

# The New York State Chief's Chronicle



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September 2014



Conference Highlights	11
Streamlining Missing Persons Reports	17
The New York State Justice Center	19
Hiring An Already-Certified Police Officer? Size Doesn't Matter	25
Addressing 21st Policing Challenges by Improving Analytics	27



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# contents

VOLUME 2 • ISSUE 3 • Fall 2014



## In this issue

- 5 PRESIDENT'S REPORT**  
*By Chief Michael D. Ranalli, Esq.*
- 7 EXECUTIVE DIRECTOR'S REPORT**  
*By Chief/Ret. John P. Grebert*
- 9 LIMITATIONS ON SEARCH INCIDENT TO ARREST**  
*By Chief Michael D. Ranalli, Esq.*
- 11 THE 114TH ANNUAL TRAINING CONFERENCE**
- 15 INTELLIGENCE LIAISON OFFICER PROGRAM**
- 16 MISSING PERSONS CROSSWORD**
- 17 STREAMLINING MISSING PERSONS REPORTS**
- 19 JUSTICE CENTER PARTNERS WITH LOCAL LAW ENFORCEMENT**
- 22 SCENES FROM THE ANNUAL CONFERENCE**
- 23 CHIEF DAN DUGGAN RETIRES**
- 25 HIRING CERTIFIED POLICE OFFICERS**
- 27 ADDRESSING 21ST CENTURY POLICING CHALLENGES**
- 31 FIGHT CRIME: INVEST IN KIDS UPDATE**  
*By Jenn O'Connor, State Director*
- 33 FIND THEM - TOOLS FOR MISSING PERSONS INVESTIGATIONS**
- 34 BUYER'S GUIDE – 2014**

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

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# On the Cover:

The Association's annual training conference was held from July 13-16 in Lake Placid with the largest attendance in memory. Featured speakers included NYPD Commissioner William Bratton, NYPD Deputy Commissioner John Miller, NASA Astronaut James R. Reilly, Chief Brian Kilcullen, DCJS Executive Deputy Commissioner Michael C. Green, Assistant DMV Commissioner Chuck DeWeese, Chief Michael Ranalli, Undersheriff Robert Swenszkowski, Eric P. Daigle, Esq., and many others. Topics included current threat in terrorism, policing in college communities, agency liability, working with veterans, leadership, crime statistics and the use of analytics, contemporary issues in traffic safety, and protecting persons with disabilities.



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# President's Report



## PRESIDENT'S REPORT

BY CHIEF MICHAEL D. RANALLI, ESQ.

It was with a great sense of pride that I assumed the position of President at our annual training conference. As I looked out over the room after being sworn in, I saw the faces of not only my peers, but also many people that have become friends. Those faces also included my wife Margie, and my children Michael Jr., Alaina and Andrew. Supervisors from my department also made the trip to Lake Placid. That night will forever be the pinnacle of my professional life, and one that I will never forget. The installation banquet capped off what was likely the best conference our Association has ever hosted. Between the quality agenda, the depth and variety of instructors, large attendance and the presence of NYPD Commissioner William Bratton and Deputy Commissioner John Miller as our keynote banquet speakers, this conference will be very difficult, if not impossible, to match. By the way, having to give a speech after the likes of Commissioner Bratton and Deputy Commissioner Miller is not an enviable position! But their presence was very much appreciated and a symbol of the cooperation of law enforcement agencies in New York State. I now look forward to working with First Vice President Steve Connor (Assistant Chief, MTA PD), Second Vice President Dave Zack (Chief, Cheektowaga PD) and Third Vice President Mike Lefancheck (Chief, Baldwinsville PD), along with the entire NYSACOP Board of Governors.

In addition to the sense of pride I felt, there was also a tremendous feeling of responsibility. Over the last year, I worked very closely with now Immediate Past President Steve Heider, Executive Director John Grebert, Deputy Director Rick Carey, Director of Research and Training Mark Spawn and our membership coordinator Tina Tremante. So I knew exactly what I was getting myself into. I have attended many meetings at the Capitol with Chief Heider and Executive Director Grebert, and we have shared many frustrations.

I wish that I could delineate clear objectives of what I would like to accomplish with the Board of Governors over the next year, but the current status of our state government makes establishing any type of legislative agenda virtually impossible. The Cuomo administration has changed the paradigm in how our executive and legislative branches operate. Clearly, the repeal of General Municipal Law (GML) §207-m in June 2011 has been devastating to many of our members, some of whom were forced to retire rather than face drastic cuts to their compensation. Past Presidents Joe Waldron, Mike Biasotti and Steve Heider have had the misfortune of having that issue looming over their entire administrations. The GML 207-m issue will remain first and foremost in my list of priorities. But the process of attempting to restore some semblance of protections for chiefs has made it very clear that nothing will be given meaningful support by the Legislature without the

Governor supporting it first. Our members who took the time to lobby members of the Legislature can attest to that message being delivered to us over and over again. Without the governor's support, nothing will move forward. This is, to be blunt, very depressing to me not just as a police chief, but as a resident and taxpayer of New York State. This is not the way our government is supposed to operate, with our legislators in the shadow of a governor dictating their agenda.

To further complicate matters for the coming year, every legislator is running for reelection this November. There is a distinct possibility that the Senate may end up with the Democratic Party in majority control. This is concerning, but that concern is not necessarily related to Democrat or Republican ideology. That is not the case at all, and our Association is not a political one. We will work with anyone to advance a law enforcement agenda that would be to the benefit of the residents of our state. The point of the concern is the lack of balance that will result from one party (regardless of which one it is) in control of both houses of the legislature and the governor's office. Dissension and debate are healthy and necessary to any democracy and under the current paradigm the impact could be even more dramatic.

Regardless of what happens in the election, we will remain ready and willing to work with the governor and the legislature on matters that are not only important to our members, but to the public we serve. We do not want to see a repeat of what happened in January 2013. The speed and manner in which the passage of the SAFE Act occurred, along with the underlying constitutional legal issues, created conflict of opinions within our own Association. We need to be a part of any legislation that has a significant impact on law enforcement, and my hope is to maintain a working relationship with the governor's staff and be included in any such process. We do not expect that we will always get exactly what we want. The critical point is be involved. Chief Heider and Executive Director Grebert have already paved the way for such cooperation, with the medical marijuana bill as one example. The final product reflected the concerns raised by our Association and the Governor's explanation of the final bill reflected it was partially the product of the concerns of law enforcement. My hope is that this process will continue. The State of Massachusetts and their pending (at the time of writing this) gun control bill is a good example of how solicitation of input from interested parties, deliberation and public debate can be healthy and productive. Of course, not everyone will agree with the final product, but the proper process was followed.

In the final part of my first President's Report, I would like to echo some of the points I made at our installation banquet. This is a difficult time for police chiefs and law enforcement in general. The long-term recession, the repeal of GML §207-m and the general resentment felt towards public employees and their

benefits makes it difficult for us to stay strong. Proliferation of cell phone cameras and the immediate condemnation we experience from online videos can be devastating to our organizations, our officers and their families. The reality is that we live in a society that seems to encourage a complete lack of personal responsibility, and there is a growing inability of some people to realize that first and foremost, many of their problems can be remedied by looking first in the mirror, rather than looking to blame everyone else. We, however, must remember who we are and know our importance. As contentious as things can sometimes be, our employees rely on us, as do our communities. Their lives and emotional well-being can depend upon us. Do not underestimate your importance. I challenge you to take the difficult path and take on the issues that may be easier to let slide. Even if you occasionally fail, you will have grown more and become stronger than by doing nothing. You will be a better person for it and your organization a better place. By trying and not succeeding, you may fail. But by doing nothing

when you should, you are a failure.

By the repeal of GML §207-m, the full brunt of “mandate relief” has been placed on one employee’s pay and benefits, which is, of course, truly meaningless to anyone but the affected chief. This path of adversity was chosen for us, so what is left to us is to choose how we are going to respond. It is up to us to decide whether the adversity we are facing will make us stronger as an organization. The strength of this organization comes from all of the individuals within it working together and relying on each other. And we are far stronger together than as individuals. We must proceed as an Association with the willingness to challenge ourselves and do the right thing for the right reasons. The result will be stronger individuals, stronger organizations and a stronger Association.

## PRESIDENT'S REPORT

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# Executive Director's Report



## EXECUTIVE DIRECTOR'S REPORT

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

If you are a member of this Association and you missed the Lake Placid conference, please feel free to start kicking yourself now. Although the highlight of the week was the Wednesday night installation banquet where NYPD Commissioner William Bratton and Deputy Commissioner John Miller both spoke, it seemed that every other part of the four day training conference went off without a hitch as well. The lineup of speakers for the training, the Lake Placid amenities and even the weather all seemed to align to provide attendees with an experience they will remember for a long time. And since the conference drew a record number of registered attendees, it seems the membership is pleased with the direction in which the annual conference is headed.

Commissioner Bratton and Deputy Commissioner Miller are simply the best one-two combination of speakers in the country on relevant law enforcement issues. They could fill any venue in the country to capacity with police officials or anyone interested in the business of policing and public safety. Deputy Commissioner Miller, a well-known national news correspondent and a former cohost on "20-20" was the first of the pair introduced by Master of Ceremonies and Outgoing President Steven Heider. Miller recounted some of his experiences in the national news business and particularly his unforgettable interview with Osama Bin Laden. The audience was mesmerized by his humor, professional timing and personal accounts of national and international news making events. The Deputy Commissioner then introduced William Bratton correctly referring to him as the biggest name in the history of policing in the country and the person best recognized for helping to shape the programs that have led to the most remarkable reduction of crime in the Nation's history. Mr. Bratton delivered an inspiring message of why policing and dedicated police officers matter so much in a democratic society. Every new police recruit, every veteran officer and every police chief in the country would benefit from hearing the Commissioner's words and would be better public servants for it.

The fact that these two gentlemen helicoptered almost three hundred miles from Manhattan to Lake Placid on a Wednesday evening even when they had other business to attend to when they arrived back in New York City was very telling. It means they both take to heart Commissioner Bratton's message of cooperation and collaboration. Obviously they both "walk the walk" and are ready to go to great lengths for a principle in which they believe.

Outgoing President Steve Heider certainly has one more memorable career experience to add to his already long list covering 44 years. Presiding over a dais including the likes of the New York City Police Commissioner and Deputy Commissioner caps a year as President in which Heider did everything well that was required of him and then some. He stood up for our members in numerous meetings with state officials and was a frequent commentator in both the electronic and print media. He was very well respected by his fellow Board members and was always on top of all the issues important to the President of our Association. Steve and I have been friends for forty years and we were partners in 1976 and 1977 in an alcohol enforcement program at the Colonie Police Department. As this is my last year as Executive Director, it was especially enjoyable working with a President who I have known so well for so long.

Our new President Michael Ranalli should not be a stranger to anyone in the Association. As a twenty two year attorney and member of the State Bar Association, Ranalli has donated literally thousands of hours of his own time conducting training for us, researching and answering legal questions for our members and participating in meetings. He is the Chair of the State Accreditation Council and a member of the IACP Professional Standards, Image and Ethics Committee. I cannot imagine a more qualified or deserving individual to serve as our President. Chief Ranalli got right to work for us on his first day back from our Lake Placid conference where he was sworn. He was on a radio show popular with government officials in the morning and dealt with a question related to the SAFE ACT in the afternoon. Concerning the SAFE ACT, our Board decided to pass on a request to sign on to an amicus brief supporting the SAFE ACT as it goes through the process of facing court challenges.

