



Law Enforcement Agency Accreditation Council

Minutes of the 114th Meeting held on April 2, 2018
Alfred E. Smith Office Building, Room 118
80 South Swan Street, Albany, NY 12210

1. Call to Order, Pledge of Allegiance

Chief Marvin Fischer called the 114th meeting of the council to order at 1:03 p.m. on April 2, 2018. After the Pledge of Allegiance, Chief Fischer asked for a moment of silence to honor the members of law enforcement and the armed services who have died since the December meeting.

2. Roll Call

COUNCIL MEMBERS PRESENT:

Chief Marvin Fischer – SUNY Police Farmingdale
Chief Gregory Austin - Rye Brook Village Police Department
Sergeant Louis Dini – Suffolk County Police Department, PCNY
Chief Mark Henderson – Brighton Town Police Department
Chief (Retired) Charles Koenig – Retired, Ballston Spa Village Police Department
Supervisor Edmond Theobald – Town of Manlius
Mr. Richard Wells – Police Conference New York
Robert E. Worden, Ph.D. – University at Albany

COUNCIL MEMBERS ABSENT:

Superintendent George P. Beach, II – New York State Police
Commissioner James O'Neill - New York City Police Department
Deputy Thomas Marano – Orleans County Sheriff's Office
Sheriff Philip Povero - Ontario County Sheriff's Office
Sheriff Robert Maciol – Oneida County Sheriff's Office
Mayor Robert Palmieri - City of Utica

OTHER MEETING PARTICIPANTS:

Colonel Keith Corlett– New York State Police (*Representing and voting for Superintendent Beach*)

3. Introductions

DIVISION OF CRIMINAL JUSTICE SERVICES STAFF

Michael C. Green, Executive Deputy Commissioner – DCJS (via video conference)
Michael Wood, Deputy Commissioner - Office of Public Safety (OPS) (via video conference)
Johanna Sullivan, Director - OPS

Natasha Harvin, Esq., Counsel - Office of Legal Services
Todd Murray - Supervisor of Public Safety Programs – OPS
Hilary McGrath, Program Manager - OPS Accreditation Unit
Joyce Corsi – OPS Accreditation Unit
Michael McDonough - OPS Accreditation Unit
Ashley Onorati - OPS Accreditation Unit
Ogden Schultz – Audio/Visual, ITS

OTHER GUESTS

Sergeant Gary Lee, Guilderland Town Police Department
Officer Michael Dilbone, Waterford Police Department

REPRESENTATIVES FROM APPLICANT AGENCIES

Albany County Sheriff’s Office

Sheriff Craig Apple
Inspector Brad Roy*

Camillus Town and Village Police Department

Chief Thomas M. Winn
Detective James T. Pollard
Lieutenant Daniel J. Burlingame*

Greenburgh Town Police Department

Chief Chris McNerney
Sergeant Timothy Carroll*
Detective Michael Marino
Police Officer Kristen Gardner

New Paltz Town Police Department

Chief Joseph Snyder
Town Supervisor Neil Bettez
Lieutenant Robert Lucchesi*

Rockland County Sheriff’s Office

Sheriff Louis Falco III
Chief William Barbera
Captain Antoine DeColyse
Detective Mark Swammy*

Rockville Centre Village Police Department

Lieutenant Kenneth Schaefer*

Solvay Village Police Department

Chief Allen Wood
Lieutenant Derek Osbeck
Sergeant Robert Cross*

SUNY Police New Paltz

University Police Commissioner Paul Berger
Chief David Dugatkin
Shelly Wright, Chief of Staff
Vice-President for Student Affairs Stephanie Blaisdell
Deputy Chief Mary Ritayik
Investigator Juanta Carson*

*Denotes Agency Program Manager in Attendance

ACTION ITEMS

4. Approval of the December 2017 Meeting Minutes

Chief Henderson made a motion to adopt the minutes of the December 7th, 2017 council meeting. Supervisor Theobald seconded the motion. *Motion carried – 9 ayes, 0 nay*

