

# After Action Report

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127 HORN BROOK ROAD  
DANBY, NEW YORK



## **Executive Summary**

On Tuesday, December 30, 2014 at approximately 7:55 p.m., two uniformed members of the Tompkins County Sheriff's Office went to the home of David Cady, located at 127 Hornbrook Road in the Town of Danby, for the purpose of taking Mr. Cady into custody under a Bench Warrant issued by County Court Judge John Rowley. The warrant resulted from Mr. Cady's failure to comply with conditions set by Felony Drug Court after his second felony DWI conviction. The Sheriff's Office and New York State Police had attempted to serve the warrant on Mr. Cady on at least twelve previous occasions.

While initially advising officers that Mr. Cady was not at home, his wife, Melissa Cady, confirmed his presence and indicated that he had a loaded gun. This high-risk situation, later borne-out by a shot fired from a second floor window by Mr. Cady in the vicinity of officers, led to a prolonged, two-and-a-half day stand-off that was shaped by number of factors ranging from bitterly cold weather, to the particularly lethal type of weapon in Mr. Cady's possession, to lessons learned in other barricading events that ended in deadly gunfire.

As will be described in this report, a progression of non-lethal tactics was used to draw Mr. Cady out of the house throughout the incident. Negotiations conducted by trained personnel seemed promising, but ultimately failed when Mr. Cady stopped responding to calls early into the first day of the standoff. In his final contact with the negotiating team, Mr. Cady said " I am armed up, Come get me."

Small robots were deployed to serve as eyes and ears of law enforcement, but could not reach all parts of the house. Tear gas, concussion devices, and "loud hails" were used to increase the pressure on Mr. Cady to exit the home.

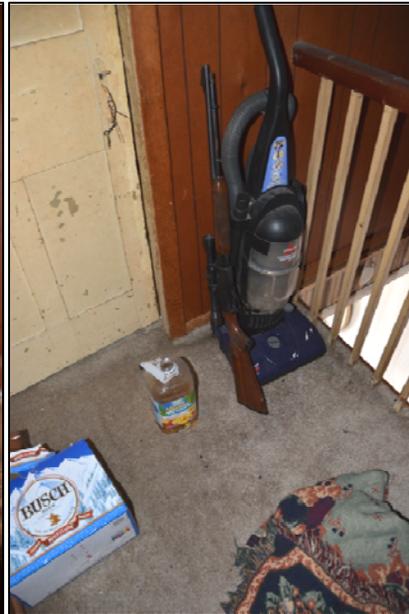
Ultimately, as a way to expose and draw-out Mr. Cady, heavy equipment was used to open-up parts of the home. Simply put, a choice was made that placed the lives of Mr. Cady and law enforcement officers over property.

As is now known, Mr. Cady died of a self-inflicted gunshot before officers entered the home at about 8:30 a.m. on January 2, 2015.

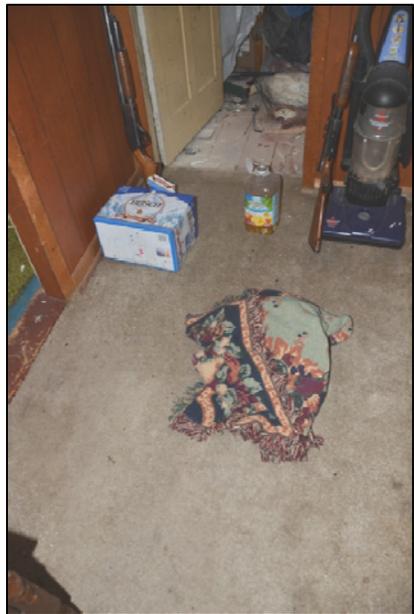
In the subsequent inspection of the Cady home, a total of six long-guns were found positioned in several rooms throughout the house. Two remained behind a wall panel that had been peeled away, leaving the weapons accessible to Mr. Cady. It was clear that Mr. Cady had spent much time positioned at the top of a narrow stairway leading to the second floor, armed with



Top of stairway



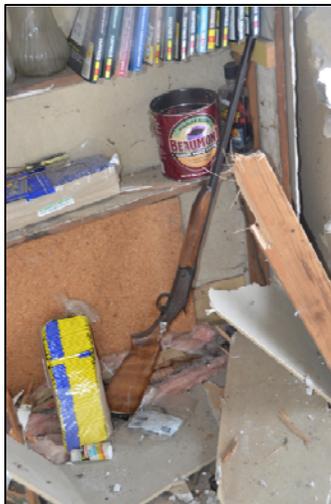
Top of stairway-Gun 1



Top of stairway-Guns 1 & 2



Basement - Gun 3



2nd Floor - Gun 4



Open panel-Guns 5 & 6

two guns, and with a clear line of sight at whomever approached. This textbook "fatal funnel" strongly affirmed the cautious strategy followed by law enforcement, including the decision not to force entry into the house earlier in the event.

This report attempts to describe the incident and the response by law enforcement, answer questions that have been raised, and consider how elements of response to this incident can inform strategies and tactics in future situations.

## **History**

David M. Cady, Jr., age 37, lived in or around the Tompkins County area for approximately 15 years. He appears to have been born and raised in the State of Pennsylvania.

Mr. Cady's criminal record included a 60-day jail sentence in Allegany County resulting from an arrest in 1998, and three arrests for Driving While Intoxicated between 2004 and 2013. The last two DWI's were felony charges that occurred in Tompkins County.

The initial Tompkins County felony DWI arrest occurred in June 2008 and resulted in a sentence of 5 years probation and a \$1,000 fine.

His subsequent felony DWI arrest in 2013 violated the terms of his 2008 probation, causing him to be remanded to the Tompkins County Jail for a brief period in November-December 2013.

Following his release, Mr. Cady was ordered to attend Felony Drug Court under the supervision of the County Probation Department. Mr. Cady violated the conditions of Drug Court and was sanctioned to serve a 25-day jail sentence, for which he served four weekends in the County Jail.

A subsequent violation of Felony Drug Court conditions resulted in an additional 10-day jail sentence in May 2014. Thereafter, Mr. Cady was ordered to attend and/or abide by the conditions of Felony Drug Court.

Despite that order, Mr. Cady stopped attending altogether by the summer of 2014, causing Judge John Rowley to issue a Bench Warrant for Mr. Cady on August 26, 2014. The Warrant directed law enforcement to take Mr. Cady into custody and bring him before the court.

In compliance with Judge Rowley's order, at least twelve documented attempts were made by law enforcement personnel from either the Tompkins County Sheriff's Office and/or the New York State Police to serve the Warrant upon Mr. Cady.

Documents show that Melissa Cady, David's wife, reported on one occasion in November 2014 that Cady was not present in the home, but was at work at Wilcox Tire in Ithaca. When checked,

the employer stated that Mr. Cady had not worked there for months. A month later, Ms. Cady told law enforcement officers that Mr. Cady had moved to Oklahoma and that she had not had contact with him for months. However, sources advised law enforcement that Mr. Cady was continuing to live at the Hornbrook Road address.

These facts led to additional attempts to enforce the warrant and take Mr. Cady into custody, including the evening of December 30, 2014.

## **Initial Response**

On December 30<sup>th</sup>, 2014 at about 7:55 p.m. Sheriff's Office personnel attempted to serve the Arrest Warrant on David Cady at his home at 127 Hornbrook Road in Danby.