We have many people to thank this year for their help in producing a historically successful training conference, but Lake Placid Police Chief Bill Moore stands out for recognition not only for this year but for each of the three of the last four years that we have chosen the Adirondack resort community. Chief Moore's assistance has no limits. He ran the golf tournament, provided information on amenities, recruited volunteers, arranged transportation for VIPs and introduced us to J. Patrick Barrett, our all-time favorite patron. For everything Bill has done, we thank him for his efforts and wish him a continued outstanding career in a uniquely important and enjoyable part of our state.



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# Counsel's Corner

## Limitations on Search Incident to Arrest



BY CHIEF MICHAEL D. RANALLI, ESQ.

In this edition I will shift my focus to an important area of search and seizure. Over the last few months of this year there have been two court decisions that impact the manner in which officers in New York State can conduct searches incident to arrest. Both the New York Court of Appeals and the Supreme Court of the United States handed down rulings that apply to searches of items in the possession of an arrestee. Both of these decisions are binding on all law enforcement officers in New York State. Officers and administrators must be aware of the import of these decisions and ensure their procedures are consistent.

### SEARCH INCIDENT TO ARREST: APPLICATION TO GENERAL ITEMS IN THE POSSESSION OF THE ARRESTEE

Occasionally a case issued by an appellate court is important for law enforcement officers not because it changes the law, but rather because it reaffirms existing, but otherwise misunderstood, case law. The New York Court of Appeals case of *People v. Jimenez*, 22 N.Y.3d 717 (2014) is one of those cases. The case which dealt with the search of a pocketbook of an arrestee search incident to arrest. A gun was found within, and the Court of Appeals reversed the lower court decisions and ruled the gun should have been suppressed.

In order to understand, or at least attempt to understand, the *Jimenez* decision, it is necessary to begin with the existing, longstanding, case law dealing with the search, incident to arrest, of items carried by a person being placed under arrest. In *People v. Gokey*, 60 N.Y.2d 309 (1983), the Court of Appeals stated “A duffel bag that is within the immediate control or ‘grabbable area’ of a suspect at the time of his arrest may not be subjected to a warrantless search incident to the arrest, unless the circumstances leading to the arrest support a reasonable belief that the suspect may gain possession of a weapon or be able to destroy evidence located in the bag. There being no such exigency present at the time police searched defendant’s bag here, the motion to suppress should have been granted.” (At p. 311). This rule is more restrictive under the New York Constitution than U.S. Supreme Court rulings under the 4th Amendment. The only justification, therefore, that would allow a search of such an item is first, the safety of the officer and/or the public, or second, to preserve evidence from destruction. As a result, since 1983, an officer needs to articulate a reason to have such a fear that one of these situations could occur before a search of any carried item could be searched – incident to arrest. It has been my experience, however, that this concept generally has been misunderstood and misapplied.

In *Jimenez*, officers responded to a burglary in progress call at an apartment building. The defendant and her companion were observed in the lobby, but they did not match the description of the burglary suspects (two Latino males). Upon entry into the lobby, the building superintendent motioned towards the defendant and her companion in a manner the officers interpreted as an indication

they should stop them. The defendant was then questioned as to what she was doing in the building, and she gave contradictory answers. The defendant, who had a “heavy” pocketbook on her shoulder, was arrested for trespass. An officer took it off of her shoulder and looked inside, observing a gun. The 1st Dept. Appellate Division relied on the concept of “exclusive control” was cited in *People v. Jimenez*, 98 A.D.3d 886 (1st Dept. 2012), and used to uphold the search of a shoulder bag of the defendant’s at the time of her arrest. The court stated the bag was large enough to contain a weapon and was within her grabbable area at the time of her arrest for criminal trespass while the officers were investigating a burglary. These circumstances supported a reasonable belief of an exigency to justify a search of the bag. The Court of Appeals, however, disagreed and reversed the Appellate Division. Chief Judge Lippman made it clear in the first line of the opinion that the decision was being based upon Article I, Section 12 of the NY Constitution, which is typically more restrictive than the Federal Constitution. Judge Lippman stated “In the context of warrantless searches of closed containers incident to arrest, the People bear the burden of demonstrating the presence of exigent circumstances in order to invoke this exception to the warrant requirement. Because the People failed to meet that burden in this case as a matter of law, defendant’s motion to suppress should have been granted.” Citing *Gokey*, the court ruled “...even a bag ‘within’ the immediate or ‘grabbable area’ of a suspect at the time of his arrest may not be subjected to a search incident to arrest, unless the circumstances leading to the arrest support a reasonable belief that the suspect may gain possession of a weapon or be able to destroy evidence located in the bag.” In general, the crime itself may generate the justification for this (i.e. violent crime or the specific circumstances alleged) or circumstances unrelated to the original crime (i.e. behaviors of suspect and/or observations of the officer) that could reasonably cause an officer to fear for his or her safety.

This case was a 4-3 decision, with the dissent finding the facts and circumstances of the case supported the conclusion of the Appellate Division. In other words, the dissent is not expressing whether they thought the officers had sufficient exigent circumstances to search the bag. Instead they are opining that the holding of the lower courts was not unreasonable based upon their application of the facts to the law. So while *Jimenez* merely reaffirms the law established by *Gokey*, the real difficulty for officers is the black and white, hindsight interpretation of the Court of Appeals of the facts six years after the arrest occurred. Officers were responding to a burglary in progress. Granted, the defendant did not match the initial description of the suspects, but how often is the original description accurate and/or complete? It was a rapidly unfolding situation in which there were apparently still other suspects at large. In addition, the gestures of the building superintendent indicated the defendant could have been involved. With that background, the defendant then lied to the officers and was clutching what appears to be a “heavy” pocketbook. Under all

of these circumstances that transpired in an apparently brief period of time, the officers' actions seemed reasonable. The hearing court and Appellate Division agreed. The Court of Appeals, however, did not. As a result, officers should be prepared for and expect the strict application of *Gokey* and *Jimenez*. To that end, the following are general guidelines to understand and follow in regard to searches incident to arrest:

1. A search incident to arrest allows a search of only the immediate grabbable area of an arrestee. As a general guideline for items in the person's possession, the question will be, 'at the time of the search was the item to be searched within the reach of the defendant?' If so, a search may be allowed if there is reason to believe that, under the specific circumstances, the item could contain a weapon and/or evidence that could be destroyed if action is not immediately taken to preserve it. If the item was within the "exclusive control" of the police, however, then this option will not be available without some fairly significant articulable public safety concern.

2. Knowing what the rule of law is in a particular situation can help officers choose the proper and legal path to follow. Officers should consider using consent in such situations. Under the New York *DeBour* standards, the officers in *Jimenez* would have been justified in asking for consent to search the pocketbook.

3. Understand the limitations of the law and do not confuse a search of a person's bag during a valid personal property inventory to a search incident to arrest. They are two separate legal doctrines. If your agency has a personal property inventory policy, which departments that have overnight holding facilities or lockups typically should have, then that is the legitimate justification for searching bags accompanying an arrestee. As long as the search is part of a standardized booking procedure, is not a pretext for a search, and is conducted during the actual booking process and not at the scene, a search of a bag or other type of container is proper.

## SEARCH INCIDENT TO ARREST: APPLICATION TO CELL PHONES AND SMARTPHONES IN THE POSSESSION OF THE ARRESTEE

On June 25, 2014, the Supreme Court of the United States decided the case of *Riley v. California*, 134 S.Ct. 2473. Finally, *Riley* clearly addressed the issue that both federal and state courts have been dancing around for years: can a police officer search the cell phone of an arrestee as part of a warrantless search incident to arrest? The answer now is 'no'. As the complexity of cell phones has dramatically increased over the years, the result of this case was not a surprise. The court ruled, "Our holding, of course, is not that the information on a cell phone is immune from search; it is instead that a *warrant is generally required before such a search*, even when a cell phone is seized incident to arrest." (at page 2493, *emphasis added*).

While I thought we would see this result from our own New York Court of Appeals before the Supreme Court, we have our answer and this decision is binding on law enforcement officers in New York State. *Riley* was actually two separate but similar cases decided together. It is not, however, not even worth going through the fact patterns since the rule is so simple. Whether it is an old fashioned flip phone or a state of the art smartphone, the digital data stored within may not be accessed during a search incident to arrest. This is the case even if an officer has reason to believe there

may be evidence of the crime for which the person was arrested, in the phone. All that means is that you have something upon which to base your search warrant application.

So what can officers do with a cell phone incident to arrest? If a warrant is going to be obtained, then the phone can be seized and secured. Officers may also physically examine the phone to make sure it does not contain a weapon or is not a weapon in and of itself. In the former context, it would mean making sure a razor blade or other type of weapon is not secreted within the phone or case. As to the latter, this could reasonably include examining the phone to make sure it truly is a phone and not a weapon itself. For years there have been officer safety bulletins warning of "cell phone guns" and the like. (Note – while not part of this decision, the TSA has recently changed its rules for international flights and now requires phones and tablets to be powered up or they cannot be brought on the plane. While this is of course not in any way binding on our courts, it does however help to show the reasonableness of the need for such a physical examination). So, if during such a cursory examination, some type of immediately apparent evidence is discovered (i.e. an incriminating picture visible on the phone), *plain view* could arguably apply. A warrant would then be required for any further examination.

The court did make it clear that there are some situations where *exigent circumstances* would justify the warrantless search of a phone. Such circumstances which may make a warrantless search of a cell phone objectively reasonable "could include the need to prevent the imminent destruction of evidence in individual cases, to pursue a fleeing suspect, and to assist persons who are seriously injured or are threatened with imminent injury." (At page 2494). Other extreme examples given by the court involved the possibility of a text message sent to an accomplice to detonate a bomb, or the possible location of an abducted child being located on the phone. Do not take attempting these exigent circumstance situations lightly as they involve threats that are fact-specific and will need to be supported. If it is merely that an officer is afraid the phone may be remotely wiped – no good, the court specifically discussed that and dismissed it. If you do possess such a fear, then turn the phone off, or take the battery out, or place it in a Faraday bag that will protect it from electromagnetic and radio waves (\$58.00 on Amazon!).

## SOME FINAL THOUGHTS:

The key to surviving a legal challenge to any evidence discovered during a search incident to arrest is patience and focusing only on the immediate priority, which is making sure the arrestee is secured and his or her grab area searched. Beyond that, officers typically have time on their side and any further actions should be based on deliberate decisions with full awareness of the law. Do not hesitate to ask for consent to search any bags or other items. Alternatively, if your agency does have a personal property inventory policy, then items carried by the arrestee will be searched in due course. Once a cell phone has been determined to be safe in that it is not being used to conceal a weapon and is a real phone, the question becomes do you have probable cause to believe that the phone may possess evidence of a crime? If the answer is 'yes', and there is an articulable emergency situation at hand, then exigent circumstances may allow an immediate search. If there is no emergency, and probable cause exists, then secure the phone into evidence and begin the warrant application process.



CONSIDER SHARING YOUR RESEARCH PROJECTS  
AND THESES WITH COLLEAGUES  
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# The 114th Annual Training Conference

*High Profile Presenters, Diverse Agenda and Scenic Location Make Conference a Success*

The 2014 annual training conference of the New York State Association of Chiefs of Police was held at the High Peaks Resort in Lake Placid from July 13-16. President Steven Heider emceed the opening ceremonies and introduced several of the programs throughout the week. Monday morning's ceremonies included comments by President Heider, Executive Director John Grebert, IACP President Yost Zakhary (Woodway, TX DPS), New York State Deputy Secretary for Public Safety Thomas Abt, Chief William Moore (Lake Placid PD) and Dan Stevens, Law Enforcement Coordinator for MAGLOCLEN.

