolences go to the families who have lost loved ones who were police officers killed in the line of duty this year, including the families of NYPD Officers Wenjian Liu and Rafael Ramos who were assassinated. I hope our country can grow from this and focus on helping and respecting the difficult jobs police have.

*Reprinted with permission.*



# Governor Cuomo Launches “Combat Heroin” Campaign

*OASAS HOPEline at 1-877-846-7369*

*PRESS RELEASE: Originally released on  
September 22, 2014*

Governor Andrew M. Cuomo today launched Combat Heroin, a campaign designed to inform and educate New Yorkers about the risks of heroin and prescription opioid use, the signs of addiction, and the resources available to help.

Heroin and opioid addiction has impacted families in every corner of our state and stolen the lives of too many New Yorkers but today were taking another step forward in the fight against this serious epidemic, Governor Cuomo said. The Combat Heroin campaign will get the word out about the dangers of this illegal drug use, as well as the treatment and support services that are available to those who need help. Just like this year’s new law that expanded access to treatment and anti-overdose medication, this campaign is comprehensive and designed to save lives. I urge anyone who knows someone in need of help to reach out today.

Heroin and opioid abuse have become an alarming problem in communities across New York State and the nation. In 2013, there were 89,269 admissions for heroin and prescription opioid abuse treatment in New York State alone, an increase from 63,793 in 2004. During this same time period, New Yorkers ages 18 to 24 had the largest increase in such admissions. Nationally, nearly half a million people were reportedly abusing heroin or suffering from heroin dependence in 2012.

In June 2014, Governor Cuomo signed into law a legislative package to combat this epidemic. The package included insurance reforms, new models of care to divert people into community-based treatment and to support people after they have completed treatment, allowing parents to seek assessment of their children through the PINS diversion services, and expansion of opioid overdose training and increased availability to naloxone, a medication which reverses an opioid overdose.

A critical element of the legislative package requires the New York State Office of Alcoholism and Substance Abuse Services to develop and implement a public awareness and education campaign. The Office of Alcoholism and Substance Abuse Services, the NYS Department of Health, and the NYS Office of General Services Media Services Center have worked together to create a multifaceted media campaign which includes a new website that is easy to navigate and is targeted toward parents, adults, and young people who are seeking help and information concerning heroin and opioid abuse and misuse.

The website, which can be found at: <http://combatheroin.ny.gov>, includes information about warning signs of heroin and opioid abuse and misuse, access to Office of Alcoholism and Substance Abuse Services treatment providers, and guidance to help parents talk to their children and healthcare professionals talk with their patients.

The campaign also includes four public service announcements



and video messages, available on the above-linked website, from New Yorkers talking about the impact of heroin and other opioids on their lives.

Linda Ventura, founder of Thomas’ Hope and a Suffolk County mother who lost her son to a heroin overdose, said, I am proud to have been part of the call for legislative change in New York State to help eradicate the opiate and heroin epidemic. Governor Cuomo’s campaign to address this insidious epidemic and to educate and direct families afflicted with this disease is welcomed and appreciated.

Susan Salomone, co-founder of Drug Crisis in our Backyard and a Putnam County mother who lost her son to a heroin overdose, said, “This is the first step in stemming the tide of overdoses that are occurring in New York State. Thank you Governor Cuomo and the legislature for your acknowledgement of this as an epidemic, a disease, and your commitment to raise awareness of the critical nature of legal opiates and heroin.”

Cortney Lovell of Young People In Recovery - New York, said, “*The Combat Heroin* campaign is a wonderful example of what’s possible when the community recognizes a crisis, unites together to find a solution and then takes meaningful steps to make a change. With the support of Governor Cuomo, our legislators, and our state offices, this campaign will increase awareness of the invaluable resources available throughout New York State. I’m grateful to share in the message that not only is the disease of addiction prevalent, but that there is hope through recovery.”

Tatiana, a young person from New York City in long term recovery, said, “Heroin and Opiate-based narcotics almost took my life. Recovery is real and has given me true freedom. This campaign is a powerful tool that will create awareness and make a difference in the lives of the people suffering.”

Anne Constantino, CEO of Horizon Health Services/Horizon Village in Western New York, said, “The heroin epidemic in Western New York has been devastating. We are grateful to the Governor for his leadership in the fight to educate the public and to bring resources and hope to struggling families. With aggressive actions we can save lives.”

Kevin M. Connally, Executive Director of Hope House Inc. in Albany, said, “Although heroin has been a problem for many

*COMBAT HEROIN, continued on Page 25*

# Passing the Torch

## New Executive Director for Association

**A**fter serving 11 years as Executive Director for the New York State Association of Chiefs of Police, John Grebert will have retired by the date of this publication. Grebert took the post on January 1, 2004, shortly after retiring as Chief of Police of the Town of Colonie.



**John P. Grebert**

Grebert said that the most notable changes during his tenure have been in the staff, and the quantity and quality of services provided by the Association. He said, "Prior to coming here the Association staff was limited to the former Executive Director, an office manager, and two administrative aides. Now the Association employs a Deputy Director, a Highway Safety Liaison to the Governor's Traffic Safety Committee, a Training Director, and one Administrative Aide in addition to the Executive Director."

Grebert says that the changes in the staff have allowed the Association to greatly improve its' fundamental mission to educate our membership in the business of leading police departments. "Our efforts to enhance and expand the process include building on traditional training methods such as the annual training conference and printed materials", said Grebert. He reflected on the improvements to the annual training conference, saying, "We search for the best possible speakers on relevant topics and don't hesitate to pay hefty fees when we believe it's worthwhile. That was not the case in the past. We also work hard at raising money to cover as many of our expenses as possible to minimize the cost we pass on to our members. I have been attending our annual conference since 1992. Last year's conference in Lake Placid may have been the best ever."

Grebert spoke about the publications, which keep members informed of key issues. He said, "The Association has been in business since 1901 and our official publication for many of those years was the *Police Chief Executive* newspaper. A few years ago, Training Director Mark Spawn transformed that publication into the *Chief's Chronicle* magazine. The *Chronicle* is a vast improvement in appearance and content. It's a publication every member can take pride in."

Grebert noted that other important outlets for training and information sharing include the electronic newsletter, *Chiefly Speaking*, the Member's Forums, and the Association website. He said, "Rick Carey started the newsletter when he was Association President and Mark Spawn turned it into the slick current version. Rick also developed the Member's Forum which has assisted many members in dealing with problems by using information submitted by other chiefs who dealt with similar problems in the past." He added, "The podcasts on our website are a valuable and very easy to use way of staying current on a wide variety of issues. In my opinion, our website stands head and shoulders above any other law enforcement site in terms of useful content, and we can thank Mark for that as well."

Traffic safety issues touch every department, no matter how large or small. Grebert spoke about the tremendous service provided through the Association's Law Enforcement Liaison.

He said, "When it comes to issues related to traffic safety, Nick Macherone has been the "Go To" guy for Association members. Whether it's assistance with grant applications, hosting traffic related training seminars or organizing press conferences promoting a highway safety initiative, Nick is constantly crisscrossing the state, never hesitating to do his best to handle a request for assistance from a member."

The outgoing Executive Director focused on a problem facing every agency saying, "Without a doubt, the biggest challenge facing the Association and its members has been the chronic economic downturn that local governments have dealt with for at least the last decade and for some much longer. The most obvious impact has been the five to ten per cent decrease in personnel, which the average agency deals with. But for years now, local politicians have blamed tax increases on the health care and pension costs of public employees. This has undoubtedly shaped public opinion. For our members, the result has been a push for consolidation, a large reduction in §211 waivers, and most importantly, the repeal of §207-M." Grebert went on to explain some of the other obstacles facing public employees, particularly those affecting police chiefs who are typically not covered in collective bargaining agreements, and those who may rely on a contract or other agreement with their municipality. He said, "When the issue of the term limits doctrine (prohibits a municipal board from contractually binding a successor board in matters relating to "governance" – Ranalli, *Chief's Chronicle*, p. 13, Spring 2014) was raised in the western part of the State, public opinion was decidedly against us. We are not the only public employees affected. Members of the CSEA, PEF, the United Teachers and the State's Management and Confidential Employees will all argue they have been affected most by reductions in staff, benefits and stagnant salaries. One of the worst results throughout government agencies at every level is where subordinates end up with better compensation packages than those responsible for managing and holding them accountable."

Grebert said that despite the lack of legislative protection for law enforcement executives, chiefs need to keep doing the best job they can to demonstrate their value. "Police leaders need a responsive and well-coordinated organization representing themselves now more than ever. But it is the individual members and the quality of the job they do in their local communities that will ultimately determine the level of influence we enjoy at the State level. The current Governor's administration obviously believes that public employees are paid too much and past experience tells us we can't rely on them for much help. Therefore, our members should concentrate on the job they do at home. The more that communities come to rely on their police chiefs, the more the Association can use that to influence officials at the State level", said Grebert.

Grebert congratulated Chief Margaret Ryan on the culmination of the search for his successor. He said, "Chief Ryan did a tremendous job preparing for the selection process for Executive Director. She clearly convinced the Board of Governors that she has the talent and energy to lead the Association. As she begins her tenure, many questions, legitimate or not, are being raised around the country concerning police operations, tactics and equipment. I strongly urge every member to give as much support as possible



**Margaret E. Ryan**



to our new Executive Director and the entire Board of Governors and to look for opportunities to participate in Association business, whether as a committee member, attending meetings in Albany or attending the annual Conference.”

Chief Margaret Ryan lauded Grebert’s career saying, “I join all NYSACOP members in thanking and commending John Grebert for his years of dedication to protecting the people of New York State, first as a member and Chief of the Colonie Police Department, then as a President and Executive Director of NYSACOP. I wish John and his wife, Deb well in this new and exciting chapter of their lives.”

Chief Ryan said, “The NYSACOP mission is to enhance the law enforcement profession, serve as the public face of law enforcement executive leadership and provide a forum for executive education, development and exchange of ideas. Soon I will work with the

NYSACOP Board of Governors to review, establish and adopt a strategic plan for the next five-years. Building on an established association foundation, new and existing committees, staff roles and revenue sources, the Executive Director and the Board of Governors will outline the Association priorities, identify goals and measure the Association performances. Establishment of a strategic plan reflects NYSACOP’s continuing commitment to the primary objectives established in the Preamble of our Constitution and our continuing commitment to improving the way we serve our membership.”

John Grebert and his wife Deb will be spending most of their time in the Albany area. Their children live nearby, including one granddaughter. They are also looking forward to spending some of the longer winter months at a shared home in Jacksonville, Florida.

## NEW PODCASTS FOR LAW ENFORCEMENT

### The Latest Audio and Video Productions for Police

In recent months several new podcasts have been added to the online library of the New York State Association of Chiefs of Police. They can be found on the Association’s APB Podcast webpage as well as in the iTunes Store and on the Association’s YouTube Channel.

