

NEW YORK STATE POLICE

PHILLIPS MANHUNT ***OPERATIONAL REVIEW***



February 2007

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EXECUTIVE SUMMARY

Overview

The manhunt for Ralph “Bucky” Phillips was the largest and most challenging search in the history of the New York State Police. The ninety-one day search for this elusive fugitive proved to be unprecedented in terms of its complexity and impact on the New York State Police. During the manhunt, the fugitive was responsible for fatally shooting one trooper, and critically wounding two others. In addition, he committed numerous car thefts and burglaries, frequently moved between three western New York counties, traveled to at least four different states, and received extensive support from family and friends to help him elude apprehension. The dynamic nature of this manhunt created numerous operational, planning, and logistical challenges. It involved nearly 1,400 members of the New York State Police, and hundreds of personnel from local, county and state agencies in both New York and Pennsylvania, as well as a number of federal agencies.

Recognizing the unparalleled complexity and scope of the Phillips manhunt, as well as the tragedy it visited upon the NYSP, Superintendent Wayne E. Bennett directed a thorough review of the manhunt.

This review evaluated operational and logistical practices employed during the manhunt and included 1,390 employee interviews that covered critical issues relevant to communications, equipment, command and control, leadership and supervision, planning, information and instructions, and interagency cooperation. In addition, every interviewee was provided with an opportunity to express his or her concerns and recommendations. The review included two interviews of the New York State Troopers Police Benevolent Association (PBA) President, and attempted interviews of all PBA Delegates, in recognition that the PBA had made allegations that improper planning and organization compromised member safety and investigative efficiency. Finally, the chief, or the officer-in-charge, from every outside law enforcement agency that assisted in the search was interviewed.

Principal Findings and Recommendations

Key findings and recommendations are provided in this summary. Evaluation findings and secondary recommendations to improve the efficiency of future large-scale State Police operations are provided in detail in the report.

Critical Issues

Communications

Communication deficiencies were the greatest problems, and the most frequently cited complaint. Communications problems affected efficient deployment and management of personnel, as well as the timely dissemination of instructions and intelligence. While several steps were taken to mitigate communication deficiencies, collectively, the measures employed did not fully alleviate the problems. However, the long-standing State Police radio deficiencies existing in this part of the state are expected to be corrected when the New York State Wireless Radio Network (SWN) is put into operation.

A further communications related complication experienced during this case was the fact that Phillips and his family members were monitoring State Police radio frequencies. Consequently, instructions were issued that cellular telephones were the “preferred” method of communication during this detail, absent an urgent situation or emergency, to avoid any unnecessary broadcast of sensitive information. Thus, cell phones primarily conveyed assignments, results, instructions and location advisories. The use of cell phones to manage a large-scale and wide-spread detail was an error. The state police radio system, despite its deficiencies, should have been the primary means for communication. The major shortcoming of telephone usage was that the dissemination of information was delayed, and that it did not always reach everyone who should have been advised of situations and relevant matters. This impaired the cohesiveness of various detail units and personnel, and accounted for the number of uniform members assigned to the detail who complained that they were not fully and adequately aware of searches and operational events that occurred in their area of assignment.

Communications Recommendations

- The State Police radio network must be the primary means of communication for all public safety operations, including the assignment and tracking of all uniform patrol matters. Emergency situations, and requests for backup, require use of a common radio frequency so all members capable of responding receive immediate situational notifications.
- Use of other methods of communication, from cellular telephone, and e-mails, to mobile data terminals, must be limited to situations where use of the radio is likely to compromise operational security or member safety. Clear instructions must be issued which define when and how alternative communications will be used on details.

Equipment

Feedback obtained through the interview process identified four specific equipment issues. There were some concerns expressed relevant to ballistic vests, night vision goggles, and global positioning systems, which are addressed in the *Equipment* section of this report. The most frequent concern expressed involved the subject of firearms, wherein the essential theme was the desire to have greater firepower and better “stopping” capability. A number of members specifically advocated issuance of patrol rifles and/or heavier handguns.

In 2004, the NYSP examined the suitability of shoulder weapons for general patrol use, during which time a patrol rifle was rejected for reasons deemed to be valid both then and now. The 2004 review provided justification to conclude shotguns are the most suitable and appropriate shoulder weapon, and this review has not revealed that a change of policy is warranted.

With respect to the handgun issue, a committee was formed in March 2006, to evaluate the NYSP issued handgun. After considerable review and testing, the Glock® model 37, .45 G.A.P. caliber pistol, was endorsed to replace the current NYSP issued 9 mm handgun. The purchase order for the new sidearm has been placed, and delivery is expected during February 2007, in time for spring firearms training.

Equipment Recommendations

- The prior determination that the shotgun is the appropriate patrol shoulder weapon for the general membership is affirmed.
- A stock of Level IIIA body armor with ballistic plates in front and rear should be acquired and maintained for distribution as necessary.
- The handgun issue is moot in light of the recent selection of a new sidearm with greater stopping power.

Command and Control

A number of command and control issues were addressed; from information tracking and management of assignments, to the use of multiple command posts and a separate emergency services tactical operations center (TOC). Deficiencies and issues are cited in each area, and are recognized to have complicated management and oversight of the manhunt operation.

The facilities at SP Fredonia were not suitable for a long-term operation and featured communications problems that denied effective localized command and control to the Detail Commander. Offices were cramped, not conducive to a free flow of information, and affected integrated planning and intelligence sharing. The “dual process” of tracking information was less than ideal, and strongly suggests this method of information management was a primary reason many front line troopers and supervisors had a perception there was insufficient command and control. This is an inaccurate, but understandable, perception. Use of one information management point would have reduced confusion, eliminated the perception that supervisory control was lacking, and improved the efficiency of overall detail management for all staffing levels.

Use of a separate tactical operational center (TOC) by emergency service personnel must be addressed as to proper role and function in State Police operations, as these specialized unit members represent one component of the larger detail. The role of a TOC must be clarified to ensure it functions in a properly integrated manner, and adheres to the principles of incident command. Finally, a weakness in the operational and administrative structure of the Emergency Services Section was exposed during the manhunt. This weakness was immediately remedied by the deployment of an Emergency Services administrative officer to the detail. However, this deficiency requires further corrective measures by permanently restructuring the Emergency Services Section at Division Headquarters.

Secondary command and control areas evaluated during the review process included staffing, backup capability, food and lodging, relief and rest. Staffing considerations are continually reviewed during details, and this manhunt was no exception. Staffing is judged to be consistent with case developments and considerations of duties and assignments, including member safety. While there were frequent requests for additional members to respond to a location or investigate a lead, there were very few situations requiring emergency backup. As previously mentioned, a rumor that a member had been denied backup became widespread and created dissatisfaction among members locally assigned to Troop A. However, the allegation was proved to be unfounded after a thorough Internal Affairs Bureau investigation. Food and lodging, relief and rest received minimal critical feedback, especially considering the size and duration of the manhunt detail.

Command and Control Recommendations

- Major State Police details and events must implement the NYSP Troop Emergency Control Plan, which embodies the principles of the Incident Command System.
- Implementation of one single point of information collection and assignment.
- Orders, instructions and operating protocol must be reduced to writing and kept current. Consistent messages with proper understanding and clarity of purpose will be provided, and will insure future reference capability.

Leadership and Supervision

Decisions made during the manhunt reflect reasonable and appropriate leadership, given the information, intelligence, and situational developments that occurred. The targeted “missions” identified as tactical objectives, and the assignments that were made are judged to be effective and traditionally successful manhunt tactics, and appear to have been reasonably applied at logical and appropriate times. A principle of appropriate leadership includes the responsible modification of tactics when it is recognized that the desired outcome is not being achieved. The creation of the Quick Response Team (QRT) is an example of appropriate adjustment, developed and implemented to overcome the inherent problem that the arrival of a full Mobile Response Team contingent does not occur quickly enough to provide immediate “hot pursuit” capabilities.

The review identified the failure of command staff to effectively communicate instructions with necessary clarity. Specifically, instructions to detail members to “hold” their position were not intended to restrict their ability to engage in immediate pursuit of Phillips if they observed him from a reasonably close distance. Yet, it appears that a number of members assigned to the detail were left with this impression. Issuance of written instructions and orders would have insured the consistency of message content and a common understanding of responsibilities and purpose.

Evaluation of command resources revealed the absence of a structured commissioned officer detail schedule. Implementation of commissioned officer detail scheduling would have facilitated a unified detail command, and improved the coordination of overall case management. Specific schedules with delegation of responsibility would help insure that commissioned officers remained properly focused on overall incident management and supervision.

Leadership and Supervision Recommendations

- Troop or Detail Commanders must designate appropriate supervisors in charge of each shift; preferably a commissioned officer, who also has delegated authority to manage the detail in the absence of the overall incident commander.
- Field Command Headquarters staff must personally visit large details at more frequent intervals. This will provide additional clear and visible support and commitment to the membership, and enable personal observation and assessment of operations, while also providing an opportunity to receive direct and personal feedback from detail members.

Planning

Planning occurred throughout the manhunt by commissioned officers in Troop A. Traditionally proven methods of fugitive apprehension were used. Strategies employed included road blocks, traffic check points, helicopter searches, roving patrols and intense investigative pressure. When these methods failed to yield desired results, additional techniques were implemented, including the Quick Response Teams, wiretaps, personal surveillance, proactive searches, and advanced electronic intercept monitoring. The PBA president's letter lodged a criticism that there was a lack of planning, and postulated that Phillips should have been captured sooner. There is no evidence to support that Troop A manhunt command staff failed to properly plan and adjust tactics, or that they failed to employ varied and appropriate strategies in every effort to capture Phillips. The overall direction of the manhunt, from mission, to staffing, to general apprehension tactics were discussed, reviewed, and initiated, through a combination of Troop A command staff meetings, in conjunction with consultations and approval from Headquarters Field Command Executive Staff.

Frequent Troop commissioned officer planning sessions occurred, but without direct participation of support personnel, who would normally be expected to attend and provide feedback, make suggestions, as well as offer insight and advice. The Troop A Commander did utilize feedback and intelligence from detail members, however it was primarily brought to planning sessions by the Troop captains, and by his personal observations and information he developed by talking with detail members individually. The decision to conduct closed planning sessions was atypical, and denied manhunt commanders the best means for ensuring that every possible viable option and alternative was identified and considered. Notwithstanding the model used, effective planning occurred and the decisions

which resulted are deemed to have been appropriate and reasonable given the circumstances.

Planning Recommendations

- Open and appropriately inclusive planning sessions must be periodically scheduled at all large-scale events. This will enhance the development of tactics, assignment understanding, and mutual integration of State Police units, as well any actively participating agencies.

Information and Intelligence

Interviews of participating members revealed dissatisfaction with the flow of information and instructions from command staff. Members expressed concern that information to the posts was not timely enough, and that more investigative intelligence should have been shared. To a large extent, obstacles created by the previously noted communications difficulties negatively impacted the dissemination of information and intelligence. Daily briefings were held for both shifts, during which information pertinent to assigned duties and responsibilities was shared. On a number of occasions there was no verified or actionable intelligence to share, because the whereabouts of Phillips was unknown and there were no viable leads to report. However, the detail was not always aware of this situation and appears to have concluded information was intentionally being withheld. While some information was sensitive and required restriction based on a “need to know” classification, there were times information that may have been beneficial was not provided to the full detail, and its restriction does not appear to have been warranted. The manhunt would have benefited from a more organized information dissemination process.

Information and Intelligence Recommendations

- Organized briefings must be conducted to ensure instructions and guidance are accurately delivered and understood. Information which should be included at times involves negative information, explanations, and administrative matters as judged appropriate. Such dissemination would function to remedy and control misinformation and rumors. All detail members must attend briefings, absent specific exemption for cause granted by the shift supervisor.

Specialized Services

NYSP specialized services employed during the manhunt included personnel from Emergency Services (MRT, Canine Unit, and Rifle Team), Aviation Unit, Criminal Intelligence Unit, Electronic Surveillance Unit, and the Communication for Law Enforcement Act Intercept Unit. A summary and evaluation of each unit's involvement during the manhunt is provided in this report, as well as recommendations for future efforts. Involvement of the NYSP Emergency Services Mobile Response Team (MRT) commenced with the shooting of Trooper Brown, on June 10, 2006. While MRT deployment to the manhunt detail varied, all 45 members of the MRT, and the majority of Canine Unit members and Rifle Team personnel were committed to the search during the most active periods. One of the issues revealed during the manhunt was a deficiency in the administrative and support structure of the MRT. Tactical planning and command post liaison functions were accomplished by an MRT team leader, which required remaining at the command post, thereby preventing active supervision of the team during tactical missions. In mid July, it became apparent to Field Command executive staff that it was necessary to assign a command officer to the manhunt to assist with tactical planning and administration of MRT operations. In an effort to further improve tactical planning, the administrative officer requested the deployment of an intelligence officer from the Criminal Intelligence Unit to provide a profile of fugitive Ralph Phillips. The combination of these two officers dramatically increased the supervision, efficiency and productivity of MRT operations.

An unanticipated outcome of the review was the disclosure of MRT criticism of the Incident Commander for making decisions that they believed were not within his purview. Some MRT members believe they should be autonomous and completely separate from normal NYSP command and control. The MRT is one of many "tools" provided to troop and detail commanders, and this philosophy is contrary to the tenants of proper command and control, as well as a rejection of the principles of incident command.

The review also demonstrated there was an over-reliance on the MRT to perform initial responder duties for sightings of Phillips and important investigative leads, to the detriment of reasonable expectations that other members would initiate enforcement action when appropriate. The practice during this manhunt was that most, if not all, initial responses were assigned to the MRT. The MRT is a regional resource, and the reality is that arrival of adequate MRT members generally takes some time, and will always be subsequent to the arrival of locally assigned state police members. Consequently, some apprehension opportunities may have been

lost because immediate MRT response was not a practical expectation. Instead, immediate response responsibility should have rested on the initiative of the individuals present at the time. However, the members present failed to take that initiative due to an unrealistic over-reliance on the MRT.

Emergency Services Recommendations

- Reorganize the Emergency Services Section structure to include a full-time executive officer and explore the possibility of creating a combined intelligence and training officer position.
- Field Command must clarify roles and operational practices relevant to use of Emergency Services personnel and establish appropriate lines of authority for Officers in-Charge of incidents and Emergency Services command or supervisory personnel.

Interagency Cooperation

Command personnel from twenty-three local, county, state and federal law enforcement agencies, which provided assistance during the manhunt at some point or time, were interviewed. The general theme was that NYSP cooperation, including the sharing of information and intelligence was adequate. Nonetheless, some feedback was received that recommended better use of incident command principles, an observation which was also made by some NYSP personnel. There were occasions outside agencies reported they did not receive timely or sufficient information, which should be remedied by recommendations made elsewhere in this report.

A complicating interagency communication factor throughout this manhunt was the frequent movement of the fugitive between townships and even counties in New York State, as well as his travel to other states, most notably Pennsylvania. This factor created situations where partner agencies changed at a moment's notice, and the length of the manhunt created local and county fiscal impact which caused many agencies to "come and go" during the search. Such situations create challenges to managing the investigation and to planning on assets available on a daily or set basis of time. Operational recommendations made elsewhere in this report will function to enhance interagency coordination for future events.

Summary Recommendations

The review uncovered various operational deficiencies, and recommendations have been suggested to correct those deficiencies. It was determined that these shortcomings did not materially or adversely impact the final outcome of the manhunt. The tactics and measures employed throughout the manhunt operation to apprehend Phillips were judged appropriate, reasonable, and to be proven apprehension methods. Further, their employment in terms of when and how they were used is judged to be suitable to the specific circumstances encountered during this manhunt. In fact, the intelligence developed during the investigation and the strategies employed to apprehend Phillips provided NYSP members with some specific capture opportunities. Additional secondary recommendations provided elsewhere in this report are expected to enhance the structure and management of future large-scale NYSP public safety events.

Finally, it is important to recognize that this review has been afforded the benefit of time and historical knowledge of the events and circumstances that were occurring at the time. During the actual detail, supervisors and front line personnel were required to make instantaneous decisions as events unfolded, often having to quickly adapt strategies to rapidly changing circumstances. While this review has identified errors in judgment and notes some operational deficiencies, command personnel and members assigned to the manhunt overwhelmingly made the correct decisions, given the circumstances and information known at the time. Nonetheless, the hindsight of today is the foresight of the future, and this review has utilized the benefit of both time and hindsight to identify areas judged as deficient and make recommendations to improve agency effectiveness.

INTRODUCTION

The mission of the New York State Police is to serve, protect and defend the people while preserving the rights and dignity of all. One of the five values espoused by the agency as essential to achieving that mission is stated as:

Continuous Improvement and Learning: To constantly improve ourselves and our organization. To that end, command personnel routinely review the agency's response to significant events, whether it be a disaster or a serious crime, in an effort to improve agency response to similar events in the future.

After the successful conclusion of the Phillips manhunt, New York State Police Superintendent Wayne E. Bennett directed a thorough review of the operation, which would include recommendations for any appropriate changes for future similar investigations. The review herein evaluates the New York State Police (NYSP) performance during the manhunt for Ralph "Bucky" Phillips. This operation was the largest and most challenging search ever conducted by the State Police. It began on April 2, 2006, as routine assistance to the Erie County Sheriff in locating a career criminal who escaped from the Erie County Correctional Facility, and ended five months later with Phillips' capture, on September 8, 2006. The nature and intensity of the manhunt changed dramatically for the State Police on June 10th when Phillips shot and seriously wounded Trooper Sean Brown during a traffic stop in Chemung County. At that point, the apprehension of Phillips became a primary mission of the New York State Police, with numerous municipal, county, state and federal law enforcement agencies providing assistance. Phillips had demonstrated that he was a dangerous fugitive, and the urgency of his capture escalated significantly as did deployment of State Police resources. Phillips reinforced this characterization when he shot Troopers Joseph Longobardo and Donald Baker, while they were conducting surveillance of a Phillips family member's house on August 31, 2006. Both troopers were seriously wounded, and Trooper Longobardo died on September 3, 2006.

The complexity of the manhunt was unprecedented. Over the course of the 91-day search, almost 1,400 NYSP personnel participated at one time or another. During the most active periods, all (45) members of the NYSP Mobile Response Team (MRT), the majority of the 65 canine (dog handler) units, and all Rifle Team members were committed to the search. In addition to vast New York State Police resources, hundreds of personnel from county and local law enforcement agencies in New York and Pennsylvania were involved at various times, as well as personnel from the Federal Bureau of Investigation, U.S. Customs and Border Protection, U.S. Marshals Service, U.S. Drug Enforcement Agency, and the New York National Guard. This review addresses manhunt operational practices and procedures.

Evaluation Methodology

In recognition of the unique nature and complexity of this manhunt, it was determined that the review would include assigning commissioned officers to interview each of the nearly 1,400 members who had participated in the manhunt, as well as delegates from the Police Benevolent Association. Each participant would be asked 10 standardized questions that covered issues involving equipment, information and instructions, staffing levels, requests for backup, rest and relief arrangements, and food and accommodations. Supervisory personnel and members of specialized services (MRT, Canine Unit, Rifle Team, and Aviation Unit), were asked three additional questions specific to command and control, interagency cooperation, and tactical planning. In addition, every member interviewed was provided an opportunity to express any concerns or recommendations. The review process was not focused on identifying positive aspects of the operation; rather the primary focus was to solicit feedback concerning areas the participants perceived required improvement. A copy of the interview protocol is attached to this report as Appendix 1.

Manhunt Participant Interviews

Interview teams comprised of two commissioned officers (one captain and one lieutenant) were created to interview all employees who worked the manhunt detail. Only commissioned officers who had not participated in the manhunt were selected for the interview teams.

During the interview component of the review process, 1,390 employees were interviewed. The vast majority of critical feedback was received from members assigned to the Troop A portion of the manhunt. While a few members cited communications and information dissemination issues during the Troop C portion of the manhunt, there were no significant issues identified in other areas in that troop. As discussed in the Communications Capabilities section of this report, different areas of the state have radio reception issues that are related to the remoteness of the location and geography of that area. This issue is discussed in significant detail focusing on the Troop A portion of the manhunt, however, the recommendations provided can be generalized to other areas of the state. No issues were raised relevant to the Troop E portion of the manhunt. As a result, this review report focuses on the Troop A portion of the manhunt, where the majority of the apprehension efforts occurred.

In addition to the interview of NYSP employees assigned to the detail, command staff from other law enforcement agencies that had participated in the manhunt effort were interviewed as well. Colonel William DeBlock interviewed regional state legislators, Senator Catherine M. Young and Assemblyman William L. Parment, to advise them of this review and to solicit any concerns or issues that they felt should be addressed. Colonel William DeBlock and Lieutenant Colonel James Schepperly interviewed Troop A Commander Major Michael Manning and Troop A BCI Captain George Brown.

Police Benevolent Association Delegate Interviews

Mr. Daniel DeFedericis, President of the Police Benevolent Association of the New York State Troopers was interviewed on two separate occasions (October 4th and 20th) at State Police Headquarters on the invitation of Colonel William DeBlock. The purpose of the interviews was to seek clarification and specificity of the accusations set forth in his September 19, 2006 letter to Governor Pataki and to ascertain whether he had any additional supporting information.

Mr. DeFedericis stated that he had little first hand knowledge of events that occurred during the Phillips investigation. He further stated that his letter was a collaborative effort consisting of information he had received from other PBA representatives and members. He did not identify the name of any member who had provided him with information, or any member his letter accused of malfeasance. Mr. DeFedericis did not offer any additional specific information in support of his letter.

An attempt was made to interview PBA delegates representing members from each Troop that had participated in the Phillips manhunt. Specific to their roles as delegates, the members unanimously deferred to previous comments made by PBA President DeFedericis. However, delegates who had participated in the manhunt were interviewed in that capacity.

The Troop E delegate was assigned as a roving patrol at Troop A for one week. He provided feedback critical of the flow of information from the command post, and reflected portable radio transmission receptions were poor. He advised that issues concerning equipment, staffing, rest periods, relief, food and accommodations, and supervision were satisfactory. He did not request backup and made no comments pertaining to backup. The Troop C delegate was assigned to the Troop C manhunt detail for 4 days and expressed no concerns with any aspect of the detail. The Troop F delegate was assigned as part of the Troop F initial

“emergency deployment” initiated in the hours following the shooting of Troopers Baker and Longobardo on August 31; assumed a traffic post upon his arrival. He reported that after this initial day he *“commenced performing PBA related duties due to [my] position in the PBA.”* His observations for the 11 hours he worked the detail were as follows: he would have liked an additional patrol vehicle for “additional cover” at the post he was working; he would have liked a rifle because Phillips was known to have a rifle; he noted it would have been nice to have color photographs for persons of interest; and that a portable radio should have been assigned to each member.

The Troop A delegate, while also deferring to the comments made by PBA President DeFedericis, did acknowledge spending a considerable amount of time at the detail in his capacity as the PBA delegate. Major Manning reported that on two separate occasions during the manhunt the Troop A delegate raised two separate issues. The first issue he raised was a concern over a lack of air conditioning at SUNY Fredonia, where members were temporarily moved due to the loss of hotel rooms during a “booked” holiday period. During the second occasion, the delegate advised the Major about a rumor that a backup request had been denied during the August 19th motorcycle sighting of Phillips. This is an allegation that has been determined to be unfounded by an IAB investigation. Major Manning reported that there were no other issues raised or contacts made by PBA representatives with any of the commissioned officers at the manhunt detail.

It should be noted that during the manhunt in early September, PBA President DeFedericis called to inquire why Troop G members were not being sent to assist in the manhunt. He was informed that a sufficient number of personnel were assigned to the manhunt detail. At the time of this call, personnel from Troops A, B, C, D, E, F and T (Zones 3 and 4) were assigned to the manhunt. With the exception of Emergency Services personnel, members from Troops G, K and L were not deployed to the manhunt, as it is standard protocol that personnel are not routinely deployed from all troops during such an event. This is necessary to

maintain sufficient personnel in the event of an emergency in another area of the state. In addition, assignment of members to the State Fair included increases in the commitment of personnel deployed to the Fair from Troops G, K, and L.

Background

Any operation of this magnitude, complexity and duration inevitably will be subject to problems, tension driven interpersonal conflicts among personnel, and operational decisions that, in hindsight, may have been less than optimal. Therefore, it is essential to evaluate the operation and judge criticisms in light of the conditions that existed at the time, as well as theoretically optimal circumstances in order to ascertain how strategic and tactical operations and decision-making might be improved. The search for Ralph Phillips was complicated by a wide array of factors that were virtually unprecedented in the agency's experience. Some of these factors were unique to Ralph Phillips, while others were a function of the environment in which the search was conducted.

Personal Factors

- Ralph Phillips was intent on evading capture, but did not want to continuously leave the area. He appeared committed to remaining in the Southern Tier and Niagara Frontier regions of New York State, where he had strong ties to family and friends. Although he did leave New York on several occasions, traveling to Ohio, Pennsylvania, Kentucky, Tennessee, and Michigan, he always returned to Chautauqua, Cattaraugus or Niagara county. His mobility, and the fact he was out of state on numerous occasions, made it extremely difficult to plan and efficiently allocate resources for specific search efforts. This situation contributed in large measure to a perception among front line search members that command staff were assigning "make work" duties, while in reality, efforts were being directed to generate substantive positive leads during periods of inactivity. As Phillips moved from one area to another, the State Police had to continuously relocate command posts, staging areas, and personnel, as well as coordinate

with local and county law enforcement agencies that would temporarily assist in the search.

- The second factor that made the search difficult was the skills of Phillips himself. Ralph Phillips is a 44 year old career criminal. His was first arrested in June 1980 for Burglary and, since then, had subsequently been repeatedly arrested on a wide range of charges, including Unauthorized Use of a Motor Vehicle, Reckless Endangerment, Burglary, Criminal Use of a Firearm, Criminal Possession of a Weapon, Criminal Possession and Sale of Marijuana, Grand Larceny, and Menacing. Phillips is six feet tall and weighs approximately 220 pounds. He is in excellent physical condition and is a skilled woodsman who is very familiar with the woodlands and trails in the primary area of the manhunt. He repeatedly evaded capture by running away from pursuers, using game trails and streambeds through heavily wooded areas as escape routes. His fitness and familiarity with the terrain essentially meant that he could move much faster than he could be tracked. He was also an accomplished burglar and car thief, who used his auto theft skills to steal multiple cars, trucks and all-terrain vehicles (almost 30) to evade capture throughout the duration of the manhunt.
- Phillips had extensive support from family, friends and former prison associates. They provided him with food, clothing, cell phones and shelter, both directly and indirectly, by leaving caches of food and equipment in the woods for later recovery. This was a significant advantage in that it enabled Phillips to drop weapons; extra food and clothing he might be carrying in order to run faster from pursuit, with the knowledge that he would be able to replace them through his support network. Supporters regularly monitored law enforcement communications and movement via radio scanners and direct observations and provide intelligence to Phillips to help him avoid police patrols. They also attempted to interfere with law enforcement movements and provide cover for evasive maneuvering by Phillips by converging on active search areas in cars, trucks and ATVs.

- Phillips benefited from varying degrees of sympathy among the general public, prior to his attack on Troopers Baker and Longobardo. This included public statements from individuals who asserted they would provide meals and clean clothes if they encountered him, local businesses selling sandwiches and clothing with supportive statements. There was a measure of general resentment and displeasure with law enforcement efforts such as road checks and detours that interfered with normal travel and commerce. Some local residents continued to hold to the opinion that Phillips was a car thief and burglar, but was not the dangerous criminal the police were making him out to be.

Environmental Factors

- The most significant environmental factors were the densely wooded and rough terrain, and the sparse population of the area where Phillips spent most of his time. The area is essentially rural, and much of it is wooded, hilly territory. Although there are large areas without permanent residents, there are numerous seasonal residences, vacation and hunting camps, trailers and outbuildings located throughout the area that Phillips burglarized to obtain food, weapons, and shelter to attend to personal hygiene. Significant detail resources were allocated to monitoring and searching these structures.
- Search efforts were complicated by the recreational nature of the area. Hikers, campers, and gun enthusiasts target shooting were often encountered in the woods during searches; making the effort far more challenging, and making it especially difficult for canine tracking. Oftentimes, these individuals were wearing camouflage clothing, which was also worn by Phillips.
- The remote location and rolling terrain of the search areas contributed significantly to the most serious problem identified in this review – poor communications. Historically, this area of the state has been plagued with poor reception with both public service radio coverage and cellular telephone service. For this reason, New York State is in the process of developing and

implementing an effective and modern statewide radio system, the Statewide Wireless Network (SWN), to remedy these problems. In fact, the unreliability of radio and cellular telephone service was the most frequently cited problem by all ranks interviewed, and will be discussed in detail later in this report.