IACP President Yost Zakhary said that he appreciated the position of NYSACOP on issues such as mental illness and medical marijuana. President Zakhary's priorities include working to reduce violence and crime on our streets, mental health concerns, membership and the enhancement of the important work done by the IACP's Center for Officer Safety and Wellness. He said that the IACP has 23,300 members worldwide, with about 123 staff and a \$30 million



**State Police Honor Guard at Opening Ceremonies.**

budget. He invited everyone to attend the IACP conference in Orlando noting that the Exposition Hall has been sold out with more than 800 vendors registered.

Deputy Thomas Abt welcomed delegates during opening ceremonies. He noted that New York State is the safest large state and the third safest overall. He remarked about the heroin epidemic and how new laws have been passed to help save lives. Specifically, he noted Naloxone training for first responders and how New York's training model is being imitated in other states. He also noted that a new Crime Analysis Center will be available to assist agencies along the northern border.

What advice can an astronaut offer to law enforcement leaders? If anyone was asking that question, it was certainly answered over and over again following the opening ceremonies with the keynote address by Dr. James F. Reilly, former NASA



**Astronaut J. R. Reilly.**

Astronaut and Exploration Geologist. Dr. Reilly served as Associate Vice President and Dean of Science and Technology for American Military University for about five years. Reilly spent approximately 22 days in deep submergence vehicles operated by Harbor Branch Oceanographic Institution and the U.S. Navy. He was selected as a member of the 15th NASA astronaut class in 1995. During his

tenure at NASA, Reilly flew three shuttle missions (1998, 2001 and 2007). He logged more than 850 hours of time in space and has conducted five spacewalks. In 2001 he was sworn in as the Seventh Honorary U.S. Marshal by the U.S. Marshals Service. Dr. Reilly serves in the U.S. Navy Reserve as

an Engineering Duty Officer, Space Cadre (VS-8 Expert) Naval Astronaut. His duties include building curriculum for the space operation course for the Navy, as well as teaching such courses around the world. Before joining NASA, Reilly participated as a research scientist specializing in stable isotope geochronology as part of the 1977-1978 scientific expedition to Marie Byrd Land, West Antarctica. He has been a guest commentator with Miles O'Brien for CNN Space Shuttle launch coverage for three missions. Reilly's presentation focused on management, training, leadership and communications. Reilly said, "Always aim for continuous improvement. The margin of error between success and failure is very narrow. Test and train to maximum efficiency." He added, "Details missed can kill you. Question everything. Act like everyone has your life in their hands." Reilly recounted his missions in the Antarctic, as well as in deep water exploration and in outer space. To be successful, Reilly said, we must engage in a never ending cycle to "plan, brief, execute, debrief and replan." He added, "training can be expensive, but in the end, it is the cheapest thing you can do." Dr. Reilly concluded his remarks by providing these simple rules for great teams:

- Know your team
- Know your mission
- Work together for success
- Protect the brand
- Enjoy the ride!

Last year an independent panel consisting of members of NYSACOP released a comprehensive review of the shooting of Deputy Kurt Wyman (Oneida Co. SO). The after action review was released last year and included commentary and recommendations in areas such as policy and training. Undersheriff Robert S. Swenszkowski (Oneida Co. SO) and Chief Michael Ranalli (Glenville PD) co-presented this segment on Tuesday morning which began with an overview of the incident and the police response. Undersheriff Swenszkowski

*“Training can be expensive, but in the end, it is the cheapest thing you can do.”*  
– Dr. J.R. Reilly, Astronaut



**Executive Director John Grebert, Undersheriff Robert Swenszkowski, Chief Michael Ranalli and Chief Steven Heider.**



described how his agency was in office for only a few months when the tragedy occurred. Wanting an independent analysis of the response, they sought out respected and independent police leaders for the review. Led by Chief Ranalli (Glenville PD), the panel included Chief Lloyd Perkins (Skaneateles PD), Chief Joseph Snell (Cicero PD) and Captain James Watson (Utica PD). The complete report is available on the Association website on the Resources page – go to [www.nychiefs.org](http://www.nychiefs.org). At the conclusion of the presentation, Undersheriff Swenszkowski presented Chief Ranalli with a plaque and commemorative medal in recognition of the work of the panel.

It is important that our departments have accurate information to help returning veterans, whether they are our own personnel



**Trooper Juanita Salas-Jackson, NYSP Military Liaison.**

or encounters in the field. Trooper Juanita Salas-Jackson (New York State Police) presented an informative session on working with veterans. Her duties as Military Liaison with the State Police include training and providing knowledge to Members, Veterans and Supervisors with state and federal military leave, Uniformed Services Employment and Reemployment Rights Act, Education Benefits, Military Retirement (military buy back and service credit), Employers Support of Guard and Reserve, Military Recruitment, Post Traumatic Stress and Suicide awareness. Trooper Salas-Jackson described the New York State Police Military Peer Program, which encompasses a group of Veterans within the New York State Police who volunteered to assist Member with an array of military issues within each Troop. Trooper Salas-Jackson is also a Platoon Sergeant (E-7) in the United State Army Reserves (Schenectady). She has been in the Reserves for 14 years and has been on one deployment in northern Iraq 2007-2008.

One of the training sessions on Tuesday afternoon addressed Contemporary Issues in Traffic Safety. Introductions were led by Dominick Macherone (Law Enforcement Liaison/GTSC) and John Coyle (Law Enforcement Liaison/NHTSA Region2). Assistant DMV Commissioner Chuck DeWeese gave an overview of traffic safety priorities, including impaired driving and seat belt enforcement, child passenger protection, texting, Data Driven Approaches to Crime and Traffic Safety (DDACTS) and motorcycle safety and enforcement.

Gerard Miller (GTSC) and T/ Sgt. Douglas Paquette (NYSP) spoke about the various alcohol and drug detection training programs, engaging the audience using a game show strategy. They spoke about the Drug Recognition Expert (DRE), Advanced Roadside Impaired Driving Enforcement (ARIDE) and Standardized Field Sobriety Testing (SFST) programs. They asked delegates to support a refresher requirement for SFST which does not currently exist.

The use of Research, Planning and Analysis in Policing allows agencies to strategically identify hot spots and deploy resources wisely. Chief Brian Kilcullen and Intelligence Analyst Supervisor Matthew Douglas made a presentation on intelligence-led policing, citing examples of how they have employed the model within the City of Schenectady. Chief Kilcullen began with an overview of the City of Schenectady: a population of 66,000, 11 square miles, approximately 81,000 calls for service per year. In one example

of how partnerships and information sharing net results, the Chief said they were focusing on burglaries and larcenies from cars in a particular problem area. Field Interview (FI) cards are completed and the data shared with partners including probation. Kilcullen said, "A probation officer noticed a subject was out past curfew and based on the FI card, was charged with a violation of probation." Mr. Douglas commented about their regular CompStat meetings, saying, "they provide accountability for implementation (of the plan)."

Executive Deputy Commissioner Michael C. Green of the New York State Division of Criminal Justice Services provided an update on various crime data for New York State, rounding out the agenda for Tuesday. He reflected on crime trends and noted that New York has the lowest property crime in the nation. He said, "New York State crime is down 62% since 1990." He added that "in 2013, there were 642 homicides, the lowest number since reporting began in 1995." He added, "Statewide firearm related homicide is down 28% since 2004." Commissioner Green reviewed other initiatives and projects and said that GIVE (Gun Involved Violence Elimination, formerly Operation IMPACT) funding in 2013 was about \$13.2 million and that Tools funding was about \$1 million. Commissioner Green noted that \$1 million had been earmarked for video recording equipment with \$700,000 being awarded following the initial Requests for Proposals. The remainder of the funding has been used to install additional recording equipment throughout the state. He urged agencies to embrace recording of interrogations saying, "I am absolutely convinced that law enforcement should be using video recording at every opportunity."

The New York State Justice Center is a new office created by legislation known as the Protection of People with Special Needs Act to establish the strongest standards and practices in the nation for protecting the safety and ensuring the civil rights of people with disabilities and special needs. Tony Bruno is the Chief of Investigations for the Justice Center and began the training agenda for Wednesday, the final day of the conference. The former Assistant Police Chief from Albany PD described the Vulnerable Persons Central Register hotline which can be used by anyone who has witnessed or has reasonable cause to suspect that a person with special needs has been abused or neglected, or is in danger of abuse or neglect. The statewide hotline is 1-855-373-2122.

All law enforcement executives are concerned about agency liability. How we analyze risk and what we do about it is critical. Attorney Eric Daigle spoke about Contemporary and Leading Issues on Policing. He cited examples of progressive leadership using well founded and competent policies. He also gave examples of policing disasters, some of which resulted in consent decrees and oversight by the Department of Justice. From 1992 to 2002, Daigle worked for the Connecticut State Police, during which time he spent many years as a detective assigned to investigative units. He practices civil litigation in federal and state courts, with an emphasis on municipalities and public officials. His experience includes defending municipal clients in civil rights actions, including police misconduct litigation and employment actions, as well as premises and general tort liability. He provides legal advice to law enforcement command staff and officers in the



**Eric P. Daigle, Esq.**

areas of legal liability, internal affairs, discipline, policy drafting, employment issues, use of force, laws of arrest, and search and seizure. His experience focuses on officers' use of force, specifically in the training, investigation, and supervision of force, as well as deadly force incidents involving law enforcement. Daigle provided examples of proper risk management in agencies and also remarked about situations in which organizational culture brought some agencies under the scrutiny of the Department of Justice, some resulting in Consent Decrees. Daigle serves as a member of independent monitoring teams and acts as an auditor in reviewing police department organizational compliance with procedural revisions directed or overseen by the Federal court system.

The next presentation had delegates fixed in the seats, riveted by a story of both tragedy and triumph. An eight-year-old girl and her six-year-old sister were kidnapped from their home in 1988. The elder sister, Sayeh, was violently raped in a remote area where



**Trooper Sayeh Rivazfar, NYSP.**

New York State Trooper Sayeh Rivazfar shared her story, describing mental and physical abuse while growing up in Pensacola, Florida. She recounted that it was on September 22, 1988 that she and Sara were kidnapped from their home during the late night by Raymond Warfield Wike, one of their mother's ex-boyfriends. Sayeh said, "in fear that I would be attacked again, I played dead until Ray had left the area." When she got up and went to check on her sister, she found Sara's lifeless body, nearly decapitated. Sayeh had suffered serious injuries and was hospitalized. Wike was sentenced to death in 1989 and had yet to be executed as of 2004. That year, Sayeh learned that Wike had died in prison from natural causes. As a result of her experiences, Sayeh has become the voice for other victims. She has shared her experiences with victim and advocacy groups, as well as law enforcement audiences in hope that this would show others hope for prevention, intervention and comfort. Sayeh has successfully completed her education, graduating with a bachelor's degree in Criminal Justice. Sayeh lives in Rochester, New York where her family and loved ones reside.

Several of our members have jurisdictions on or near college campuses. Law enforcement concerns in and near universities and college housing include legal compliance that affect both on and off campus police agencies, crowd/riot control, special event planning, alcohol, housing, traffic safety and crimes against students. A panel presentation on Policing

the abductor cut both girls' throats, leaving them for dead. Tragically, Sayeh's sister was killed. Not only did Sayeh survive, she identified her attacker, testified in court three times and pursued her dream of becoming a law enforcement officer.