Recent audio podcasts include interviews with Dr. Fabrice Czarnecki on topics of Officer Survival (APB145), Medical Guidelines for Law Enforcement Officers (APB146), and Ebola and Police (APB147). In the Officer Survival podcast Dr. Czarnecki discusses the importance of seat belts, body armor, and training for survival. He explains that some of this is a cultural issue with both the police and the military –

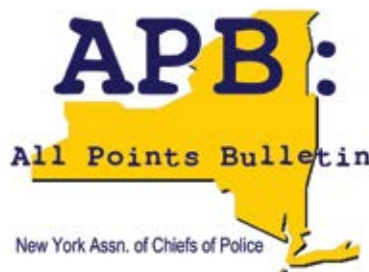
attitudes such as, “I need to get out of my vehicle quickly” if something bad happens. But he says when you are involved in a crash and are not wearing your seat belt, your mortality increases by 30-50%. He suggests that departments provide realistic scenarios such as drawing a



*Jody Weis and Mark Spawn  
prep for their interview.*

weapon from behind the wheel of a car, removing the seat belt and drawing the sidearm. In the Medical Guidelines podcast, he discusses recently updated guidelines from the IACP Physician’s Group. In the Ebola podcast, Dr. Czarnecki talks about the general role of police in Ebola cases. Dr. Czarnecki is a member and Past Chair of the International Association of Chiefs of Police Physician’s Section and is trained as an emergency physician. He also specializes in occupational medicine.

Many of our members have taken advantage of the free law enforcement webinars offered by American Military University



(AMU). But if you have not, listen to the podcast with Jeffrey Kuhn (Associate Vice President of Business Development/Public Safety for AMU) and James Deater, one of AMU’s trainers and webinar facilitators. They describe the Free Webinars for Police (APB148) and how to register for upcoming webinars.

We have several new audio podcasts in our Police Technologies Series. Recent releases include Multi-Tenancy Makes Sense (APB129) and Multi-Tenancy Merges Technology (APB130). These podcasts are interviews with Jody Weis who brings his collective experiences from military service, FBI agent and SAIC, and

Superintendent of Chicago PD to his current position as Senior Manager of Health and Public Service for North American Public Safety at Accenture. Other recently released interviews with Supt. Weis include: Why Analytics Are Important (APB131), Digging Deeper Into Analytics (APB132), Video Analytics in Policing (APB133), Video Analytics and Privacy Concerns (APB134), Citizen’s Expectations of Law Enforcement (APB135), Using Social Media in Law Enforcement (APB136) and Mobile Technology in Police Work (APB137).

We have some new videos, too. Watch two interviews in our Legacy Project series with Jody Weis who talks with us about his remarkable career (Career: Opportunities, Challenges and Transition APB140), and how he transitioned from one job to the next. In a separate interview, he talks about a high profile case involving a plot by Islamic extremists to kill soldiers at Fort Dix (Teamwork and the Community APB141). Learn how this major case began with a tip from a concerned citizen.

Tim Hardiman is a retired commander from NYPD and is



*Supt./Ret. Jody Weis  
(Chicago PD), Accenture*





**Tim Hardiman, NYPD/Ret.,  
American Military University**

from life-changing misery (The Important Work We Do APB143). He describes a memorable case involving a violent felon (Helping

now with American Military University. Watch his three part interview in our Legacy Series as he shares his own experiences and advice for today's law enforcement officers and leaders. He is passionate about his career which shines through in these interviews. First, he speaks about the critical role of law enforcement in today's society and how our attention to detail can help to save people

People, Making Cases APB142). Hardiman stresses that no matter how technology changes the world of policing, there will always be a need for the police. In the last interview, Hardiman shares an important piece of advice for new police officers—"talk to people!" (Talk to People APB144). Hardiman stresses that interview and interrogation is a skill used by police every day of their career—and urges that we all need to be good at it. Whether we are interviewing a victim for a crime report or interrogating a felony suspect, the ability to talk to people is essential. His interview is a must-see for both new and veteran officers.

Our audio and video podcasts are available from our website on the APB Podcasts page, in the iTunes Store, and on our YouTube Channel. You can subscribe to our podcast feed from the iTunes Store (search "new york state association of chiefs of police") or add us to "My Subscriptions" from your YouTube account.



**Audio and video productions available for free at [nychiefs.org](http://nychiefs.org), in the *iTunes* and on our *YouTube* channel. See page 36 for our latest releases!**



# Law Enforcement Challenge

**2**015 New York & National Law Enforcement Challenge Competitions: It's time to begin preparing for the New York Law Enforcement Challenge (NYLEC) and National Law Enforcement Challenge (NLEC) competitions. A new fillable-PDF application is available for download from the NLEC website at [www.theiacp.org/NLEC](http://www.theiacp.org/NLEC) that will enter your agency in both competitions. The single submission streamlines the process by eliminating the need to complete separate applications. On the International Association of Chiefs of Police website you will also find a How-To-Guide along with a variety of other resource materials and model applications. The PDF application and all supporting documentation should be submitted via email to [nlec@theiacp.org](mailto:nlec@theiacp.org) no later than May 1, 2015. The Challenge continues to be an excellent opportunity for your agency to receive recognition as a leader in traffic safety enforcement and education. The New York Law Enforcement Challenge Awards Recognition Ceremony will be held at the Highway Safety Annual Fall Symposium, October 18-21, 2015, at the DoubleTree by Hilton in Binghamton, NY. For assistance contact Law Enforcement Liaison Nick Macherone, Challenge Coordinator.



## Empire State Law Enforcement Traffic Safety Conference

**T**he Empire State Law Enforcement Traffic Safety Conference (ESLETS) will be held on April 30 and May 1, 2015 at the Syracuse DoubleTree by Hilton in East Syracuse, NY. This is the only traffic safety conference of its kind in the state: designed by law enforcement - for law enforcement. The conference and registration is free and additional information will be posted on the websites of the Governor's Traffic Safety Committee, New York State Association of Chiefs of Police and New York State Police.



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Search 1000's of products in our search box!

## Resources for Traffic Safety Campaigns

**P**lanning guides, news, research, statistics, op-ed articles and a variety of graphics and images are available to assist local agencies in organizing traffic safety initiatives. Be sure to check out [TrafficSafetyMarketing.gov](http://TrafficSafetyMarketing.gov) for information on impaired driving, pedestrian and bicycle safety, distracted driving, seat belt initiatives, bicycle, car seat, motorcycle, speed, move-over and more. If you have not used these resources before you will find them easy to use and informative, it's worth a few minutes just to check out the website to see the volume of resources available to help you reduce injuries and fatalities in your jurisdiction.



# Governor Cuomo Announces \$6.2 Million for Sexual Assault and Domestic Violence Programs

*Funding from the Federal Violence Against Women Act will support victim services, law enforcement and court programs*

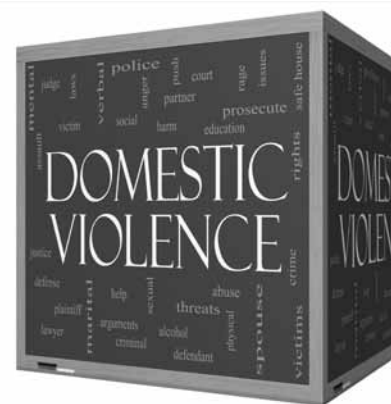


Photo credit: Pond5/mybaitshop

Governor Andrew M. Cuomo today announced New York State has received \$6.2 million in federal funds that will allow 90 community organizations, hospitals, police departments and district attorneys' offices to enhance services and protections for victims of sexual assault and domestic violence. The grants will also support the work of health care professionals who are specially trained in examining sexual assault victims and collecting evidence that can be used by law enforcement, as well as allowing the New York State Coalition Against Sexual Assault to develop protocols and training that better address sexual assaults on college campuses.

"This funding will provide much-needed resources to assist victims of sexual assault and domestic violence in every corner of New York State," Governor Cuomo said. "These organizations are proven programs that are helping to create a better system of support and justice for victims, and I am pleased that their good work is being recognized by our federal partners."

The funds will support programs that assist victims and the work of law enforcement professionals, including:

- Advocacy, counseling and legal services;
- Salaries of sexual assault examiners, who are nurses or other medical professionals specially trained to perform forensic exams;
- Salaries of police investigators, prosecutors and probation officers that specifically handle domestic violence and sexual assault cases; and

The grants are funded through the federal Violence Against Women Act and administered by the State Division of Criminal Justice Services. The grants process was open and competitive for the first time in more than a decade, which resulted in grants being awarded to 14 organizations and agencies that had not been funded in the past. As a result, services for sexual assault and domestic violence victims will be expanded in the following counties: Albany, Allegany, Chautauqua, Fulton, Orange, Putnam, Queens, Rensselaer, Rockland, Schenectady, St. Lawrence and Suffolk counties, as well as New York City.

The Division of Criminal Justice Services was required to

follow a long-standing federal allocation formula when awarding the grants. The agency also needed to meet several new federal requirements, including funding efforts to eliminate sexual assault in correctional facilities, reducing domestic violence-related homicides, and ensuring that funds were equitably distributed among urban, suburban and rural communities across the state.

In addition, previously funded entities had no guarantee that they would receive funding this year. The Division of Criminal Justice Services received approximately \$10.3 million in requests, exceeding the available funding by more than \$4 million.

Division of Criminal Justice Services Executive Deputy Commissioner Michael C. Green said, "During my 25 years as a prosecutor, I saw the devastating impact that domestic violence and sexual assault had on its victims and their families, particularly children, who too often witnessed crimes committed by one parent against another. These grant awards will allow local criminal justice professionals, victim advocates and attorneys to handle cases more effectively, holding offenders accountable and also providing victims the services and support they need to recover and rebuild their lives."

The 90 organizations and agencies will execute three-year contracts with the option for one, two-year extension. The approximately \$6.2 million announced today will fund the first year of those contracts; it is expected that approximately the same amount of funding will be available annually for the duration of those contracts. The funding cycle for the grants aligns with the calendar year.

The New York State Coalition Against Sexual Assault and New York State Coalition Against Domestic Violence each will receive two grants totaling \$231,000.

The Coalition Against Sexual Assault will use its funding to initiate a statewide project to implement best practices to address campus sexual assault by improving the response to these crimes through enhanced coordination among campus personnel, rape crisis centers, local law enforcement and prosecutors, while the Coalition Against Domestic Violence coalition will work to reduce domestic violence homicides across New York through statewide



training and technical assistance for service providers. Both organizations also will fund statewide prevention and awareness initiatives and training for advocates who work with domestic violence and sexual assault victims.

Joanne Zannoni, Executive Director, New York State Coalition Against Sexual Assault, said, “The VAWA grant funds will allow the New York State Coalition Against Sexual Assault to continue its work with sexual assault examiners, representatives from traditionally underserved populations, rape crisis programs, other victim service providers and allies to promote effective, compassionate responses for sexual assault victims and survivors. We are thrilled that this funding will support sexual assault prevention efforts, as well as a new initiative to address campus sexual assault on a statewide basis, by facilitating multidisciplinary collaboration, improving coordination between on-campus and off-campus responders and developing and implementing best practices for responding to campus sexual assault.”