- The time of year hindered efforts to capture Phillips. June through September is the time of year that New York's deciduous forest is at peak bloom. The heavy foliage and tree canopy limited the effectiveness of sophisticated technology employed in law enforcement airships such as forward looking infrared (FLIR) and high resolution cameras. The high intensity lights affixed to the helicopters were also of little use. In addition, the warm weather afforded Phillips the ability to be in the outdoors for extended periods. The especially hot and humid days had a negative impact on canine units and MRT members carrying tactical gear and wearing heavy ballistic material.

MANHUNT CHRONOLOGICAL OVERVIEW

The State Police first became involved with this matter on April 2, 2006, with Phillips' escape from the Erie County Correctional Facility in Alden. The NYSP provided Uniform and BCI assistance to the Erie County Sheriff's Office's initial search efforts. Quickly following this escape, NYSP and local police began investigating numerous crimes believed committed by Phillips, including a variety of automobile thefts and burglaries. On June 10, 2006, the manhunt took special significance for the NYSP when Phillips shot Trooper Sean Brown in Chemung County.

Troop E – Chemung County

On June 10, 2006, at 12:50 a.m., in the Town of Veteran, Troopers Brown and Will pulled their patrol car over to assist a vehicle, which had abruptly pulled to the side of the road in front of them. Upon approaching the vehicle Trooper Brown was shot by the operator, who subsequently sped off. It was determined that the Ford Mustang had recently been stolen from the Town of Hanover in Chautauqua County.

Troop E State Police members responded to the shooting by dedicating additional patrols and utilized vehicles equipped with License Plate Readers (LPRs) in Zones 1 and 2. Zone 4 initiated a roadblock on Interstate 86 and also utilized LPR equipped patrol vehicles units. The Western MRT team was sent to Chemung County and commenced search operations. Troop E established a primary Command Post operated by the BCI at SP Horseheads, where it was continuously staffed until July, while a uniform force command post and staging area was established at the Horseheads Fire Department. The Troop A BCI initiated a leads desk and commenced selected surveillance in Niagara, Cattaraugus, and Chautauqua Counties, while Troop C recalled personnel to duty and established roadblocks in Zone 3 Binghamton.

Later this date at 10:30 a.m., the stolen Ford Mustang was located in the backyard of a residence on Wygant Road in the Town of Horseheads. Detail members, including MRT and aviation, converged on the residence, which was located on a quiet residential street with other homes on typical suburban lots. The vehicle had been driven into the backyard and abandoned. The car and surrounding area were secured by the MRT before the scene was turned over to the Troop Forensic Investigative Unit (FIU) to process.

A check of the area was completed by the MRT and uniform patrols. It became readily apparent that the driver was no longer in the area. However, the investigation produced information that a white Chevrolet pick-up truck had been stolen sometime overnight from this same neighborhood.

Troop C

On June 10, 2006, the Troop E Command Post requested Troop C to conduct a lead inquiry on a phone contact, in the City of Binghamton, that had been called by Phillips while he was in prison. Locating the residence, Investigators learned that the individual they were intending to interview was deceased, but that the current resident was a relative of the deceased. The resident informed the investigators she had no contact with Phillips, but noted her brother, Paul Gross, had been a cellmate of Ralph Phillips in state prison. Investigators located the residence of Paul Gross, also in the City of Binghamton, only to find it unoccupied at the time. Upon re-interviewing Gross' sister, they learned her brother also owned a camp on State Route 79, in the Town of Colesville, and that he and his wife could be spending the weekend there. Locating the property, the two investigators and trooper who accompanied them observed a Chevrolet pickup truck, which matched the description of the vehicle stolen in Horseheads earlier that day. Suspecting that Phillips could be inside the camp on the property, the investigators called for assistance and were advised to hold their positions, observe, and wait for support.

Troop C deployed a contingent of uniformed and BCI members, requested the response of an MRT team, and the Troop Commander responded with additional command staff. Roadblocks were established on State Route 79 to the North and South ends of the Gross property. At about 11:30 p.m. a vehicle left the property and a traffic stop was conducted a distance from the property. The vehicle occupants were Paul and Sandra Gross, both whom denied being with Ralph Phillips. However, they subsequently admitted that Phillips had been at the property when they left, but he was packed and ready to leave the area. Paul Gross informed investigators that at about 9:00 p.m. he had heard vehicles on the road and walked down his driveway where he spotted a Black Impala police vehicle. He returned to the residence to advise Phillips. It was later determined that he and his wife would drive down the road to see what was there. (This incident is addressed in the *Phillips Contact Dates* section of this report).

Initial arriving MRT members were briefed, and equipped with night vision equipment. Two MRT members were deployed to conduct surveillance on the Gross' trailer, while awaiting the arrival of additional MRT personnel. This "inner" perimeter was supplemented with uniform force members, including one Troop C Rifle Team member. With the arrival of additional patrols, a roving "outer" perimeter was created to travel between fixed posts on the surrounding roads. Shortly after midnight, a command post was established at the Colesville Volunteer Ambulance building, State Route 79, Harpursville, New York, and additional uniform and BCI personnel recalled to duty. The NYSP Aviation Unit was dispatched to respond to the scene, as were Troop C canine handlers. As additional patrols arrived, the roving posts were reduced in size. Sometime after 3:00 a.m., once sufficient MRT personnel had arrived, the trailer and immediate area were searched. The surveillance team had observed no inside movement and the trailer was found to be unoccupied. The stolen truck was still there, reflecting Ralph Phillips had fled on foot into the surrounding, heavily wooded area.

Troop C maintained 24 hour commissioned officer presence at the command post, and 56 uniform members (sergeants, troopers, MRT and canine) and 9 BCI members were assigned to both shifts. The troop commander met with the MRT team leader and State Police canine coordinator to address continued search initiatives, while additional personnel were deployed to “cover” specific fixed posts and roving patrols. Using an aerial survey and topographical maps, search areas were identified with the assistance of MRT and Canine Units.

All residences, camps, trailers, and buildings within the specified area were checked. Aviation was continuously utilized during the hours of darkness, and MRT personnel maintained listening posts in close proximity to the Gross trailer and along the railroad tracks. BCI personnel established a lead desk at the Command Post, assisted with the search of perimeters and buildings and investigated any leads including interviewing individuals who reported possible sightings. The Upstate New York Regional Intelligence Center (UNYRIC) conducted database searches, while Troop C worked with federal, state and local authorities and the State Police Electronics Unit. On June 12, 2006, a request by the Troop C Commander for additional personnel was approved by State Police Headquarters. Troops D, E, and later on, Troop F, provided personnel.

Briefing packages were provided to police agencies in Broome, Chenango, Delaware and Otsego Counties. On June 13, 2006, the FBI Technical Unit, Quantico, Virginia, arrived at the Command Post with their remote surveillance equipment, which was utilized for missions from June 13 through June 17, 2006, in the Colesville, Afton and Bainbridge areas. On June 13, 2006, the NYSP Mobile Communications Vehicle arrived at the Command Post. On June 15, 2006, NYSP and NYS Department of Environmental Conservation (DEC) airboats regularly patrolled the Susquehanna River.

On June 19, 2006, a New York State Air National Guard C-26 surveillance plane conducted a nighttime mission utilizing infrared capabilities. As a result of burglaries in the Afton area that were attributed to Phillips, from June 19th to the 21st, 2006, a “bait” car was placed on State Route 7 in the Town of Afton. No leads were generated as a result of this investigative tactic.

On June 20, 2006, SP Deposit investigated a report of an attempted stolen vehicle in Hancock, New York, where the attempt was thwarted by the vehicle’s anti-theft device. Troop C FIU lifted a latent print from the vehicle that was later matched to Ralph Phillips. Unfortunately, another nearby vehicle was stolen. On June 21, 2006, the Troop C Command Post was closed due to credible information that Phillips was in the Troop A area.

The following outside agencies and special use equipment were utilized during the Phillips manhunt in Troop C:

- Federal Bureau of Investigation – provided personnel, long-range firearms, automatic weapons, surveillance equipment, electronics technicians and database inquiries. Seven special agents assisted with the search detail and three agents were assigned to operate surveillance equipment.
- United States Marshals Service – provided three Deputy U.S. Marshals to assist with case review and tracking out of area telephone numbers.
- United States Drug Enforcement Administration – provided personnel to assist BCI in tracking down leads.
- New York State Department of Corrections/Inspector General – provided recordings of parole board hearings for Ralph Phillips.
- New York State Division of Parole – provided fourteen parole officers to assist with search efforts, database inquiries, photographs and extensive parole records on Ralph Phillips.

- New York State Department of Environmental Conservation – provided ten forest rangers and four DEC officers throughout the duration of the detail. Assisted in search utilizing airboat, canine, ATVs and topographical maps.
- New York State Air National Guard – provided C-26 surveillance plane on June 19, 2006. Used for one night only due to maintenance issues.
- Broome County Office of Emergency Services – provided communications van and dispatchers from June 11, 2006, through June 13, 2006. Assisted with initial set up of command post, but left as a result of budgetary concerns.
- Broome County Sheriff's Office – provided one two-man patrol and a canine patrol from June 12, 2006, through June 15, 2006; withdrew as a result of budgetary concerns.
- Chenango County Sheriff's Office – provided a deputy to assist with fixed traffic post in Chenango County.
- City of Binghamton Police Department – provided background information and support on Paul Gross.

Troop A

Troop A involvement actually commenced with the date of Phillips' escape from jail, when assistance was being provided to the Erie County Sheriff, however it significantly increased upon learning that Phillips, after shooting Trooper Brown, was back in the Troop A area. During the course of the entire manhunt, Troop personnel were responsible for the investigation of numerous crimes, either attributed to, or confirmed as having been committed by Phillips. The crimes Phillips was committing ranged from multiple and frequent automobile thefts, to numerous burglaries, to arson, to attempted murder, and finally, the murder of a New York State Trooper. This review report has included a listing of all the crimes wherein

Phillips is the prime suspect, if not the confirmed perpetrator, and it is attached as Appendix 4.

Although Phillips had a wide range of travel during the manhunt investigation, traveling to numerous counties and locations in New York State, as well as other states, including Pennsylvania, Michigan, Ohio, Kentucky and Tennessee, the primary location for Phillips remained the Troop A region. Thus, the NYSP manhunt investigation continued in Troop A until Phillips was captured. Troop A personnel developed intelligence suggesting that Phillips was “hiding” in a camp, located off Shumla Road, in the Town of Pomfret, in Chautauqua County, near the residence of Norma Gloss, who was a relative.

June 19 – June 23, 2006

Search warrants were obtained for the residences of two relatives of Phillips, who both resided in the Town of Pomfret. Troop A BCI initiated mail covers, wire taps, physical and electronic surveillance, while also processing incoming leads. Uniform personnel conducted stationary checkpoints and roving details in targeted areas throughout Cattaraugus, Chautauqua and Niagara Counties. NYSP Aviation deployed to the Dunkirk Airport and remained “on site” until Phillips was captured. Investigative actions were unable to confirm whether or not Phillips had been at either the Gloss or Crowe residences.

Approximately 300 “wanted” posters were distributed throughout Zones 3 and 4. MRT members, with assistance from .308 Rifle Team members, initiated a series of Listening Posts/Observation Posts (LP/OPs) on Bachelor Hill Road and Shumla Road. These assignments were to maintain visual observation at these residences while looking for Phillips. At this point, the Troop A uniform search detail consisted of 60 troopers who were divided between two shifts per day, staffing 11 stationary posts and 3 roving posts. State Police canine handlers provided 2 roving patrols. New York State Department of Environmental Conservation (DEC) dedicated 6 of their members to the fixed posts. Approximately 40 BCI members were assigned to

conduct investigative leads and other manhunt related activities, including help conduct search related activities. It is also noted that additional uniformed Troopers were on patrol in the general area, performing routine station patrol activities, but were readily available for support and backup.

June 24, 2006 – June 26, 2006

On June 24, 2006, a red Honda ATV was reported stolen from the Cotton Well Drilling Corp., on Center Road in the Town of Sheridan, Chautauqua County. A Dodge Caravan, stolen June 20, 2006, from the Town of Hancock in Delaware County (Troop C), which Phillips was believed to be responsible for, was recovered at this location. This was adequate evidence that Phillips was again in Western New York. A search of the area provided negative results. While dedicated detail staffing levels remained static, Troop personnel, including BCI members and commissioned officers, were assigned to investigate a separate member-involved shooting that occurred on June 25, 2006, in Chautauqua County. State Police Internal Affairs Bureau members conducted the internal, administrative investigation, while Troop A personnel provided criminal investigative results to the District Attorney. Manhunt search activities continued as cited above until a sighting of Phillips on June 27, 2006, in the Town of Charlotte.

June 27, 2006

On June 27, 2006, two reported Chautauqua County burglaries appeared to be associated with Phillips. The first burglary involved a seasonal residence located on Cleland Road in the Town of Charlotte, where a witness observed a subject, dressed in camouflage and dark clothing, riding away from the scene on a black ATV. The Chautauqua County Sheriff's Office processed the scene and lifted a latent print from the residence that matched Phillips. The second burglary was to a Department of Environmental Conservation (DEC) building located on Bard Road, in the Town of Charlotte. ATV tracks were discovered that led from the DEC building to the Cleland road burglary.

Roving uniform patrols were established on the day shift, while twelve “quiet and dark” listening posts were established for the nightshift. The MRT continued staffing their LP/OP assignments, but were also working with canine handlers to perform searches of seasonal residences and area trails. The BCI continued investigative activities and crime scene processing. DEC provided 4 ATVs and 4 ATV officers for the remainder of the detail. The ATVs were used to conduct searches of trails, woods and seasonal residences. New York State Forest Rangers provided topographical maps, an ATV, and GPS to coordinate intelligence for the remainder of the detail. The Uniform detail now consisted of 40 uniform members per shift, along with 10 MRT members, and 40 BCI members who were working the manhunt conducting surveillance and wiretaps. They were assisted by DEC officers, NYS Forest Rangers, and deputies from the Chautauqua, Cattaraugus County and Erie County Sheriffs’ Offices. The Erie County Sheriff’s Office Aviation Unit completed aerial videotaping of the target area for future use by MRT and BCI personnel.

At approximately 9:00 p.m., a two-trooper patrol on Nelson Road, in the Town of Charlotte, made a direct sighting of Phillips. They observed Phillips, dressed in camouflage, operating a black ATV, which was quickly driven off road and out of sight. The troopers advised the command post and additional personnel were covertly and quietly dispatched to establish more “dark” patrol posts and coverage. A very short distance from where Phillips was seen, the two troopers stopped to question a group of people on the right side of the road. The individuals denied they had seen an ATV, however, it developed that they were Phillips family members. The Troopers set up a stationary post on Ames Road near the intersection with Hall Road, when shortly after 1:00 a.m. they encountered an individual coming out of the woods approximately 10 yards away. The troopers verbally “challenged” the subject, who dropped to the ground, began running and was able to escape into the woods. (Note: This incident is addressed in detail in the *Phillips Contact Dates* section of this report.)

In response to this situation, a perimeter was established and the MRT summoned to search the woods with the assistance of canine handlers. The perimeter had 38 post locations of 2–trooper patrols. NYSP Aviation, equipped with a FLIR thermal imaging unit, responded to search as well. Search and tracking efforts led to a camp, which resulted in the recovery of evidence that included a .38 caliber handgun which was later determined to have been used to shoot Trooper Brown, as well as camping gear, canned goods, and a backpack containing a letter making threats to law enforcement personnel. Also recovered was the red Honda ATV, stolen from the Town of Sheridan, which had been repainted black. Night vision equipment was utilized on the listening posts that were established in select positions throughout the Towns of Arkwright and Charlotte. A picket line search was conducted of the High Street, Barnum Rd and Bard Rd quadrant utilizing Troopers, BCI, Sheriff Deputies, DEC Officers and Forest Rangers. Unfortunately the initial canine effort was unsuccessful, while the dog pursued a legitimate track, it took the search team to the camp Phillips had come from, rather than the trail he left during his escape.

The BCI continued to conduct surveillance and wire taps and to investigate leads. The MRT also continued to maintain LP/OPs on the Gloss and Crowe residences. NYSP Detail staffing by his this time reflected a dedicated uniformed force contingent of 115 members on the day shift, and 90 members on the night shift. Emergency Services personnel included 15 MRT members and two canine handlers on the day shift, and one canine handler on the night shift. The BCI provided 40 members during the day shift. A request was also made at this time for the assistance of the FBI Hostage Rescue Team (HRT), a national team of highly trained agents specially trained for responding to high-risk hostage situations. The FBI reported the team would deploy during the following week. Outside agencies provided the following personnel at this time:

- NYS DEC – 8
- NYS Forest Ranger – 1
- Cattaraugus County Sheriff's Office - 8

- Chautauqua County Sheriff's Office - 21
- Lakewood/Busti PD - 1
- Gowanda PD - 1
- FBI high altitude surveillance plane with FLIR thermal imaging system

June 28-June 30, 2006

On June 28, at 3:00 p.m., a NYSP Captain and Zone Sergeant were traveling in traffic on Barnum Rd, in the Town of Charlotte, when they spotted a subject matching Phillips' description run across the road about ¼ mile ahead. The subject disappeared into a parcel of woods surrounded by fields.

Uniformed personnel were immediately deployed to provide perimeter containment, while aviation support was also summoned and on scene within five minutes. Effective containment was established within approximately ten minutes, and members present were awaiting the arrival of additional personnel to include the MRT, before conducting a search of the field. However, a contingent of BCI investigators arrived at the scene and immediately commenced a search of the woods.

While the subject was not located, as the search operations continued the detail members learned that the residence closest to the woods belonged to relatives of Phillips. These relatives had immediately exited the residence and attempted to distract and harass NYSP members at the scene, which included advising them that they were on private property and directing them to leave. It is speculated that these family members may have provided Phillips assistance with eluding the search detail, although there was no conclusive proof that the subject was in fact Phillips.

July 1, 2006

On July 1, 2006, an owner of a camp located in the Town of Arkwright, provided four field camera photographs of a subject that had a strong resemblance to Phillips. The camp owner used the field camera as a security device. The photos were time stamped June 30 and July 1, 2006, and revealed a subject dressed in camouflage clothing walking along a trail.

The MRT commenced covert operations in the woods adjacent to where the field camera photos had been taken. The Uniform force maintained listening posts, roving patrols and utilized night vision equipment. The BCI continued conducting surveillance, wiretaps, and investigating leads. "Bait" ATVs were staged at various locations. Additional special electronic equipment was employed to detect cell phone usage. The MRT and rifle team members continued staffing their LP/OPs. At this time the decision was made to withdraw the Uniform listening posts from inside this wooded area, in order to establish a better containment perimeter, and to allow the MRT and canine teams to conduct covert operations inside that perimeter. LP's were maintained in the other locations in the Town of Arkwright and Charlotte. DEC ATVs were utilized to conduct searches of trails, woods and seasonal residences. NYS Forest Rangers devised trail traps in strategic locations in the Park Road and Ball Road area. NYSP investigation of various citizen generated sightings and leads used a "high profile" incident response, and consisted of a uniform supervisor along with a detail of uniform troopers. MRT and canine responses were determined based on information gathered by the initial response teams, as to whether a more thorough search was required or appropriate.

The manhunt detail now included 115 Uniform members on the day shift and 100 members on the night shift, while the BCI assigned 25 members on the day shift and 12 members on the night shift. Canine deployment was now 6 members on both the shifts. NYSP Aviation Units maintained 24 hour coverage at Dunkirk Airport, providing continual aerial surveillance with thermal imaging capabilities as

well as MEDEVAC service. The MRT/Rifle team was comprised of 15 members. Outside agencies provided the following personnel:

- NYS DEC – 8
- NYS Forest Ranger – 2

July 2 – July 6, 2006

On July 2, Detail members responded to a reported sighting of Phillips in a wooded area off Center Road in the Town of Arkwright, between Meadows Road and County Route 72. No confirmation was obtained during the investigation.

With the exception of changes in the size of the detail, the tactical thrust of the activities and assignments remained consistent. MRT and canine members continued to conduct joint searches in the area. Two “bait” ATVs were placed in the area of Rood Road in the Town of Charlotte and Park Road in the Town of Arkwright. The detail of dedicated members consisted of 90 uniform members on each shift. The BCI, MRT and canine contingents remained relatively static. DEC and NYS Forest Ranger staff deployment remained the same. It is noted that this particular time period included the July 4th Holiday Weekend, and that both the Cattaraugus and Chautauqua County Sheriff Departments withdrew their support personnel due to holiday assignments, manpower and budgetary constraints. FBI resources requested on June 30, 2006 arrived on July 6, 2006. The FBI Critical Incident Response Group/Hostage Rescue Team (HRT) consisted of approximately 50 personnel; 15 HRT tactical agents and 35 support personnel. FBI personnel staffed one 12-hour shift per day, from 6:00 a.m. to 6:00 p.m.

July 7 - July 10, 2006

A July 7 search in the vicinity of Park Road, Town of Arkwright, revealed Phillips was in all probability using an abandoned camper very recently as a shelter. Discovered within the camper were two long guns, camping gear, personal hygiene

products, a television attached to a marine battery that had been stolen from a previous burglary connected to Phillips, and “fresh” food.

On July 10, two BCI Lieutenants accompanied an electronics unit member into the search area to “download” data from various cameras deployed at select locations. The members observed a subject running along a wood line ridge, about 50 yards to their right, and subsequently heard an ATV start up and drive off. Shortly thereafter they located a fresh camp in this immediate area, in the vicinity of Burnham Road and Skinner Road in the Town of Charlotte. Recovered from the camp was a .22 rifle that had been stolen in a burglary in Binghamton, New York, during the time the Troop C manhunt had been in progress. (Note: This incident is addressed in detail in the following *Phillips Contact Dates* section of this report.)

Two Uniform posts monitored the abandoned camper. Other investigative acts included installation of a tracking device on the car of a former girlfriend of Phillips, who had aided him during an attempted escape several years prior. The FBI continued providing HRT members who were staged at the Dunkirk Airport, and a helicopter equipped with FLIR thermal imaging.

During this period, the uniform force consisted of 90 members on the each shift. The BCI maintained an additional 40 members. The MRT/.308 contingent consisted of 10 members on each shift. DEC provided 4 members on the day shift. The NYS Forest Rangers provided 1 member on each shift.

July 11 – July 15, 2006

On July 11, 2006, MRT members located a burglarized camper trailer in the vicinity of Park Road. Discovered at the site was a recently used fire pit, a bathroom pail, and empty Pepsi bottles. In addition, small trees had been freshly cut down, and one tree had a string wrapped around it, which was thought to be a possible marking system.

As a result, fixed and roving posts were established in the vicinity of Park and Ball Roads. The MRT/.308 teams continued operating LP/OPs on Shumla Road and Bachelor Hill Road. LP/OPs were also established on the Overland Trail in various locations in Chautauqua County. Phillips was believed to be using various creek beds to traverse the area, which was heavily wooded with very rough terrain. Thus, wooded areas, creek beds, trails and camps were continuously checked and were subject to periodic surveillance. Due to issues with poor portable radio reception in the general search, NYSP Communications personnel installed an emergency antenna on the Chautauqua County Sheriff's Arkwright communications tower, and a repeater to increase radio reception. The detail staffing commitments remained static.

July 16, 2006

On July 16, 2006, a sighting of Phillips was reported at 3599 Hardscrabble Road (CR-10), a seasonal residence in the Town of Cold Spring, Cattaraugus County, near the Pennsylvania border. This was the first time during the Troop A manhunt operation Phillips had apparently moved out of the Fredonia area. Upon entering the residence, the owner observed a subject crawling across a trail adjacent to the residence. According to the homeowner, the house appeared to have been lived in. A red bicycle, which had been painted black, was in the kitchen, the coffee pot was still hot, and cigarette smoke was still in the air. A dirty towel was located in the bathroom, along with a grocery bag that contained a compass, fish hooks, and an internet printout of police radio frequencies. Latent fingerprints confirmed that Phillips had been there. (Note: This incident is addressed in detail in the *Phillips Contact Dates* section of this report).

As a result of this sighting, the NYSP search detail was split between northern Chautauqua County and Southern Cattaraugus County. Fixed uniform force checkpoints and roving posts were established in the Towns of Cold Springs, Napoli, and Randolph. Fixed and roving posts were continued in Towns of Arkwright and Charlotte. A forward command post was established at Randolph High School and

a staging area was established at the East Randolph Volunteer Fire Department. SP Fredonia continued as the detail command post. ATV patrols conducted searches in the Towns of Cold Spring, Napoli, and Randolph, while Uniform, BCI and MRT members conducted physical searches of cabins in the area. Staffing levels remained constant. The FBI HRT continued providing assistance, and moved their Tactical Operations Center (TOC) to the Jamestown Airport.

July 17 – August 8, 2006

Subsequent to the sighting on July 16, there were no confirmed sightings of Ralph Phillips until August 8, 2006. Intelligence suggested that he was out of state during all or some of this time, and subsequent investigation has demonstrated that Phillips made several trips out of state during this period, amassing approximately 2,500 miles on a vehicle he stole. During this period, the troop commander and MRT commander established Quick Response Teams (QRT), comprised of BCI, uniform and MRT members, to provide quick response to assignments. These QRTs were strategically positioned for increased response times to sightings or other credible leads.

On July 19, 2006, the BCI obtained an eavesdropping warrant for Lisa Shongo's residence, telephone, and vehicle. At this time, the uniform contingent on each shift consisted of 90 members. The completion of an MRT basic school permitted increased deployment of 18 MRT members, raising their representation to 27 members on the day shift and 11 members on the night shift. The NYSP canine unit provided 10 members on the day shift and 6 members on the night shift. The BCI assigned 40 members. DEC provided 6 members on the day shift. At this time the FBI departed, and the Hostage Rescue Team (HRT) returned to their base at Quantico Virginia. (Note: Information regarding services provided by the FBI, as well as circumstances relating to this departure is included in the Interagency Cooperation section of this report.)

July 28, 2006 marked an increase in the number of covert and surveillance operations utilizing MRT, .308 Riflemen, canine handlers, Troop A BCI, CNET, and SIU personnel. The uniform detail being used to provide checkpoints and perimeter containment duties was decreased in light of the absence of credible Phillips sightings and leads. The detail was restructured to provide a primary focus of effective response teams in the event of a sighting, and to actively pursue all investigative leads and aspects of the manhunt. The forward command post in Randolph and the staging area at the East Randolph Volunteer Fire Department were closed. Fixed and roving posts were still maintained in Chautauqua County, while roving posts were continued in the Cattaraugus County Towns of Napoli and Cold Spring. MRT and canine handlers continued LP/OPs on Bachelor Hill Rd, Shumla Rd, and Ames Rd. Daytime Uniform patrols resumed one-person patrol status. In response to an impending childbirth by Patrina Wright, Phillips' daughter, a hospital surveillance detail was established at Brooks Hospital, in Dunkirk, New York. A specific apprehension plan was developed by the MRT, and a QRT was placed on stand-by with an ambulance as decoy transport vehicle. At this time an acquaintance of Phillips was released from prison, and surveillance was conducted by CNET and VFW.

The routine detail staffing from July 28 to August 3 reflected a dedicated uniform commitment of 20 patrols on the day shift, and 24 members assigned to the night shift. The MRT/Rifle Team units consisted of 26 members on the day shift and 13 on the night shift, while the canine detail had 8 members on the day shift and 6 members on the night shift. The BCI detail consisted of 40 members. These staffing numbers do not include those members discharging normal station patrol duties in the region who, while not specifically assigned to the manhunt, were available for use as events warranted.

On August 4th and 5th, 2006, there were several unconfirmed sighting reports of Phillips in the Town of Lyndon, Cattaraugus County. There were also several burglaries discovered in the Town of Farmersville, Cattaraugus County, all noted to

be consistent with other burglaries Phillips was known to have committed. However, forensic processing did not develop evidence to positively identify Phillips as the perpetrator. Specific roving patrols were deployed to the Towns of Lyndon and Farmersville areas, while QRT teams were assigned to conduct covert operations in the Town of Farmersville, checking camps, wooded areas and trails. The BCI conducted area interviews as well.

