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# Small theaters try to survive amid a struggling industry

By Katherine Kiessling

Thursday night at Landmark Spectrum 8, cars packed into an overfilled parking lot in creative, and possibly illegal, ways. Inside, lines were so long it was hard to tell where the box office ended and the concessions began. A bright orange sign decreed “Sorry — no butter,” and only a few boxes of M&Ms, Milk Duds and Sour Patch Kids (plus one questionably outdated box of Sno-Caps) remained. Attend-

ees scanned QR codes to make Venmo and Cash App donations to the staff who, after the projectors powered down for the night, would be jobless after last week’s announcement the theater was closing. Across the city at the Madison Theatre, which announced, a day after Spectrum, its own plans to close, something similar will likely repeat Sunday evening. While promises of interested operators and eventual reopen-

ings linger over the Albany-based movie houses, so does the reality of operating an independently owned theater (or, in the case of Spectrum after its 2015 sale to art house chain Landmark, small theaters with an indie spirit). It’s a challenge that is only getting harder. “If I were running just dependent on movies, it would be very difficult to justify staying open,” said Linda Mussmann, co-founder and co-director of Time See **THEATERS**, A10



Will Waldron / Times Union

**Landmark Spectrum 8 Theatre on Delaware Avenue in Albany earlier this month. The iconic movie house closed down last week, though some hope to see it open under new ownership.**



Sabeeh Alalkawi was killed when a police SUV went through a red light at high speed. His family is still waiting for an apology and the outcome of a state investigation

MORE ONLINE

» To view the civilian dashcam video of the fatal Feb. 22, 2023, crash, see the digital version of this story on timesunion.com.



Photos by Will Waldron / Times Union

▲ At top, Zinah Alalkawi weeps while talking about her late husband, Sabeeh Alalkawi, pictured behind her, at home in Clifton Park. ▲ Above, Waleed Alalkawi, right, talks about his son’s death at his home in Ballston Lake. Sabeeh Alalkawi, 30, was killed when his car was broadsided by a Troy police officer who drove his SUV through a red light at a blind intersection.

# A FAMILY WAITS FOR JUSTICE

By Brendan J. Lyons

TROY — It was around 2 a.m. — a Wednesday — when Waleed Alalkawi was awakened a year ago by the phone call every parent fears. A friend of his son, 30-year-old Sabeeh Alalkawi, told Waleed the young man had been in a car accident. All the friend knew was that it was bad. Sabeeh, who was making deliveries for a pizza shop that night, had been taken to Samaritan Hospital in Troy. Waleed woke Sabeeh’s younger brother, Ali. They jumped in a car at their Clifton Park residence and drove toward Troy. They kept calling Sabeeh’s phone along the way, but it was off — a bad sign: Sabeeh would always answer his See **CRASH**, A12

# Police meddling persists under Hochul

Trooper pulled from protective detail put back at the bidding of the Executive Chamber

By Brendan J. Lyons

ALBANY — The practice of New York governors meddling in the personnel decisions of the State Police unit that protects them has continued during the administration of Gov. Kathy Hochul, whose office recently pushed for the promotion of the newly appointed head of the Protective Services Unit — and previously had a member who was removed from the detail at the recommendation of a staff inspector put back on it. Confidential records, and interviews with multiple people familiar with the matter, confirm that the influence of Hochul’s office in the personnel decisions involving State Police members assigned to the detail dates back to the early months of her administration. The encroachment was occurring even as a staff inspector had been assigned to oversee structural changes to the unit and review its operations. That review began in the fall of 2021, after former Gov. Andrew M. Cuomo had resigned amid allegations he had sexually harassed or acted inappropriately with multiple women, including a young female trooper he had encouraged be transferred to the protective unit and who later alleged that she became a victim of his misconduct. Cuomo’s involvement through the years in the work and promotional decisions of the unit, which included transferring members of the unit who crossed him or pushing for promotions for those he liked, was detailed in an Aug. 21, 2021 Times Union story. But he certainly was not alone. The issue of modern day governors or their top aides becoming involved in the personnel decisions of the State Police Protective Services Unit dates back decades. In the fall of 2021, after Cuomo resigned in his third term, then-Superintendent Kevin Bruen issued an internal bulletin saying Maj. Douglas Larkin, who oversaw the agency’s New York City troop, would take over the embattled unit. Bruen pledged then that “permanent-rank commissioned officers” would assume command of the Protec- See **HOCHUL**, A9



# Troy police crashes spike

By Emilie Munson

TROY — In January 2020, Danny Killion was driving on 105th Street in Troy on the way to pick up his child. He was listening to NPR on the radio. The stop light ahead of him was green.

“That’s the last thing I remember,” Killion said.

A Troy police officer driving a cruiser with lights and sirens on barreled through the red light and struck Killion’s Chevy van. He regained consciousness in the hospital the next day. Later, he was charged with failing to yield to an emergency vehicle, a misdemeanor.

Police car crashes have spiked in Troy in recent years, according to records obtained by the Times Union. Both the number and the rate of crashes per 100 officers in the department has also increased.

Since 2012, Troy police car collisions have resulted in 36 injuries to officers and civilians, according to crash reports. One person has died.

A year ago, Sabeeh Alalkawi, was delivering food for a pizza restaurant when a Troy police officer went through a red light driving nearly 90 miles hour and struck Alalkawi’s car in an intersection. The state attorney general’s office is investigating the crash.

Police officers in New York receive about a week of training on emergency driving techniques while they are learning to become a police officer at a training academy. The Troy Police Department does not regularly provide in-service driver to its officers during their careers, although they have discussed the subject at roll call, said Deputy Chief Chris Kehn.

“The last time we did (Emergency Vehicle Operator Course) training with officers behind the wheel was fall of 2016,” Kehn said. “We have EVOC scheduled for this year’s in-service (training).”

Since 2012, 49 percent of Troy police crashes occurred when a cruiser was in “emergency mode,” crash records show.



Times Union archive

A Troy police car was heavily damaged in a two-vehicle crash at River and Douw streets on Aug. 28, 2018, in Troy.

The Times Union found that many officers use their lights during emergency responses but may not always activate their sirens.

In 39 percent of crashes, a Troy officer struck a civilian car, with an additional 7 percent of crashes involving an officer hitting an object, records show. In four crashes an officer hit a pedestrian — that’s 3 percent of all crashes in the period.

In 21 percent of crashes, a civilian car hit an occupied, moving Troy police vehicle, while in 17 percent of crashes a parked Troy police car was struck.

The records reveal about one in 10 Troy police crashes since 2012 involved a two-car collision at an intersection — like the ones that killed Alalkawi and injured Killion.

In five crashes, another car hit a Troy police cruiser in an intersection, according to crash reports filed by Troy police.

In one such crash in 2015, a Rensselaer County sheriff’s deputy was driving with “red lights activated” when he hit a Troy police car operating “in full emergency mode” at the same Hoosick Street intersection where Alalkawi was killed. The sheriff’s vehicle went through a red light at the intersection, according to a city police report.

In eight crashes, a Troy police car hit another vehicle in an

intersection or after proceeding through a red light, crash reports show.

Austin Wilcox Jr. was driving on 1st Street with a green light when a Troy police car hit the front of his Nissan SUV in 2022. The officer was taken to a hospital, according to a crash report. Wilcox was uninjured, he said, but his vehicle, which he had just paid off, was totaled.

In other cases, officers backed up into something, struck a deer or failed to put their car in park, causing it to roll into something, crash reports show.

Officers had more collisions on 6th Avenue — the street the Troy police station is located on — than any other road in the city, records show.

“It feels to me in Troy there is a culture of whenever a call goes out, no matter the seriousness of the call, just hit the pedal to the metal,” Killion observed.

Years after his crash, Killion said he drives around Troy with a new apprehension and he has difficulty focusing on certain tasks.

“My brain doesn’t work in certain ways as good as it did before the accident,” Killion said. “I struggle with things like emails and things that require me to pay attention to it and process information.”

## COMING NEXT SUNDAY

» A Times Union investigation examines why crashes involving police cars are unfolding with increasing frequency in New York, endangering both civilians and officers.

## CRASH

From page A1  
phone, his brother said, “even if he was in the shower.”

“We were very, very scared,” Ali Alalkawi said. “A 20-minute ride felt like 20 years.”

As they drove east on Route 7 down the long, sloping hill leading to Troy, they saw emergency lights flashing in the dimly lit cityscape ahead, just across the Hudson River. Their hearts sank when they came upon police cars blocking Hoosick Street, the city’s main thoroughfare; it was just a few blocks from the pizza shop where Sabeeh worked.

“Dad, prepare yourself,” Ali recalled telling his father. “I think Sabeeh is dead.”

## No apology

Last year, a State Police crash reconstruction report concluded that the “primary contributing factor” that led to Sabeeh Alalkawi’s death that night was a Troy police officer’s “failure to exercise due caution.” The report found the officer was driving nearly 90

mph in the seconds before his SUV sped through a red light at a blind intersection on Hoosick Street and broadsided the driver’s side of Alalkawi’s Honda sedan, crushing the smaller car and pushing it nearly 200 feet before it came to a rest in the entrance of a McDonald’s.

The Times Union has reported that the officer’s emergency lights were on but his siren was not activated at the time of the deadly collision. The State Police reconstruction report does not address the issue of the officer’s decision not to activate his siren.

The newspaper recently obtained new dashboard camera video from a civilian’s vehicle that had recorded the crash and confirms that the officer had driven through a red light at a high rate of speed before the collision. The video shows two other police cars racing west-bound on Hoosick Street moments earlier — after driving through the same intersection — as they all responded to a domestic incident.

See **CRASH**, A13



Courtesy Ali Alalkawi

Sabeeh Alalkawi, in this undated photo, was killed on Feb. 22, 2022, when a police SUV speeding to a domestic incident drove through a red light in Troy, killing Alalkawi when his Honda sedan was broadsided.

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# CRASH

From page A12

The department's policies, as well as state Vehicle and Traffic Law, give police officers special privileges when responding to an emergency, including exceeding speed limits. But they are prohibited from driving in a dangerous or reckless manner, and are required to use caution and reduce speeds or stop as they approach intersections — especially if they are going through a stop sign or red light.

The new video buttresses the findings of an ongoing Times Union examination that has revealed an apparent gap in the department's in-service emergency vehicle training, supervision and policies that haven't been updated in more than a decade and do not prohibit officers from driving at dangerous speeds. Those issues may have all been factors in the fatal crash last February.

Alalkawi's family has endured an excruciating year rebuilding their lives while waiting for the results of a languishing investigation by the state attorney general's office, which is empowered to investigate fatal incidents involving police and civilians. The investigation could result in criminal charges being filed against the officer, Justin Byrnes, if his actions are determined to be reckless or negligent. Byrnes, a U.S. Army veteran, has remained on administrative duties since the incident.

Ali Alalkawi, Sabeeh's younger brother, said that no one from the Troy Police Department has reached out to the family since the fatal crash to offer any support or condolences.

"No one from the police reached out to us saying, like, an apology or as a courtesy," said Ali Alalkawi, who is attending the Albany College of Pharmacy and Health Sciences,

where he is studying to be a pharmacist. "It feels like my brother died, and he was doing what he was supposed to do. The police, on the other hand, were not doing what they were supposed to do. We lost a brother. We were not looking for empathy, but we did not receive any care from the other side."

Sabeeh's widow, Zinah Alalkawi, is raising their twin boys, Joseph and Abraham, as a single parent. She sold the couple's Guilderland home — being there without him was too emotionally difficult, she said — and moved to her in-laws' residence in Clifton Park. Waleed Alalkawi and his wife, Raeda Rashid, are helping their daughter-in-law raise the twins as she finishes her part of the plan that she and Sabeeh had made — for her to earn a nursing degree from Hudson Valley Community College.

Sabeeh had initially attended school there, studying criminal justice,



Will Waldron / Courtesy O'Connor & Partners PLLC

**Dash camera footage showing the immediate aftermath of a head-on crash on Hoosick St. at 15th in Troy between a Troy police car, left, and the sedan driven by Sabeeh Alalkawi, right.**

but went back to work so that his wife could obtain her degree. Their goal had been for him to return to college once Zinah became a nurse and started working.

"We dreamed about a lovely family. We talked about, like, our lives and what we were going to do in the future ... how we're going to build a future for (the boys)," Zinah Alalkawi

said. "In a minute, all these things are gone."

**Notorious intersection**

Court records, and crash reports involving Troy city police vehicles that were provided to the Times Union under state Freedom of Information Law, show that Byrnes has had more motor vehicle collisions than other city police officers in recent

years. But the four other incidents were very minor, including one crash in which he left his car in reverse when he jumped out to chase a burglary suspect. The patrol car rolled down First Street and collided with a parked vehicle.

The department's accident reports also confirm that many collisions involving police vehicles have occurred on Hoosick Street, especially at the blind intersection with 15th Street where Alalkawi was killed. The Times Union, citing departmental sources, reported last year that city police officers have been advised through the years — including informally — that there are several intersections in Troy where they should not drive through a traffic signal without stopping to make sure it is safe to proceed, especially if they are facing a red light.

The intersection of Hoosick and 15th streets is

SEE CRASH, A14



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CRASH

From page A13

the most notorious of those danger zones, a law enforcement source said, because it has blind spots due to structures on the east-side corners that prevent motorists traveling in several directions from seeing approaching cross-traffic.

In April 2015, two police vehicles collided at the same intersection as they both responded to a call.

A Troy police officer, operating in “full emergency response mode,” was driving southbound on 15th Street and facing a green light when his vehicle was broadsided by a Rensselaer County sheriff’s car that was traveling westbound in the eastbound lane of Hoosick Street. As in the crash that killed Alalkawi, the sheriff’s deputy — whose emergency lights were flashing — drove through a red light and struck the city police officer’s car, although neither was seriously injured, according to a police report.

Joseph O’Connor, an attorney for Alalkawi’s family, said records showing a high number of crashes at intersections that involve Troy police cars are a result of larger problems within the agency involving training and supervision. He also called the crash that killed Alalkawi a matter of “grossly reckless behavior” and “one of the worst cases of egregious police conduct we have ever encountered.”

O’Connor has filed a lawsuit against the city of Troy on behalf of Zinah Alalkawi and her twin sons. The city has apparently not sought to engage in discussions to settle the case.

“No one has taken any steps to hold these officers, or the city, responsible for their behaviors that have resulted in countless injuries and multiple lives



Will Waldron / Times Union

**Zinah Alalkawi, the widow of Sabeeh Alalkawi, sits with their twin sons, Joseph, left, and Abraham.**

lost over the years,” O’Connor said.