Connie Neal, Executive Director, New York State Coalition Against Domestic Violence, said, “The New York State Coalition Against Domestic Violence is a statewide organization comprised of local service providers, allies and individuals who are committed to ending domestic violence. These funds will allow the coalition to provide training and support to local domestic violence programs, which serve thousands of survivors annually, partner with those programs to reduce intimate partner homicides and launch a groundbreaking statewide prevention initiative designed to stop domestic violence from occurring in the first place.”

Rep. Louise Slaughter, an original author of VAWA said, “Survivors of domestic abuse and sexual assault have endured the unimaginable. When Pat Schroeder and I wrote VAWA, we knew that in addition to physical, emotional, and psychological trauma that survivors experience, they are almost always faced with housing needs, legal matters and financial issues. The programs established through VAWA help survivors of domestic violence rebuild their lives with assistance in all these

areas. Since 1994, incidents of domestic violence have decreased by 67 percent. I am proud to support VAWA and the excellent organizations here in Rochester that benefit from the grant programs it established.”

Congressman Jerrold Nadler said, “As a longtime supporter of the federal Violence Against Women Act, I am pleased to see the funding we fought for in Congress being put to good use in New York City and across the state. Domestic violence, sexual assault and stalking affect at least one in four women and can destroy lives. Life-saving programs, like those funded with these grants, have helped many victims move from crisis to stability while ensuring their attackers are brought to justice. I am especially pleased that we were able to defeat House Republican efforts to deny VAWA funding for the LGBT community, and that now funding will be used to help LGBT victims of violence as well as the countless others served by VAWA. I want to thank Governor Cuomo for ensuring this funding was put to good use in communities across the entire state of New York.”

Congressman Chris Gibson said, “As a strong supporter of the federal Violence Against Women Act, I recognize the critical services that this federal funding stream supports in our region. I thank the Governor for prioritizing this assistance to local organizations that provide direct care to the victims of abuse. Additionally, I am happy to see that local LGBT groups will receive additional support made available through the Violence Against Women Act Reauthorization.”

U.S. Rep. Richard Hanna said, “No community is immune to domestic violence, but we can help ensure that no person in Upstate New York is neglected. I am a strong supporter of the Violence Against Women Act and worked to ensure its passage in the House of Representatives. This funding will importantly assist victims; organizations that are on the front line to help, law enforcement agencies who are often the first responders and also prosecutors who ensure attackers face consequences. I have absolute confidence

*This funding will importantly assist victims, organizations that are on the front line to help, law enforcement agencies who are often the first responders and also prosecutors who ensure attackers face consequences. I have absolute confidence that this funding will aid victims at very critical times.*

– U.S. Rep. Richard Hanna

Originally released December 16, 2014

that this funding will aid victims at very critical times.”

The New York State Division of Criminal Justice Services ([www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)) is a multi-function criminal justice support agency with a variety of responsibilities, including collection and analysis of statewide crime data; maintenance of criminal history information and fingerprint files; administrative oversight of the state’s DNA Databank, in partnership with the New York State Police; administration of federal and state criminal justice grant funds; support of criminal justice-related agencies across the state; and administration of the state’s Sex Offender Registry.



# Board of Governors Issue Position Statement

## Attorney General Seeks Authority to Investigate and Prosecute Certain Police Cases



*The following is the position statement issued by the Board of Governors in response to the Attorney General's letter to Governor Cuomo requesting authority to prosecute police misconduct, citing the question of public confidence in legal proceedings*

On Monday, December 8, 2014, Attorney General Eric Schneiderman sent a letter to Governor Cuomo requesting that he temporarily grant Schneiderman the authority to investigate “circumstances surrounding the commission or alleged commission of any police officer or peace officer in the State of any act or acts, committed while the officer is engaged in the performance of his or her official duties, that result in the death of any unarmed person other than a fellow law enforcement officer so engaged”. He further requests the authority to criminally prosecute, when warranted, an officer for such acts. The New York State Association of Chiefs of Police (NYSACOP) is opposed to this request.

In his letter to the Governor, the Attorney General acknowledges that prosecutors are capable of prosecuting police officers for crimes committed in the course of their duties, regardless of their close working relationship with the police. The Attorney General further indicated in his letter that the “overwhelming majority” of prosecutors are conscientious about their “ethical duty to see that justice is done in every case. Rather, the question is whether there is public confidence that justice has been served, especially in cases where homicide or other serious charges against the accused officer are not pursued or are dismissed prior to a trial by jury.”

As law enforcement professionals, our members have spent their careers investigating and evaluating facts, which are the obvious critical components of any decision to arrest and/or prosecute a person. District Attorneys make the same fact-based analysis in their prosecutorial decisions. Police officers and prosecutors have the legal and ethical obligation to make such decisions for the right reasons. These decisions cannot be made in an attempt to appease anyone. The clear language used to justify the Attorney General's request is the lack of public *confidence*, apparently stemming from the lack of indictments in the deaths of Michael Brown and Eric Garner. In both cases, this lack of public confidence ignores the fact a Grand Jury, consisting of members of the community where the events occurred, evaluated all of the available facts and made a decision. In the Garner case, these are facts that no one

knows other than the members of that jury and the District Attorney. The Attorney General's request infers that rather than making fact-based decisions, we should instead be more concerned about public confidence, or as in this case, public opinion.

Article 1, §6 of the New York State Constitution states, in pertinent part, “No person shall be held to answer for a capital or otherwise infamous crime...unless on indictment of a grand jury”. The Attorney General's request seems to fly in the face of the clear Constitutional mandate requiring an indictment by a Grand Jury. Police

officers are first and foremost citizens of this state and are entitled to the same Constitutional protections as anyone else. The end result of the Attorney General's request would be that, without a constitutional amendment, the *facts* would still need to be presented to a Grand Jury. And if that is done and it results in yet another decision contrary to prevailing public opinion, what will happen then?

Local District Attorneys have been elected by their constituents and are held accountable by the same to prosecute all crimes, including police misconduct. It is very common for District Attorneys to work side-by-side with Police Officials when prosecuting police officers for illegal acts. We do not feel it will bode well for our profession to have the State Attorney General conducting investigations on police shootings in our local jurisdictions when he has no accountability to the local populace nor is he necessarily invested in that community.

In addition to the Attorney General's request, New York State Legislators have recently proposed legislation that would create a special investigatory police misconduct unit within the Office of the Attorney General. The Board of Governors of NYSACOP and our members request(s) that our Governor and our Legislators take a reasoned and methodical approach to any changes in the criminal justice system and not react in haste. We are committed to our communities and to providing professional and accountable police services. We also know we can continue to improve this service. We accept and admit that conclusion. Blaming all of the underlying problems surrounding the deaths of Michael Brown and Eric Garner on the police, however, will be a tragic mistake for which our society will ultimately pay.

Police officers are the guardians of our communities and they enforce the laws created by elected officials. What has been lacking in the past few weeks is a clear statement calling for personal responsibility for the people who violate those laws and condemning those who chose to resist an officer's attempt to enforce them. Police officers do need to be held accountable. So do those who violate our laws. Without that balance, there will be no end to the unrest. The Board of Governors of the New York State Association of Chiefs of Police would welcome an opportunity to be included in any discussions pertaining to changes in the criminal justice system.

*What has been lacking in the past few weeks is a clear statement calling for personal responsibility for the people who violate those laws and condemning those who chose to resist an officer's attempt to enforce them. Police officers do need to be held accountable. So do those who violate our laws.*

*Police officers and prosecutors have the legal and ethical obligation to make such decisions for the right reasons. These decisions cannot be made in an attempt to appease anyone.*

# Key Departments to Form New Division of Campus Safety and Emergency Services

*By Erin Martin Kane, Syracuse University*

Originally released: December 11, 2014

**E**xecutive Vice President and Chief Financial Officer Louis Marcoccia announced the formation of a new Division of Campus Safety and Emergency Services to achieve increased collaboration and coordination of safety and emergency-related functions.

Consistent with best practices in higher education and campus security, the new division draws together all functional areas of the University that have a primary focus on community safety, crisis and emergency response, risk management, compliance with safety and security regulations, investigations and campus law enforcement.

The reorganization will better align student safety, security and emergency services, and better focus on student interests related to safe transportation, proactive response to campus and off campus personal safety issues, crime prevention, and emergency preparedness, response and communication.

Department of Public Safety Chief Tony Callisto will lead the new division and will serve as the University's Senior Vice President for Safety and Chief Law Enforcement Officer. Callisto will report directly to Marcoccia. The appointment is effective immediately.

"These changes will result in better communication, more efficient and improved safety-related services for the University community and enhanced coordination with local first responder agencies," says Marcoccia. "This new structure allows us to serve the entire University with improved consistency, agility and internal accountability."

Units and/or functions that will be included within the new Division of Campus Safety and Emergency Services are:

- Department of Public Safety
- Emergency Management
- Fire and Life Safety
- Office of Environmental Health
- Risk Management and Regulatory Compliance Services
- Threat Assessment and Management Team
- Parking and Transit Services

In his new role, Callisto will provide leadership to each area of the division to ensure a unified, student-centered approach to protecting the campus community and providing exceptional service. He will also lead all campus safety and emergency services collaboration efforts with other University divisions, departments

and units, as well as external partners.

"I look forward to working together with all members of the new division to continue to enhance the overall safety and emergency preparedness of the campus community," Callisto says. "Our work also involves collaboration with divisions across campus to increase communications and ensure regulatory compliance to help maintain the best campus environment in which to study and work."

President of the Graduate Student Organization Patrick Neary says by bringing these offices closer together administratively, students will have a central point to discuss better coordination of services. "I hope to see more coordinated communication and education on safety issues now that these groups are part of a coherent group," he adds. "The University's realignment of safety services into one division will help everyone make campus safer."

Boris Gresely, president of the Student Association, says, "I am very happy to hear that SU will be centralizing all of its public safety services into one division and appointing Chief Callisto as the director of this new division. I'm sure under his guidance the University will continue to strive for public safety."

Callisto has served the University as Chief of Public Safety since 2006 after 25 years with the Onondaga County Sheriff's Office, the last 10 years as chief deputy. Callisto is a regional and national public safety, criminal justice and law enforcement expert and leader, both in government and higher education. He has served for the past 13 years as an adjunct professor of criminal justice, developing and teaching both undergraduate and graduate courses at Columbia College and Keuka College. Callisto holds a master of arts in public administration from the Maxwell School of Citizenship and Public Affairs and has 15 years of experience as a national consultant in organizational development, conflict resolution, interest-based negotiations and labor relations.

"Tony is a trusted and valued member of the University community," says Marcoccia. "His leadership of the new division will improve the quality of life and the student experience on campus."

Department of Public Safety Associate Chief Jill Lentz, a 16-year veteran of the department, has been appointed as Interim Chief of Public Safety while a national search for the position of chief is initiated. Lentz holds a Bachelor of Science degree in criminal justice from Columbia College and is a 2013 graduate of the FBI National Law Enforcement Leadership Academy.