At this particular time, the manhunt operations had been adjusted to focus more on investigative and surveillance activities. The BCI surveillance detail was supplemented by use of 14 uniform force members per shift, while an additional 10 members continued to perform roving patrols, and 4 members were assigned to the ATV detail. On the 2 shift the uniform detail utilized 10 members as roving patrols. Uniform Force assignments made to help staff QRTs included 30 members on the 1 shift and 20 members on the 2 shift. The BCI detail had 40 members on the 1 and 2 shifts.

August 8 - 10, 2006

On August 8, 2006, Phillips was observed on the Tuscarora Indian Reservation. Two hours had elapsed before this sighting was reported to the Niagara County Sheriff's Department, who initially requested the assistance of the U.S. Border Patrol Aviation unit. Once the NYSP was advised, local patrols responded, and the search detail was moved from Cattaraugus and Chautauqua to Niagara County. It is noted the person who observed Phillips was able to obtain a photograph (Phillips willingly obliged the request), and also reported he was in possession of a handgun, a police scanner and a long gun.

A command post was established at SP Niagara and a staging area was established at Reservoir State Park. At approximately 3:50 p.m., a BCI investigator observed Phillips from a distance in the vicinity of the Williams residence on Upper Mountain Road, near the temporary residence of his friend Peggy Rickard. Shortly thereafter, a passing motorist reported sighting Phillips on the north side of State

Route 104. A perimeter was established with assistance of Niagara County police agencies. Uniform troopers, BCI, MRT, and canine handlers conducted foot searches, with the assistance of NYSP Aviation, near the home of Peggy Rickard. The informant had also reported that Phillips had been in possession of a black Ford Mustang. Upon recovering this vehicle, it was discovered that it had been reported stolen from Town of Portville, Cattaraugus County, on August 4, 2006. The search continued after nightfall and perimeters were maintained throughout the night.

The QRT members, uniform members, NYSP Aviation, U.S. Border Patrol Aviation, and a number of other agencies participated in search activities. Perimeters were established at the original sighting location, and north of State Route 104, for the second sighting. U.S. Customs and Border Patrol closed the international bridges into Canada. Surveillance and listening posts, as well as roving patrols were established.

The NYSP uniform detail consisted of approximately 100 members on both shifts. The MRT/Rifle Team units scheduled between 12 and 15 members on both shifts. Division canine included 4 members on each shift. The BCI contingent consisted of 30 members on the day shift and 25 members on the night shift. The following agencies provided support to the detail:

- Niagara County Sheriff's Department - 14 members.
- NYS DEC - 2 members
- NYS Parole - 6 members
- Lewiston Police Department - 5 members
- Lockport Police Department - 4 members
- Niagara Falls PD - 6 members
- U.S. Border Patrol - 6 members
- Town of Amherst PD - 10 SWAT members
- U.S. Customs and Border Patrol - 2 members
- Town of Niagara PD - 4 members

- U.S. Marshals Service - 4 members
- NYS Park Police - 3 members
- NYS Forest Rangers - 1 member
- North Tonawanda City PD - 1 canine member

On August 9, 2006, a 1995 Dodge Caravan, which had been stolen from a barn on Baer Road, in the Town of Cambria, Niagara County 15 hours earlier, was sighted on Pierce Run Road in the Town of South Valley, Cattaraugus County. The Baer Road barn location was in close proximity to the search area in Niagara County; while the stolen Caravan was located near a camp Phillips had previously burglarized in Cattaraugus County. Two QRT teams were air lifted to the location by NYSP Aviation, but the stolen vehicle was gone prior to their arrival. Search details were re-established in Cattaraugus and Chautauqua Counties, including fixed and roving post. A QRT team was left in Niagara County to staff selected LP/OP locations. The BCI contingent, as well as the remainder of the detail resumed operations at the SP Fredonia command post. Area police agencies were notified. (Note: This incident is addressed in detail in the *Phillips Contact Dates* section of this report.)

August 11 -15, 2006

On August 11, 2006, a 2002 Chevrolet Cavalier was reported stolen from a small dealership in Warren, Pennsylvania. In the same vicinity, a burglary in the City of Warren was reported in which food was taken, the shower had been used and the bed had been slept in. The Pennsylvania State Police (PSP) located the stolen vehicle near Ervingdale Road and Hammond Road, Town of Glade. NYSP BCI assisted the Pennsylvania State Police with interviews, while the vehicle was secured and processed by the PSP. NYSP forensic personnel processed the burglarized residence. A wooded area where the stolen vehicle was recovered was searched. NYSP MRT and BCI helped the PSP conduct LP/OPs in the area of the stolen vehicle, which was left where it was found as “bait” for a period of time.

On August 15, 2006, the owner of a motorcycle repair shop in Corry, Pennsylvania reported sighting Phillips. He positively identified Phillips from the America's Most Wanted website. The subject reported Phillips brought a black 1983 Honda motorcycle to his shop for repairs. He stated that Phillips was wearing a red helmet with a dark visor, and led investigators to recover a motorcycle visor Phillips had discarded in a dumpster, which was sent to the lab for processing. A check of the VIN number showed that the last registered owner was a subject from New Castle, Pennsylvania. An interview of the previous owner revealed that on August 12, 2006, a subject matching Phillips' description, drove to his residence in a Dodge Durango and inquired about buying the motorcycle. According to the previous owner, Phillips purchased the motorcycle for \$1000.00 cash on August 13, 2006.

This intelligence was provided to all NYSP personnel and local police agencies, along with a description of the motorcycle and helmet worn by Phillips; an advisory "police safety" teletype message was sent. The BCI and Pennsylvania State Police began conducting joint meetings and exchanging emails on a daily basis. The BCI shifted their concealed "roving patrols" to concentrate on the areas around the New York – Pennsylvania border. During this period, the uniform presence consisted of 26 patrols, with an additional 8 members assigned to Niagara County, on the day shift. The night shift consisted of 22 troopers, with 10 members in Niagara County. MRT, Rifle Team members, and canine handlers deployed to create QRTs, included 16 members on both shifts.

August 16, 2006

As of August 16, there had been no sightings or incidents involving Phillips since the sighting the day before in Pennsylvania. QRTs were switched to a single 12-hour operational period due to the determination that incidents related to Phillips were occurring more frequently during the daylight hours. The operational period was adjusted to the hours between 9:00 a.m. and 9:00 p.m. QRTs consisted of the MRT, Rifle Team, and canine personnel as previously reported, and the staffing

level consisted of 24 members on the day shift. The uniform and BCI details remained unchanged.

August 19, 2006

On August 19, 2006, a confirmed sighting of Phillips occurred in the Town of Charlotte, Chautauqua County. At approximately 6:30 p.m., a trooper observed a motorcycle matching the black 1983 Honda Magna purchased by Phillips pass his stationary position, traveling northbound on State Rte 60. The Trooper pulled out and followed the motorcycle a short distance, when the operator pulled into to a residence on State Route 60. The operator immediately dismounted the motorcycle and entered Apartment "B" of a multi-unit residence via a covered stairway. The trooper noted that the operator was dressed in camouflage pants, a leather jacket and wearing a red motorcycle helmet with a smoke-colored face shield. Unbeknown to the trooper, the subject exited a rear second story window and fled on foot into the woods behind the residence shortly after he entered the residence. Subsequent investigation verified that the motorcycle operator was Phillips, and that he had been staying at the residence since August 16, 2006. The three residents were arrested for Hindering Prosecution 1st degree. (Note: This incident is addressed in detail in the *Phillips Contact Dates* section of this report.)

A perimeter was established by uniform personnel while QRT members, led by State Police canine handlers, conducted tracking and a search of the area. Fixed road checks were employed and every vehicle was searched. Staffing levels in the primary search area remained the same, while four additional patrols were established in Niagara County for both shifts.

August 21 - 27, 2006

On August 21, 2006, a search warrant was obtained for the residence of Kasey Crowe, at 4710 Bachelor Hill Road, Town of Pomfret. The warrant was executed August 22, 2006 utilizing MRT, BCI and canine handlers. The Troop A FIU processed the residence and secured evidence Phillips had been staying there. On

August 24, 2006, after a review of the evidence with the District Attorney, Kasey Crowe was arrested for Hindering Prosecution 1st. Patrina Wright and Richard Catanese were arrested for Endangering the Welfare of a Child 2nd Degree. Chautauqua County Child Protective Services performed an emergency child removal. The dedicated uniform detail consisted of 28 patrol troopers on the day shift and 26 on the night shift. The QRT staffing levels remained the same, as did the BCI detail commitment.

On August 25, 2006, Patrina Wright received three cellular phone calls from Ralph Phillips. Phillips had acquired a cell phone from a Dodge pickup he had stolen in Sheffield, PA. Phillips' general location was determined by triangulation of cell towers as Southern Chautauqua County, NY, or Northern Warren County, PA. NYSP Electronics Unit members were able to fix the location to a baseball bat factory in Akeley, Pennsylvania. Pennsylvania State Police Troopers and SWAT members responded to establish a perimeter and conduct a search operation. Upon their arrival, a suspect was observed running into nearby forest area carrying a flashlight. As the subject entered the woods, a violent electrical storm and torrential rain struck the area. Intentions to use a canine track, as well as a physical woods search, were not feasible due to the violent weather conditions. Search of the facility revealed that Phillips had started to prepare a meal. The cell phone used by Phillips was recovered just inside the wood line where he had entered. The stolen Dodge pickup was recovered on Cable Hill Rd. (Note: This incident is addressed in detail in the *Phillips Contact Dates* section of this report.)

The uniform member staffing of the detail remained the same. QRT included 22 members on the day shift. The night shift was comprised of 11 uniform members, including canine handlers.

On August 26, 2006, Todd Nelson, a resident of Haines Street, Kane, Pennsylvania, contacted the Pennsylvania State Police and reported his 9mm handgun stolen. Due to the close proximity of the recovered stolen Dodge pickup,

PSP sent an officer safety teletype message. Close NYSP liaison with PSP was maintained.

On August 27, 2006, Tom's Gun Shop, Town of Ellington, was burglarized and was reported to the Chautauqua County Sheriff Department. Thirty-five handguns, six long guns, a camouflage jacket, and an unknown quantity of ammunition are reported stolen. The Chautauqua Sheriff's Office advised the NYSP and sent a teletype advisory of the burglary. The NYSP notified all area police agencies by telephone and also issued an Officer Safety NYSPIN advisory immediately.

August 28 - 30, 2006

On August 28, 2006, a 1996 Gold Dodge Intrepid that had been reported stolen the day before from the Town of Gerry, NY, was recovered in Sheffield, Pennsylvania.

On August 30, 2006, Todd Nelson re-contacted the Pennsylvania State Police and reported he had located the 9MM handgun he had reported stolen on August 26, 2006. During an interview Nelson admitted that he had loaned the firearm to Phillips, and that Phillips had subsequently returned it. Nelson stated that Phillips returned to his residence on August 27, 2006, driving a gold Dodge Intrepid. Nelson advised that Phillips possessed numerous guns that he had stolen during a gun shop burglary. Nelson further advised that he had driven Phillips back to New York, dropping him off on State Route 60 near Cassadaga. He indicated that Phillips was in full camouflage, and had 3 handguns and 3 rifles. Nelson advised that Phillips told him "that he had to protect his family."

August 31, 2006

Based upon the information that Phillips was back in the Cassadaga area, command staff, surmising that Phillips may attempt to visit Kasey Crowe, who was expected to be released from incarceration sometime on August 31, 2006, directed

the MRT to re-establish surveillance at the Crowe residence on Bachelor Hill Road. An LP/OP was established by MRT Troopers Donald Baker and Joseph Longobardo by 11 a.m. At about 6:15 p.m., Trooper Baker telephoned the command post indicating that members had exchanged gunfire with an assailant and both members were wounded.

Extrication and field triage was initiated by responding MRT members. The Crowe residence was searched and secured. Trooper Baker was flown to Hamot Medical Center, Erie, Pennsylvania, and Trooper Longobardo was transported to Brooks Hospital, stabilized, and then flown to Erie County Medical Center, in Buffalo, New York.

A perimeter was established, while increased patrols were deployed and now involved Troopers from Troop A, B, C, E, F, and T. Increased fixed posts and roving patrols were established throughout the Towns of Pomfret, Stockton and Portland. A staging area was established at the Cassadaga Elementary School, Maple Street, Cassadaga, New York, and Stockton Fireman's Park, CR-58, Stockton, New York.

An estimated 400 law enforcement personnel responded subsequent to this shooting. Numerous other law enforcement agencies responded: Chautauqua County Sheriff's Office, Chautauqua County SWAT Team, Cattaraugus County SWAT Team, Erie County SWAT Team, Erie County SMART Team, Erie County Aviation, Fredonia Police Department, Salamanca Police Department, Gowanda Police Department, New York State Park Police, New York State Forest Rangers, NYS DEC, U.S. Border Patrol, Pennsylvania State Police, and the Chautauqua County DA'S office. The U.S. Border Patrol's infrared telescopic pole was utilized. State Police staffing was increased at this point to 150 uniform force members per shift, while the overall BCI commitment was about 100 members, divided between two shifts. All members of the MRT and a majority of the 65 NYSP canine handlers were deployed.

Kasey Crowe was taken into custody and her bail for the Hindering Prosecution charge was revoked by a Chautauqua County Court Judge. An eavesdropping warrant for her residence was obtained and electronics eavesdropping devices were placed in the residence. BCI and Uniform personnel saturated the area with roving patrols, and responded to numerous unconfirmed sightings. A residence at 8169 Kelly Hill Road, Town of Pomfret, was cleared by MRT based on a complaint of unknown noise in basement. A perimeter was established at this location. Todd Nelson was brought in to show law enforcement personnel where he thought Phillips had been dropped off and where he had been staying.

September 1, 2006

Tactics and manpower levels were adjusted based upon the shooting and the deployment of the added resources. Although Phillips had shot Trooper Brown on June 10, 2006, to evade capture, this incident marked a dramatic and overt use of violence against law enforcement personnel, at a level not previously demonstrated. Phillips had been arrested numerous times in the past by both the NYSP and other law enforcement agencies. In addition, he had been the focus of a manhunt from a Division for Youth facility early in his criminal career. He had made threats against police in the past, but had not previously acted on those threats.

At this time, the manhunt detail staffed 34 fixed checkpoints and numerous roving patrol posts, with special attention directed to the New York – Pennsylvania state border. QRTs, led by MRT and canine handlers, searched the area behind the Crowe residence on Bachelor Hill Road. The BCI obtained a search warrant to process the crime scene behind the Crowe residence, and also conducted “covert” roving patrols in the southern towns of Chautauqua County. A forward, secondary command post was established at SP Olean to direct operations on the southern border, and assignments were staffed by NYS Troopers, local police agencies, and the NYS Park Police. Pennsylvania law enforcement agencies also employed numerous checkpoints on the New York – Pennsylvania border.

The uniform detail consisted of 140 members on each shift, while the canine detail assigned 12 members to the day shift and 16 members to the night shift. The MRT consisted of 18 members on each shift, while the BCI included between 25 and 30 members on the day shift and 15 members on the night shift. NYS DEC staffed 8 members on the day shift and 5 members on the night shift. Also assisting on the detail was the United States Drug Enforcement Agency, NYS Division of Parole, United States Bureau of Alcohol, Tobacco and Firearms, Buffalo Police Department SWAT, Rochester PD SWAT, the Erie County Sheriff Department Aviation Unit, as well as those agencies that initially responded on August 31, 2006.

September 4 - 9, 2006

The BCI developed information from a prison inmate familiar with Phillips, who identified possible locations to check for Phillips. The MRT and canine member QRTs checked for possible reported bunkers and shelters in the area of County Route 380, Waterman Road, Bruyer Road and Pierson Road, Town of Stockton, Chautauqua County. Uniform and BCI details maintained fixed and roving posts in Chautauqua and Cattaraugus Counties. The Pennsylvania State Police assigned a liaison to the command post at SP Fredonia. The staffing levels deployed remained constant with the exception of the addition of the Rochester Police Department's SWAT team, which provided the detail with a armored vehicle. The Erie County Sheriff's Office also provided the detail with an armored vehicle.

On September 5, 2006, at approximately 4:45 a.m., a report of an attempted burglary at the Portville Pharmacy, Town of Portville, was received by the Cattaraugus County Sheriff's Office. The suspect in the attempted burglary was described as a white male dressed in dark or camouflage clothing, carrying a duffle bag, and left the area on a bicycle. At approximately 7:30 a.m., an attempted burglary of a pharmacy in Eldred, Pennsylvania, also occurred. (Eldred is approximately 20 miles south of Portville, New York.)

Thirteen specific fixed posts were established on the New York – Pennsylvania state line, in the area around Olean and Cattaraugus County.

Members from Troops E and F enroute to the manhunt detail were diverted to the staging area at SP Olean and assigned to local patrol posts. The National Guard was requested to assist the detail with a C26 airplane equipped to assist with the fugitive hunt. The Pennsylvania State Police commenced a significant manpower deployment to locate Phillips in their state. A warrant of arrest was obtained against Todd Nelson for Criminal Possession of Stolen Property 3rd, and he was arrested. ATF reported an impending indictment on Federal weapons charges against Nelson as well.

On September 6, the BCI executed a search warrant for Kasey Crowe's pick up truck, which had been temporarily seized as part of the investigation into the shooting of Troopers Baker and Longobardo. NYSP electronics unit personnel installed an electronic listening device in the truck at this time. Division electronics personnel installed remote cameras on the telephone poles across from Kasey Crowe's residence on Bachelor Hill Road, and across from Lisa Shongo's residence on Central Avenue in the Village of Fredonia. In addition, Division electronics installed pole cameras at SP Fredonia for security purposes.

Detail staffing levels remained the same. In addition, NYS Park Police committed 10 members on each shift to assist on the fixed and roving posts. From September 7 through September 8, the National Guard C-26 high altitude reconnaissance plane was utilized for nighttime surveillance.

On September 8, 2006, at approximately 1:30 a.m., the Warren County Sheriff Department, in Pennsylvania, reported a vehicle pursuit on Standia Road and Katch Road in the Town of Glad. The vehicle was involved in an accident and the operator, who was reported to match the general description of Phillips, fled the scene on foot. NYSP was advised that a loaded 9mm handgun, a portable radio, a flashlight, and a camouflage Remington baseball cap were located in the vehicle. The cap was identical to the one that Phillips had on when his picture was taken in Niagara County.

At approximately 2:30 a.m., New York State Troopers, who were assigned as roving posts near the Pennsylvania border, observed a vehicle traveling north on County Route 53. An attempt was made to stop the vehicle, at which time it fled onto Wiltsie Road, where the operator, matching the description of Phillips, jumped from the still moving vehicle and fled into the woods. A containment perimeter and roving saturation patrols were immediately established. Division canine handlers commenced efforts to track and locate the subject.

At approximately 9:00 a.m., Phillips was observed by an NYSP canine handler, in a wooded area off Gouldtown Road, across the border in the Akeley, Pennsylvania. Phillips turned in his direction and displayed a handgun in his left hand. The Trooper discharged his issued sidearm at Phillips and released his canine. The canine chased the suspect to a steep embankment that Phillips was able to traverse, but the dog could not. Phillips disappeared as he crested the top of the embankment. The canine handler, accompanied by other canine handlers, traversed the embankment at an area that was more accessible for the dog, and continued to give chase. The close proximity of the NYSP canine handlers drove Phillips further south, deeper into Pennsylvania, and denied him the ability to rest or formulate a strategy.

The New York State Police provided a liaison at the PSP Command Post in Russell, Pennsylvania and established a staging area for NYSP operations in close proximity to the Cable Hollow Golf Course, which became the concerted focus of search operations. The United States Marshals Service deputized NYSP personnel. A perimeter was quickly established, that bordered Gouldtown Road, Norberg Road, Old Russell Road, and Cable Hollow Road, in Akeley, Pennsylvania. NYSP canine personnel conducted tracks, while the NYSP MRT, PSP SWAT, and cooperating law enforcement tactical teams conducted woodland searches inside the perimeter. NYSP Aviation provided uninterrupted aerial support, with the assistance of the NYS National Guard's C26 Surveillance Plane, and a Pennsylvania State Police helicopter.

The search area was ultimately focused on a particular section of woods near the golf course. Members of the NYSP MRT and the PSP SWAT commenced a “push” of this area, and at approximately 8:10 PM, as a result of the advancing officers searching these woods, a member of the Warren County PA Sheriff Department observed Phillips along the wood line. NYSP Aviation was overhead supporting the push and was able to spot Phillips and maintain continual aerial observation as ground forces closed in. Phillips, realizing he was spotted, under observation from the helicopter, and had nowhere to go, raised his hands and surrendered. He was taken into custody at 8:15 p.m., surrendering without further incident to members of the NYSP, Pennsylvania State Police, and the Warren County PA Sheriff Department.

Phillips was transported to the PSP Command Post in Russell, and then turned over to the U.S. Marshals Service. After Federal Authorities in Pennsylvania declined charges in that jurisdiction, a Federal Magistrate authorized the US Marshals to transport Phillips to Buffalo, NY, to face arraignment on Federal fugitive charges. He was remanded to the Erie County Holding Center in Buffalo, New York, to await arraignment.

On September 9, 2006, Phillips was arraigned in federal court, where the fugitive charges against him were dismissed, and he was turned over to the NYSP. Phillips was transported to Chemung County and arraigned on the charge of Attempted Murder of Trooper Sean Brown. Phillips was committed to the Chemung County Jail awaiting further proceedings.

On September 10, 2006, a search detail was conducted based upon information provided by PHILLIPS, which resulted in NYSP members securing a .308 rifle from a wooded area, on the west side of Kelly Hill Road, north of Bachelor Hill Road, Town of Pomfret. The rifle was located approximately eight tenths of a mile from the scene where Troopers Longobardo and Baker were ambushed. The

.308 was subsequently confirmed to be the weapon used to shoot Troopers Longobardo and Baker.

November 29 – 30

On November 29, 2006, Ralph Phillips pled guilty to the attempted murder of Trooper Sean Brown in Chemung County Court, and he pled guilty to aggravated murder for killing Trooper Joseph Longobardo and to the attempted murder of Trooper Donald Baker in Chautauqua County Court. On November 30, 2006, he pled guilty to escape first degree in Erie County Court. Sentencing on the convictions is set for December 19, 2006. He also is expected to face, and plead to, federal weapons charges in the near future.

PHILLIPS CONTACT DATES

Shooting of Trooper Sean Brown – Chemung County

On June 10, 2006 at 12:50 a.m., Troopers Sean Brown and Donald Will, SP Horseheads, Troop E, were on routine patrol in southern Chemung County, when they followed a 1995 Ford Mustang onto a secondary road where the operator unexpectedly stopped on the shoulder. The troopers pulled their patrol car behind the operator's vehicle to determine if assistance was required. Upon approaching the vehicle on foot, Trooper Brown was shot by the operator. The operator sped away in the vehicle, which was recovered later that day in the Town of Horseheads. It was determined that this Ford Mustang was stolen from the Town of Hanover, Chautauqua County, New York. There was no NYSP pursuit at the time Trooper Brown was shot, as Trooper Will immediately transported Trooper Brown to an area hospital for emergency medical attention. Safety concerns created by the spontaneity of the sudden vehicle stop precluded the troopers from conducting a check of the vehicle license plate prior to approaching the car.

Colesville Sighting – Broome County

On June 10, 2006, Troop E acquired telephone contact information for Phillips. Two investigators from Troop C were assigned the lead, and learned that Phillips may be in contact with one Paul Gross and developed information that he (Gross) owned a residence in the City of Binghamton. The investigators found the Gross residence unoccupied but learned that he owned a camp in the Town of Colesville.

The investigators located the camp with the assistance of a patrol trooper at approximately 7:30 p.m. The three members left their vehicles on State Route 79 and walked down the driveway towards a barn. After walking about 100 feet they spotted a white pick up truck that matched the description of a vehicle Phillips was believed to have stolen earlier that day near the location Trooper Brown had been

shot. The members returned to their vehicle and requested “back-up” assistance. Troop C Command Staff directed them to maintain their position and advised that assistance, including the MRT, would be dispatched. Over the course of the next few hours Troop C personnel responded to the area and initiated checkpoints and roadblocks at appropriate locations to contain and stop movement of the stolen pickup truck or any vehicle from the property.

At about 11:30 p.m., a different pickup truck drove off the property and was subsequently stopped in order to question the occupants. Paul and Sandra Gross occupied the vehicle. Initially, they denied being with Ralph Phillips, but about 45 minutes later they eventually admitted Phillips had been at the property with them. Paul Gross advised that around 9:00 p.m. he thought he had heard vehicles on the road and had walked down his driveway, where he spotted a Black Impala that looked like it might be a police vehicle. Paul Gross informed investigators that when Ralph Phillips was told this he had packed his belongings and was ready to depart if necessary.

Consistent with traditional preliminary containment procedures, area roadway checkpoints and roving patrols were deployed. Members continued to conduct surveillance of the property; however an inner observation post near the camper was not established until initial MRT members arrived with night vision equipment. At approximately 3:00 a.m. on June 11, 2006, after arrival of sufficient MRT members to safely conduct entry operations, the camper/trailer, outbuildings, and property were searched with negative results.

This situation presented an unexpected opportunity to apprehend the fugitive. However, the failure to do so is mitigated to the extent that the members involved had been seeking to develop potential lead information from an individual thought to have known Phillips in the past. The investigators were not expecting to encounter Phillips. After spotting the stolen vehicle, the investigators requested back-up, and

were advised to “hold” their position and await the arrival of the MRT before any effort would be made to enter the property and apprehend Phillips.

The command decision to maintain positions and rely upon roadway checkpoints, while holding for the MRT was a reasonable judgment call. It is deemed an appropriate measure taken in light of the circumstances and the information known about Phillips at the time. It was likely that Phillips had already left the area, or would attempt to leave with the truck or another vehicle, or would barricade himself in the residence if confronted by police. Given these scenarios, checkpoints were established to intercept any vehicle leaving the property. MRT were summoned to conduct operations necessary to establishing a perimeter around the residence, conducting surveillance, and apprehending Phillips if he remained inside the residence. Unfortunately, the structure and statewide distribution of MRT personnel typically precludes a timely response. Thus, the delayed arrival of sufficient MRT members to the scene to establish a perimeter around the residence was both expected and unavoidable.

In hindsight, knowing that Phillips was a proficient woodsman who might escape on foot; personnel might have been positioned to prevent a “foot” escape into the woods. However, once it was known that Phillips had been made aware of the presence of law enforcement personnel 2 ½ hours earlier, it was deemed prudent to await the arrival of MRT to conduct a tactical assessment of the situation. The establishment of checkpoints for the containment of vehicular traffic under such circumstances is a customary and effective response action. Therefore, the decision to establish checkpoints in anticipation of the potential need to intercept any vehicle leaving the property, while awaiting arrival of the MRT to conduct high-risk search and arrest operations, was an appropriate command decision.

The fact that Gross heard the investigators’ vehicle suggests the surveillance position was too close to the driveway. Instructions to “hold” and wait for backup resources does not prohibit “on-scene” personal judgment to assume a location that

would not be compromise the surveillance. Unfortunately, in this situation Phillips became aware of “police” presence before sufficient assets were available to effectively contain him.

Charlotte Sighting – Chautauqua County

On June 27, 2006, detail members received intelligence that Phillips may be operating a red Honda ATV that may have been painted black, recently stolen in the Town of Sheridan, Chautauqua County. Plans were devised to position at specific locations in an effort to hear the ATV and attempt to identify Phillips’ possible location. At the same time, this plan specified that any sighting would be handled surreptitiously with a low profile police response. Roving canine patrols were assigned to various areas, while MRT members were deployed in two-person patrols throughout the area.