*"All chiefs should be informed by the DOJ requirements regarding sex crime policy and procedures contained in the consent decrees."  
– Chief Arlene Sabo, SUNY Plattsburgh*

in College Communities included Commissioner of University Police, R. Bruce McBride, Deputy Commissioner of University Police, Paul Berger, Chief Arlene Sabo (Chief, SUNY Plattsburgh PD), Chief Tony Callisto (Syracuse University DPS) and Chief Steve Dangler (SUNY Cortland PD) as panelists. Chief Sabo discussed the Memorandum of understanding between the Department of Justice (DOJ) and the City of Missoula, Montana. She noted, "All members should take note of the most recent DOJ audit in Missoula which resulted in consent decrees with the City of Missoula Police Department and the University of Montana Law Enforcement Agency." Chief Sabo stressed that this message should be heeded by all enforcement agencies, not just those at universities, adding, "All chiefs could be informed by the DOJ requirements regarding sex crime policy and procedures contained in the consent decrees." Thanks to Chief Marvin Fischer for his assistance in coordinating this presentation.

A session on the topic of Al Qa'ida and Affiliated Movements was retitled in the days leading up to the conference to address the developing news in the Middle East relating to the Islamic State of Iraq and Syria (ISIS). The Current States of the Global Jihadist Movement was presented by Ian Anderson and Dr. Brian Nussbaum from the New York State Intelligence Center (NYSIC). Dr. Nussbaum noted that "geographical shifts and reorganization represent an upheaval." Mr. Anderson stressed, "It is not just about Al Qa'ida anymore."

Anderson serves as an intelligence analyst with the New York State Office of Counter Terrorism (OCT) detailed to the NYSP. Nussbaum is a Senior Intelligence Analyst with the OCT, part of the State Division of Homeland Security and Emergency Services (DHSES). He currently serves as an Adjunct Professor of Public Administration at the State University of New York at Albany, where he teaches about terrorism, political violence, and security issues. The presentation challenged attendees to think about Al Qa'ida and Affiliated Movements conceptually, geographically and organizationally. Both presenters noted that the conflict in Syria provides a potential new base for Al Qa'ida plotting against the West.

NYPD Deputy Commissioner of Intelligence John Miller was introduced by Association President Steven Heider, starting a powerful evening of high profile speakers talking about relevant law enforcement news and history. Miller is the former Deputy Director of the Intelligence Analysis Division at the Office of the Director of National Intelligence (ODNI) where he worked as part of the Analysis Division team to support the National Intelligence Managers and the Unifying Intelligence Strategies relating to global regions and threats. The Analysis Division is also home to the team that produces the President's Daily



**NYSIC Intelligence Analysts Dr. Brian Nussbaum and Ian Anderson.**



**Deputy Commissioner John Miller, NYPD.**



Brief (PDB). Prior to service with the ODNI, Deputy Commissioner Miller served as Assistant Director of the FBI, heading the Office of Public Affairs and serving as the FBI's National Spokesman. Before joining the FBI, John was the Commanding Officer, Counter Terrorism and Criminal Intelligence Bureau of the Los Angeles Police Department and prior to the LAPD, he was the NYPD Deputy Commissioner of Public Information. Along with his service in law enforcement and intelligence, Miller is a noted journalist and author. He began his career as a reporter, working in local and network news at NBC and ABC. Deputy Commissioner Miller was co-anchor of the ABC News show 20/20 with Barbara Walters and is a winner of nine Emmy Awards, two Peabody Awards and a DuPont Award. He is best known for his interview with terrorist leader Osama Bin Laden in Afghanistan and his coverage of international terrorism and his live coverage of 9/11. Deputy Commissioner Miller is the co-author of the New York Times Best-Seller, *The Cell: Inside the 911 Plot*. Miller then introduced Police Commissioner William Bratton.

Commissioner William Bratton spoke about how NYPD was leveraging technology in public safety. Innovations such as



**Commissioner William Bratton with John and Deb Grebert at right.**

facial recognition, license plate readers, integrated CCTV, gunshot tracking sensors and the use of social media continue to aid the police in their mission. Balancing his remarks about technology, he reflected on the past, referring to Sir Robert Peel (1788-1850) and his Nine Principles of Policing, the first of which is, "The basic mission for which the police exist is to prevent crime and disorder." Commissioner Bratton established an international reputation for re-engineering police departments and fighting crime in the 1990s. As Chief of the New York City Transit Police, Boston Police Commissioner, and in his first term as New York City Police Commissioner, he revitalized morale and cut crime in all three posts, achieving the largest crime declines in New York City's history. At the NYPD in 1994 and 1995, he led the development of CompStat, the internationally acclaimed command accountability system now in use by police departments nationwide. As Los Angeles Police Chief from 2002 to 2009 and in a city known for its entrenched gang culture and youth violence, he brought crime to historically low levels, greatly improved race relations, and reached out to young people with a range of innovative police programs. He is the only person ever to lead the police agencies of the nation's two largest cities. A U.S. Army veteran of the Vietnam War, Police Commissioner Bratton began his career in 1970 as a beat cop in the Boston Police Department (BPD), where he was cited with the department's top award for valor in 1976 for facing down a bank robber and rescuing a hostage. By 1980 he had risen to Superintendent of Police, BPD's highest sworn position. He went on to lead progressive change as chief or commissioner of five other police departments.

The addresses by both Commissioner Bratton and Deputy Commissioner Miller were well received and were followed by a standing ovation as they departed for an exercise back in New York City.

Incoming President Michael Ranalli spoke about the path that led him to the podium. He described that he and Margie were married

in 1983. One year he began his career in law enforcement with the Colonie Police Department. But soon after, he was diagnosed with a chronic autoimmune disease. He said, "The worst news was from my doctor telling me I had better find a new career because of likely complications with medicines and the fact I would likely be afflicted with severe arthritis. So we decided that I should go to law school while still young enough and before the medical predictions came true." Ranalli completed law school and continued in his career at Colonie PD. But his disease did not end his career as forewarned by doctors. Ranalli joined the SWAT team and embraced police work, rising through the ranks. In 2006 he retired from Colonie and became Chief of Police at Glenville PD. He said, "While at Glenville my path led me to this association and, ultimately, to this podium. We made a choice to follow the difficult path and chose not to give up, not to whine about it or try to find someone to blame. Instead we dealt with it and as a result came out far stronger than we ever would have if everything was handed to us. Strength clearly comes from adversity and taking the path less traveled."

President Ranalli spoke about adversity facing today's police leaders. "By its legislative actions, our state government has told us – the police chiefs in New York State – that we are not important. The full brunt of mandate relief has been placed on one single employees' pay and benefits. As a result, there are people who should be in this room but are not."

Ranalli challenged the membership saying, "It is up to us to decide whether the adversity we are facing will make us stronger as an organization." He added, "Do not underestimate your importance. I challenge you to take the difficult path and take on the issues that may be easier to let slide. Even if you occasionally fail, you will have grown more and become stronger than by doing nothing. You will be a better person for it and your organization a better place. By trying and not succeeding, you may fail. But by doing nothing when you should, you are a failure."

President Ranalli concluded by saying, "We must proceed as an association with a willingness to challenge ourselves and do the right thing for the right reasons. The result will be stronger individuals, stronger organizations and a stronger Association."

The Lake Placid Police Department provided bagpipers for the opening and closing ceremonies, and the National Anthem was performed at both events by Val Rogers with the New York State Police providing the Honor Guard. The invocation was provided by Fr. John Yonkovig at the opening ceremonies and by Rabbi Joel Gold at the installation banquet.

During the week delegates heard position statements from two IACP candidates for Fourth Vice President. Chief Paul Cell from Montclair State University PD, New Jersey and Chief Louis Dekmar from LaGrange, Georgia. Social events included the President's Reception on Sunday

evening sponsored by Harris Communications, a golf outing on Monday followed by a barbecue at Whiteface Club sponsored by Park Strategies, and a reception Tuesday evening hosted by J. Patrick Barrett at the Moose Lodge at Whiteface.

For the past few years Fight Crime Invest in Kids NY (Fight Crime) has been presenting their Champion for Children award

*The training, speakers, guests and overall camaraderie surpassed all expectations – Immediate Past President Steven Heider*



at the annual banquet. This year, State Director Jenn O'Connor presented to the award to Chief Steve Heider. She lauded his efforts and testimony in support of children's programs. Heider urged all chiefs to join the efforts of Fight Crime.

Several Association members praised the conference. Third Vice President Michael Lefancheck said, "Commissioner Bratton and Deputy Commissioner Miller were outstanding speakers and we are incredibly fortunate to have them join us." Chief Michael Bailey (SUNY Purchase PD), a first-timer at the NYSACOP conference commented, "One of the best conferences I have been to, anywhere. I even found this conference to be more beneficial than the last IACP Conference." This was the second NYSACOP Conference attended by Chief Daniel Chambers (SUNY Oneonta

PD) who noted, "I enjoyed the conference and attended all of the trainings. The networking options are phenomenal. It is a very welcoming venue for first time chiefs." Deputy Chief Thomas Abalgore (Fulton PD) raved about the conference, saying, "Miller and Bratton were amazing – training and speaker-wise, this was the best conference by far!" Then-President Steve Heider summed it up, saying, "It was what it was. A spectacular event with all the pieces in the right places. The training, speakers, guests and overall camaraderie surpassed all expectations. And of course the presentations by Commissioner Bratton and Deputy Commissioner Miller capped what was not only record breaking attendance for a conference, but makes the conference a "must-attend" in the future for new as well as longtime police chiefs."

# Intelligence Liaison Officer Program

## *Engaging Fire and EMS in Information and Intelligence Sharing*

SUBMITTED BY NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

**I**n New York State, Fire and Emergency Medical Service (EMS) providers respond to over three-million calls for service each year. These first responders interact with the public on a daily basis, often within their homes and places of business. Through this interaction, Fire and EMS providers are in a unique position to notice suspicious activity potentially related to terrorism. While there are over 100,000 non-law enforcement first responders in the State, suspicious activity reporting to the New York State Terrorism Tips Line by this community was virtually non-existent.

The Intelligence Liaison Officer (ILO) Program was created in May 2013 to more systematically engage the Fire and EMS communities in New York State's information and intelligence sharing efforts. The program, which is a collaborative effort between the New York State Intelligence Center (NYSIC) and the New York State Division of Homeland Security and Emergency Services (DHSES) – Office of Counter Terrorism (OCT) and Office of Fire Prevention and Control (OFPC), encourages responders to make three notifications if they encounter suspicious activity: reporting it to their appropriate supervisor, to local law enforcement and to the New York State Terrorism Tips Line (1-866-SAFE-NYS // 1-866-723-3697) at NYSIC.

To implement the ILO program, the Fire Coordinator and Emergency Manager in each county was contacted and asked to nominate one or two individuals, either themselves or other experienced first responders, to serve as an ILO for their respective jurisdiction. Through a formal nomination and application process, 100 ILO's have now been identified across the State, representing 59 of the 62 counties, including members of the Fire Department of New York City (FDNY) and the Seneca Nation.

ILOs receive information and intelligence from NYSIC, disseminate information and intelligence to other trusted Fire and EMS professionals as appropriate, and conduct a three-hour "Terrorism Awareness and Suspicious Activity Reporting for Fire/EMS" course within their respective jurisdictions. To date, this three-hour awareness course has been taught over 130 times,

resulting in over 3,500 first responders trained.