**Tony Callisto, Sr. VP for  
Safety and Chief Law  
Enforcement Officer**



**Jill Lentz,  
Interim Chief of  
Public Safety**

# DelBianco - Person of the Year

**J**oseph DelBianco was honored by the Westchester County Chapter of ASIS (American Society for Industrial Security) International last fall as their 2014 Person of the Year. According to ASIS Westchester Chapter Chairman Jerry Heying, ASIS International "...is now a global community of more than 38,000 security practitioners, each of whom has a role in the protection of assets – people, property and/or information." Heying added, "We are especially pleased to honor Chief Joseph DelBianco for his years of service as Chief of Police, and his post retirement service to Westchester County with his continued involvement in numerous organizations." ASIS International President Richard E. Widup said, "This is a significant accomplishment that reflects the tremendous impact that his (DelBianco's) efforts have had on making the world in which we live a better place." The ASIS Public Safety Appreciation and 55th Anniversary Reception was held at the Chappaqua Crossings in Chappaqua, New York. The award was presented to DelBianco by Law Enforcement/Security Liaison David Hall.

Chief/Ret. DelBianco began his law enforcement career in 1952 with Mamaroneck PD in Westchester County, New York. He retired in 1994 as Chief of Police of Mamaroneck PD. He is a lifelong member of Holy Trinity Roman Catholic Church where

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*Chief/Ret. Joseph DelBianco*

he continues to be a reader and usher. He has been a member of the Rye YMCA for over 38 years where he swims laps 4-5 times a week. DelBianco is also the Retired Member Representative for The New York State Association of Chiefs of Police.

## COMBAT HEROIN, from Page 16

years, the fact that today we are seeing teenagers who are using heroin and many are even injecting it, is extremely troubling. Use of heroin is affecting people of all ages, races and socioeconomic status. I applaud Governor Cuomo and his actions to combat the heroin epidemic."

In addition to the *Combat Heroin* campaign, other initiatives being implemented include:

SUNY and CUNY will promote the *Combat Heroin* campaign on college campuses and train campus police and emergency personnel on the use of naloxone.

The 12 Office of Alcoholism and Substance Abuse Services Addiction Treatment Centers will continue to train New Yorkers on the use of naloxone. Addiction Treatment Center staff have already trained more than 3,200 people.

Expand naloxone training for first responders including police officers, firefighters, sheriffs deputies and emergency services. Approximately 1,100 law enforcement officers have already received the life-saving training.

Working with community providers to train persons throughout New York State likely to witness an overdose, including

professional staff, drug users and their families on overdose prevention and the use of naloxone. To date, over 170 agencies have been enrolled, 15,000 persons trained, and in excess of 1,000 overdoses reversed.

Create more prescription medication disposal sites across the state for New Yorkers to safely dispose of prescription medications. Department of Health has established a statewide medication drop box program. Drop boxes are also available year round at State Police Troop Headquarters in Batavia, Unadilla, Canandaigua, Latham, East Farmingdale, Ray Brook, Oneida, Middletown and Salt Point.

People or families who need help with substance abuse can call the toll-free Office of Alcoholism and Substance Abuse Services HOPEline at 1-877-846-7369 to speak with a trained medical professional. HOPEline staff can answer questions and help people find treatment 24 hours a day, seven days a week. All calls are confidential.

To help combat heroin and prescription opioid abuse and misuse, visit [www.combatheroin.ny.gov](http://www.combatheroin.ny.gov) (#CombatHeroin).



# SMART Approaches to Reducing Gun Violence

BY HILDY SAIZOW, SUBJECT MATTER EXPERT, SMART POLICING INITIATIVE POLICING INITIATIVE

**G**un violence exacts a tragic toll in communities across our nation. While violent crime overall declined in the last decade -- homicides by 10%, robberies by 14% and aggravated assaults by 11%<sup>i</sup> – gun violence persists. Particularly in urban centers, shootings are a common occurrence resulting in high rates of death and injury among young people and devastating entire neighborhoods. Law enforcement alone cannot solve gun violence. Yet, today police are positioned strategically in cities and neighborhoods where they can engage in actions that curb or even prevent gun crime, injuries and deaths. The question is – what strategies work? How can police use their limited resources to effectively stop the violence and save lives?

In partnership with the Bureau of Justice Assistance Smart Policing Initiative (SPI), a number of forward thinking police departments have been implementing new, evidence-based strategies and tactics aimed at reducing gun violence. These police strategies are grounded in a “risk-focused framework” that serves as the guiding principle for Smart Policing. When applied to gun violence, these risk-focused strategies (strategies that place emphasis and resources on the people and places at the highest risk for gun violence) have resulted in impressive reductions in gun violence affecting their communities. This article explores gun violence in America and highlights strategies and action steps that have proven effective in preventing and reducing the problem.

## The Problem

Crime overall declined in the decade 2003-2012. According to the FBI’s Uniform Crime Reports, violent crime decreased 12% and property crime by more – 20%<sup>ii</sup>. This welcome news contrasted with persistent gun violence across our nation. In this same time period, gun homicides dropped by much less – 2.5%<sup>iii</sup>. Trends in gunshot injuries were more disturbing. The number of persons treated at hospitals for violence-related gunshot injuries actually increased 36%<sup>iv</sup>. Furthermore, the number of Americans experiencing a criminal incident involving a gun ranged from 400,000 to 600,000 annually<sup>v</sup>.

Media attention typically focuses on a single aspect of gun violence – high profile mass shootings. Although small in number, evidence indicates these shootings are increasing, as are active shooter incidents, and the results are heartbreaking. Mass shootings, involving the

murder of four or more people by a single individual, have been increasing since 1982. Out of 67 mass shootings from 1982-2013, almost half or 30 occurred in just the last eight years. Seven of them took place in 2012, and another five occurred in 2013<sup>vi</sup>.

A recent FBI study found the number of active shooter incidents more than doubling in the past seven years. While an average of six active shooter incidents per year occurred from 2000 to 2006, the number rose to 16 incidents annually in the past seven years<sup>vii</sup>. (Active shooters are persons attempting to or killing people in a populated area.) Although devastating in the randomness of when, where and to whom these incidents occur, mass shootings and active shooter incidents result in less than 1% of all gun violence victims.

The most common acts of criminal gun violence occur daily and involve gang members, violent youth and others involved in crime. Local police departments are on the frontlines of defense for these acts of violence. But they too are exposed to the deadly results of gun violence. From 2003-2012 a total of 492 police officers were killed with firearms in the line of duty, according to the FBI’s Law Enforcement Officers Killed and Assaulted report; that’s almost 50 police officers per year.

The nature and extent of gun violence and its deadly impact calls for effective strategies and action at the local level. Smart Policing is set to guide these local law enforcement efforts.

## Strategies that Work

The Smart Policing Initiative (SPI), supported by the Bureau of Justice Assistance, links a police department with local researchers to evaluate a range of law enforcement interventions. Smart Policing represents a well-structured strategic approach that brings more scientific rigor into police operations by focusing on data analysis, technology and evidence-based practices. Over the past several years, nine SPI-funded police agencies have focused their strategies on the critical issue of gun violence. The strategies implemented by these departments are diverse, but they all are based on four key findings from past research:

- Few Individuals are Committing Many Crimes - Much of the devastating toll of urban gun violence can be linked to a small number of high-rate offenders committing shootings at specific places and times.
- Actions Should Focus on High Risk Places and People - Gun violence prevention actions should address the places and people representing the greatest threat of violence. Places in this context are small micro-units or hot spots such as a single building or address; street blocks or segments; or clusters of addresses.
- Pulling Levers has an Impact - Focused deterrence strategies such as offender call-ins (also known as pulling levers) are associated with significant reductions in gun violence.
- Multi-strategy, community-based approaches outperform more limited interventions. These programs capitalize on the strengths of multi-faceted law enforcement strategies and include a community-level component that targets well-established community risk factors, such as community organization and mobilization.

While all the results are not yet available, four Smart Policing projects have produced strong evidence of best practices with positive impact. Police departments in Boston, Baltimore, Los

### TRENDS IN U.S. GUN VIOLENCE

	2012 Total	% Change 2003-2012
Gun Homicides	11,622	-2.5%
Violence-related Gunshot		
Injuries	64,034	+36.5%

Source: Center for Disease Control and Prevention, Injury Prevention and Control: Data and Statistics WISQARS, 2014

### TRENDS IN MASS SHOOTINGS

	Number
1982-1987	5
1988-1996	16
1997-2005	16
2006-2013	30

Source: A Guide to Mass Shootings in America, Mother Jones, updated 5/14



Angeles, and Kansas City have achieved double-digit percentage reductions in violent crime and shootings. Here's what they did.

#### Boston: Targeted Persistent Gun Violence Hot Spots

In Boston, the annual number of fatal and non-fatal shootings had increased 133%, from 162 in the year 2000 to 377 in 2006. To address this issue, the Boston SPI first analyzed 28 years of data and found gun violence was highly concentrated in a small number of micro hot spots in disadvantaged, predominantly minority neighborhoods. In response, the Boston Police Department developed a targeted strategy that placed Safe Street Teams (SSTs) in 13 randomly selected micro hot spots. The SSTs, consisting of a sergeant and six patrol officers, employed problem-oriented policing (POP) techniques to identify and address recurring problems and engaged community members and local merchants in the process. Through intensive problem solving, the teams modified the characteristics, situations, and dynamics that promoted violence in the target areas. A range of POP activities were undertaken – 396 in total – and can be categorized into situational/environmental interventions, the most common, followed by community/social interventions and lastly, enforcement interventions. As a result of these interventions, violence dropped in the hot spot areas – aggravated assaults by more than 15%, violent crime by more than 17%, and robberies by more than 19%. It is interesting to note here, that when left to their own decision-making, police officers most frequently developed interventions that were not rooted in suppression-oriented enforcement activities.

#### Baltimore: Targeted Prolific Offenders in Persistent Hot Spots

Gun violence remained persistently high in Baltimore from 2003 to 2007, when the city had close to 600 nonfatal shootings and 275 homicides annually. The Baltimore Police Department used three strategies to address the violence and evaluated their impact through the Smart Policing Initiative. The first strategy targeted gun offenders in violent crime hot spots through a program called the Violent Crime Impact Section. Detectives were deployed to this section of the city to focus on building cases against the targeted offenders. The second strategy, called Project Exile, involved the use of focused deterrence to change offender behavior in the violent hot spots. Targeted individuals were invited to offender call-ins where both deterrence and supportive messages were delivered by law enforcement, community representatives, and social service providers. The final strategy was the creation of a Gun Offender Registry. Modeled after the New York City registry, Baltimore's program requires all individuals convicted of gun crimes to register with the police department and for officers to check on the offenders periodically through home visits. The Registry began in January 2008, and as of August 1, 2011, 571 offenders had been registered in the program. The results of these interventions were dramatic. Homicides declined by 27% in the Violent Crime Impact Section. The focused deterrence intervention reduced non-fatal shootings in one neighborhood by 40%. The Gun Offender Registry reduced gun-related re-offending risks among offenders by 92%.