Sergeant James Vann and Deputy Matt Haselman met just east of the house and agreed that they would go to the house and would try to determine if Cady was present inside the residence before knocking on the door. The deputies heard voices of an adult male, an adult female and two children inside the residence. Sergeant Vann also saw David Cady for a brief moment inside the house and recognized him from a photograph he had reviewed just prior to arrival.

Now knowing that Cady was in fact present at the location, the two deputies split off to be able to view all sides of the residence in the event Cady attempted to flee the residence. Sergeant Vann then knocked on the same door he and Deputy Haselman had been standing at, which was at the southeast corner of the residence that was believed to be the kitchen area.

Vann said that he heard a male and a female speaking softly to one another, and that after about three minutes the door was opened by a young man later identified as one of the sons, Matthew. Sergeant Vann advised Matthew that he needed to speak with David, to which the youngster replied "my brother?". Matthew yelled for David, and Vann was then speaking with both children, Matthew and David Cady III. Sergeant Vann then asked to speak with an adult.

After approximately another three minutes, an adult female later identified as Melissa Cady came to the same door. Vann advised Ms. Cady that he needed to speak with David and that David needed to take care of the warrants that had been issued for him. Ms. Cady denied that David was present at the residence and said she had not heard from him in some time.

Sergeant Vann then informed Melissa that he had both seen and heard David inside the residence, and further advised her of the law as it pertains to executing a warrant at the subject's primary residence. Vann allowed Ms. Cady a moment inside the home to speak with David Cady. She returned to the door again stating he was not at home, and she was also on a phone stating she was calling her attorney.

Vann advised Ms. Cady that the attorney would likely encourage her to cooperate with the police so that she herself would not get into trouble. Sergeant Vann then let Ms. Cady go back inside and asked that she encourage David to come out and comply with the court order.

After about five minutes went by with no contact with anyone inside the house, Sergeant Vann radioed a request for additional units to head to his location.

Sergeant Vann again knocked on the door and, after an additional two minutes, Ms. Cady returned to the door. Vann said that Ms. Cady appeared to be more shaken by the situation, and that she displayed with her right hand the universal sign of a gun.

Ms. Cady told Vann that David now had a gun and was not going to cooperate. Sergeant Vann then ordered her to get the children and to get out of the house – she refused and retreated back into the house.

At that point Sergeant Vann felt he was in a vulnerable position and retreated back to a covered position in a barn located to the east of the residence.

Over the next 30 minutes or so, and as supporting units arrived on the scene, Sergeant Vann established perimeter coverage of the residence. Vann further advised all personnel that Mr. Cady reportedly had a gun, and he ordered radio protocols for an emergency situation. He also made the initial requests for the IPD/TCSO SWAT Team to respond for what had developed into a barricaded person situation. In accordance with policy, Vann also made notification to Undersheriff Osborne of the situation for initial incident command.

SWAT callout was made 8:29 p.m. for all SWAT personnel, including Critical Incident Negotiations Team (CINT) members to report directly to the scene. Sergeant Vann also continued communications via telephone with Ms. Cady in an effort to get her and the children out of the residence.

At approximately 9:27 p.m. Ithaca PD Sergeant Jacob Young, SWAT Team Commander, arrived on scene and all further incident command occurred from the Incident Command Center that was located in the parking area near the buildings east of 127 Hornbrook Road.

## **Scene Security**

By policy, TCSO Sergeant Vann was responsible for initially securing the scene in and around 127 Hornbrook Road at the beginning of the standoff. As officers arrived on scene they were instructed to get to an assigned side of the residence so that all sides could be viewed and to take cover suitable against what was eventually reported to be a 30/30 rifle. Standard bulletproof vests and patrol vehicles do not provide adequate cover for such weaponry.

Additionally, both ends of Hornbrook Road needed to be blocked off from all but emergency traffic. New York State Police uniformed Troopers were detailed by their supervisors to block Hornbrook Road at the Marsh Road and Rt. 96B intersections for the duration of the operation. No one, including neighbors, media or other non-law enforcement related personnel, was allowed near the Cady residence for their own safety. Unfortunately this order also included operations at the Town of Danby Highway Department, which is accessed by a driveway located to the west of Cady's residence.

## **Mutual Aid**

The goals of the response to the Hornbrook Roads barricading incident were simple and straightforward:

- To achieve a peaceful surrender by Mr. Cady;
- To ensure that he could not escape from the scene and possibly cause injury or death to others, and
- To protect the health and safety of the officers involved.

Although simple, these goals could not be accomplished solely by the resources available locally.

For example, to protect officers from the body-armor piercing bullets of a 30-30 rifle and to shelter them from below-zero weather, armored personnel vehicles were needed. Neither the City of Ithaca nor the Tompkins County Sheriff's Office possesses this type of vehicle. To ensure that swift transportation to a hospital was available if shots had been fired at this remote location, a helicopter close to the site was an appropriate safety feature. To avoid a violent confrontation inside the house, reconnaissance by "robot" devices was preferable to sending in officers; only one is owned by local law enforcement.

Additionally, around-the-clock coverage of the incident required multiple shifts, placing a burden on local personnel resources. To augment the limited number of personnel available to staff the response, personnel support was needed from the New York State Police and, by longstanding agreement, the Elmira Police Department.

To assist with personnel and equipment, the following agencies were involved:

- Onondaga County Sheriff's Office—made its helicopter and crew available for medical transport and also provided its armored personnel carrier and two operators;
- Syracuse Police Department—provided its armored personnel carrier and two operators as well as a "throw" phone;

- Broome County Sheriff's Office—provided its armored personnel carrier and two operators.
- Elmira Police Department—as a part of a long-standing mutual aid arrangement, provided SWAT team members to augment and relieve the IPD/TCSO team, and also made available a small reconnaissance robot;
- Cornell Police
- New York State Police—deployed a SORT (Special Operations and Response Team) unit to augment and relieve the IPD/TCSO SWAT team, provided road access control, and also made three reconnaissance robots available;
- Pennsylvania State Police—provided heavy equipment (“ROOK”) and operator;
- Several agencies provided tear gas canisters;
- Guthrie Trauma Center—positioned a medical transport helicopter and crew on site;
- Bangs Ambulance—positioned an ambulance and crew on site.
- Tompkins County Mental Health Department—provided personnel as a part of its involvement in the Critical Incident Negotiation Team to assist in negotiations.

The mutual aid arrangement allowed two APCs to be positioned in locations that would provide a 360-degree vantage point for officers in the vehicles, and a third APC to use for positioning reconnaissance robots, throw phones, and other such equipment. By having the APCs available to maintain surveillance of the home without subjecting officers to the frigid cold, it also reduced the need for deploying additional officers simply for the purpose of spelling officers who would need frequent relief from the elements.

Mutual aid from surrounding agencies provided an invaluable amount of resources that helped keep officers safe and added to the opportunity to end the incident safely.

