

The New York State

# Chief's Chronicle



Serving New York's Police Executives Since 1901

September 2020

## ***CRISIS, JUSTICE, REFORM***

**COUNSEL'S CORNER: WHAT IF...?**

**PROCEDURAL JUSTICE**

**BUILDING BRIDGES: DISCUSSING REFORMS IN THE COMMUNITY**



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Do you have an interesting law enforcement story or an article you would like to submit, photographs of member activities or field scenes?  
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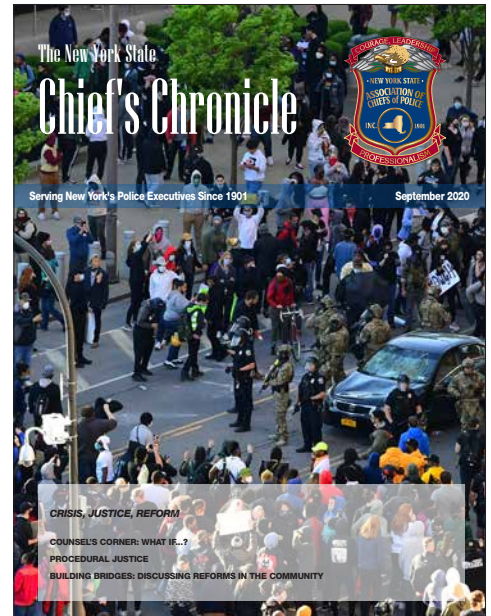
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# On the Cover:

In the wake of the death of George Floyd in Minneapolis, a mix of peaceful protests and violent riots erupted across the country. In Erie County, NY, Buffalo police face-off with rioters that descended on a car. Buffalo was under a state of emergency after several incidents including damage to city and federal buildings and businesses throughout the city; and several officers who were charged at by a driver who broke through a barricade. Photo: Buffalo PD.

In this edition: *Crisis, Justice, Reform*, our contributors confront the anti-police rhetoric and misguided proposals for “reform”; the virtues and benefits of principled policing; and the productive dialogue that is – and has been – happening in our communities.



## From the Executive Director



BY MICHAEL N. GERACI, EXECUTIVE DIRECTOR

In the past few months there have been dramatic changes across our state and nation. While we were all dealing with the effects of COVID-19, we then found ourselves in the midst of protests, riots, and demands for police reform. We continue to work with all of these challenges while maintaining as many of our traditional roles as possible.

As you have heard by now, we had to cancel our annual training conference which had been scheduled during the third week of July. Regrettably, the requirements and regulations surrounding food service, lodging, and meeting spaces were tentative and we could not adequately plan for an in-person conference. However, we have already re-scheduled the 2021 conference to take place at the same venue as planned for this year (Glens Falls, NY). So mark your calendars: July 25th thru 28th, 2021 in Glens Falls, NY. We will be releasing additional details in the spring.

In the meantime, we are pleased to announce that we are scheduling a Leadership Training Summit in conjunction with the New York State Sheriff's Association. This event is scheduled for

October 28-29, please visit our website for details on location, registration, and presentations. Speakers will include Chief/Ret. Michael Ranalli, Esq. who will discuss recent legislation; and DCJS Executive Deputy Commissioner Michael Green and Deputy Commissioner Michael Wood. The two-day event will include a networking event, and a break-out session to discuss items specific to each organization's respective business agenda.

After much discussion with our Board of Governors, it was decided to continue the terms of office for our Board of Governors until the 2021 conference. According to our bylaws, members of the Board of Governors are to be installed at the Annual Training Conference following their election. As the 2020 conference was cancelled, continuing the terms until the next year was the most logical approach, and is consistent with the language of our bylaws. I want to assure our members that our Board has been meeting via teleconference to continue the critical mission of our organization as this year has brought several high-profile issues that requires our vigilance on your behalf.

# Counsel's Corner



## A Vision of Policing Post 2020



BY CHIEF/RET. MICHAEL RANALLI, ESQ.

In the months between the June and this issue of the *Chief's Chronicle*, policing in America has faced uncountable calls for change, “defunding” and even abolishment. Some elected officials—including the New York legislature— jumped fully into the controversy with rapid but in many cases ill-advised laws billed under the agenda of “police reform.”

Rather than go through the bills and their impact on operations, I have decided to call upon my fictional character Officer Dirk Donuts of the Mocha Chino Police Department. Dirk first appeared in 2006 in the first edition of my book on the law pertaining to New York street encounters.<sup>1</sup> Dirk has a certain way of looking at the world and going about his job that may be the best way to explore the potential impact of some of the reform changes (some of which have been codified in law, and some, like the repeal of qualified immunity, that are just proposals at the time I write this).

Note: This is an obviously satirical account written to expose potential flaws in what I believe are well-meaning laws that could have unintended consequences for the very community members advocating for them.

### WELCOME TO MOCHA CHINO

It is afternoon on a warm summer's day and Officer Dirk Donuts of the Mocha Chino Police Department is on patrol. Dirk is assigned to the downtown sector of the City of Chino. He's approaching his 20th year on the job, looking forward to hitting that mark and the safety of knowing he can retire at any time. Long before Dirk was hired to the department, the Town of Mocha and the City of Chino consolidated police departments.

Today, Dirk is working in Chino. Ever since the department was partially defunded by the governing commission of elected officials, patrol zones had to be expanded and calls for service were handled on a priority basis by diminished staff. For years, Dirk prided himself on his number of arrests and would frequently be one of the most productive officers. He felt good about the fact that he could take people who were legitimate threats to the public off the streets. But that feeling of satisfaction was replaced by frustration when everyone was released on appearance tickets right back out on the street, frequently committing additional crimes.

“110 dispatch, back in service with a report,” Dirk says. “Received Unit 110, start to 121 Fandango Street for a criminal mischief and subject annoying call. Suspect is reportedly still in the area – white male, 18 years old, blue shirt and jeans”

Dirk sighs after seeing the call had been waiting for almost two hours. But he starts toward the address, preparing himself to deal with some unhappy people. He arrives and calls off, seeing the complainants come out the front door to meet him.

“Good afternoon, my name is Officer Dirk Donuts. I am very

**“...I understand your frustration. The residents must shoulder a bigger share of the property taxes since so many businesses have closed. The pandemic was bad enough, but the business owners got tired of being victimized by criminals, having their property repeatedly damaged and dealing with unruly customers who refused to follow their rules.” - Officer Dirk Donuts replying to crime victims (all fictional characters)**

sorry about the wait. We try to handle every call as quickly as we can, but we just do not have the people we used to,” Dirk says in greeting. “What can I do for you today?”

“Hello Officer Donuts, I am Frank Thorn, and this is my wife Ruth,” says the complainant. “I have to say the wait was very frustrating, but we understand it is not your fault. Although I don't know where our taxes are going, since they have still gone up every year even though they slashed the police department budget.”

“Very nice to meet you both,” replies Dirk, “and I understand your frustration. The residents must shoulder a bigger share of the property taxes since so many businesses have closed. The pandemic was bad enough, but the business owners got tired of being victimized by criminals, having their property repeatedly damaged and dealing with unruly customers who refused to follow their rules. Plus, the city and town are facing unprecedented numbers of lawsuits since the police reform bills passed a few years ago. But the people have spoken, and this is the way it is now! So how can I help you?”

“Well,” states Frank as he points to a broken mailbox on the ground, “We have had on-going problems with an 18-year-old kid from the neighborhood, Draco Malfart. He is constantly harassing us and doing things to our property. Today he walked up right in front of us and smashed our mailbox and then threatened to rape Ruth. Honestly, we think he may have some mental health issues. He is making our lives miserable. We can't even leave the house anymore. We have called the police numerous times, but nothing happens to him. We want him arrested and we want to be left alone!”

Ruth yells, “There he is now!” and points to a young man less than a block away. The man looks at Dirk, gives him the middle finger and then starts to jog away.

Dirk reacts immediately, yelling, “Hey, stop!” and breaking into a run after him. Draco runs across a small yard and disappears through a fence gate. As Dirk runs, numerous people on the street

and in cars stop and pull out their cell phones, pointing them at Dirk. Suddenly, Dirk's impulsiveness wears off. He remembers the numerous training classes he attended over the past couple of years explaining everything he can no longer do as a police officer. He stops and walks back to the Thorns' house, all the while trailed by people filming him with their phones.

"We do not want them taking a video of us! Make them stop!" says Ruth, clearly agitated.

"Oh, I can't do that," Dirk explains "They are on the sidewalk so they can video all they want. If I tried to stop them then I and the police department can be sued based on a law the legislature passed a couple of years ago. So, if I order them to stop taking video, I can be personally liable and so can the city and town. Plus, if they win the lawsuit, they can be awarded attorney fees in addition to any damages.<sup>2</sup> People are constantly trying to push us into violating the law. We are already defending more than a dozen of these right now and if we lose, your taxes are going to go up even more. We are on strict orders to not object in any way."

"But that is crazy," exclaims Frank. "What about our rights? We want our privacy and do not want them taking video of us! Why should people who deliberately taunt the police while they are doing their jobs collect taxpayer money for it?"

"Well sir, what you want does not matter." Dirk says. "It is all about the rights of the person who wants to video the police. It does not matter that the other people involved do not want it. The rights of the citizens that the police are attempting to deal with were apparently irrelevant to the legislature."

Frank shakes his head in frustration and moves on. "Why did you stop chasing Draco? You let him get away!"

Dirk smiles and shakes his head. "Oh no sir! He did not get away. We know Draco so I am going to get some information from you and then I will file for a summons to be sent to him to appear in court. We had him numerous times as a juvenile, but now that he is 18, he is going to get a big-boy summons! He nor his parents would appear on the juvenile charges, but now that he is an adult, I am sure that he will be more responsible."

Frank and Ruth stare at the smiling Dirk in disbelief. "He is a criminal that is determined to torment people! Why not chase him and just arrest him and get it over with?" asks Ruth.

"Well, that will take some time to explain," Dirk says "First, he ran through a gate onto private property. Now, the crimes that you described were just misdemeanors. Neither the Supreme Court of the United States or our appellate courts have decided whether chasing someone onto private property for a misdemeanor would be a violation of the Fourth Amendment.<sup>3</sup> If I chased him, and then he sued me and the department, and the court did rule that it is such a violation, then the taxpayers will again have to pay for any damages plus attorney fees. That could be hundreds of thousands of dollars!"

Frank and Ruth are stunned. "But, but ... how can you and the municipality be liable when there is no way you could know whether it would be a violation? How can you ever do anything?"

"Great question! We used to have qualified immunity, which meant that to be liable for a constitutional violation, the right we violated had to have been previously clearly established. But that recently changed when Congress removed the requirement that the constitutional right had to have been clearly established.<sup>4</sup> As a result, if I chased him, and he then sued, he could end up a rich man if the court holds that I violated his rights."

"But he is a criminal!" yells Frank. "He started the whole thing; it is his own fault you had to deal with him in the first place! That is stupid!"