The ILO program held its second annual conference in May 2014, which gathers ILOs from across the State to exchange information, including program updates, special topics, presentations and case studies relevant to criminal and terrorist activity, responder safety and suspicious activity reporting. DHSES and the NYSIC are committed to ensuring coordination between the ILO program and existing efforts with law enforcement, including the Field Intelligence Officer (FIO) Program, Counter Terrorism Zones (CTZs) and other intelligence and information sharing efforts. The ILO program concept has also been presented at several events and conferences (including the National Fusion Center Conference in November 2013 and the National Homeland Security Conference in May 2014) to share NYS' efforts with nationwide homeland security and fusion center partners looking to implement similar programs.

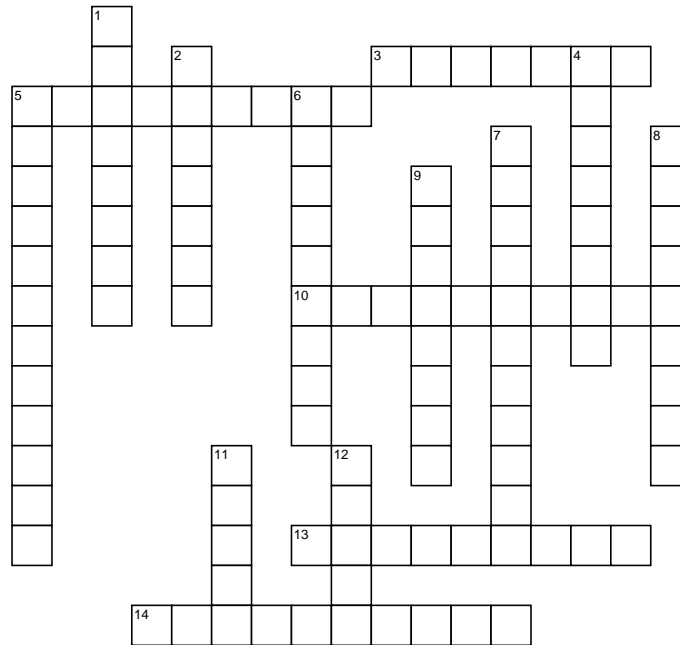
This program has been well received by both first responders and law enforcement across the State, and has resulted in an increase in suspicious activity reporting to the New York State Terrorism Tips Line. The importance of collaborative information and intelligence sharing between the Fire and EMS and law enforcement disciplines continues to be reinforced through the reoccurrence of incidents where Fire and EMS personnel have been targeted while responding to calls, increased use of fire as a weapon and active shooter incidents. The identification of high-risk individuals that may threaten the safety of first responders before an incident occurs and being prepared to respond to complex incidents, which require a multi-disciplinary response, is of benefit to all public safety personnel.

We look forward to the continued growth of this program and increased information sharing and collaborative efforts amongst the public safety community. For additional information regarding the ILO program, contact Bernie Kirk of the Office of Fire Prevention and Control at [bkirk@dhSES.ny.gov](mailto:bkirk@dhSES.ny.gov), Dan Albert of the Office of Counter Terrorism at [dalbert@dhSES.ny.gov](mailto:dalbert@dhSES.ny.gov) or [ILO@nysic.ny.gov](mailto:ILO@nysic.ny.gov)

# Missing Persons in New York State

*Statistics and information from the 2013 Annual Report of the Missing Persons Clearinghouse.*

*(Solution to puzzle is on page 24.)*



## ACROSS

- 3 The New York State Missing Persons Clearinghouse is located within the Division of Criminal \_\_\_\_\_ Services (DCJS).
- 5 In 2013, the number of children reported missing in New York State \_\_\_\_\_ 7.1%, from 21,656 to 20,124.
- 10 When a vulnerable adult who is at least 18 years old and is deemed to have a cognitive \_\_\_\_\_, mental disability or brain disorder goes missing and is at a credible threat of harm, the Missing Vulnerable Adult Alert is available.
- 13 There were 168 familial \_\_\_\_\_ cases reported in 2013, as compared to 192 the previous year.
- 14 Investigative support provided by the Clearinghouse includes development of lead information by conducting searches through informational databases and social \_\_\_\_\_ sites.

## DOWN

- 1 There were 7,647 reports of missing adults in New York during 2013. Approximately 10% of those (748) involved missing vulnerable adults. This represented an \_\_\_\_\_ of 49% from the 502 reported in 2012.
- 2 Ninety-four percent of the children reported missing in 2013 were age 13 or older; 60% were female; and 55% were non-white. The single largest group of missing children cases involved white \_\_\_\_\_ who were 13 and older.
- 4 New York State Tax Law allows individuals to donate directly to the Missing and Exploited Children Clearinghouse Fund when filing state income tax returns. Contributions to the fund are used exclusively to locate missing \_\_\_\_\_ and to promote child safety.
- 5 Investigative support provided by the Clearinghouse includes preparation and \_\_\_\_\_ of missing child, college student and vulnerable adult posters to private and public entities statewide, including police agencies, schools, legislators and others.
- 6 Missing Persons Clearinghouse staff work closely with local, state and national public and private sector organizations, including law enforcement agencies, the National Center for Missing and \_\_\_\_\_ Children, other state clearinghouses, not-for-profit organizations and the Department of State.
- 7 Services provided by the Missing Persons Clearinghouse include investigative support to law \_\_\_\_\_ agencies, assistance to left-behind family members and missing person investigative training for law enforcement.
- 8 The Clearinghouse released an online course, "Missing Persons Training for 911 Dispatchers and First Responders", which provides best \_\_\_\_\_ for responding to missing person reports including those involving children with autism and adults with Alzheimer's disease and dementia.
- 9 The number of children listed as \_\_\_\_\_ accounted for 95% of disappearances.
- 11 Four AMBER Alerts, seven Missing Child Alerts and 36 Missing Vulnerable \_\_\_\_\_ activations occurred at the request of law enforcement in 2013.
- 12 During 2013, Clearinghouse staff trained more than 1,300 police officers throughout New York State on missing persons investigations and searches, which included instruction on the protocols for activation of an \_\_\_\_\_ Alert, Missing Child Alert, Missing College Student Alert and Missing Vulnerable Adult Alert.

**WORD BANK:** Abduction, adult, amber, children, decreased, distribution, enforcement, exploited, females, impairment, increase, justice, networking, practices, runaways.

# Streamlining Missing Persons Reports

*Request Assistance, Submit Photo of Person or Vehicle,  
Enter Suspect Information and More*

BY CINDY NEFF, DIVISION OF CRIMINAL JUSTICE SERVICES,  
MISSING PERSONS CLEARINGHOUSE



The New York State Division of Criminal Justice Services is streamlining the way law enforcement agencies report missing person cases to the state and FBI, allowing the Missing Persons Clearinghouse (MPC) at DCJS to issue Missing Child, Missing College Student and Missing Vulnerable Adult alerts within minutes, instead of hours.

Missing Child, Missing College Student and Missing Vulnerable Adult alerts are activated by the MPC at the request of law enforcement when officers believe the life of a child under the age of 18, college student of any age or vulnerable adult who is 18 or older is at a credible risk of harm or death.



The new automated system, which is being deployed in three stages, will ultimately provide for a “single point of entry” via the eJusticeNY Integrated Justice Portal (IJ Portal), allowing law enforcement personnel to request assistance from the MPC at the same time they report missing person cases. In addition to administering the alert programs, the MPC offers assistance to law enforcement agencies with missing child, college student and vulnerable adult cases, which do not result in alert activations.

The first stage was implemented in mid-May and involved changes to the Missing Person Record entry screen so additional, valuable information could be captured. Law enforcement can now submit a photo of a missing person and/or vehicle involved in the disappearance, as well as these additional details: maiden name, last contact time, ethnicity and clothing description. The change also allows agencies to submit information about suspects involved in the missing person case (up to two suspects) and photos of those individuals.

The second stage is scheduled to go live on July 30, 2014, and will allow law enforcement to request MPC assistance when submitting the Missing Person Record via the IJ Portal. Once this change is implemented, it will no longer be necessary for the requesting agency to complete a separate alert activation request form and e-mail a photo of the missing person. All information needed for an alert activation or publication of a standard case will be automatically extracted from the Missing Person Record and used for publication.

The third and final stage is scheduled to become operational in January 2015. At that time, all photos in the missing person record will be automatically uploaded to NCIC, suspect information (if available) will be converted

to the NCIC “Person with Information” field and maiden name information will populate the NCIC “Alias” field.

These changes are being implemented because time is of the essence when investigating missing person cases, particularly those involving children with autism or Down syndrome and adults with Alzheimer’s disease or other conditions that put them at extreme risk.

The public also can play a key role in safely locating a missing person, and this new automation project will allow vital information to be disseminated electronically throughout New York State within minutes to law enforcement agencies; television and radio stations and newspapers; the New York State Thruway to be posted at travel plazas and toll booths, airports, bus terminals, train stations and border crossings. Individuals also can subscribe to receive these alerts via NY-ALERT ([www.nyalert.gov](http://www.nyalert.gov)). Alerts are activated for 72 hours, unless law enforcement requests an extension. When that timeframe expires, cases for which alerts are issued are converted to standard cases, which are publicized on the DCJS website at [www.criminaljustice.ny.gov/missing](http://www.criminaljustice.ny.gov/missing)

In addition to administering the alert programs, MPC staff members provide the following services: support and training for law enforcement, assistance to left-behind family members and presentations of community education programs.

The Clearinghouse can assist law enforcement 24 hours a day, seven days a week and can be reached by e-mail ([missingpersons@dcjs.ny.gov](mailto:missingpersons@dcjs.ny.gov)) or a toll-free telephone number: 1-800-346-3543. The toll-free line is used for case intake activities, which include the initial collection of information needed to publicize missing child, college student and vulnerable adult cases. Any lead information received by the MPC is immediately disseminated to investigating law enforcement agencies.

The New York State Police administer the AMBER Alert Program and the procedure for requesting an AMBER Alert is not affected by this MPC automation project.

Agencies seeking to request an AMBER Alert for a child under the age of 18 who is believed to have been abducted and is at grave risk of harm should contact the State Police Communication Section at 518-457-6811.

eJusticeNY INTEGRATED JUSTICE PORTAL

Missing Modify

Missing Modify

Missing Modify

Type Of Assistance Requested: Missing Child Alert

Missing Person Photograph: Missing Child Alert

\* Originating Agency (ORI): Missing College Student Alert

New York State ID No. (NYSID): Missing Vulnerable Adult Alert

Linking Agency (LKI): Non Alert Missing Child Case

NCIC Number: M400031770



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# New York State Justice Center Partners with Local Law Enforcement

## *Protecting People with Special Needs*



BY ANTHONY BRUNO, CHIEF OF INVESTIGATIONS

**L**aw enforcement agencies and District Attorneys across New York State have a new partner to help them investigate and prosecute cases involving crimes against people with special needs. The Justice Center for the Protection of People with Special Needs is a new state agency that has become a national model for supporting and protecting the health, safety and dignity of the more than one million people who receive care from some 3,000 state and private facilities and programs operated, licensed or certified by six state agencies.

The Justice Center began operations on June 30, 2013. Legislation to create the agency was enacted by Governor Andrew Cuomo and the Legislature in 2012 after the Governor's Special Advisor on Vulnerable Persons identified weaknesses in the practices of the agencies that oversee the care of vulnerable people. In his report, Clarence Sundram called for the establishment of a specialized law enforcement agency and a consistent system for defining, reporting, tracking, investigating and prosecuting allegations of abuse and neglect involving these individuals.