## **SWAT Operations**

*(This section of the report was prepared by Ithaca Police Department Sergeant Jake Young, Commander – Ithaca SWAT Team. At points in his report, Sgt. Young references New York State Police notes taken during the times the NYSP provided relief to the IPD SWAT team. In those cases, the authors of this report have inserted the referenced NYSP chronological notes that were prepared by NYSP Sergeant Pastino, Commander of the NYSP SORT Team. To distinguish the IPD and NYSP reports, the NYSP chronology is indented and italicized.)*

The following document is an overview of Tactical Operations that occurred during the 127 Hornbrook Rd. Armed Barricade Incident which began on December 30, 2014 and ended on January 2, 2015. It is important to note that there were a number of moving parts happening simultaneously during the incident and times noted should be considered accurate, but approximate in nature, as each scribe recording the information may have received it at a slightly

different or delayed time. The purpose of this report is to include a look at the SWAT Operations that occurred, however some details of Tactics used are left intentionally generic, so as not to diminish the effectiveness in future operations.

**Background:** The Ithaca Police SWAT Team is a Tactical Team that is comprised of Ithaca Police Officers and Tompkins County Sheriff Deputies. The SWAT Team is a multi-jurisdictional, shared services team that serves all of Tompkins County, NY. The SWAT Team was formed in 1998, after the on-duty death of Ithaca Police Investigator Michael Padula in 1996. Inv. Padula was on the scene of a female that was barricaded in an apartment with a knife. Inv. Padula was fatally stabbed in the neck by the barricaded female and he died at the scene of the call while trying to negotiate with the woman. After this incident that it became clear that there was a need for a specialized Tactical Unit and Negotiator Unit to safely work similar incidents in the future.

The Ithaca Police SWAT Team is a highly trained tactical Unit, which currently includes a total of 16 Officers. All 16 Officers are certified through the New York State Department of Criminal Justice Services (D.C.J.S.) as SWAT Operators and have each attended all training required to operate in that capacity. Furthermore, the Ithaca SWAT Team also meets and exceeds regular monthly training standards, policy standards and best practices set forth by D.C.J.S. to operate a Tactical Team within New York.

Ithaca Police SWAT Team also has a mutual aid agreement with Elmira City Police SWAT Team. This mutual aid agreement is used if either Team has an extended operation or a large scale operation in which they need more personnel. Ithaca Police SWAT also maintains a close working relationship with several other Tactical Teams in our region. These other teams in our region can be called upon to assist with additional resources, such as armored personnel carriers, robots, gear and other tools that may be of use in any given operation.

The command structure of the Ithaca Police SWAT Team consists of a Commander, Assistant Commander and Two Team Leaders and assistant Team Leaders. Supervision of Tactical Officers consists of a very small span of control due to the type of work, which is often technical and dangerous in nature. The Tactical Commander at an incident would be in charge of SWAT Team Members, just as the CINT (Critical Incident Negotiations Team) Commander would be in charge of CINT Members. The SWAT Commander then reports to the Incident Commander and makes recommendations in regards to tactics.

The Critical Incident Negotiation Team, also known as CINT, is a multi-jurisdictional team of highly trained negotiators and mental health professionals from across Tompkins County. The CINT Commander is Sergeant Deb Lawrence of the Ithaca Police Department and negotiators on the team include members from Ithaca Police Department, Tompkins County Sheriff's Office, Cornell Police, Ithaca College Office of Public Safety and Tompkins County Mental Health

Department. The CINT Team works and trains hand in hand with the SWAT Team to work towards a safe resolution on Call-Outs such as a Barricaded Incidents.

### **December 30, 2014**

The narrative below begins on December 30, 2014 at 8:24 p.m. The initial contact and incident actually began at about 7:46 p.m. that date (see Timeline for radio transmissions that occurred prior to the start of the below narrative).

As noted previously in this report, on December 30, 2014 at about 8:24 p.m. Sgt. Jamie Vann of the TCSO was the supervisor on scene at 127 Hornbrook Rd, a Felony DWI warrant attempt, when the female came out of the residence and advised that the warrant suspect, David Cady had a gun and that it was loaded. Sgt. Vann recognized the present danger of the situation for the Officers on scene and as well for the female and teenagers that were still inside. Per protocol Sgt. Vann requested the availability of the SWAT Team.

Notifications were made through IPD on duty Lieutenant Scott Garin who followed notification protocol and at 8:33 p.m. SWAT Commander Sgt. Jake Young was notified about the incident. Sgt. Young agreed that the circumstances that he was given by Lt. Garin did meet the criteria for a SWAT/CINT activation. After getting authorization from Chief Barber, the official activation of SWAT Team Members occurred at 8:47 p.m. via a text to email sent out to Officers.

During the notification process the on-scene deputies continued to work diligently towards getting the innocent persons (female and teenagers) out of the residence. During this time period Mr. Cady remains in the house and at one point yells: "Don't come in or there is gonna be problems!" Further intelligence is gathered that Cady also has a 30/30 Long Gun, which is a rifle that has an accuracy range of about 200 Yards. This type of rifle round will also go through any body armor or standard Police Vehicle.

SWAT Commander, Sgt. Young was in route to the scene and obtained the above intelligence via phone calls and radio traffic while in route. Sgt. Young also put Elmira PD SWAT on stand-by at 9:22 p.m. due to the cold weather and nature of the incident, though the official request for their assistance was not completed until approximately 10:00 p.m. by Deputy Chief Pete Tyler. Sgt. Young arrived at the Danby Fire House (initial staging area) at about 9:22 p.m., just behind the Mobile Command Truck. A minute or so prior to this everyone was advised by on-scene deputies that the female and teenagers were out of the house and in the safe custody of a Deputy. This left only Mr. Cady in the residence by himself.

It was then determined that the best place for the Command Post would be the old Salvage Yard lot next door to 127 Hornbrook Rd. The Command Truck was moved to this location, which provided a safe location that was near by the scene of the incident. After receiving all intelligence updates, such as many of the items listed previously in this narrative, it was determined that Mr. Cady would be considered an armed barricaded individual and the situation, tactics and negotiations used would be barricade resolution based. See below definition of a Barricaded Subject:

***Barricaded Subject(s):***

*Any person who has demonstrated a capability and/or stated the intent to cause death or serious physical injury to a person including himself; who has achieved a tactical advantage by the use of physical obstruction (e.g., building, room, vehicle, or any other natural or man-made barrier) and refuses to comply with demands from police to surrender.*

IPD Investigator Mike Gray, a Team Leader for the CINT Team, was now on-scene and starting initial negotiations with Mr. Cady. Inv. Gray was advised that CINT Commander Sgt. Lawrence was not available, so he would be acting as CINT Commander for the incident. Inv. Gray had already started some initial dialogue with Mr. Cady, however he was positioned back at the Command Post to coordinate negotiation efforts, which he did.

Undersheriff Osborne was now on scene and was acting as the Incident Commander. The Undersheriff was brought up to speed by Sgt. Young on the Tactical resources available and in route. The first Tactical plan was to get in place two react/arrest teams to be able to safely deal with Mr. Cady when he decided to come out. The next plan was to replace the patrol units on the perimeter as more SWAT Officers arrived. It should be noted that it was bitterly cold outside with a temperature of about 15 degrees Fahrenheit and a wind chill of 6 degrees.

The CINT and SWAT Teams were both mobilizing at this point and both had officers arriving on scene and assisting with different tasks as needed. The first react/arrest team was sent out into position at about 9:44 p.m. As more officers arrived a second arrest team was send out and a Sniper/Observer Team was also sent out for purposes of scouting the location and gaining intelligence.