5. Presentation of Certificates of Accreditation

New Paltz Town Police Department – Sergeant Dini made a motion to accredit the agency and Dr. Worden seconded the motion. Chief Joseph Snyder accepted the Certificate of Accreditation for the agency and Lieutenant Robert Lucchesi accepted the John Kimball O’Neil Certificate of Achievement as program manager. *Motion carried – 9 ayes, 0 nay*

SUNY Police New Paltz – Chief (Ret.) Koenig made a motion to accredit the agency and Mr. Wells seconded the motion. Chief David Dugatkin accepted the Certificate of Accreditation for the agency and Investigator Juanta Carson accepted the John Kimball O’Neil Certificate of Achievement as program manager. *Motion carried – 9 ayes, 0 nay*

6. Presentation of Certificates of Reaccreditation

Albany County Sheriff’s Office – Chief (Ret.) Koenig made a motion to reaccredit the agency and Sergeant Dini seconded the motion. Sheriff Craig Apple accepted the Certificate of Accreditation for the agency and Inspector Brad Roy accepted the John Kimball O’Neil Certificate of Achievement as the program manager. *Motion carried – 9 ayes, 0 nay*

Camillus Town and Village Police Department – Supervisor Theobald made a motion to reaccredit the agency and Chief Henderson seconded the motion. Chief Thomas Winn accepted the Certificate of Accreditation for the agency and Lieutenant Dan Burlingame accepted the John Kimball O’Neil Certificate of Achievement as the program manager. *Motion carried – 9 ayes, 0 nay*

Greenburgh Town Police Department – Chief Austin made a motion to reaccredit the agency and Mr. Wells seconded the motion. Chief Chris McNerney accepted the Certificate of Accreditation for the agency and Sergeant Tim Carroll accepted the John Kimball O’Neil Certificate of Achievement as the program manager. *Motion carried – 9 ayes, 0 nay*

Rockland County Sheriff’s Office – Mr. Wells made a motion to reaccredit the agency and Sergeant Dini seconded the motion. Sheriff Louis Falco accepted the Certificate of Accreditation for the agency and Detective Mark Swamy was awarded the John Kimball O’Neil Certificate of Achievement as the program manager. *Motion carried – 9 ayes, 0 nay*

Rockville Centre Village Police Department – Mr. Wells made a motion to reaccredit the agency and Chief Henderson seconded the motion. Lieutenant Kenneth Schaefer accepted the Certificate of Accreditation for the

agency on behalf of Commissioner James VaFaedes and received the John Kimball O'Neil Certificate of Achievement as the program manager. *Motion carried – 9 ayes, 0 nay*

At 1:30 pm, Chief Fischer announced that there would be a break in the meeting so visitors would have an opportunity to excuse themselves if necessary.

The meeting reconvened at 1:45 pm.

7. Approval of Annual Compliance Surveys

The following reports were submitted for approval for the first quarter of 2018:

Canandaigua City Police Department; Catskill Village Police Department; Chemung County Sheriff's Office; Delaware County Sheriff's Office; Dobbs Ferry Village Police Department; East Fishkill Town Police Department; East Hampton Village Police Department; Gates Town Police Department; Geneva City Police Department; Glens Falls City Police Department; Greece Town Police Department; Hudson Falls Village Police Department; Monroe County Sheriff's Office; Mount Vernon City Police Department; MTA Police Department; New Castle Town Police Department; New York State Police; Niagara County Sheriff's Office; Orangetown Town Police Department; Poughkeepsie Town Police Department; Rochester City Police Department; Seneca County Sheriff's Office; SUNY Police Cortland; SUNY Police Fredonia; SUNY Police Geneseo; SUNY Police Oswego; Washington County Sheriff's Office; Webster Town Police Department; White Plains Dept. of Public Safety

Chief Austin made a motion to accept the Annual Compliance Surveys received, and Chief (Ret) Koenig seconded the motion. *Motion carried – 9 ayes, 0 nay*

8. Approval of New Assessors

Applications were received from seven individuals applying to be program assessors for the first time:

Chief Manual Guevara, Dobbs Ferry Village Police Department
Chief Kevin J. Watson, Woodbury Town Police Department
Chief (Retired) Johnathan P. Welch, Canandaigua Police Department
Lieutenant Jeffrey Wilcox, SUNY Police Alfred
Lieutenant Robert Monaco, Dutchess County Sheriff's Office
Officer Pamela Sgroi, Peekskill City Police Department
Officer Michael Caridi, Rye Brook Village Police Department

Mr. Wells made a motion to accept the individuals listed as new assessors. Chief Austin seconded the motion. *Motion carried – 9 ayes, 0 nay*

9. Approval of Extension Request

The Cicero Town Police Department, who is scheduled to be reaccredited in the second quarter of 2018, has requested that they be granted an extension. The agency is currently in the process of moving into a new building and has said it would be too difficult to have an assessment during the move.

Supervisor Theobald made a motion to grant the extension request. Chief (Ret) Koenig seconded the motion. *Motion carried – 9 ayes, 0 nay*

10. Approval of Revision to Council Policy

Ms. McGrath indicated that staff was changing the ten-file review process, which requires a change in the council policy. Currently, team leaders are responsible for conducting a review of ten of an agency's files prior to the on-site assessment to get a "snapshot" of whether an agency is prepared. However, there is no set criteria for how to handle ten-file reviews that may be indicative of more widespread compliance issues.

Michael McDonough created a new procedure that provides set criteria for scoring each ten-file review, and provides for an additional ten-file review to be conducted by DCJS Accreditation Unit staff in the event the first one does not meet the minimum score set. Each team leader will use a specific template for completing the ten-file review, and each review will be scored by DCJS staff to lend consistency to the task. The same template and scoring system will be used if DCJS staff need to conduct a second ten-file review. If the agency does not meet the minimum score on the second review, DCJS staff will confer with agency staff and, if necessary, the council to decide how to proceed. This new procedure will lend consistency and equity to the process and provide a mechanism for cancelling an assessment for agencies that are not prepared.

Mr. Wells made a motion to accept the revision to the council policy. Sergeant Dini seconded the motion.

Motion carried – 9 ayes, 0 nay

INFORMATIONAL ITEMS

11. Program Updates

Withdrawal of the Lockport City Police Department: Ms. McGrath informed the council that the Lockport City Police Department has opted to withdraw from the program due to maintenance issues within their program.

Council Members Update: Ms. McGrath noted that the open positions are still waiting for nominations, this will be kept on the agenda as it is something that is continuously worked on.

Agency Non-Compliance: Mr. McDonough informed the council of significant non-compliance that was discovered during a site visit he conducted to an accredited agency in September 2017. His site visit uncovered non-compliance with seven of the ten files he reviewed during the site visit. After conferring with Mrs. McGrath, a plan was devised to require the agency to complete a full self-assessment to determine if the compliance issues were indeed more widespread. The agency was given approximately three months to complete the self-assessment and report back to Accreditation Unit staff; and another three months to come into full compliance.

The agency notified DCJS that their internal review led them to discover they were out of compliance with 50 of the 100 standards. Mr. McDonough and Ms. McGrath met with the agency shortly after they delivered their assessment and plan of action, and provided two options: voluntary withdrawal from the program for 1 year so they could apply for initial accreditation and essentially “start fresh”; or continue working toward regaining compliance with all standards with the requirement of monthly progress reports and a plan to address the Council at their June meeting to discuss it with them. The agency opted to continue working toward full compliance and indicated they would be able to meet the goal by April 5th. They are prepared to attend the June Council meeting.

While small lapses in compliance can and do happen, DCJS staff believes that the extent of the non-compliance of this agency requires council intervention. Because there is the potential for non-compliance with almost half of the program standards for almost two years, an assessment team will not be able to verify compliance for all standards for all five years when the agency is due for reaccreditation without Council direction and approval. Ms. McGrath noted that the DCJS program staff has dealt independently with minor lapses in compliance in the past, but had no experience with addressing this level of non-compliance – another reason for council notification.