#### Los Angeles: Focused on Prolific Offenders in Persistent Hot Spots

Gun crimes in Los Angeles were also concentrated in a small number of locations. Of the 1,135 reporting districts in Los Angeles, about 6% accounted for 30% of the gun-related crimes in the city, and a number of these violent reporting districts were concentrated in and around the Newton Division, Los Angeles' most notorious violent sector. For the Los Angeles Smart Policing Initiative, gun incident crime and arrest data from 2006 to 2011 were used to identify five large hot spot corridors in this single

Division -- Newton. Called Los Angeles' Strategic Extraction and Restoration Program (Operation LASER), the SPI involved both location- and offender-based strategies (e.g., directed patrol, specific missions, enhanced surveillance) with the centerpiece being the creation of a Crime Intelligence Detail (CID) composed of three sworn officers and one crime analyst who was situated locally in the Newton Division. The CID's primary mission centers on the creation of Chronic Offender Bulletins, which contain detailed information about prolific offenders, such as description, physical idiosyncrasies (e.g. scars, tattoos), gang affiliation, prior crimes committed, parole or probation status, and locations where the individual was stopped in or near the Newton Division. Officers use the bulletins to search for, identify and arrest offenders. As a result, Operation Laser reduced homicides by more than 22 % per month in Newton, and gun crimes by 5 % per month in each reporting district, based on an analysis of 10 months post- intervention.

#### Kansas City: Engaged Collaborative Partners in Focused Deterrence

From 2008 through 2011, Kansas City experienced violent crime and homicide rates far above the national average. Kansas City's homicide rate ranged from 23.4 to 25.5 (per 100,000 persons) compared to the national rate of 4.7 to 5.4. In response, a collaborative partnership called the Kansas City No Violence Alliance (or KC NoVA) was formed to bring the community and law enforcement together to reduce violence through the focused deterrence model, with a particular focus on reducing homicides and gun related crime. The partnership, supported by the Smart Policing Initiative, is managed by a governing board consisting of the Chief of Police, County Prosecutor, Mayor, Special Agent-in-Charge for the ATF, Director of Probation and Parole, and the Chancellor of the University of Missouri-Kansas City (UMKC). This group sets the agenda for the larger strategies of the initiative, but the day-to-day operations are managed by a working group from the Kansas City Police Department, ATF, probation and parole, the research partner from UMKC, and the prosecutor's office. Other partners in KC NoVA include the Kansas City Crime Commission, federal law enforcement agencies, and local social service agencies (i.e., Greater Kansas City Local Initiatives Support Group). The Smart Policing team employed advanced social network analysis to identify individuals involved in social deviance (i.e. gangs, violence) and depict connections between these individuals. The analysis begins with a list of targeted offenders including those who were suspects in murders, shootings, or other serious assaults. The analyses identified individuals to target for offender call-ins through which they received three basic messages: 1) violence cannot be tolerated; 2) further violence will be met with certain and severe consequences from law enforcement; and 3) those who want assistance to change and adopt a more pro-social life will receive such help. A range of social services were available to the call-in attendees including education, job training, and substance abuse training. As a result of these interventions, homicides were reduced by 26.5%, and aggravated assaults involving a gun were reduced by 5.8% (comparing average monthly crime counts pre- and post-intervention). Though gun related aggravated assaults declined modestly in the expected direction this reduction was not statistically significant. At the same time, aggravated assaults where no gun was used increased by 16.8%, representing a statistically significant increase. This observation may best be understood as functionally displaced crime – aggravated assaults did not decline but guns were less likely to be used during the commission of the crime.

The results from these exemplary SMART policing initiatives ►

# THE IMPACT OF SMART POLICING ON GUN VIOLENCE

SPI Site	Impact
<b>Boston (yearly data analyzed from 2000 - 2009)</b>	
Aggravated assaults	15.4% reduction*
Violent crime	17.3% reduction*
Robbery	19.2% reduction*
<b>Baltimore (monthly data analyzed from 2003 - 2012)</b>	
Homicide	27.3% reduction*
Non-fatal shootings	39.8% reduction
GOR offending risk (gun crimes)	92.0% reduction*
<b>Los Angeles (monthly data analyzed from Jan. 2006 - June 2012)</b>	
Gun Crimes	5.2% reduction (per month, post-interventions)*
Homicide	22.6% reduction (per month, post-intervention)*
<b>Kansas City (monthly data analyzed from 2010 - 2014)</b>	
Homicide	26.5% reduction*
Aggravated assaults with gun	5.8% reduction*
Aggravated assaults without gun	16.8% increase*
*statistically significant $p < .05$	

are promising, and provide evidence and direction that other departments can follow. A key takeaway from these initiatives is their focus on prevention. When engaged in data-driven decision making, police agencies can develop proactive strategies, problem solve with community partners, and prevent crime and injury. With 300 million guns in circulation, no single entity or policy will eliminate the high rate of gun violence in America. However, as shown above, there is much we can do to stop the violence and police are critical partners in these efforts.

The findings reported here and more are detailed in the Smart

Policing report “*SMART Approaches to Reducing Gun Violence: Smart Policing Initiative Spotlight on Evidence-Based Strategies and Impacts*” written by Anthony A. Braga, Daniel W. Webster, and Michael D. White, nationally respected criminology researchers and SPI Subject Matter Expert Hildy Saizow. This report can be found at <http://www.smartpolicinginitiative.com/tta/spotlight/gun-violence-spotlight>. For more information about the Smart Policing Initiative, please visit the SPI website at:

[www.smartpolicinginitiative.com](http://www.smartpolicinginitiative.com), or contact SPI at [SPI@cna.org](mailto:SPI@cna.org)

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<sup>ii</sup>Federal Bureau of Investigation. (October 2014). *Crime in the United States 2012*. Retrieved from [http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/1tabledatacoverviewpdf/table\\_1\\_crime\\_in\\_the\\_united\\_states\\_by\\_volume\\_and\\_rate\\_per\\_100000\\_inhabitants\\_1993-2012.xls](http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/1tabledatacoverviewpdf/table_1_crime_in_the_united_states_by_volume_and_rate_per_100000_inhabitants_1993-2012.xls).

<sup>iii</sup>Centers for Disease Control, Injury Prevention and Control: Data and Statistics WISQARS. (October 2014). *Fatal Injury Reports*. Retrieved from [http://www.cdc.gov/injury/wisqars/fatal\\_injury\\_reports.html](http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html).

<sup>iv</sup>Centers for Disease Control, Injury Prevention and Control: Data and Statistics WISQARS. (October 2014). *Nonfatal Injury Reports*. Retrieved from <http://www.cdc.gov/injury/wisqars/nonfatal.html>.

<sup>v</sup>Bureau of Justice Statistics. May 2013. *Firearm Violence, 1993-2011*. Retrieved from <http://www.bjs.gov/content/pub/pdf/fv9311.pdf>.

<sup>vi</sup>Follman, Mark. Aronsen, Gavin. Pan, Deanna. *A Guide to Mass Shootings in America*. Mother Jones, Updated: May 2014. Web. October 27, 2014.

<sup>vii</sup>Federal Bureau of Investigation (September 2013). *A Study of Active Shooter Incidents in the United States Between 2000 and 2013*. Retrieved from <http://www.fbi.gov/news/stories/2014/september/fbi-releases-study-on-active-shooter-incidents/pdfs/a-study-of-active-shooter-incidents-in-the-u.s.-between-2000-and-2013>.

# Governor Cuomo Announces \$900,000 in Gun Violence Prevention Grants for Local Communities

*Troy, Wyandanch and Hempstead Join Seven Communities Already Using Outreach and Intervention Programs to Reduce Gun Violence in Urban Areas*

Originally released on November 5, 2014

**G**overnor Andrew M. Cuomo today announced that New York State will provide a total of \$900,000 in grants to fund neighborhood-based violence reduction programs in Hempstead and Wyandanch based on Long Island and Troy in the Capital Region. The three communities join seven others that received funding last year to target and reduce gun violence through outreach and intervention in the state's urban areas.

"This funding will allow these communities to use proven strategies to reduce gun violence in their neighborhoods and prevent more senseless tragedies from occurring," said Governor Cuomo. "It is part of this administration's efforts to fight gun violence and make New York a safer state for all."

Both the Hempstead and Troy programs are SNUG; "guns" spelled backwards, programs which follow the outlines of the Cure Violence model being used around the country. Cure Violence combines street outreach and "violence interrupters" in localities exhibiting high volumes of shootings and homicides to reduce violence or prevent further violence from occurring. The programs use a coordinated strategy aimed at engaging the community through neighborhood events and public education activities. The Wyandanch program uses a different violence reduction model.

*These efforts have been proven effective in reducing gun violence nationally by engaging the community and using trained violence interrupters to proactively head off gun violence. These efforts align with others that are designed to aid our local partners in their fight against violent crime.*

— DCJS Exec. Dep. Comm. Michael C. Green



Each community will receive \$300,000 to implement the gun violence reduction programs through the following organizations:

- **The Family and Children's Association**, located in Hempstead in Nassau County, will offer a SNUG program through its Providing Alternatives to Guns and Gangs initiative, a grassroots effort designed to assist at-risk youth by building on long-standing partnerships to prevent violence in Hempstead.
- **The Trinity Alliance**, located in Albany and already running a SNUG program there, will implement a SNUG program in Troy's North Central neighborhood, which has seen sharp spikes in violent crime. This will help reduce violence and combat instances of gun violence that have arisen that have connections to both cities. Trinity's program also follows the Cure Violence model.
- **The Economic Opportunity Council**, located in Wyandanch in Suffolk County, will build on previous partnerships with the Suffolk County Police Department and the County Probation Department to focus on reducing gun violence. The program will use a model developed by the Institute for the Study and Practice of Non-Violence in Providence, aimed at reducing gang violence by incorporating principles of non-violence to prevent violent situations.

**GUN VIOLENCE PREVENTION**, continued on Page 32

# Westchester Chiefs Elect Officers for 2015

*Submitted by Westchester County Chiefs of Police Association*

**The Westchester County Chiefs of Police Association elected the following Officers and Board Members at their November 12, 2014 meeting for 2015:**

President, Chief Michael Cerone (Irvington PD), 1st Vice President Chief Norman Campion (Briarcliff Manor PD), 2nd Vice President Comm. Charles Gardner (Yonkers PD), Past President Chief Gregory Austin (Rye Brook PD), Secretary Chief/Ret. Robert D'Angelo (North Castle PD), and Executive Director Chief/Ret. Joseph DelBianco (Mamaroneck PD).

Board Members include Chief Timothy Bonci (Eastchester PD), Chief John Costanzo (Tuckahoe PD), Chief Betsy Gelardi (Dobbs Ferry PD), Chief Anthony Tramaglini (Croton-on-Hudson PD),

Comm. George Longworth (WCDPS), Chief Joseph Benefico (Pelham PD), Chief Joseph Burton (Ossining PD), Comm. David Chong (White Plains PD), Chief Christopher Satriale (Bronxville PD), and Chief Daniel McMahon (Yorktown PD). Counsel for the Association is Gregory Sullivan, Esq.