Dirk shrugs. "Yep, but the people have spoken. But that was not the only reason I stopped chasing him. If I caught him, and he decided to fight with me, then I could be running the risk of being arrested. There is a state law that says if I put my arm around his neck, even inadvertently while he was violently resisting, and he is seriously

injured during the arrest, then I can be arrested for a class C violent felony.<sup>5</sup> Plus, you said he may have some sort of mental illness. Well, the city council has prohibited the police from dealing with people who are mentally ill because they are afraid we will use excessive force on them.<sup>6</sup> We have some social workers and volunteers who do outreach and handle those calls instead. In addition to the summons, I will also file a referral to the mental health unit. Plus, if I did take him into custody, and I did not sufficiently tend to his mental health needs – which is not defined in the law – and he became worse as a result, he can sue and be awarded attorney fees on top of any damages—"<sup>7</sup>

"Don't say it—and the taxpayers pay for it," Ruth interrupts. "You could be arrested for a felony because someone chooses to fight with you instead of just surrendering as they are supposed to do and under that stress you put your arm in the wrong place. Nuts, absolutely nuts. Will the mental health people be able to help him then?"

"Well, maybe," Dirk says. "It depends if he is willing to come to a safe place to talk with them. You see, we know Draco has violent tendencies. So, the civilian providers will not go to his house without the police, but the council will not let us interact with mentally ill persons. We will just hope that he will go to county mental health when asked."

**"You could be arrested for a felony because someone chooses to fight with you instead of just surrendering as they are supposed to do and under that stress you put your arm in the wrong place?! Nuts, absolutely nuts." – Crime victim Ruth Thorn, to Officer Dirk Donuts (fictional characters)**

"What you are saying is that he can continue to harass us and commit crimes—and he also drives around with no license—and there is nothing you can do about it?" Frank asks.

Dirk perks up. "You should have said he was driving without a license! I will send a referral to the civilian traffic enforcement unit to see if they can cite him. The council did not want us doing traffic work anymore either, so they created the civilian unit.<sup>8</sup> Although there is only a couple of them left as many quit. The people they stopped were not treating them very well and some of the enforcement people got beat up. But don't worry, we found those offenders and gave them appearance tickets! Anyway, looks like we are done here for now. Is there anything else I can do for you?"

### **CAN WE AVOID MOCHA CHINO?**

As noted above, this article is a satirical attempt to illustrate the challenges of legislation hastily written when emotions are high. Clarification of these laws, related litigation, and the rejection of some of the most radical proposed legislation could produce a very different environment—one in which law enforcement, elected officials and community members unite around the shared goals of community safety and preservation of life, and empower officers to take action in support of those goals.

(Endnotes)

<sup>1</sup> *Search and Seizure Law of NYS: Street Encounters 3rd Edition*, published by Looseleaf Law Publications

<sup>2</sup> Civil Rights Law § 79-p (effective July 2020). The right of citizens to take video of police activity from a lawful vantage point already exists and civil recourse is already available. This new law may increase the potential for conflict during incidents and result in additional costs to communities defending lawsuits.

<sup>3</sup> See *Stanton v. Sims*, 134 S.Ct. 3 (2013)

<sup>4</sup> As of the time I write this article, this has not happened. The House of Representatives did have a bill that would remove the clearly established requirement, but it is not likely to pass the Senate—unless there is a change in power after the November election and the issue is brought up again.

<sup>5</sup> Penal Law § 121.13 Aggravated strangulation, a class C violent felony, effective June 2020.

<sup>6</sup> is not a reference to any law passed or pending but is part of the ongoing police reform proposals.

<sup>7</sup> Civil Rights Law § 28, effective June 2020. Of course, officers should provide medical and mental health assistance to persons in need whenever possible. But creating a new cause of action with undefined elements will lead to uncertainty on the part of officers. This may have a negative impact on persons struggling with mental illness and burden communities with additional litigation. More mental health resources are needed, not more litigation.

<sup>8</sup> Again, not a reference to a law passed or pending, just part of the reform discussion. The City of Berkeley CA is currently contemplating this according to news reports.

# Procedural Justice

## A cultural shift, more than just a training

BY CHIEF/RET. ANTHONY GERACI

**About the author:** Anthony Geraci is a Master Trainer of Principled Policing for DCJS and is a twenty-one year veteran of New York State law enforcement, with combined service from the NYPD, City of Albany and most recently as the City of Watervliet Chief of Police. He holds a BS from John Jay College of Criminal Justice and MPA from Marist College. He also served as an adjunct faculty member for Columbia-Greene Community College and SUNY Albany School of Criminal Justice.



**P**rocedural Justice is a tactic that is structured around four central principles: *Voice, Neutrality, Respect, and Trustworthiness*. If employed properly this approach leads to achieving trust and legitimacy not only externally in the community, but internally among department members. Since conceptualized, many law enforcement agencies have solely viewed Procedural Justice as a training strategy and have failed to institutionalize it more broadly. To be successful and ensure that it is engrained in the culture, an agency can implement a number of key elements at little to no cost.

The following elements are not meant to be an exhaustive list, but rather, to be used as a general framework by an agency to build upon, making it customized to your agency and community:

- **Modeled Behavior** is critical from the chief law enforcement officer, command staff, supervisory ranks, field training officers to the academy instructors. All personnel must behave in a procedurally just way in each encounter regardless if it is labor-management issues, crime meetings, trainings, community engagements or handling of personnel matters.
- **Mission Statements** should contain the principles of Procedural Justice if a department genuinely wants to embrace Principled Policing and make it part of the collective moral fabric.
- **Performance evaluations** should have evaluating criteria and language consistent with Procedural Justice that recognizes and rewards employees for meeting/exceeding stated expectations.
- **Body worn camera audits** should be evaluated through the lens of Procedural Justice. Is the officer providing a *Voice*? (furthermore, are they listening?), Are they treating the

person(s) with *Respect*? Was their decision *Neutral*, without bias? And, did they convey *Trustworthy* motives?

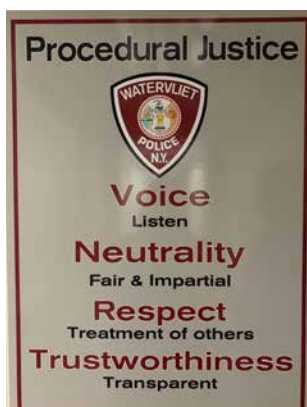
- **Policy:** not only should the department have codified written directives stating expectations surrounding Procedural Justice, but are the policies themselves drafted, revised, and disseminated in a procedurally just manner.
- **Signage** should be present to constantly reinforce the principles of Procedural Justice through posters in department facilities, challenge coins, letterhead, bulletins, marked units, etc.
- **Recruitment** should be evaluated to ensure all materials and messaging project an atmosphere attracting a guardian mindset and not seeking candidates to fill the role of a warrior.

### PRINCIPLED POLICING:

Procedural Justice should be part of a larger strategy titled Principled Policing, a term developed by Stockton (CA) Police Chief Eric Jones and adopted by New York State Division of Criminal Justice Services (DCJS). It is based on the founding principles of our profession: protecting the constitutional rights of everyone with fair and impartial treatment; safeguarding the community; respecting and protecting rights; and reducing crime while increasing trust. The training that sets the foundation of creating your culture and the institutionalization of Principled Policing includes Procedural Justice, Implicit Bias and Reconciliation.

Creating a procedurally just police agency that engages in Principled Policing will undoubtedly increase morale among department members and will strengthen community relations. The challenge is ensuring that a constant, focused, and deliberate commitment exists department-wide on a daily basis. Unlike other

*Procedural Justice, continued on page 8*



One of several Procedural Justice posters prominently displayed at Watervliet PD Headquarters.

law enforcement strategies, the work is never completed nor will a department stop because it achieved desired results. Policing is dynamic and how the public views us can change in an instant. As we have seen, one incident can unfortunately unravel all the great work accomplished and worse, shatter the trust established causing the community to question our legitimacy.

### **WHEN DO NEGATIVE POLICE INTERACTIONS OCCUR?**

The answer lies within the two main inhibitors to Procedural Justice: Threat to an *officer's authority* and *implicit bias*. Regarding the former, police officers expect deference from citizens when they are attempting to control a situation or while conducting enforcement activities. Officers commonly attempt to reassert their authority (at times exerting physical force) when citizens do not defer. Alpert and Dunham's (2004) authority maintenance theory provides a clear explanation of how police-citizen interactions turn into use of force events. The theory acknowledges that officers enter interactions with the goals of maintaining their authority and controlling the situation, but citizens also have expectations that may range from being treated fairly to avoiding apprehension. Both parties will become more aggressive or coercive when their goals are blocked. Officers are more likely to use force, and citizens are more likely to resist officers' commands or physical control efforts, when either believes the other party will not allow them to achieve their goal. This creates an action-reaction chain that can escalate toward or de-escalate away from the use of force by the citizen or officer<sup>1</sup> (Scott Wolfe, 2020).

The second inhibitor to ensuring that a police-citizen encounter is procedurally just is an officer's implicit bias. Implicit biases are thoughts or feelings about people that we are unaware of and can influence our own and other's actions. This is not indictment of an officers' character; it is human nature and scientifically proven that each one of us carries implicit biases and automatic associations. As a result, it is imperative that agencies focus on thought and discussion about contemporary mechanisms for reducing the influence of officer bias regarding race, gender, sexuality, housing, socio-economic status and other identities within the context of law enforcement, including centering on identity traps and drawing on the knowledge of implicit bias and self-threats.

The community is not exempt from having implicit biases, especially towards law enforcement officers. To reduce these biases, we should work to identify and reduce or eliminate barriers to building and achieving trust in the community. The most notable would be the widely embraced Punisher emblem worn by officers, which is a symbol representing death, pain, and suffering. I will not expand upon the obvious, how it will be viewed and portrayed if an officer is donning that insignia while involved in a deadly force encounter. Alterations to the American flag, visible inflammatory tattoos, non-approved velcro patches affixed to outer vest carriers, and now any symbols on face coverings should be carefully evaluated to ensure they align with the core values of the agency.

### **RECONCILIATION:**

Racial reconciliation is the practice of law enforcement leaders engaging the minority community in courageous conversations that center around a sincere recognition and acknowledgement of past harms. More importantly it is an understanding of how present dynamics are related to past tensions and genuinely lets your community know that you (and your agency) are explicitly committed to a different future. Taking ownership and condemning

<sup>1</sup> Wolfe, S., Rojek, J., McLean, K., & Alpert, G. (2020), "Social Interaction Training to Reduce Police Use of Force." ANNALS of The American Academy of Political and Social Science, 687(1), 124-145.

past harms begins to repair fractured relationships, aligns the values of your agency with your community, legitimizes previously ignored grievances, and begins the ability to overcome distrust.

Distrust is not only the lived experience in minority communities but is a shared history between those disenfranchised and the police department that serves them. This is clearly seen at times by the substantiated feelings, opinions, grievances, and frustrations displayed by some of our youngest community members. It is undeniable that law enforcement served as the front line of government policy and the institution of policing was responsible for enforcing systems of racial injustice from the Fugitive Slave Act of 1793 to the Jim Crow Laws and the atrocities (both committed and omitted) during the Civil Rights Era. In speaking on this topic in 2015, NYPD Commissioner Bill Bratton stated, "Some of the worst parts of black history would have been impossible without a perverted, oppressive law and order."

Plenty of examples of present harms exist as well, from single acts played out in communities across America to pursuing enforcement activities that disproportionately disrupt minority communities. It is critical that current policies, practices, and culture are consistent with your agency's message surrounding racial reconciliation. Now more than ever, police departments need to prevent further harms from occurring and ensure strategies are not contributing to creating an atmosphere of mutual mistrust.