The department has declined to comment on the fatal crash while the attorney general’s investigation is ongoing.

Chris Kehn, a deputy chief, said the department’s policy governing emergency vehicle responses has not been revised since 2012. He said the last time the department conducted “Emergency Vehicle Operator Course” training, “with officers behind the wheel was fall of 2016.”

“We have EVOC scheduled for this year’s in-service (training),” he added. “We have done roll call training on emergency vehicle operation.”

‘No TV now’

Two decades ago, the second phase of the Iraq War was still raging after a U.S.-led coalition defeated the Iraqi military forces. Waleed Alalkawi, a long-time referee with the International Boxing Association and World Boxing Championships, sought to escape the war-torn country and moved his family to Syria. But it didn’t feel right there, he said, so he moved to Egypt, where he met an attorney from the U.S. who helped his family emigrate to America.

They ended up in the Capital Region, where Sabeeh Alalkawi attended Albany High School with his brothers, Ali and Laith, who is the oldest of the

three brothers. Sabeeh trained as a young man to be a boxer — under his father’s tutelage — and the family worked hard to establish themselves in the local community, including investing and working in the restaurant industry.

In 2012, Sabeeh returned to Iraq and married Zinah. In their extended family, Sabeeh Alalkawi was regarded as the master planner — a striver who would dote on his tight-knit family, set goals that he always met, and script plans for how he and Zinah would graduate from college and work in the medical field.

Around the family’s main residence in Clifton Park, his relatives said, Sabeeh was the heartbeat of the household, tackling much of the mowing and landscaping and insisting on firing up the grill as often as he could. He was also extremely careful, his father said, whether it involved cutting a tree limb or calling his family members when the roads were slippery to warn them to stay home or drive with extreme caution.

The State Police accident reconstruction report noted that Sabeeh Alalkawi had no drugs or alcohol in his system and was driving under the 30 mph speed limit, and pressing his brakes, as his Honda sedan entered the intersection where he was killed.

SEE CRASH, A15

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# Republican seeks to shield party from paying Trump’s legal bills

By Maggie Haberman  
THE NEW YORK TIMES

A veteran Republican National Committee member has initiated a long-shot effort to prevent Donald Trump from taking over the party committee before he has enough delegates to become the presumptive presidential nominee in an effort to prevent the RNC from paying his legal bills.

Henry Barbour, a committee member from Mississippi, has sponsored two resolutions: one that would require the committee to remain neutral in the primary and another that would assure it does not spend committee funds to assist Trump in his legal battles. The proposals, which would not be binding even if passed, come as Trump seeks to install new leadership in the organization, including Lara Trump, his daughter-in-law, who has said she would be open to the committee paying his legal bills.

The resolutions, which were first reported by The Dispatch, have come under fire from the Trump campaign.

“The primary is over, and it is the RNC’s sole responsibility to defeat Joe Biden and win back the White House,” said Chris LaCivita, a top Trump adviser who is expected to

move into a top role at the RNC. “Efforts to delay that assist Joe Biden in the destruction of our nation. Republicans cannot stand on the sidelines and allow this to happen.”

The neutrality proposal is directly related to the primary: After Saturday’s South Carolina primary, only four early states will have held contests. Trump has a fraction of the delegates he needs, and Nikki Haley, the former governor of South Carolina, is still running, although she has yet to win a state.

The other resolution has been more in the forefront of some RNC members’ minds: It seeks to ban the committee from paying Trump’s legal fees as he faces four criminal indictments and two enormous lawsuits.

It seeks to codify that “the Republican National Committee should focus its spending on political efforts associated with winning elections and make clear from this point forward that the RNC’s financial resources are to be used to assist candidates across the country winning elections” this year and that the committee “will not pay the legal bills of any of our candidates for any federal or state office, but will focus our spending on efforts directly related to the 2024 election.”

Barbour, in an inter-



Lara Trump speaks at CPAC 2024 in National Harbor, Md., on Thursday.  
Haiyun Jiang / New York Times

view, conceded that neither resolution was likely to pass, given Trump’s strength in the party, but he said that sending a message was important.

“Just wait till you have the delegates,” he said of Trump’s effort to take over the party before the primary has concluded.

“This is not going to pass, I understand that,” he said. “It’s about making a point.”

Trump has endorsed the North Carolina Republican Party chair, Michael Whatley, to take over as chair, and Lara Trump as co-chair.

Lara Trump’s new position — which still has to be voted on by party mem-

## CRASH

From page A14

When he was outside the home, including at work, Sabeeh Alalkawi would call his family members every couple of hours to check on them, they said. His conscientiousness also extended to his three sons (one from a prior relationship). Waleed Alalkawi recalled Sabeeh pulling his car into the garage one afternoon and remaining in his driver’s seat for more than an hour so that he wouldn’t wake one of the twins, who had fallen asleep in the back seat.

Ali Alalkawi said that when he and his father arrived at Samaritan Hospital the night of the crash, Sabeeh’s friends and co-workers had gathered outside but were unaware of his condition. Inside, he said, hospital staff initially told them Sabeeh was not there and the confusion briefly added to their anguish.

Then, he said, a medical staff member asked them to come into a room and identify someone.

Ali said he was still uncertain if his brother was dead when he saw

him lying on a gurney. His skin color looked off and he wasn’t moving.

“The doctor came in and said, ‘Are you Sabeeh’s family?,’” Ali recalled. “I said, ‘Is that person alive or not?’ He said, ‘I’m sorry, but he’s not alive.’”

“From time to time, when I go to sleep, I still remember the whole moment,” Ali continued, “every step toward the bed, hoping it’s not him; hoping it’s someone else and not my brother. But it was him.”

On the afternoon before Sabeeh died, he and his father sat together at the family’s home in the Clifton Knolls neighborhood — as they often did — and watched Liverpool and Real Madrid face off in a key Champions League soccer match.

Sabeeh was killed about nine hours after he left for work that day. He had just made his final delivery, and was returning to the pizza shop on 15th Street to help shut down and go home for the night.

“We didn’t know this is going to be his last day,” his father said. “You know, from that time I didn’t watch any (soccer) games. No TV now.”

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Serious collisions with law enforcement vehicles leave officials, grieving families seeking solutions

POLICE CRASHES

SPIKE

IN NEW YORK

Courtesy of Claudia Stinson

Anthony Stinson, 13, died last year after a Suffolk County police car struck his bike as he rode home.

By Emilie Munson, Chris Hippensteel and Taylor Johnston

A

LBANY — In January 2022, Gwendolyn Dillard was pulling out of a medical center parking lot when a Rochester Police Department cruiser smashed the front of her Lincoln sedan. “Everything seemed OK, and then all of a sudden — blam,” Dillard’s son Calvin recalled. “She was hit by a police officer with no emergency lights, sirens, nothing like that.” Police faulted Dillard, 65, for the collision following an investigation. The family disputes their conclusion. The officer went to the hospital in pain, a crash report states. According to her son, Dillard sustained serious injuries, including fractures to her hip, knee and ribs. Three months later, she died. Serious crashes involving police cars are unfolding with increasing frequency across New York, often resulting in property damage but also serious injuries and deaths, a Times Union investigation has

See CRASHES, 6

Courtesy Washington County Sheriff

In 2019, a Washington County sheriff’s deputy, nearing the end of an overnight shift, drifted across a double yellow line and hit another car, killing the driver and injuring the deputy.

Police car crashes with property damage, injury or death

This data comes from New York collisions reported to the state on crash reports. Only collisions with more than \$1,000 in damage are reported.

Year	Crashes
2012	1,600
2013	1,800
2014	1,700
2015	1,700
2016	1,800
2017	2,100
2018	2,800
2019	3,000
2020	2,500
2021	2,400
2022	2,700

Graphic: Emilie Munson / Times Union Source: New York Department of Motor Vehicles

First in a series

A Times Union investigation examines why crashes involving police cars are occurring more frequently across New York.

Monday: N.Y. law shields police from liability in crashes.

Tuesday: Police can reduce crashes, but many departments haven’t.

Go online

Sabeeh Alalkawi was killed Feb. 22, 2023, when a police SUV went through a red light at high speed. To see the civilian dashcam video of the crash, go to <https://bit.ly/433xV04>.

# Inside the meltdown of Prime Capital Ventures

Court records show customers tried to get huge deposits returned by Albany lender amid fraud allegations

By Larry Rulison

ALBANY — In early 2023, North Carolina developer Thomas Taft Jr. went looking for \$79 million to finance his family’s latest real estate project: a 249-unit apartment complex in Charlotte’s trendy Montford Park neighborhood.

Taft comes from a well-known, politically connected family in Greenville, N.C., that builds and owns real estate projects throughout the Southeast.

So it may have seemed a bit unconventional when Taft picked a relatively unknown upstate New York commercial lending firm, Prime Capital Ventures of Albany, to fund the project with a \$79 million line of credit.

Few people outside the local business community are likely to know much about Prime Capital Ventures or its founder Kris Roglieri, who according to news articles and obituaries grew up in the Kingston area.

In the 1990s, he started a commercial loan company called Prime Commercial Lending. A loan broker training company followed along with other enterprises that focused on commercial lending.

Roglieri did well for himself, buying a home in Queensbury on 14 secluded acres valued at \$1.2 million. He used his love of sports cars for an annual fundraiser that benefited Albany Medical Center, using his estate as the venue.

Now Roglieri and his various companies, which he runs out of the 10th floor of the former KeyBank headquarters building in downtown Albany, are facing a steady stream of former clients who have accused Roglieri of fraud and pocketing tens of millions of dollars in client cash.

That included \$15.9 million in cash that Taft wired Roglieri last spring as a deposit for the \$79 million line of credit for the Charlotte project.

Other companies — including a Saratoga Springs home builder, an Arizona cannabis retailer, a Nevada medical device company and a Utah wellness e-commerce company — have also sued Roglieri and Prime Capital Ventures over the past year, alleging they too had wired Roglieri millions of dollars in cash, only to see it disappear.

To complicate things, Roglieri recently filed for federal bankruptcy protection, revealing \$3 million in debts, most of it unpaid legal bills and back taxes.

And there appears to be an ongoing federal criminal investigation as well: One of Roglieri’s attorneys admitted to other lawyers in the civil cases that the Federal Bureau of Investigation had raided Roglieri’s home and the residences of some of his associates.

Roglieri — who has not been charged with any crime — has hired William Dreyer, one of Albany’s top criminal defense attorneys.

**A boutique bank**

This article is based primarily on documents filed in a lawsuit by a lim-

See MELTDOWN, A11

Business/Jobs.....E

Classified.....D5

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WEATHER: Considerable clouds and mild. High: 61° / Low: 39° / Details, A2

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POLICE CRASHES

# SPIKE

IN NEW YORK

## CRASHES

From page A1

found. It's a problem endangering both officers and civilians as well as creating a ballooning financial burden for municipalities and the state.

Police cruisers are increasingly equipped with dashboard cameras, GPS and computers that can record their speeds. Yet crashes involving police cars appear to be surging faster than collisions in the civilian population over the last decade, state crash data shows.

The reason for the increase is unclear. There has been very little research on nonfatal police collisions by academic institutions or law enforcement agencies. Police crash data is hard to get. Eight of the largest New York departments provided crash records to the Times Union, but some were incomplete and other agencies do not track collisions uniformly.

It's clear that more civilians and officers are dying. Crashes are a leading cause of on-duty deaths for police, almost half of whom were not wearing a seat belt at the time of their fatal crash. Injuries are also increasing, according to national estimates.

While many police crashes are minor and some are caused by civilians, several New York police departments have documented their officers could have prevented a / significant share of collisions. Top reasons for avoidable crashes include unsafe backing up, distracted driving and dangerous speeds.

Officers typically get little training on driving tactics during their careers — after about a week of practice during police academy training. Meanwhile, they regularly drive at high speeds in dangerous conditions, under duress and with significant distractions.

Police departments are generally tasked with investigating their own crashes and disciplining officers when they're at fault or have violated policies. Even when officers are to blame, it can be hard for civilians to get recourse for damages due to a state law that generally limits liability for officers and departments to situations where officers act with "reckless disregard."

Nevertheless, crashes are costing departments millions of dollars to cover vehicle damages, workers' compensation claims and personal injury lawsuits.

The number of collisions involving a police car that resulted in property damage, injury or death more than doubled from 2012 to 2019 in New York, according to a Times Union analysis of state Department of Transportation crash data. After a dip during the pandemic, harmful police collisions have shot up again. The rate of police crashes causing damage, injury or death per 100 officers working in New York has also gone up.

Yet the figures are an undercount. The Times Union found many cases, including fatal incidents, missing from the data.

The newspaper created a database of fatal collisions involving police in New York and found that last year there were more deaths stemming from crashes with police vehicles than any year since 2012.

Law enforcement officials and experts suggest the increase in collisions may be spurred by the growing amount of technology in police cars distracting officers; a wave of retirements has also

brought more young and inexperienced officers into the ranks of many departments.

Crash data obtained from individual departments show the State Police saw a slight uptick in collisions over the last decade, while Troy police had a pronounced increase. Crashes appeared to decline for departments in Albany, Buffalo and Rochester, and at the Metropolitan Transportation Authority. In Syracuse, collisions were variable from year to year.

### Injuries and deaths

Fatal police car collisions in the U.S. increased 30 percent over the last 12 years, data collected by the National Highway Traffic Safety Administration shows.

Most of the fatalities are civilian drivers, pedestrians, motorcyclists or bicyclists.

Thirteen-year-old Anthony Stinson was biking home from playing football in September when he was struck by a Suffolk County Police officer responding to a call. Anthony was less than a block away.

"I was there 52 seconds from the (time) of the crash," Anthony's mother, Claudia Stinson, said in an interview. "I heard the boom."

She ran out to the street and found Anthony critically injured. It was evening and Anthony had been crossing a four-lane parkway when he was struck. The police car subsequently hit another car and a tree, after the officer swerved.

"It could have been avoided if (the officer) was more careful," his mother said, sobbing as she spoke.

A crash report filed by the department states the boy was crossing against the traffic signal at the intersection and that the police cruiser's lights and sirens were activated. The state attorney general's office, which is empowered to intervene in cases in which civilians die during encounters with police, is investigating the crash. The Suffolk County Police Department did not respond to a request for comment.