At about 10:32 p.m. the Tactical Operations Center (TOC) received information from units attempting to maintain perimeter security that they needed additional light on side 2 of the location. For purposes of this report the House at 127 Hornbrook Rd. will be labeled by side 1-4, with side one being the front side (facing Hornbrook Rd) and then each side numbered in order, clockwise around the location. Corners are described as a combination of the two sides that

adjoin at the corner. Example – Corner where side 1 and 2 meet would be described as the ½ Corner.

Units that were requesting lights on side 2 of the structure suggested putting out a pelican light (portable battery operated light). Sgt. Young advised to hold off on this and worked on developing a resource that would offer a larger amount of light for a longer period of time and an option that provided a little bit more protection for the Officers deploying the light. Pelican light placement would require an Officer to walk out into an open area to place the light and each light only last about 45 minutes in severe cold weather.

A plan to use spotlights on a NYSP (New York State Police) vehicle was developed, due to the fact that their patrol cars offer two separate spot lights, where other agencies cars only offered one. This would allow us to simultaneously direct 2 separate lights on side 2 of the house. The NYSP Car would not provide full ballistic protection, but it would provide some protection and concealment for the officers deploying the lights.

Two SWAT Operators were assigned to deployment of the NYSP Tahoe and the placement of the lights onto the structure. The plan was to move the NYSP Tahoe into place, turn on the spot lights, lock the vehicle and leave it in place for the remainder of the incident. After Officers completed the deployment they would then quickly move back to a position of cover away from the Tahoe.

At 11:16 p.m. both SWAT Officers advised that they were in route to deploy the NYSP Tahoe. At 11:17 p.m. several reports were called in from units on the perimeter that at least one shot was fired out of the side 2 second floor window. The React/Arrest team who was off the 2/3 Corner reported glass flying from a window on the second floor as the shot rang out. A status check of the two Deputies on the deployment advised us that neither of them had been hit. One Deputy reported seeing the round hit the snow about 20 feet from him and about 10 feet from the NYSP Tahoe. All units were advised to re-check and evaluate their position and attempt to find cover or better concealment.

At about 11:20 p.m. CINT reported to the TOC that Mr. Cady was highly agitated and stated: "if someone doesn't turn lights off someone will get hurt". This was put out to units and put us on high alert, as we believed that at any time Mr. Cady may attempt to shoot at an Officer due to the lights still being on the house. At this point some mutual aid requests for Armored Personnel



Cady Home—Location of shot fired

Carriers (APC) were already being looked into. However, it was now clear due to the shot out the window at police and the threats from Mr. Cady that we would need some APC's in order to keep officers on perimeter safe. (See Mutual Aid Section for specific requests related to APC's.)

### **December 31, 2014**

The CINT Team continues negotiations with Mr. Cady while SWAT Members continued to maintain a perimeter of the location and gain any intelligence regarding Mr. Cady's whereabouts within the house. On 12:22 a.m. the final patrol unit is relieved from their perimeter location and SWAT Officers are now fully deployed at the location. Elmira SWAT was also now on scene and available to start rotating some of the Officers that had been out in the elements for over 2 hours. The temperature was now 8 degrees Fahrenheit.

Over the next 2 hours all SWAT Operators were in the elements and needed to rotate frequently due to the cold and wind. CINT continued to negotiate with Mr. Cady on and off, but no one on a perimeter was able to get a visual of his location, as most of the house was dark on the inside.

At around 2:00 a.m. the APC's from regional agencies started arriving on-scene. This resource provided us with the ability to have Officers protected from the type of gunfire that we believed Mr. Cady had, provide warmth to officers and provide extra lighting onto the residence to better see what was going on inside. Once the APC's started arriving Officers were assigned to them and tasked with a position to observe the house.

Into the early morning hours of December 31<sup>st</sup> negotiation efforts continued for several hours. Several times throughout these hours it appeared that Cady may come out, but he did not. At one point Mr. Cady stated that he would come out and an agreement was worked out that he would not be proned out or made to lay in the snow when officers moved up to handcuff him. Mr. Cady was advised that we would allow this and he stated that he would unscrew the front door of the residence and come out. SWAT Officers had a plan in place to meet Mr. Cady's needs, but this never happened and Mr. Cady stayed inside the residence.

Negotiations with Mr. Cady continued up until just after 4:00 a.m. One of the final communications from Mr. Cady was that he was armed up and to come get him. This was an indicator that Mr. Cady was intent on staying inside and an indicator that if we were to make entry a gun fight would be likely to ensue. DA Wilkinson was also notified about the incident during this morning by Undersheriff Robison, who was now on scene.

Once contact was lost with Mr. Cady and attempts to get him back on the phone were unsuccessful, further efforts were made to get Cady to come out from the residence. Several

NFD's (Noise Flash Devices) were deployed in strategic locations on the outside of the residence in an effort to get Mr. Cady to come out of the residence. The NFD's produced no result or movement from Mr. Cady.

In a continued effort to get Mr. Cady to come out of the house, a set of 40 MM direct Impact (tear gas) rounds were put into the location through pre-designated locations. These direct impact rounds were sent into the house using the same procedure set forth for gas deployment into a structure. Our hope was that these would break Mr. Cady's mind set of staying inside and make him want to get out of the house, since it broke some windows. After deployment there was still no response from Mr.Cady.

Meanwhile negotiators continued attempts to contact Mr. Cady via his cell phone and the house landline phone. These attempts were not successful and nothing was heard or seen from Mr. Cady. Preparation to deploy gas into the house began at this time and the setup and preparation of our robot also began so that both were available if needed. At this point there was no way to safely deploy the robot into the structure, especially since we were told by Mr. Cady that at least the front door had screws holding the door closed.

At 4:43 a.m. approval was received from the Incident Commander to begin a systematic gas plan, using CS (tear as) and OC (pepper spray) via 40 MM Ferret Rounds. These rounds would be systematically send into the structure in an effort to make Mr. Cady uncomfortable and want to get outside. This deployment method also allowed officers to remain in a safe position during deployment.

At about 5:51 a.m. systematic gas into the location continued and there were several areas in the structure that we did not believe we could reach with the Ferret rounds, including a hidden or blind room near the 3/4 Corner that we were told about and the basement. For these areas we used the Syracuse PD Bearcat to deploy gas via an extension on the APC. This extension would puncture an area and release the gas. It also had the capability of a camera so each location could be visually checked prior to and after gas deployment. During all points of gas deployment we did not get any feedback from Mr. Cady or a visual of Mr. Cady during the gas deployment. It was unknown where in the house he was during this period of time.

Once systematic gas deployment was completed, the Syracuse PD APC was able to use a tool extension and open one of the doors on the 3-side of the location so that an attempt to get a robot in would be successful. Once this rear door was opened the Ithaca SWAT ICOR robot was prepped for deployment. During this time CINT Members continued to make attempts at reaching Mr. Cady through one of his phones, but were unsuccessful in getting him to answer.

At about 7:48 a.m. the first robot entered the house from side 3. At 8:13 a.m. a second ICOR Robot, run by the NYSP SORT also made entry into the location. Several rooms on the first floor,

including the kitchen, bathroom and living room were checked by the robot and showed no sign of Mr. Cady. As noted in the timeline each robot got stuck at least one time during the search. The NYSP SORT Robot became disabled during the search of the first floor.