The National Network For Safe Communities published a full report, which is an extremely helpful resource to law enforcement executives, on reconciliation between police and communities to include case studies, lessons learned and implementation of best practices. [https://www.nnscommunities.org/wp-content/uploads/2017/10/Reconciliation\\_Full\\_Report.pdf](https://www.nnscommunities.org/wp-content/uploads/2017/10/Reconciliation_Full_Report.pdf)

### **COMMUNITY ENGAGEMENT:**

To truly co-produce public safety and ensure external Procedural Justice extends beyond singular police-citizen encounters, community members should be given a voice through several collaborative mediums, including but not limited to:

- Listening sessions
- Chiefs Advisory Board
- Hiring panels
- Policy development when appropriate
- Department training's when appropriate
- Citizen Police Academy
- Surveys (e.g. <https://www.nationallawenforcementplatform.org/>)

These and other non-enforcement, prosocial contextual situations also allows the opportunity for community members and officers to build meaningful relationships and diminish biases either may have.

### **LEADERSHIP:**

As police reforms continue to evolve through the 21st Century blueprint, executive orders issued and task force recommendations published, Procedural Justice will undoubtedly be part of the equation; resist treating this idea as being programmatic or as an interim initiative. Do more than simply train all your personnel. Display courageous leadership, adopt key elements, and institutionalize the practice of treating people fairly, with proper respect, and most of all, as human beings both internally and externally.

# Police and Community Meet to Discuss Reform

**N**YSACOP - On August 5, 2020, Monroe County community members and law enforcement gathered for the second forum organized by Monroe County Alliance to Transformation of Community and Police (MCATCP). Governor Cuomo's executive order (#203) for police reform requires that municipalities consult with stakeholders in the community, to "... create a plan to adopt and implement the recommendations resulting from its review and consultation, including any modifications, modernizations, and innovations to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing."<sup>1</sup>

About 80 people were in attendance including faith leaders, law enforcement, elected officials, and citizens from around the county. Speakers included Rev. Dr. Marlowe Washington, Co-Chair of MCATCP; Rev. Johnny Harris, Facilitator; Rev. Nicole Iaquinto;



*Community meeting on the grounds at Temple B'rith Kodesh in Brighton, NY*

**"...we have the ability to have those open and honest conversations with everybody involved, which is, in my opinion, the first step in building the trust that is so vital for the success of society."**

**- Chief Alan Laird, Irondequoit PD**

our community the best possible way we can." Laird added, "And the idea of being able to have these community forums is a step in the right direction, it's the first of many actions steps that we have to take in opening the dialogue. Here in Monroe County we have that dialogue, we have the ability to have those open and honest conversations with everybody involved, which is, in my opinion, the first step in building the trust that is so vital for the success of society. There has to be trust between the community and law enforcement... I believe we are starting to rebuild that trust." [Listen to our interview with Chief Laird at [nychiefs.org](http://nychiefs.org) – APB Podcasts]. Monroe County



*One of the breakout groups discusses reform. From left: Bryan White, Fairport Village Manager; unidentified community member; Michael Gray, community member; Chief Sam Farina, Fairport, NY*

Brighton Town Supervisor William Moehle; Rabbi Peter Stein of Temple B'rith Kodesh; and Rev. Patrina Freeman, Co-Chair of MCATCP and a member of the Irondequoit Town Board.

Breakout groups focused on a couple of questions: First, in a perfect world, what would community policing look like? Secondly, what does "defunding the police" mean to you? For the latter question, members were asked to explore what, and how that might happen:

- How is public safety structured in this world?
- What specific services would you like to see offered?
- What specific services are currently provided by the police that you would like to see them no longer provide or be involved with?
- How would those services be provided and by what agencies?
- How do we get there?

Other areas discussed were civil service reform, hiring and discipline of police personnel, and how various types of calls for



*Chief David Catholdi (Brighton PD) addresses attendees of the Monroe County community form.*

Sheriff Todd Baxter, who also attended the forum, said it was critical to hear directly from the community. "It was important to have this dialogue in this contentious environment. We need to have an open, frank discussion to build trust." When asked whether there were any particular points learned during the discussion, Sheriff Baxter said, "We need to do a better job at marketing and sharing of the things we are already doing", citing progressive law enforcement policies that have been in place in Monroe County, "they had no idea." Despite reforms that have already been taken, Baxter added that there is still fear by some members in the community. "The angst is real, it hurts to hear a mother say that she fears about her son getting pulled over by the police. You really feel it when you're sitting at the same table."

<sup>1</sup>Executive Order 203; Governor Andrew Cuomo, Executive Chamber; June 12, 2020

# Most Americans Say Policing Needs ‘Major Changes’

BY STEVE CRABTREE

Gallup - Reprinted with Permission

## STORY HIGHLIGHTS

- **58% of Americans say policing needs major changes; 6% say none are needed**
- **Almost all support increased focus on accountability, community relations**
- **About half support reducing police funding, with large gaps by race, political party**

**W**ASHINGTON, D.C. -- In the wake of widespread protests sparked by the May 25 killing of George Floyd, a majority of Americans (58%) say major changes are needed to make policing better. An additional 36% say minor changes are needed, while 6% say no changes are needed. There are substantial differences by demographic groups. Almost nine in 10 Black Americans (88%) say major changes are needed, compared with 63% of Hispanic Americans and 51% of White Americans.

Political party affiliation is also a significant predictor of Americans’ likelihood to say major changes are needed. About nine in 10 Democrats (89%) respond this way, versus 14% of Republicans, with political independents in between at 60%. Most Republicans, 72%, say minor changes are needed.

Finally, younger Americans are most likely to say major changes are necessary. Eight in 10 adults younger than 35 give this response, compared with six in 10 adults aged 35 to 49 and less than half of those aged 50 and older.



## AMERICANS’ VIEWS OF THE NEED FOR CHANGES IN POLICING

Which of the following best describes your view about changes that may or may not need to be made to policing in the United States?

	Major changes needed	Minor changes needed	No changes needed
	%	%	%
All Americans	58	36	6
Black Americans	88	10	2
Asian Americans	82	17	2
Hispanic Americans	63	33	4
White Americans	51	42	7
Democrats	89	10	1
Independents	60	36	4
Republicans	14	72	14
18-34	81	16	3
35-49	61	33	7
50-64	43	50	8
65+	46	47	7

GALLUP PANEL, JUNE 23-JULY 6, 2020

## REFORM PROPOSALS HAVE VARYING LEVELS OF PUBLIC SUPPORT

In the weeks after Floyd's death, several U.S. cities, including New York, Denver and Minneapolis, announced a variety of reforms, from banning chokeholds and "no-knock" warrants to diverting funds from police departments to youth development or social service programs -- or even (in the case of Minneapolis) disbanding the police force altogether.

The [Gallup Center on Black Voices](#) recently asked Americans whether they strongly support, somewhat support, somewhat oppose or strongly oppose each of nine proposed approaches to solving the problem of police misconduct. The results can be divided into ideas that have broad support across demographic groups, those that have little support and those for which support is highly dependent on Americans' race, age and political affiliation. For reference, the tables at the end of this article list the percentage within each demographic group who strongly or somewhat support each idea.

### IDEAS WITH BROAD PUBLIC SUPPORT

- **Requiring officers to have good relations with the community.** This idea meets with little controversy, as almost all Americans (97%) support it overall, including 77% who strongly support it. Since the 1980s, some cities have adopted community policing techniques as a way to foster trust and positive relations with community members. Such techniques emphasize police officers' visibility in the community and proactive partnerships with community organizations. Black Americans are somewhat more likely to strongly support this requirement, at 83%, than are White (76%) or Hispanic Americans (77%).
- **Changing management practices so officer abuses are punished.** Establishing greater accountability for officer misconduct within police departments also has broad public approval. Ninety-six percent of Americans support changing management practices so officer abuses are punished, with 76% saying they strongly support the idea. Nine in 10 Black Americans (91%) strongly support such a change, versus eight in 10 Hispanic Americans (80%) and just over seven in 10 White Americans (72%).
- **Changing management practices so officers with multiple incidents of abuse of power are not allowed to serve.** Again, almost all Americans (98%) support this idea at least somewhat. Eighty-three percent strongly support it, including 92% of Black Americans, 87% of Hispanic Americans and 81% of White Americans.
- **Promoting community-based alternatives such as violence intervention.** Some of those who advocate rethinking the role of police call for greater reliance on other community organizations, such as family services and programs that intervene with young people who are at high risk for violent crime (for example, Massachusetts' [Safe and Successful Youth Initiative](#)). Eighty-two percent of Americans overall support a greater role for community organizations, with 50% saying they strongly support it. Most likely to strongly support the idea are Black Americans (73%), Democrats (75%) and adults aged 18 to 34 (65%).

### IDEAS WITH LITTLE PUBLIC SUPPORT

- **Abolishing police departments.** This is the most extreme proposal in response to police misconduct: disbanding police departments in favor of different public safety models. The Minneapolis City Council voted in June to go

this route, saying the problems that contributed to George Floyd's death are too deeply ingrained to reform the existing department. For most Americans, the idea of abolishing the police goes too far: 15% overall say they support it, with Black Americans (22%) and Hispanic Americans (20%) somewhat more likely than White Americans (12%) to do so. Almost no Republicans (1%) support the idea, versus 27% of Democrats and 12% of independents. However, there is also a sharp distinction between younger and older adults on this question; one-third of those younger than 35 (33%) support the idea, compared with 16% of those aged 35 to 49 and 4% of those aged 50 and older.

### IDEAS WITH MIXED PUBLIC SUPPORT

- **Ending "stop and frisk."** In 1968, the Supreme Court ruled that the practice of stopping and frisking people without probable cause is not unconstitutional if an officer has a "reasonable suspicion" that a person has committed or is about to commit a crime, or may be armed. Stop-and-frisk policies have long been controversial from a racial justice perspective; in 2013, a federal district court found that it had become a "policy of indirect racial profiling" in New York City, and in 2014 Mayor Bill de Blasio scaled back its practice in the city. However, stop and frisk remains legal in the U.S. as long as racial or ethnic characteristics do not factor into officers' decision to stop people. Overall, 74% of Americans support the idea of ending stop-and-frisk policing altogether, with 58% saying they strongly support it. Though Black Americans are most likely to strongly or somewhat support ending stop and frisk at 93%, strong majorities of Hispanic (76%) and White Americans (70%) do as well. However, there is a much larger partisan divide; 94% of Democrats versus 44% of Republicans support ending the practice, with independents in between at 76%.
- **Eliminating police unions.** In recent years, some who advocate police reform have accused police unions of blocking efforts to increase officers' accountability for their actions, such as forming independent offices to investigate allegations of misconduct. A majority of Americans, 56%, support eliminating police unions, with results relatively consistent among Black (61%), Hispanic (56%) and White (55%) adults. Despite much higher approval of labor unions in general among Democrats than Republicans, Democrats are significantly more likely than Republicans to favor eliminating police unions (62% vs. 45%, respectively). Political independents fall closer to Democrats, at 57%.
- **Eliminating officer enforcement of nonviolent crimes.** This idea is a response to perceived overreaches of so-called "broken windows" policing, which is based on the premise that addressing low-level violations (such as minor traffic violations, sleeping in public or substance possession) is necessary to prevent more serious crimes. Critics say the idea, like stop and frisk, has resulted in aggressive "overpolicing" of minorities -- and some call for eliminating the enforcement of minor offenses. Half of Americans overall (50%) strongly or somewhat support this idea, including majorities of Black (72%) and Hispanic (55%) Americans, compared with 44% of White Americans. As with ending stop and frisk, there is also a huge partisan divide on this proposal; three-fourths of Democrats (75%) and about half of independents (49%) support the idea, but 16% of Republicans do.