### Officer fatalities

Motor vehicle collisions are the second leading cause of death for on-duty officers in the U.S., according to the National Law Enforcement Memorial Fund. Forty-seven percent of officers killed in car crashes from 2017 to 2021

were not wearing a seat belt, the Fund found.

New York law exempts police from wearing seat belts

and allows them to exceed speed limits and pass through traffic signals, including red lights, when responding to an emergency. But they must "drive with due regard for the safety of all persons." and many departments have policies that require officers to slow at intersections check that it's clear.

Many officers do not wear a seat belt because it could slow them if they need to exit their vehicle quickly during an emergency. Some prefer not to use a seat belt because it can tangle with their gun holster or radio, multiple police officers said.

In 2014, New York City Police Officer Michael Williams, 25, died when he was ejected from a police van driven by another officer. Williams had been on the job less than nine months.

Williams was not wearing his seat belt, according



Will Waldron / Times Union

**Austin Wilcox stands Feb. 15 at the intersection of Congress and First streets in Troy, where his car was struck in September 2022 by a Troy police car that ran the red light responding to a nearby accident. Wilcox's car was totaled.**

to his father Michael Williams, who worked for decades as an officer with the Carmel Police Department. He acknowledged not wearing a seat belt while on local patrol but would buckle up on highways.

"As far as I know, their (NYPD) official policy is wear your seat belt. Whether they do or not, I don't believe anybody really enforces it," Williams said. "They didn't take any responsibility and basically blamed our son for his death."

Williams said he felt the NYPD investigation downplayed the speed of the officer driving as being a factor in the crash. The family sued the department and eventually settled their case.

"We felt he was just statistics to them," Williams said. "Especially for my wife, she wanted answers and they really never came."

The NYPD declined to comment.

Williams' son was one of six police officers who was killed in a vehicle crash in New York since 2012; four died in single-vehicle crashes and two others were killed after being struck by civilian drivers.

East Fishkill Police Officer Dan Didato, 47, died in December when he crashed his car into a tree responding to a call. The crash remains under investigation.

Greene County Deputy Kevin M. Haverly, 26, and state Trooper Amanda D. Anna, 31, were killed when their cars veered off roads in 2017 and 2012, respectively.

Yonkers police Officer Frank Gualdino, 53, died when a teen allegedly drove into oncoming traffic and struck Gualdino's car in 2022. Nine years earlier, state Trooper David Cunniff, 35, died when his police car was hit by a civilian driver.

"Officers are actually at a higher risk traveling to the scene than at the scene itself," said Hope Tiesman, a research epidemiologist at the National Institute for Occupational Safety and Health.

There is relatively little information available about injuries stemming from police-involved crashes. One study of police crashes in California from 2000 to 2009 found 21 percent of those collisions resulted in injury to an officer — with 7,684 officers injured during that period. The study did not collect data on injuries to civilians involved in those crashes.

The traffic safety administration estimated 9,840 police vehicles were involved in accidents causing

injury in the U.S. in 2021 — more than any year in the decade prior. More recent data was not available.

In New York, Yonkers had at least 14 officers injured in crashes in 2023, as well as eight civilian injuries. Syracuse saw five officers and six civilians injured in crashes last year.

### Damages

Many times, civilians are at fault for the crashes. They fail to yield to police with lights and sirens on, rear-end cruisers or side-swipe their cars, crash reports show.

But a significant portion of collisions stem from officers' actions.

The Syracuse Police Department wrote in their internal records that "liability" for the crashes was "ours" in 51 percent of their officer-involved crashes from 2016 to 2023, data obtained by the Times Union shows. The Syracuse corporation counsel's office later said that was "not a determination of liability, but a review of details and factors which determine whether the claim is eligible to be forwarded to the City Hall claims department."

The Yonkers Police Department found 45 percent of their crashes in 2023 were "unavoidable," while the majority resulted in retraining, counseling or a policy review for the officer.

State Police determined about 25 percent of their cruiser crashes — more than 2,000 in the last decade — could have been prevented by the trooper, their data shows.

"When we would meet with our superiors in Albany, the one thing they would always talk about was, 'Do you realize how

much motor vehicle crashes cost the State Police every year?' " said Francis Coots, a retired State Police troop commander. "It's not just talking about liability, I'm talking about damage done to equipment because it's not like we have this huge supply of troop cars. We damage a car, now we're short one."

State Police data suggests their cruisers sustained about \$27 million in damages from collisions since 2012. The average collision resulted in about \$3,700 in damage.

The Syracuse Police Department — which is about one-tenth the size of the State Police force — shared data showing their vehicles endured at least \$2.4 million in damages since 2012. They've totaled an average of five cruisers per year since 2012.

That is before the cost of workers' compensation claims, lawsuits and other costs absorbed by state and local government agencies or their insurers.

New York City paid \$246 million to settle personal injury claims involving New York City Police Department cars from 2012 to 2021, the city comptroller reported. The average crash claim has increased dramatically over the last decade.

### Why police crash

The most common situations underlying New York police car crashes were unsafe backing up, distracted driving, dangerous speeds and deer in the roadway, records from multiple departments suggest.

Many are minor crashes and happen while officers are on patrol or in parking lots.

A Buffalo police officer rear-ended a car in a Bur-

ger King drive-thru in 2023, records show. State Police cars not placed in park rolled away more than two dozen times in the last three years. Sometimes police cars are struck while parked and unoccupied.

Another common crash scenario involves officers rushing to a call — like the officer who struck Anthony Stinson, just after his 13th birthday.

A number of crashes took place when officers proceeded through intersections against a red light. The Times Union found Troy police officers have struck multiple civilian drivers while driving through stoplights. One such collision ended in the death of Sabeeh Alalkawi a year ago. The Attorney General is investigating the crash.

Austin Wilcox Jr. was driving down 1st Street in Troy with his windows open when he was hit by an officer in an intersection. A Troy police cruiser with lights on but no sirens pummeled the front wheel well of the Nissan suburban Wilcox had just paid off.

The officer, who'd been on the job less than three years, was taken to the hospital, a crash report indicated. Wilcox was uninjured, but his car was totaled. He shelled out thousands toward a new car and his insurance premiums went up, he said.

"I see cops fly by through lights with just their lights on, no sirens," said Wilcox, who lives in downtown Troy. "I see them turning with no directionals. ... I'm like, 'Oh my god, someone is going to get killed.' "

Police cruisers rarely crash during high-speed pursuits, state data suggests; the pursued civilian car more commonly crashes during a chase.

But police may drive at similar high speeds to catch up to a speeding motorist or get to an emergency across the city — or in the case of state troopers, in another town.

"As a trooper, you are probably going to go 100 mph every shift," said Senior Investigator Timothy Dymond, president of the New York State Police Investigators Association. "You're driving to a shot-fired call; you've got to travel 18 miles; you have to cross through two villages and you hear (a) 911 dispatcher saying the person is screaming on the phone. ... There is that adrenaline rush that is associated with those calls that can lead to really awful tragedy."

Dymond and other troopers said they feel if

SEE CRASHES, A7



Courtesy of Austin Wilcox

**Austin Wilcox's SUV was totaled after a collision with a Troy Police Officer in September 2022.**



POLICE CRASHES

SPIKE

IN NEW YORK

CRASHES

From page A6

they don't drive fast, civilians would be upset if they arrive late to an emergency call.

Former Trooper Michael Zwart said troopers are under significant pressure to catch lead-footed motorists, which typically requires speeding after them.

"It's an unsettling feeling to have to go that fast," he said. "Do I wish some of the pressure wasn't as much pressure? Maybe. But also, vehicle and traffic enforcement is revenue to the state. ... I don't see it changing anytime soon."

Tiesman, the occupational safety scientist, said the most common reasons for crashes among police are speed — including unnecessary, excessive speeding — fatigue, adrenaline-induced stress and distraction.

Police cruisers typically have a computer terminal built into the dashboard. Officers may have to operate their lights and sirens, as radio communications chirp, a dashboard camera films, and communication updates flash on a computer screen. Cellphones can distract officers, too — just as they do civilian drivers.

"All this technology is being put into police vehicles with no research being done on an officer's ability to drive safely. That's a huge problem," said Brett Cowell, program manager for the National Law Enforcement Roadway Safety Program. He noted that airplane cockpit designs are subject to rigorous research to minimize pilot distraction.

"The same level of research and effort is not going into police vehicles,"



Courtesy Niagara County Sheriff  
**A Niagara County Sheriff Office's cruiser as it appeared after a crash.**

he said.

Department by department

The Times Union rode for hours in a police car on patrol and interviewed more than a dozen current and former police officers about collisions. Nearly all said they'd been in at least one crash.

State data shows crashes resulting in property damage, injury or death in New York increased 84 percent from 2012 to 2019, before a pandemic dip and then a resurgence. Civilian crashes grew by 38 percent from 2012 to 2019. Collisions among civilians sometimes go unreported, however, if individuals agree to handle the incident without reporting it.

State Department of Transportation data on police crashes is incomplete and undercounts the extent of collisions. Crash reports are only required to be completed by motorists, including police, when there is more than \$1,000 in property damage, or an injury or fatality occurs. Minor collisions are excluded.

The Times Union found state Department of Motor Vehicles data, which comes from the same

forms, contained additional crashes not in the DOT records, but was also incomplete. In addition, police sometimes report their vehicles as four-door sedans or Suburbans instead of police cars, further obscuring how often officers crash.

The NYPD, the largest U.S. municipal police agency, has not provided its crash data under a request made more than six months ago. Several other departments indicated they did not track collisions in a uniform way and would have to hunt through volumes of reports to try to find them. One village tried to charge the newspaper more than \$1,000 to access the information.

State Police data documented more than 8,700 cruiser crashes since 2012 with crashes peaking around 2019. The Times Union also found as many as 1,481 police-involved crashes since 2012 that State Police reported on crash reports, but that did not appear in the agency's internal data. State Police declined to confirm whether those crashes involved its vehicles and also refused to answer other

See **CRASHES**, A8

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# State limits police liability in crashes



**Series**  
Part II of a Times Union investigation on the growing frequency of crashes involving police cars in New York. Today's story looks at the state law that shields police from liability in crashes.  
  
**Coming Tuesday:** Police can reduce crashes, but many departments haven't.

Victims, attorneys say it's hard to collect damages due to law setting a "reckless disregard" standard

By **Emilie Munson** and **Chris Hippensteel**

ALBANY — Ten years after the crash, the pain still feels like a finger endlessly jabbing an invisible bruise across his shoulder and below the knee.  
John Lacey, 48, was riding through an intersection with a green light facing him when he was thrown from his bike by a collision with a Syracuse Police Department vehicle in 2013. His right leg and shoulder were severely wounded, resulting in multiple surgeries and years of physical therapy.

After the crash, Lacey sued the department and Officer Edward S. Boles. The department contended Lacey had biked into Boles' patrol car. Lacey argued Boles pulled into the intersection and struck him with the car's push bar.  
For six years, Lacey's case wound its way through state courts. In the end, he never received a dollar.  
In New York, officers and their departments are shielded from civil liability for injuries and damages from car crashes by a higher standard than the motoring public. The law offers  
*See CRASHES, A10*



Photo courtesy of John Lacey  
**John Lacey's bicycle lies in a street after a serious collision involving a Syracuse police car in 2013.**

# Empowering one another



In celebration of women and Women's History Month, a crowd turned out to walk in solidarity as part of The Walk with Women in Schenectady on Sunday. At right, event organizer Cora Schroeter speaks to those in attendance outside Schenectady City Hall before the mile-and-a-half march. The event was touted as a delightful walk alongside inspiring women, where marchers can bond, share stories, and empower one another. Those in attendance included Assemblyman Angelo Santabarbara, Schenectady Mayor Gary McCarthy, Assemblywoman Patricia Fahy and U.S. Rep. Paul Tonko.



LORI VAN BUREN/TIMES UNION

# Voting map saga works out for Dems

Efforts to redo districts rebuffed by suit threat, desire to move forward

By **Joshua Solomon**

ALBANY — It all happened in quick succession. The redistricting commission unveiled a map similar to the 2022 congressional boundaries. A rumor floated on social media that Democrats would try to push an aggressive gerrymander. Then they put forward a map with only a few minor changes from the bipartisan commission's proposal.  
And with the end of a multiday rush of internal Democratic debates on redistricting came the apparent conclusion of the multiyear fight over the political boundaries that will be in place for the remainder of the decade.  
The decision to make relatively minor alterations to the state Independent Redistricting Commission's congressional map came as Democrats were acutely aware of the potential for Republican-led litigation if they redrew the congressional boundaries to give their candidates an advantage, according to two sources familiar with negotiations.  
The concern from certain Democrats appears to have been twofold: the risk of the reinstatement of the 2022 congressional boundaries, which were relatively beneficial to Republicans, and the gamble of delaying the election calendar that could leave certain Democrats scrambling to win what could be costly and bruising primary elections.  
Democrats expect the new map — which, if left unchallenged, would stay in place through the  
*See MAP, A4*

A unique aspect of the Tappan Zee Bridge's design was the hollow concrete caissons that supported the main span.



Photo courtesy of Westchester Historical Society

# The span that transformed upstate

Tappan Zee connected region, rest of nation  
By **David Levine**

On Feb. 28, 1956, the new bridge connecting Rockland and Westchester counties was officially named the Tappan Zee Bridge. The name refers to the Tappan, a band of Lenape people who inhabited the region when Europeans arrived,

and the fact that the bridge spans the very widest part of the Hudson River ("Zee" is the Dutch word for sea).  
You may wonder why the power brokers of the day built a bridge exactly where it would cost the most and take the longest. The answer, to this and just about any head-scratching

question in New York, is money and politics.  
The postwar boom brought the lower Hudson Valley numerous benefits, but traffic was not one of them. The bridges that existed couldn't keep pace, and by 1950 the Port Authority of New York and New Jersey was considering building a new bridge across the Hudson near  
*See TAPPAN ZEE, A3*





# Celebrating Black authors to close out February



Above, author Dwayne Reed projects a photo of himself as a kid who was picked on for having a big head as he speaks to students to celebrate Black History Month/Black Children's Book Week at KIPP Albany Community Charter Elementary School in Albany on Wednesday. Reed, of TeachMrReed, was sponsored by New York State Writers Institute and the Touhey Foundation.

LORI VAN BUREN/TIMES UNION

## CRASHES

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police more protection than they receive in other states, the Times Union found.

In some cases, that standard makes it difficult for victims of police car crashes to win damages even in situations where officers may be at fault.

