



NEW YORK, NEW YORK

A DIFFERENT TUNE

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In the February issue of the *FOP Journal*, we spoke about the importance of “us” and the failure of being cast in the role of “them.”¹ Since that article was published, and despite being urged by the *Chicago Tribune* editorial board not to do so,² Illinois Governor J.B. Pritzker signed³ a “justice reform” package passed in the final minutes of the prior Illinois General Assembly session.⁴ The final text of the **764-page** bill was passed without most of the state’s legislators having time to even read it. This legislation puts Illinois on course to join New York in the drive to end cash bail — and much, much more. In the days leading up to this Passover and Easter, New York was the scene for two additional news items. Neither story evoked the glamour of the classic Frank Sinatra rendition of “New York, New York.” Both items

provided an opportunity to further explore the “importance of us” in policing.

The first news item dealt with how the City of Ithaca and Tompkins County, New York, gathered community input for their joint police reform plan. In June 2020, New York Governor Andrew Cuomo issued an executive order requiring each local government in the state with a police agency to prepare a plan to improve policing in their jurisdiction. The order mandated each plan was to include community input.⁵ On March 29, 2021, the *New York Post* reported that in preparing their plan, officials for Ithaca and Tompkins County sought out Richard Rivera to serve on their “Communications/Community Working Group.” At issue, in 1981, Rivera murdered, execution-style, New York

¹ Thomas Lemmer, “The Importance of ‘Us,’ The Failure of Being Cast as ‘Them,’” *FOP Journal*, February 2021, <https://pubs.911media.com/flipbook-fop/2021/02/#p=22>. Accessed 6 Apr 2021.

² *Chicago Tribune*, Editorial Board, “Policing and outrage at a rushed criminal justice reform bill,” 15 Jan 2021, <https://www.chicagotribune.com/opinion/editorials/ct-edit-crime-bill-illinois-cash-bail-20210115-dppzcwnborbhexi43z4alagxxfa-story.html>. Accessed 15 Jan 2021.

³ Ben Szalinski, “Pritzker signs controversial criminal justice reform bill,” *State Journal Register*, 22 Feb 2021, <https://www.sj-r.com/story/news/2021/02/22/pritzker-signs-controversial-criminal-justice-reform-bill/4539971001/>. Accessed 23 Feb 2021.

⁴ Illinois General Assembly, 101st General Assembly, Bill Status of HB3653, <https://www.ilga.gov/legislation/billstatus.asp?DocNum=3653&GAID=15&GA=101&DocTypeID=HB&LegID=120371&SessionID=108>. Accessed 27 Jan 2021.

⁵ Andrew Cuomo, Governor, Executive Order 203, “New York State Police Reform and Reinvention Collaborative,” State of New York, 12 Jun 2020, https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_203.pdf. Accessed 1 Apr 2021.

City Police Officer Robert Walsh.⁶

The second news item covered the brutal attack of an elderly woman as she was walking to church on March 29, 2021, the Monday of Holy Week — in broad daylight — in Manhattan. Surveillance video showed a large man walking toward the 65-year-old woman, less than half of his physical size. Without any provocation, the man kicked her in the chest and continued to kick and stomp her as she lay defenseless on the sidewalk, breaking her pelvis. Adding to the outrage over the crime was a video showing the attack in view of other citizens, who did not intervene. Her attacker was subsequently identified as Brandon Elliot, a man convicted of stabbing his own mother to death in 2002. Elliot had been released from prison in November 2019 with a lifetime parole status.⁷



A Different Tune, Item One:

Perhaps Ithaca Mayor Svante Myrick and Tompkins County Administrator Jason Molino could have balanced the inclusion of Mr. Rivera in their “reimagining process” by reaching out to the family of Ithaca Police Investigator Michael Padula, who was murdered in the line of duty on November 17, 1996. Investigator Padula had been dispatched to a call of an “emotionally disturbed person” (among the calls that Mayor Myrick now advocates sending unarmed “community solution workers” to alone).⁸ The woman in that incident fatally stabbed Investigator Padula in the neck. The slain investigator was survived by two sons, a sister, a brother and his parents.⁹ Might one of these family members have some “lived experience” on par with Mr. Rivera that would have been relevant to the “reimagining policing” efforts of the City of Ithaca and Tompkins County? It bears noting that while 13 various subsets of the community were cited “as targeted focus groups” for the Ithaca/Tompkins County reform plan, none focused on crime victims overall or even on victims from “impacted or marginalized” populations.¹⁰

Police reform efforts that cast the police into the role of “them” will make our communities less safe.