DCJS staff offered the council a couple of different avenues to consider. First, if the Council opts to allow the agency to remain in the program, rather than wait until their five-year period is expired, the agency could undergo a full reassessment immediately once they indicate they are back in full compliance. (The Accreditation Program Rules and Regulations allow for an agency to be reaccredited early under certain circumstances, including based on a determination of necessity by program staff.) Ms. McGrath also recommended that if the agency is successfully reaccredited, the Council could require that the agency be reaccredited with enhanced monitoring, so Accreditation Unit staff can be actively involved in verifying that the agency is maintaining compliance during the next five-year period of accreditation. Mrs. McGrath asked the Council to provide guidance on how to move forward.

Sergeant Dini asked if there was any specific reason why they fell out of compliance and Ms. McGrath answered they have had a lot of turnover in their command staff over the last several years; that their last assessment was a compliance audit so only about a third of the standards were reviewed; and the possibility that long-term non-compliance was previously missed by assessors. Chief Koenig noted that if accreditation is not a priority within the agency, and if the agency continues to run the program as they have in the past, it would be hard to justify incurring the cost incurred of an assessment. Chief Koenig also suggested the council could draft a letter, essentially stating that their lack of compliance is unacceptable and does not meet the program requirements. He noted that the accreditation unit is willing to help get the agency back into compliance, but if the agency does

not correct their deficiencies and come up with procedures to ensure this doesn't happen again, they will no longer be able to participate in the program.

Mr. Wells asked how long they had been accredited and what their history within the program was. Mr. McDonough indicated the agency had been accredited for 15-20 years (*since verified that they have been accredited since 1995*). Ms. McGrath noted that there had never been an indication of any significant issues and, in fact, they were approved to undergo a compliance audit in 2015, something which is reserved for agencies with a good record of compliance. Executive Deputy Commissioner Green stated that given the turnover in command staff, the fact that the agency now has a permanent commissioner and chief will likely give them stability going forward.

Ms. McGrath noted that if the Council opts to allow the agency to remain in the program and recommends that an early reassessment be conducted, Accreditation Unit staff members would make a visit to the agency first to take a cursory look at the files, ensuring the corrections have been made so that the cost of undergoing the assessment and allowing the agency to remain in the program is justified.

Ms. McGrath will invite the members of the department to the June meeting to discuss options with the council regarding their lapse in compliance. The Council agreed to gather more information from the next status report provided by the agency, and action would be taken at the June meeting.

Draft LEAP 2017 Annual Report – Ms. McGrath attached the report into the council packet for members to review.

2018 Program Goals Update – Program Enhancement/Expansion – Ms. McGrath informed that council that in the March 2018 Chiefs Chronical there is an article about the accreditation program. Rather than making it informative as it has been in the past, this article was used to promote the program in hopes of getting more agencies to join. The unit also hopes to present at the Sheriff's association upcoming conferences; and will be reaching out to Chief's Association to see if a presentation can be done at 2018 conferences as well. Currently the unit is in the process of working with the Office of Justice Research and Performance to create surveys for non-accredited agencies inquiring why an agency is not accredited, and another survey for accredited agencies to provide us with better information about benefits and to find out if there is anything they find cumbersome about the program. The unit is also actively recruiting assessors and enhancing the assessor training to better prepare assessors for assignments. A new assessor training is scheduled for April in Westchester County. Assessor refresher training is also being created and it will be a mandatory online training every year. Once the refresher training is complete and ready to be released, all current assessors will be required to complete the online assessor refresher course before they can be assigned to an assessment.

NEW BUSINESS

None

ADJOURNMENT

There being no other business, Supervisor Theobald made a motion to adjourn the meeting. Chief Austin seconded the motion, which was passed unanimously. The meeting was adjourned at 2:20 pm.

The next meeting of the Law Enforcement Accreditation Council is on June 7, 2018 at 10:00 am in Room 118 of the Alfred E. Smith Office building.