Criminal charges for officers involved in crashes are even more rare.

### 'Reckless disregard'

If police are engaged in "emergency operation," they're shielded from liability unless they display "reckless disregard for the safety of others," according to state Vehicle and Traffic Law. Yet the definition of "emergency operation" can be interpreted broadly in New York to include situations where officers are not using lights and sirens.

The standard for civilian liability is negligence.

The state attorney general's office has noted the difficulty faced by civil plaintiffs against police in car crash cases.

"The Court of Appeals has required 'conscious indifference to the outcome' as a requirement for liability in civil cases involving officers responding to emergencies," the attorney general's office wrote in a report last year.

Most states have a law that spells out liability for police departments and individual officers for traffic incidents. Standards vary from state to state and fall along a spectrum from "negligence" — the most plaintiff-friendly norm — to broad immunity for police, according to research published in the Mercer Law Review.

The statutes are similar in concept to "qualified immunity," which protects on-duty police officers from personal liability for civil rights violations. In New York, the reckless disregard standard also shields police departments from liability for crashes.

Several states have laws that can render police liable if they act with "negligence" during driving incidents, including Connecticut, although the laws often have exceptions. The lower standard would seemingly make it easier for plaintiffs to recoup damages from police car crashes, explained Patrick O'Connor, a Georgia-based attorney who authored the Mercer Law Review report and re-

presents government entities against those types of claims.

Other states have strict interpretations of when the higher liability standard will apply. In Georgia, a police car must be using its lights and sirens to have protection from the reckless disregard standard; otherwise, it's subject to ordinary negligence liability, O'Connor said.

Occasionally, federal or constitutional claims related to crashes or police driving are also filed, but those are less typical.

### Criminal charges

While successful civil lawsuits after collisions are relatively infrequent, criminal charges against officers involving crashes are even more rare.

Research by the state attorney general found no New York criminal cases in which an officer was charged for killing or injuring another driver while responding to an emergency in a marked police car with lights and sirens on, the office's 2023 report stated.

A Niagara County sheriff's deputy who struck an SUV, killing a man and injuring his wife in 2015, plead guilty to three misdemeanor traffic violations, the Lockport Union-Sun & Journal reported. The county also reached a \$2.75 million civil settlement with the family.

Murder charges against a New York trooper, Christopher Baldner, who rammed a minivan at over 100 miles an hour and caused the death of an 11-year-old girl, was thrown out by a judge. The attorney general's office, which is prosecuting the case, has filed an appeal, and arguments in that case are scheduled to take place in April.

### New York cases

Lacey, the bicyclist grievously injured in a crash with Syracuse Police, had his case reviewed by a state appellate court. But that court set aside the disputed question of who was at fault and ruled Boles was engaged in an emergency operation at the time of the crash and the officer's conduct did not show recklessness.

Boles was purportedly giving a verbal warning to a motorist stopped at the curb at the time of the crash, although Lacey's legal team raised questions about conflicting evidence about the position of Boles' car and whether his warning had concluded at the time of the crash. There was no video of the crash. Boles was not using

lights or sirens at the time.

Lacey appealed the case to the state's highest court in 2019, but the Court of Appeals declined to hear the case.

"You go through a horrible event, something that is life changing, painful and disfiguring, and you have this hope or expectation that there will be — nothing is going to make it right — but at least some form of justice ... and it's like 'too bad,'" Lacey said. "They can alter the course of my life because they wanted to yell at someone."

Joe Cecile, the Syracuse police chief, declined to comment on the case or the "reckless disregard" standard but said officers are subjected to more scrutiny and accountability than most other professions.

"I can't think of any other category of occupation where you're required to have a video camera on your chest throughout your entire shift," he said, adding many policies have become "progressively better."

Patrick Phelan, executive director of the New York State Association of Chiefs of Police, called the "reckless disregard" standard reasonable and prudent.

"Police officers are called upon to act in a wide variety of fluid, rapidly changing emergency situations in order to protect life and property while engaging in their duties," he said. "Police officers are expected, or even required, to act in these situations and make split-second decisions in very difficult situations. To hold them to the same standard as civilian drivers is unreasonable and unfair."

Multiple personal injury attorneys interviewed for this story explained the reckless disregard standard is a high bar to meet, and they don't pursue many cases involving collisions with police.

Cameron Thompson, a New York City attorney who has represented several plaintiffs in police cruisers crashes, said the reckless disregard standard is necessary to protect first responders doing their jobs. Still, he believes the bar for what constitutes "emergency operations" goes overboard and is "ripe for abuse."

The law considers officers to be responding to an emergency even when pursuing people they only suspect of breaking the law, Thompson said. That allows departments to fall back on the reckless disregard standard even when officers are responding to perceived minor in-

fractions, like an open-container violation or jaywalking.

The reckless disregard requirement "paints a picture that basically, anytime an officer's doing more than just driving around, he or she's going to get this heightened standard," said attorney John Coyle, whose client, Angelica Diaz, was hit by a New York Police Department cruiser in 2022. "New York courts have taken it a bit too far with how broadly they're applying the statute."

Diaz, 35, told the Times Union she didn't remember the crash that hospitalized her. Last she knew, she was picking up her 5-year-old niece from school in the Bronx before walking to the supermarket with her mother, Milagros Bonet — a part of their daily routine.

When Diaz regained consciousness, loved ones told her about the NYPD cruiser that careened onto the sidewalk, striking her, her mother and her niece, and injuring seven others, including two police officers. The cruiser was allegedly responding to a call when it crossed the centerline, brushed another car and lost control.

Over a year later, Diaz struggles with constant pain while her lawsuit against the city moves forward. Bonet, who initially showed hope for recovery, died in May 2023.

Coyle believes footage of the crash will bolster Diaz's case. But even with strong evidence, plaintiffs in police crash lawsuits can face a grueling, uphill legal battle, he said.

"These types of cases create a lot of problems for victims who are trying to put their life back together," he said.

### Wins and losses

Nevertheless, some plaintiffs have won up to millions of dollars from departments after officers crashed into civilians in New York.

Last year, the city of Buffalo approved a \$43 million settlement with a woman paralyzed after she was struck by a police car while she was walking on the sidewalk. The appellate court in that case affirmed the officer, who was driving up to 80 miles per hour before the crash, acted with "reckless disregard."

Derek J. Spada, a Kingston attorney, recently obtained an \$800,000 settlement for a client who was struck head-on by a state trooper who was responding to a call at twice the speed limit and passing cars on the

wrong side of the road, including around corners. The officer had been in six prior crashes.

Still, Spada thinks the "reckless disregard standard" offers police too much "leeway." He described a situation where an officer was going to a non-urgent call, left his lights and siren off, drove over the speed limit and smashed into another car in an intersection.

"I had that case, and that case got dismissed," he said. "It's a statute that certainly serves a purpose — I'm not saying to wipe it out — but it should be looked at and revised."

Brendan Cox, a former Albany police chief, opposes qualified immunity for officers and suggested the reckless disregard standard also went too far in its defense of the badge.

"We have a court system that doesn't line up always with the idea of transparency and accountability," he said. "Emergency operations does not mean every time you're behind the wheel and wearing a police uniform."

The costs for personal injury lawsuits stemming from police crashes or similar emergency response events rarely fall on individual police officers, according to the International Association of Directors of Law Enforcement Standards and Training, which issued a police driver's training guide in 2007. The guide has not been updated.

"Even when there is a finding of gross negligence on the officer's part, if the actions complained of are within the course and scope of the officer's duty, the resulting judgment will virtually always be paid by the employer or its insurance carrier," the guide states.

There are few situations other than police car crashes and emergency driving scenarios that create greater legal exposure for police departments, the association found.

"Law enforcement use of force, use of deadly force and emergency vehicle operations are three of the most significant operational exposures faced by agencies because of their potential for serious or fatal injury, potential financial impact based on settlement or judgment and foreseeability of occurrence," according to the association, which focuses on improving public safety and training.

*This story was written with support from the Fund for Investigative Journalism.*

# South Glens Falls comes up big for marathon dance

By Lauren Stanforth

SOUTH GLENS FALLS — The 47th annual South High Marathon Dance that ended this weekend raised almost \$750,000 for 34 needy individuals and organizations.

The dance was held Friday to Saturday, after months of planning and fundraising, at the northern Saratoga County school. The total amount raised was \$746,887.25.

Since the fundraiser started in 1978, dancers at South Glens Falls High School have raised more than \$10 million.

"Each year, the South High Marathon Dance brings together our community and showcases the hard work and dedication of students, staff, and the South High Marathon Dance volunteers. This year brought the addition of having the public join us once again, making for an incredible experience," Superintendent of Schools Kristine Orr said in a statement. "To say I am overjoyed at how this year went is an understatement. I am so pleased at what our amazing Bulldog

community achieved this year."

For the first time since 2019 before the pandemic, the dance welcomed the community back into the building to take part.

The top student fundraisers this year raised a combined total of \$36,752.67. The top fundraisers were: Natalie Mallette, Logan Mahoney and Natalee Tucker.

"Through the tireless efforts of our students, the South High Marathon Dance not only raised much-needed funds but also spread hope and positivity to those in need," said Assistant Superintendent of Curriculum and Instruction Tim Dawkins in a statement. "These students are a shining example of how we can all make a difference in the lives of others. I am incredibly proud of what our students have accomplished."

In addition to the student fundraisers, local businesses held fundraisers for the community, which added thousands to the total amount raised. South Glens Falls middle and elementary students also raised significant funds.



John Carl D'Annibale/Times Union archive

Students at the 35th annual Marathon Dance at South Glens Falls Senior High School on March 3, 2012. The 47th annual event that ended Saturday raised almost \$750,000 for 34 needy individuals and organizations.





**TIMES UNION DIGITAL EXCLUSIVES**  
We move our clocks forward this weekend. Check out the history and controversy of daylight saving time.  
**TIMESUNION.COM**

**SPORTS**  
Averill Park girls win 10th straight section title. **A6**



**REGION**  
Catskill community rallies for principal, music teacher. **B1**

# TIMES UNION

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## Police could curb crashes, most haven't

Driver training is limited for officers; N.Y. requirements comparatively lax

By Emilie Munson

ALBANY — In 2009, three Las Vegas Metropolitan Police Department officers died in car crashes. The department, which had more than 2,800 sworn members at the time, had 536 police car crashes that year, resulting in 84 injuries. The department's leaders decided it was time for a change.



**Series**  
This is the last of a three-part series on the growing frequency of crashes involving police cars in New York, endangering both civilians and officers.

They launched a program to reduce collisions through new policies, training and an awareness campaign. They capped officers' speeds and mandated regular emergency driving practice. And they

brought in a team of researchers to study what happened. Crashes decreased. Injuries from collisions dropped markedly. The agency saved an estimated \$1.1 million in the two years after the program began.

Las Vegas has continued their safety efforts. The department has grown in size, but the rate of collisions per sworn officer remains below where it was in 2009, according to agency statistics. Very few police departments have taken steps to curb their crashes like Las Vegas. In New York, the number of police car crashes causing property damage, injury and death has increased dramatically over the last decade, a Times See **CRASHES**, B5



Lori Van Buren/Times Union

The Cobleskill Police Department, which has two full-time officers, has no in-service driver training. Chief James McCrum said he'd like to offer it but if he sends officers to training that leaves "no one on hand."

## Voicing support for arts education



Singers with the New York State School Music Association All-State Vocal Jazz Ensemble perform at Empire State Plaza in Albany during the 5th annual Joseph R. Sugar NYSSMA Day on Monday. Students from across the state performed in the advocacy day event in support of proposed legislation that would make arts and music education a study requirement in grades one through 12. At right, state Sen. Rachel May speaks at the event. She and Assemblymember Kimberly Jean-Pierre were on hand to announce their co-sponsorship of legislation backing the arts and music education requirement.



WILL WALDRON/TIMES UNION

## Trump wins case, will stay on ballots

Supreme Court rejects state attempts to ban him over Capitol attack

By Adam Liptak  
THE NEW YORK TIMES

WASHINGTON — The Supreme Court ruled Monday that states may not bar former President Donald Trump from running for another term, rejecting a challenge from Colorado to his eligibility that threatened to upend the presidential race by taking him off ballots around the nation. Although the justices provided different reasons, the decision's bottom line was unanimous. All the opinions focused on legal issues, and none took a position on whether Trump had engaged in insurrection, as Colorado courts had found.



Trump

All the justices agreed that individual states may not bar candidates for the presidency under a constitutional provision, Section 3 SEE **TRUMP**, A4

## Foreclosure dating to 1901 slows Frontier Town revamp

By Gwendolyn Craig  
ADIRONDACK EXPLORER

The discovery of long-ago foreclosure and bankruptcy cases is complicating the state's plan for the Frontier Town Campground, Equestrian and Day Use Area in the town of North Hudson, billed as "the gateway to the Adirondacks." The problems are interfering with the state Department of Environmental Conservation's plans for a conservation easement on 300 acres, including the 90-acre campground, which the state has been pursuing since at least 2017. A sticking point is that the state attorney general's office requires perfect title and will not purchase See **FRONTIER**, A4

## Amtrak's backward plan to speed service



Lori Van Buren/Times Union

Train seats face different directions at the Albany-Rensselaer station Monday. The switch is part of an efficiency move so workers don't have to rotate the seat positions after each trip.

Some seats to face rear of train, cutting turnaround time

By Rick Karlin

RENSSELAER — One of the best views in New York can be seen from an Amtrak train on the Empire Corridor route that hugs the Hudson River between the Capital Region and New York City. That view remains in place, but starting last Saturday, about half the riders are getting that view from a backward aspect — that is the seats are facing the back of the train instead of forward. The reconfiguration, in which half the

seats face front and half face back, is part of an efficiency move designed to speed service on the Northeast Corridor which runs between the Boston and Washington, D.C. route, which is even busier than the Albany/Rensselaer to New York City route. But because the train cars are sometimes mixed in with the Hudson Valley route, Amtrak has applied the new seating arrangement to the Empire trains as well. "Fifty percent of the seats will be looking See **AMTRAK**, A3





# CRASHES

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Union investigation found. It's a problem that has financial consequences and also causes harm to civilians and officers.

While many New York police departments may seek discipline or retrain officers after a crash, they apparently do little to prevent incidents before they happen.

The foremost national group on police training recommended in 2007 that departments "mandat(e) initial and periodic refresher courses in defensive driving," but few New York police departments provide regular in-service training for officers on emergency response driving.

The state requirements governing motor vehicle emergency response training for police officers are more lax in New York than other states, the Times Union found.