Perhaps the mayor had forgotten the sacrifice of Investigator Padula, his family and the dangers such disturbance calls can pose to first responders. Perhaps the mayor also forgot that back in 2000, *The New York Times* heralded the Ithaca police and mental health departments for introducing a joint-response approach to calls like the one in which Investigator Padula was murdered and his attacker killed. In fact, the collaboration was a direct response to those deaths and was one advanced by Ithaca Police Lieutenant John Beau Saul and Mental Health Clinic Supervisor Terry Garahan.¹¹ As was the case in Ithaca, police officers have long been open to collaborations with other first responders, but they are often left to deal with complex situations alone, without much warning or resource support. In most jurisdictions, police and fire departments tend to be the only true 24-hours-a-day, immediate response agencies. In Ithaca, Mayor Myrick supports the reform board’s plan to replace his city’s police department with a Department of Community

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⁶ Tina Moore, “NYPD cop-killer is now helping reform the police in New York,” *New York Post*, 29 Mar 2021, <https://nypost.com/2021/03/29/nyc-cop-killer-now-helping-to-reform-the-police/>. Accessed 31 Mar 2021.

⁷ Wilson Wong, “Man who killed his mom in 2002 arrested in NYC attack on 65-year-old Asian woman,” *NBC News*, 31 Mar 2021, <https://www.nbcnews.com/news/asian-america/man-arrested-nyc-attack-65-year-old-asian-woman-n1262573>. Accessed 31 Mar 2021.

⁸ City of Ithaca and Tompkins County, NY, “Public Safety, reimagined,” posted draft report, p.7, 18 Feb 2021, <https://drive.google.com/file/d/1SK1mBW15V1cGGCrTDPctr8vUCnkiRwgr/view>. Accessed 4 Apr 2021.

⁹ Officer Down Memorial Page, “Michael A. Padula,” <https://www.odmp.org/officer/14830-investigator-michael-a-padula>. Accessed 4 Apr 2021.

¹⁰ City of Ithaca and Tompkins County, NY, “Public Safety, reimagined,” p.30.

¹¹ Laurie Goodstein, “Trying to Prevent the Next Killer Rampage,” *The New York Times*, 6 Sep 2000, <https://www.nytimes.com/2000/09/06/us/trying-to-prevent-the-next-killer-rampage.html>. Accessed 4 Apr 2020.

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Solution. While the new agency would have some armed “public safety workers,” the agency would focus on responses from a larger group of unarmed “community solutions workers.”¹²

Reform plan participant Richard Rivera was 16 years old when he and three other individuals attempted an armed robbery in Queens. Rivera shot NYPD Officer Robert Walsh in the shoulder when the off-duty officer attempted to stop the robbery. As the wounded officer lay on the floor, Rivera stood over the officer, pressed his firearm to the officer’s head, and fired a second and fatal shot.¹³

Rivera, now 57 years old, was interviewed by WSYR-TV following the publication of the *New York Post* article on his being appointed to the police reform board. In that interview, Rivera stated that while in prison “agonizing over this deed of mine,” he contemplated how he would move forward. Upon his 2019 release from prison, Rivera began working as an outreach worker in Ithaca. The internet “myths site” snopes.com examined Rivera’s

appointment. According to Snopes, a county spokesman cited Rivera’s outreach work with the homeless and recently released inmates as the reason why he was selected to be one of nine community members appointed to the Communications/Community Working Group.¹⁴