Today, the Justice Center is a fully operational law enforcement agency which also serves as an advocate for people with special needs. Its team of experienced criminal and civil investigators, along with its Office of Special Prosecutor/Inspector General, work together to thoroughly investigate cases and when offenses are criminal in nature, prosecute the offenders.

The Justice Center has concurrent statewide jurisdiction with local law enforcement agencies and regularly partners with both state and local police, as well as with District Attorneys. These agencies are encouraged to call upon the Justice Center's resources and expertise to help them investigate cases involving the victimization of people who, due to physical or cognitive disabilities, are receiving care from a facility or program that is operated, certified or licensed by one or more of the six state agencies under the Justice Center's jurisdiction. These include the Office for People With Developmental Disabilities (OPWDD), the Office of Mental Health (OMH), the Office of Children and Family Services (OCFS), the Office of Alcoholism and Substance Abuse Services (OASAS), the Department of Health (DOH), and the State Education Department (SED).

Earlier this year, Governor Cuomo directed the Justice Center to expand its training of law enforcement agencies to better equip them to investigate these highly sensitive cases. The Office of Investigations is developing a curriculum to be rolled out statewide on such topics such as progressive approaches to addressing emergency situations, challenging behaviors and responsiveness, victimization of people with disabilities, interviewing vulnerable crime victims, and how to enhance case investigations for evidence-based prosecutions.

At the core of the Justice Center's operations is its Vulnerable Persons Central Register (VPCR) Hotline (1-855-373-2122), which receives reports of allegations of abuse, neglect and significant incidents 24 hours a day, 7 days a week. Reports primarily come

from direct care workers who are legally required to contact the Justice Center when such incidents occur. However, anyone who witnesses or suspects a case of abuse or neglect involving a person with special needs is encouraged to call and file a report. If a person is in immediate danger, the caller should first dial 9-1-1 and then call the hotline to make a report, as the Justice Center is not a first responder.

Each report of abuse and neglect made to the hotline is entered into a centralized case management system, where it is tracked until the allegation is reviewed, investigated and resolved. The most serious cases are generally assigned to Justice Center investigators, while lesser incidents are referred to the appropriate state agency for investigation. At the conclusion of an investigation, whether criminal or non-criminal, each allegation of abuse and neglect must be reviewed and determined to be either substantiated or unsubstantiated by Justice Center attorneys. Cases involving an arrest are prosecuted by Justice Center Special Prosecutors or the local District Attorney.

Whether a criminal or civil case, when an individual is found to be responsible for committing a serious act of abuse or neglect against a person with special needs, they are placed on a statewide registry known as the Staff Exclusion List (SEL). Once placed on the SEL, they are barred from ever working again with people with special needs in New York. Agencies and programs covered by the Justice Center's oversight are required to check the SEL before hiring new employees.

Abuse and neglect prevention is also a major focus of the Justice Center. The agency collects data which tracks trends and patterns to identify the issues and problems which underlie the abuse and mistreatment of people with special needs. In addition, this information is used to identify programs and services that represent best practices, allowing successful programs, policies and procedures to be replicated throughout the system.

As part of its advocacy efforts, the Justice Center also operates several programs to enhance the lives of people with mental illness, including those incarcerated within the state corrections system. Examples include the Surrogate Decision-Making Committee (SDMC) program which serves persons with severe intellectual disabilities who are unable to give informed consent about major medical and dental treatments while residing in facilities or programs licensed, operated, or funded by agencies such as OMH. In addition, the Justice Center has been charged with monitoring the quality of mental health care in New York State correctional facilities.

In short, the Justice Center is a multi-faceted agency which serves and protects New Yorkers with special needs and disabilities in many ways. To learn more about its operations, visit the Justice Center's web site at [www.justicecenter.ny.gov](http://www.justicecenter.ny.gov)



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# Scenes from the Annual Conference



*The entrance to High Peaks Resort.*



*The Training Room.*



*Executive Director Grebert addresses guests.*



*IACP President Yost Zakhary provides the Welcoming Address.*



*The State Police Honor Guard at opening ceremonies.*



*NYPD Deputy Commissioner John Miller at Banquet.*



*NYPD Commander William Bratton with then President Steven Heider.*



*Outgoing President Steven Heider is thanked by Executive Director John Grebert at Banquet.*



*Association Officers with Commissioner Bratton and Deputy Commissioner Miller.*



*Pictured, L-R: Executive Director John Grebert, First Vice President Stephen Conner, President Michael Ranalli, Immediate Past President Steven Heider and Third Vice President Michael Lefancheck.*



# Central New York Chiefs Hold Annual Awards Ceremony

The Central New York Association of Chiefs of Police (CNY-ACOP) held their annual awards ceremony at Justin's Restaurant in Syracuse on April 28. Chief Michael Lefancheck

(NYSACOP Vice President; Baldwinsville PD) served as emcee. Chief F. Michael Catalano (Cortland PD) is President of CNYA-COP.



Chief Michael Lefancheck



Chief F. Michael Catalano

## Chief Dan Duggan Retires



Former NYSACOP Board Member Dan Duggan retired earlier this year from the Old Westbury Police Department. He served as the Zone 2 Representative on the Board of Governors representing the Nassau County region. At this retirement celebration on June 19 were current and former Board members and officers. Front row, L-R: Chief Steven Heider, Chief Dan Duggan, Executive Director John Grebert and Chief Marvin Fischer. Back row, L-R: Asst. Chief Stephen Conner, Commissioner Charles Gennario, Chief/Ret. William Kilfoil and Assistant Chief Thomas Odessa.



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# Hiring An Already-Certified Police Officer?

## Size Doesn't Matter

### *Hiring Municipalities May Be Liable for Training*

It is not unusual that police officer candidates take examinations for more than one jurisdiction. Nor is it unusual that police officers transfer to another agency during employment. And the seeking of reimbursement of training expenses is becoming more frequent. "When a department loses a trained, sworn officer, there's an investment that has been made in that officer. When Section 72-c (General Municipal Law) was first put on the books, it protected the smaller agency from losing their investment by allowing reimbursement of training expenses by the larger agency", said John Grebert, Executive Director of the New York State Association of Chiefs of Police. The language in the original §72-c covered municipalities with populations of 10,000 or less. But in a mandate relief bill enacted into law in 2011, the population restriction was removed. Now, an agency employing a police officer from another agency within three years of graduation from training can be obligated to pay for specific training expenses, regardless of population. Grebert continued, "The law originally protected the smaller agencies which typically have smaller budgets and which can be more susceptible to having trained officers picked up by a larger and sometimes better-paying department. But now, the largest municipalities can seek reimbursement from small jurisdictions." Chief Daniel Denz (West Seneca PD) is experiencing a situation

in his municipality. "In August 2013, we hired an officer who had been employed by the Rochester Police Department. The officer was hired by Rochester Police on July 30, 2012 and graduated from the police academy, receiving his police certification on June 28, 2013. On August 5, 2013, the officer resigned from Rochester PD and was hired by my agency as he was on the Civil Service list for our township." Chief Denz explained that though he had only been chief for about one year, he was generally aware of §72-c so he checked with his Civil Service administration for advice and was given the go-ahead. Denz said, "The county said it was okay, that the spirit of §72-c was that it applied to lateral transfers, not for candidates hired from a Civil Service list. We hired him in August 2013. Shortly afterward, we received notice from the City of Rochester that they were going to pursue reimbursement of more than \$81,000 in costs. We received a formal demand on March 13, 2014 for reimbursement."

The Association requested guidance on §72-c from the New York State Division of Criminal Justice Services (DCJS). Their memo<sup>1</sup> of May 20, 2014 states, in part, "Effective June 24, 2011, every police agency which hires an officer who is less than three years from graduation from a police training school must reimburse the former employer, regardless of the size of the municipality."

The DCJS memo provides the following scenario to illustrate the

#### **§72-c General Municipal Law**

#### **Expenses of members of the police department and other peace officers in attending police training schools.**

The board or body of a county, city, town or village authorized to appropriate and to raise money by taxation and to make payments therefrom, is hereby authorized, in its discretion, to appropriate and to raise money by taxation and to make payments from such moneys, for the annual expenses of the members of the police department of such municipal corporation in attending a police training school, as provided by the regulations of the department, either within such municipal corporation or elsewhere within the state; and for the payment of reasonable expenses of such members and other police officers or peace officers of the municipality while going to, attending, and returning from any training school conducted by or under the auspices of the federal bureau of investigation, whether within or without the state.

Notwithstanding any inconsistent provision of any general, special or local law to the contrary, whenever a member of the police department of a municipal corporation has attended a police training school, the expense of which was borne by such municipal corporation, terminates employment with such municipal corporation and commences employment with any other municipal corporation or employer county sheriff, such employer municipal corporation or employer county sheriff shall reimburse the prior employer municipal corporation for such expenses, including, salary, tuition, enrollment fees, books, and the cost of transportation to and from training school, as follows: on a pro rata basis, to be calculated by subtracting from the number of days in the three years following the date of the member's graduation from police training school, the number of days between the date of the member's graduation from training school and the date of the termination of employment with the municipal corporation which paid for such training, and multiplying the difference by the per diem cost of such expenses, to be calculated by dividing the total cost of such expenses by the number of days in the three years following the date of the member's graduation, if such change in employment occurs within three years of such member's graduation from police training school.

Provided, however, the employer municipal corporation or employer county sheriff shall not be required to reimburse the prior employer municipal corporation for that portion of such expenses which is reimbursable by the member to the prior employer municipal corporation under the terms of an employment or labor agreement.

Provided, further, however, the employer municipal corporation or employer county sheriff shall not be required to reimburse the prior employer municipal corporation for such basic training if such change in employment occurs after the expiration of the validity of the member's certificate attesting to the satisfactory completion of an approved municipal police basic training program.

specifics of §72-c:

The formula for reimbursement appears to be calculated by multiplying the number of days between termination from the former agency and three years by the per diem costs of the agency which paid for the training. An annual salary of \$40,000 at a six month academy, tuition of \$2,000.00, \$1,000.00 in enrollment fees, \$200.00 for books and \$20.00 a day for transportation costs. The recruit would leave the department that paid for his training one year after graduation from the academy and be hired by another agency. It is assumed that the \$40,000 salary commenced upon entering the police academy and that the salary paid is included in the expenses to be reimbursed, that there is no leap year involved and that the recruit received a travel reimbursement for 5 days per week for 24 weeks. Additionally, it is assumed that no portion of the training expenses was reimbursable by the officer to the former employer under the terms of an employment or labor agreement and that the change in employment did not occur after the expiration of the validity of the officer's certificate attesting to the satisfactory completion of an approved municipal police basic training program. Thus, it appears that the new employing agency must pay back 730 days of per diem expenses. The per diem expenses are as follows:

\$20,000	salary (half year)
2,000	tuition
1,000	enrollment fees
2,400	travel costs (\$20 x 120 days)
200	books
\$25,600	TOTAL

The total, divided by the number of days in three years = \$23.38. Thus, the new employer appears to be responsible for 730 days of

that per diem and would have to reimburse the former employer in the amount of \$17,067.40 (730 x \$23.38 = \$17,067.40). It should be noted that this calculation relies on some assumptions (4 week months, no days off in which travel would not be reimbursed) that may not be accurate. DCJS also states that particular collective bargaining agreements may impact the information provided.<sup>1</sup>

Chief Denz commented, "There are still questions about the law, too. To our knowledge, since the amendment to §72-c in 2011, the statute has not been litigated. This leaves questions such as are fringe benefits such as retirement and medical benefits included in the term 'salary'? Is the threshold 'upon graduation' inclusive of field training? And what if a municipality lays off officers due to budgetary constraints and those officers have less than 3 years on the job. A neighboring department Chief picks them up to help them out – does the municipality who laid them off still have standing under 72-c?"