At about 9:00 p.m. a sighting of Phillips was made by a two member canine patrol on Nelson Road in the Town of Charlotte. The troopers observed a black ATV being driven by an operator who was dressed in camouflage clothing. The troopers advised the command post via cell phone of the sighting. However, as they began a pursuit, the ATV quickly drove out of sight. Immediately after losing sight of the ATV, the patrol stopped to question a group of people standing on the side of the road. The individuals denied seeing an ATV pass them, however further inquiry revealed that they were family members of Phillips. In fact, evidence recovered 3 hours later strongly suggested that these family members had just provided Phillips with various supplies. While continuing to look for the ATV, the troopers contacted the Command Post to request support for the search. However, since the ATV had disappeared, command staff elected to adhere to the original plan to maintain a low profile police response in an effort to avoid pushing Phillips out of the area. Instead of dispatching additional patrols, the Command Post deployed personnel to increase the number of quiet fixed listening/observation posts in the immediate vicinity.

The troopers who made the earlier sighting maintained a stationary post on Ames Road, near the intersection of Hall Road, with vehicle lights and engine off. At approximately 1:00 a.m., they observed someone moving through the woods towards their location using a flashlight in a covert fashion by periodically shielding the light. When the subject came out of the woods about 10 yards away, the canine handler activated the vehicle's lights and exited the vehicle, while the trooper in the passenger seat covered the subject with a shotgun pointed through the side window. The subject now believed to be Phillips, was directed to "freeze," but immediately turned into the woods and began to run. The troopers heard him fall a few times (woods were without trails and heavily overgrown with underbrush) but he continued to run. The trooper in the passenger seat exited the vehicle but did not pursue Phillips based upon his understanding of instructions issued at the earlier briefing. The canine handler began to follow the Phillips' path by paralleling his movements along the road, until he could no longer identify his location. Both members then returned to the patrol vehicle and used a cell phone to call the command post to request instructions. An NYSP captain at the Command Post, who happens to be a former canine handler, ordered that the canine be released immediately. However, the handler did not do so, choosing to wait for other NYSP personnel to arrive, noting there was no visual target for the dog to pursue. Responding members established a roadway containment perimeter consisting of 38 two-person patrols. Responding MRT members commenced a search of the woods, accompanied by the canine handler and his dog. NYSP Aviation, equipped with a FLIR thermal imaging unit also assisted with the search.

The search efforts immediately located a firearm and a backpack that Phillips had dropped when he was fleeing. The recovered firearm was a .38 caliber handgun later proved to be the weapon used to shoot Trooper Brown. The backpack contained a letter that made a general threat towards law enforcement personnel. The initial canine track led members to a camp, where the stolen red Honda ATV, now painted black, was recovered along with camping gear and canned goods. Although this was a legitimate track, it was not the trail taken by Phillips

when he fled. Unfortunately, the head start afforded Phillips by the delay of an immediate pursuit and failure to release the Division canine, coupled with the canine following the track to the camp versus the flight trail, allowed him the time necessary to evade capture. Subsequent canine tracks revealed that Phillips had quickly left the initial search area, and retreated to a much larger section of “connecting” woods.

Inquiry into the circumstances surrounding this potential apprehension opportunity reveals a couple of key factors: (1) a misunderstanding and/or a lack of clarity to briefing instructions; and (2) a personal judgment error by the canine handler. The trooper partnered with the canine handler believes he may have been able to catch Phillips, but stated he did not enter the woods because his understanding of instructions issued at the evening briefing prohibited members from pursuing Phillips into the woods. The trooper noted that, while he believed the subject he observed was Phillips, he did not shoot, even when the suspect ran back into the woods, because he was not able to see his face and verify it was Phillips, and the subject had made no threatening actions toward the members. This was a proper decision, as command staff reminded all members that they needed to be certain a suspect was in fact Phillips before the use of deadly physical force was considered during any apprehension effort.

It is judged that there is no issue with the trooper’s decisions. He conducted himself appropriately and in accordance with his understanding of issued verbal instructions. Interviews with command staff reveal a difference between their perception of the substance of the instructions issued and that of some members assigned to the detail. According to the commissioned officers directly involved with the manhunt, detail members were instructed to maintain their position or assignment, and not to enter the woods to investigate noises or suspicious activities, or to pursue a distant sighting. They believed however, that members should have understood that they were always expected to take appropriate police action when they found themselves in close proximity to Phillips, or any situation in which he was so close that the member(s) could commence foot pursuit. It is clear that there was

a lack of adequate clarity to the briefing instructions, as a number of front-line members did not understand that Phillips could have and should have been pursued by other than MRT and canine members. In fact, some uniform members voiced criticism regarding command staff being too concerned for member safety, and that they should have been allowed to pursue Phillips anytime he was observed. While this apparent misunderstanding may have impeded apprehension of Phillips in this instance, non-pursuit in this situation, which involved an armed dangerous felon in especially dense woods at night, was appropriate, if not a better decision.

Nonetheless, there was concern over the canine handler's failure to immediately release the State Police dog when Phillips was first challenged as the handler exited his vehicle. The canine handler offered an explanation that NYSP canine handlers are trained not to release a dog under these circumstances, explaining there was an unjustified risk that the dog may have been injured or killed. This is an incorrect interpretation of what is actually taught during the NYSP Canine Training Program. Handlers are trained not to indiscriminately release a dog, or release a dog without cause and only as a last resort when they are reasonably certain the dog will only target the intended subject. The dog is a law enforcement tool to properly be used, and the State Police dogs are trained for "off leash" apprehension scenarios.

This situation involved a subject wearing camouflage clothing, walking out of a heavily wooded and overgrown area at night, with a light that was covertly shielded, in an area where patrols were looking for a fugitive who was wanted for escape and the attempted murder of a Trooper, and who began to flee when ordered to stop. Immediate release of the canine was not only appropriate, but was imperative. When the command post officer-in-charge, who is a former canine handler, was contacted by the trooper/handler patrol for instructions, his immediate response was "release the dog." The probability is very high that an immediate release of the dog, as the handler initially exited his vehicle, would have resulted in the apprehension of Phillips in this situation. Phillips had difficulty running in this

overgrown and scrubby wooded area, as is evidenced by the fact he fell a few times while fleeing which caused him to drop weapons and other belongings. It is reasonable to believe the dog would have easily seized and detained Phillips. Other patrols were also in very close proximity, which would have enabled the two troopers to enter the woods with proper support to restrain the dog, and secure custody of Phillips.

Another observation made during this review is that this situation called for use of the State Police radio, not a cell phone, from the point in time that Phillips failed to adhere to the order to “freeze” and began to flee. Use of the cell phone to contact the CP and speak to the incident commander prevented the quickest possible back-up response by other members in the area. Despite legitimate concerns that family members may have monitored the transmissions and responded to interfere with the apprehension, their interference would not have been timely given the scenario.

Barnum Road, Charlotte Sighting – Chautauqua County

On June 28, at 3:00 p.m., a NYSP Captain and Zone Sergeant were traveling in traffic on Barnum Rd, in the Town of Charlotte, when they spotted a subject matching Phillips’ description run across the road about ¼ mile ahead. The area the subject disappeared into was noted to be a one-acre parcel of woods surrounded by fields. There was a previously established fixed post at the very next intersection staffed by NYSP personnel. The troopers assigned to the post had been observing the general area in and around the parcel of woods with binoculars, but had not observed anyone in the area from their vantage point.

Uniformed personnel were immediately deployed to provide perimeter containment, while aviation support was also summoned and on scene within five minutes. Effective containment was established within approximately ten minutes, and personnel present were awaiting additional personnel, which included the MRT, to conduct a search of the field. At this point, the Troop A BCI Captain and a

contingent of investigators arrived at the scene. After determining that the woods should be searched immediately, the BCI Captain instructed investigators to commence the search.

The subject observed running into the woods was not located, nor was a subsequent canine track successful in locating the person. However, as the search operations continued, the detail members learned that the residence closest to the woods belonged to relatives of Phillips. These relatives of Phillips exited the residence and attempted to distract and harass NYSP members at the scene, including advising members that they were on private property and directing them to leave.

While there was no definitive evidence confirming that the subject observed was Phillips, the incident is included as a possible Phillips contact due to the strong circumstantial likelihood. Further, it is also highly likely that these family members may well have provided Phillips assistance with eluding the search detail.

Arkwright Sighting – Chautauqua County

On July 10, 2006, two Troop A BCI Lieutenants accompanied an Electronics Unit member into the search area. The three members were traveling in an ATV when they observed a person dressed in camouflage they believed to be Phillips running up a hill and across a ridgeline about fifty yards away. After the subject disappeared over the ridge, they heard an ATV start up and drive away. The members elected not to pursue, because the suspect had a higher ground position, creating an unsafe disadvantage for them. They determined that the situation would be better served by initiating a coordinated response from their location. The members telephoned the Command Post to advise them of the situation and held their position until the arrival of MRT personnel.

This sighting resulted in a three-pronged intercept response, formulated with the prospect that Phillips might be encountered by responding teams, since it was

understood that he was fleeing but the direction was unclear. State Police Aviation responded and was over the area very quickly, but the three members did not have a portable radio so they were unable to communicate directly with the pilots, and were unable to provide any directed guidance. By the time canine and MRT members entered the search area and walked to the location of the reporting members, almost two hours had elapsed. While the time it took to hike into the location was a factor hindering the timeliness of the MRT response, another contributing factor involved confusion with the accuracy of the location with respect to the GPS coordinates provided by the members at the scene. Upon inspecting the area a fresh camp was located. Various supplies and items of evidence were recovered, including a .22 rifle, which had been stolen during a burglary in Binghamton, New York, a few weeks earlier.

Evaluation of this contact determined that the decision of two commissioned officers to accompany the Electronics Unit investigator into an active search area was a poor decision. It would have been tactically more prudent to assign MRT members who are better equipped and more prepared to immediately pursue and apprehend Phillips if encountered. This area of woods was an active manhunt search area and deemed to be dangerous due to the significant possibility that Phillips could be encountered. The members engaged did not adequately prepare and equip themselves for this potentiality, nor did their presence contribute to either the safety or capture capability of the assignment. It is not unreasonable to contend that had MRT members been appropriately assigned to accompany the investigator, there would have been an effective and sustained immediate pursuit effort. Further, if Phillips had been able to avoid immediate apprehension by the accompanying MRT members, they would have been in a position to better coordinate further MRT support response.

Cold Spring Burglary – Cattaraugus County

On July 16, 2006, a sighting of Phillips was reported at a seasonal residence in the Town of Cold Spring, near the Pennsylvania border. This was the first time during the Troop A search operation that Phillips had moved out of the Fredonia area but remained in New York. The homeowner observed a subject crawl across a trail adjacent to the residence and disappear into the woods. The homeowner immediately recognized that the house appeared to have been lived in; a coffee pot was still hot, cigarette smoke was in the air and a soiled towel was located in the bathroom. A red bicycle, which was re-painted black, was in the kitchen and there was a grocery bag containing a compass, fishhooks, and an Internet printout of police frequencies with the Troop A NYSP information highlighted. The Cattaraugus Sheriff's Office was advised and responded. The Sheriff's members at the scene, realizing this burglary may well be Phillips, contacted the Command Post and NYSP resources were directed to respond. The Troop A Commander directed use of a bloodhound to follow the track from the point Phillips had been observed. During the NYSP track a retired member of the Cattaraugus Sheriff Department who had responded and initiated a track was encountered.

While the Sheriff Department's personnel were prompt to realize the probability that the burglar was Phillips and notified the NYSP, the time required to move adequate resources from Fredonia to southern Chautauqua County afforded Phillips sufficient opportunity to successfully depart the area.

Tuscarora Reservation Sighting – Niagara County

On August 8, 2006, Phillips was seen on the Tuscarora Indian Reservation in possession of a stolen vehicle by a resident. The report was made by the resident approximately two hours after the sighting, and initially reported to the Niagara County Sheriff's Department, who requested the assistance of U.S. Border Patrol Aviation as they responded. Once the Niagara County Sheriff's Office reported the sighting to Troop A, the NYSP search detail was moved to Niagara County. At about 11:00 a.m. a resident of the reservation provided a photograph of Phillips and

himself, claiming he had taken the photo earlier that morning on the reservation. The individual reported Phillips had admitted who he was, and that he possessed a handgun, a scanner and a long gun, and that he had been cleaning a black Ford mustang car.

At approximately 3:50 p.m., an NYSP investigator observed Phillips from a distance entering a wooded area off Upper Mountain Road. NYSP personnel were dispatched and a perimeter was in the process of being established, when a passing motorist stopped to report sighting Phillips on the north side of State Route 104. Command staff diverted personnel responding from the various assisting police agencies to State Route 104 to establish a perimeter at that location. The black Ford Mustang was located and determined to be a vehicle reported stolen from the Town of Portville, in Cattaraugus County on August 4, 2006. The search continued into nightfall, and perimeters were maintained throughout the night by NYSP Uniform and BCI members, canine and MRT members, NYSP Aviation, and members from local, county and Federal law enforcement agencies. The U.S. Bureau of Customs and Border Protection closed the international bridges into Canada during the search.

The duration of outside police agency participation was limited, lasting from several hours to less than 24 hours for all departments, except NYS Parole, the U.S. Marshals Service, and the Niagara County Sheriff's Office. During the early morning hours of August 9th, a stolen vehicle was reported in the general area of the search, which led to strong suspicion that Phillips had stolen another vehicle and was probably out of the search area.

It appears that two factors contributed to the failure to apprehend Phillips during this contact. First, initial inter-agency coordination was lacking. Numerous agencies responded, self-deployed, and performed search activities. State Police personnel and command staff had to be moved from the southern portion of Western New York and a command post had to be established near the reservation. Niagara

County SO personnel had deployed and commenced search functions when Troop A was notified, so the operation was already underway prior to the arrival of NYSP personnel. There was early confusion as to individual agency roles, and as a result, it seems apparent that possible avenues for escape were not adequately covered. Second, the overwhelming shift of personnel away from the NYSP sighting on Upper Mountain Rd to the “passing motorist” reported sighting was an error of judgment. There is reason to believe, after the fact, that the NYSP member was an accurate sighting, and the passing motorist report was not Phillips.

It is recognized that a command decision was made during a rapidly changing event with a number of different law enforcement agencies already conducting operations without centralized coordination. At the time, the sighting reported by a passing motorist was the most recent and appeared to be viable. In response, diverting personnel to the more recent sighting in an effort to secure the area was reasonable. It is easy, in hindsight, to suggest that it would have been a more prudent decision to split assets between both locations, or that more attention should have been rendered to information received from an NYSP member. However, it is critical that the decision be evaluated based upon the circumstances at the time. A determination was made to act on information that was deemed reliable and current, which was a command decision that had an appropriate and reasonable foundation.

Motorcycle Sighting — Chautauqua County

On August 19, 2006, a confirmed sighting of Phillips occurred in the Town of Charlotte, after the State Police developed intelligence that Phillips had very recently purchased a motorcycle in Pennsylvania. A detailed description of the motorcycle, the helmet, and clothing worn by Phillips was conveyed to all detail members, as well as to regional New York and Pennsylvania law enforcement agencies. At 6:30 p.m., a trooper assigned to the manhunt detail as a roving patrol was parked on Route 60 in the Town of Charlotte, when he observed a motorcycle matching the color and description approach northbound and pass his position. The trooper also noted that the clothing and helmet worn by the operator (red with a smoke face

shield) also matched that reported of what Phillips was using. The trooper turned and followed the motorcycle for a short distance, to a multi-unit residence on State Route 60. The trooper pulled onto the shoulder of the roadway close enough to observe the license plate. He then radioed SP Jamestown on Troop Channel 1 and requested a check of the motorcycle registration, while the operator dismounted the motorcycle and, without removing his helmet, walked up a covered staircase to an apartment.

The trooper reported he then noticed red flame markings on the gas tank, as had been reported for the Phillips motorcycle, so he contacted SP Jamestown via cell phone to check the status of the data check, which was underway. He also discussed his observations with the SP Jamestown desk trooper. The desk trooper recognized that the trooper needed backup and advised that he would contact the Command Post. The trooper moved the patrol car away from the residence, but retained sight of the stairs, and notified his detail supervisor of his location and situation via cellular telephone. In the meantime, the SP Jamestown desk trooper assigned a trooper who was at the station to respond as backup, and called the SP Fredonia Command Post. The Command Post immediately deployed personnel, including MRT members, who were at the command post. The Command Post also made other backup assignments via calls to cellular phones.

While the trooper was observing the front stairs awaiting the arrival of backup, the fugitive jumped out of a second story window and fled on foot into the woods behind the residence. Back-up units arrived within several minutes, and perimeter containment of the residence was established. No effort was made to enter and search the residence until a sufficient number of MRT members arrived. Subsequently, fixed road checks were employed and every vehicle was searched. Canine tracking efforts commenced once the MRT completed a search of the building.

It is difficult to understand the actions of the trooper in this situation. During interviews, the trooper acknowledged that he believed the operator of the motorcycle was “probably” Phillips when he observed the motorcycle drive by. In fact, the trooper acknowledged this was the reason he decided to follow the motorcycle. Based upon the trooper’s suspicion that he was turning on an armed and dangerous fugitive, he should have instantly known this was a high risk encounter from the onset, and his failure to immediately initiate a police radio transmission to request backup is inexplicable. These actions reflect a failure to follow elementary training on how to safely conduct high-risk vehicle stops.

In addition, not only did the trooper fail to radio for assistance, he remained seated in his vehicle, while the suspected fugitive casually got off the motorcycle and walked away. The trooper failed to take any precautionary defensive measures in the event that it became necessary to confront the suspect from a position of cover. Instead, he parked the patrol car on the roadway shoulder in close proximity, remained seated inside, and requested a routine registration data check. This behavior is alarming, and raises serious concern over the trooper’s failure to recognize the obvious potential for danger.

There were a number of notification actions he could have taken, which were far more appropriate, and absolutely necessary given the circumstances. Foremost, the trooper should have used the radio to immediately report observing what he believed to be the suspect on the motorcycle, rather than requesting a seemingly innocuous registration check, only to later describe the motorcycle stop circumstances to the Jamestown desk. Use of the Troop frequency (channel 1) to advise SP Jamestown would have ensured that all Troop radio control stations, as well as area patrol cars were simultaneously advised of the “high risk” circumstances of this particular vehicle stop. Consequently, area patrols could have responded immediately without waiting to be assigned or advised by SP Jamestown of the urgent need for back-up. A second alternative would have been to use the emergency frequency. This would have provided simultaneous notice of the situation

to every radio in the entire region, from all SP radio control stations to any patrol vehicle radio and portable radio, regardless of the predominant Troop frequency of the radio. Use of this frequency would employ the most expeditious means for accomplishing immediate universal notification and summons of assistance. Although not the best option, the trooper had still a third alternative. He could have used the radio tactical channel to advise the Command Post (SP Fredonia) of his situation. Even if his transmission could not be heard at SP Fredonia, due to his distance from the station, all radio cars in the area, including the roving patrols assigned to that sector, would still have received the transmission and an immediate supporting response could have ensued.

Proper use of the patrol car radio to communicate the situation would have ensured that numerous nearby patrols and personnel were immediately aware of the need for urgent backup and assistance would have been responding even prior to CP dispatch of patrols. In this case, mandatory use of the police radio to immediately advise a radio control point is elementary operating procedure, reinforced by long standing training and protocol. In addition, specific verbal and written instructions to the detail directed use of the police radio for any urgent or emergency situations.

In fact, this trooper was assigned as one of the area roving patrol units and initial assistance would generally be expected to come from the members assigned to these duties. However, he made no effort to advise these nearby roving patrols, or to request their assistance. The review process revealed there were a number of NYSP patrols in very close proximity to the location of this incident, which were immediately available to assist, had the trooper made proper notifications of his situation. The trooper's failure to properly convey the high risk aspects of this stop unnecessarily delayed notice and arrival of assistance, despite very close proximity of other patrols. Unfortunately, this was a significant reason why Phillips had ample opportunity to flee the residence and evade capture.

A secondary error in this situation involved the failure of SP Jamestown desk and the command post to immediately issue a radio advisory. Although personnel at both locations ensured assistance was immediately deployed, failure to make direct radio transmissions meant that patrols in the vicinity of the Phillips sighting remained unaware of the situation. Subsequent cell phone notification was an inefficient means to communicate information of this urgency.

Bat Factory Sighting - McKean County, PA

On August 25, 2006, intelligence indicated Phillips' location at a bat factory, located along Cable Hollow Road, in Akeley, Pennsylvania. NYSP members were in unfamiliar territory and did not know the name of the road they were on, and reported that they were near a factory on the road that led to the golf course. Unfortunately, as this information was passed along, it appears that the reference to the factory was lost during the communication, and the location ended up being understood as the Cable Hollow Golf Course. As the Pennsylvania State Police uniform and SWAT members responded to search the location, they drove past the factory. At some point, NYSP members were able to flag down a Pennsylvania State Police patrol and advise them of the correct information. The Pennsylvania State Police then quickly deployed to the factory, and arrived just as the fugitive ran into the nearby forest area carrying a flashlight. At that moment, a torrential rainstorm began and lightning struck a transformer in the parking lot where the Pennsylvania State Police patrols had just entered. The intensity of the storm, along with the onset of darkness, eliminated the ability to commence a canine track and a search. Inspection of the baseball bat factory revealed Phillips had been preparing a meal when he had to flee. A cell phone used by Phillips was recovered where he was seen entering the woods, and the stolen Dodge pickup was recovered on Cable Hill Road a short distance away. The confusion over the exact location of NYSP ESU members, coupled with the lack of radio communications with the Pennsylvania State Police, and the ensuing severe thunderstorm, all contributed to enable Phillips to avoid apprehension.

CRITICAL ISSUES

This portion of the review report addresses the evaluation aspect of the manhunt. The review identified areas and issues relevant to operational planning and execution of assignments and investigative leads. Critical issues are grouped into six main categories:

- ❖ Communication capabilities
- ❖ Equipment
- ❖ Command and Control
- ❖ Leadership and Supervision
- ❖ Planning
- ❖ Information and Intelligence

Within the critical issue categories, additional topics discussed include command post structure, staffing, and other aspects of the detail such as food and lodging, rest duration, and relief. While review findings are included within the corresponding sections of this report, recommendations concerning both critical issues and secondary issues are provided in the *Summary Recommendations* section of this report.

It is important to reiterate that this operational review is intentionally focused on the identification of trends and patterns relevant to the manhunt investigation. Therefore, isolated anecdotal comments generated during the interview process are not addressed in this review report.

Communication Capabilities

Communication impediments and deficiencies proved to be the single greatest problem, and were the most frequently cited complaint during the review interview process. Approximately 55% (618) of the 1,116 members assigned to the Troop A manhunt detail provided negative feedback when asked about communications capabilities. Communications problems adversely affected not only efficient deployment and control of personnel, but also the timely dissemination of information and intelligence to detail members. Unfortunately, communications problems are not new, as the inadequacies of radio communications in rural areas of the state have long been documented. The regions of Chautauqua, Cattaraugus and Allegany counties have always been among the most difficult areas in the state for public safety radio communications, especially for the State Police, which is forced to rely on a legacy statewide radio system that is primarily comprised of technology and equipment dating back to the 1960's.

In 1996, the New York State Office for Technology, with assistance from the New York State Police, initiated the process to acquire and deploy a modern statewide radio system, one that would provide rapid and secure public safety radio transmission capability everywhere in the state. This new system, commonly known as the Statewide Wireless Network (SWN), has commenced its build-out in the Troop A region, and a pilot test is scheduled for the summer of 2007, in the counties of Erie and Chautauqua. The complete radio system in Troop A is currently anticipated for the fall of 2008. The long-standing radio dispatch and reception deficiencies caused by terrain and lack of coverage in the Troop A area was a principal reason the region was selected for the pilot test.

NYSP radio control for the Chautauqua and Cattaraugus county region is currently conducted by zone dispatch, through SP Jamestown to all regional patrols and personnel. Consequently, SP Fredonia did not have direct on-site dispatch access to the Troop A frequency, nor to the Division's statewide emergency frequency for directing the operations of the manhunt. Rather, the SP Fredonia

Command Post had only the limited capability of receiving and dispatching localized radio traffic on the State Police Tactical Channel. This meant that transmission distances to and from the Command Post were very limited. Therefore, Troop A command staff, with assistance provided by State Police Headquarters Communications Section, took several steps to mitigate these limitations. While a number of techniques were employed, and provided improvement, none proved wholly sufficient to remedy the situation.

- The New York State Police command post vehicle and a radio support truck were en-route to Troop A on June 28, 2006, when they were immediately redeployed to the Binghamton area of Troop C to provide emergency communications capabilities in response to severe flooding throughout that region. The vehicles subsequently arrived in Troop A on July 3, 2006. The radio support truck provided a telephone uplink and technology to help ensure that portable radio traffic on the Tactical Channel was seamlessly delivered to the command post at SP Fredonia.
- The command post vehicle radio and support capabilities were not optimal due to the fact the necessary electronic and radio equipment had not been fully outfitted when it was deployed, and it is the only such vehicle currently possessed by the State Police.
- When the State Fair commenced in late August, the command post vehicle and radio support truck were required to provide the stand-alone local radio network necessary to manage and control operations during the fair. Upon completion of the State Fair both vehicles were immediately returned to Troop A, and remained there until conclusion of the manhunt on September 8th.
- A mobile repeater was installed on the Chautauqua County Sheriff's Office Arkwright tower, which improved transmission distances in the heart of the primary search area to an average five miles for portable radios. Use of the Tactical Channel meant portable radio transmissions could be heard at the Command Post from a reasonable distance, as well as any state police

vehicle in the region transmitting on the channel. More than 150 portable radios were delivered to Troop A for the manhunt, a number sufficient to ensure every detail member would have access to a portable.

- Another measure taken to overcome the communications dilemma was to provide fifty Nextel cell phones that had point-to-point capability, which enabled the detail to create “talk groups” with walkie-talkie type communication capabilities. However, the difficult terrain and inter-dispersed cellular area coverage limited the effectiveness of the Nextel phones. Nonetheless, it is noted that some supervisory feedback indicated that the phones were useful and helped to communicate to members assigned to specific posts. Arrangements were also made to obtain a number of additional cellular telephones, from other area vendors, to improve overall regional coverage. This included the emergency acquisition of Cingular telephones on September 8th during the “final” search in Pennsylvania, as almost none of the telephones being carried by NYSP supervisors had service in that area.
- Telephone lines were added at the command posts located at SP Fredonia and at the Randolph School, as well as the Troop C command post at the Colesville Volunteer Ambulance Building. Additionally, toll free crime tip phone lines were installed in both Troops A and C, to provide the public with an easy means to report information directly to the command post.

These enhancements helped, but did not correct the overall communication problems faced by the detail, nor did they alleviate the inability of the command post to monitor transmissions made on other radio frequency channels. Thus, SP Jamestown continued to remain the primary radio point of contact for non-emergency manhunt traffic, such as NYSPIN data inquiries. Detail members were advised during briefings that direct radio communications with the Command Post required utilization of the tactical channel, which would also be heard by Division vehicles and portable radios in the area as well. Briefing instructions reminded

members that for emergency or urgent situations the radio should be used, that the tactical channel would provide direct contact to the command post as well as vehicle and portable radios. Direct contact with SP Jamestown, via either the troop frequency or the State Police emergency frequency were options always available to any member.

In addition to the technical difficulty with radio communications, another complication was the fact that it became evident very early in the investigation in Troop A that Phillips and his family members were monitoring State Police radio traffic. Consequently, instructions were given that the use of cellular telephones was the “preferred” method of communicating, absent an urgent situation, to try and avoid unnecessarily broadcasting potentially sensitive information over the air. Thus, as a matter of practice and protocol, assignments were issued and reported back via cell phones, as were most leads, tactical decisions, location advisories, and instructions.

The method of communication using cellular telephones during situations of urgency was a mistake. Use of the State Police radio system, even with its deficiencies, would have been the better option. The major pitfall of the cell phone tactic was that the information flow was slow, and frequently information did not reach everyone who should have, and normally would have, been advised of developments, situations and relevant assignments. This situation impaired the cohesiveness of the detail, and created a measure of isolation which accounts for significant feedback from the uniform force that it was not unusual for them to be unaware of search efforts or other operational events that were occurring in their area of assignment. This “one to one” method of communication method worked to create a lack of continuity in the delivery of instructions and information, and also specificity to insure that all detail members were receiving, and understood instructions in the same way. Consequently, there was an element of confusion and uncertainty, which served to create a perception among detail members that the operation was not adequately organized or controlled.