Rivera told WSYR, “I act every day and I behave in a way, every day, that I hope honors and respects the memory of my victim.”¹⁵ The *New York Post* quoted the reaction to Rivera’s appointment from Robert Walsh Jr., the slain officer’s son: “We’re completely shocked that a man who murdered my father is being trusted to create police reforms.”¹⁶ In a WENY News interview, while Ithaca Police Chief Dennis Naylor expressed support for second chances, he also expressed shock, stating: “To find out after all of these meetings and groups that a person murdered a police officer and is now forming

opinions on shaping policing, it does not add up, and I’ll just say it does not sit well.” In the same WENY report, Rivera himself responded: “It’s ironic. It’s absurd. A person convicted of a murder of a New York City police officer is now involved with the effort to reform public safety.”¹⁷ As absurd as it may be, Rivera has had more influence on the development of his community’s plan to “reimagine policing” than most community members and any Ithaca crime victim.

On the 20th anniversary of Ithaca Police Investigator Padula’s murder, a memorial mass was held at which Lieutenant Saul, a co-worker and friend of Padula, said of him: “He did not hate. He showed us by his actions that everyone is worthy of respect and that as cops, as firefighters, as EMTs, we have to live and embody that for the people who call upon us to help.”¹⁸ Such seems to describe a man that

understood that the police must be among the “community of us” and should not act like or be cast into the pile of “them.” Would Richard Rivera agree? After all, he has a voice in reimagining the future of policing.

“It’s ironic. It’s absurd. A person convicted of a murder of a New York City police officer is now involved with the effort to reform public safety.”

A Different Tune, Item Two:

The Holy Week attack on a 65-year-old woman walking to church by an assailant at least twice her size, and the seeming indifference displayed by three

other New Yorkers, drew wide condemnation. Much of the initial news coverage of the incident was connected to a racial aspect of the crime. The victim was of Asian descent, and during the attack, the suspect told the victim she “did not belong” there. New York City Mayor Bill de Blasio referred to the inaction by witnesses as “absolutely disgusting and outrageous ... absolutely unacceptable.”¹⁹

In the 1970s and 1980s, New York City (NYC) was a notoriously crime-ridden and violent place. So much so, the setting of the 1981 film by John Carpenter, entitled “Escape from New York,” portrayed the entire city as one massive, violent, maximum-security prison.²⁰ The annual NYC murder count peaked in 1990, with the NYPD reporting 2,245 murders that year.²¹ The yearly number of murders had been steadily declining post-1990, and the 2017 count of 292

¹² City of Ithaca and Tompkins County, NY, “Public Safety, reimagined,” p.7.

¹³ Ned Steele, “Nab cop execution suspects,” *Daily News Tonight*, 14 Jan 1981, p.1.

¹⁴ Jessica Lee, “Is Man Who Killed Cop in ‘81 Helping NY Officials Reform Policing?” [Snopes.com](http://snopes.com), 1 Apr 2021, <https://www.snopes.com/fact-check/cop-killer-police-reform/>. Accessed 5 Apr 2021.

¹⁵ Adrienne Smith, “Convicted murderer of NYC police officer is now a member of Ithaca’s Police Reform Board,” WSYR-TV, 31 Mar 2021, <https://www.localsyr.com/news/local-news/convicted-murderer-of-nypd-officer-is-now-a-member-of-ithacas-police-reform-board/>. Accessed 5 Apr 2021.

¹⁶ Tina Moore, “NYPD cop-killer is now helping reform the police in New York,” *New York Post*, 29 Mar 2021, <https://nypost.com/2021/03/29/nyc-cop-killer-now-helping-to-reform-the-police/>.

¹⁷ Cody Taylor, “From Killer to Police Reform: Police Chief Speaks Out Against Convicted Cop Killer,” WENY News, 31 Mar 2021, <https://www.weny.com/story/43577666/from-killer-to-police-reform-police-chief-speaks-out-against-convicted-cop-killer>. Accessed 5 Apr 2021.