The IPD ICOR robot was able to get unstuck and attempt to make it up the stairs to the second floor. The IPD ICOR attempted several times to get up the stairs, but fell down the stairs several times. This was due to the height of the tread and the smooth, travel polished wood on each step, that provided no tread. The IPD ICOR robot was eventually inoperable and was never able to reach the 2<sup>nd</sup> floor of the house.

A third robot was also put into the location at 9:05 a.m. This robot, an Avatar 2 tactical robot, was on loan to Ithaca PD SWAT from the New York Tactical Officer Association. This robot does not have an arm, but was able to get into the first floor. Once in the first floor the signal became weak and this robot became useless to searching in the house.

At about 9:26 a.m. a Recon Scout Robot (borrowed from Elmira PD) was deployed from an APC into the second floor of the house. This robot is small and is limited in the ability to maneuver, but would allow us to throw it into the second floor. Officers were able to safely get this into the second level side 1. Once inside Officers had a view into the room, but were not able to drive the robot out of the room it was deployed into. Mr. Cady was not seen in this room.

At 9:44 a.m. officers began checking some of the windows on side 2 and the basement windows using an extended pole camera from the APC. Nothing was seen during these checks. At approximately 10:00 a.m. the Tactical Operations was turned over to NYSP SORT. NYSP SORT would continue working on efforts to get Mr. Cady to come out. It was agreed that if Mr. Cady did not come out prior to 6:00 p.m. that Ithaca SWAT would take back over Tactical Operations. Between 10:00 a.m. and 6:00 p.m. the Tactical Operations were run by NYSP SORT (see NYSP Notes below for details regarding tactical operations during this period.)

*NYSP Notes for December 31, 2014*

*10:10 a.m. Relief of Ithaca, Elmira, Broome County*

*11:23 a.m. CS gas deployed in basement from Bearcat*

*11:54 a.m. Still no contact with suspect*

*11:57 a.m. BDU robot is deploying into residence*

*12:24 p.m. Black lab dog seen by robot in residence*

*12:46 p.m. BDU robot attempting to move disabled robot on 1/2 corner*

1:03 p.m. Robot cleared living room

1:23 p.m. Syracuse relief personnel on site doing relief

1:29 p.m. Robot moving debris around first floor so it doesn't get stuck

1:43 p.m. Front door opened by BDU robot from interior

1:54 p.m. Syracuse Bearcat going to use Bearcat camera to look into basement

2:08 p.m. Bearcat camera in basement

2:14 p.m. Camera cleared most of basement. Freezer did not look out of place. There is a blind spot under the stairs and couldn't see deep into the 4 side

2:29 p.m. Syracuse Bearcat being repositioned to 1-side to watch 2<sup>nd</sup> story stairs

3:05 p.m. Robot cannot make it up stairs

3:55 p.m. BDU robot flipped over by front door in front of stairs

4:15 p.m. Capital team relieved

4:15 p.m. Aviation used to check property for footprints or any evidence of suspect

5:20 p.m. Subject seen on 1<sup>st</sup> floor 1-side coming from 3-side

5:27 p.m. Subject has long gun in his arms 3/4 corner

5:30 p.m. Subject spotted 4-side by garage port

5:47 p.m. Suspect still on 4-side 3/4 corner

6:30 p.m. Sergeant relieved for evening

5:00 p.m. Sgt. Young arrived back on scene and was debriefed by NYSP Sgt. Ron Pastino who was running the Tactical Operation. Sheriff Lansing was also on scene as the Incident Commander. Sgt. Pastino went on to update Sgt. Young on following: 2 Larger Bomb robots were used during

the day and are now both disabled in the first floor of the house. Cameras were also used from the outside of the day during the day and no sign of Mr. Cady was seen.

At about 5:18 p.m., while Sgt. Young was getting debriefed, NYSP SORT Officers reported back that they could see Mr. Cady walking around the first floor of the location. A few minutes later it was reported that they could see him again near the  $\frac{3}{4}$  Corner and that he was carrying a long gun in his hands. Mr. Cady was seen moving around several other times over a period of 27 Minutes and was last seen at 5:47 p.m. near the  $\frac{3}{4}$  corner.

At 6:00 p.m. Ithaca SWAT officers, assisted by Elmira PD SWAT, were arriving on-scene and preparing to take over for NYSP SORT. It should be noted that the temperature at that time was 19 degrees Fahrenheit with a wind chill of 8 degrees.

Since Mr. Cady was recently observed up and walking around, the goal for the upcoming hours was to continue to attempt to get him access to negotiators and work to make him uncomfortable to the point that he wants to come outside. Preparations to deploy the throw phone and a second gas plan were also worked on. Due to the use of a majority of our on hand Gas on the previous evening, a request was put out to borrow appropriate gas from other regional teams. (See mutual aid request narrative for details on agencies that assisted.)

More detailed floor plans also became available and we learned more about the precise location of a hidden room or alley that was near the  $\frac{3}{4}$  corner of the house. While preparation of the throw phone continued, Syracuse PD's APC probe/camera was used to locate the hidden space and see if Mr. Cady was inside this area. The location was probed with the APC and the camera did not observe Cady. It should be noted that throughout this time period Loud Hail's from the Onondaga County APC were given at regular intervals speaking to Mr. Cady and asking him to come out from the residence. These were unsuccessful and Mr. Cady remained inside the house.

At 8:09 p.m. the IPD Throw Phone was deployed in a pre-determined location and by 8:37 p.m. we had a live audio feed from inside the first floor of the residence. Continual attempts were then made to ring the throw phone device in hopes that communication could be re-established with Mr.Cady.

At 9:07 p.m. Undersheriff Robison took back over as the Incident Commander. All gas resources were now on site and organized by assigned Officers. A gas deployment plan was developed and put into place by Assigned Team Leaders, Sgt. John Joly and Sgt. Jeff Cole. Simultaneous deployment of gas via 40MM, 37MM & Hand Deployable CS was set into motion at 9:11 p.m. via two APC's.

At 9:13 p.m. CINT reported hearing coughing from inside the house and a short time later Mr. Cady can be heard walking around inside the house. Due to the fact that there was no live video

it was unknown where exactly Mr. Cady was in the house. Mr. Cady was heard walking around a second time at 9:21 p.m. Both gas teams continued to systematically complete their gas plan and attempt to reach all areas within the house.

In the meantime a tactical plan was also being developed to cut off the power to the location. A team was formed and executed the plan and turned off the power without incident. The power to the house was turned off at about 11:30 p.m. on December 31, 2014

### **January 1, 2015**

During the early morning hours of January 1<sup>st</sup> Team Leaders worked at getting gas into locations that appeared to have been missed on the initial gas plan, one of these areas being the crawl space on the 3 side basement area. A hole was also made using the APC Ram in the  $\frac{3}{4}$  corner to access the area off the car port.

At 3:54 a.m. we received a second throw phone from Syracuse PD and developed a plan to deploy this phone into a second pre-determined location within the house. Our goal with the second phone was to gain more intelligence and offer Mr. Cady another outlet to communicate with us. Once this second phone was deployed, CINT Negotiators continued to attempt and get Mr. Cady to answer this phone.

At 4:59 a.m. a second Avatar Tactical Robot (borrowed from Cayuga County) was deployed into the basement of the location in an attempt to take a better look at the crawlspace area that was not easily seen from the outside of the house. This robot had some success moving around in the basement but eventually got stuck on items cluttered near the basement stairs. Cady was not observed in the basement areas that were checked.