*Most Americans Say, continued on page 12*

- **Reducing police department funding and shifting the money to social programs.** Since George Floyd’s death, “defund the police” has become a common -- and controversial -- refrain among many Americans who are angry about police brutality. The idea could take many forms; some advocates would use defunding to disband the police altogether, while others would divert some portion of funds from police departments to social services like substance abuse and mental health treatment programs. This ambiguity in what defunding the police actually means may be a factor in Americans’ lack of consensus on the idea. Overall, 47% say they support reducing police department budgets and shifting the money to social programs, including 28% who strongly support it. However, 70% of Black Americans strongly or somewhat support reducing police department budgets, versus 49% of Hispanic Americans and 41% of White Americans. Moreover, the partisan divide is wider for this idea than for any other police reform proposal: 5% of Republicans support it, compared with 78% of Democrats and 46% of independents.

**IMPLICATIONS**

George Floyd’s death was a tipping point that elevated the national dialogue about racial injustice in law enforcement and other U.S. institutions. In subsequent weeks, Black Lives Matter protests spread to all 50 states and other countries around the world, books about racism dominated bestseller lists -- and police departments across the U.S. began to reevaluate their own procedures.

But as the ideas discussed above demonstrate, police reform is a complex issue with many possible goals and strategies. Further, like so many issues in American life, those that have to do with law and order have become highly politicized. Local communities may thus face considerable challenges in finding solutions that are both effective and acceptable to their residents.

However, the survey results reported here point to a set of commonly accepted principles -- strengthening positive community relations, establishing greater accountability within police departments, and striking a better balance between the role of police and other community organizations -- that reformers can use as starting points. The Gallup Center on Black Voices will help inform the national conversation on policing by tracking the systemic disparities and various reform proposals shaping the Black experience across the country.

**Americans’ Support for Policing Reform Options, by Race/Ethnicity**

Percentage who “strongly support” or “somewhat support” each reform idea

	All Americans %	Black Americans %	Asian Americans %	Hispanic Americans %	White Americans %
Changing management practices so officers with multiple incidents of abuse of power are not allowed to serve	98	99	98	99	97
Requiring officers to have good relations with the community	97	97	98	96	97
Changing management practices so officer abuses are punished	96	98	99	96	95
Promoting community-based alternatives such as violence intervention	82	94	91	83	80
Ending stop and frisk	74	93	89	76	70
Eliminating police unions	56	61	68	56	55
Eliminating officer enforcement of nonviolent crimes	50	72	72	55	44
Reducing the budgets of police departments and shifting the money to social programs	47	70	80	49	41
Abolishing police departments	15	22	27	20	12

GALLUP PANEL, JUNE 23-JULY 6, 2020

### Americans' Support for Policing Reform Options, by Political Affiliation

Percentage who "strongly support" or "somewhat support" each reform idea

	Republicans %	Democrats %	Independents %
Changing management practices so officers with multiple incidents of abuse of power are not allowed to serve	95	99	98
Requiring officers to have good relations with the community	96	98	98
Changing management practices so officer abuses are punished	91	99	96
Promoting community-based alternatives such as violence intervention	62	97	81
Ending stop and frisk	44	94	76
Eliminating police unions	45	62	57
Eliminating officer enforcement of nonviolent crimes	16	75	49
Reducing the budgets of police departments and shifting the money to social programs	5	78	46
Abolishing police departments	1	27	12

GALLUP PANEL, JUNE 23-JULY 6, 2020

### Americans' Support for Policing Reform Options, by Age Group

Percentage who "strongly support" or "somewhat support" each reform idea

	18-34 %	35-49 %	50-64 %	65+ %
Changing management practices so officers with multiple incidents of abuse of power are not allowed to serve	98	97	97	98
Requiring officers to have good relations with the community	97	97	97	97
Changing management practices so officer abuses are punished	98	95	95	95
Promoting community-based alternatives such as violence intervention	88	83	77	79
Ending stop and frisk	88	78	63	65
Eliminating police unions	65	58	49	49
Eliminating officer enforcement of nonviolent crimes	68	52	37	40
Reducing the budgets of police departments and shifting the money to social programs	70	50	32	32
Abolishing police departments	33	16	4	4

GALLUP PANEL, JUNE 23-JULY 6, 2020



## Law Enforcement Use of Military Equipment

The ability of law enforcement agencies to acquire military surplus equipment continues to be a controversial subject, with many groups calling for the program to end and for existing military equipment that is in the hands of law enforcement agencies to be returned. Even if not sourced from the military surplus

**Police agencies have been tasked with additional responsibilities and they must be prepared to respond to an ever increasing litany of potentially dire situations, including mass shootings, terrorist attacks and extreme weather events.**

program, many people are critical of law enforcement agencies having any equipment that is similar to items used in combat. As American law enforcement agencies have evolved and developed over time they have adapted to a changing landscape of threats and criminal behavior by modifying training, tactics and varying equipment acquisitions. Police agencies have been tasked with additional responsibilities and they must be prepared to respond to an ever increasing litany of potentially dire situations, including mass shootings, terrorist attacks and extreme weather events. In order to adequately prepare to protect their communities from



*Suffolk County PD assisting a stranded motorist during severe weather.*

these types of life or death, high risk situations, law enforcement agencies not only need to develop policies and procedures; and conduct ongoing training, but they may also need to acquire new, often expensive, equipment. As municipal budgets continue to

be stressed adding this type of equipment for less frequent, high risk situations can be difficult to justify or to achieve. The stakes involved in not being properly prepared are quite grave however, with potentially avoidable loss of life of paramount concern. Regardless of the circumstances for law enforcement, failure is simply not an option no matter how novel and substantial the threat that is presented.

Many departments have recently dealt with severe weather events, which have often left flooding, debris and substantial snowfall in their wake. Frequently operating in these affected areas requires specialized vehicles, such as high axle trucks that can traverse flooded roadways or very deep snow. Former military vehicles can often fit the bill for these conditions as they are specifically designed to operate in extreme conditions and they possess very heavy duty components and drivetrains. The approximately 8,200 federal, state and local law enforcement agencies that currently participate in the military surplus 1033 program have access to these types of vehicles, ranging from Humvees, five ton trucks, Unimogs and armored personnel carriers. When these vehicles are acquired by law enforcement they leave military service generally in the same format that they were in when they were used in combat, often including military style paint, weapons mounts and gun turrets.

Law Enforcement agency heads should look to the military surplus program as a way to fill unmet needs in their departments. Several police chiefs have admitted to taking equipment from the program solely because it was available at no cost without a clear plan on how the items would ultimately be placed into service and used. When deciding what vehicles to take consideration should be given to how the vehicles will be perceived in the communities that the department serves. Repurposing these vehicles for their new law enforcement role is essential as well. For some vehicles, such a Mine Resistant Ambush Protected (MRAP) vehicles, substantially altering them to diminish their appearance as former military vehicles will be much more challenging, if not impossible. Repurposing former military vehicles for law enforcement use can involve removing unnecessary brackets and accessory mounts for equipment that will no longer be affixed to these vehicles to streamline their appearance. This process can include the removal of roof mounted gun turrets, if the vehicles will no longer have a tactical role. An added benefit to removing the gun turret is that the vehicles will generally be more weather tight when used during inclement weather conditions.

Former military vehicles can be made to appear much less intimidating when repainted to match other marked units in an agency's fleet. This process will also make it clear that the vehicle

is now a law enforcement unit and no longer from a military unit. If the vehicles will be used solely to respond to severe weather events, reflecting that new purpose in lettering on the vehicle, such as disaster response vehicle, will help to get that message across to the public. For agencies on a tight budget, schools that have automotive training programs may be willing to assist in repainting former military vehicles.

Transparency throughout this process is important to keep the community informed about why the vehicles were acquired and what their intended usage will be for the agency. Clearly delineating when these vehicles can be utilized is critical. Limiting their role can potentially reduce community concerns and opposition. Efforts should be made to highlight the utility and usefulness of the vehicles, for example if they proved valuable during an agency's response to flooding by rescuing stranded residents.

Police departments must also be prepared to address adversaries whose sole objective is to cause mass carnage, often to complete strangers. Active shooters and terrorist present an extreme challenge for local law enforcement agencies. These dangerous malefactors often themselves use military style equipment, including heavy body armor and assault rifles.

Charles Whitman's sniper attack at the University of Texas at Austin in 1966 is often acknowledged as the first active shooter attack in modern U.S. history. That day indoctrinated many Americans to the concept of these senseless mass shootings. Charles Whitman exploited his military training, obtained while he was a sniper in the Marine Corps, by selecting an elevated position to commit his attack from, in the city of Austin, about two hundred miles south of Dallas. Whitman was armed with several long guns, including an M-1 carbine rifle and a 12 gauge shotgun, and he possessed a large amount of ammunition and a commanding view of the campus area. During his attack Whitman would kill Austin Police Officer Billy Speed with a well-aimed shot as the officer sought cover behind a railing. Law enforcement would find itself at a severe disadvantage as Whitman utilized these military style tactics to methodically shoot those in his line of fire. Whitman's attack would last for approximately ninety minutes. Dedicated and brave members of Texas law enforcement would bring Whitman's siege to an end at great peril to their own lives by improvising tactics on the fly; without the aid of modern specialized equipment or even a Special Weapons Team. Authorities did extemporize that day to end the attack and aid the injured; including repurposing equipment outside of its traditional use. Armored cash-in-transit vans were employed, for example, as bullet resistant ambulances to evacuate wounded civilians who were down while still in the line of fire.

Had Charles Whitman been an enemy sniper on a battlefield targeting soldiers and not civilians in an American city, a variety of different tactics that are not available to civilian law enforcement could have been brought to bear, including the use of launched munitions, such as rocket propelled grenades or drone delivered missiles. For law enforcement agencies facing individuals who are using military tactics, training and equipment against them, the question of what equipment and tactics to use as counter measures is daunting and provocative. Clearly many tools available on a battlefield should never be employed by law enforcement in an American city. Unlike in the military, collateral damage needs to be scrupulously avoided by law enforcement. De-escalation tactics are generally applied whenever possible and a progressive force

continuum is utilized, minimizing force applications at all costs to only the minimum necessary.

In July of 2016, an assailant killed five Dallas, Texas police officers while armed with an assault rifle during an extended siege. Just ten days after the Dallas attack, police in Baton Rouge, Louisiana would also be attacked by a suspect armed with a military style assault rifle. Assault rifles first came on the scene during World War II and have now become the weapon of choice for armies all across the globe and lately for mass shooters as well, having been employed in the Sandy Hook school shooting, the Century Movie Theater shooting, the attack on Pulse in Orlando and the unprecedented music festival sniper attack in Las Vegas, to name a few. Assault weapons afford the operator with the capability of accurate distance shooting, rapid fire, quick reloading and in most cases the ability to penetrate standard issue law enforcement body armor. A patrol officer armed with a handgun would be at an untenable disadvantage when encountering a suspect armed with an assault rifle.

Many that subscribe to the view that law enforcement has become overly militarized believe that military style equipment should not be available to civilian police authorities. Law enforcement agencies that possess this type of equipment have likely acquired it to create an organic capability to respond to real world events that have occurred both in America and overseas. Closely monitoring regional, national and world events to discern if your department's training, equipment and procedures need to be updated is a wise practice. When the community that you are sworn to protect is in peril, an inability to effectively respond is not a viable option.