The greatest strength of a modern police force is often cited as the ability to coordinate and integrate responses of a large force quickly and effectively. This strength was diminished once it was decided to use individual cell phones as the general and primary mode of communication. This was a less than optimal arrangement and prevented the “one to many” radio transmission that is most effective means of quickly advising and moving people. This over-reliance on cell phones, almost to the exclusion of the radio, removed the most effective dispatch method when quickness of response was often a critical factor to apprehension efforts. Troop A was too quick to abandon its radio system, especially when the replacement measure was inherently inefficient. Other measures could have been employed to limit the effectiveness of the scanners that Phillips and his family were using. These range from establishing a system of codes with predetermined meanings to creating grid maps with coordinates that would only have meaning to the manhunt detail members when heard over the air.

Cell phone usage in this detail certainly had a role, but its use should have been limited to situations where there was no urgency and when the majority of detail members did not have a time sensitive need to know or hear the information. Finally, regardless of the legitimate command concerns over the fact Phillips and his family had scanners and might receive intelligence about police activity or responses, the need to provide accurate and timely information, as well as general command and control for the search detail, especially for confirmed sightings, outweighed this concern. Apprehension efforts are significantly improved, and usually more successful, when commanders are able to immediately inform large numbers of personnel at the same time, and can move personnel quickly and efficiently.

Equipment

This interview topic resulted in a significant number of comments and suggestions by the membership. Approximately 37% (417) of the 1,116 members that participated in the Troop A manhunt felt that equipment was less than adequate. While equipment comments most frequently involved firearm issues, several other topics were also addressed.

Firearms Issues

Approximately 55% (245) of the members who made comments about equipment related the issues to weapons and firepower. Some members expressed the desire to carry heavier weapons with better stopping power, and in some cases specifically indicated that the Division should issue a heavier caliber handgun. More than 180 members specifically advocated that patrol rifles be issued. These opinions were usually accompanied by comments that some of the members had safety concerns that they were “outgunned” by fugitive Ralph Phillips while they were on checkpoints and perimeter duty. While the firearms issue cannot be directly related to a specific time during the detail, there are indications that the request for a patrol rifle became a concern for many (of those who raised the issue) after the August 28th theft of the 41 guns. Notwithstanding the manhunt review, the PBA has raised the weapon issue in the past. It should be noted that the NYSP researched and evaluated shoulder weapon issues in 2004, and commenced a handgun evaluation prior to the start of the manhunt, which was concluded and a corresponding report was submitted to the Superintendent during the manhunt.

Patrol Rifle

Some members offered their opinion that there was, and is, a need to provide heavy caliber long-range rifles to the membership to provide the capability to return fire on a distant target. Accompanying comments clearly demonstrate that expectations of how a patrol rifle would be primarily used involved members using the rifle to return long distance defensive fire at a perpetrator during combat or a firefight type gun battle.

It is relevant to know that in 2004 the State Police executive leadership considered the issue of what long arm weapon was most suitable to provide for general member use. The concept of a patrol rifle was considered but rejected during this evaluation, for reasons deemed to be valid and reasonable then and now. The 2004 review provided justified reasons to conclude the recently acquired Remington shotguns were the most suitable and appropriate shoulder-weapon for the State Police. The Phillips manhunt review has not revealed any reason or circumstance that demonstrates that a change of policy is warranted.

The suggestion that a patrol rifle is suitable for New York State Troopers to use in combat firefight situations for returning long-range fire at assailants in this state is deemed contrary to our public safety mission. The premise advanced to justify that a rifle is necessary is in direct contradiction to the very reason the rifle is suggested. Rifle fire is only appropriate and authorized when accurate fire can be directly brought to bear on an imminent threat of deadly physical force when there is a high degree of certainty the weapon discharge will not endanger innocent people, including non-threatening perpetrators. The required high standard of safety can only be accomplished when an officer(s) is able to take the time to properly acquire his/her target in a sight picture, and is able to fire a properly controlled shot using fundamental shooting basics of trigger and breath control.

Over the years, the typical situations confronted by the State Police that have required deployment of a rifle have not involved cases of instinctive and reactive defensive shooting, such as naturally occurs when officers under considerable stress are attempting to return fire at an adversary. Such conditions assure it is extremely unlikely, if not impossible, to fire a rifle using proper distance shooting fundamentals. The reality of employing heavy caliber rifle fire in combat situations significantly increases the possibility that an unintended target in the general vicinity may be accidentally struck and seriously injured or killed. This presents an unreasonable risk to the public.

NYSP instructions governing member use of deadly physical force by a firearm requires each member to be aware of the potential risk to innocent bystanders, and specifically notes that reckless conduct is not justified. These instructions specify “DO NOT use deadly physical force when it appears likely that an innocent person may be injured as a result.” The combat discharge of a rifle, by a member already under fire, presents scenarios that strongly suggest there will be future shooting situations with increased potential risks to innocents, who may be endangered by rifle shots.

The area around and immediately behind the target is of particular concern, especially in recognition that a heavy caliber rifle round travels considerably farther than typical sidearm ammunition or shotgun rounds. The public expects that our members know, to a high degree of certainty, whom and where their shots may strike during weapon discharges. These concerns are heightened in a state such as New York where there are numerous densely populated areas. At the same time, New York’s geography and terrain does not feature the wide-open expanses seen in the western states, where the majority of the agencies that issue patrol rifles to their members are located.

During the 2004 evaluation of the need for a patrol rifle, national data surrounding police shootings, as well as NYSP experiences were considered. The data demonstrated that the overwhelming majority of police shootings are “up close and personal” combat situations, a trend that has remained consistent over the past few decades. Previous State Police recognition of this dominant trend resulted in significant modification to our semi-annual sidearm qualification course. Aimed fire from the 50-yard line was eliminated and the 25-yard line became the furthest line of fire using a sight picture, while instinctive courses of fire from the 3-yard and 7-yard lines were added. These modifications, which remain part of the NYSP pistol qualification course, are intended and expected to prepare members for the close range nature of law enforcement shootings.

This trend of close range shootings is demonstrated in the current FBI ten-year report of law enforcement officers killed with firearms, which covers the years 1994 through 2004. Of 545 law enforcement officers shot and killed during this time, 375 were killed within a distance of only 10 feet; another 102 officers were between 11 and 50 feet, while only 41 (7.5%) were farther than 50 feet away when shot. These national statistics reflect the State Police experience; shootings involving state police members involve very few situations where the assailant was firing from other than close distance.

Consequently, in 2004, Superintendent Bennett made the decision that the most appropriate long arm weapon for the general membership was the shotgun, with the versatility of discharging buckshot at close range, or a heavy caliber rifled slug to address longer distance confrontations. The Superintendent determined that the new Remington® 870 shotguns would be equipped with 14 inch barrels and placed in each patrol and specialty use (uniform) vehicle. This resulted in over 1,300 shotguns being available for immediate usage on a moments notice. The shotgun is deemed to be a very versatile and a suitable fit for the vast majority of occasions that members have a necessity to carry/use a shoulder weapon; mostly events such as roadblocks, checkpoints, and woodland and open field searches for fugitives, as occurred during the Phillips manhunt.

At the same time, the Superintendent decided to increase rifle capacity in the NYSP and authorized the creation of rifle teams for each Troop, excluding Troop T, which patrols the NYS Thruway. These teams, commonly referred to as “.308 teams,” after the .308 caliber rifle they carry, provide regional long distance precision shooting capability on a statewide basis. Troop rifle teams consist of one member per Zone and the senior firearms instructor, which added 36 members to supplement the 45 MRT members, who already were equipped with rifles as well as other specialty weapons. The number of riflemen was intentionally limited because while the MRT and .308 rifle teams are distinct and not fully interchangeable, they must understand, interact, and support each other's role at critical incident scenes. The

best way to ensure full integration was to implement monthly training where rifle team members train directly with the regional MRT team that covers their Troop. The .308 rifle team personnel were selected, trained and deployed as of October 2005.

Handgun

Only a relatively small number of interviewed members (17) expressed the desire to have a more powerful handgun, although another relatively small group indicated a desire to have greater firepower without relating it specifically to their handgun. The NYSP had already taken note of the circumstances of the March homicide of Trooper Andrew J. Sperr, when he hit his two assailants a total of five times with return fire, but did not inflict a fatal wound. In order to assess whether a handgun could be provided that would improve members' potential to survive a shootout situation once they shot their assailant, a committee was formed in mid-March, 2006 to consider potential alternative handguns. For an alternative recommendation, the firearm was required to meet two critical criteria. First, the weapon and ammunition must be judged to have superior ballistic properties compared to the current issued 9mm pistol, and second, the degree of average accuracy achieved by NYSP personnel could not be diminished. Several calibers were studied and two calibers were chosen for further examination: the .40 caliber and a new caliber to the market, the 45 G.A.P.

During the spring semi-annual field firearms qualification, a random group of members were chosen from each Troop to field fire each caliber. The shooting sample was divided into three groups for testing evaluation: those who are above average in accuracy, those who are average in accuracy, and those who are below average shooters. The field shooting study results revealed that overall accuracy was diminished for the average and below average groups when shooting the .40 caliber, while there was no significant reduction in overall accuracy for any group shooting the .45 G.A.P.

After considerable review and testing by the NYSP, the Glock® Model 37, .45 caliber G.A.P. was chosen to be the new sidearm, as it offers superior ballistic performance over the 9 mm, yet remains controllable and accurate for all members. The order for these new firearms has been placed, and delivery is expected sometime during the month of February 2007, in time for the Spring 2007 firearms qualifications.

Mid-July 2006, the Commissioned Officers' PBA Delegate raised the issue of better firepower for the manhunt detail, and specifically mentioned a patrol rifle, with the Assistant Deputy Superintendent – Uniform. It was noted that a sidearm study was occurring at that moment and that shoulder weapons, including patrol rifles, were reviewed in 2004.

Ballistic Body Armor

A small number of members interviewed (26) offered the opinion that they should have had body armor capable of protecting them against rifle rounds. Essentially, these concerns materialized after it became apparent that Phillips had stolen numerous weapons, including high-powered rifles. Some of the members assigned to checkpoints stated that they felt exposed and would have preferred additional protection. However, increased protection via more substantial body armor is not without negative consequences, because in order to obtain additional protection comfort and mobility must be sacrificed, which is an issue for most uniformed troopers who work 12-hour shifts. The current standard NYSP ballistic vest issued to the members contains twelve layers of ballistic material, which provides protection from weapons as powerful as a .357 magnum pistol round, yet it is reasonably comfortable to wear. This vest has tested well on much more potent rounds, such as a twelve gauge slug, but is not certified against these heavier rounds.

State Police MRT members and Violent Felony Warrant Squad members are issued more resistant Level IIIA tactical body armor for the increased threat

situations they face. Purchase orders for these vests have been placed for the recently created Gun Investigation Unit, as well. These members are also issued the standard Level II armor that all members receive.

Most ballistic vests have an option of adding a ballistic plate to the front and/or rear of the vest to increase the protection level. NYSP Level II armor, when used with the issued trauma plate, will stop a .44 caliber magnum pistol round. The MRT conducts continual research into equipment and requests the make, model and type equipment they require to perform their job. While there is a review process, the opinions of the MRT members take precedence in the decision process. MRT members are given the freedom to make personal decisions as to what equipment to wear and use to accomplish any particular mission. Traditionally, they do not wear their Level IIIA armor while conducting woodland operations, or when they are working combined canine operations, due to the weight of the armor.

The body armor chosen for members of the New York State Police remains the best choice for personnel under all but the most exceptional circumstances. It is feasible, however, to consider purchase of a small stockpile of "Level IIIA" body armor, with or without ballistic plates, that would be stored until specific circumstances or situations arise that would warrant issuing them to members for a particular assignment.

The MRT is conducting research to identify a lighter and less bulky Level IIIA vest that might be viable for woodland applications and strenuous activity such as canine searches. New developments in the body armor industry resulting from experience in the Iraq conflict may provide a new opportunity to purchase such armor for law enforcement.

Night Vision Equipment

Forty-two members stated there was a need for more night vision equipment; several of those members being canine handlers. Every member assigned to the MRT is personally issued night vision equipment, and Aviation members have completed training to operate helicopters while using night vision. Aviation has already used the night vision during several successful rescue missions. Historically, canine handlers have been trained to track in the dark by allowing their eyes to adjust to the darkness and to trust the dog's ability to see in the dark. While the current canine non-commissioned officer (NCO) coordinators believe that the training is adequate and that there is no need for night vision goggles, it is suggested that actual testing during training is appropriate to evaluate whether night vision equipment would improve safety and performance.

It is important to note that night vision equipment was obtained and used during the manhunt, depending on the specific assignment. During the manhunt, forty sets of night vision goggles were obtained from the Division of Military and Naval Affairs. Further, local police agencies also loaned additional sets of goggles for various time periods throughout the summer. Prior to significant personnel deployment, every post and every roving patrol assigned during the hours of darkness had at least one set. In addition, several sets were made available to BCI members conducting surveillance. After July 14, 2006, there was no shortage of night vision equipment for assigned members. It is evident from the interview responses that many of the statements about night vision equipment shortages were made by members assigned to the detail prior to July 6, when the equipment was obtained.

GPS

Several member comments were noted citing a lack of Global Positioning System (GPS) equipment at the manhunt. All MRT members are personally issued handheld GPS devices to facilitate woodland search operations. NYSP Aviation also utilizes sophisticated GPS instruments to assist with navigation and to pinpoint

locations by longitude and latitude or UTM coordinates. During the manhunt, the Troop A Commander purchased several additional handheld GPS devices for canine handlers and BCI investigators to use while conducting woodland searches.

GPS equipment also has the capability of tracking and saving routes traversed, as well as providing exact locations for emergency response and/or intelligence reasons. Additionally, the GPS devices carried by the MRT have the added benefit of providing two-way communication within a range of a few miles of each other, as well as a feature that displays the location of the other MRT members carrying properly programmed units. The GPS technology is not difficult to utilize, but some training and familiarity is required to use the equipment efficiently and without error.

MRT members receive initial training and familiarity with the use of GPS during the basic MRT School, and then periodically practice using the device during scheduled monthly training sessions. However, canine handlers and BCI members did not have the opportunity for training in advance, but were provided with a basic overview, and learned how to operate the equipment as they used it. Unfortunately, on one occasion, two BCI Lieutenants unfamiliar with the GPS unit took one with them into a search area. They created some confusion when, after spotting Phillips, they provided misinformation as to their GPS coordinate location. As a result, the arrival of the MRT response teams at the sighting location was delayed.

It is noted that deployment of the Statewide Wireless Network (SWN) includes a Vehicle Locator System, which will incorporate GPS in each patrol vehicle, and provide track and locate capabilities at the radio control point. Therefore, employment of this system will help alleviate the problem of accurately identifying a patrol unit's location, both on and off-road.

Command and Control

There were a number of command and control issues that were reviewed: command post structure, planning and organization, leadership and supervision, and information and intelligence.

Command Post Structure

Facilities

The Phillips Manhunt Detail Troop A Command Post (CP) was located at SP Fredonia, and as previously discussed in the *Communications Section*, had inherent communications problems that denied command staff the capability to fully and effectively exercise centralized command and control over the mission. In addition, this location was less than ideal for a command post in terms of suitable space that was sufficient in terms of capacity, as well as location. Further, as the detail size grew, a separate staging area should have been established to relieve the overall congestion and associated distractions that were created as a result of both station and command post operations. Ideally, this would have been a location where staff would report, receive assignments, equipment, briefings and the like. While this eventually occurred, it should have occurred earlier.

SP Fredonia proved to be unsuitable as a command post for a long-term operation. The offices were cramped, not conducive to a free flow of information, did not provide an area removed for quiet planning and command meetings, and were serving too many purposes, including continuing to serve as normal station patrol rooms and/or shared BCI investigative offices. The daily briefings occurred in the parking lot or garage, which hampered the delivery of intelligence and instructions, while simultaneously subjecting the station/command post to unnecessary and daily traffic of too many members. In fact, the location of the parking lot and garage, adjacent to busy Route 60, meant that passing traffic was a persistent factor that appears to have created a measure of interference with the ability of members to effectively hear or receive briefing information. Some members voiced concern that

having the briefings in the open parking lot, in substantial view of the public highway, was a safety issue. The impetus of this criticism is understandable; however, the nature of police work in general, including manhunts, is that police officers are always exposed to an element of danger during the performance of their duties.

Consistent with necessary and inherent operations of a command post, personnel were assigned to staff/handle functions such as call taking, communications, and surveillance operations, the BCI lead desk, tracking associated investigations, and providing overall supervision and accountability. Due to the building's physical limitations of size and layout, members assigned to CP functions were crammed into tiny offices or were required to share cramped open space. As a result, participation in sessions of joint planning, intelligence sharing, and overall operational detail assessments were limited, and it is apparent that even the various CP "sections" conducted their operations at times with limited interaction between the other sections or personnel.

Information Tracking and Assignment Management

The Troop A Commander and BCI Captain described the use of a "dual process" to receive and track information at the Command Post, a procedure which was certain to hamper the most efficient flow of information. This process to document, assign, and track information and activities was split between duties deemed to be either Uniform or BCI functions. Thus, calls and matters relating to patrol and post activities, primarily handled by uniform members, were recorded on unit logs at the Command Post, and results were documented in individual daily logs by the assigned trooper(s) and/or sergeant. At the same time, apparent BCI matters were transferred to, or directly received at, the BCI lead desk. The assigned BCI investigators were then required to provide a synopsis of the results of every assigned lead back to the lead desk, while matters that required further attention, such the need to fully process and investigate the various crimes that came to the detail's attention, were properly and thoroughly documented as appropriate.

This “dual process” of managing information, assignments and progress was not appropriate in this situation. It inevitably created confusion when detail members (usually first line supervisors) attempted to follow-up on results of the information they had passed on, only to be told that the “desk person” didn’t know, or speak to an investigator who was unaware of various leads being pursued. There was no one-source document where all information was recorded, cross-checked, and evaluated. During interviews, the Troop A commissioned officers reported that they came to work before scheduled arrival times, so they would have the time to read these reports, as well as speak personally to BCI members running the lead desk, and the uniform members working the main telephone and dispatch point. Thus, while the command staff was able to consolidate and reconcile incoming information and keep abreast of the case status, the method of information management impaired coordination between the uniformed and the BCI members. It is unrealistic to expect post supervisors and other supervisory personnel to expend that much additional effort to remain current on activities and information.

Use of two separate tracking systems also resulted in confusion when there were assignment crossovers, especially in this case where the Troop Commander frequently used BCI investigators as “force multipliers,” when they routinely helped perform search functions. This situation exacerbated the confusion for members trying to follow-up on results, or maintain an overall sense of progress and status, since sometimes particular types of duties were handled by the uniform force and would be found in the “daily logs,” and other times the same type duties were assigned to the BCI and would be found in the BCI lead desk.

The review strongly suggests that the dual method of information management used was a primary reason that many front line troopers and supervisors had the perception that there was insufficient command and control of the detail. Some comments were received that a sergeant would call the Command Post to follow-up on information that he or she had passed one earlier, only to be told that the person at the command post did not know the status or result of the

lead. While this created a lasting impression that there was insufficient coordination or direction at the CP, it was undoubtedly often a result of the spilt lead desk operations, a direct consequence of not having one comprehensive, current, and authoritative source of documentation. The rank and file could not see that the commissioned officers reconciled the information, and from their perception the “problem” continued throughout the detail. While this was inaccurate, it is easy to understand how such perceptions developed. Utilization of one lead desk would have prevented the confusion and appearance of lack of appropriate command and control. Further, it would have made overall management of the information much easier at all levels of the operation, including for the executive command staff. Nonetheless, the concern expressed that Troop Command Staff were unaware of what was going on, and that the CP had little idea what was occurring, is inaccurate.

An illustration of this informational lack of coordination occurred on July 17, 2006. A BCI investigator made an assignment to a manhunt post patrol (two troopers) to meet with a group of hikers who reported finding food items near a popular hiking spot. The investigator failed to properly inform the uniform Command Post desk personnel of the assignment, nor did he advise any uniformed detail supervisor of the assignment he had made. The troopers met the hikers just off State Route 39 in the Town of Sheridan and followed them into the woods approximately one half mile and retrieved the items in question near Sheridan Falls. Unfortunately, as the troopers followed the hikers out of the woods, the hikers lost their way due to the onset of darkness. Since the troopers had taken their lead from the hikers and had not paid careful attention to the trails being used during the walk in, they were unsure of the best trail to exit the area. These troopers contacted patrols in the area to request they “chirp” their sirens from the road to assist them with exiting the woods. During this process, the SP Fredonia Station Commander contacted the troopers via cell phone to give them an assignment. The troopers informed the Sergeant of the current situation, and since helicopters were already operating in the area, one was dispatched to assist the troopers and hikers exit the woods. The helicopter landed in a nearby clearing and retrieved the group. The

troopers were never in any danger nor were they lost. They knew approximately where they were in relation to the road, and were taking appropriate steps to exit the woods. In fact, at no time were they more than a half mile from the nearest road. This situation illustrates organizational problems that occur when a CP is operated with more than one point of assignment. It is a matter of concern that an assignment could be made without CP personnel being aware of what was transpiring, who was assigned, and where the members were going. One can easily imagine the confusion, and scramble to provide support to these troopers had they unexpectedly encountered Phillips. Only they and the investigator who improperly assigned them knew their location and assignment circumstances.

Multiple Command Post Issues

At different phases of the manhunt, command posts were established at Randolph, Olean and in Pennsylvania. However, there was no distinction made to identify the Command Posts from each other, which created unnecessary confusion, particularly for aviation pilots who did not know which Command Post was attempting to call them. A coordinated detail cannot operate with multiple Command Posts of equal operational standing. In the future, care must be taken to accurately identify forward staging areas, by specific designation, as opposed to simply “identifying” these sites as command posts. Further, it is noted that the establishment of localized command and control does not detract from the role of an overall incident Command Post. This will help insure consistency of command and control in matters that have more than one operational area or scene.

Tactical Operations Center

A complicating factor that existed throughout the manhunt, regardless of which location was functioning as an operational command post, was the use of separate operational centers, established and operated by the MRT. In recent years, special weapons and tactical units have commenced a trend of establishing a separate staging, planning, and operational control center at details, which they

have identified as a “Tactical Operations Center,” commonly referred to as the “TOC.” While the NYSP MRT has put this trend into practice, this development has never been addressed by NYSP leadership, nor has the practice been examined as to proper role and function in State Police operations, or sanctioned as an appropriate addition to the State Police Troop and/or Division Emergency Control Plan(s). During the Phillips manhunt, MRT supervisors established a TOC where they staged personnel and equipment separate and apart from the detail command post or any detail staging area(s) on their own initiative.

MRT members claim an essential need to establish an Emergency Services TOC, claiming they are more efficient when separated from rank and file operations. They indicate the need for a separate location to plan and regroup, as well as coordinate with other SWAT units. The existence of a separate staging area for MRT operations would not normally be a problem, but an operational TOC was a problem during this detail as command staff expressed concern that MRT leadership and liaison were not readily available at the detail command post. Independent operation of a second command post cannot be allowed to compete with command and control over a detail, which is properly the function of the central command post. Separate operational command posts violate basic principles of unified command, and interfere with the implementation of the NYSP Troop Emergency Control Plan.

This review accepts the premise that the MRT should have access to an area separate and apart from the noise and congestion of other command post operations. They must be able to engage in strategic planning of how to accomplish assigned missions, and formulate appropriate recommendations and suggestions for command staff. However, these tasks need to occur in close proximity to the Incident Commander and in cooperation with other command post sections. Thus, while establishment of a TOC may be desirable and necessary, Field Command must develop written guidelines to clarify the operational conditions for the TOC. It is clear that the TOC was a constant source of irritation and even conflict over command issues, between members of the MRT and the Troop Commander. When

interviewed, the Troop A Commander expressed his frustration with the MRT TOC, citing his belief it competed with the detail command post as well as his control of assignments and other mission tactical decisions. It is clear that while the Troop Commander believed the MRT was trying to function as an independent authority, the MRT considered him to be an obstruction to their control over the tactical arena, including making assignments that the team members disagreed with and perceived as “make work.” It is apparent that Field Command Staff must clarify the lines of command and control that exist between a Detail or Incident Commander and the MRT. The MRT Section of the NYSP Members Manual will be reviewed to insure that instructions are clear and specific.

The manhunt detail, with its complexity and duration, exposed a long standing, but never before recognized weakness in MRT operational and administrative structure. During the manhunt, a lieutenant and former MRT supervising non-commissioned officer, currently assigned to ESD Capital, was deployed to the detail as an emergency services administrative officer to help improve strategic and innovative planning, development of intelligence and background information. He was served as the emergency services liaison to the Troop Commander in the command post. When the Lieutenant and Emergency Services Captain were unavailable, the manhunt command staff had to rely on the MRT team leaders and assistants to handle administrative and planning requirements. However, the reason these members were selected as team leaders is because they were found to possess the necessary leadership skills, along with tactical and operational capabilities, to lead MRT members in the field. The assignment of an administrative officer freed the team leader to properly conduct field operations and enhanced planning and command post functions. Additionally, the deployment of a specially qualified intelligence investigator from the UNYRIC in mid-July was widely praised as effective during the survey of MRT members. The combination of the administrative officer and the intelligence officer in the command post enhanced operational efficiency and productivity. This previously missing administrative MRT component added organization, structure and insulation to MRT

operations. It also resulted in the production of a fugitive profile and predictive future course of action estimate. Specific MRT manhunt operational orders to standardize procedures for all assigned MRT members were created. Planning was enhanced dramatically, and as a result, new techniques such as the use of Quick Response Teams were developed.

Staffing

The staffing levels deployed throughout the manhunt were reviewed. While the levels reflect fluctuations that relate to certain events and situations, the overall deployment of members to the manhunt is judged to be adequate and appropriate. Assignment and utilization of Phillips manhunt members was difficult to precisely discern since the specific detail members were supplemented by the regular area patrols, as well as nearby Troop T patrols. In addition, the Troop Commander routinely used BCI members as non-uniformed “force multipliers” and assigned them to response and search activities. In fact, 1,082 of the 1,390 employees interviewed reported that staffing was adequate. In Troop A, where the overwhelming proportion of the manhunt occurred, 827 members thought the staffing was satisfactory, while 218 cited some issue.

Examination of the 218 comments reflects numerous isolated issues, such as the suggestion that the “patrol area was too large,” or “it was unsafe to check cabins with two members,” or “more troopers should respond to sightings.” The largest group, (175) offered the opinion that more staff should be provided to post assignments. However, close review of the interview responses revealed comments such as “we were on a busy post and could have used an extra body or two,” or that 2 person posts were insufficient given the nature of the manhunt, and there should have been more personnel on perimeters. The most numerous comments were directed at staffing related to particular fixed post locations, as opposed to commenting on overall detail staffing. Staffing assignment and adjustments are a topic of continual review during any detail, and this manhunt was no exception. Staffing was reviewed with Field Command, and personnel were assigned

consistent with case developments and evaluation of the assignments, duties, and safety considerations.

For example, it is recognized that the mass personnel movements that were sometimes required during this manhunt created temporary situations where limited members were left to safeguard certain locations or areas. It is understandable that some members expressed safety concerns over this situation. While these personnel shifts may have created temporary staffing deficiencies in a particular area, it was a direct result of the need to adjust response patterns at a given moment in time. The practice of on the spot staffing adjustments, where patrol coverage in one area is temporarily shorted to respond to some matter of urgency elsewhere, is not an uncommon experience for a law enforcement agency covering numerous county and local jurisdictions. Specific note is taken that during the 11 week period that Troop A remained the focal search location in the state, confirmed sightings occurred on several occasions in different areas, sometimes significant distances apart, including three different counties; Niagara, Chautauqua and Cattaraugus.

Unfortunately, the previously noted problem of obstructed and insufficient information flow played a significant role in creating misperceptions and fostering the development of misinformation. For example, the majority of troopers, and a significant portion of first line supervisors, were unaware of the “how and why” of staffing adjustments. It is certainly possible, if not probable, that some members might not have been critical of staffing, had they been aware that mid-August uniform force reductions were consistent with a transition to a traditional fugitive type investigation. Part of the approved plan included a modest reduction of the extensive and visible uniform commitment in exchange for an emphasis on undercover staff in an effort to improve the chances of spotting Phillips. If Phillips had been observed, the plan called for establishing a quiet but sufficient containment response to avoid putting him in a defensive position and thus pushing him to another area. It was decided that adequate uniform staff would remain assigned so

that an appropriate response force was immediately available should a sighting occur that warranted use of a strong uniform response. Had more effort been directed to ensuring that detail members received explanations concerning staffing adjustments, especially during reductions, it is anticipated that critical feedback may have been reduced. The level of staffing provided during the manhunt detail was not inappropriate, especially given what was known and the circumstances that were occurring at the time.