Chief Denz said that the impact on candidates who want to be police officers is that they now must consider exactly where they want to work. He said, "Frequently, candidates take the police officer entrance exam for several jurisdictions. These candidates must seriously consider where they take their first job, as they may be untouchable by another agency until they have completed three years of service following graduation."

Chief Denz stressed, "This is not a matter of Chief versus Chief, it's the political and financial reality of tight budgets during tough economic times."

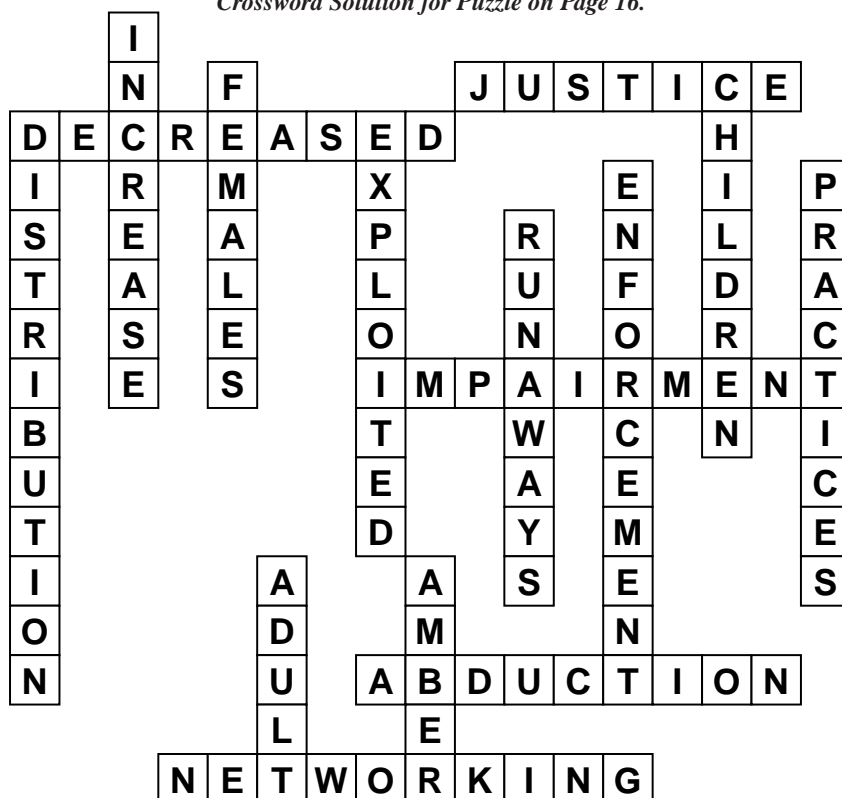
DCJS urges that municipalities consult with their own legal advisor prior to reimbursement if they feel additional guidance is needed.

<sup>1</sup> DCJS Memo, Dep. Comm. Gina Bianchi, Counsel; May 20, 2014

## Missing Persons in New York State

Statistics and information from the 2013 Annual Report of the Missing Persons Clearinghouse.

Crossword Solution for Puzzle on Page 16.





# Addressing 21st Century Policing Challenges by Improving Analytics



BY VIVIAN ELLIOT AND JAMES "CHIP" R. COLDREN, JR.

## INTRODUCTION

Few public servants are called upon more than the police to respond to trouble and emergencies, and to secure community safety across a variety of daily problems and situations. To their credit, they respond admirably, effectively, and conscientiously day in and day out. At the same time, police leaders work in very dynamic environments. They face persistent, endemic problems, as well as emerging challenges that require solid evidence to help them to identify "what works" programmatically, procedurally, and administratively. Ideally, police leaders compile this solid evidence base using analytics (e.g., research analysis, planning). While most police agencies dedicate personnel to these functions (a 2002 survey estimated that agencies with 100 or more personnel dedicated approximately 1 analyst for every 100 sworn officers)<sup>1</sup>, the current analytic capacity in American law enforcement agencies is unknown. At best, it is probably adequate in the country's largest agencies, and most likely under-funded or under-utilized in most.

From 2011-2014, CNA, funded by the Bureau of Justice Assistance (BJA), worked with a group of policing experts, to improve and enhance the analytic capacities of police agencies through a project called Law Enforcement Organization of Research and Planning Development (LEOPRD). This article reviews the work of the LEOPRD project, including a discussion of what analytics means in police agencies, why it is important, and strategies to enhance and integrate analytics within a police agency.

## DEFINING ANALYTICS

First, we must understand what analytics is to law enforcement. For this discussion, we focus on three core components of analytics – research, planning, and analysis. These components can often be confused as one and the same, due to likeness in their respective activities. However, it is important to understand that these analytic functions are not the same thing, though they are logically connected. Below, we distinguish each function and identify how it applies to the profession of policing, and we provide examples pertaining to gun violence.

*Research* aims to describe and explore new approaches, as well as produce new knowledge. It is typically produced by entities outside of a law enforcement agency (e.g., universities, private-sector research organizations or consultants, or professional associations), so it is important for law enforcement agencies to stay abreast with the latest research developments to determine applicability to their own operations. Even so, research from a different jurisdiction or from a national study may not necessarily apply to a particular local jurisdiction or context. Thus, in some instances, local research should be conducted by someone within –

or closely connected to – the police department. As an example, for understanding gun violence, an agency could conduct research to evaluate the effectiveness of particular gun-enforcement strategies.

*Planning* aims to identify gaps and needs in organizational strategies, anticipate and prepare for future needs, and prescribe the process for change. This function is a particularly significant part of a police executive's job, because s/he is responsible for and strategically preparing for the future of the organization as a whole. As it relates to gun violence, planning could help to determine what resources are necessary to accommodate a chosen enforcement strategy (e.g., a task force) and to forecast its impact on police operations or future crime.

*Analysis* aims to provide a detailed examination of a concept or process, as well as evidence for why things occur. Specifically, analysis for police agencies consists of more than just crime analysis – it includes problem analysis, intelligence analysis, operations analysis, policy analysis, and administrative analysis. Law enforcement should perform analysis within the organization itself, or, in some cases, it can occur through a regional fusion center or in collaboration with other research organizations. Continuing with the gun violence example, analysis could involve compiling statistics and information regarding the gun violence problem, as well as exploring correlations and causative factors, mostly likely in support of the research and planning activities.

## WHY ANALYTICS?

There is a new call for improving and expanding policy agency analytics. This stems in part from the movement toward evidence-based policing,<sup>2,3</sup> and from the recommendations of leading scholars in police science.

Advocates for increasing police agency analytics must contend with the fact that currently there is no empirical evidence that the existence of such capacity reduces crime, solves crimes, reassures the public, or directly achieves any of the other "bottom lines" of policing. Police operations (e.g., patrol, investigations, traffic, community services, special units, and problem solving) achieve those objectives, and there is a growing body of research evidence supporting this. However, no police organization can confidently determine how many police officers it needs, what they should do, or where and when they should do it, without utilizing analytics. No police organization can identify – with confidence – hot spots, problem offenders, policy failures and successes, future impacts of new policies, ineffective training programs, or highly impactful initiatives without utilizing analytics.

A recent article encouraging the formation of research-police partnerships reinforces that analytics in law enforcement is critical

to understanding the nature of crime and disorder problems, and establishing a knowledge base on effective police crime-prevention and control practices.<sup>4</sup> An example that lends support to this argument concerns the Philadelphia Police Department. In 2010, the police department partnered with Temple University to test the impacts of three different police strategies – foot patrols, problem-oriented policing, and offender-focused policing – in violent crime hot spots, using a randomized controlled experiment. The research identified that the offender-focused strategy outperformed the other strategies, resulting in a 23-percent decrease in violent crime in the target areas.<sup>5</sup> The department has since used this knowledge to facilitate broader organizational, operational, and cultural changes department-wide.

By building research, planning, and analysis capacities, agencies will improve decision-making and organizational outcomes,

**Improving analytic capacity will position police agencies for improved organizational outcomes:**

- Enhance collaboration
- Increase cost effectiveness
- Use technology better
- Increase financial resources
- Reduce complaints & lawsuits

including: enhanced collaboration, cost effectiveness, better utilization of technology, increases in agency financial resources, and fewer complaints and lawsuits. Even though the current economic situation tends to produce reduction or elimination of these capacities, it is these very “at risk” functions that should

be bolstered, because they will support and protect police agencies as they manage and negotiate the political, social, economic, and crime-related challenges confronting them.

## STRATEGIES TO ENHANCE ANALYTICS

Numerous policing initiatives in the past several years point to promising approaches for addressing some of these challenges and for expanding police agencies’ analytic capacity. Approaches include reorganizing departments, embedding criminologists within police organizations, leveraging outside collaborations with researchers, integrating evidence-based policing into department policies and practices, and collaboration with other public safety stakeholders.

### Department Reorganization

Reorganizing departments so that police agency analytics is prevalent as its own function or unit lays a solid foundation for increasing analytic capacities. For example, in 1998, the Lowell Police Department (LPD) established a Research and Development Unit to foster innovation and leverage resources for public safety efforts. In doing so, LPD transformed itself into a dynamic, modern, flexible, productive, and analytical organization. The Research and Development Unit helped the department to secure well over \$20 million in external grant funds over 13 years, while spending less than \$2 million to staff and support the unit over the same period. Their ability to secure grants for new programs, support research and turn it into best practices, and support new program development, played an integral role in facilitating organizational change under the direction of the Police Superintendent. Thus, the organization was better equipped to fight crime (it sustained reductions in reported Part I Uniform Crime Report crimes for over 10 years) and to reduce citizen complaints to Internal Affairs by: making remarkable advances in police-community relations; successfully engaging with outside agencies to collaborate on crime-prevention and crime-reduction efforts; enhancing crime

analysis; and improving relationships with city government.<sup>6</sup>

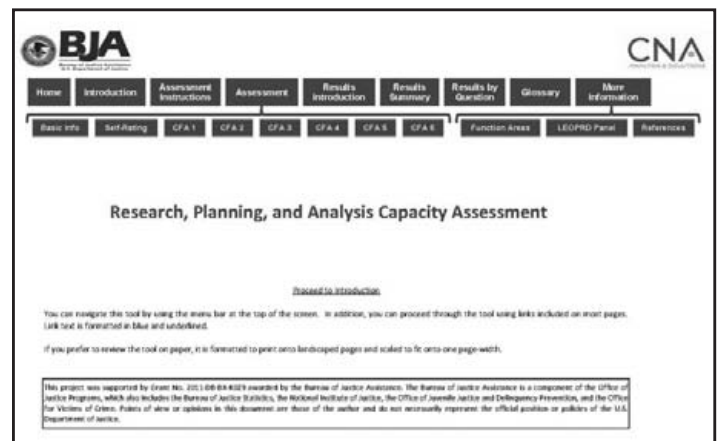
### Embedded Criminologist and Research Partnerships

Reorganizing a department can be a heavy lift, and since police departments are generally not structured to effectively engage in or implement research, alternative strategies are to embed a criminologist or engage research partners. According to Dr. Anthony Braga, an embedded criminologist is a researcher who is effectively part of the executive staff and who reports directly to the Chief of Police.<sup>7</sup> The criminologist helps the department understand, in practical ways, research and analytics about what works within the department. In 2010, the Redlands, California Police Department hired a Ph.D.-level criminologist for about the same cost as a patrol officer. The criminologist has proven valuable in translating existing research findings, helping craft new evidence-based strategies, and evaluating existing ones. Police departments wanting to replicate this effort but lacking the financial resources to hire a criminologist can instead look to academic institutions to form partnerships. Increased access to data makes police-researcher partnerships appealing to university-based researchers. In turn, police departments benefit from the research and analysis that researchers can perform to improve services (creating targeted interventions, identifying priorities, understanding citizen fears), collect data for writing grant applications, and analyze data for hiring or staffing decisions.