Some departments have been able to acquire purpose built specialized equipment, designed explicitly for use by civilian law enforcement agencies, while others have obtained military surplus equipment; many agencies have a blend of both. For example, Lenco Armored Vehicles makes a variety of armored trucks specifically designed for use by civilian law enforcement special weapons and tactics teams. Those that are unable to afford this type of vehicle may have acquired an armored surplus military vehicle, such as an armored Humvee.

Despite the fact that some have compared these law enforcement vehicles to military tanks, their role is not an offensive one, but rather defensive. They are mainly used to protect officers and civilians from harm and are often critical to allowing law enforcement to safely deescalate situations that otherwise may have resulted in deadly force being used. Officers who are safely sheltered within an armored vehicle often have the ability to respond to deadly force situations with less lethal weapons. Police agencies that have acquired some type of armored vehicle are no doubt concerned about events like the 1997 North Hollywood bank robbery, wherein two suspects armed with assault rifles and wearing heavy body armor held responding officers at bay for an extended period of time. Like their counterparts in Austin, Texas decades earlier, Los Angeles officers also repurposed cash-in-transit vans to rescue the wounded. Many may recall the video broadcast during the Columbine High School attack in 1999, wherein police officers used fire apparatus as shielding to protect students from potential gunfire as they evacuated them from the school building. Agencies that now possess armored vehicles can utilize them to evacuate wounded victims and others who are located in a hazardous area without exposing them to danger. Law enforcement personnel who

***Law Enforcement Use of Military Equipment, continued on Pg. 16***

employ these vehicles can move around a hazard zone without exposing themselves to undue risk.

An increase in the deployment of assault style patrol rifles has also been underway in many police departments in response to the recent increase in mass shooting incidents. While the use of body armor by active/mass shooters has historically been somewhat rare, it has occurred. Open source reporting indicates that the attacker who killed five law enforcement officers in Dallas, Texas was wearing body armor with ballistic plates. Rapid access to a patrol rifle that can defeat body armor can mean the difference between success and failure, life and death, when dealing with an active shooter wearing this protection.

One of the primary responsibilities for a police chief is ensuring that his officers are kept safe. This includes providing proper training and equipment. The threats that law enforcement officers face are dynamic and evolving at an ever increasing pace. Terrorism, active shooters, vehicle ramming attacks and related mass casualty events were not on most departments' radar screens just a few years ago. These extreme events have caused an adaptation within police departments. Much of the specialized equipment that has been obtained is intended to make policing safer. Although it may appear as an escalation, it is often the contrary. Providing enhanced safety for police officers can allow them to employ less lethal options and to take additional time in an effort to de-escalate situations.

Transparency and perception may be at the core of this issue. The image of police officers dressed like soldiers, emerging from the back of a camouflage colored, large armored transport can certainly lead one to draw a parallel between the police and the military. Without the context of why this equipment is being used, it can certainly cause someone to draw that conclusion. Unlike the military, civilian police departments have also added a variety of less-lethal options over the last several years, including conducted



***Before and after - the contrast between the military version of the Humvee and one that was repurposed for civilian law enforcement usage. All the mounting brackets were removed, the turret was removed, and the vehicle was painted to match other vehicles in the department's fleet.***

energy devices, improved impact weapons and upgraded chemical irritants. In most cases law enforcement agencies have further refined and restricted use of force guidelines and incorporated de-escalation training for their officers.

Integrating specialized equipment and tactics while preserving a community policing strategy can be a challenge, but it may well be achievable. Limiting the use of specialized equipment solely to appropriate incidents and educating the public on why it was obtained can help increase transparency. A fair amount of the pushback about over-militarization may be due to a lack of understanding and knowledge about police procedures and current threats. Efforts should be made to display this equipment, when appropriate, explaining when it will be utilized and also when it will not be employed.

Surplus military vehicles can appear less threatening if they are fully repurposed for civilian usage. Departments should also use great discretion and forethought prior to requesting surplus equipment. These deliberations should include discussions regarding how the acquisition of the equipment may be perceived in the communities that they serve. Every community is unique and what is acceptable in one jurisdiction may be frowned upon elsewhere.

As law enforcement agencies are tasked with responding to progressively more challenging incidents of violence, tactics and equipment must adapt in kind. Balancing this evolution with community support and engagement is the key.



***Many of the department's military vehicles were painted by high school students who were learning auto repair and body work. The police department purchased the paint and the students prepared and painted the vehicles over the course of a semester.***



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# Seat Belts Now Required By All Occupants Age 16 and Up

**G**overnor Andrew M. Cuomo signed legislation on August 11, 2020 requiring all passengers in motor vehicles over the age of 16 to wear a seat belt. Previous to this new law which takes effect on November 1, 2020, passengers aged 16 and older were only required to wear a seat belt in the front passenger seat next to the driver.

In 1984, under Governor Mario Cuomo, New York became the first state to pass a mandatory seat belt law and in the same year, according to the New York State Department of Motor Vehicles, approximately 16 percent of individuals wore seat belts. By 2008, 24 years after the law was enacted, the compliance rate was up to 89 percent.

The Governor's Traffic Safety Committee has indicated 30 percent of highway deaths in New York are occupants unrestrained by a seat belt. Safety experts believe that the use of a backseat seat belt could prevent over two thirds of fatalities and serious injuries resulting from crashes. This legislation seeks to reduce automobile accident fatalities and casualties by requiring all occupants of a motor vehicle to buckle up.

*Governor's Office Press Release*

**VTL§1229-c(3).**

**No person shall operate a motor vehicle unless such person is restrained by a safety belt approved by the commissioner. No person sixteen years of age or over shall be a passenger in a motor vehicle unless such person is restrained by a safety belt approved by the commissioner.**

**Effective November 1, 2020**

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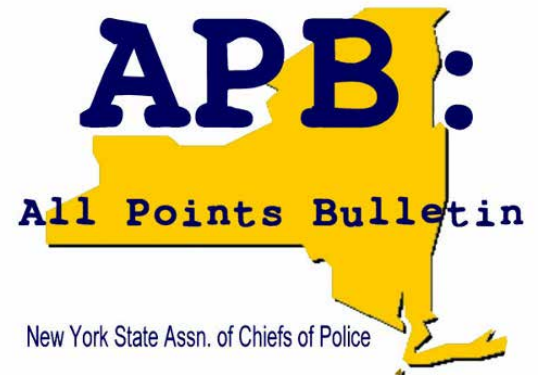


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**New York State Association of Chiefs of Police  
New York State Sheriff's Association**

Our two Associations announce that a special joint leadership training summit will be held on Wednesday, October 28 beginning at noon, and concluding mid-afternoon on Thursday, October 29. A networking event will be hosted on Wednesday evening. Topics to be covered include Police Reform Mandates, Accreditation, Recruitment, Qualified Immunity, and more. Breakout sessions are included which will be tailored to the specific needs of each of the Associations' members.

Location and Presenters: to be announced

# Final Tour

## Chief

### Philip A. Cinquanti

1934-2020

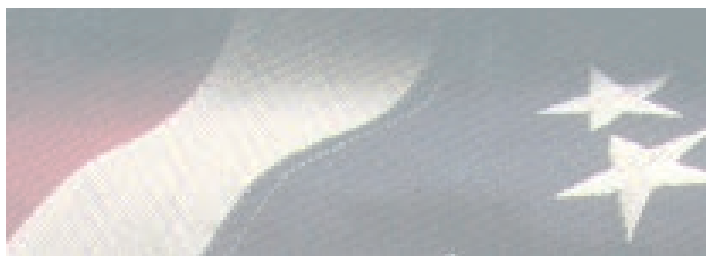


Philip A. Cinquanti, 85, of Cortlandville, passed away Saturday August 8, 2020 at his home. He was born November 23, 1934 in Cortland, the son of Rosini and Olivia (Camillo) Cinquanti. He was a lifelong resident of Cortland.

Philip faithfully served his country during the Korean War in the U.S. Navy. He was honorably discharged in November 1955 with the rank of Petty Officer second class.

Philip was employed as a Journeyman Meat Cutter for Loblaw's and Grand Union grocery stores and as a salesman for Metropolitan Life Insurance until 1966 when he received his appointment as a Trooper in the New York State Police. During one assignment with the state police he served as a counselor and instructor at the State Police Academy training new troopers. He was promoted to Sergeant in 1972 and was the Station Commander of the Cortland station for several years until his appointment to the Bureau of Criminal Investigation. He served in troops K, D, C, F and the academy. In 1978 he was appointed the 17th Chief of Police of the city of Cortland. His career as chief spanned nearly nineteen years, and upon his retirement in 1997 he was the longest serving Chief of Police in the department's 100 year history, a milestone he was very proud of.

Philip was a retired member of the New York State Association of Chiefs of Police, the Central New York Association of Chiefs of Police, the Retired Police Association of NY, the NY state Former Trooper's Association and former member of the International Association of Chiefs of Police. He was a past member of the Cortland Rotary Club and the Salvation Army Board of Directors, a life member of the Cortland Elks Lodge and a life member and past commander of the Cortland VFW.



## Commissioner

### Ernest J. Cipullo

1936-2020

Former Garden City Police Commissioner Ernest J. Cipullo died on July 7, 2020, he was 83 years old.

Cipullo enjoyed a distinguished 51-year career with the Garden City Police Department, retiring in 2012 as the longest serving police commissioner in the department's history with 31 years as "The Commish". Prior to his appointment as Police Commissioner, Cipullo served as a uniformed police officer sworn in on April 20, 1961, promoted to Sergeant on June 17, 1973, Lieutenant on March 20, 1977 and Commissioner and Chairman of the Board of Police Commissioners on July 2, 1981. He was the recipient of 27 citations during his service as a police officer. He earned a Bachelor of Arts degree from Adelphi University and a Master's Degree in Public Administration from Long Island University-C.W. Post.



Cipullo was an Adjunct Professor in Criminal Justice at C.W. Post and Nassau Community College. In addition to giving of himself to this Village in public service, he also served his country in the United States Navy.

Cipullo won numerous awards during his career, including: Garden City Chamber of Commerce's Community Achievement Award; Nassau Police Conference's Man of the Year Award; New York State Fraternal Order of Police's Police Executive of the Year; Detective Association Law Enforcement's Man of the Year; Nassau County Police Reserves' Person of the Year; and Columbia Police Association's Police Officer of the Year. He also served as the past President of the Nassau County Municipal Police Chiefs Association and was a former Garden City Police Benevolent Association President.

He leaves behind a wife, two children and four grandchildren. His daughter is an attorney and his son serves as a detective with the Nassau County Police Department.

Commissioner Jackson said, "Commissioner Cipullo was an innovative leader, often copied by other Police Executives. He was passionate about serving the Village of Garden City and cared for every member of this Department as if they were his own family. The Village of Garden City is a safer place, because of Commissioner Cipullo. He was a personal friend and he will be sorely missed!"

# The Formation of Suspicion

BY SCOTT W. PHILLIPS, PHD,  
CRIMINAL JUSTICE DEPARTMENT, BUFFALO STATE COLLEGE

For nearly fifty years, scholars have examined factors influencing police officer decision making and behavior. The research has examined the arrest decision, the use of force, traffic stops and officer-involved shooting (OIS) incidents. A problem with much

**Suspicion is a defining characteristic of police officers. Being suspicious is part of their training and is emphasized in the police culture. When an officer observes suspicious behavior, they then associate that action with possible criminality.**

of the prior research is that it examined the behavior of officers after the police – citizen interaction has been initiated. What is missing from the research is an understanding of the “formation of suspicion” before an officer interacts with a citizen.