¹⁸ Alyvia Covert, “20th anniversary of Ithaca investigator’s murder commemorated with memorial,” *The Ithaca Voice*, 17 Nov 2016, <https://ithacavoices.com/2016/11/20th-anniversary-ithaca-investigators-murder-commemorated-memorial/>. Accessed 4 Apr 2021.

¹⁹ Wilson Wong, “Man who killed his mom in 2002 arrested in NYC attack on 65-year-old Asian woman,” *NBC News*, 31 Mar 2021, <https://www.nbcnews.com/news/asian-america/man-arrested-nyc-attack-65-year-old-asian-woman-n1262573>.

²⁰ Wikipedia, “Escape from New York,” https://en.wikipedia.org/wiki/Escape_from_New_York. Accessed 4 Apr 2021.

²¹ NYPD, “The historic reduction of crime rates in New York: Murders in New York City, 1990-2014,” NYPD website, http://www.nyc.gov/html/nypd/html/home/poa_crime.shtml. Accessed 24 Sep 2016.



murders reflected an 87% reduction from the city's murder count in 1990.²² In reviewing the end-of-year crime stats in 2017, CBS News reported that the NYC crime rate had fallen "to levels not seen since the 1950s."²³ Among the factors cited by CBS as contributing to the dramatic reductions in crime were the focused efforts of the NYPD.

In December 1995, as the drop in murders and crime overall in NYC started to be felt in the city, the business news site Bloomberg credited the NYPD and then-Commissioner William Bratton for delivering on promises to reduce crime. The key changes in the NYPD cited by Bloomberg were: a clearly identified goal to reduce crime (battling against the notion that nothing could be done); an embrace of technology (virtually non-existent prior); and the 1994 introduction of CompStat to focus police resources and hold police commanders accountable to manage the responses to crime by their officers.²⁴ Barry Latzer, in his comprehensive volume, *The Rise and Fall of Violent Crime in America* (2016), also credited then-Mayor Rudolph Giuliani and Bratton for improvements in the operation and effectiveness of the NYPD. Beyond

the Bloomberg observations, Latzer also made reference to NYC's and NYPD's embrace of the "broken windows" theory (developed by James Wilson and George Kelling) "as a way of stimulating and reinforcing community support for efforts to quell more serious crimes."²⁵

However, NYC started to experience a change in the direction of its violent crime in 2019, with 319 murders that year. The shift was likely in part connected to growing community tensions with NYPD, as well as friction between the NYPD and Mayor de Blasio. In 2020, a year like no other, the changed direction was more evident, as NYC experienced 468 murders.²⁶ The single-year 47% increase from 2019 punctuated a dramatically changed feel in the city. Setbacks in the effectiveness of the NYPD occurred within a context of a city struggling with the impact of COVID-related economic and social disruption, a national surge in both community desires for tragedy-free policing and a more active anarchist movement, as well as diverted police resources to address

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²² NYPD, "Citywide Historical Data, Citywide Seven Major Felony Offenses 2000-2020," NYPD website, https://www1.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/historical-crime-data/seven-major-felony-offenses-2000-2020.pdf. Accessed 6 Apr 2021.

²³ Anna Werner, "Murder rate in NYC drops to lowest level in decades," CBS News, 29 Dec 2017, <https://www.cbsnews.com/news/murder-rate-in-nyc-drops-to-lowest-level-in-decades/>. Accessed 5 Apr 2021.

²⁴ Elizabeth Lesy, "A Safer New York City," Bloomberg, 11 Dec 1995, <https://www.bloomberg.com/news/articles/1995-12-10/a-safer-new-york-city>. Accessed 6 Apr 2021.

²⁵ Barry Latzer, *The Rise and Fall of Violent Crime in America*, Encounter Books, New York, 2016, pp 224-225.

²⁶ NYPD, "Citywide Historical Data, Citywide Seven Major Felony Offenses 2000-2020."



protests and civil unrest, lingering criticism of the NYPD's prior "stop and frisk" approaches, cash-less bail, a reduced NYPD budget, a decline in the number of police officers and lower officer morale, among others.