The Westchester County Police Chiefs Association (WCPA) is comprised of the commanding officers of every police department in Westchester County, including the District Attorney, and New York State and Federal Agencies with commands in the county. Members include command officers of the MTA Police, U.S. Secret Service, New York State Police, New York City DEP, and the Liaison from NYPD. The WCPA is affiliated with the New York State Association of Chiefs of Police.



## UPDATE



### **A Fond Farewell... and an Enthusiastic Welcome!**

Former Massena Police Chief and now Mayor Timmy J. Currier served as one of our Fight Crime co-chairs for a number of years and was one of our most engaged and active members. While we hated to lose him, we congratulate him on his new position and are thrilled to announce that Syracuse Chief Frank Fowler has agreed to take his place.



*Jenn O'Connor  
State Director*

Chief Fowler joins Ontario County Sheriff Phil Povero, Monroe County District Attorney Sandra Doorley, and Nassau County ADA and crime survivor Rene Fiechter, as our four Fight Crime co-chairs. Together, they will advise the New York State staff on policy decisions, represent the organization publicly, and help us recruit new members. Welcome Chief Fowler! You have already been an enormous asset to us and we look forward to continuing to work together.

### **State Budget and Policy Update**

While some things change, much remains the same. Our 2015 priorities will come as no surprise: adequate funding to increase access to high-quality maternal, infant and early childhood home

visiting; Pre-K; child care; and afterschool programs. We will be asking Fight Crime members to testify at legislative budget hearings and meet with policymakers from now until April. We are also exploring press opportunities to move our message ("Invest early or I'm the guy you pay later") forward. As always, we appreciate your support year-round, but particularly during budget season when so many important decisions are made that directly impact some of the highest need and at-risk children and families.

### **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. 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!



## UPDATE





# Angelino Retires After 36 year Career in Law Enforcement

**By: Ashley Babbitt, Managing Editor, The Evening Sun**

*Originally published: November 25, 2014 - Reprinted with permission*



**Chief Joseph G. Angelino**

Photograph provided by: Norwich Police

**N**ORWICH — After 36 years in law enforcement, Norwich Police Chief Joseph G. Angelino announced his plan to retire December 31, 2014. Angelino has led the city's police force since September of 1996, replacing former chief Robert Mason. Angelino will close his career with 18 years as Norwich's Chief of Police. "Joseph Angelino is a true professional who has freely given his life to public service and the mentoring of scores of police officers," said Walter Schermerhorn, President of the City of Norwich Common Council. "It has been a privilege to

work with him. He has been an asset to the city and the community."

Angelino was a 1978 graduate of the Norwich High School, and in January of 1979 he was appointed as a deputy sheriff by Joseph J. Benenati, Jr., the Chenango County Sheriff at the time. Angelino was 18 years old. In May of 1981, Angelino was appointed to the Norwich Police as an officer during the term of former Mayor Frederick B. Mirabito and Norwich Police Chief Richard Decker. Four years later, Angelino took a leave of absence from the police department to enlist in the United States Marine Corps. He remained either active or as a reservist until he retired from the Marine Corps in 2008. In November 1990, Angelino was activated as a Tank Commander and was sent to Saudi Arabia for the Persian Gulf War. Angelino returned and continued his career in law enforcement, earning a promotion to Sergeant in the Norwich Police by Chief Robert Mason in January 1994.

Later in 1994, Angelino was again activated as a Marine to participate in the invasion of Haiti. Two years later, Angelino was selected as the Chief of Police by the Norwich City Council and former Mayor Joseph Biviano, a position he will hold until the last day of this year. "Joe (Angelino) has meant so much to this city," said Richard Snyder, president of Snyder Communications. "Besides his commitment to protect us as a member of the military and our police chief, he has also been so important in promoting the city itself. Whether it's the Festival of Lights Parade, Gus Macker, Colorscape, The Blues Festival, or at any event that promotes the enjoyment of living here in Norwich, you will find Chief Angelino." Additionally, Angelino has studied Police Science and received a two-year certificate.

In 1984, as the Police Benevolent Association Union President, he successfully was able to negotiate a 20-year retirement plan for NPD officers, as compared to the previous 25-year retirement plan. Angelino completed Motor Vehicle Crash Investigations and Reconstruction school in 1991, and in 1992 he became a police

instructor where he taught police officers across the state in police academies specializing in Alcohol Beverage Control laws, arrest and detention of juveniles, and various other police topics.

In 1999, directed by former Mayor Robert Raphael and City Engineer Asa Allison, Angelino was involved in the development and design plans for the construction of a police headquarters. In 2000, the NPD moved from 31 East Main St. to 18 East Main St. in downtown Norwich. Three years later — in February 2003 — Angelino was activated by President George Bush for the invasion of Iraq as a Marine Corps First Sergeant. He participated in the Battle of Nasiriyah, Iraq, assisting in the re-establishment of government in Iraq, specifically police departments in the cities of Nasiriyah and Al-Batra. In June 2005, Angelino again was activated for duty in Iraq as an inspector, instructor and trainer for the Iraqi Army. During this tour of duty, Angelino received two Purple Heart Medals.

Upon his return from duty in Iraq, Angelino was appointed by the Norwich City Council and Mayor Joseph Maiurano as Fire Chief, to replace Norwich Fire Department Chief John Tighe who retired. Angelino carried out the duties of police chief and fire chief concurrently. "As our chief he was professional," said Captain Greg Franklin with the Norwich Fire Department. "Even though Joe was the police chief he had a strong interest in the fire service. He was eager to assist us in any way, while at the same time he knew when to stand back and let us do our job."

The dual duties for Angelino continued for two years. "He (Angelino) became very involved in the duties of Fire Chief and managed both the career and volunteer departments very well," said Franklin. "It was personal to Joe to balance the budget which he managed to do, and at the same time he also managed to purchase major — and much needed — equipment, buying both a tanker and a fire engine that continue to serve the Norwich Fire Department well today. I appreciate all Joe Angelino has done for our department."

Angelino retired from the USMC in August 2008 at the rank of Sergeant Major, the highest enlisted rank. His final duty was overseeing the training and discipline of 400 Marines in an Air Wing Squadron. Every current NPD officer — with the exception of Deputy Chief Rodney Marsh — was hired during Angelino's tenure. "I'm happy for him (Angelino)," said Sergeant Gard Turner. "It's a great achievement in your career." Sgt. Turner said he and Assistant Chief of Police Scott Burlison were two of the first officers hired by Angelino once he was selected as chief. "He's a good leader," said Turner. "He's very disciplined and regimented. I wish him all the best in his retirement, it's a special milestone to reach."

Angelino has worked under seven mayors, countless aldermen, five police chiefs, and scores of NPD officers throughout his almost four decade career. "As a new alderman, I had a million questions and Chief Angelino always found time to answer my emails and phone calls. I have always felt welcome and I am truly sorry to lose him," said Brian Doliver, Ward 2 Alderman. "I am glad though, that he has put the police department in the right direction," said Doliver. "He is of a dying breed, where service

**ANGELINO, continued on Page 33**

Earlier this year, Governor Cuomo announced more than \$2 million in grant funding for programs in Albany, Bronx, Buffalo, Mount Vernon, Rochester, Syracuse and Yonkers. With the addition of the Troy, Nassau and Suffolk programs, a total of 10 New York State communities are implementing the programs in an effort to combat gun violence.

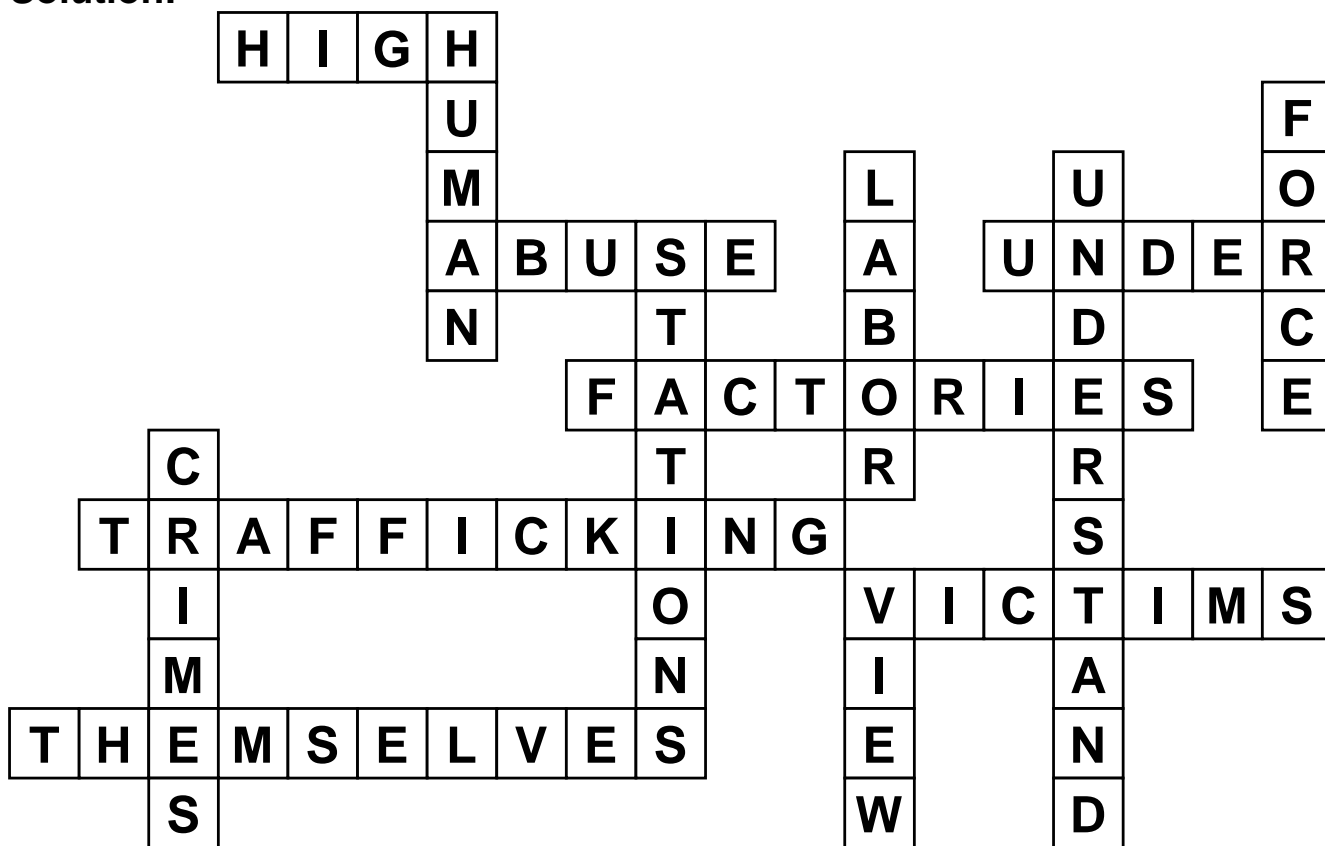
The funding is administered by the New York State Division of Criminal Justice Services, which works with the Center for Court Innovation ([www.courtinnovation.org](http://www.courtinnovation.org)) to monitor the programs and evaluate their operations one year after they were implemented. DCJS Executive Deputy Commissioner Michael C. Green said, "We are excited to add these communities to seven others in the state where we support street outreach efforts. These efforts have been proven effective in reducing gun violence nationally by engaging the community and using trained violence interrupters to proactively head off gun violence. These efforts align with others that are designed to aid our local partners in their fight against violent crime."