A large number of staffing concerns originated from personnel in the emergency services units, primarily MRT members. Just over half of the 45 MRT members voiced concerns about MRT staffing reductions, and offered the opinion that more MRT members should have been working per shift. These members did not express these sentiments to the Emergency Services Captain, who is responsible for directly overseeing all emergency services personnel and operations for the Office of Field Command. The captain reported that neither the MRT members in general, nor the team leaders, raised staffing concerns with him. Had these or any other concerns been addressed with him, an appropriate resolution would have been implemented, either by clarifying the plan or the staffing expectations, or by rectifying the situation with personnel in Field Command.

The Emergency Services Captain has direct daily contact with the Assistant Deputy Superintendent - Uniform Force and the Deputy Superintendent - Field Command. This organizational structure was specifically designed to insure that special service teams have a means to express concerns and reservations when they feel it is necessary, and these concerns, if legitimate, can be addressed.

Some MRT members were unaware of the plan to reduce the size of the uniform force and to convert to primarily a VFW fugitive investigation. They should have been aware that this plan no longer required, nor expected, MRT members to be part of response teams checking every potential Phillips sighting. The staffing plan proposed by Troop A and approved at Field Command required that one MRT

team be available at all times and that it would be scheduled to work from 3PM to 3AM daily, as this time was judged to be the most active period. Outside these hours, the MRT members would be off duty, but would remain available for urgent recalls to respond to a credible sighting, a substantial lead, or a high-risk emergency situation. In the absence of 24x7 coverage, the MRT staffing commitment could be reduced. It was decided that a limited number of MRT would be assigned to the State Fair as usual, and others would be given some time off, with the expectation that they were still subject to immediate recall or assignment as needed. It does not appear the majority of assigned MRT members, including the team leaders, were aware of this staffing arrangement, which accounts in large measure to the observations some offered, namely, that they were “left with full-time responsibility but only part-time staff.”

The significance that the Troop A Commander placed on member safety resulted in his often stated comment that he did not want “regular” members to enter search areas looking for Phillips; rather he preferred that only the well armed and specially trained MRT would confront Phillips whenever possible. While it is not clear why the MRT members worked beyond the scheduled 3P to 3A time period, it is speculated that this sentiment, which was known to the manhunt detail supervisors, may have been a factor in why the MRT worked more often than expected. At the same time, it is important to recognize that many members of the MRT stated that they were not overworked, and specifically commented that the work hours were not out of the ordinary for their unit.

The commissioned officer (CO) staffing for the Troop A manhunt was reviewed at Field Command throughout the duration of the detail. Troop A had 10 commissioned officers available to supervise the manhunt detail, as well as address normal matters. Numerous discussions occurred between Field Command staff and several Troop A commissioned officers, where the topic of CO staffing and outside CO relief was addressed. No Troop Commissioned Officer reflected a need or desire for any additional outside relief after a Lieutenant from Division Traffic (former

Troop A Zone Sergeant) and another Lieutenant (former MRT supervising non-commissioned officer) were deployed to the detail. In fact, it is noted that annual leave was approved and taken by Troop A COs during the manhunt. The PBA Commissioned Officers Delegate raised the issue of deploying commissioned officers from outside Troop A in mid-July, and was advised by the ADS-Uniform that staffing had just been reviewed and was appropriate. The delegate also inquired if the ADS - BCI would temporarily assign a BCI Lieutenant, who was assigned to Division Headquarters but resided in Troop A, to the manhunt. He was advised staffing was adequate. The judgment, at Troop A as well as in Field Command, is that there were sufficient COs to handle the tasks and supervise the manhunt detail. This is a matter that is subject to continual and constant review during all significant NYSP details.

Back Up

According to interview responses, there were approximately 191 requests for backup or some form of additional assistance made by patrols over the course of the entire manhunt. Approximately 25 responses provided negative comments concerning a specific request for backup or a request for additional personnel. Some of the negative comments directly referenced a particular incident involving a trooper who had requested backup in response to a Phillips sighting. This specific incident became the source of a wide spread rumor that a Trooper was denied requested backup during the August 19, 2006, Phillips sighting. The allegation was that a command post sergeant refused to provide back up to a member, who had spotted the fugitive on a motorcycle. A petition calling for an investigation was initiated at SP Jamestown. As noted earlier, this allegation was unfounded by a thorough IAB investigation, which verified backup had been immediately assigned.

Some comments alluded to the fact that there were times that a post supervisor requested the MRT respond to check something, but then noted other uniform patrols responded. There were five comments made concerning Aviation assets, which is not a topic considered as a backup request per se, but an operational asset that falls within the purview of command staff. As with other

operational aspects of the manhunt, a significant issue that impacted the ability to request and receive backup was directly related to communications capabilities. Interview response comments indicated that communications deficiencies interfered with the timely response of back up personnel. In fact, more than half of the negative comments made concerning backup (13 of the 25) subjectively categorized the backup response as slow. Deficiency in communications capabilities was identified as a significant issue negatively impacting the manhunt. Nonetheless, there were sufficient personnel, and backup was provided as necessary and appropriate given the circumstances of the manhunt.

Food/Lodging

In more than 85% (1,239) of all interview responses the members interviewed reported food and lodging were adequate. Most of the negative comments made were provided by members assigned to the Troop A manhunt detail. A few comments were made about the unsuitability of SUNY Fredonia as a lodging location due to lack of air conditioning; however this was rectified by the Troop Commander immediately after the Troop A PBA delegate advised him of the problem. Comments were also received complaining about the distance from the hotel to the CP, however it is very clear that these situations were temporary and were the direct result of the need to shift detail personnel between counties and search locations. Food was deemed to be generally acceptable; approximately 40 members did complain there were times that the food arrived late, and 24 members cited that they considered food quality to be poor or they desired more variety and healthier choices. The interview did not address food issues relating to the MRT, as they frequently were assigned to tactical undercover locations where the delivery of food, or the time to step away and eat was impractical. However, MRT members are provided unlimited access to MREs (Meals Ready to Eat) for such situations.

Relief

Approximately ten percent of the members assigned to the manhunt complained that the relief staff was insufficient to routinely provide breaks. This is not considered an area of concern, especially in the context of breaking events and dynamic fugitive sighting periods. In those periods, perimeter and post assignments were of high priority and needed to be maintained. Generally, there were multiple members assigned to a post, which afforded them the ability to take breaks as necessary.

Rest

Sixty-four members complained they did not receive adequate rest between tours of duty. Several of these included MRT members who also stated that they were recalled between tours. (Note: MRT issues were previously addressed under staffing.) Fourteen of these were members stating that the excessive shift length occurred on their first assigned day after traveling to Troop A. It is not clear how this happened, since personnel transition should occur within the same duty tour; members commence travel at the tour start and assume posts upon arrival, while those at the detail staff “their” post until relieved and then return to their home station. While occasionally the time may extend beyond the end of the scheduled tour, it is infrequent and of limited duration. These comments may be related to the emergency deployment of members on the evening when Troopers Longobardo and Baker were shot.

Leadership and Supervision

The decisions made by the Troop A Commander, and the directional guidance he provided during the manhunt case, with assistance from his commissioned officers, reflect reasonable and appropriate leadership given the circumstances, information and intelligence, and the situations encountered during this case. The targeted missions and tactical objectives established, and the corresponding assignments that were made, are judged to be traditionally successful manhunt tactics that appear to have been reasonably applied at logical and appropriate times. It is a principle of effective leadership that plans are adjusted or new strategies are developed as conditions change. As the manhunt progressed and it was recognized that various tactics were not producing desired or successful results, command personnel adjusted tactics and devised new strategies. The creation of the quick response teams (QRTs) is an example of an adjustment that was made to overcome the inherent problem of timely deployment of a full MRT team (traditionally from 8 to 10 members) to sightings rapidly enough to provide the desired hot pursuit type of track necessary to maximize capture opportunities.

In terms of case planning, while specific open interactive sessions involving more than just the executive command staff did not occur as expected or desired, the fact is that manhunt management planning did occur and resulted in reasonable decisions. For example, a laudable intelligence driven decision was the June 27th establishment of low profile patrols in the Cassadaga Road area of the Town of Charlotte, which resulted in a member sighting Phillips. In addition, the follow-up deployment of numerous low key patrols to establish dark and quiet observation posts throughout this area was also a quickly implemented innovative modification to standard practices. This command decision of the Troop A Commander provided what may have been the best apprehension opportunity of the detail, as one of these quiet patrols came within yards of actually capturing Phillips.

It is also a leadership responsibility to insure that personnel under your command know what they are expected and required to do in their assignment. It is insufficient to communicate that the ultimate mission was the capture of Phillips, without also insuring that members performing specific assignments and functions know what the performance expectations are for them in their particular assignment. It is clear that many of the uniform members believed that unless they were assigned to roving patrol, they were not to attempt to pursue and apprehend Phillips, regardless of where he may be sighted. However, the detail command staff perceived that all members did know, or should have known, that if they observed Phillips close enough to commence hot foot pursuit; they were expected to attempt to take him into custody. They were not otherwise supposed to leave their assignments to check out leads, noises in nearby woods, or other such activities. Regardless, leadership requires that commanders insure their instructions and guidance are clear, and that detail members understand what they are expected to do. This particular detail would have benefited, and this deficiency may have been remedied, had the Troop Commander instituted/required documentation of detail orders and instructions, so that regardless of who delivered the briefing, the information would have been structured to insure consistency. While written documentation of information and instructions was eventually implemented in Troop A during the manhunt, this process should have been utilized from the onset.

Additionally, as previously noted, the dual method of receiving and tracking case information unnecessarily added hurdles to the efficient management of the investigation, and contributed to a perceived detail split between the uniform force and the BCI. To some degree this perception was fostered by duties assigned to, and functions performed by the BCI, which included BCI commissioned officers as well. While the Troop A Commander explained he used the BCI to conduct typical manhunt duties, he did so because at times they had no active matters to pursue. However, because this was never explained, there was a perception that BCI members were trying to make the capture, were free-lancing by picking and choosing their assignments, and did not share relevant information about possible

sightings. This should have been addressed, so that all detail members understood the role of the BCI and how the Troop Commander had decided to use them in this case.

With respect to the use and role of commissioned officers, it is clear that BCI commissioned officers were often engaged in specific manhunt duties, rather than performing their expected role of managing and supervising the investigation. Many of these duties were responsibilities and assignments normally handled by the uniform force, yet the BCI officers did not adequately inform and coordinate these activities with the shift or duty uniform commissioned officer. It must be noted that there is nothing inherently wrong with a commissioned officer, including a BCI officer, deciding that their command presence at a particular assignment was necessary and appropriate. However, these occurrences should be limited to those unusual situations when there is a judgment that the commissioned officer's presence is necessary and helpful. For the vast majority of operational situations, troop (field) commissioned officers are responsible for overall supervision supervise and management, rather than front line supervision of non-critical assignments. The presence of commissioned officers on woodland search assignments occurred frequently during the manhunt, and cannot be justified as an appropriate role for troop command personnel.

The review process interviews exposed a number of critical comments concerning these occurrences. The Troop A Commander was aware that some of his subordinate command staff were performing these duties and functions, and permitted their continuance; which demonstrated a lack of the leadership expected of a troop commander. It would have demonstrated better use of commissioned officers if he had established schedules whereby an Officer In-Charge of a tour was designated. This would have unified the detail command and acted to coordinate the overall case management. The earlier referenced inefficient manner of managing information at the command post, caused by the operation of dual lead

desks for the uniform and BCI, may have been rectified by unification of the command structure. These shortcomings are reflective of leadership error.

Nevertheless, the decisions and command directions made by the Troop Commander, and the decisions made by his command staff reflected proper and appropriate regard for case developments. The errors of style and process noted herein did not impair the manhunt operation itself and did nothing that is judged to have compromised the overall effectiveness of this State Police investigation. At the same time, the review produced feedback critical of matters relating to concerns with the Troop A Commander and the Troop A BCI Captain. These matters are judged to be issues of leadership conduct and are not appropriate for this operational review report.

Opinions of a significant number of MRT members, some rifle team members, and a few canine handlers reflected generally negative feedback regarding the perception that the Troop A Commander was judged to be improperly controlling the investigation and setting tactical agendas. A limited number of other non-emergency service members, primarily in the uniform force, also commented that, “non tactical commanders should not be making tactical decisions.” However, this review does not agree that this area was, or should have been, a problem during the manhunt investigation. The Troop Commander’s performance in this particular area seems to be appropriate. Consistent with well established State Police policy and protocol, the Incident Commander or Troop Commander is always assigned both the duty and responsibility to select or approve recommended missions, to make and approve specific assignments for the MRT as well as any other unit or staff member. These are decisions that Troop and Detail Commanders must make based upon their own judgments and case assessment.

It seems probable that many of the feedback comments reflect misunderstanding and apparent misconceptions, or even potential disagreement, on the part of many MRT members regarding State Police leadership roles and

responsibilities during operations. The review process supports that the Troop Commander understood and accepted his role, and that he discharged his responsibilities throughout the manhunt. Information available also demonstrates that he left to MRT members the development and/or implementation of the “how to” part of the tactic plan to accomplish the established mission or assignment. The Troop Commander did report that he expected the MRT to advise him early each day what the MRT wanted to do in terms of assignments and functions, and noted he usually accepted their suggestions as to what they would do. However, the Major also observed that, at times he did inquire and learn MRT specific information regarding how they were going to accomplish specific assignments.

While the Troop A Commander noted he did not believe it was his role to approve MRT tactical decisions, he did note there were times he needed to be advised of the “what” and “how” concerning MRT plans to accomplish an objective, so that he could ensure that supporting assets would be provided and that those who needed to know about the operation received the information. An example of the “how to” tactical latitude given MRT members is the method that was used to establish and assign members to specific LP/OPs. MRT members, either individually, or as a team, determined how to, where to, how many members were required, and what equipment would be used, worn and carried when LP/OPs were established. The process used by the Troop Commander, which included requesting information concerning MRT tactical determinations and plans when he believed it was necessary to maintaining overall command perspective and operational awareness, was not improper or unjustified.

The Troop Commander and the MRT administrative officer assigned to the manhunt detail jointly provided effective leadership by exercising both initiative and ingenuity, when they jointly developed the Quick Response Team (QRT) concept to improve expediency and efficiency of resources deployed to reported Phillips sightings. Although Lieutenant Guess was intimately involved in the development of the concept and implementation of QRTs, some members of the MRT, who

apparently did not embrace the idea of smaller and quicker teams versus response by traditional teams consisting of 8 to 10 members, were critical of the concept and suggested it was an intrusion into their tactical arena by the Troop Commander. This assertion is not correct and the attempt by the Major and Lieutenant to make on site reasonable tactical adjustments to remedy an identified deficiency was a clear demonstration of effective leadership.

Some of the MRT members may have viewed the QRT concept as contrary to their methods of training and standard operating procedures. In fact, information developed during the review reflects that, subsequent to the creation of QRTs, there were still occasions when the initial MRT QRT members waited for the arrival of sufficient other MRT members to create traditional team sizes, before the QRT would enter a woods or other search area. Thus, the QRT concept did not provide the full measure of quick investigative response or the immediate apprehension capability the teams were designed to provide. The development of the QRT concept is judged to be an outstanding example of leadership where a well trained MRT administrative officer, working with the Troop Commander, devised an appropriate tactical modification to improve an identified deficiency of the timeliness of a full MRT team response. Yet, MRT interview comments strongly suggest that a number of them were not aware of the MRT administrative officer's role in the QRT development.

The belief of the MRT that the Troop A Commander was actually dictating tactics may be due in large part to statements the Major made in and around the command post and MRT members. The Troop Commander was heard to frequently comment that "I am making all the tactical decisions," and while this action was unnecessary and unfortunate, it was not true. The Major's use of the phrase "making all tactical decisions" was not accurately understood to mean he was referring to the tactics of mission selections and task assignments. While there does not appear to be any doubt he was properly referring to command level tactical decisions, it is understood that many MRT members interpreted his comments to

reflect that he was actually dictating the “how to” tactics of specific operations and assignments. The pattern of detail management by the Troop A Commander does not support the belief that he interfered with MRT tactical “how to” decisions, or even that he was frequently in the know as to what tactics were used by the MRT to accomplish their many and various assignments.

Office of Field Command Role

The New York State Police Office of Field Command is located at Division Headquarters in Albany, NY, and is comprised of a Deputy Superintendent (Field Commander) who is responsible for the supervision and work of all field operations, including the Uniform Force and Bureau of Criminal Investigation. The Field Commander has a support staff of three Assistant Deputy Superintendents, whose areas of direct responsibilities are sub-divided into the Uniformed Force, (ADS-UF), Bureau of Criminal Investigation (ADS-BCI), and the Officer of Counter-Terrorism (ADS-OCT).

The New York State Police is organized into eleven troops, providing comprehensive law enforcement services on a statewide basis. Each troop is supervised and led by a Troop Commander. The Field Commander and his staff of Assistant Deputy Superintendents interact on a continual basis with the individual troop commanders and their support staff, generally by use of telephone, teletype, and e-mail. Field Command staff periodically provides on-site supervision and oversight at serious crimes and major events, which includes direct and personal consultation with Troop supervisors and members. Periodic on-scene reviews of large-scale operations are considered to be an important Field Command responsibility.

This review reflects the fact that the Field Commander and staff made periodic visits to each of the three troops involved in this manhunt. Further, literally hundreds of daily strategy telephone discussions, planning conversations, and case

discussions occurred. This review has indicated that personal visits to the sight of the manhunt by Field Command personnel should have been more frequent during the operation, and there should have been less reliance on telephonic and electronic communication. The use of these measures to supervise and keep abreast of most investigations is normally appropriate, including large-scale events such as this one, provided it is accompanied by a sufficient number personal appearances as deemed warranted under the specific circumstances.

The personal oversight by Field Command Staff is a visible demonstration of commitment and support to assigned members; it also provides assurance that there is supervision and interaction between Headquarters commanders and Troop level commanders. Further, it affords first hand observation of the operation and provides an opportunity to make a direct and personal overall assessment of the investigation. Had the frequency of such personal command staff visits been greater during this manhunt, it is quite possible that some of the problems and issues identified would have been noted and addressed at the time they occurred.

Planning

Operational planning occurred at the Command Level throughout the manhunt to facilitate the capture of Phillips. The Troop Commander utilized traditional and proven methods of fugitive apprehension including tactics such as road blocks, traffic check points, helicopter searches, roving patrols and intense Investigative pressure to accomplish this goal. When these methods failed to yield the desired results, he implemented additional techniques such as Quick Response Teams, wiretaps, surveillance, proactive searches and advanced electronic intercept surveillance and monitoring methods.

While the PBA president's letter directed criticism against State Police Command Staff over a perceived lack of planning, and postulated that with better planning Phillips would have been captured sooner, no evidence has been

developed to suggest the Troop A Commissioned Officer Staff failed to adjust tactics or that they failed to employ varied and appropriate strategies in every effort to capture Phillips. The Troop A Command Staff employed adjusted techniques deemed responsive to dynamics and intelligence specific to this particular fugitive manhunt, that were coordinated with, and into, established and standard apprehension methods of operation (MO). For example, when the initial tactic of large manpower police response to Phillips sightings failed to establish perimeters that were tight enough and timely enough to confine Phillips to a search area, he initiated a quiet response tactic using fewer people to overcome obvious community (Phillips and family) knowledge that accompanies large-scale personnel movements. These quiet response efforts were designed to try and place capture assets into an area Phillips was believed or reported to be, that would have the opportunity to encounter him as he was freely moving about, without driving him deep into the heavily wooded terrain or pushing him out of the particular area. In essence this was an effort, to lull Phillips into a false sense of security that the search was concentrated elsewhere, that the police had no idea of his whereabouts, and that he could move about in his area more openly, including trying to make contact with family and friends who were under surveillance, and thus provide surprise capture opportunities. In fact, this modified technique provided a prime apprehension opportunity on June 28, 2006, one that came extremely close to physically capturing Phillips.

Another example of creative planning was in the use of the highly trained Mobile Response Team (MRT). The MRT train and operate as a team, where several members act together in concert to accomplish an assigned mission; the standard team size is eight, but often more MRT members are involved. These teams have demonstrated an extremely high level of competence responding to dangerous and high risk building entries and raid situations, where it is not unusual to confront armed and dangerous people. However, outside of pre-planned raids, these teams are rarely immediately available and their deployment to a particular scene that is rapidly evolving and where there is no containment is always a difficult

challenge. Troop A command personnel, after planning with MRT detail leadership, implemented a borrowed military strategy of “combined arms” to multiply the size of the special service response and improve the speed of arrival to assignments and sightings. This plan resulted in the formation of Quick Response Teams (QRTs), where two MRT members joined one Rifle Team member, one canine patrol, and one or two uniform troopers or investigators, to form a unit to confront, track and apprehend Phillips. These QRTs were designed to be highly mobile and well armed, and to provide command staff with several teams, instead of one or two, strategically dispersed throughout the area. These teams were well suited to react quickly to reported sightings and attempt to apprehend Phillips.

This review has determined that the Troop Commander and his executive Commissioned Officers (Captains) held routine decision-making and strategy development meetings. Each Captain attending would bring information, intelligence, observations, suggestions and ideas into the meetings. In particular, the Captains were expected to be the primary means of providing information received/obtained from the many detail members who were performing various assignments, checkpoints, perimeter posts, and roving patrols, to BCI leads and intelligence. Additionally, this command staff individually kept abreast of the case developments by reviewing activity and intelligence reports, including the daily Command Post Desk dispatch and activity logs, individual member unit logs and BCI lead sheets, as well as current briefing materials such as instructions, orders, and relevant recent developments. The Troop Commander and Captain BCI consulted daily during the work week, and on weekends as necessary, with the Field Commander, Assistant Deputy Superintendent - Uniform, and the Assistant Deputy Superintendent - BCI. The overall direction of the manhunt, from mission, to staffing, to general apprehension tactics was discussed, reviewed, and approved in a combination of the Troop A Commissioned Officer Staff meetings and consultations held telephonically with Field Command Executive Staff in Albany.

The decisions of mission, assignment and overall tactics utilized in the course of this manhunt made by the Troop Commander are believed to represent appropriate judgments and reasonable police apprehension measures. The process used to arrive at these decisions, however, was not conducted in the traditionally open and inclusive manner that the membership undoubtedly expected, particularly with regard to inclusion of mid to lower level supervisors. While the Troop Commander held frequent executive officer planning sessions, they occurred without the direct participation of various support personnel who would commonly be expected to attend planning sessions to personally contribute suggestions, insights, and offer advice for consideration to the Incident Commander. Traditionally the State Police has conducted periodic tactical brain-storming sessions during manhunts, where everything from mission assignments, to tactical search options, to containment measures would be discussed in open forum. Then, subsequent to these meetings, the Troop Commander or Commissioned Officer In-Charge would set the agenda, approve, and select plans.

While the Troop A Commander did receive feedback and intelligence from detail members which was brought to planning sessions by the captains, as well as information he developed by talking to various members and the personal observations he made, neglecting to use open and integrated planning sessions did not provide an avenue to insure that all possible viable options and alternatives were identified and considered. Further, open planning situations contribute to insuring that the various units effectively share information and that dissemination of appropriate information throughout the detail is also enhanced. This also helps to prevent or overcome common concerns and fears of information stove-piping, even if only to counteract incorrect opinions or perceptions.

It is clear that sufficient planning occurred, even if not in the expected context, and opinions to the contrary which asserted that "poor planning" adversely impeded efforts to capture Phillips are erroneous. Phillips was an elusive fugitive who routinely contradicted the behavior expected from most fugitives, and appropriate

measures were implemented as local command staff continued to evaluate Phillips' behavior and identify the methods he used to evade capture. Unlike most manhunts, Phillips benefited from an unusually strong and committed network of support. The planning and decision making process utilized is judged to have been adequate and responsive to the overall management of the manhunt.

Information and Intelligence

The interview of members assigned to the manhunt in Troop A revealed dissatisfaction with the dissemination of information and instructions provided by command staff. The majority of the members who expressed concern with the flow of information perceived that information to posts should have been timely and that command staff should have shared more investigative intelligence. To a great extent, the obstacles presented by the communication difficulties previously discussed negatively impacted the dissemination of information and intelligence during the manhunt. With the exception of pre-shift briefings, it was a significant challenge to communicate information that was developed during the course of a tour of duty to the detail members who were not assigned to the command post. As discussed, over reliance on cell phones rather than radio communications made it nearly impossible to effectively convey information that was oftentimes rapidly developing or changing to all of the fixed posts and roving patrols. With the large numbers of members assigned to the detail, it was impractical and most frequently unnecessary to attempt to communicate information that was quite often benign to a particular assignment, especially members assigned to fixed road checks with one objective: to apprehend Ralph Phillips.

Daily briefings were held for both shifts, during which the detail members were advised of information pertinent to their assigned duties and responsibilities. Information included photographs and physical descriptions of Phillips, his family and close associates, residences and important locations, sightings, burglaries that were probably or definitely linked to Phillips, and stolen vehicle information.

However, on a number of occasions there was no verified or actionable intelligence to share, because the whereabouts of Phillips was unknown, and there were no viable leads to report. A recurring difficulty that command staff faced was the need to identify those crimes (burglaries and auto-thefts) that were either absolutely, or in all likelihood related to Phillips, and deemed critical to communicate to personnel working the detail. Likewise, it was just as important to avoid the temptation to attribute all crimes committed in the area to Phillips, and avoid communicating superfluous information to personnel. For example, approximately 30 stolen vehicles were actually linked to Phillips, yet there were numerous other stolen vehicles reported in the area that were investigated and determined not to be attributable to Phillips.

In addition, the number of crimes being committed by Phillips alone was substantial enough that it was difficult to maintain up-to-date information on his activities, much less communicate it to the entire detail. It was not an uncommon occurrence for a stolen vehicle to be recovered either before it was reported stolen, or shortly thereafter. This situation, coupled with the fact that often investigative evidence that a specific stolen vehicle was linked to Phillips took some time to develop, fostered some of the confusion and misinformation perceived by members assigned to the detail. Members on the detail sometimes heard about specific stolen vehicles from speculative news reports that were subsequently announced during detail briefings. This created the misperception that information was being intentionally withheld, or not provided in a timely manner. However, there were many stolen vehicles and burglaries committed that were either not attributed to Phillips, or not confirmed as attributed to Phillips with any level of certainty within a time frame necessary to be able to disseminate that information to posts, with the method of communication relied upon. Briefing dissemination of all area crimes and reports would have overwhelmed the capability of the detail members to focus on accurate and relevant leads. At the same time, the NYSP sent numerous advisories over the New York Statewide Police Information Network (NYSPIN) and National

Law Enforcement Teletype System (NLETS) regarding the various crimes, possible sightings, and providing officer safety messages.

Unfortunately, this situation created the belief among some members that the briefings were not providing adequate information. This perception that important information was being improperly withheld would have been minimized if briefings had included an explanation as to how some information needed to be evaluated before it could be disseminated. At the same time the members could have been reminded that they had photographs of the suspect, and that the suspect was known to always be armed and dangerous, was frequently committing crimes, and that the most important action they could personally take was to be aware of who was in vehicles they encountered or stopped, and to identify the individuals with whom they came in contact.

This manhunt, like all other manhunts, was comprised of members from various details and specialized units, some of whom had a higher level of “need to know” certain intelligence information than others. This would include MRT members, canine handlers, investigators, and Aviation personnel. Nonetheless, some members were under the impression that they needed to know every piece of investigative intelligence available. While some information was vital to members assigned to fixed posts, much of the investigative intelligence was not pertinent to those assignments. Notwithstanding the classification of information, there were instances when information that may have been beneficial to a particular post was not communicated to troopers assigned to that post. Some of the responsibility for ensuring troopers assigned to the detail received appropriate information was that of first line supervisors who had greater mobility to return to the command post and obtain updated information or information to clarify any misperceptions. Nonetheless, it is the overall responsibility of the incident commander and the command staff to determine the mission, objectives, and strategies to be employed during any given tour of duty and ensure that necessary information is disseminated

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to members assigned to the detail. This manhunt would have benefited from a more organized information dissemination process.