No further activity is seen or heard until 7:52 a.m. when CINT reports that they can hear Cady coughing from the audio feed within the house.

At 8:00 a.m. Sgt. Young met with NYSP SORT Sgt. Pastino for a Tactical Operations brief regarding what had happened throughout the night. Both Tactical Commanders reviewed the totality of the circumstances: threats made by Cady about being armed and to come get him, the round fired at Police and the fact that we have confirmed Cady was still moving around the house with a long gun at hour 22 of the barricade; both felt it had very similar circumstances to the Herkimer County barricade in 2013 with suspect Kurt Meyers. The 2013 barricade in Herkimer NY ended in a shootout with Police inside the building and had similar indicators to the current barricade. It was our belief that Cady may be waiting for a physical entry into the structure and would then initiate some type of gun fight.

Based on the circumstances of the incident it was determined that we needed to explore more options to look inside the house prior to any human going inside. NYSP SORT stated that they were going to look for an agency to bring their ROOK (armored bobcat) to the location as another resource to look inside the structure. The ROOK would allow the coordinated removal of walls as well as other attachments that would allow us to get better looks into the basement, 2<sup>nd</sup> floor and attic areas. NSYP SORT stated that they would reach out to contacts at the Pennsylvania State Police, as they have ROOK's available.

At 8:12 a.m. the Tactical Operation was turned over to the NYSP SORT Team. Sheriff Lansing was also on scene and took back over as the Incident Commander. It was determined that if the incident was still on-going later in the day that that Ithaca SWAT would take back over tactical operations at 8:00 p.m.

Between 8:00 a.m. and 8:00 p.m. the Tactical Operations were run by NYSP SORT. See NYSP Notes below for details regarding tactical operations during this period.

*NYSP Notes for January 1, 2015*

- 8:00 a.m. SORT relieved night shift teams on perimeter*
- 8:45 a.m. MRT 4 has two negotiators going to 1/4 corner*
- 9:17 a.m. Negotiators still attempting to gain a response*
- 9:33 a.m. Syracuse Bearcat making hole in front of house to get a view of stairwell*
- 9:41 a.m. MRT 1 to deploy 37 MM CS Ferret in small bathroom window on 4-side*
- 9:43 a.m. Syracuse Bearcat checking ram to see if bent*
- 9:46 a.m. Coughing was heard after the ferret rounds on 4-side*
- 9:53 a.m. Appears subject barricaded window above bilco door*
- 9:59 a.m. Barricade is now out of window*
- 10:01 a.m. Tri-Chamber going to be deployed in hole on 3/4 corner*
- 10:04 a.m. Request to deploy CS—approval given*
- 10:58 a.m. MRT 1 at 3/4 corner*
- 11:01 a.m. MRT 4 deploying trichamber in 3-side, first floor*

11:23 a.m. Syracuse Bearcat deploying trichamber in 2-side basement window

11:45 a.m. Camera placed 2/3 corner outside

1:40 p.m. Pennsylvania State Police on scene with Rook

1:46 p.m. MRT 4 giving PASP Rook operator recon of residence

2:16 p.m. Rook being used 1/4 corner basement 1/4 side

2:33 p.m. 1/4 corner basement windows out, moving to 1/2 corner

2:27 p.m. 1/2 corner both windows breached, moving to 2-side

2:36 p.m. Syracuse Bearcat deploys trichamber in 2-side basement

2:51 p.m. Syracuse deploying trichamber in basement 3/4 corner

3:01 pm. Rook 1/4 corner opening up foundation

3:06 p.m. Rook moving to 1/2 corner. Several gas cans located in basement, and basement freezer located with blankets over it and extension cord going into it

3:17 p.m. Syracuse bearcat going to deploy flashbang at Freezer in basement

3:41 p.m. Rook probing 2<sup>nd</sup> floor

3:45 p.m. 2<sup>nd</sup> floor 1/2 corner kid's bedroom clear

3:51 p.m. 2/3 corner 2<sup>nd</sup> floor clear

4:13 p.m. Rook to TOC to meet with Major

4:30 p.m. Rook has fire pole on front and will attempt to open freezer in basement

4:33 p.m. Freezer lid open, nothing inside

4:45 p.m. 2-side being opened by Rook and 2-side into basement crawl 1-side

4:50 p.m. Rook prying opening to 3/4 corner crawl space

5:03 p.m. Rook repositioning to put barricade on

5:55 p.m. Pole cam with thermal in crawl space

7:21 p.m.      *Cleared 2<sup>nd</sup> floor with pole cameral thermal*

7:32 p.m.      *Trichamber being deployed in crawl space*

8:00 p.m.      *No response from trichambers*

8:30 p.m.      *SORT relieved for evening*

At 8:00 p.m. Sgt. Young returned and was briefed regarding things that had occurred during the daytime hours of the operation. NYSP Sgt. Pastino gave the following updates: Gas was introduced into the first floor and Mr. Cady was heard coughing in the morning hours. At 9:53 a.m., Mr. Cady was observed blockading the first floor window on Side 4 near the cellar door. The Pennsylvania State Police ROOK arrived at about 1:00 p.m. and a systematic plan was developed to remove parts of the exterior of the house where Mr. Cady was last seen and heard. Scene lights were also put into place for the night time hours. Sgt. Pastino further stated that at the current time the ROOK was still working near the 3/4 Corner of the house. It was believed at this time that Mr. Cady was either on the first floor near the 3/4 corner or possibly in the basement crawl space area.

At 8:21 p.m. Ithaca SWAT Team took over tactical operations and the ROOK operator was changed onto our frequency. Undersheriff Robison also took back over as the Incident Commander. From 8:21 to 9:04 p.m. the ROOK operator worked to systematically remove portions of the car port and wall near the 3/4 corner. A crawl space was located during this. CS gas was then placed into the crawl space in hopes that if Mr. Cady was in there it would make him come out. This CS gas yielded no result.

At 9:36 p.m. the ROOK operator advised that it was too dark, even with scene lighting, to complete work on side 4. The ROOK operator advised that they would stay the night locally and get back to working on the incident in the morning when there was natural light. It was determined at that point that the perimeter would be held and loud hails would continue through the night until the ROOK operator could return and complete the work.

### **January 2, 2015**

Late in the evening of January 1st Syracuse PD advised that they had a Long Range Acoustical Device (LRAD) that could be used to more effectively loud hail to Mr. Cady in hopes of getting him to come out. At 1:50 a.m. the LRAD arrived and was set up on the Syracuse PD APC. A message to Mr. Cady was pre-recorded and played towards the house on and off throughout the early morning hours. All perimeter units continued to watch the house for any signs of Mr. Cady.

At 7:39 a.m. NYSP SORT Sgt. Pastino arrived back on scene to get briefed regarding what had transpired overnight.

*NYSP Notes for January 2, 2015*

*8:00 a.m. SORT relieving Ithaca on perimeter*

*8:04 a.m. Radio turned on in house by suspect*

*8:16 a.m. Rook starting to remove debris in 3/4 corner*

*8:27 a.m. Rook located body under washer*

*8:32 a.m. MRT 4 moving forward to check body*

*8:34 a.m. MRT 4 confirmed suspect deceased*

At 8:00 a.m. the ROOK operator arrived back and began working on systematically removing wall pieces on side 3 and 4. At 8:27 a.m. the ROOK operator advised that he removed a piece of the wall near the bathroom on side 4 and that he was able to see a body under a washer. The ROOK operator was able to remove the washer for a better view and reported Mr. Cady appeared deceased.