The programs complement the state's Gun Involved Violence Elimination (GIVE) initiative, which also is administered by DCJS and currently provides \$13.2 million to police departments, sheriffs' offices, district attorneys' offices and probation departments in 17 counties Upstate and on Long Island with the goal of reducing, solving and preventing shootings and firearm-related homicides.

The New York State Division of Criminal Justice Services ([www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)) is a multi-function criminal justice support agency with a variety of responsibilities, including law enforcement training; collection and analysis of statewide crime data; maintenance of criminal history information and fingerprint files; administrative oversight of the state's DNA databank, in partnership with the New York State Police; funding and oversight of probation and community correction programs; administration of federal and state criminal justice funds; support of criminal justice-related agencies across the state; and administration of the state's Sex Offender Registry.

# Human Trafficking

**Solution:**



above self is the norm and not the exception. I congratulate Chief Angelino on his retirement and wish him well.” “I have had the privilege of working with the chief as a member of the Board of Directors of the Northeast Classic Car Museum and I’m equally impressed by his organizational skills, work ethic, and just plain commonsense,” said Snyder. “I will miss him as our police chief, but knowing that he will still be a strong contributing member of our community gives me comfort.”

Norwich’s Mayor Joseph Maiurano said, “Chief Angelino personally wrote both New York State and Federal grants that returned thousands of dollars of taxpayer money to the community to further the city’s police mission for a safe community.” Maiurano added that a 2009 grant of nearly \$400,000 in federal funding created a full-time narcotics investigator position and acquired associated equipment. “Another NYS grant in 2013 of \$130,000 is helping pay for an additional police officer,” Maiurano said. Norwich’s Mayor additionally commended Angelino for

the K9 units in the NPD, so that the city has the “best possible coverage on both shifts.” “Chief Angelino was always there when needed, working tirelessly through the floods of 2005 through 2011, and when I needed him to take over the extra duty of Fire Chief in 2008, he accepted and achieved many accomplishments,” said Maiurano. “He was also my right-hand man, with a vast knowledge and love of the city. Many community development projects were the result of our many discussions.” Said Maiurano, “Chief Angelino is a person who does more for others than he does for himself. He set a high standard that is an example an inspiration for those who follow. I wish him all the happiness that comes with a well-deserved retirement.”

Chief Angelino has no firm plans after his retirement except to spend more time with his wife, Kendall Saber. “Kendall has been with me for most of my career since I was a Patrolman and has endured quite a bit of police work herself,” said Angelino.

# Free Traffic Safety Webinars for Law Enforcement

## *High Quality Training Right at Your Desk*

**By: Susan Glass, Deputy Director/Traffic Safety Resource Prosecutor,  
Missouri Office of Prosecution Services**

With just a few exceptions, prosecutors and law enforcement officers in almost every state have access to the services of a Traffic Safety Resource Prosecutor. A Traffic Safety Resource Prosecutor (TSRP) is an experienced prosecutor or district attorney who has specialized knowledge and training in the investigation and prosecution of impaired driving and other traffic safety offenses. Although the programs vary slightly from state to state, most TSRPs provide technical assistance to law enforcement officers and prosecutors on traffic safety issues. This can include anything from providing information on an expert witness, reviewing a case to help determine the most appropriate charges, or drafting briefs and motion responses on novel legal issues. Some TSRPs even appear in court and actively prosecute these offenses. Providing

high-quality and accessible training is one of the things that every TSRP does.

Because training is one of the primary responsibilities we all have, the TSRPs from around the nation recently decided to pool our collective resources and provide training on a national level. We all have our own unique issues in our states, but many issues are commonly faced everywhere. Once a defense strategy has been successful in one place, it is also likely

that it will be seen everywhere else. For this reason, the National TSRP Webinar Series was

created. This series features one webinar a month, usually held on the second Tuesday of the month—what we are calling “Traffic Tuesdays.” These webinars will feature new or emerging issues related to impaired driving or traffic safety or will discuss an issue that is commonly faced around the country. We have completed five of these webinars to date. They covered topics including the 2013 revisions to the SFST curriculum and manuals, the dangers presented by manufacturing and using hash oil, the prohibition on masking commercial driver’s license convictions, retrograde extrapolation and Widmark calculations, and common challenges to blood test results. Future webinars will cover: the rise of synthetic cannabinoids, state to state enforcement issues, how to collect and preserve evidence from cell phones and other mobile devices at crash scenes, developing local partnerships to combat impaired driving, oral fluid testing, the seven types of impaired drivers, and how to use the SFST manual proactively to combat defense attacks on the administration of the field sobriety tests.

These webinars are offered free of charge and are available to law enforcement officers, prosecutors, highway safety officials, and other traffic safety advocates. You can watch these webinars from a desktop computer in your office, from a laptop, from an iPad or other tablet, or even from an MDT in your patrol car (not while you are driving, of course!). All you need is an Internet connection and speakers. Basically, you can sit at your desk and

WEBINAR SERIES:

## Traffic Tuesdays

Traffic Safety Resource Prosecutors



*These webinars will feature new or emerging issues related to impaired driving or traffic safety or will discuss an issue that is commonly faced around the country.*

**SAFETY WEBINARS, continued on Page 34**



receive current, high quality training from national experts on new and important issues. It doesn't get any easier than that.

Brief descriptions of the upcoming webinars along with links to register for each are below:

**March 10, 3:00-4:30, Synthetic Marijuana: From the Road to the Lab**

This webinar will discuss the investigation and prosecution of individuals who drive under the influence of synthetic cannabinoids. It will discuss what officers should be looking for at roadside and how prosecutors can interpret and use lab results in these cases.

Registration link:

<https://attendee.gotowebinar.com/register/83524763676870914>

**April 14, 3:00-4:00, State to State Enforcement Issues**

This webinar will discuss issues that arise when DWI or other traffic violations cross state borders. When can a law enforcement officer pursue a suspect across state lines? Can an officer from one state arrest a suspect in another state? If a suspect is transported across state lines for medical treatment, can an officer still get a chemical sample for testing? How should he do this? Can a prosecutor subpoena the results of any testing done in the other state?

Registration link:

<https://attendee.gotowebinar.com/register/200000000028625322>

**May 12, 3:00-4:30, Properly Preserving Cell Phone and Mobile Device Evidence in Traffic Crashes**

This webinar will focus on the basic functions of how a cell phone works and the information officers can retrieve to help prove or disprove a case. Basic methods and techniques will be shown on how these devices should be handled to preserve the data available for review on the device which has been seized. What the retrieved data means to your investigation and how you should expect the results will also be covered. The webinar will discuss "tips and tricks" on how to use this data to achieve the results you desire. Lastly, the impact of the recent United States Supreme Court decision of *Riley v. California* will be discussed.

Registration link: <https://attendee.gotowebinar.com/register/7847115894925236993>

**June 9, 3:00-4:00, Local Level Collaboration and Partnerships**

The successful investigation and prosecution of an impaired driving case, or really any criminal case, requires law enforcement officers and prosecutors to work as a team. A case cannot move forward if officers don't do a thorough and complete investigation. And a prosecution will be unsuccessful if prosecutors do not have a full understanding of the facts and the law. Officers and prosecutors need to rely on each other to make this happen.

Registration link: <https://attendee.gotowebinar.com/register/8145944463325913858>

**July 14, 3:00-4:30, Oral Fluid Testing in Impaired Driving Investigations**

This webinar will discuss the use of oral fluid testing in impaired driving investigations. Oral fluid can be collected quickly and with minimal intrusion to the impaired driving suspect. It has the potential to be a viable sample for chemical testing in impaired driving cases.

Registration link:

<https://attendee.gotowebinar.com/register/6517167520043966465>

**August 18, 3:00-4:00, The 7 Deadly Impaired Drivers**

Driving sober is a virtue, yet impaired drivers continue to plague our nation's highways. National arrest statistics reveal more than 10,000 people died in alcohol impaired driving crashes in 2013 – one every 51 minutes. In 51 minutes, this webinar will explore lessons learned in the trenches from 7 real impaired driving prosecutions from the beginning of the investigation to the end of the courtroom trial. Wisdom will be imparted regarding the 7 deadly sins committed by impaired drivers and what we can do as law enforcement officers and prosecutors to better hold these offenders accountable. Please join us for an important hour worth of education and instruction concerning fallen humanity's tendency to drive impaired.

Registration link: <https://attendee.gotowebinar.com/register/1845608695814275074>

**September 8, 3:00-4:00, Turning the Sword into a Shield: Using the NHTSA Manual to Cross Examine the Defense Expert**

If you've been prosecuting DWI cases for any length of time you have undoubtedly seen a defense attorney attack a police officer's administration of the standardized field sobriety tests. Sometimes defendants even hire former police officers or other self-appointed "experts" to analyze police reports and dash cam videos looking for any mistake in the SFSTs, no matter how slight. Cases can be lost when this type of testimony goes unchallenged. What officers and prosecutors don't always realize is that there is a lot of good stuff in the NHTSA manual that can be used to support the SFST testimony and, more importantly, to attack the defense expert's opinions about whether the tests were properly administered and how the results should be interpreted. Defendants like to use the NHTSA manual as a sword to cut holes in the state's case and avoid responsibility for their poor decisions and dangerous behavior. This webinar will show you how to use the manual as a shield to defend your officers and your impaired driving cases.

Registration link:

<https://attendee.gotowebinar.com/register/7888731310193084162>

You can also access recordings of some of the previously conducted webinars via the following links:

**The 2013 SFST Manual: What Officers and Prosecutors Need to Know**

<https://attendee.gotowebinar.com/recording/3963613336814112268>

**Hash Oil 101: From Explosions to Extreme Impairment**

<https://attendee.gotowebinar.com/recording/52865981093924876>

**Unmasking CDL Convictions**

<https://attendee.gotowebinar.com/recording/2894680227510679042>

As the remaining webinars are completed, those recordings will also be made available so that anyone who was not able to participate in the live events can still receive the information.

The Traffic Safety Resource Prosecutors are excited to offer these webinars so that law enforcement officers and prosecutors from around the country can easily access, high quality and timely training right at their desks. Take advantage of this new and unique opportunity!

# 2014 New York State Domestic Violence and Related Laws

## **The following bills have been signed into law by the Governor:** **Family Court Judges - A.10139 Weinstein/S.7883 Bonacic**

Increases the number of Family Court judges in various counties in the state. Nine new Family Court judges will be added in NYC by January 1, 2015. A new judge will be added to the following counties by January 1, 2015, after November 2014 elections: Albany, Broome, Chautauqua, Franklin, Nassau, Oneida, Oswego, Schenectady, Suffolk, Ulster and Westchester. A new judge will be added to five additional counties by January 1, 2016, after November 2015 elections: Delaware, Dutchess, Erie, Monroe and Warren.