SPECIALIZED UNITS

Aviation

The deployment of the NYSP Aviation Unit to the Phillips Manhunt commenced with the shooting of Trooper Brown in Elmira, NY. Three helicopters were deployed, spending time in Elmira, Batavia, and Dunkirk. A sighting of Phillips in Troop C resulted in the deployment of the aircraft to that area. Nearly all of the State Police Aviation pilots were rotated through the Phillips Manhunt during the course of the detail. Fixed wing pilots were involved in ancillary assistance such as transporting personnel and equipment to the region.

NYSP Aviation Equipment Deployed

Deployment consisted of a 2-pilot operational minimum, with typically 2 helicopters (a Huey and a Bell 407) to provide aerial support on a 24x7 basis. Aircraft deployment was adjusted based upon active sightings, which resulted in the assignment of additional aircraft, often totaling four different helicopters. Huey aircraft were made available to handle any heavy lift situations, including movement of MRT personnel and equipment transport. The Huey helicopters had night vision capabilities. The Bell 407 helicopters have both night vision and FLIR capabilities.

Throughout the manhunt, NYSP Aviation provided emergency medical response airlift services relying on the EMT certified MRT members to provide MEDEVAC services. In addition, other local MEDEVAC services were readily available in the area if needed. During the final day of the search when it was known that the fugitive was contained in a specific area, NYSP maintained a dedicated MEDEVAC aircraft with a paramedic team until Phillips was apprehended.

Other Agency Aviation Equipment

During the first two weeks of July the FBI provided a Bell 412 and Bell 407 helicopter, and a Cessna Caravan airplane support their Hostage Rescue Team and provide high altitude observation and aerial video microwave downlink to the command post. The FBI video surveillance equipment was technologically superior to NYSP equipment. However, due to the foliage and heavy canopy in the search area, the effectiveness of the equipment was minimized.

During the manhunt, the Erie County Sheriff's Office offered the assistance of an aircraft with high-end camera equipment. However, after observing the ineffectiveness of FBI sophisticated aerial imaging equipment and NYSP FLIR thermal imaging equipment due to the heavy foliage canopy in the search area combined with the number of aircraft currently being used in the area, the offer was declined. It is noted that an Erie County pilot was quoted in a Buffalo area newspaper that this equipment would have been beneficial in the search. However, during this review all NYSP pilots were interviewed, and were of the opinion that the equipment would not have been useful in this particular case at that time.

There was a problem with the self-deployment of an Erie County Sheriff's Office helicopter during the night of the shooting on August 31, 2006. The helicopter responded to the scene at about 9:00PM, and had disabled the aircraft's navigational lighting, probably to avoid becoming a target. The Erie County pilot made no effort via use of the NYSP Aviation frequencies to ascertain the status of NYSP aircraft in the area when a NYSP helicopter, also operating without navigational lighting, was already over the search area. The NYSP helicopter only became aware of the Erie County helicopter when electronic equipment sounded a warning. This particular self-deployment without directly verifying the status of NYSP Aviation, after the State Police had maintained around the clock air support for over two months, came uncomfortably close to causing a mid-air collision.

Emergency Services

The Emergency Services Detail of the Office of Field Command at Division Headquarters is comprised of the Mobile Response Team, SCUBA Team, Rifle Team, and canine unit. With the exception of the SCUBA Team, virtually all Emergency Services resources were committed to the manhunt at one point or another.

MRT Overview

The NYSP MRT is a specially trained cadre of individuals supplied with specialized equipment and firearms to deal with armed subjects under a variety of circumstances. They receive extensive training, must meet and maintain high personal performance standards, and are provided the best equipment they may need, including specialized equipment that is available. They are routinely called upon to provide tactical resolution capabilities at scenes such as hostage and barricade standoffs; execute high-risk search warrants, building entries and offender apprehensions; and conduct searches and rescues for dangerous subjects as well as lost or disabled persons.

In addition to extensive firearm training, the MRT also train for building entries, barricade situations, woods searches, orienteering and reconnaissance, rope rescue, and helicopter hoist use, as well as tactical training for assault situations, raids, and attacks. Their training also incorporates specific sleep deprivation to instill the necessary confidence in the individual MRT members that the teams and members can perform in a proper manner and accomplish the mission regardless of a lack of sleep. The training scenario occurs over a continual seventy-two hour period, and is designed to insure that the members are continually performing while only receiving from about 4 to 6 hours rest, to “prove” to the members they can operate under extreme stress and sleep deprivation. In fact, recognition that exigent circumstances may require performing with minimal rest on any particular mission is why there is an MRT protocol, to take naps and rest

whenever they have the opportunity so they remain fresh and are prepared when they are called upon to work extensive hours.

During the course of the Phillips investigation, Emergency Services command staff implemented a wide array of command and control initiatives and tactical responses. The following is an overview and description of tactics employed, methods utilized in the field, and operational and administrative initiatives specific to internal command and control.

MRT General Operations and Tactics

- **High vs. Low Profile Response** – describes the operational shift to possible sightings, suspicious camps, vehicles, and other State Police response situations. The initial high profile response measures employed reflected a standard practice of attempting to quickly mobilize mass numbers of personnel to flood and attempt to contain the area of a sighting and then use members who would enter/search specific areas to try and flush the fugitive from hiding. The low profile response was a tactical adjustment, born from the realization that Phillips was monitoring police response actions, via a radio scanner, and was adapting/had adapted the tactics he was using to avoid being apprehended, including developing his own counter-measures in an attempt to foil NYSP canines' ability to track him. Consequently, working with the Troop Commander, a protocol was developed on July 14 whereby response to sightings would be a limited and covert deployment. This low profile concept was designed to consist of the following package: a Uniform Force supervisor (generally a field sergeant) and a two-trooper marked patrol unit, to support one of the standing Quick Response Teams (QRTs).
- **QRT** - Quick Response Teams (s) were an adjustment made during the manhunt when it was noted that the traditional/normal size MRT simply was unable to deploy as quickly as needed to reasonably be expected to commence the desired hot pursuit situations that are most effective in pursuing/driving a fugitive into capture situations. Thus, the QRT concept

was born, a team that consisted of at least two MRT members, one .308 rifle team member, and one canine handler and dog. The QRTs were assigned areas of responsibility so they would be mutually supportive to activities of the area Uniform patrols and posts, BCI activities, and other MRT units that may be in the area. At least one QRT would be directed to respond to incidents by the Command Post or MRT shift supervisor. As a practice, when they were available and in the general vicinity, other QRTs would be advised of assignments and activity, and would move into positions to provide assistance or to intercept suspect movements.

- The objective of the low profile response was to rapidly, yet covertly introduce tactical assets into the area affording the element of surprise and security to the responders, while enhancing our ability to achieve a tactical advantage and increase the likelihood of apprehension. Aviation assets would generally be held in abeyance until required so as not to announce our presence or response. When it was determined to be an advantage by members on the ground, aviation assets would deploy.
- **QRF** – the Quick Reaction Force, much like the QRT (Quick Response Team) was a six to eight-member team(s), pre-staged at specific locations so they would be available for immediate deployment to a viable sighting or incident. A specific example of this type of deployment occurred when the operation had shifted to the Tuscarora Reservation in Niagara County, and a stolen vehicle attributed to Phillips was located in Allegany County near the Pennsylvania border. A six-member QRF deployed by helicopter from Niagara County to the area and were on the ground within 45 minutes.
- **Patrol** – a variety of direct action tactics were employed throughout the duration of the detail.
 - **Patrols/Wood Search Methods Directed By Terrain And Informant Analysis** – regions were broken down, taking into account the suspect's familiarity, supporters, accomplices, availability of resources (cabins, camps, water, vehicles, etc.) and the terrain within the areas

then analyzed to determine the probability of detection and best method to conduct a search. Available individuals (including informants) were interviewed to derive information pertinent to the area.

- **Patrols/Movement To Contact (Large-Scale, Multi-Agency Ops)** – Occasionally sufficient actionable intelligence was developed which resulted in large-scale use of foot patrols and accompanying supporting resources to search activities. The objective of these mobilizations was to make contact with the fugitive with overwhelming resources and tactical advantage.
- **Capture Sites/Zones** – method of linking a number of Observation Posts to potential capture sites, forming a capture zone. Utilized when a coordinated plan existed to push or search a given area.
- **Raids/Building Clearing** – self-explanatory. Throughout the duration of the detail, search warrants were executed, while countless out buildings, seasonal camps, deer stands, abandoned vehicles and areas of interest were checked. Members of the MRT and Canine Handlers were normally used for these operations. These unoccupied structures presented a continual problem during the manhunt that was never successfully overcome. The seasonal camps in particular provided Phillips with unlimited availability of shelter, food, clothing, supplies and even weapons. Even after a location was checked it was virtually impossible to guarantee that it remained clear without continuous checks.
- **Canine Tracking** – while Emergency Services canine elements participated in numerous responses without MRT attached as outlined above, canines were consistently assigned to the MRT as members of the QRT(s). Additionally, on large-scale operations, when the MRT conducted significant woodland searches, additional canines were utilized to clear large areas and secure perimeter escape routes.

- **Airmobile Ops (QRF) Coupled W/Vehicle Response** – as outlined above. As available personnel allowed, a QRF was formed and assigned the responsibility to respond to all significant incidents as a self-contained, tactical team. While relatively small in number (6 – 8 members), the team was generally co-located with aviation and configured with the necessary leadership, equipment and vehicular support to rapidly deploy and initially handle most contingencies. The net effect was having a full team on the ground within an hour throughout the entire western part of the state, with vehicular back up close behind.
- **Reconnaissance /Surveillance** a variety of intelligence gathering methods were employed throughout the duration of the detail.
 - **Area and Zone Reconnaissance - (Large-Scale, Multi Agency Ops)** – reconnaissance was conducted of specific areas (point targets) such as: camps, cabins, bunkers, culverts, deer stands, bait vehicles, etc. Large rural areas of significance or areas known to be familiar to the suspect were effectively divided into zones to facilitate the necessary search. On numerous occasions, several tactical teams with armored vehicles, aviation, direct medical support, ATV, UF perimeter and BCI support deployed to address the largest, most significant targets.
 - **Intelligence Preparation Of The Environment (IPE)** – the concept of IPE revolves around assimilating intel sources to begin to predict or identify an area that the suspect transits, uses as an area of refuge, or uses to cache supplies and equipment. Part of that process involves tactical teams on foot, ATV or by air, conducting route, area and zone recon to determine signs of activity or likelihood of use, and scouting for landing zones in order to pre-select those available for MEDEVAC use or infiltration/exfiltration. This form of reconnaissance was designed to prepare an area for follow up tactical operations.

- **LP/OP** – Listening Posts/Observation Posts were established to acquire and maintain surveillance on a specific, point target, e.g., a residence or summer cabin, a choke point in the terrain along an avenue of approach (foot or ATV trail), to gather intelligence about the target and surrounding area, and confirm or deny suspect presence or associated activity. As mentioned earlier, LP/OPs can shift their focus to that of a capture site and be linked together in a capture zone if/when a coordinated plan exists to push or search a given area.
- **Hospital Surveillance/Response Plan** – during the course of the investigation when Phillips' daughter was admitted to the local hospital in preparation to give birth, a plan was developed to address the possible contingency of responding to the hospital and/or various family members' residences in case Phillips attempted to make contact.

Essentially, involvement of the NYSP Mobile Response Team (MRT) with the manhunt commenced with the shooting of Trooper Brown, on June 10, 2006. The MRT was deployed to Troop C where it was believed Phillips had been hiding in a camp on State Route 79, in the Town of Colesville. When it was learned that Phillips was no longer in the Troop C area and that he had moved to western NY, MRT assets were deployed to Troop A where they remained for the remainder of the manhunt. While MRT deployment varied during the manhunt, during the most active periods, all 45 members of the NYSP Mobile Response Team (MRT), and the majority of canine units and Rifle Team were committed to the search.

One of the issues revealed during the manhunt was a previously unidentified but long standing deficiency in the administrative and support structure of the Mobile Response Team (MRT). As discussed in the *Command Post* section, tactical planning and command post liaison functions were accomplished by an MRT team leader. This required that the team leader remain at the command post, preventing him from actively supervising the team during tactical missions. In mid July, it became apparent to Field Command executive staff that it was necessary to assign

an administrative officer to the manhunt to assist with tactical planning and administration of MRT operations. In an effort to further improve tactical planning, the administrative officer requested the deployment of an intelligence officer from the Criminal Intelligence Unit to provide a profile of fugitive Ralph Phillips. The combination of these two officers dramatically increased the supervision, efficiency and productivity of MRT operations.

An unanticipated outcome of the statewide interview of members assigned to the Phillips manhunt was the disclosure of negative feedback by a disproportionate number of MRT members relevant to assignments, command and control, and their role in the State Police. MRT members widely criticized the Incident Commander for making decisions that they believed were not within his purview. Many MRT members complained about not having “tactical control” or enough decision making power over their activities. Some MRT members believe they should be autonomous and completely separate from normal NYSP Command and Control. One member stated that “tactical command should supersede administrative command” regardless of rank. The MRT are one of many tools provided to Troop and Detail Commanders, who are charged with mission responsibility. Assignment of autonomy to the MRT would be contrary to the tenants of proper command and control, as well as a rejection of the principles of incident command. Field Command must address proper function and duties of emergency services personnel and clarify the proper role and responsibility of the incident commander.

The review demonstrated there was an over-reliance on the Mobile Response Team to perform initial responder duties for Phillips sightings and important leads, to the detriment of reasonable expectations for non-MRT members to take enforcement initiative. The MRT was created to routinely respond to, and confront, high-risk events that include hostage and barricade situations, particularly dangerous building entries, and searches for armed fugitives, as occurred during this manhunt. They are specially trained and equipped to face such situations. However, they are most effective when they are responding to pre-planned raids or

to situations that are already contained, where immediate response is not an issue. The practice in this manhunt was that most, if not all, initial responses were assigned to the MRT. The MRT is a regional resource, and the reality is that arrival of adequate MRT members is rarely as timely as necessary, and always subsequent to the arrival of locally assigned state police members. The role of any police officer is well understood to involve risks, and there will be times, as occurred during this manhunt, that regular police officers and troopers will face situations where they are expected to take proper enforcement action. All law enforcement officers who work a manhunt escape detail must realize that, just as occurs in common practice in their daily discharge of duties, they are usually required to provide the initial police response to dangerous assignments. The Phillips manhunt detail provided some apprehension opportunities where MRT response was not a viable option from the onset, and effective response expectations rested on the initiative of the individuals present at the time.

Criminal Intelligence Unit (CIU)

The Upstate New York Regional Intelligence Unit (UNYRIC) produced multiple intelligence products and undertook a variety of activities in connection with the Phillips manhunt investigation. Initially an Officer Safety Bulletin was prepared and disseminated to local, regional, state, and federal law enforcement agencies. These bulletins were revised and updated throughout the manhunt. An estimated 18 updates were made to the Officer Safety Bulletins between Phillips' escape on April 2, 2006 and his apprehension on September 8, 2006. In addition, there were four versions of intelligence bulletins prepared in connection with Phillips, three of which came from the UNYRIC. UNYRIC also produced numerous other products including:

- Link chart of Phillips' relatives and associates;
- Wanted Poster;
- Intelligence maps of allegedly vehicles stolen by Phillips and subsequently recovered;
- Timeline of manhunt events;
- Intelligence workups on phone numbers and subjects of interest;

- Forwarded over 41 Crime Tips to the respective Command Post;
- Inclusion of Ralph Phillips to the NYS 100 Most Wanted Fugitive list;
- Forwarded nine 100 Most Wanted hotline leads to CP;
- Intelligence Estimate – Predictive Analysis (as part of MRT assistance);
- Daily Intelligence Summary Format; and
- Operational Intelligence Support.

Electronic Surveillance Unit (ESU)

Following the shooting of Trooper Sean Brown on June 10, 2006, ESU became actively involved in the manhunt investigation. ESU utilized various devices and methods in an attempt to track and locate fugitive Ralph Phillips.

INTERAGENCY COOPERATION

Outside agency participation over the course of the Phillips manhunt investigation involved extensive temporary commitments of personnel and equipment from local municipal police departments, Sheriff Departments, other state agencies, and various federal agencies. Towards the later stages of the manhunt, various public safety agencies in the State of Pennsylvania participated; primarily the Pennsylvania State Police. The outside staffing and equipment provided depended primarily on what manner of search operation was being conducted at a particular time, as well as other operational responsibilities and budget restraints. This review included an evaluation of issues concerning interagency cooperation and coordination of outside resources.

Shortly after Phillips escaped from the Erie County Jail on April 2, New York State Police participation was limited to assisting and supporting the Erie County Sheriff's Department. However, with the shooting of Trooper Sean Brown on June 10, the State Police assumed a primary role in the apprehension of Phillips, while municipal, county, state and federal agencies provided assistance.

Operational integration of outside agencies in long-term investigations such as the Phillips manhunt often creates manpower and staffing strains on the other agencies; the reality is that very few agencies have the resources to remain as active participants for an extended period of time. There were times during the manhunt where outside agency personnel, who were understood to be helping to cover an assignment for a specific period, ended up prematurely leaving the assignment; sometimes without notification to the State Police CP. Consequently, Troop command staff understood that plans integrating outside resources had to be short term, and realized that long-term assignments required reliance on NYSP personnel.

An issue discovered during the review was that the NYSP MRT had a preference of tactically working with established single agency special weapons and tactics (SWAT) teams. This was essentially a safety decision, in that these other tactical teams have similar training and established protocols equivalent to the NYSP MRT.

In addition to interviewing NYSP members assigned to the detail, outside agency executive personnel from the agencies that provided any investigative assistance during the Phillips manhunt were interviewed to evaluate interagency cooperation from their perspective. The feedback obtained revealed that a majority of the agencies characterized the inter-agency communications and cooperation in the range from effective to excellent. Some critical feedback was received suggesting that better use of ICS (incident command system) principles by NYSP would have helped to foster interagency communications, cooperation and coordination of resources, even as they acknowledged the challenges of integrating the many various agencies in this complex case. Lack of radio inter-operability between the various agencies was also cited as an obstacle to the coordination of resources. (Note: The insufficient flow of information and intelligence to various

NYSP units and personnel, including emergency service members, is a theme previously identified in this report.)

SUMMARY RECOMMENDATIONS

This review process identified a number of issues and problems that are not specifically unique to the Phillips manhunt, but potentially impact current and future operations on an agency-wide basis. The following recommendations are intended to facilitate improved management of similar large-scale NYSP public safety operational details, which require statewide personnel deployment and involve the utilization of various State Police support resources, as well as support and assistance from external sources.

Critical Issues

Communications

As noted repeatedly in this review report, communications issues consistently generated the greatest level of concern and dissatisfaction among members assigned to the search detail. Commanders must be able to immediately, reliably, and securely communicate instructions and critical information to all members of a detail simultaneously in order to coordinate operations and deployments. At the same time, all members of a detail need to be able to transmit and monitor requests for back up and other emergency information. The lack of reliable and secure radio communications resulted in over reliance on and overuse of cellular telephones to manage this investigation, including occasions involving emergency and critical operational communications. As a result, responses were sometimes delayed and members on the detail lost the ability to maintain situational awareness by monitoring radio transmissions.

- 1) All members must be reminded that the Division radio network is the primary means of communication for all operations, including routine patrols. In emergency situations, especially requests for backup, the radio network must be used in order to ensure that all members capable of responding receive immediate notification of the emergency. Decisions to use other methods of

communication, such as cellular telephone and e-mails to mobile data terminals, must be limited to rare situations when using the radio network might compromise operational security or member safety. The appropriate commander must define when and how alternative communications will be used with clear and definitive instructions.

- 2) The Division should acquire a minimum of two mobile command vehicles. The SWN is designed to significantly reduce the number of radio control points across the state. The lack of full radio communications capabilities at a command post is a critical issue. The Division must have a suitable means for providing on-site command and control of large-scale operations and the most effective means to accomplish this is via mobile command vehicles equipped with essential portable communications capabilities. The need for multiple mobile command vehicles was clearly demonstrated during the Phillips manhunt when the Division's only mobile command vehicle was diverted from the manhunt on two occasions, once for emergency response to flooding in the southern tier and once to the State Fair.
- 3) Communications staff from Division Headquarters should routinely deploy to evaluate and address the communications needs of major public safety events managed by the New York State Police.
- 4) NYSP Technology and Planning should ensure that emergency radio replacement and contingency plans exist for all State Police Troops.
- 5) The Uniform and Equipment Committee, in cooperation with the Division Communications Section, should evaluate the unique communications needs of specialized units such as radio encryption and develop specific proposals to address those needs.

Equipment

- 1) Recommend that the Division retain the current policy of issuing a shotgun as the patrol shoulder weapon for the general membership.
- 2) Recommend that the Uniform and Equipment Committee evaluate the possibility of equipping all shotguns with shoulder slings for use during extended fixed post operations, as well as for convenient carry of the shotgun while engaged in woodland foot searches.
- 3) Recommend establishing a stock of Level IIIA body armor with ballistic plates in front and rear for distribution as deemed necessary during future operations.
- 4) Recommend that the Division conduct a study of night vision equipment as it relates to canine program efficiency and safety.
- 5) Recommend the continued research and acquisition of statewide topographical mapping systems as they are developed and improved. Updated mapping capabilities for Chautauqua and Cattaraugus counties were obtained during the manhunt. These updated mapping capabilities significantly aided tactical planning. Technological advancements continue to be made in this area. As a result it is recommended that the agency continually assess and update capabilities in this area.
- 6) Recommend the NYSP maintain a limited supply of shotguns at select installations for use by BCI personnel or members at the facility during emergencies.
- 7) Current staffing levels for the Troop Rifle Teams are judged to be adequate and appropriate, recognizing that the teams are expected and designed to interface with the MRT. However, if there is a decision to increase team size, or a judgment that our regionalized rifle capacity response would benefit by increasing the number of rifle team members, it is recommended consideration not extend beyond Troop firearm instructors. It is extremely important that the number of rifle teams not exceed a level that allows them to properly train with the MRT. It is equally important that they shoot frequently enough to qualify

monthly with perfect scores, and it is suggested that the training requirement to practice and integrate additional rifle team personnel beyond firearms instructors would be counter-productive.

- 8) Recommend that all members of the NYSP Canine Program be assigned GPS units similar to and compatible with those issued to the MRT. Canine handlers are already trained in orienteering and woods searches and would benefit from the GPS technology. In addition, the systems on NYSP aircraft should be compatible with the hand held units on the ground. For reasons of safety as well as quick response/support, Aviation should be able to observe the location of select ground forces.
- 9) The acquisition of an armored vehicle is recommended. However, this need was identified in 2005 and the Division had already initiated efforts to purchase one. As of 12/01/06, the Lenco Company has been approved to provide the NYSP with an armored Bearcat vehicle.

Command and Control

The following recommendations are made with respect to command and control issues.

- 1) Ensure details involving major events implement the NYSP Troop Emergency Control Plan, which embodies principles of unified command.
- 2) Establish a single detail command post to be supervised by the Incident Commander or Officer-In-Charge. Appropriate terminology must be established for large details where there may be multiple staging areas and secondary or forward command posts. Only the detail command post should be referred to as "*Command Post*" during communications. In the event that temporary or forward command posts must be established, they should be specifically designated as such, e.g., "*Randolph Command Post*."
- 3) One single point of information and assignment is required at the Command Post. The recently acquired DISASTER LAN software should be tested and

modified as necessary if it demonstrates the expected proper tracking and organizational capabilities. This does not preclude BCI use of their electronic BCI Leads Desk to manage the investigations they remain responsible to address.

- 4) Detail orders, instructions and operating protocol must be reduced to writing and kept current throughout the detail. Consistent messages, proper understanding and clarity of purpose will be provided, as well as subsequent reference capability.
- 5) Briefings must be carefully conducted to ensure instructions and information are accurately delivered and understood. The lack of actionable intelligence and information should also be reviewed during briefings, along with appropriate administrative matters, which will help address misinformation and provide rumor control. All detail members must be required to attend briefings, absent specific exemption for cause by the shift supervisor.

Leadership and Supervision

- 1) Troop or Detail Commanders must specifically identify an Officer-In-Charge (OIC), for each shift, and delegate authority to manage the detail in the absence of the Detail or Incident Commander. When the OIC is away from the Command Post, a specific supervisor must be designated to manage and advise the OIC as necessary.
- 2) Field Command Headquarters staff should personally visit large details on a more frequent basis for two reasons. First, it provides a clear and visible demonstration of support and commitment to members unable to observe the daily oversight and communication that occurs via telephone and written communications. Second, it provides opportunity for direct observation and assessments, as well as an opportunity to speak with, and receive feedback from, detail members.

Planning

While the planning and decision making process utilized during the manhunt is judged to have been adequate and responsive to the overall management of the manhunt, it is recommended that a deliberate process be established during future details to ensure that periodic operational planning occurs in open and appropriately inclusive sessions, especially when outside agencies are active partners in an investigation or event. This process will facilitate the effective integration of special units and personnel within the larger detail.

Information and Intelligence

Command staff must develop an organized information dissemination process for large scale details to ensure that accurate, timely, and consistent information is conveyed to agency personnel assigned to the detail, as well as personnel from outside agencies participating in the event. Implementation of recommendations provided above with respect to communications, command and control, and planning will also correct deficiencies identified in the *Information and Intelligence* section of this report.

Specialized Units

Aviation

- 1) Due to the number of State Police patrol cars involved in the search, it was impossible for aircraft personnel to identify patrol units from above in order to communicate relevant search information to the appropriate unit. It is recommended that patrol vehicle numbers be applied to the car roof top using reflective tape.
- 2) Aviation personnel should be made aware of their responsibility to suggest locating the aviation staging area at the command post location if there is a sufficient landing area available to safely accommodate helicopter aircraft.
- 3) NYSP command personnel should be made aware of both general aircraft capabilities and drawbacks. While command personnel in charge of the detail

would have liked aircraft in the air 24/7, due to FAA mandatory flight hour maintenance regulations, it is unrealistic, inefficient and impractical to utilize aircraft in that manner. Misuse of aircraft time can result in the aircraft being taken out of service for a lengthy maintenance at a time when the aircraft is desperately needed. FAA regulations require different levels of aircraft maintenance at various flight time intervals depending on the type of aircraft. Command personnel should be made aware of this existence of the regulations and work with aviation personnel to determine the best use of aircraft. It should become standard operating procedure for major events in which Aviation assets might prove beneficial that Aviation command personnel brief the incident commander and executive command staff concerning available aviation assets, including capabilities and limitations. In addition, periodic evaluation of the operations by Aviation command staff should be conducted throughout the event. Liaison with emergency services supervisory staff assigned to the command post is also recommended as essential.

- 4) Night Vision Goggles (NVG) were found to be extremely effective during the manhunt. While the Aviation Unit had been in the process of training pilots in the use of night vision equipment, not all pilots were trained at the time. Since the conclusion of the manhunt and writing of this report, all pilots have been properly trained in the use of NVG.
- 5) Recommend the purchase and installation of improved mapping technology on NYSP aircraft. Significant improvements have been made to mapping technology that is linked with aircraft FLIR equipment. The mapping technology provides a user-friendly mechanism for producing a map of a specific area by entering a county and street. This would significantly improve the capabilities of aircraft personnel when conducting searches over unfamiliar territory.

Emergency Services

- 1) Restructure the Emergency Services command structure, to include a full-time executive officer.
- 2) Explore the possibility of creating a combined intelligence and training officer position.
- 3) Integrate canine and MRT training as appropriate.
- 4) Utilize standard topographical mapping program for all specialty units.
- 5) Assign the State Police Planning and Research Office to investigate lightweight Level IIIA body armor.
- 6) Implement a standard practice that minimizes instances where MRT or other personnel routinely work past twelve hours per shift.
- 7) Current Emergency Services training programs for MRT, Rifle Teams, and Canine Handlers should be evaluated to consider inclusion of a module that would emphasize field adjustments regarding tactics and response methods that would facilitate appropriate levels of operational flexibility relevant to the situation. Specifically, include focused QRT training, in a manner similar to the active shooter modifications law enforcement implemented several years ago to insure police respond to occurring emergency situations without waiting for off-site special units to assemble.
- 8) Field Command must clarify roles and operational practices relevant to use of Emergency Services personnel and establish appropriate lines of authority for Officers in-Charge of incidents and Emergency Services command or supervisory personnel.