### Evidence-based Policing Initiatives

Currently, several initiatives are under way to enhance the analytic capabilities of police agencies, with several goals in mind: improve the use of science in policing and test initiatives with methodological rigor. In this section, we specifically describe our involvement in such efforts through the BJA LEOPRD project and Smart Policing Initiative (SPI).

For the LEOPRD project, CNA along with an expert panel of police practitioners and researchers crafted a process through which agencies can first assess their current analytic capacities, and then access information resources to improve identified gaps and areas of weakness. Significant outcomes of this initiative included the



development of a capacity-assessment protocol for reviewing a police agency’s analytic capacities, development of organizational case studies and models that demonstrate how analytics are beneficial to police agencies, and development of a resource guide that compiles and categorizes existing resources to improve analytic capacities.<sup>8</sup> The capacity assessment protocol assesses and scores agencies on six critical areas for analytics including, policy development, crime analysis, project management, research and projects, allocation/deployment/staffing analysis, and planning and strategizing. We piloted this protocol with nearly 80 agencies of different types

and sizes, and those that participated in the pilot tests provided a uniformly positive response. Several indicated that the assessment tool identified gaps in their analytic capacity that they had not fully appreciated, and indicated that they would begin plans to enhance certain aspects of their analytic capacity.<sup>9</sup>

In 2009, the U.S. Department of Justice, BJA launched the Smart Policing Initiative (SPI), which now involves 35 police agencies – of various sizes and in different regions of the country – engaged in the development and testing of evidence-based practices involving both enhancements in crime and intelligence analysis capabilities and formal partnerships with external research experts. Evidence and lessons learned from the SPI sites point to significant and positive



organizational impacts, including expansion of analytic capacity, and elevation of the personnel involved in that work to higher statuses within their departments. A recent survey of SPI sites regarding their research partnerships revealed an overall positive impact of the partnerships between police agencies and university researchers.<sup>10</sup>

#### *Collaboration with other public safety stakeholders*

Making significant advancement in police agency analytics will require new perspectives on delivering police services, and on how the police agency integrates with its external environment, and new initiatives to ensure that progress along the lines suggested here continues and quickens. Marshaling the capacity for better analytics will require that police agencies become more knowledgeable about the advantages of enhanced analytics, and better integrated with their local, state, and federal agency counterparts (within the public safety sector, and in other realms like education, public health, and social services). Enhanced analytics will involve, more than before, the co-production of public safety through this more integrated approach. Police agencies need access to data from other sectors (and vice versa), and the results of improved analysis will have impacts far beyond the police agency alone. Police agencies must be open to the possibility that a more integrated approach will result in new conceptualizations of the types of services police agencies provide, and how they are valued in the public arena.

## CONCLUSION

Improving analytics in police agencies is the smarter way to improve police outcomes, police performance, and police legitimacy. The experiences of the Philadelphia and Lowell police departments, and of the other departments involved in the Smart Policing Initiative point to the likelihood that enhancing analytics in police agencies improves both public safety and organizational outcomes. The current and future economic climate dictates that most police agencies will not be able to continue in “business as usual” mode, thus the lessons and strategies presented here are useful to agencies looking to stay ahead of the game and reap the benefits of analytics.

<sup>1</sup> O’Shea T.C. & K. Nicholls. (2002). Crime Analysis in America. Office of community Oriented Policing Services, NCJ 209245.

<sup>2</sup> Lum, C., C. Koper, & C. Telep. (2011). “The Evidence-Based Policing Matrix.” Journal of Experimental Criminology, 7, 3–26.

<sup>3</sup> Przybylski, R. (2012). “Introduction.” Justice Research and Policy (Special Issue on Evidence-Based Policy and Practice. 14(1), 1–14.

<sup>4</sup> Braga, A. A., L. O. Robinson, & E. F. Davis. (2013). “Encouraging a Broader Set of Criminologists to Form Research Partnerships with Police Departments.” The Criminologist, 38 (4): 24 – 27.

<sup>5</sup> Ratcliffe, J. H., Taniguchi, T., Groff, E.R., & Wood, J. (2011). The Philadelphia Foot Patrol Experiment: A randomized controlled trial of police patrol effectiveness in violent crime hotspots. Criminology, 49(3), 795-813.

<sup>6</sup> Thacher, D. (1999) National COPS Evaluation Organizational Change Case Study (Lowell, Massachusetts). Urban Institute

<sup>7</sup> Bueermann, J. & Taniguchi, T. (November 2012). “The Embedded Criminologist: Leveraging the Community’s Investment in the Police.” Presentation at the Police Foundation. Washington, DC. Braga, A. (December 2013). “Embedded Criminologists in Police Departments.” Presentation at the Police Foundation, Ideas in American Policing Lecture. Washington, DC.

<sup>8</sup> These LEOPRD resources are available to law enforcement agencies on the CNA SMART Justice library at: <http://www.cna.org/SmartJusticeInnovationCenter/library>

<sup>9</sup> For more information on the capacity assessment protocol, please contact [elliottv@cna.org](mailto:elliottv@cna.org) or [smartjustice@cna.org](mailto:smartjustice@cna.org)

<sup>10</sup> More on SPI can be found on the SPI website at [www.smartpolicinginitiative.com](http://www.smartpolicinginitiative.com) or by contacting [spi@cna.org](mailto:spi@cna.org)

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**F**ight Crime: Invest in Kids honored Colonie Police Department Chief Steven H. Heider with the 2014 Champion for Children Award at the New York State Chiefs of Police Conference in Lake Placid for his work to promote investments in children that are proven to cut crime and help them succeed in school.

Since Chief Heider joined Fight Crime: Invest in Kids in 2003, he has promoted evidence-based programs that reduce later crime and violence, including voluntary home visiting, high-quality early education and interventions to get troubled youth back on track. Earlier this year, Chief Heider and Rensselaer County Sheriff Jack Mahar met with Congressman Chris Gibson to urge his support and co-sponsorship of the federal

legislation, Strong Start for America's Children Act.

"Chief Heider distinguished himself this year by promoting the work of Fight Crime: Invest in Kids at every opportunity," said Jenn O'Connor, New York State Director for Fight Crime: Invest in Kids. "In accepting his award at the recent New York State Association Chiefs of Police training conference, he spoke eloquently about the importance of investing in programs that support our youngest children and help keep them and their families from involvement in the criminal justice system."

Fight Crime: Invest in Kids is gearing up for the 2015 legislative session with meetings supporting home visiting in Rochester and Schenectady. Seeking adequate funding for home visiting programs will be a major priority for the organization this year.



*President Steven Heider is presented with the Champion for Children award by Jenn O'Connor at the annual installation banquet in Lake Placid, New York.*



*Jenn O'Connor  
State Director*

## NHTSA Thanks Association

June 3, 2014

Chief John P. Grebert (Retired)  
Executive Director  
New York State Association of Chiefs of Police, Inc.  
2697 Hamburg Street  
Schenectady, New York 12303

Dear Chief Grebert:

I hope all is well with you and the association. Thank you for supporting the May 2014 **Click It or Ticket** (CIOT) mobilization. Region 2 continues to be a national leader thanks to your leadership and the hard work of the many dedicated men and women at the New York State Association of Chiefs of Police working to keep our roadways safe. The media coverage this year throughout the region has been remarkable.

The traffic safety enforcement profile has been boosted by many of your new efforts to reduce social harm in your communities through the use of stat protocols like Data Driven Approaches to Crime and Traffic (DDACTS). Furthermore, enforcement communities throughout Region 2 will be increasing emphasis on aggressive and distracted drivers throughout the summer, while still others will continue to participate in cross-border cooperative efforts like the I-90 and I-95 "Drive to Save Lives" campaigns.

Finally, to bookend the summer high visibility enforcement campaigns that started two weeks ago with **CIOT**, nearly every department will once again be participating in the Labor Day impaired driving crackdown, **Drive Sober or Get Pulled Over**. Progress in our battle against drunk driving has slowed, so please consider adding extra emphasis on this year's campaign by joining thousands of departments and the National Highway Traffic Safety Administration (NHTSA) from August 13 to September 1.

Research shows that high-visibility enforcement (HVE) can reduce drunk driving fatalities by as much as 20 percent. This is why NHTSA now has available the 2014 Products for Enforcement Action Kit (PEAK), so you can maximize your proactive participation in this year's HVE drunk driving prevention campaign. The kit is available at NHTSA's campaign website, <http://www.trafficsafetymarketing.gov/laborday2014peak>

Have a safe and secure summer and thank you again for your help in keeping our roads safe for all highway users.

Sincerely,  
**Thomas M. Louizou**  
Regional Administrator

cc: Charles R. DeWeese, Assistant Commissioner, New York State Dept. of Motor Vehicles



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# Find Them

## Tips and Tools for Missing Persons Investigations

SUBMITTED BY NYS DIVISION OF CRIMINAL JUSTICE SERVICES

The New York State Missing Person Clearinghouse has created “Find Them”, a mobile device-friendly web application to assist law enforcement officers with the investigation and search for a missing person.

Designed to be used by first responders and investigators, Find Them generates a list of suggested tips and resources, based on conditions and circumstances selected by officers that are applicable to the case they are handling.

The app – [www.criminaljustice.ny.gov/findthem](http://www.criminaljustice.ny.gov/findthem) – is accessible from any device connected to the Internet: desktop or laptop computers, mobile data terminals (MDTs) in law enforcement vehicles and smart phones.

Time plays a critical role in the effort to safely locate a missing person, especially a child or adult who may have cognitive impairments or disabilities that put them at credible risk of harm.

Consider these statistics, which underscore the importance of a rapid response to these cases:

- 76 percent of children who are abducted and killed are murdered within the first three hours of their disappearance.
- 91 percent of the deaths of missing children with autism who are 14 and younger in the United States happen as a result of accidental drowning.
- 46 percent of adults with Alzheimer’s disease who go missing and are not found within 24 hours are found deceased.

A video demonstration of the app can be found in the eJustice Portal in the law enforcement section of the reference library.



For more information about Find Them or other assistance in handling missing persons cases, contact the Clearinghouse at [missingpersons@dcjs.ny.gov](mailto:missingpersons@dcjs.ny.gov) or 1-800-346-3543.



## New App to Help Prevent DWI

The New York State Governor’s Traffic Safety Committee and the New York State STOP-DWI Foundation are proud to release our brand new “Have A Plan” mobile app. This app provides you with a timely and convenient resource that enables you to locate and call a taxi service, program a designated-driver list, educate yourself on blood alcohol content levels, as well as information on DWI laws and penalties or even report a suspected impaired driver.

The app is available for Apple, Droid and Windows smart phones. To download the app, simply visit [www.stopdwi.org/mobileapp](http://www.stopdwi.org/mobileapp) using the phone you want to download the app to and click on the link to the store of your operating system.

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