None of the large New York police departments interviewed by the Times Union for this story have policies that limit the speeds their officers can drive, despite excessive speed being a top reason for police car crashes.

Although police car crashes have been a leading cause of death for officers for more than a decade, efforts to reduce crashes have been slow.

The U.S. Department of Justice, the nation's leading law enforcement agency, did not launch programming to work on police car crash prevention until 2018. There is no national data on police car collisions or the injuries that result from them; researchers draw most of their conclusions about the incidents from studying fatalities.

"We have this problem, but we only have part of the data," said Brett Cowell, program manager for the National Law Enforcement Roadway Safety Program.

Only some New York police departments keep data on their own collisions, and even some of the largest police departments in the state undercounted their officer-involved crashes. Las Vegas publishes data on crashes on its website annually.

## Training

Police officers in New York must complete about a week of emergency vehicle operations training while learning to be an officer in academy, but the state mandates no further training for officers on driving throughout their career, according to the state Division of Criminal Justice Services.

New York requires a minimum of 21 hours of emergency vehicle operations during the police officer's basic course, said Kirstan Conley, a DCJS spokeswoman. That training amounts to a small amount of the more than 706 hours of required training that police cadets undergo at New York police academies.

The training academies used by most New York law enforcement agencies conduct more than the required 21 hours of driver training, with the average amount being 35 hours, Conley said.

Still, the required hours of emergency response training in New York are low relative to several other large states. Even some New York academies that offer more than the minimum training do not match the amount of driver instruction in other states: Georgia and Ohio mandate 24 hours of police-driving skills; Texas and Michigan require at least 32 hours; North Carolina, Pennsylvania and California require 40 hours, officials said.

California also requires a minimum of four hours of driver training every two years for officers, said Meagan Poulos, a spokeswoman for the California Commission on Peace Officer Standards and Training.

The approximately 36,000 officers working for the New York Police Department, the largest U.S. municipal police force, are not required to receive refresher training on driving skills after they leave the academy, according to the state attorney general's office. The NYPD did not respond to questions about its policies.

The attorney general's office last year recommended the NYPD implement "more rigorous drivers' training recertification" and mandate that officers who drive to emergencies receive emergency vehicle field training and "requalify for such certification every five years."

The Troy Police Department, which has had a recent uptick in crashes, said their officers have not had in-service driving training in eight years. The last time Albany police had in-service emergency vehicle operations training was 2009. Rochester and Syracuse police departments said they added in-service driving training recently. Yonkers trained their officers in the fall.

State Police declined to answer questions about their training and policies.

Police receive far more training on firearms than emergency response driving. The state will require a minimum of 80 hours of firearms training at academies starting in September, Conley said. And many police departments make officers retrain with their firearms twice a year.

James Senegal, a former police chief and policing consultant in Texas, highlights that dichotomy when he conducts training. He asks officers how many have been in an incident that required them to fire their weapon. Few raise their hands, he said. But when he asks about crashes, nearly every hand goes up.

"The one thing we do on a day-to-day basis, that's the most dangerous thing we can do, we never ever have to train for again," Senegal said.

## Speed

In Virginia, the Chesterfield County Police Department, which employs about 500 officers, won a 2023 award from the National Law Enforcement Memorial Fund for its work on traffic safety and reducing collisions.

In 2019, the department had 151 collisions and 42 percent were the officer's fault, according to Peter Cimbal, a Special Operations Division commander for the department.

Last year, following a series of reforms, the department had more crashes — 201 — but only 22 percent were determined to be the fault of an officer. Many unavoidable crashes stem from civilians following a police car too closely or animals in the road, Cimbal said.

"We typically take all of our crash data year over year and look at what are our leading causes of crashes and what are we doing to reduce those things," he said.

Chesterfield mandates annual driver training for all officers. In Las Vegas, officers must pass their emergency vehicle operations course annually during their first three years of employment. After that, they undergo the training every other year. Officers involved in a crash or transferred to a new unit must perform a driving test with a supervisor.

Both Chesterfield and Las Vegas also place limits on how fast police can drive. Las Vegas's policy states officers, even when they have activated their lights and sirens, may not drive more than 20 mph over the speed limit unless they are engaged in a pursuit.

Chesterfield caps speed during "non-life threatening, non-emergency incidents," Cimbal said. In zones where the speed limit is over 25 mph, an officer's top speed is set at 20 mph over the limit; in slower speed zones, the cap is no more than 10 mph over the limit.

A key part of the policy is monitoring speeds. The department randomly audits a portion of officers' electronic driving records each month to check for excessive speeding.

"We are trying to prevent that historical police lead foot, driving fast to get everywhere," Cimbal said. "There is an expectation of our community that we are showing due caution ... but we don't want to take away that discretion of an officer during that life-threatening incident."

The National Law Enforcement Roadway Safety Program recommends that officers should be held accountable for their speeds.

"Officers are legally allowed to exceed posted speed limits and they claim other traffic exemptions, but in our program, we say that speed is a tool," said Cowell, who is the program's manager. "Make sure officers can only use it when it is justifiable and reasonable given the circumstances."

Nick Breul studies fatal police car crashes for the National Law Enforcement Memorial Fund.

"We look at some of these fatal crashes, and I get quite upset because the speeds are ludicrous," he said. "There is no reason an officer needs to go 110 miles per hour to get to a call even in a rural area."

Breul said state troopers and sheriff's deputies who cover large areas need to drive faster to quickly cover many miles to get to their calls, but for city police that kind of speed is often unnecessary.

Multiple police trainers said officers need to be reminded that in order to help, they need to arrive safely. Excessive speeding may only shave off a few seconds or minutes from an officer's arrival time, while increasing risk of harmful crashes.

## Other policies

Hope Tiesman, who studies police car crashes for the National Institute for Occupational Safety and Health and led the Las Vegas study,

said the most important pillars of reducing police crashes are "training and culture." That includes enforcing policies on the books with reminders and discipline, if needed.

In Las Vegas, the department blanketed the station and cars with signs featuring the message "Belt up," presented videos about fatal police crashes and gave a driving safety message at each shift change. Their program includes multiple other policies governing driving through intersections, seatbelt use, texting and using cruiser computers.

"We continue to look at our policies on a continued basis to see what we can improve, but those are ones that we've been very happy with the trickle-down effect where our officers drive safer and still respond in a timely fashion for calls for service," said Robert Wicks, spokesman for the Las Vegas Metropolitan Police Department.

In Chesterfield County, each of their crashes is studied by a three-person panel of officers to determine fault. They ensured their cars had backup cameras because many at-fault crashes came from officers reversing. They also changed the light pattern on their cars to make the cruisers more visible. Each year, a widow of a police officer killed in a crash caused by their department speaks to the agency about roadway safety.

Chesterfield conducts their driver training on a track owned by the police department — a rare resource.

Many U.S. police officers learn skills like pursuit driving, tactical skids and other advanced techniques by maneuvering around cones in empty parking lots or closed airport runways. Some departments are turning to driving simulators to help officers gain experience. But simulators are expensive and very few police academies or departments have access to them.

"I would love to see every training zone across New York state have something like that," said Ron Spike, a former Yates County sheriff and the last chair of the state's Municipal Police Training Council.

## National and state initiatives

Lessons from the Las Vegas Police study have become the foundation for the National Law Enforcement Roadway Safety Program, an effort funded by the U.S. Department of Justice. DOJ spent \$5.4 million on the program since 2018.

The program offers free training to police leaders and officers around the country. In addition to monitoring officers' speeds, they recommend wearing seatbelts, body armor and reflective vests; banning texting and computer use while responding to a call; enforcing a police pursuit policy; reducing officer fatigue by allowing naps and mandating at least eight hours rest between shifts; and having a review board study crashes and near collisions.

Programs like Below 100 and Destination Zero, which focus on reducing officer deaths, also incorporate some roadway safety concepts into their training curriculum. Many New York police departments have had officers trained in Below 100's course.

In addition, the New York State Association of Chiefs of Police has launched a traffic safety training program for police leaders in the last two years, said Bill Georges, former assistant Albany police chief and head of the association's Traffic Safety Committee.

The biggest roadblocks to police departments addressing car crashes are time and money. Three quarters of U.S. police agencies have 24 officers or fewer and it would be "challenging" for them to implement everything Las Vegas has done, Tiesman's study concluded. The struggle may be more acute now, as some departments suffer staffing issues.

The Cobleskill Police Department, which currently employs two full-time officers, has no in-service driver training for its members, even if they change vehicles. Chief James McCrum said he'd like to offer that but if he sends officers to training now "there is absolutely no one on hand."

Tiesman said police who invest in crash prevention could see the efforts cut costs for vehicle damage, workers' compensation claims and lawsuits.

"Based on our study and our rough cost-benefit estimate, I believe that an appropriate workplace driver training program would generally be associated with a cost savings for an agency," Tiesman said. "But that is dependent on the quality of the driver training."

*This story was written with support from the Fund for Investigative Journalism.*



## Halloran, Laurie

**NEWTON, Mass.** — The family of Laurie Halloran, sadly announce the peaceful passing of Laurie on February 29, 2024. Laurie was born in Troy, N.Y. on April 2, 1960. Laurie is survived by her parents Janice and John Halloran of Troy N.Y.; her husband, Gary Bagnall; and her sons, Kay (Kieran Wajsfelner), Sasha (Liam Wajsfelner) and Bruce Bagnall. Laurie is the oldest sibling, and also survived by Timothy Halloran, Joan Halloran (Jon Nelson), Joseph (Barbara) Halloran, and Michael (Michelle) Halloran from Troy, New York. She is also survived by numerous cousins, one niece and many nephews, including Jake Nelson, Jesse Nelson, Jordan Nelson, Paul (Mikey) Brunina, Aiden Halloran, Brennan Halloran, Charlie Halloran, Brendan Halloran and Morgan Halloran; and best friend, Barbara Costa Smith (Dave Smith). Additionally, Laurie was fortunate to have many extremely close friends and colleagues.

Laurie graduated from Catholic Central High School (1978), earned a Bachelor of Science in nursing from Russell Sage College (1982) and a Master of Science in management from Lesley University. She was also a Prosci Certified Change Practitioner.

Prior to starting Halloran Consulting Group Inc., Laurie held positions at St. Mary's Hospital, Albany (N.Y.) Medical Center Hospital, Children's Hospital (Boston, Mass.), Trustees of Health and Hospitals (Boston, Mass.), Medical & Technical Research Associates, PARAXEL International Corporation, OXiGENE, Inc., and Antigens, Inc.

Laurie Halloran was a revered and beloved mentor and friend to hundreds of leaders across the life sciences industry. As President, CEO and Founder of Halloran Consulting Group, Laurie spent her entire career dedicated to improving human health. She started her career as a pediatric ICU nurse and in 1998 was inspired to start a company that streamlines the development of new therapies through FDA processes and into the hands of patients desperately in need. Since its humble beginnings, Laurie has grown Halloran Consulting Group into a thriving company of like-minded experts dedicated to improving human health.

In conjunction with the 25th anniversary of Halloran Consulting Group, Laurie officially stepped into her role as Founder to focus on her life's passions: family, mentoring, and travel. For more than a decade she mentored and guided a select group of leaders to advance the company to the next phase of strategic corporate maturity. In February 2023, Laurie joined 20 biotech leaders to summit Mount Kilimanjaro, raising \$1 million to fuel scientific discovery for the Fred Hutchinson Cancer Center.

Laurie was recognized numerous times over the years. In November 2023 she was honored as the Boston Business Journal's Power 50: Movement Makers and as The Women's Edge, together with its partner The Boston Globe, Top 100 Women-Led Businesses in Massachusetts. In 2018 she was the WBENC Star and has won a 2017 Entprising Women of the Year Award from Entprising Women Magazine. In 2015, Laurie was honored by the Boston Business Journal as a Woman of Influence, and the company received a ranking in the INC 500 fastest growing companies. In 2010, Laurie was selected as one of the 100 Most Inspiring People in Life Science by PharmaVoice.

Prior to her passing, Laurie lectured at BU Medical School and the Tufts Center for Drug Development Post-Graduate program. She was a founding member of MedExec Women, served as an Advisor to the Convergence Forum, and was a Co-Founder and Board member of CRUSH Life Sciences.

Additionally, she served on Advisory Board positions at Boston University's School of Public Health, Lesley University Alumni Advisory Board, & Merck/EMD Serono's Precision Medicine and the New England Women in Science Executive's Board of Directors. Laurie held many memberships to professional associations, including the Oncology Nursing Society, Drug Information Association, and the Associates of Clinical Research Professionals.

Calling hours will be held on Thursday, March 7, 2024, from 4:00 p.m. to 7:00 p.m. at New Comer Cremations & Funerals, 181 Troy Schenectady Road, Watervliet, N.Y. 12189. A funeral Mass will be held on Friday March 8, 2024, there will be a eulogy reading starting at 10:30 a.m. and the Mass will start at 11:00 a.m. at Our Lady of Victory Church, North Lake Ave., Troy, N.Y. Burial will be private.

Memorial contributions may be made to Healey and AMG Center for ALS, <https://www.massgeneral.org/neurology/als> or to Life Science Cares, <https://lifesciencecares.org/donate/> in Laurie's memory.

To leave a special message for the family online, visit [www.NewComerAlbany.com](http://www.NewComerAlbany.com)



## Johnson, Charles Raymond

**CLIFTON PARK** —

Charles Raymond Johnson, 89, born in New York City on August 11, 1934, passed on to eternal life on March 2, 2024. He had lived in New Baltimore as a child and Clifton Park for the last 40 years.

Charles was predeceased by his parents, Raymond P. and Dortha C. Johnson; ex-wife, Margaret Johnson; and son, Lewis C. Johnson.

Survivors include his longtime partner, Addie Kenyon; sons, Vel (Dianne) Johnson and Wayne (Kari) Johnson; daughters, Lisa Yuengling and Doty (Brad) Winne; beloved grandchildren, Emily, Brian, Kyle, Charlie, Siena, Cameron, Lewis, Baylea, Douglas and David; great-grandchildren, James, Betty, and Margret.

Charles was a graduate of R-C-S High School and William and Mary University. He was a veteran of the U.S. Air Force serving active duty from 1961 - 1967 during the Vietnam War. He also served several more years with the Air National Guard. In 1958 he joined IBM Corp. and served a long and distinguished career in multiple roles for 62 years. He filled his free time watching all sports and participated in fast pitch softball until late in his life.