Criminal Intelligence Unit (CIU)

- 1) CIU personnel should proactively reach out to incident command staff to make them aware of the capabilities and services available thru UNYRIC.

- 2) In connection with major investigations, UNYRIC command staff should consider deploying support staff to the CP to facilitate intelligence development and information flow.

Electronic Surveillance Unit (ESU)

- 1) ESU should use the State Police Intranet to provide a written description of the type of work routinely performed by the unit that would include unit capabilities and the procedure for obtaining unit assistance.
- 2) ESU should initiate direct out-reach to incident command staff to offer collaborative investigative support.

Communication for Law Enforcement Act Intercept Unit (CALEA)

- 1) With the number of different personnel often involved in conducting investigative leads in major cases, it is recommended that contacts with telephone companies for the purposes of requesting intercepts be routed through the CALEA unit.
- 2) Efficient lines of communication need to be established between the incident command staff, BCI personnel and the CALEA unit.

Interagency Cooperation

Implementation of a number of recommendations provided above will facilitate improved interagency cooperation and coordination in future similar events. The command and control recommendation relevant to implementation of the NYSP Troop Emergency Plan would facilitate a number of improvements applicable to interagency cooperation and coordination of those assets. For example, use of the Troop Emergency Plan necessitates the designation of a Liaison Officer, who is responsible for assessing the availability and commitment of external resources and maintaining continued liaison with those resources. Command and control recommendations concerning the issuance of written orders and instructions, and improved organization of briefings that would involve other agency participants would enhance interagency cooperation. Finally, recommendations made within

Planning concerning the execution of periodic operational planning sessions that are open and inclusive would further improve interagency cooperation and coordination.

APPENDIX 1

Instructions for Phillips Manhunt Interviewers

We are conducting a review of the Ralph Phillips manhunt detail. Hopefully, information gleaned from this review will be helpful for the agency in the event a similar operation is conducted in the future. In the initial phase of this review we want to give every member that had a part in the detail the opportunity to provide input. We will be using Commissioned Officers that were not part of the detail to conduct a brief interview of our members for their perspective based on their personal involvement and experience. The purpose of this initial interview is to identify any problems or issues that need to be further addressed.

This process is not a disciplinary investigation, and the interviews should be conducted accordingly.

Commissioned Officers will use a formatted series of questions to ensure we are asking everyone the same questions, in the same manner.

1. Interviewers will be of higher rank than those interviewed – and will consist of Commissioned Officers only. Interviews will be conducted at Division installations at times and locations consistent with patrol coverage. No overtime is authorized for any part of this process without the approval of Field Command.

Each Troop, other than Troop A, will interview their members by designated Commissioned Officers. Officers from outside Troop A will conduct interviews in that Troop.

A separate team will be designated to interview Special Detail members.

2. All Members involved should appear for interviews. Ensure that the preamble is read to each member interviewed. A Member may decline to answer any particular question. If a member declines to answer a question, the response should be listed as “declined.”
3. No copies of the paperwork will be made for the interviewer or interviewed member. The questions provided will be utilized in a Q and A format. All responses will be forwarded to the office of Field Command. No memorandums will be requested.
4. Interviews will not be conducted with member representation. Consultation with a representative after the fact is permissible.
5. Any matter determined to be a complaint against personnel during an interview will later be referred to IAB. If the interviewed member appears to be involved as a target, the interview will cease immediately.
6. Stick to the script – no follow up questions will be asked at this stage and the interviewer should offer no editorializing, comments or explanations.
7. Troops will be advised as to the designation of the interviewers. Interviews should be accomplished as soon as possible during the course of normal business. No recalls to duty, canceling of leave, or shift changes are to be made to schedule an interview.

Questions for Manhunt Interview

Name and Rank _____ **TZS** _____ **Date** _____

Interviewer: _____ **Location** _____

The New York State Police recently completed one of the largest, most comprehensive manhunts in recent history. As part of this large-scale operation, the Division is conducting a review of the overall operational and procedural aspects of the search detail. This will include an analysis of equipment, information, instructions, communication, staffing, rest, relief, supervision, food, accommodations and command and control. As a member assigned to the detail, you are in the best position to provide feedback on these items and are therefore an essential and valuable component of this process. In furtherance of these review objectives, we are going to ask you a series of questions relating to your experiences during this assignment. While you are under no obligation to answer any of these questions, due to the importance of this mission to our Members and to future operations, the Division would greatly appreciate thorough and candid answers in this regard, whether your observations and experiences are positive or negative. Do you have any questions before we begin?

1. What was your post assignment or assignments and how long were you assigned to the detail? _____

2. Was your *issued equipment* adequate to accomplish your assigned duties effectively?
 Yes _____ No _____ If no, explain _____

3. Did you receive sufficient *information and instructions* for you to perform your assigned duties effectively?
 Yes _____ No _____ If no, explain _____

4. Was the *communication equipment* you were furnished adequate for you to perform your assigned duties effectively?

Yes_____ No_____ If no, explain_____

5. Was the *staffing level* at your assignment sufficient to maintain a safe and effective post?

Yes_____ No_____ If no, explain_____

6. Did you ever make a *request for backup*?

Yes_____ No_____ If yes, was there any problem associated with that request?

7. Did you receive *adequate periods of rest between tours* of duty to perform your job effectively?

Yes_____ No _____ If no, explain_____

8. Did you receive *adequate relief during* your tour of duty?

Yes_____ No_____ If no, explain_____

9. Were *food and accommodations* satisfactory?

Yes_____ No _____ If no, explain_____

10. Did you receive sufficient supervision to allow you to perform your duties safely and effectively?

Yes_____ No _____ If no, explain_____

11. Do you have any other *specific concerns or recommendations* to offer?

Yes_____ No_____ If yes, explain_____

**THE FOLLOWING ADDITIONAL QUESTIONS WILL BE POSED TO ALL
SUPERVISORS AND SPECIAL UNITS SUCH AS MRT, CANINE HANDLERS,
AND TROOP RIFLEMEN ONLY:**

12. In your opinion, was the command and control of this operation effective?

Yes_____ No_____ If no, explain_____

13. Did you experience any interagency cooperation issues or problems?

Yes_____ No_____ If yes, explain_____

14. Did you have any issues or concerns with the overall tactical (search) plan or any parts of it?

Yes_____ No_____ If yes, explain_____

14(A). Do you feel you had sufficient input into that plan?

Yes_____ No_____ Explain_____

APPENDIX 2

Sightings and Confirmed Locations of Ralph Phillips

04/14/06

Donald West, of 95 Revere Rd., Grand Island, NY reports a burglary to his seasonal residence on Hungry Hollow Rd., in the Town of Great Valley, Cattaraugus County. West confronted a person inside his camp, who identified himself as “Bucky” Phillips. Phillips stated he was on the run and had escaped from jail. Phillips offered West \$200 for damaged door and gave him 2 handguns before leaving on a 1983 Suzuki motorcycle.

05/27/06

Phillips was observed in two altercations on the Tuscarora Indian Reservation in Niagara County, and during the second altercation Phillips drew a handgun. At this time Phillips was seen driving a 1996 green Taurus.

06/03/06

Phillips is the prime suspect in an attempted arson complaint at the Arnold Rickard residence, 1532 Upper Mountain Road, Town of Lewiston, and Niagara County. Rickard reported seeing Phillips in the area since May 27, 2006. A search of the area was conducted where fresh tracks were observed and a gas can was located near the Rickard residence.

06/10/06

At approximately 12:50 am, Troopers Sean Brown & Donald Will, Troop E, SP Horseheads, were on routine patrol in Chemung County when they stopped to determine if the operator of a vehicle that had suddenly pulled over to the shoulder of a secondary road required assistance. Upon approaching the 1995 Ford

Mustang, the operator shot Trooper Brown. It was later determined the Ford Mustang was a stolen vehicle from the Town of Hanover, Chautauqua County. The Vehicle fled the scene and was recovered late on June 10th, behind 457 Wygant Road, in the Town of Horseheads. The operator of the vehicle was later confirmed to be Ralph Phillips.

6/20/06 – 6/25/06

Phillips confirmed to be in Warren, PA, at different times during this period.

6/27/06

Two reported burglaries were linked to Ralph Phillips. The first burglary occurred at a Cleland Road, Town of Charlotte, Chautauqua County. A witness observed a subject driving an ATV riding away from the scene. The operator of the ATV was dressed in camouflage and dark clothing. A positive fingerprint match to Phillips was lifted at the scene.

06/28/06

Ralph Phillips was observed by two NYSP Troopers, on Ames Road near the intersection of Hall Road, Town of Charlotte, and Chautauqua County. This observation was confirmed by the recovery of evidentiary items secured from a camp that a K-9 track lead members to. Phillips fled on foot into the dense woods when he was challenged by the Troopers and eluded capture. Property recovered from where Phillips fell, fleeing the Troopers, included the .38 caliber handgun that was used to shoot Trooper Brown, and the stolen Honda ATV from Center Road, now painted black. Other recovered items included various camping gear; can goods; and a backpack that contained a letter that made threats towards law enforcement personnel.

07/01/06

An owner of a camp located on Park Road in the Town of Arkwright, provided four field camera photographs of a subject with a very strong resemblance to Phillips. The camp owner used the field camera as a security device to record movement

around his camp. The photographs were time stamped June 30 and July 1, 2006, and revealed a subject dressed in camouflage clothing walking along a trail.

07/10/06

Phillips was observed running across a ridgeline by two Troop A members and a Division Electronics Unit member, who were in the process of downloading information from surveillance cameras. An ATV was heard to start-up and drive off, and subsequent investigation disclosed the existence of an outdoor camp where a .22 caliber rifle, stolen from the Troop C area when the Phillips manhunt was being conducted in the Binghamton area, was recovered.

07/16/06

The owner of a residence at 3599 Hard Scrabble Road (CR-10), Town of Cold Spring, Cattaraugus County, reported that upon returning home he observed a subject fitting the description of Phillips crawling across a trail near the residence. The house had appeared to have been “lived in” and fingerprints were recovered that matched Phillips.

07/24/06

Individual fitting Phillips’ description was seen riding a black bicycle, just prior to the theft of a vehicle in the Village of Belfast. The bike was left as the scene of the vehicle theft.

8/04/06 – 8/08/06

Investigation confirms that during this time Phillips was in Ohio, Michigan, West Virginia, Tennessee, and Pennsylvania.

08/08/06

Informant takes photograph of Phillips, who is in possession of a long gun, pistol and police scanner. The vehicle he was seen with was recovered, and found to be a stolen Ford Mustang, taken from the Town of Portville, Cattaraugus County. Search efforts resulted in Phillips being seen, from a distance, by a NYSP BCI investigator as he entered a heavily wooded area. A passing motorist subsequently reported

sighting Phillips on the north side of State Route 104. As a result of this sighting, a perimeter was established with the assistance of other Niagara County agencies.

08/13/06

Phillips was in New Castle, Pennsylvania, where he purchased a 1983 Honda Magma motorcycle.

08/15/06

Phillips was at a motorcycle repair shop in Corry, Pennsylvania, with a 1983 black Honda Magna motorcycle, bearing an unknown PA registration. This information was provided to all area NY and PA police agencies.

08/16 – 08/19/06

At approximately 6:30 p.m. on August 19, 2006, a NYSP Trooper observed a motorcycle matching the description of the 1983 Honda Magna traveling northbound on State Route 60, in the Town of Charlotte, Chautauqua County. The Trooper followed the motorcycle to a residence on State Route 60, where the operator dismounted the motorcycle and entered Apartment “B” of a multi-unit residence. He subsequently jumped out of a second story window and fled on foot into the woods behind the residence. Interview of the residents revealed that the operator of the motorcycle was Phillips and that he had stayed at their residence since Wednesday, August 16, 2006. The three residents were charged for hindering prosecution in the first degree. The motorcycle was recovered and secured at SP Fredonia, along with other personal articles from the residence.

8/23/06

Investigation reveals that Phillips connects with Todd Nelson in Ludlow, PA, and lodges with Nelson on and off over the next several days.

08/25/06

NYSP Electronics personnel determined Phillips location, by means of triangulating cell towers, as being at a baseball factory on Cable Hollow Road, Akeley, Pennsylvania. The Pennsylvania State Police were advised and responded just as a

subject (Phillips) was observed going into the nearby woods with a flashlight. The stolen cell phone was recovered just inside the woods at this location; however the onset of a violent electrical storm, accompanied by torrential rain, precluded any tracking and woodland search activity. Search of the facility revealed that the intruder had started to prepare a meal.

8/27/06

Phillips was at the residence of Todd Nelson, Haines Street, Kane, Pennsylvania, where he deposited 35 firearms, which he had stolen during a burglary earlier that day at Toms Gun Shop, Town of Ellington, Chautauqua County.

8/30/06

Pennsylvania State Police learned from Todd Nelson that Phillips had returned his (Nelson's) 9MM handgun when he returned to Nelson's on August 27, 2006, driving a Gold Intrepid that containing numerous guns. Nelson also reported that he had driven Phillips back to New York, and dropped him off somewhere on SR 60 near Cassadaga. He indicated that Phillips was in full camouflage, and had 3 handguns and 3 rifles. PSP advised the NYSP of this information.

8/31/06

At approximately 6:12 p.m. NYSP MRT Troopers Donald Baker and Joseph Longobardo were conducting surveillance at the Crowe residence on Bachelor Hill Road, Town of Pomfret, Chautauqua County, when they were both shot by an assailant subsequently proven to be Phillips.

9/8/06

At 1:30 a.m., the Warren County (PA) Sheriff Department reported a pursuit in the Town of Glad, just over the border from New York State. The suspect vehicle was involved in a motor vehicle accident during the pursuit and the operator had fled the scene on foot. The operator matched the description of Phillips. Located in the vehicle were a loaded 9 mm handgun, a portable police scanner, a flashlight, and a camouflage Remington baseball cap that Phillips had been wearing when his photograph was in the Town of Cambria, Niagara County.

At 2:30 a.m., New York State Police members observed a vehicle traveling northbound on County Route 53 in Chautauqua County, in which the operator matched the description of Phillips. The vehicle fled onto Wiltsie Road where the operator jumped from the still moving vehicle and fled on foot into the woods. A perimeter was established and roving saturation patrols were conducted. NYSP K-9 handlers were utilized to assist with tracking the suspect.

At approximately 9:00 a.m., Phillips was observed by a NYSP K-9 handler in a wooded area, off Gouldtown Road, in Akeley, Pennsylvania. The K-9 handler observed Phillips in possession of a gun in his left hand and discharged his own issue sidearm at Phillips while also releasing his canine. The dog chased Phillips to a steep embankment that Phillips was able to ascend, but could not be traversed by the K-9. NYSP pursuit/track of Phillips through this wooded area was continued by several K-9 handlers.

As the onset of dusk was a concern to the search detail, a member of the Warren County PA Sheriff Department observed Phillips at the edge of a wood line in an area being “pushed” by the NYSP MRT and PSP SRT. NYSP Aviation was providing support to the tactical operation, and was able to obtain overhead visual observation of Phillips. At approximately 8:10 p.m., Phillips surrendered without further incident to members of the New York State Police, the Warren County PA Sheriff Department, and the Pennsylvania State Police. Phillips was transported to the Command Post in Russell, Pennsylvania, and subsequently turned over to the U.S. Marshals Service. Phillips was then transported to the Erie County Holding Center in Buffalo, New York, to await arraignment.

NOTE: Investigation revealed that from the date Phillips escaped from jail on April 2, 2006, through June 7, 2006, Phillips made four separate trips to Flatgap, Kentucky, and was in or near Toledo, Ohio.

APPENDIX 3

Phillips Associated/Suspected Crimes

The below list of crimes includes crimes that Phillips is strongly suspected to have committed during the time from his April 2nd escape from the Erie County Jail until his capture on September 8th, as well as those where sufficient proof exists to identify him as the perpetrator.

4/03/06

Report of stolen 1997 Ford Taurus from Lapp Rd., Town of Bennington, Wyoming County. Vehicle recovered on 4/9/06 on Burnhan Rd, Town of Arkwright , Chautauqua County.

04/11/06

Report of stolen vehicle white utility van from Rt 353 T/ Little Valley. Vehicle recovered in the C/Bradford in a parking lot a week later.

04/12/06

Report of stolen green 1991 Ford Ranger Ext Cab from Limestone Run, T/Carrollton. Vehicle has not been recovered.

04/12/06

Report received of stolen handgun, Dan Wesson[®] .357 magnum, serial # 65525, from Bozard Hill Rd. T/Humphrey. Complainant was only away from residence from 9:00 a.m. to 11:00 a.m. date.

04/13/06

Report of 1983 Suzuki motorcycle stolen from South 9 Mile Rd., Allegany, NY. The motorcycle was discovered on 4/15/06 on North 9 Mile Rd., Town of Allegany, N.Y., Cattaraugus County.

04/14/06

Report of burglary J& R Auto T/ Portville. Front door pried open and \$400.00 cash taken.

04/14/06

Report of burglary Southern Tier Polaris T/Portville next to J& R Auto. Front door pried open and motorcycle helmet stolen, (half helmet color black).

04/14/06

Report of a burglary to seasonal residence on Hungry Hollow Rd., in the Town of Great Valley, NY Cattaraugus Co. Owner confronted a person inside his camp who identified himself as "Bucky" Phillips. Phillips stated he was on the run and had escaped from jail. Phillips offered the homeowner \$200 for damaged door and gave him 2 handguns before leaving on the previously mentioned 1983 Suzuki motorcycle. Cattaraugus County Sheriff's Office investigator was assigned.

04/16/06

Cattaraugus County receives report of burglary to seasonal residence on Leon- New Albion Rd, T/ New Albion. Owner returned same date and reported unknown make 12 gauge double barrel shot gun and box of ammo stolen, nothing else taken.

04/17/06

SP Olean investigates stolen 2003 Dodge Pickup Truck from locked building on South 9 Mile Rd T/Carrollton, between 04/14 and 04/16. Location is approximately 2 miles from where stolen motorcycle was recovered.

04/17/06

Information was developed by Cattaraugus County Sheriff's investigator that Phillips may have stolen 3 handguns from New Rd., Town of New Albion, NY. Homeowner was contacted in Florida and confirmed that a Valor Guardian .32 caliber pistol, a

Cobray, model DD45-410 double barrel pistol & a .38 special revolver were stolen from a safe in his residence.

04/17/06

Report of stolen 2003 Dodge quad cab pick up, from South 9 Mile Rd., Town of Carrollton, Cattaraugus County. Vehicle was recovered on April 25, 2006 on a farm road off of West Brancroft Rd., Town of Swanton, Lucas County, Ohio.

04/26/06

Fulton County Sheriff's Office, Ohio, reported a 1990 Ford Ranger pick up truck, color white with Ohio registration, taken from County Route 1, Swanton Ohio. Vehicle was recovered on the New York State Thruway. Cattaraugus County traced two recovered guns to the burglary reported at New Rd T/ New Albion on 4/17/06. Additional stolen gun reported as a Smith & Wesson model 60 .38 special w/ 2 inch barrel stainless steel believed to be retained by Phillips.

Following ammo reported stolen:

20- 30 rounds .38 special copper coated non-hollow point round

15- 18 armor piercing. 38 rounds 50 rounds .38 wad cutters Phillips leaves camp on motorcycle which is recovered at 6:00 am 04/15/06, T/Carrollton.

04/26/06

2003 Dodge PU recovered by Lucas County Sheriff Dept. Toledo, OH, on service road, T/Swanton.

04/27/06

Fulton County Sheriff Dept. Wauseon, OH reports a 1995 Ford Ranger White OH reg. stolen.

05/01/06

1996 Ford Taurus color green stolen from Clifton Springs, Ontario County.

05/23/06

1996 Ford Ranger recovered Clifton Springs Service Area, Ontario County.

05/23/06

1996 Ford Taurus, color green with NY reg. stolen from a County Rte 13, Clinton Springs, NY.

05/27/06

Phillips was observed in two altercations on the Tuscarora Indian Reservation and during the second altercation, Phillips drew a handgun. At this time Phillips was seen driving the previously mentioned 1996 green Taurus.

06/03/06

Phillips suspected in an attempted arson complaint at a residence on Upper Mountain Rd., Town of Lewiston, NY, Niagara County. Homeowner reported seeing Phillips in the area since May 27, 2006. A search of the area was conducted where fresh tracks were observed and a gas can was located near the Rickard residence.

06/07/06

A 1995 Ford Mustang, color green with tan convertible top, without plates was stolen from Patrick Resale Car Lot, Rt 5 & 20, Town of Hanover, Chautauqua County. This was the vehicle used during the shooting of Trooper Sean Brown.

06/09/06

A 1998 Chevy pick up was stolen from Dunkirk Metal Products, Brockton, NY. The vehicle was recovered by Ashtabula County Sheriff' Office Ohio after a pursuit in the Town of Monroe near the Ohio/Pennsylvania Stateline. The operator, identified as a tall white male, fled the scene.

06/10/06

1992 Chevy pick up, color white, bearing NY reg CYL5410 reported stolen from a

residence on Wygant Rd, Town of Horseheads. This vehicle was recovered on June 10th, 2006 at 9:00 p.m. in the Town of Harpursville, Broome County in a field off of State Route 79.

06/23/06

1999 Ford F250 pickup truck, color white was stolen reported stolen from residence at Hanford Rd., Silver Creek, NY.

06/27/06

Investigation of a burglary to a seasonal residence on Cleland Rd., T/Charlotte located a positive latent print that matched Phillips. Also recovered from the scene was an ATV that was stolen from Cotton Well Drilling Inc., Center Rd., T/Sheridan. A second burglary occurred to the DEC building located on Bard Road, just east of County Route 79 in the Town of Arkwright, Chautauqua County. ATV tracks led from the DEC building to the Cleland Road burglary.

6/30/06

Burglary at the Southern Tier Hunter Association, Rood Rd. T/ Charlotte.

07/02/06

SP Sidney reports a burglary to a seasonal residence located at Blakely Nurse Hollow Rd., Afton, NY that occurred sometime between May 29 & July 1, 2006 in which a Winchester 30/30 rifle (no SN) was taken. SP Sidney believes burglary & missing weapon is connected to Phillips manhunt.

07/02/06

Camping trailer was burglarized on Ball Road T/Arkwright on 7/02 and 7/06. Only a Serra Mist soda can was found in the sink. Soda can was secured for latent prints, nothing else reported disturbed. Entrance gained by prying open front door.

07/05/06

Resident on Bard RD (RT-72), T/Arkwright reports a white male attempted to break into her shed and fled on the north side of Bard Rd. A second resident interviewed reports seeing a shadowed figure walk from east to west of the house to rear, and when he exited rear of house, the figure went towards the front of the home. A third resident of the neighborhood reported that a rear screen had been tampered with, and the driver side door of their vehicle was open along with a shed door.

07/05/06

Resident of Ball Rd. T/Arkwright reported that someone had taken several items from his trailer.

07/07/06

Subject reports burglary to her residence Village of Fredonia where an unknown person had taken a shower, eaten some food, and stole a blanket.

07/08/06

It was discovered that a camper location in wooded area just off Park Rd in the Town of Arkwright had been lived in during the past several days. Two .22 caliber rifles were discovered secreted under cushions of a couch. Evidence at the camper indicated that a person had been sleeping there regularly and cooking there as well. A makeshift electrical hookup was made from a stolen boat battery (stolen approximately 1 week prior during a burglary on nearby Ball Rd).

07/10/06

MRT and BCI locate rifle stolen in burglary T/Binghamton located in woods off Burnam Rd. T/Arkwright, along with fresh campsite.

07/11/06

MRT located a burglarized camper off Skinner and Ball Rd, T/ Arkwright.

07/14/06

Burglary reported T/ South Valley 471 West Perimeter Rd Cattaraugus County.

07/14/06

Burglary reported T/South Valley 747 West Perimeter Rd. Cattaraugus County.

07/16/06

Burglary Hard Scrabble Rd., T/Cold Springs, Cattaraugus County. Phillips seen running from cabin. Patrols moved from Fredonia to Cold Springs.

7/17/06

Burglary reported Watkins Rd., T/Ellington, Chautauqua County.

07/20/06

Burglary Pierce Run Rd., T/South Valley, Cattaraugus County

07/21/06

Burglary Railroad Ave., T/ Stockton, Chautauqua County

07/22/06

Burglary Old Rd., T/South Valley Cattaraugus County

07/24/06

Stolen vehicle from C/Dunkirk recovered C/North Tonawanda, Niagara County.

07/24/06

Stolen vehicle Village of Belfast. Individual fitting Phillips' description was seen riding a black bicycle prior to theft.

07/25/06

Stolen vehicle from the City of Warren, PA located on West Perimeter Rd., Cattaraugus County.

07/28/06

Burglary - T/Marilla; firearms stolen.

08/03/06

Stolen motorcycle from T/Ellicottville recovered in the T/Mansfield, NY.

08/04/06

Burglary T/Farmersville. .22 pistol stolen along with food items.

08/05/06

Black Ford Mustang stolen from T/Portville, Cattaraugus County.

08/08/06

Stolen Ford Mustang T/Portville recovered Tuscarora Indian Reservation, Niagara County. Informant takes photograph of Phillips. He is seen with long gun, pistol and police scanner.

08/09/06

1995 Dodge Caravan, color blue reported stolen overnight from Baer Road, T/Cambria, Niagara County.

08/11/06

2002 Chevrolet Cavalier, 4 door, color tan reported stolen from Warren City, PA.

08/12/06

Stolen 2002 Chevrolet Cavalier located by Pennsylvania State Police outside Warren City.

08/19/06

Phillips pursued to residence on St Rte 60, Town of Charlotte, Chautauqua County. Phillips entered residence and subsequently jumped out of second story window and fled on foot into the woods. Interview of the residents revealed that Phillips had been staying at the residence since Wednesday, August 16, 2006. Three subjects arrested and charged with Hindering Prosecution. The motorcycle was recovered and secured at SP Fredonia along with other personal articles from the residence.

08/25/06

2003 Pontiac Sunfire, which was stolen from Stockton, New York, on August 24, 2006, was located in Sheffield, PA.

08/25/06

2003 Dodge Ram, Quad Cab pick-up truck, with PA registration stolen in Sheffield, PA, located on Cable Hollow Road, Ackley, PA.

08/27/06

1996 Dodge Intrepid, color gold, stolen from 932 Harris Hollow Road, T/Gerry, NY.

08/27/06

Burglary to Tom's Sport Shop, 5049 Thorton Road, T/Ellington. Taken were 6 long guns, 35 hand guns, a camouflage jacket and an unknown quantity of ammo.

08/28/06

1996 Dodge Intrepid located in McKean County, PA. Vehicle transported to SP Warren for processing.

08/30/06

PA State Police arrest an associate of Phillips in Ludlow PA for hindering

prosecution for harboring Phillips for approximately 11 days. Recovered at the residence are 33 guns suspected of being from Tom's Sport, the gun shop.

8/31/2006

At approximately 6:12 p.m., Troopers Donald Baker and Joseph Longobardo were ambushed and shot with a .308 rifle while conducting surveillance at the Crowe residence on Bachelor Hill Road, T/ Pomfret. Both Troopers struck and in critical condition. Trooper Longobardo succumbed to his injuries on September 3, 2006.

9/5/2006

At approximately 4:45 a.m., a report of an attempted burglary at the Portville Pharmacy, in the Town of Portville was received from the Cattaraugus County Sheriff's Office. The suspect in the attempted burglary to the Portville Pharmacy was described as a white male who was carrying a duffle bag. Further description had the suspect dressed in dark or camouflage clothing leaving the area on a bicycle.

At approximately 7:30 a.m., a report of an attempted burglary to a pharmacy in Eldred, Pennsylvania. (Eldred is approximately 20 miles south of Portville, New York.)

9/8/2006

At approximately 1:30 a.m., the Warren County Sheriff Department of Pennsylvania reported a pursuit on Standia Road and Katch Road in the Town of Glad, Pennsylvania. The suspect vehicle was involved in a motor vehicle accident and the operator fled the scene on foot. The operator reportedly matched the description of Phillips. Located in the vehicle was: loaded 9 mm hand gun, a portable radio, a flashlight, and a camouflage Remington baseball cap that appeared in the photograph taken of Phillips in the Town of Cambria, Niagara County.

Appendix 4

New York State Police Troop Boundaries