Suspicion is a defining characteristic of police officers. Being suspicious is part of their training and is emphasized in the police culture. When an officer observes suspicious behavior, they then associate that action with possible criminality. Potential criminal behavior is associated a level of risk or danger. Noted policing scholar Jerome Skolnick argued that the potential for danger frames an officer’s thinking when patrolling the streets. The officer’s view of their working world allows them to identify specific kinds of people as symbolic assailants who are potentially criminal and a possible danger to the officer. Subconsciously, the officers, they are using “heuristics,” or assessment tools, to break down a complex task into simple judgment values.

Research examining heuristics is concerned with a person’s decision-making during uncertain events. Beliefs about an uncertain event are expressed as a probability. For example, a person might think “chances are . . .” or “it is likely that . . .” and they improve the likelihood of making a correct decision when they rely on a few heuristics. Thus, heuristics serve as a type of short-cut to simplify a complex task. For example, one heuristic rule is “representativeness.” When someone must make a decision, that person will subconsciously ask, “what is the probability that object A belongs to class B?” The “representativeness” heuristic is based on simple representative probabilities: to what degree does A represent B? The representativeness heuristic relies on stereotyping as a short-cut approach for decision making.

Applying this framework to a police officer’s decision about a person, “object A” is a person who is being observed and the officer will subconsciously ask, “does this person belong to Class B?” Class B is determined by representative heuristics, or the short-cuts the officer learned about through training, personal knowledge, and the experiences of other officers. Unfortunately, the representativeness heuristic leads to errors or biases. For example, “availability error” occurs when a person accesses information that they are aware of and applies it to a current incident. For example, research has found that the “dispatch information” a police officer received impacted their use-of-force decisions. Accurate dispatch

information resulted in improved outcomes, where inaccurate details were likely to result in errors. It is also important to note that a person’s heuristic decision making has a “starting point.” That is, when a person first learns about something, they establish a value or belief about that issue. That belief is then anchored in place and resists adjustment based on new information. It is suggested the police academy war stories ingrain in new officers’ cognitive biases that are nearly impervious to statistical information about the realities of policing.

Past studies of police decision making commonly assume that different components of an incident can influence what an officer does during the police – citizen interaction. For example, a situational factor is an aspect of the incident that is being handled by an officer. Early research reported that the arrest decision was related to the seriousness of the offense as well as the suspect’s demeanor toward the officer. The decision to use force is typically associated with the handling of a violent offense or if the offender possesses a weapon. Recent examinations of the use of lethal force indicated that the best predictors of the decision to use deadly force is an armed suspect, or if an officer was injured during an event. The neighborhood of an event can also influence an officer’s decisions. For example, some research found no relationship between an area’s racial composition and police traffic stops. Others reported that a neighborhood’s Part-I crime rate was unrelated decision to stop a vehicle, while still other research found that police tended to make more stops in neighborhoods with higher crime rates.

These studies of police decision making explored the features related to a traffic stop or the behavior of officers after the police – citizen interaction has begun. A recent study of police officers in New York State and Texas examined the factors that might contribute to an officer’s formation of suspicion. That is, before an officer takes any action at all, what makes someone suspicious? This question reaches back to Skolnick’s discussion of the symbolic assailant. Police officers form suspicion based on their knowledge and understanding of what is “normal” in their patrol area. Officers are trained to observe common or expected aspects of their beat; the people, vehicles, and the businesses. Officers learn the patterns and routines of their patrol area, and with that knowledge they can then identify when something breaks the pattern. Suspicion is then formed, and an officer might take some action to investigate the abnormal condition.

The research in New York State and Texas integrated different “representative” heuristics to explore an officer’s subconscious thinking: “does the person I’m reading about ‘belong to’ or fit with my expectations related to suspiciousness?” The heuristics were identified from prior suspicion studies. Specifically, research shows that “darkness” increases suspicion, so an aspect of time was included in the study. Second, officers are commonly more suspicious of people in high-crime areas. Third, suspicion is often concerned with a subject’s age. Fourth, because a person’s race is of particular interest in understanding an officer’s decision-making, this was included in the study. Finally, a person’s manner of dress or cleanliness can affect how an officer views a person.

*The Formation of Suspicion, continued on Pg. 22*

## The Formation of Suspicion, continued from Pg. 21

These aspects of suspicion were combined in a short descriptive story, which was read by police officers of different ranks from agencies across New York State and Texas.

The study found that three variables were strongly related to a police officer viewing the person as suspicious. First, if the person is described as out at 1 am, the officers consider this suspicious.

**...officers who had fewer years of experience were likely to use force or conduct a discretionary search. It seems that police officers with more years of experience “relax” and are less concerned about their ability to do the job.**

Second, if the person is Black, they are considered suspicious. Finally, if the person is described as dressed in a “clean and casual” manner, they are less likely to be considered suspicious. Regarding an officer’s characteristics, those officers with less than two years of work experience were more likely to view the incident described in the vignette as being suspicious. Finally, there was no difference in the views of officers from New York and Texas.

The fact that late-night encounters, a person’s race, and manner of dress were important in the formation of suspicion indicates that police officers might stereotype those they come across on the street. It is difficult, however, to determine “Black” subjects being suspicious confirms that officers are “profiling” or if the officers

are experiencing implicit bias. Still, these findings indicate that heuristic short-cuts can lead to bias thinking. Also, other research has reported that officers who had fewer years of experience were likely to use force or conduct a discretionary search. It seems that police officers with more years of experience “relax” and are less concerned about their ability to do the job. It should be noted that only a handful of officers in the study had less than two years of experience, but their thinking still resulted in a significant relationship with being suspicious. This hints at a strong level of suspicion for these least experienced officers.

Overall, the heuristic tools used in the study of officers in New York and Texas indicated that three dimensions (i.e., time of incident, suspect race, and suspect’s manner of dress) contribute to the formation of suspicion. It is possible that these aspects of suspicion are anchored in police thinking because of academy training and with street experience. The results suggest that these short-cuts may lead to police stereotyping the people they encounter on the street. This could then lead to officers seeing these suspicious characteristics as potentially dangerous and increasing the combative character of the police – citizen interaction. Even if officers are using heuristics in good faith in a street situation, the result can be accusations of profiling and threats to procedural justice. In light of the current situation in our society, police executives should explore this issue further to better understand the unconscious thinking process of officers and develop training policies to provide their officers with the mental tools necessary to recognize and address the concerns raised by this research.

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## Patch History

The Lake Placid Police Department patch is one of the only, if not the only full time Police Department patch with the Olympic rings on it. Lake Placid hosted the Winter Olympics in both 1932 and 1980. The patch is similar to the Village Seal, which depicts Whiteface Mountain and a snowflake, the Olympic Mountain which ironically is not in Lake Placid but connected in spirit.



@nysacop

# The Evolution of the New York State Association of Chiefs of Police

**DRAWN FROM THE OFFICIAL RECORDS OF THE NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE  
WITH ADDITIONAL RESEARCH AND COMMENTARY BY CHIEF/RET. MARK A. SPAWN**

**W**hat do the following backgrounds have in common? War hero, career police officer, railroad detective, along with a grocer, a dropout-turned-military leader, and a police captain who would control an angry mob seeking vengeance against the assassin of a President of the United States...; these represent the diverse backgrounds of the future police executives who would become the organizers of the New York State Association of Chiefs of Police.

The founding of our proud organization is just as intriguing as the members who led us at the turn of the previous century. In this brief retrospective, you will find Police Chiefs who came from all

**Although more than one century has spanned this chronicle of our rich history, the early days included driven and dedicated professionals, just as today, advancing progressive issues in modern policing.**

parts of the Empire State, and likely from a community to which many of our readers will have a personal connection: Cohoes, Binghamton, Troy, Albany, Buffalo, Elmira, Lockport, Troy, Rome, Utica, Gloversville, Corning, Geneva, Canandaigua, Schenectady, Little Falls, Rochester, Hudson, Auburn, and more. Although more than one century has spanned this chronicle of our rich history, the early days included driven and dedicated professionals, just as today, advancing progressive issues in modern policing. This was a time before the pension and retirement programs that we know today. You will see this particularly in the account from 1908 when the annual meeting began with a notation that both the NYSACOP President and Vice President had passed away, leaving the organization with a temporary chairperson at the time. The virtues of our founders and the traditions of our Association continue today as they did one hundred twenty years ago. Some things have changed over time, but other things have remained the same. We salute those who came before us; we embrace the basic tenets of public service; and we continue to explore new ways to protect the communities we serve.

## **THE BIRTH OF THE NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE IN ROCHESTER, NY**

As reported in the Official Manual and Convention Report of the New York State Association of Chiefs of Police in 1914: The New York State Association of Chiefs of Police was founded in 1901. The idea of such an Organization finding its inception in the mind of Joseph P. Cleary (pictured right), Chief of Police, Rochester, who, discovering that the sentiment he versed was felt by many others, succeeded in gathering together the Chiefs of the Police Departments of several cities and villages of this State, to

warrant the calling of a meeting to formulate plans to place the Organization on a definite footing and this meeting, the first one in the History of the Association, was held in that city on Saturday, November 30, 1901.



**Portrait of Major Joseph P. Cleary during military service. He served as Chief of Police in Rochester, NY (1885-1905)<sup>2</sup> and conceived the organization of the New York State Association of Chiefs of Police**

*Photo: Directory: Grand Army of the Republic<sup>1</sup>*

In acceptance of an invitation extended by Chief of Police Joseph P. Cleary of Rochester, there assembled in that city, chiefs of the police departments of the several cities and villages of this State.

Present at the inaugural meeting on November 30, 1901 were these chiefs: William Dinan, Niagara Falls; John F. Ryan, North Tonawanda; George H. McGlynn, Ogdensburg; Joseph P. Cleary, Rochester; Charles F. Cleveland, Utica; William Coughlin, Troy; Henry G. Beeman, Canandaigua; James Ryan, Corning; J. F. Sherber, Gloversville; Frank J. Cassada, Elmira; Charles E. McMaster, Auburn; Daniel Kane, Geneva; Charles A. Barry, Rome; Ewing E. Barnes, Cortland; John O'Day, Tonawanda; William S. Bull, superintendent of police, Buffalo; James A. Taggart, secretary police department, Buffalo; Charles Molyneux, Lockport.

The meeting was called to order in the common council chamber by Chief Cleary who introduced Mayor Carnahan. The mayor graciously welcomed the visitors to his city and warmly commended the purpose animating the gathering. Chief Cleary was unanimously chosen as the temporary presiding officer, and Chief Cleveland was in the same manner selected as temporary secretary.

*The Evolution of the NYSACOP, continued on Pg. 24*

## *The Evolution of the NYSACOP, continued from Pg. 23*

On motion of Chief Cleveland, the chair was authorized to name a committee of five to perfect a permanent organization. The chair designated as such committee: Chief Cleveland of Utica; Superintendent Bull, of Buffalo; Chief Cassada, of Elmira; Chief McMaster<sup>3</sup>, of Auburn; Chief Dinan, of Niagara Falls.

The committee on permanent organization, after due deliberation, reported in favor of a permanent organization; that officers of such organization be a president, vice-president, and secretary-treasurer; that stated meetings be held four times each year; that the dues of members of the association be fixed at the sum of \$2.50 per year; that the next meeting of the association be held in the city of Utica; that the officers of the association for the first year be:

President: Joseph P. Cleary, Rochester;  
Vice-President, William S. Bull, Buffalo;  
Secretary-Treasurer William Coughlin, Troy.

The foregoing report was, after discussion, adopted in its entirety and without amendment.