Friends may call at the Babcock Funeral Home on Thursday, March 7, 2024, from 10 to 11 a.m. with a funeral service to start at 11 a.m. Interment will follow in Chestnut Lawn Cemetery, New Baltimore.



**Continued on next page**





# Bill would increase police driver training

An increase in serious officer-involved car crashes prompts push

By Emilie Munson

ALBANY — A newly proposed bill would require New York police do more driving training throughout their careers, after a Times Union investigation found a rise in serious police car crashes over the past decade.

The legislation introduced by state Assemblywoman Patricia Fahy, D-Albany, would establish new rules requiring officers to complete at least 40 hours of emergency vehicle operations training while at the police academy and mandating that members of law enforcement complete four hours of refresher training periodically throughout their careers. The bill would also direct the state Municipal

Police Training Council to develop a model program on emergency vehicle operations for police.

Currently, New York only requires 21 hours of emergency vehicle training at the police academy. But many academies do more: The average amount of training is 35 hours, said Kirstan Conley, spokeswoman for the state Division of Criminal Justice Services, which oversees training for police.

The Times Union found many police receive no regular training on driving tactics throughout their careers.

Fahy's bill is modeled on a law in California with similar requirements for police. "Education always helps," she said. "Police themselves are suffering."

Enhancing driving training for New York police is supported by several state lawmakers, as well as the Governor's Traffic



Contributed by Niagara County Sheriff

**In 2015, a Niagara County sheriff's deputy went through a stop sign and hit another car while using his overhead lights. The crash killed one man and injured his wife.**

Safety Committee. Assemblyman William B. Magnarelli, D-Syracuse, chair of the Assembly's Transportation Committee, called the recent spike in

damaging crashes involving police "alarming."

Serious crashes involving police vehicles are unfolding with increasing frequency across

New York, often resulting in property damage but also grave injuries and death. In addition to the physical toll on officers and civilians, the spike is a ballooning financial burden for municipalities and the state.

Crashes involving police cars appear to be surging faster than collisions in the civilian population over the last decade, state crash data shows.

They are a leading cause of on-duty deaths for police, almost half of whom were not wearing a seat belt at the time of their fatal crash. Injuries are also increasing, according to national estimates.

While many police crashes are minor and some are caused by civilians, several New York police departments have documented that their officers could have prevented a significant share of collisions, data obtained from eight of the largest  
*See **POLICE**, A4*



Lori Van Buren/Times Union

**Family and friends wait for the LC130 U.S. Air Force plane of the 109th Airlift Wing carrying New York's fallen National Guard aviators Casey Frankoski, 28, of Rensselaer, and John M. Grassia III, 30, of Rotterdam at the Aviation Support Facility on Monday in Colonie.**

## GUARD

From page A1

the 109th Airlift Wing based in Scotia, made a low pass over the airport before touching down at 3 p.m.

Grassia and Frankoski were assigned to a regiment that has been operating as part of Joint Task Force North, a military unit that supports U.S. Customs and Border Protection operations on the southwest border. The crash also killed U.S. Border Patrol agent Chris Luna and severely injured New York Guardsman Jacob Pratt.

Col. Jason Lefton, the state aviation officer for the New York Army National Guard, expressed condolences to Grassia's and Frankoski's families and praised the work they had been doing at the border.

"Our soldiers and aviators are leaders that are part of their community. They're citizen soldiers. They're people that are the best and the brightest and they work hard," Lefton said.

He said that the last 10 days had been difficult for the remaining Capital Region-based personnel still at the border but that they were also resilient. "I would liken it to a boxer taking a gut punch," Lefton said. "They're getting back up. They're looking after each other."

Pratt, an aircraft crew chief from Rensselaer, remains hospitalized after the crash of the UH-72 Lakota light utility helicopter. Lefton said that Pratt is strong and improving though he has a long road ahead.

The detachment specializes in flying missions in support of civilian agencies and is based at an Army Aviation Flight Facility at Albany International Airport. Grassia and Frankoski were both ranked chief warrant officer 2. Lefton said that Grassia's and Frankoski's unit, Detachment 2, Company A, 1st Battalion, 224th Aviation Regiment has resumed flying.

A safety investigation and an Army



Will Waldron/Times Union

**People wait on Broadway in Rensselaer to pay their respects to National Guard member Casey Frankoski on Monday in Rensselaer.**

fact-finding investigation known as a 15-6 were both ongoing and that it could take months for either to be completed, Lefton said. The Division of Military and Naval Affairs previously said it could take months to determine the cause of the crash.

Grassia had been a trooper with the State Police since 2022, working most of his short law enforcement career in Troop K in the Hudson Valley before being reassigned recently to Troop G in Colonie.

Frankoski, the daughter of a former Rensselaer city police chief, was a graduate of Columbia High School and Schenectady County Community College, where she received an associate degree in social science. She was appointed a warrant officer in 2019 and trained to become a UH-60 Black Hawk and UH-72 Lakota helicopter pilot.

Rensselaer Police escorted Frankoski's

casket from the Division of Military and Naval Affairs to the W.J. Lyons Jr. Funeral Home.

They encouraged the public to pay respects to the New York Army National Guard members and published their route to the funeral home on Washington Avenue in Rensselaer.

Frankoski's funeral will be held at 11 a.m. Friday at the Parish of St. John the Evangelist and St. Joseph Church, 54 Herrick St., Rensselaer, followed by interment at Gerald B.H. Solomon Saratoga National Cemetery in Schuylerville. Calling hours will be held from noon to 5 p.m. Thursday at the church.

Grassia's funeral will be held at 11 a.m. Tuesday, March 26, at St. John the Evangelist Church at 806 Union St., in Schenectady, followed by his burial also at Saratoga National Cemetery. Calling hours will be 2 to 7 p.m. Monday at the church.

## AUDIT

From page A1

ers and businesses, the release stated. She will also be responsible for streamlining the licensing process, including applications and the agency's review of prospective licensees, and will report on key performance metrics back to Hochul's office.

The release noted that after Moy's initial deployment, Hochul's office could consider "external consulting" to support a possible longer-term assessment. The announcement — and what appears to be Moy's at least temporary role within OCM — was a measure of the severity of setbacks to the current regulation of cannabis in New York. The industry has been beset by frequent delays in licensing and regulatory hurdles that cannabis farmers and other industry stakeholders complain have prevented many small business owners from becoming profitable. In addition, lax enforcement of illicit cannabis shops has cramped the legal retail market, according to critics within the nascent industry.

The agency has also been sued by numerous prospective applicants who have claimed they were unjustly denied licenses because of their status as white men or veterans. OCM had outlined a program to award retail licenses first to those with past marijuana convictions.

The law's goal to prioritize social and economic equity applicants is intended to remedy racial inequities and "to incentivize participation in this new industry for individuals disproportionately impacted by cannabis prohibition," according to the office's website.

"We have built a cannabis market based on equity, and there is a lot to be proud of," said Chris Alexander, OCM's executive director, in the release from Hochul's office. "At the same time, there is more we can do to improve OCM's operations and we know Commissioner Moy, a proven leader in government, will help us get where we need to be."

Alexander is a former executive of a cannabis company who also served as counsel for the state Senate. He played a major role in writing the Marijuana Regulation & Taxation Act, which legalized adult-use cannabis and created the OCM.

The office's failures have since been noted by Hochul, who recently ramped up her criticism of the state's rollout of legal cannabis.

"It's a disaster," Hochul told The Buffalo News editorial board in February. "I will not defend that for one second."

With state budget negotiations under way ahead of a deadline at the end of March, lawmakers are discussing how to enact new statutes that would further empower law enforcement agencies to conduct raids on illicit cannabis shops. Hochul and legislative leaders are also negotiating how to repeal a "potency tax" on marijuana products, which cannabis insiders have said has driven consumers to the black market.

Georgina Parsons, spokeswoman for the Office of General Services, said that in Moy's absence "agency operations will function as normal." Executive Deputy Commissioner Tom Nitido and Deputy Commissioner for Strategic Initiatives Germain Difo will lead daily operations for the agency, Parsons said.

Moy previously was the chief operating officer at the New York City-based research organization Public Health Solutions. Before that, she served in a similar role for the Office of the Attorney General.







Historic victory

Dornoch, with jockey Luis Suez aboard, wins the 156th running of the Belmont Stakes on Saturday, overcoming 17-1 odds to achieve a major upset in the Triple Crown finale. The race was run for the first time at Saratoga Race Course in Saratoga Springs. Story/B1.

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TIMES UNION INVESTIGATION

CHASING DEATH

Police pursuits, crashes and fatalities are higher than they’ve been in years across the state

Rochester police arrived at a fiery crash scene after pursuing a motorcycle on May 3, 2020, that crashed head-on with an SUV.

By Emilie Munson and Chris Hippensteel

The number of high-speed police chases across New York has surged since 2020, with car crashes and deaths increasing in tandem. The increase in pursuits is occurring as more drivers are fleeing police, often due to minor offenses that include traffic violations and property crimes. Pursuits by the State Police doubled since 2018. Chases by the Westchester County Police Department have quadrupled in recent years. Many other large police departments also recorded a recent spike that’s unparalleled in the past five to 10 years, an eight-month Times Union investigation found. “Without question, there’s an uptick,” said Chemung County Sheriff Bill Schrom. “It has been unprecedented the number of pursuits we have been getting engaged in and our other departments in our county are.” As chases become more common in New York, so have pursuit-related car crashes and deaths, the Times Union found. A

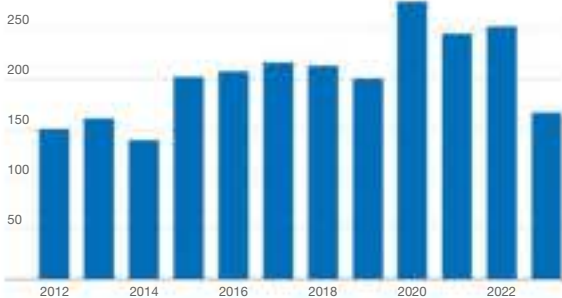
See PURSUITS, A6



Matt Wittmeyer/Special to the Times Union

A collision with a car pursued by police severely injured Christopher Walker in 2018 in Webster in Monroe County.

Crashes during police pursuits in New York  
These numbers are likely an undercount.



2023 data is slightly less than a full year.  
Chart: Emilie Munson / Times Union • Source: New York Department of Transportation



Saratoga County Sheriff's Office

Robert Sanders was killed after crashing his truck into a guardrail following a police pursuit in Saratoga County on April 28, 2021. He died from multiple causes, including alcohol consumption.

117 people have died in vehicle chases since 2012

By Chris Hippensteel and Emilie Munson

A silver car broadsided the Chevy Cruze as it sped through an intersection on a late summer night in 2021. The small vehicle spun out of control and slammed into a light pole, snapping its rear axle clean off and trapping its three occupants inside. Moments later, the Buffalo police officers who had been chasing the car through the city’s East Side pulled up to find its mangled remains. Police body camera footage captured one of the arriving officers cutting the airbag to find the driver, Darrius Jackson Jr., and his front-seat passenger, 21- See DEATHS, A8

MORE ONLINE:

Scan the QR code at right for more coverage at Timesunion.com, including an interactive database of fatal police pursuits and a video.



Business/Jobs.....E Crossword.....Unwind Real Estate.....Spaces WEATHER: A touch of rain in the morning. High: 72° / Low: 55° / Details, A2

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DEATHS

From page A8

deadly collisions can look like there had been an explosion. After one devastating crash in Tonawanda that killed a fleeing driver and his passenger, a car's intact engine block was separated from the vehicle and thrown across the road.

"The subject vehicle ... was reduced to a twisted pile of wreckage and completely unrecognizable," an officer noted in a report.

Four-year-old Ariel Russo had loved her first year of school. But she was especially eager to go on the morning of June 4, 2013, according to her mother, Sofia Russo.

Sofia had a busy schedule that day, so she asked Ariel's grandmother to walk the child to school.

"That day she had a spring show at her school, and she was so excited about it," Russo recalled. "She picked out this outfit, her favorite skirt and her favorite shirt and boots with rhinestones on them."

Later that morning, while she was at work, a voicemail flashed across the screensaver of Russo's phone — a picture of a bear that Ariel had drawn on construction paper. The call was from the police.

Her daughter and mother had been hit while waiting to cross the street, an officer explained when she called back. They were in the hospital. Russo needed to come right away.

"I ran into the ER, and the police, they looked at me and they just shook their heads no, and looked down at the floor," Russo said. "And I knew that that meant that she had passed."

In the months that followed, through conflicting media reports and the help of attorneys, Russo began to piece together exactly what happened to Ariel.

An unlicensed 17-year-old driver had fled a City of

New York Police Department traffic stop. The officer's decision to pursue him through the Upper West Side of Manhattan culminated with the driver losing control of his car and striking Ariel and her grandmother. Russo would later receive \$150,000 through a settlement with New York City.

A decade later, Russo — now an advocate for pedestrian safety — said she doesn't blame the police for her daughter's death. But she does recognize the pursuit as part of a chain of events that, with one alteration, could have prevented it.

"I didn't really ever single them out as like, this is all their fault," Russo said. "But I knew that it had a part to play in the result, the loss of the life of my daughter."

'Risk vs. reward'

Years later, the cause of the pursuit that killed Sequoyah Woodberry is unclear.

According to records obtained through a Freedom of Information Law request, the chase began when Buffalo police officers observed Jackson driving at high speeds through the streets of Buffalo. Such a chase would be forbidden under the department's own policies, which prohibits pursuits for traffic violations alone.

Buffalo police Commissioner Joseph A. Gramaglia presents a different version of events, however. He told the Times Union that the officers who chased Jackson did so because they recognized his car as one connected with an earlier shooting incident in the city, a violent crime that could warrant a pursuit under departmental guidelines.

That chase — and its deadly outcome — highlights the dilemma police face every time a vehicle flees a traffic stop: under what circumstances can officers justify a pursuit

that could seriously harm not only the fleeing suspect, but others on the road?

Some departments, including Buffalo's, limit chases to violent or serious crimes. But many others have far less restrictive policies, and allow officers to use their discretion to determine whether apprehending a suspect outweighs the risks of a pursuit.

That vagueness — and the burden it places on officers to make split-second and often life-or-death decisions — can lead to devastating outcomes, said Yates, the law enforcement expert who had been a longtime commander with the Tulsa Police Department.

"Not only are we tasking police officers to balance the risk versus reward, we're making them do that when their heart rate is going 170 beats a minute, they're driving a car and talking on the radio and trying to capture somebody," Yates said.