Officers moved up in the APC and verified that Mr. Cady was deceased. NYSP SORT had just arrived out to the area got out on foot to verify. Once this was verified, everything was left in place as it was and the scene was turned over to NYSP Crime Scene Unit for evidence collection and documentation.

After the NYSP Crime Scene Unit completed their investigation regarding the incident a final walk through was completed to check for any missed gear and to access the location. During the walk through it was discovered that many of the rooms within the house had drop ceilings. This was not known to us during the incident and likely made a large amount of our gas deployment ineffective. Gas still got put into the location, but much of the launchable gas likely got stuck on top of the drop ceiling and never made it down into the room, where it was intended.

## **Critical Incident Negotiating Team (CINT) Operations**

This section provides an overview of the Ithaca Critical Incident Negotiation Team (CINT) involvement in this incident. As stated earlier in this report, the team is comprised of law

enforcement officers from multiple agencies in Tompkins County, as well as Tompkins County Mental Health. The information that follows was derived from a CINT timeline and incident reports filed by the following team members: IPD Lt. Deb Lawrence (Team Leader), IPD Sergeant Melissa Harmon, IPD Investigator Mike Gray, and TCSO Deputy Pete Walker.

CINT members were activated simultaneously with SWAT at about 8:47 p.m. on December 30 and were directed to report directly to the scene at the Command Center. Upon arrival Investigator Gray, a CINT Team Leader, was assigned as Incident Commander for the operation. Inv. Gray arrived on scene at about 8:45 p.m. and got a situational briefing.

To best describe CINT efforts and interactions with David Cady from that point until Cady terminated all contact with negotiators, Investigator Gray's narrative report follows:

01/30/2014 AT ABOUT 8:45pm I responded along with the SWAT Team and other CINT members to assist in dealing with a barricaded subject that was held up in his house allegedly with weapons refusing to come out to deal with warrants that were issued for him for DWI related offenses.

Upon arrival at the scene I met with Deputy Ninnivagi and an unknown NYS Trooper that had taken a position behind a tree at the 1-4 corner of the suspects residence. Also present at the tree was a Sheriff's intern and another civilian that was identified as the friend of the barricaded subject.

After getting a brief situational report I determined that it was not necessary to have the civilians or the uniformed LEO's as close to the scene as they were. I recommended that the officers and the civilians withdraw with me to the rear of some vehicles that were another 150 feet away from the residence thus providing distance and some cover at the rear of the vehicle. After obtaining a further situational update and upon hearing that the female and children that were in the house had been removed I decided to attempt contact with the barricaded subject that was now identified to me as David M. Cady.

I called Cady on a number provided to me that was reported to be his cell number. I made contact with Cady at which time I identified myself to him. Prior to my saying anything further Cady began screaming at me at calling me a liar. Cady insisted that I stop lying to him and then told me I needed more training. I then assured Cady that I was who I claimed to be and asked Cady what we could do to resolve the situation. Cady remained extremely agitated and irrational refusing to answer questions and repeatedly screaming obscenities and accusations at me. I assured Mr. Cady that I wanted nothing more than to resolve the situation without anyone hurt but added that the resolution had to

involve him coming out of the house. Cady continued behaving and talking irrationally by screaming at me about things that were not occurring.

At that point I suggested to Cady that he take a minute to compose himself so that we could have a conversation about what was happening and how it could be resolved. I informed Cady that I would be calling back soon and he agreed to take my call.

At this point I made my way to the Command post that was set up in truck 99. Upon arriving in the truck I established contact with Cady a second time. This time Cady seemed more rational and even apologized for his outburst during the earlier call. Cady then began making demands that we get all of the cops out of his yard and away from his house. I explained to Cady that we could not leave and that he needed to make a decision as to how he would surrender himself.

Cady stated that I shouldn't lie to him and tell him he wasn't going to jail. I assured Cady that I had no control over him going to jail but added that he likely would. I further explained to Cady that nothing that happened today was irreversible and added that he only needed to deal with his DWI issues.

Cady became agitated again for no particular reason that I could identify. He began making hostile threats that the cops better move away from his house and that he could hurt people. I relayed this to tactical command Sgt. Jake Young. Cady then terminated the call.

I established communications with Cady on a few more occasions. When I did I was very honest with him regarding his need to come out with his hands showing. Cady voiced a concern about being tackled by the police to which I replied that he would not as long as he did what he was instructed to do. Cady became increasingly agitated and became insulting and refused to listen to anything I had to say. Once my final call to Cady was terminated I had no further direct conversation with him as I had asked Sgt. Harmon to make an attempt with him. From that point forward I assumed the CINT command role. As Harmon was communicating with Cady, Walker served as a coach. See the supplement by Harmon for details of her efforts with Cady.

At this point Sgt. Harmon and Deputy Walker had arrived. After a brief period of time Sgt. Harmon took over as the primary negotiator and Walker served as coach.

Officers Gonzales and Norman from the Cornell Police also arrived and assisted with various tasks including debriefing Cady's wife Melissa and being a liaison between Melissa Cady and the CINT team.

Sometime around 12:30AM on 12/31/14 I attempted to have ATT modify the incoming and outgoing call ability on Cady's cell phone. This was never accomplished to the level we requested.

Negotiation between Cady and Harmon and then Cady and Walker continued until approximately 4:15AM at which time I heard Cady yell, "I am armed up, Come get me".

From that point there was no two-way communication with Cady. Multiple attempts were made to contact Cady via home phone and Cell phone with no contact being made.

Through monitoring listening devices that were deployed into the house we heard coughing, movement and eventually a drill being operated that could only be attributed to Cady

The situation ended when Cady was found deceased at approximately 8:30 AM on 01/02/15. No further action was taken by writer.

All reports from various other members of the CINT Team contain information similar to Investigator Gray's. While not inserted into the text of this report, such additional documents are referenced in the appendix.

Clearly many conversations were had by CINT negotiators with Mr. Cady during the initial hours of the standoff. He was described as irrational at times, yet other times seemed to calm himself and spoke as if he was going to come out of the house and surrender peacefully. His wife was present in the Command Center and took a role in trying to end the situation. Despite all efforts for a negotiated, peaceful resolution, David Cady chose not to come out of the house and instead armed himself awaiting a possible confrontation with police inside the house. Cady's last words to CINT were "I'm armed up – come get me".

As evidenced by the CINT timeline and call logs, even though Cady wished not to speak with negotiators after about 4:15 a.m. on December 31<sup>st</sup>, scores of calls were made to him thereafter and throughout the duration of the standoff in an effort to end the incident peacefully.

## **Scene Documentation / Evidence Processing**

Immediately upon the discovery of David Cady's body inside the residence, the scene was turned over to law enforcement investigators for documentation and collection of evidence. It is customary that such functions are not done by the agency that is responsible for the incident. The New York State Police Troop C Forensic Investigations Unit (FIU) conducted the scene investigation. NYSP Sr. Investigator Steve Andersen was in charge of the investigation with

fellow NYSP Investigator Jeremiah Allen, and they were assisted as needed by TCSO Investigator Charles Bernhardt , Investigator John Federation and Deputy Dawn Caulkins.

