

UNIVERSITY POLICE | ENCON POLICE



PARK POLICE | FOREST RANGERS

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November 18, 2011

Via Facsimile and U.S. Mail

Chief Robert J. Kehoe  
University Police  
The College at Brockport  
350 New Campus Drive  
Brockport, NY 14420

Dear Chief Kehoe:

We write as the certified bargaining agent for the Agency Law Enforcement Services (ALES) bargaining unit, which includes officers employed as University Police Officers 1 and 2 within the State University System. We recently became aware of an exceptional arrest by one of your officers, while the officer's conduct was exemplary, the college's handling of the incident has given us cause for concern.

In the early morning hours of November 6, 2011, University Police Officer Gary Miller arrested a subject for Driving While Intoxicated and felony Aggravated Unlicensed Operation. The subsequent search revealed a .22 caliber rifle with a fully loaded 25 round magazine and more than 500 additional rounds of ammunition hidden in the trunk of the subject's car. The investigation revealed that he was evicted from Brockport State College's dormitories by Residence Life staff the previous day, and he also was arrested by University Police a week earlier for cocaine possession.

While we do not know why the subject was returning to campus or what if anything he intended to do with his firearms, the circumstances, including the fact that he was located outside of the very dorm he was evicted from, cause grave concern that he was possibly returning to campus to commit some sort of violent and vengeful act.

Despite these facts, the college inexplicably seems to be treating this as an everyday incident, or worse, suppressing information from the campus community. In light of the Virginia Tech Massacre, the Northern Illinois University shooting, and numerous other school shootings, we believe this weapon arrest must be taken more seriously by SUNY Brockport. With those thoughts in mind, this union demands answers to the following:

- Has the college performed a complete review of this incident, specifically with the defendant himself to further investigate his actions as well as amongst residence staff, other faculty, and the University Police? We believe a proper review would determine what was done right, what was done wrong (if anything), and what could be done in the future to ensure the college community is kept as safe as possible.

- Has the College advised area law enforcement, as well as the law enforcement of the subject's home town, of this incident? We understand that the defendant was charged with possession of a weapon, and not any level of assault. However the circumstances are disconcerting enough that the appropriate law enforcement agencies should nonetheless be notified so they are fully informed when encountering this subject in the future.
- Has the College taken steps to notify all other campuses in the SUNY system of this arrest? This could serve as an important reminder to key personnel on all SUNY campuses, from the residence life staff to the police, that they must remain vigilant at all times and act proactively to stop violent acts.
- Have College Officials communicated or met with the Monroe County District Attorney (specifically the District Attorney himself, not an assistant) to communicate how seriously the College takes this case?
- Has Officer Miller been recognized for his excellent and heroic police work? We may never know if this defendant intended to take violent steps when he returned to campus with a rifle and more than 500 rounds of ammunition, but we do know that Officer Miller's excellent police work prevented whatever harm he may have intended and possibly saved several lives. Officer Miller should be properly recognized for that great police work.
- Finally, has this incident given cause for the College to review its prior decision that it would not issue rifles to the University Police? The May 11, 2007 SUNY Chancellor's Task Force on Critical Incident Management, issued just 25 days after the Virginia Tech shootings, clearly recommended that each SUNY Campus obtain rifles<sup>1</sup>. The majority of SUNY's 28 University Police departments have followed those recommendations and trained and equipped their officers with rifles. SUNY Brockport has not done so, and that is quite troublesome to this union. We believe it is negligent for a college refuse to make rifles available for its police officers, and these events cause us to demand that it does so.

This arrest should create a strong concern that a violent tragedy could have occurred at SUNY Brockport. It also creates a tremendous opportunity to review the circumstances and actions, and allow the entire SUNY system and beyond to learn from it. We have seen in the press and elsewhere instances when colleges and universities have not properly responded to terrible crimes and incidents, only to see even worse things happen later. We are not satisfied with SUNY Brockport's inadequate response to this incident, and we are prepared to take steps to ensure it is not simply swept under the rug and forgotten.

Please contact me immediately to advise me what further steps SUNY Brockport is planning to take on this incident, and how we can work together to keep our campus communities more safe.

Sincerely,

/s/

Daniel M. De Federicis  
Excutive Director/Counsel

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<sup>1</sup> The Task force report specifically recommended "At a minimum, each campus should have three (3) sets of tactical response equipment, which consists of tactical knee pads, elbow pads, helmet with face shield, riot batons, jumpsuits, gloves, AR15's and shotgun (\$155,100). Also recommended are two (2) ballistic shields per campus (\$106,400)."