Although police pursuits involve departments of all sizes, State Police and the NYPD have had the greatest number of pursuits end in fatalities since 2012, with at least 21 and 17 cases, respectively.

Police officers are rarely killed or seriously injured in the incidents. In reviewing a decade of deadly chases, the Times Union didn't identify a single case in which an officer died as a result of a pursuit, and few in which police vehicles crashed at all.

But there were notable exceptions, including cases in which officers accidentally or deliberately struck fleeing drivers with their vehicles in an effort to stop the pursuit. (The latter is a legal tactic in New York, called a PIT maneuver, though most departments prohibit the practice).

In 2016, a Schoharie County deputy sheriff ran over a fleeing dirt bike rider

SEE DEATHS, A10

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# Nevada primary could have national impact

ASSOCIATED PRESS

RENO, Nev. — The commission that oversees Nevada’s second most populous county approved its new elections director earlier this year by a familiar split vote.

The three votes in favor came from two Democrats and a moderate Republican, Clara Andriola. The votes against came from two Republican commissioners who have raised doubts about elections or voted against certifying results and who are supported by a wider movement within the county that promotes election conspiracy theories.

Now that movement is hoping to unseat Andriola from the Washoe County Board of Commissioners in Tuesday’s Republican primary and create a majority on the board. That could have national implications because the commission has some important oversight of the elections office for a swing county in one of the nation’s most important presidential and U.S. Senate battleground states.

Andriola, whose bipartisan votes on the commission earned her a censure from the county GOP, said she is disheartened by the attacks from within her own party.

“I think elections should not be a partisan issue,” she said. “Unfortunately, it has turned into a very partisan issue.”

The chair, Alexis Hill,

said the attacks against the elections office and its workers are unfounded and damaging to democracy by undermining trust in elections and their outcome. But Hill, a Democrat, also said she is well aware of why the office is in the crosshairs of election conspiracy theorists and why they are seeking a majority on the commission.

“It’s a national issue; this is not just a Washoe County issue,” she said. “If you cast doubt in Washoe County about the election, that has a ripple effect that casts doubt on a potential swing presidential election, a potential swing Senate election. It’s very dangerous.”

The dynamic unfolding in the politically mixed region of northern Nevada, which includes Reno, is similar to dramas that have played out elsewhere, including in neighboring Arizona, another swing state where conspiracy theorists have targeted local boards and election offices the past several years.

Arizona’s July primary also features those who have promoted bogus election claims and are running for the governing board and elections office in Maricopa County, which includes Phoenix. Officials there have been subjected to a never-ending stream of attacks and threats since Democrat Joe Biden narrowly defeated Republican Donald Trump in the state in the 2020 presidential

election.

In Washoe County, a wealthy far-right activist, Robert Beadles, has financially backed the two Republicans on the commission who voted against appointing the elections director in January. He also is behind the effort to unseat Andriola, who was appointed and endorsed by Republican Gov. Joe Lombardo. Because the commission district covers a Republican-leaning part of the county, the candidate who emerges from Tuesday’s primary will be favored to win the seat in November, which covers much of Reno’s neighboring city of Sparks as well as nearby residential areas.

Beadles, who did not respond to requests for comment for this story, has been on a yearslong quest to create a far-right majority on the commission that oversees government operations in the county of nearly 500,000 people.

His previous efforts have included publicly spreading rumors about the family lives of officials he opposes, unsuccessfully filing lawsuits to oust county officials and roll back protections for election workers, and leading a local movement that has encouraged officials to avoid certifying election results and overhaul the elections department. He has sometimes accused local officials of treason for not doing as he wants.

Against this backdrop,



Andy Barron/Associated Press

**County employees open ballots in the mail ballot processing room at the Washoe County Registrar of Voters office in Reno, Nev., on Monday.**

Washoe County commission meetings are regularly filled with heated rhetoric about “puppet masters” manipulating elections, false accusations of stolen votes and conspiracy theories about voting machines. The claims stem from the repeated lies promoted by Trump, who plans to hold a rally Sunday in Las Vegas.

The county is on its third election director since 2022. The latest one, appointed earlier this year, said she rarely leaves her house because of the constant public attacks. Among the far-right primary challengers to Andriola is Tracey Hilton-Thomas, vice chair of the Washoe County GOP. Earlier, she had applied for the post overseeing elections in the county. She told CBS that she does not believe the results of the 2020 election were legitimate. She partially walked back that

claim during an interview with The Associated Press, saying she did not know enough to say for sure. Multiple reviews, recounts and audits in the states where Trump disputed his 2020 loss, including Nevada, have affirmed Biden’s win, and there has been no evidence of widespread fraud.

Hilton-Thomas also has said she believes the Washoe County Registrar of Voters office routinely bypasses state laws and wastes money on voting machines and staff. “(Someone) said if one of us was appointed other than Clara (Andriola), that there was going to be a mass exodus of employees at the county,” Hilton-Thomas said during a campaign event that was moderated by Beadles. “My opinion on that is, good. It just saves us from terminating them.”

The authority the county commission has over its

election department includes appointing the registrar of voters, certifying the vote counts, identifying polling locations and providing ballots in Spanish in a county where the population is about one-quarter Latino. The state and courts provide a safeguard against any local manipulation of elections.

Through his political action committee, Beadles has endorsed former Sparks fire chief Mark Lawson for the commission seat. Lawson has maintained his innocence as he faces four felony charges related to the possession and distribution of steroids and he reached a \$381,000 settlement over his termination from the fire department.

Lawson said he was skeptical of the 2020 election results and was non-committal about whether he would oust the elections head or certify the results of an election should he win the commission seat.

The registrar appointed earlier this year, Cari-Ann Burgess, said the county is supportive of her department and that she interacts more with the district attorney and county manager than with commissioners. But the hostile rhetoric from the commission meetings has made running Washoe’s elections department a challenge.

She still loves her job and sees her goal as simple — “to make sure that democracy presides.”

## DEATHS

From page A9

who had fallen off and crashed. Three years earlier, an NYPD officer struck another dirt bike rider in the Bronx, throwing the driver from the bike and killing him.

And there was the case of Monica Goods, an 11-year-old girl who died in December 2020 after state Trooper Christopher Baldner rammed her family’s SUV, causing it to roll over on the Thruway. Although a judge threw out a second-degree murder charge against Baldner, he still faces charges of manslaughter and reckless endangerment. His criminal case is on hold pending an appeal of that decision by the state attorney general’s office.

In most cases, it was the suspect’s driving, as police lights flashed in their rearview mirror, that led them to crash.

But to what extent a pursuit contributes to a suspect’s reckless driving is often unclear — making pursuit-related deaths difficult to classify or quantify.

Some crashes, like the one that killed Vincent in Oswego County, occurred after a pursuing officer ended the chase, often because they lost sight of the suspect’s vehicle or the fleeing driver had become too dangerous to justify the risk to the public. The drivers, possibly suspecting they were still being pursued, continued driving dangerously and crashed anyway.

Other chases lasted for

less than a minute, unfolding so quickly that the pursuing officers didn’t have time to call them in before a suspect crashed.

Regardless of the duration, once a chase begins, it almost always ends with one of two negative outcomes: a person getting away or with a crash, said Alpert, the University of South Carolina professor.

“If I’ve stolen a car, why in the world would I pull over voluntarily?” Alpert said. “I’m gonna go until you quit chasing, or I crash. That’s just the horror of it all.”

**Answers and accountability**

When a fleeing driver survives a crash that kills passengers or bystanders, the outcome is often the same: a swift arrest, fol-

lowed by a manslaughter or homicide charge.

But when it comes to holding police accountable, the only recourse for victims or their families is often through civil litigation — not just to seek justice, but to fully understand the chain of events preceding a crash.

In multiple cases since 2012, law enforcement agencies in New York initially misrepresented or omitted details about pursuits preceding fatal crashes, or denied that a chase happened altogether, according to court records.

One such case began days before Christmas in 2020, when an Infiniti sedan fleeing police in Yonkers hurtled through an intersection and struck a passing Nissan, ripping the other vehicle in half.

The fleeing driver died following the gruesome crash. So did all four of the Nissan’s teenage occupants.

A spokesperson for the Yonkers Police Department later told news outlets that officers had followed the fleeing Infiniti at a distance and at slow speeds, never activating their emergency equipment to signal a pursuit. The department recently declined to answer questions about the incident, citing pending litigation.

Court documents filed in lawsuits by the victims’ families have told a story different from the police’s initial account.

After police pulled over the vehicle for some minor vehicle and traffic violations — making a dangerous U-turn and having overly tinted windows — it sped away, “faster than I’ve ever seen a vehicle take off,” one pursuing officer recalled.

The officer, who said it was his first high-speed pursuit, knew the Infiniti’s driving was dangerous from the outset, according to his 2023 deposition. He and his partner chose to

give chase anyway, he said. They activated the cruiser’s emergency lights and accelerated to close the gap with the suspect’s vehicle as it sped through multiple red lights.

“Everything happened really fast,” the officer said. “We were trying to catch up to the vehicle in order to air the license plate but we couldn’t.”

The officers did eventually break off their pursuit, following the Infiniti at reduced speeds. Moments later, they arrived at a scene of devastation. Bodies were scattered across the roadway.

An officer later testified in a deposition that multiple policies were violated before, during and after the pursuit, including failing to radio in the chase and not having the cruiser’s sirens activated.

Still, the pursuing officers received no reprimand from the department, or any other more serious form of discipline, according to two officers’ depositions. Instead, they underwent retraining regarding pursuits.

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**SPORTS**  
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**REGION**  
Drag racer killed in crash at Lebanon Valley. **B1**

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## Troy settles case, will pay \$5.77M in police crash that killed pizza driver



Will Waldron/Times Union archive  
**Zinah Alalkawi, the widow of Sabeeh Alalkawi, sits with their twin sons, Joseph, left, and Abraham on Feb. 20.**

Officer's SUV sped through Hoosick St. red light

By Brendan J. Lyons

TROY — The city of Troy is poised to pay more than \$5.77 million to settle a lawsuit filed on behalf of the widow of a 30-year-old pizza delivery driver who was killed last year when his car was struck by a police SUV. The officer behind the wheel sped through a red light at a dangerous intersection with his emergency lights on but reportedly without his siren activated.

The Times Union reported in September that a State Police investiga-



**S. Alalkawi**

tion had confirmed that the Troy police officer, Justin Byrnes, was driving nearly 90 mph seconds before his SUV drove through a blind intersection on Hoosick Street and slammed into the small Honda sedan being driven by Sabeeh Alalkawi.

The agency's crash reconstruction report concluded the "primary contributing factor for this collision

See **CRASH**, A5



Manuel Balce Ceneta/Associated Press

**President Joe Biden, right, takes a photo with a supporter at a campaign rally in Harrisburg, Pa., on Sunday. Out on the campaign trail, Biden is facing softening support from Democratic lawmakers.**

## N.Y. Dems quiet amid concerns over Biden

State's congressional delegation avoiding questions on his acuity

By Raga Justin

ALBANY — Democrats are continuing to question President Joe Biden's mental acuity and his ability to secure a second term, but most members of the party's New York congressional delegation are avoiding the question.

Possibly contributing to their concerns — prompted by Biden's dismal performance during last month's presidential debate with Republican rival Donald J. Trump — could be the political risks for Democrats running in competitive New York congressional districts in November — with the outcome of those races expected to have a role in the control of Congress.

New York, generally a solid blue stronghold, has seen Republican candidates make inroads in recent elections. While the down-ballot impact of Biden's continued campaign remains unclear, political observers have noted the internal hand-wringing over whether New York Democrats running competitive races for seats

See **DEMS**, A3

## Resolute president 'firmly committed' to staying in race

By Michael D. Shear  
THE NEW YORK TIMES

WASHINGTON — President Joe Biden on Monday dared his critics to "challenge me at the convention" if they want him out of the presidential race, refusing to step aside in a defiant letter to Democratic members of Congress and in fiery remarks on MSNBC's "Morning Joe" program.

Declaring himself "frustrated by the elites" who have called for his exit from the race, Biden engaged in an offensive blitz aimed at saving his candidacy. But it also laid bare the fractures in his party over whether his position as the Democratic standard-bearer will help or hurt its fortunes this fall.

In effect, Biden decided to engage in a no-

See **BIDEN**, A4

## Sun in the sky, clouds on ground



A giant bubble machine created a foamy playland for children at the launch of the Summer Meals program at the Troy Housing Authority, MLK Apartments, on Monday in Troy. Since its inception in 2013, the Summer Meals Collaborative has provided more than 2.1 million meals to Capital Region children. Summer meal sites will offer both free meals and activities this year. For further information, visit [summermealsny.org](http://summermealsny.org).

LORI VAN BUREN/TIMES UNION

## State gives tiny hotel shampoo bottles the boot

Ban part of effort to reduce single-use plastics

By Patrick Tine

ALBANY — Lovers of communal shampoo dispensers touched by countless strangers, rejoice.

Small bottles of "hospitality personal care products" like conditioner, shampoo, bodywash and moisturizer will be banned in hotels with 50 or more rooms beginning on Jan. 1, 2025, under new New York regulations.

Hotels with 50 or fewer rooms

will come under the ban in 2026.

The rules had originally been scheduled to come into effect in 2023 and 2024, but industry lobbyists pushed for a delay in order for hotel owners still reeling from COVID-19 to use stocks of plastic bottles they had already paid for.

The ban covers bottles of 12 ounces or less and applies to hotels, motels and any other "building or portion of a building

See **HOTEL**, A3



Lauren Stanforth/Times Union

**Small plastic toiletries are seen at a Lake Placid hotel Saturday. New York is banning toiletries smaller than 12 ounces at hotels.**

Business .....**B7**  
Classified.....**B13**  
Comics.....**B11**

Crossword.....**B10,B12**  
Horoscope.....**B12**  
Obituaries.....**B4**

Perspective.....**A12**  
Sports.....**A6**  
Television.....**B10**



**WEATHER:** A t-storm around in the p.m.  
High: **94°** / Low: **75°** / Details, **A2**



### Summer Open House Event

### Six Eddy Senior Living Communities

- Independent Living
- Assisted Living
- Memory Care

**SUNDAY, JULY 14, 1-4PM**

Find Addresses at  
**EddySeniorLiving.com**









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Saratoga Race Course opens this week. Check out our betting 101 guide on how to wager when you're at the track. [TIMESUNION.COM/SARATOGATRACK](https://timesunion.com/saratogatrack)

REGION

How two friends became "The Kidney Bros." C1



SPORTS

Firebirds get speedy Wade back in time for playoffs. B1

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# Troy officer in fatal crash loses license, terminated

Unable to drive, Byrnes no longer met department requisites

By Brendan J. Lyons

TROY — A Troy police officer whose speeding SUV killed a 30-year-old pizza delivery driver last year was terminated this week because he no longer met the department's minimum qualifications after his driver's license was revoked.