Signed: June 26, 2014 Chapter 44

Effective: June 26, 2014

Amends: Family Court Act §§121, 131(u) and (v)

## **Aggravated Harassment Second Degree - A.10128 Weinstein/S.7869 Nozzolio**

Addresses the issues raised in the NYS Court of Appeals decision that struck down the section of aggravated harassment that was often charged in domestic violence cases. In *People v. Golb*, the court decided that the language was too vague, overly broad and violated First Amendment free speech rights, by allowing for the criminalization of communication that has the intent to annoy. The original aggravated harassment law criminalized telephone or mail communications intended to harass, annoy, threaten, or alarm another person.

The new law criminalizes communications that threaten to cause physical harm to, or unlawful harm to the property of, the victim or a family/household member, which the perpetrator knows or reasonably should know will cause a victim to fear such harm. The law adds computer or any other electronic means of communication and amends other provisions of aggravated harassment second degree.

Signed: July 23, 2014 Chapter 188

Effective: July 23, 2014

Amends: Penal Law §240.30

Executive Law §631(12)

## **Stalking Fourth Degree/GPS - A.7720-B People-Stokes/S.4187-C Kennedy**

Adds the unauthorized tracking of a person's movements or location by GPS or other device to the meaning of "following," where a stalker knows or reasonably should know that following, telephoning, initiating communication or contact with the victim, a family member or acquaintance will cause material harm to the mental or emotional health of the victim.

Signed: July 23, 2014

Effective: October 21, 2014

Amends: Penal Law §120.45

## **Unlawful Surveillance/Sexual Conduct - A.2053-C Paulin/S.1982-C Carlucci**

Makes it illegal to install or use, or permit installing or using, a device to view, broadcast or record a person engaged in sexual conduct in a way that they can be identified, whether or not their intimate or sexual parts are shown. The new law applies when this is done without the victim's knowledge or consent and occurs at a time and place where the victim would have reasonable expectation of privacy. The law also makes it illegal to disseminate, sell or publish these images.

Signed: August 1, 2014 Chapter 193

Effective: November 1, 2014

Amends: Penal Law §250.45 - adds new sub (5); 250.55; 250.60(1)

## **Extension of Referee/JHO Authority and Homeowner Foreclosure Protections - A.9354 Weinstein/S.7119 Klein**

Extends until 2016 the authority granted referees and Judicial

Hearing Officers to hear ex-parte applications for orders of protection or orders where the respondent has defaulted. Also extends for five years the requirement of lenders to provide homeowners notice of foreclosure and provide settlement conferences to resolve financial issues to facilitate owners retaining their homes.

Signed: June 16, 2014 Chapter 29

Effective: June 16, 2014

Amends: multiple sections of unconsolidated law

## **Civil Rights Protections for Interns - A.8201-A O'Donnell/S.5951-A Krueger**

Adds a new section to the NYS Human Rights Law titled, "Unlawful discriminatory practices relating to interns." Provides for the same protections afforded other specified classes and creates a new section prohibiting sexual harassment of interns by employers, codifying both the quid pro quo and hostile environment tests.

Signed: July 22, 2014 Chapter 97

Effective: July 22, 2014

Amends: Executive Law to add a new §296-c

## **Persistent Sexual Abuse - A.2711 Simotas/S.612 Gianaris**

A defendant is guilty of the crime of "persistent sexual abuse" when convicted of certain sex crimes after having been convicted of similar sex crimes two or more times in the previous ten years. The new law excludes any prison time from the ten-year period, since the offender would not have been able to commit sex crimes in the community while incarcerated.

Signed: August 1, 2014 Chapter 192

Effective: November 1, 2014

Amends: Penal Law §130.53

## **Women's Health Website - A.4465 Galef/S.3817 Hannon**

Requires the NYS Department of Health to establish and maintain an Internet website to advance women's health by educating the public and raising awareness of women's health issues. The website will also include links to useful resources and services, and information describing the 22 preventative services now covered under the Affordable Care Act, including domestic and interpersonal violence screening and counseling.

Signed: September 4, 2014 Chapter 342

Effective: September 4, 2014

Amends: Article 2 of the Public Health Law to add a new title VI "Women's Health"

## **Vulnerable Elderly Grand Jury Testimony - A.8780 Schimminger/S.7188 Nozzolio**

Allows a social worker/informal caregiver to be present and support a vulnerable elderly person during grand jury proceedings.

Signed: September 4, 2014 Chapter 347

Effective: September 4, 2014

Amends: Criminal Procedure Law §190.25(3)(h)

## **Fee Waiver for Sex Trafficking Victims - A.8812 Paulin/S.6803 Lanza**

Requires the court to waive the mandatory surcharge and the crime victim assistance fee when a defendant is found to be a victim of sex trafficking. These are fees that all defendants must pay when they are convicted or plead guilty to an offense. For various reasons, including personal safety, a trafficked individual may choose to plead guilty.

Signed: September 23, 2014 Chapter 385

Effective: September 23, 2014 - will apply to convictions on or after this date, as well as any cases where charges are pending as of this date, but sentence has not yet been imposed

Amends: Criminal Procedure Law §420.35(2)

# SUMMARY OF NEW AUDIO AND VIDEO PODCASTS AVAILABLE FROM THE NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE:

**APB129 Multi-Tenancy Makes Sense**—A discussion with Jody Weis of Accenture about the importance of using common systems across jurisdictions. 6:18

**APB130 Multi-Tenancy Merges Policing Technologies**—A discussion with Jody Weis of Accenture about the importance of how common systems help merge information and enhance effectiveness for law enforcement agencies. 4:22

**APB131 Why Are Analytics Important?** - A discussion with Jody Weis of Accenture about the importance of analytics in contemporary policing operations. 5:57

**APB132 Digging Deeper Into Analytics**—We continue our discussion with Jody Weis of Accenture about the importance of analytics in the modern police agency. 5:02

**APB133 Video Analytics In Policing**—A discussion with Jody Weis of Accenture about the use of video analytics by police. 5:41

**APB134 Video Analytics: Privacy Concerns**—A discussion with Jody Weis of Accenture about the privacy concerns associated with the use of video analytics. 3:47

**APB135 Citizen's Expectations of Law Enforcement**—A discussion with Jody Weis of Accenture about the interactive citizen in crime fighting. 6:08

**APB136 Using Social Media in Law Enforcement**—A discussion with Jody Weis of Accenture on how law enforcement agencies can engage the public using social media. 5:16

**APB137 Mobile Technology in Police Work**—A discussion with Jody Weis of Accenture about the use of mobile technology to enhance effectiveness and efficiency in policing. 6:42

**APB140 Career: Opportunities, Challenges, Transition**—Supt. (Ret.) Jody Weis discusses his career, from U.S. Army to FBI to Chicago PD. Now with Accenture, Weis describes how he transitioned from one position to the next and how his experiences have helped him along the way. 07:12

**APB141 Teamwork & The Community**—Supt. (Ret.) Jody Weis (Chicago PD) remembers a notorious case during his time at the FBI. The investigation of Islamic extremists who wanted to kill soldiers at Fort Dix all started when a concerned citizen called in suspicious behavior. 03:00

**APB142 The Important Work We Do**—Inspector/Ret. Tim Hardiman (NYPD) discusses the critical work on police. He reflects on an investigation of a serial rapist. Hardiman's message, each time we lock up a violent criminal, we might be saving someone else from becoming a victim. This video is part of the Legacy series of the New York State Association of Chiefs of Police – interviews with police leaders sharing their experiences, insight and advice. 04:03

**APB143 Helping People, Making Cases**—Inspector/Ret. Tim Hardiman (NYPD) hates bullies and loves locking up bad guys. He talks about the arrest of a man who raped a prostitute at gunpoint and the discovery of another victim of the same perpetrator. Hardiman also talks about technology in policing and that we will always need officers to arrest the bad guys, collect evidence, interview victims and interrogate suspects. This video is part of the Legacy series of the New York State Association of Chiefs of Police – interviews with police leaders sharing their experiences, insight and advice. 05:54

**APB144 Talk to People**—Inspector/Ret. Tim Hardiman (NYPD) has one piece of advice for cops: learn how to talk to people. He stresses active listening skills and rapport building, among other strategies, to elicit confessions and obtain information. This video is part of the Legacy series of the New York State Association of Chiefs of Police – interviews with police leaders sharing their experiences, insight and advice. 05:49

**APB145 Officer Survival**—Dr. Fabrice Czarnecki talks about the use of body armor, seat belts and training for survival. Recorded in October 2014 at the IACP Conference in Orlando, Florida. 07:51

**APB146 Medical Guidelines for Law Enforcement Officers**—Dr. Fabrice Czarnecki is a member and Past Chairman of the IACP Police Physician's Section. He discusses updated medical guidelines for police. Recorded in October 2014 at the IACP Conference in Orlando, Florida. 06:43

**APB147 Ebola and Police**—Dr. Fabrice Czarnecki discusses the Ebola threat and the role of law enforcement. Recorded in October 2014 at the IACP Conference in Orlando, Florida. 08:14

**APB148 Free Webinars for Police**—American Military University offers free webinars for law enforcement on contemporary issues. AMU Associate VP Jeffrey Kuhn (Business Development/Public Safety) explained that they understand the challenges faced by today's police and try to fill in the gaps through resources such as their webinar program. He said, "Many agencies view it as an opportunity to secure in-service training credit." James Deater, one of AMU's trainers is also interviewed. To learn more about the AMU webinars, go to [publicsafety.com](http://publicsafety.com) 05:26





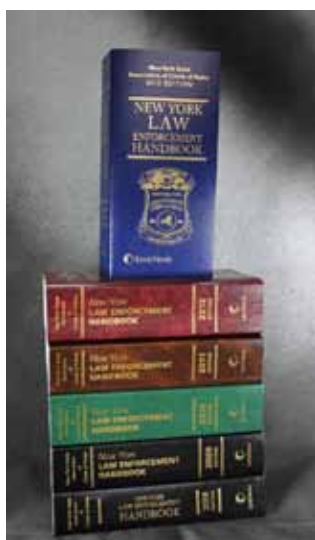
NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE

## 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
- Social Services Law
- Transportation Law
- Vehicle & Traffic Law



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

### NEW YORK-SPECIFIC RESOURCE SECTION:

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

- Ebola guidance
- Drug Facilitated Sexual Assault investigative guidance
- Route alerting sample messages
- Enforcement sections for ignition interlock offenses
- Syringe program/law guide/policy
- Samaritan Law legal bulletin
- HIPAA disclosures
- Sex offender registration guide
- Supporting depositions
- AMBER Alert & Missing Adults
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- Leandra's Law
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## SAVE THE DATE

New York  
Association of Chiefs of Police  
ANNUAL TRAINING CONFERENCE  
July 12-15, 2015

The Saratoga Hilton  
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Watch for details on our website  
[www.nychiefs.org](http://www.nychiefs.org)



Law Enforcement, Corrections and Security

# EXPOSITION



**TUES., APRIL 28, 2015 10 AM-4 PM**

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