The NYPD is an impressive organization, and when in sync with the city's elected officials and (more importantly) the community at large, it can facilitate NYC's ability to be among the nation's safest big cities. In response to the Holy Week attack in Manhattan, the NYPD moved quickly to post wanted posters and publicly release surveillance video of the attack and still photos of the suspect. Community tips from the video and photo releases helped lead the NYPD to a nearby hotel, turned homeless shelter, where the offender, Brandon Elliot, was living.²⁷ The swift arrest of the suspect on the day following the attack is a reminder of the importance of community participation. However, the circumstances of the suspect's presence back in the community before the attack has raised questions. Elliot was 19 years old when, in front of his 5-year-old sister, he killed his mother by stabbing her three times in the chest. His release came after serving 16 years of a potential life sentence. In the press conference announcing Elliot's arrest, NYPD Commissioner Dermot Shea questioned:

"Why are we releasing or pushing people out of prison, not to give them second chances, but to put them into homeless facilities or shelters — or in this case a hotel — and (can we) expect good outcomes?"²⁸ Is a temporary homeless shelter an appropriate re-entry point for a man who murdered his mother? Does such advance public safety?

The Importance of "Us," Revisited

Policing is a profession under constant scrutiny, and police officers are a resilient group. So, of course, those in policing hear the voices of their critics. If those with Mr. Rivera's "lived experience" have a seat at the "reimagining police" table, then crime victims like the senior citizen brutalized on Holy Week in Manhattan and Gold Star Family members of officers taken from the community — like the Walsh and Padula families — need to be there as well. After all, is not the police reform movement about giving a voice to all? Such experiences would seem to be relevant to the reimagining policing discussions taking place in New York, yet none can be found in the 98-page policing reform plan prepared by the City of Ithaca and Tompkins County.

Again, as discussed in February, the police are a part of the community. Police reform efforts that cast the police into the

²⁷ Natalie Duddridge, "NYPD Details Arrest of Suspect in Brutal Anti-Asian Attack," CBS News, 1 Apr 2021, <https://www.msn.com/en-us/news/good-news/nypd-details-arrest-of-suspect-in-brutal-anti-asian-attack/vi-BB1faOXJ>. Accessed 4 Apr 2021.

²⁸ Michael Gold and Jonah Bromwich, "Man Arrested in Anti-Asian Attack Was on Parole for Killing His Mother," *The New York Times*, 31 Mar 2021, <https://www.nytimes.com/2021/03/31/nyregion/brandon-elliott-asian-attack-nyc.html>. Accessed 6 Apr 2021.

As a community, we need our elected and civic leaders to foster unifying approaches that advance constitutional policing, reduce violence, address chronic crime conditions, improve public safety, protect victims, foster wellness and enhance community support for the police.

role of “them” will make our communities less safe. Without question, as a community and as a profession within the community, we are facing exceptionally challenging times. The police hear the critics. Yet, the continued weakening of the police–community bond that occurred in 2020 contributed to severe increases in violence, particularly in our major urban areas. So far, in 2021, the crisis of crime and violence has continued.²⁹

The way forward must be a proactive one. The way forward must be one with broad outreach across community partners. As a community, we need our elected and civic leaders to foster unifying approaches that advance constitutional policing, reduce violence, address chronic crime conditions, improve public safety, protect victims, foster wellness and enhance

community support for the police. Those seeking and participating in police reform efforts must not lose sight of these core elements. As a profession, it is essential that we fully reawaken our community policing roots and engage in active problem-solving directly with all community residents and stakeholders. Policing must honestly seek to reach the hearts and minds of the community and call them to action. If we seek to

regain the support necessary for our police departments to meet their public safety mission, the voices of support for the police must be heard from across the community of us. **FOP**

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²⁹ Emma Tucker and Peter Nickeas, “US crime rise not letting up in major cities,” CNN, 3 Apr 2021, <https://www.cnn.com/2021/04/03/us/us-crime-rate-rise-2020/index.html>. Accessed 3 Apr 2021.