On motion of Chief Cassada, the chair was empowered to name a committee to act as a board of governors and auditing committee. Pursuant to authorization the chair named Superintendent Bull of Buffalo, and Chiefs Cassada of Elmira, and McMasters<sup>3</sup> of Auburn, to serve respectively, three, two, and one years, each.

On motion of Superintendent Bull of Buffalo, the chair was authorized to appoint a committee of five to prepare a constitution and by-laws. In pursuance of such authority the chair designated as such committee: Superintendent Bull of Buffalo; Chiefs Cassada, of Elmira; Coughlin of Troy; Ryan, of Tonawanda; Molyneux, of Lockport.

On Motion of Chief Barry, of Rome, it was resolved that all chiefs who may attend the next meeting be considered charter members.

Superintendent Bull suggested that the scope of the association be fixed in a definite manner. A rule on this subject would be a great aid to the committee on constitution in its labors.

On motion of Chief Molyneux, of Lockport, it was decided that the membership of the organization consist of the salaried superintendents and chiefs of police of the several incorporated cities and villages in the state.

After the close of the business meeting the members witnessed an exhibition of a new burglar alarm invented by S. Schwartzchild of Rochester. Subsequently, the members were the guests of Chief Cleary and visited many places of interest in that beautiful city.


### **CHARTER MEMBERS ATTEND SECOND MEETING IN UTICA, NY - 1902**

The next regular meeting was held at Utica, New York, April 8, 1902.

There were present at this meeting the following Chiefs of Police: William S. Bull, Buffalo; William Coughlin, Troy; Thomas Barry, Rome; J. F. Ryan, North Tonawanda; Frank J. Cassada, Elmira; Charles Molyneux, Lockport; E. Barnes, Cortland; M. J. Hickey, Hornellsville; Charles E. McMaster, Auburn; Fred C. Treat, Johnstown; August Halling, Little Falls; J. Fred Sperber, Gloversville; James L. Hyatt, Albany; Charles J. McCabe, Poughkeepsie; William Moore, Binghamton; James Ryan, Corning; Daniel Kane, Geneva; Henry G. Beeman, Canandaigua.

These together with those present at the first meeting constitute the Charter Members of the Association in accordance with the resolution passed at the First meeting of the association. At this

meeting it was decided to hold meetings of the association annually instead of quarterly as proposed at the first meeting, this rule is still in effect and meetings are now held annually.



**More about Chief McCabe:**  
Chief Charles J. McCabe was born on December 28, 1858. His parents immigrated to the United States from Ireland. McCabe joined Poughkeepsie Police Department on August 6, 1883, becoming a roundsman in 1892, sergeant in 1897, and Chief of Police in 1899. Records from 1914 state that, "He is a firm believer in common sense methods in police work. In every case possible he obtains a statement from persons accused of crime, which statement is placed in writing and he has the accused person or persons sign their names to the written document. This method of obtaining confessions has resulted in the conviction of clever crooks who otherwise might have escaped. It is said that the chief's third degree methods are humane and of the utmost simplicity, but rarely fail."<sup>4</sup> McCabe was obviously well-liked by his city administration. The records show, "In 1907, former Mayor Hull of Poughkeepsie, collected a purse of \$1292 which was presented to the chief as a token of esteem, and as a partial recompense to him for his refusal to accept positions elsewhere at an increase in salary."<sup>5</sup>

### **MEETING IN ELMIRA, NY - 1902**

The next meeting was held at Elmira, New York, November 20, 1902 (*Ed.: The record shows a second meeting in 1902, and no meeting in 1903; unknown if this is a typographical error or if there were circumstances calling for the 1903 meeting to be moved up to later in 1902*). At this meeting the following officers were re-elected to serve for the ensuing year: Joseph P. Cleary, President; Charles Molyneux of Lockport, Vice President; William Coughlin of Troy, Secretary-Treasurer.

### **MEETING IN BINGHAMTON, NY - 1904**

The next meeting was held at Binghamton, New York, October 27, 1904. At this meeting the following officers were elected to serve for the ensuing year: President, Frank J. Cassada of Elmira; Vice President, William Moore, Binghamton; Secretary-Treasurer, William Coughlin of Troy.

### **MEETING IN ALBANY, NY - 1905**

The next meeting was held at Albany, New York, September 12, 1905. At this meeting the following officers were elected to serve for the ensuing year: President, Frank J. Cassada of Elmira; Vice President, William Moore, Binghamton; Secretary-Treasurer, James L. Hyatt of Albany. Secretary-Treasurer William Coughlin declined the election.

### **MEETING IN NIAGARA FALLS, NY - 1906**

The next meeting was held at Niagara Falls, New York, July 25,

1906. At this meeting the following officers were elected to serve for the ensuing year: President, William Moore of Binghamton; Vice-President, Charles F. Cleveland of Utica; Secretary-Treasurer, James L. Hyatt of Albany.

### MEETING IN ROME, NY - 1907

The next meeting was held at Rome, New York, August 7, 1907. The meeting was called to order by Secretary James L. Hyatt, who announced that since the last meeting, President William Moore of Binghamton had died and also that Vice President Charles Cleveland of Utica, NY was confined to his home by illness and therefore it would be necessary to select a temporary Chairman. Chief Charles Molyneux of Lockport, was chosen as temporary Chairman of the meeting. The following officers were elected to serve for the ensuing year: President Charles Molyneux of Lockport; Vice-President, Charles F. Cleveland of Utica; Secretary-Treasurer, James L. Hyatt of Albany.

### MEETING IN AUBURN, NY - 1908

The next meeting was held at Auburn, New York, August 4, 1908. This meeting was called to order by Secretary James L. Hyatt, who announced that since the last meeting, President Charles Molyneux had died, also, Vice President Charles Cleveland, had died, leaving the association without either president or vice president and that it would be necessary to select a temporary chairman. On motion, Frank J. Cassada of Elmira, was selected to serve as temporary chairman of the meeting. The following officers were elected to serve for the ensuing year: President Thomas Barry of Rome; Vice-President, William C. Bell of Auburn; Secretary-Treasurer James L. Hyatt of Albany.

### MEETING IN NEW YORK CITY - 1909

The next meeting was held at New York City, September 1, 1909. Owing to illness of President Barry, Vice President Bell called the meeting to order. The following officers were elected to serve for the ensuing year: President, William C. Bell of Auburn; Vice President, John Jamison of Cohoes; Secretary-Treasurer James L. Hyatt of Albany.



### MEETING IN SCHENECTADY, NY - 1910

The next meeting was held at Schenectady, New York, August 30, 31, 1910. The following officers were elected to serve for the ensuing year: President, James Rynex of Schenectady; Vice President Joseph M. Quigley (pictured, left) of Rochester; Secretary-Treasurer, James L. Hyatt of Albany.

### MEETING IN ROCHESTER, NY - 1911

The next meeting was held at Rochester, New York, June 13, 1911. On account of the meeting of the International Associate

(sic) of Chiefs of Police, being held at the same time at Rochester, it was resolved unanimously to suspend the collection of dues for the year 1911. The following officers were elected to serve for the ensuing year: President Charles H. Goodrich of Binghamton; Vice President, James J. Long of Little Falls; Secretary-Treasurer, James L. Hyatt of Albany.



**More about Chief Goodrich:** Chief Charles H. Goodrich (Binghamton Police Department) was born in Worcester, New York on June 23, 1868. He attended some school in Albany, and then drove cattle in Connecticut for three years before returning to Binghamton in 1890. His career was described as "meteoric" – employed as Chief of Detectives for the Delaware and Hudson River Railroad Company before

being selected by Mayor Hiram Woodburn on March 1, 1907 as Chief of Police for the City of Binghamton, who sought "...a man who was fearless, a man whose record was clean, a man who could uphold the dignity of the office, a man who could execute orders."<sup>6</sup>

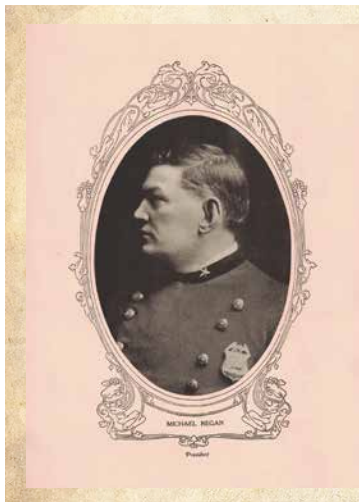
It was resolved to meet in 1912 at Binghamton, NY, the date to be fixed by the President.

### TWO MEETINGS IN BINGHAMTON, NY - 1912

The next meetings were held at Binghamton, NY, September 30 and October 21, 1912. The following officers were elected to serve for the ensuing year: President, Charles H. Goodrich of Binghamton; Vice President James J. Long of Little Falls; Secretary-Treasurer, James L. Hyatt, Albany, NY. It was resolved to meet at Rochester, NY, in 1913, date to be fixed by the President.

### MEETING IN ROCHESTER, NY - 1913

The next meeting was held at Rochester, NY, October 6 and 7, 1913. The following officers were elected to serve for the ensuing year: President Michael Regan, Buffalo, NY; Vice President, James J. Lane, Hudson, NY; Secretary-Treasurer, James L. Hyatt, Albany, NY.



**More about Chief Regan:** President Regan (pictured, left) came from County Cork in Ireland where the Regan family immigrated to this country. He is the youngest of eight children of a prosperous shoe merchant. He attended public schools and St. Joseph's College. He became a policeman in 1880, and in three years became sergeant, and in three more years was promoted to Lieutenant in charge of the 7th Police Precinct, which at the time, was the toughest in the

*The Evolution of the NYSACOP, continued on Pg. 26*

city. In those days, the police were not protected by Civil Service and when the storm broke (apparent reference to a new mayoral administration which installed or promoted others to command ranks) Regan “had to go down a few pegs in rank.” But in three more years, he was back as Captain. “With the year 1906 came a reform administration. At this time Regan was a Captain in the busy Eighth Precinct. The whole city and surrounding towns were wondering who would be the new Superintendent and none of them thought of Regan but Hon. J. N. Adam who was the reform Mayor, and he called Regan and made him Superintendent of the Police Department, where he has held fort ever since...”<sup>7</sup>

**Future NYSACOP President Regan and Squad Suppress Mob Seeking Vengeance on Assassin of President McKinley:**

President McKinley was attending the Pan-American Exhibition on September 6, 1901 in Buffalo when he was approached by Leon Czolgosz, a self-described anarchist who was armed with a pistol.



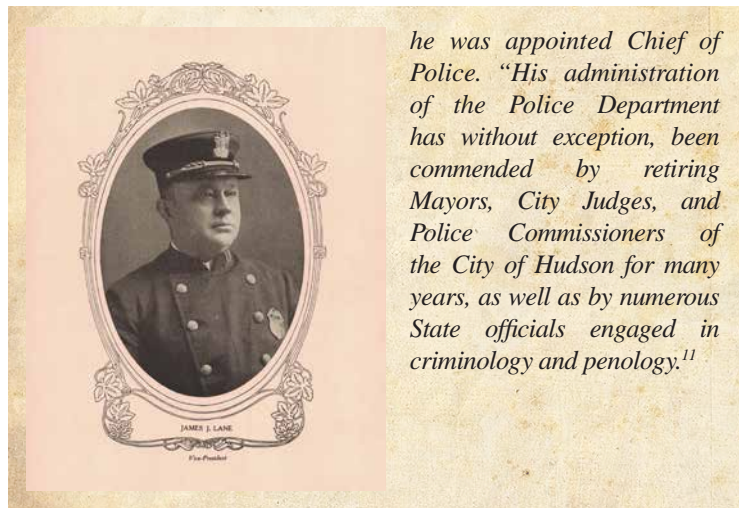
Czolgosz fired twice into the President’s mid-section. He was rushed to surgery and, although it was believed he was healing, his condition worsened from gangrene, and he died on September 14.<sup>8</sup>

When Czolgosz was arrested, the public threatened to storm the police station where he was confined, and to keep the crowd in check Regan was transferred that night to the First Police Precinct where Czolgosz was being held, and he held the fort all night against all who wanted to break in there. Of course, he did not do all this single handed, he had the help of a number of patrolmen.