An administrative law judge for the state Department of Motor Vehicles revoked the driving privileges of the former officer, 31-year-old Justin R. Byrnes, in early April,



Byrnes

two months after a hearing where he had declined to testify about the February 2023 fatal crash on Hoosick Street.

Byrnes' termination from the department took place as the City Council is scheduled to vote Thursday on a proposed \$5.77 million civil settlement with the widow of Sabeeh Alalkawi, who

*See OFFICER, A3*



Photo provided by Jason Velázquez

**A State Police crash report concluded that now-former Troy officer Justin R. Byrnes' "failure to exercise due caution" was a factor in the death last year of Sabeeh Alalkawi.**

# Inmate deaths draw rebuke

State board faulted Albany County jail's supervision efforts after two overdoses

By Steve Hughes

ALBANY — The state Commission on Correction twice faulted the Albany County jail's supervision of two inmates who died of overdoses in 2021 and 2022.

The reports on the deaths of Ah'liek Leonard and Brian Bishop were dated March 27, 2024, but were published on the commission's website at a later date. Neither man's death nor the reports detailing the circumstances around their deaths were publicly announced.

Albany County Sheriff Craig Apple declined to comment on the reports beyond the department's official response to the commission's findings, citing possible litigation.

Leonard, 20, was awaiting sentencing in a homicide case when he died June 25, 2022, in his cell. Leonard had pleaded guilty May 11 to manslaughter for shooting Andrew Miller on Nov. 15 at a combined KFC/Taco Bell on Delaware Avenue after the two men got into an argument.

Leonard was supposed to serve 24 years in state prison.

The jail's intake records note that Leonard was angry when he was

*See DEATHS, A3*



Lori Van Buren/Times Union

Ellie Palonco, 7, of Troy diverts the water as she cools off in the spray pad at Troy's Prospect Park on Tuesday. Periods of heavy rain associated with the remnants of Hurricane Beryl are forecast for the region on Wednesday.

# Thunder, rain, gusty winds loom as Beryl aims for region

Storm that battered Texas on path for area Wednesday

By David Zywieczynski

ALBANY — It's looking more and more that post-Tropical Storm Beryl will affect parts of the Northeast in the coming days.

While hurricane-force wind gusts and a storm surge aren't anticipated locally, New York could see heavy rainfall and scattered severe storms.

There is growing concern that excessive rainfall is possible across portions of the Northeast on Wednesday, according to the Na-

tional Oceanic and Atmospheric Administration's Weather Prediction Center.

At 5 a.m. Tuesday, the center of Beryl was located over central Arkansas, moving northeast at 23 mph. The cyclone is a tropical depression with maximum sustained winds of 30 mph. Widespread flooding and numerous tornadoes have been reported within the rain bands surrounding the system.

Precipitation and rich tropical moisture associated

*See BERYL, A3*



Eric Gay/Associated Press

**Then-Hurricane Beryl crashed into Texas Monday, killing several people, unleashing flooding and wrecking buildings, including this home in Bay City, Texas.**

# Judge: Native garden can stay, with upkeep

By Maria M. Silva

CATSKILL — With scores of plant species in riotous bloom outside her home, Jenae DiNapoli's yard in Jefferson Heights has attracted bees, fireflies, native plant enthusiasts and recently, the attention of the town of Catskill, which tried to make her mow the lawn.

But at a court appearance Monday afternoon, Catskill Town Judge Richard Paolino said DiNapoli can keep her native pollinator garden after all, albeit with some changes and regular upkeep.

DiNapoli appeared in Catskill Town Court with papers, an easel and maps of her yard displaying the plants she's been growing for the past year in the yard of her Victorian home, many of them considered endangered species. She challenged notices she received from John Acconero, the town's fire inspector, and Matthew Carlile, the town's code enforcement officer, that stated her lawn

*See GARDEN, A8*



DiNapoli

Business .....D1  
Classified .....B6  
Comics .....D5

Crossword .....D4,D6  
Horoscope .....D6  
Obituaries .....C6

Perspective .....A6  
Sports .....B1  
Television .....D4



**WEATHER:** Cloudy, a heavy t-storm; humid  
High: 90° / Low: 75° / Details, A2



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STATE

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OFFICER

From page A1

was killed last year when his car was struck by Byrne's police SUV. The officer sped through a red light at a dangerous intersection with his emergency lights on but allegedly without his siren activated, according to an attorney for Alalkawi's widow, Zinah.

The administrative judge revoked Byrne's driving privileges following a standard proceeding required of any motorist involved in a fatal crash. The judge's decision also was made despite two State Police members who were involved in a crash reconstruction investigation not showing up for the hearing despite being directed to do so, according to a transcript of the hearing.

The judge had rejected a request by Byrne's attorney, Andrew Safranko, to not allow the State Police crash reconstruction report to be admitted as evidence, in part, because he would not be able to cross-examine the two State Police members — a trooper and an investigator. Safranko had argued that without their testimony the report amounted to "hearsay."

"This hearing is a fact-finding hearing. Hearsay is admissible in these hearings," the administrative judge, Elizabeth M. Niemi, told Safranko during the February hearing. "This is a very relevant document to this proceeding. Of course, your objection's noted for the record."

The Times Union reported in September that the State Police investigation had confirmed that Byrne was driving nearly 90 mph seconds before his SUV drove through a blind intersection on Hoosick Street and slammed into the small Honda sedan being driven by Alalkawi.

The agency's crash reconstruction report concluded the "primary contributing factor for this collision was (the officer's) failure to exercise due



Will Waldron/Times Union archive

**Police inspect the scene of a fatal police crash on Hoosick Street in Troy on Feb. 22, 2023. The officer involved has been terminated.**

caution, while in emergency operation, when entering an intersection against a red light."

The findings by the State Police followed an investigation that included interviews, data analysis of the two vehicles' computers and a review of various camera footage, including a dashboard video from a civilian's vehicle that captured the crash and confirmed the officer drove through a red light.

The lawsuit was filed against the city of Troy in October on behalf of Zinah Alalkawi and the couple's twin boys.

Mayor Carmella Mantello said the settlement will include \$750,000 in taxpayer funds, \$5 million from the city's insurance carrier, and \$25,000 from Byrne's insurance carrier.

The crash remains the subject of an ongoing investigation by the state attorney general's office, which is required under Executive Law to review incidents in which civilians are killed during encounters with police. That investigation be-

gan in March 2023, a month after the fatal collision, and has been languishing.

Byrne, a U.S. Army veteran who had been a combat medic, had been with the department since 2019.

The Times Union previously reported that Byrne may have violated multiple departmental policies as he was responding to a 911 domestic incident call just after midnight Feb. 22, 2023, when the collision took place. Byrne and several other officers were getting coffee at a Cumberland Farms on Hoosick Street, about a mile east of the intersection where the crash occurred, when the call went out.

All of the officers drove at high rates of speed through the 15th Street intersection. Byrne was the third officer to race through the intersection but he was facing a red light and did not see Alalkawi's approaching vehicle, which was facing a green light and traveling under the 30 mph speed limit.

Safranko, during the motor

vehicle hearing in February, had characterized the fatal high-speed collision as "a terrible and unfortunate accident."

"And then also judge, to the extent that you are relying on this reconstruction report, I would note that one of the biggest findings in this case, and the contributing factor, is the failure of the decedent to be wearing a seatbelt at the time of the action," Safranko added. "And Judge, I cannot reiterate enough the importance of responding to a domestic violence call."

But it's unclear that a seatbelt would have saved Alalkawi's life. A person familiar with his autopsy said he had suffered an internal decapitation when the officer's 5,000-pound Ford Interceptor SUV slammed into the driver's-side door of Alalkawi's sedan, hurling the smaller vehicle nearly 200 feet west on Hoosick Street.

The Times Union previously reported that Byrne had violated the department's emer-

gency response policies and had not activated the siren in his marked 2016 Ford Explorer. Law enforcement sources said turning on his siren may have activated the police cruiser's dashboard camera, if one was installed in the vehicle. The State Police crash reconstruction report, which makes no mention of Byrne's dashboard camera, states only that "it is unknown if the sirens were activated" at the time of the crash.

An autopsy found no drugs or alcohol in the bloodstream of Alalkawi, who had just made his final food delivery that night and was returning to the pizza shop to help close it up.

The city's departmental policy requires police officers to have their lights and sirens on during emergency responses. But there is also a caveat in the regulation: "A siren may be excluded, or used sporadically, only in those situations when the responding officer can articulate sound judgment for doing so."

The policy, which had not been revised in 11 years, also required Byrne and the other two officers to slow down at the 15th Street intersection and make sure it was clear — even if they'd had a green light — before proceeding.

The State Police report indicated Byrne pressed his brake pedal four seconds before the collision with Alalkawi's vehicle — while traveling 88 mph. But two seconds before the crash, he began to accelerate and then suddenly pressed his brake pedal, "approximately at the time of the collision," reducing his SUV's speed to 65 mph as he broadsided the Honda sedan.

A three-story building on the northeast corner of Hoosick and 15th streets blocked Byrne from seeing the approaching car of Alalkawi, who was a block away from the pizza shop where he had been working. That building also prevented Alalkawi from seeing the speeding police SUV.



Reginald Mathalone/Associated Press

**Flooding is being seen on Interstate 10 at Washington Street in Houston, Texas, on Monday.**

BERYL

From page A1

with the remnants of Beryl will interact with a warm front to produce widespread showers Wednesday. Periods of heavy rain appear likely throughout the day, with localized flooding expected in storms that move over the same area. The exact position of the heaviest rain bands was still uncertain Tuesday afternoon.

Thunderstorms may become severe. Gusty winds and a few tornadoes are possible across southern New York and northern Pennsylvania during the afternoon hours Wednesday.

Thursday will be similar to Wednesday, although some models suggest the heaviest rain could set up closer to the Canadian border and the severe storm threat will have diminished. Torrential downpours are still possible. By the time Friday rolls around, the remaining rain bands will be-

*It would become the earliest Atlantic hurricane to achieve Category 4 strength (130 mph) on June 30, briefly weaken, and then become the earliest recorded Category 5 hurricane in the Atlantic on July 1.*

gin to exit the region into eastern New England. A few lingering showers and thunderstorms are forecast but expected to be less widespread.

Starting on June 28, Beryl developed in the Atlantic Ocean, rapidly intensifying into a hurricane a day later. In less than 24 hours, Beryl reached major hurricane status with maximum sustained wind gusts of 120 mph, 355 miles east of Barbados.

It would become the earliest Atlantic hurricane to achieve Category 4 strength (130 mph) on June 30, briefly weaken, and then become the earliest recorded Category 5 hurricane in the Atlantic on July 1.

Following its trip through the Caribbean, Beryl turned north and weakened while crossing the Gulf of Mexico. It eventually made landfall near the coastal town of Matagorda, Texas, as a Category 1 hurricane, packing sustained wind speeds of 80 mph and leaving nearly 3 million residents without power. Beryl has also been linked to eight fatalities in the United States, in addition to over a dozen deaths in Venezuela, Jamaica, Grenada, St. Vincent, and the Grenadines.

Beryl pummeled Houston and the surrounding area on Monday, leaving several dead and cutting power to millions of Texans as it moved inland.

DEATHS

From page A1

brought in after his arrest Dec. 13, 2021. He was referred for medical and mental health treatment and placed under constant observation, according to the commission's report.

Much of the report on Leonard's time in the jail leading up to his death is redacted, except for mentions of court dates and a finding that Leonard assaulted another inmate in April. It also references a redacted medication that Leonard was taking and that there were multiple days he did not receive it. The commission said there was no clear documentation on whether Leonard had refused the medication.

Two days before he was found dead in his cell, Leonard had a civilian visitor, the report notes. The visitor was not identified in the report. The public portion of the report does not state whether the commission or jail staff believe Leonard obtained drugs from his visitor.

At 9:42 a.m. on June 25, an inmate alerted jail guards that Leonard needed help. He was found unresponsive in his cell and a guard called for a medical emergency. The public portion of the report redacts some of the steps guards and jail medical staff took after taking Leonard out of his cell, but it was likely too late for any life-saving measures to have helped. In an interview with commission staff, one guard, who was identified only by their initials, said Leonard was cold and that his body was firm to the touch when they found him.

The commission's Medical Review Board opined that Leonard should have received Narcan from jail or medical staff. The public portion of the report does not state his specific cause of death. It called for Apple to initiate an investigation of the guard assigned to supervise Leonard's housing area and take administrative action if policies were violated.

In a response dated Feb. 1, Apple's office indicated that an

internal investigation did not find any violations of department directives.

The second death occurred just hours after the man, Brian Bishop, was booked in the county jail.

Bishop, 43, overdosed on methamphetamine and fentanyl Oct. 31, 2021, according to the commission's report. In Bishop's case, the commission's Medical Review Board found that jail security staff failed to properly conduct constant supervision.

Bishop was booked just after 12:20 a.m. on a petit larceny charge and it was clear to jail staff that he was under the influence of drugs. Jail staff documented that Bishop could not stand still but was alert and admitted to withdrawing from methadone.

When Bishop was placed in his cell, he became irate, screaming insults and slurs for approximately two hours, according to the report. He quieted around 3 a.m. and lay down on his bunk. A jail guard told commission staff that Bishop's behavior was nothing out of the ordinary for someone who came into the jail with altered mental status or who appeared to be under the influence.

At the time of his incarceration, the jail's cell had plexiglass against the bars. Several jail guards told commission staff that made it difficult to confirm Bishop was breathing.

At 6:50 a.m., two jail guards toured the housing area and reported that Bishop appeared to be lying on his bunk with his eyes open, according to the report. Just over 30 minutes later, another inmate alerted jail staff that Bishop didn't respond to his meal tray arriving in his cell and that he "did not look good."

Jail staff went into his cell and found Bishop had no respiration or pulse. As with Leonard's case, the commission staff directed Apple's office to see if there were any policy violations. Apple's office wrote that an internal investigation did not find that officers were in violation of department directives.