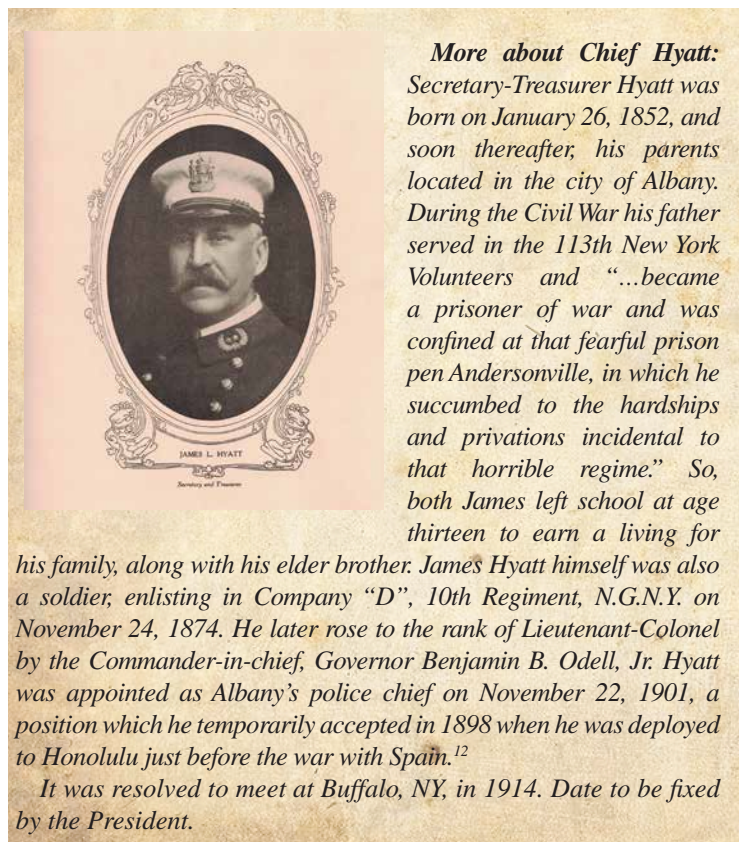
“At the time of President McKinley’s assassination he was complimented by all the papers in the country on the very efficient manner in which he handled the large turbulent crowds that were very liable to bring disgrace on the city if they got beyond control.”<sup>9</sup>

Less than two months later, the assassin was executed in the electric chair at Auburn, New York State Prison.<sup>10</sup>

**More about Chief Lane:** Vice President Lane started working in the grocery business, but soon after developed a liking for the study of crime. He joined the Hudson police force in the community where he grew up. In 1892 he became Sergeant, and on April 23, 1893



he was appointed Chief of Police. “His administration of the Police Department has without exception, been commended by retiring Mayors, City Judges, and Police Commissioners of the City of Hudson for many years, as well as by numerous State officials engaged in criminology and penology.”<sup>11</sup>



**More about Chief Hyatt:**

Secretary-Treasurer Hyatt was born on January 26, 1852, and soon thereafter, his parents located in the city of Albany. During the Civil War his father served in the 113th New York Volunteers and “...became a prisoner of war and was confined at that fearful prison pen Andersonville, in which he succumbed to the hardships and privations incidental to that horrible regime.” So, both James left school at age thirteen to earn a living for

his family, along with his elder brother. James Hyatt himself was also a soldier, enlisting in Company “D”, 10th Regiment, N.G.N.Y. on November 24, 1874. He later rose to the rank of Lieutenant-Colonel by the Commander-in-chief, Governor Benjamin B. Odell, Jr. Hyatt was appointed as Albany’s police chief on November 22, 1901, a position which he temporarily accepted in 1898 when he was deployed to Honolulu just before the war with Spain.<sup>12</sup>

It was resolved to meet at Buffalo, NY, in 1914. Date to be fixed by the President.

**MEETING IN BUFFALO, NY - 1914**

The next meeting was held at Buffalo, NY, June 11, 12 and 13, 1914. The following officers were elected to serve for the ensuing year: President, Michael Ryan (sic)<sup>13</sup>, Buffalo, NY; Vice President James J. Lane, Hudson, NY; Secretary-Treasurer, James L. Hyatt, Albany, NY. President Regan welcomed members of the 1914 conference by saying, “In all lines of business, cooperation insures success, and the same applies to police business; the bringing together of the several departments is an incentive to assist each other and consolidate into a state wide organization that will work ‘one for all and all for one’, and thereby increase the efficiency of all departments.” Regan went on to say, “Our Annual Conventions are a success, the attendance increasing in number each year; bringing the members together and giving them an opportunity of

*The Evolution of the NYSACOP, continued from Pg. 26*

forming personal acquaintances, discuss views on police problems and establish a brotherhood that will last long after we are out of the uniform, retired from the strenuous life of a police officers, and enjoying the quiet of private life.”

It was resolved to meet at Watertown, in 1915, date to be fixed by the President.

Recorded in New York State Association of Chiefs of Police Official Manual and Convention Report, 1914

<sup>1</sup>Directory: Grand Army of the Republic; Monroe County Patriots; photograph of Major Joseph P. Cleary; Compiled by Major Thos. H. Lake; undated

<sup>2</sup>History of the Rochester Police Department; City of Rochester website; <https://www.cityofrochester.gov/article.aspx?id=8589935691>; Accessed August 11, 2020

<sup>3</sup>Name is reported as both *McMaster* and *McMasters*, herein

<sup>4</sup>Official Manual and Convention Report, New York State Assn. of Chiefs of Police; 1914; p.

<sup>5</sup>Ibid

<sup>6</sup>Ibid, p. 45

<sup>7</sup>Ibid

<sup>8</sup>McKinley Assassin is Executed; History.com; <https://www.history.com/this-day-in-history/mckinley-assassin-is-executed>; Accessed 5/8/2020

<sup>9</sup>Official Manual and Convention Report, New York State Assn. of Chiefs of Police; 1914; pp. 17, 19

<sup>10</sup>McKinley Assassin is Executed; History.com; <https://www.history.com/this-day-in-history/mckinley-assassin-is-executed>; Accessed 5/8/2020

<sup>11</sup>Official Manual and Convention Report, New York State Assn. of Chiefs of Police; 1914; p. 23

<sup>12</sup>Ibid, p. 27

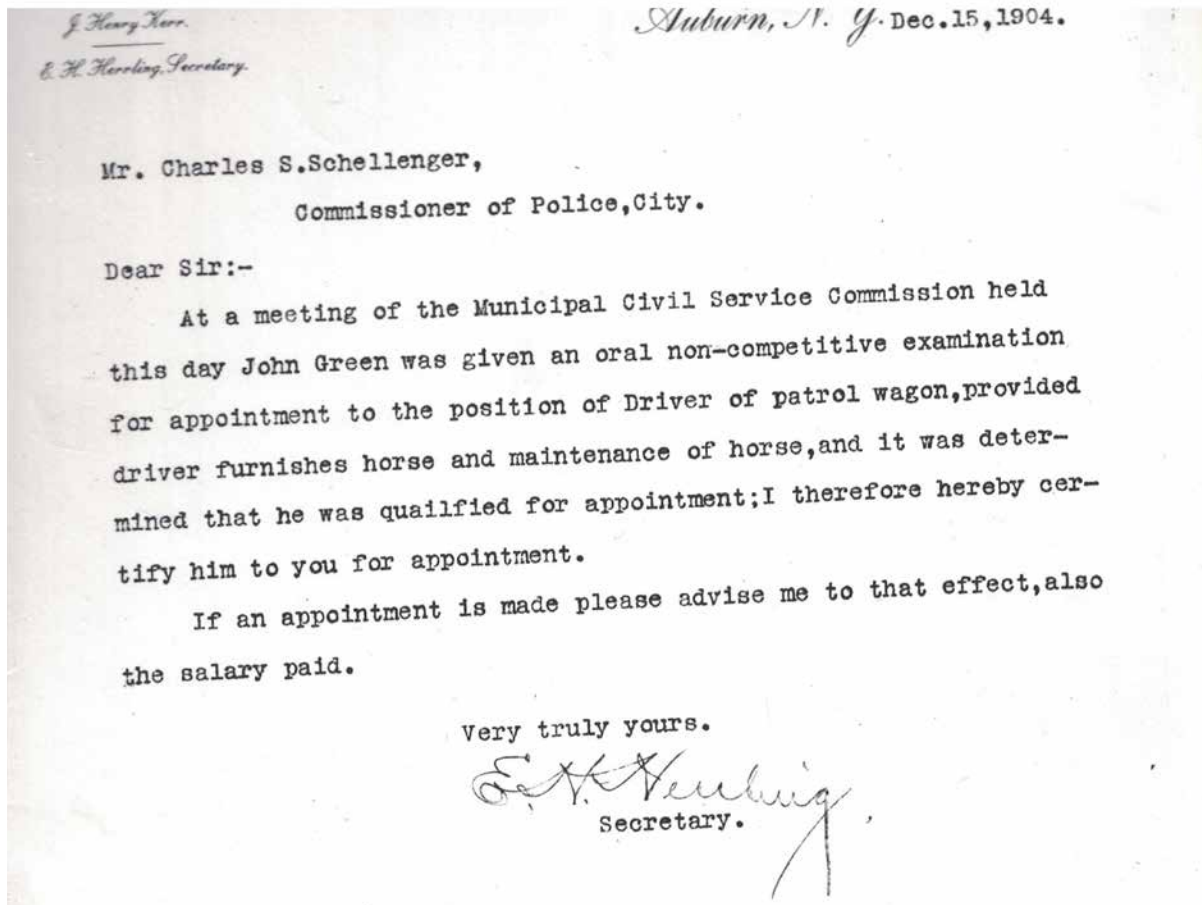
<sup>13</sup>So in original; should be *Michael Regan*

Photograph credit: Walker, T. D. (ca. 1905) Assassination of President McKinley. Buffalo New York, ca. 1905. Retrieved from the Library of Congress, <https://www.loc.gov/item/96521677/>.

## From the Archives: Horse Patrol Driver

**O**n December 15, 1904, John Green was given an oral, non-competitive examination for the position of Driver of Patrol Wagon for the Auburn Police Department. The certification was delivered to Police Commissioner Charles S. Schellenger

who directed a \$65 monthly salary “provided that he (John Green) furnishes horse and maintenance of horse.” The records also show that Green was advanced \$175, “an accommodation on account of Christmas time...”



A dramatic sunset over a road with a large cloud on the horizon. The sun is low on the horizon, creating a bright orange and yellow glow that illuminates the clouds. The sky transitions from a deep blue at the top to a lighter blue near the horizon. The road in the foreground is dark and stretches into the distance, with a few vehicles visible in the distance. The overall mood is one of anticipation and readiness.

There's a cloud on the horizon

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