The scene was first photographically documented with all evidence in place, including Cady's body. A total of 292 photos were taken showing the exterior and interior of the house and anything of possible evidentiary value. A total of 32 items were taken into evidence, including six long guns (rifles and shotguns) found in various locations throughout the house. Particularly disconcerting were two loaded guns found at the top of the stairs leading to the second floor of the residence.

Additional evidence found in that immediate area included numerous empty beer cans, butted cigarettes and a plastic juice bottle half full of urine, and a blanket lying on the floor. This suggests that Cady spent considerable time in that area of the house and was likely waiting for law enforcement to enter the residence and attempt to go up the stairs and into an obviously dangerous situation.

All evidence was individually marked and secured. Items 1 – 23 were turned over by NYSP Inv. Allen to TCSO Investigator John Federation and were subsequently placed into evidence. Items 24 – 32 were directly related to the deceased. These items accompanied Cady's body to his autopsy and, upon the completion of the autopsy, were turned over by Inv. Allen to TCSO Deputy Caulkins and also secured into evidence.

## **Autopsy Findings**

A forensic autopsy was conducted on the body of David Cady at Lourdes hospital in Binghamton, NY by Forensic Pathologist Dr. James A. Terzian. Present for the autopsy was NYSP Forensic Investigation Unit Inv. Jeremiah Allen and TCSO Deputy Dawn Caulkins.

A final autopsy report has not been received at this time. It is normal for such reports to take several weeks to complete – this section of the review will be amended when the final report is received.

## **OTHER CONSIDERATIONS**

### **Weather Conditions**

Low temperatures and winds during this incident presented operational difficulties. In the initial hours of the standoff personnel at the scene were exposed to the elements and the threat of hypothermia was present. Command officials at the scene were aware that even the initial stages of hypothermia can cause impairments in motor skills and judgment, which played into

the decision to put out requests for the APC's, which gave law enforcement protection of not only the threat of gun fire but also the weather conditions.

An Hourly Observations log has been received from the Cornell Meteorology Department which shows the hour by hour weather conditions that existed during the span of the incident. Outdoor Fahrenheit temperatures generally ranged between the low 20's to mid-teens and, coupled with at times a 10-15 mph wind, yielded an effective temperature in the low single digits to near zero throughout much of the event.

## **Notifications to Other Officials**

As this incident progressed into the early morning hours of December 31<sup>st</sup> numerous government officials were contacted and apprised of the Hornbrook Road incident. Of local relevance was an early morning notification of District Attorney Gwen Wilkinson, who acknowledged the significance of the situation and responded personally to the scene and was given updates throughout the remainder of the incident. County Administrator Joe Mareane was notified and also given several updates as time went on. IPD Chiefs made Ithaca Mayor Svante Myrick and Chief of Staff Kevin Sutherland aware of the incident as significant City personnel were involved with the SWAT and CINT operations.

Secondary notifications were made to the Director of Emergency Management, Lee Shurtleff, who brought vehicles and lighting to the scene, the Danby Fire Chief who opened the fire station for law enforcement use of the bathroom facilities, etc., and the Danby Highway Superintendent, who agreed to unlock the diesel fuel tank at the highway department so that the vehicles being used in the operation could be refueled. Unfortunately, as stated above, the highway department building is located immediately southwest of 127 Hornbrook and the access road to the building was adjacent to the property. As such, Town of Danby personnel were not allowed access to their building for safety reasons. One snow event did occur during the standoff and arrangements were made for snow removal on Danby town roadways by nearby local highway departments.

## **Logistics**

Significant logistical issues developed as a result of the scope and length of this incident. Generally, law enforcement and other assisting personnel were on scene for shifts in excess of 12 hours at a time. In addition to the 15 or so officers who were directly involved in the tactical operations at any given time, the incident command and support staff, negotiating team, on-site medivac and ambulance crews, and others involved in some aspect of the operation meant that there could be as many as 40 people at or near the scene. It was necessary to provide them with food and beverage while on duty. Sandwiches, pizza, coffee, water and the like were

arranged for by the Command Center, and the pickup and delivery of same was by assigned personnel and brought back to the Command Post.

It is noted that several businesses/grocery stores generously donated or provided reduced cost items for the people involved. Some law enforcement personnel, namely members of the NY State Police SORT Team and the Pennsylvania State Police members, were lodged in local hotels on a limited basis as they had traveled great distances that made it prohibitive for them to commute back and forth between shifts. Hotel arrangements were also made for Ms. Cady and their children nearby while the incident was ongoing.

Ithaca SWAT, comprised of TC Sheriffs Office and Ithaca PD members, as the team requesting aid from other jurisdictions, agreed it was proper to bear the cost(s) for the above mentioned expenses for the operation. These costs have been shared by both agencies.

## **Media Relations**

Command staff at the scene recognized as this incident unfolded there was a possibility that significant time and resources may be necessary before the standoff was resolved. Command further recognized that information about the incident needed to be released to the public via the local media. Three press releases were written while the incident was going on, and an additional two releases were done after the incident was over. Also, Sheriff Lansing availed himself to a multitude of media members in the days and weeks after the incident for follow-up interviews.

It is noted that while the standoff was ongoing, all information released came from law enforcement personnel only. This was necessary to ensure that no tactical or operational information was given out that may be transmitted somehow to Mr. Cady. This became especially germane when CINT members listening in on devices that had been placed into the residence could hear a radio transmitting a newscast of the standoff possibly from a battery operated radio Mr. Cady had with him.

## **Costs**

Large scale events requiring significant resources, including personnel, do unfortunately occur from time to time. Fires, floods, law enforcement incidents, etc. have to be responded to with personnel in sufficient numbers to hopefully handle the event in the safest, most cost effective way possible. Many times it is accomplished by using Mutual Aid Agreements that have been put into place for exactly those reasons. This incident involved numerous law enforcement agencies that committed varying levels of resources. All personnel costs associated with the operation were paid by their respective agencies.

The Sheriff's Office did experience significant personnel costs as a result of this incident. TCSO personnel participated in all phases of the operation, including being on the initial call, as members of the SWAT or CINT teams, and Investigators conducting interviews and taking statements. Additional personnel were used to "backfill" routine patrols for the Sheriff's Office while the other members above were otherwise reassigned. The additional payroll costs were exacerbated by having one of the days of the incident occurring on a contractual holiday, New Year's Day, which carries an additional monetary benefit. The overall added payroll costs for this incident were \$13,444.00.

Additional costs incurred were:

Munitions – Ithaca SWAT	\$8,579.40
Munitions – reimbursed to departments (Cayuga Co. Sheriffs Office, Binghamton Police Department, Elmira Police Department)	\$2,446.05
Food/drink/supplies at the scene	\$1,908.96
Hotel rooms (PA State Police)	\$ 345.00

These additional expenses are shared between the two agencies that comprise the Ithaca SWAT Team (TCSO & IPD). SWAT related expenses (equipment, munitions, training, etc.) have routinely been shared since the inception of the team.

**Best Practices: Applying the Lessons Learned in Other Barricading Incidents**

As will be the case in the Danby incident, law enforcement learns from experience and applies those lessons when similar situations arise. The 2013 barricading event in Herkimer County that ended with the death of a suspect after he opened fire on officers was certainly on the minds of officers who responded to the Danby incident, and reinforced the caution exercised throughout the incident. Two years before, a barricading incident ended with the death of a deputy sheriff and suspect in the small town of Augusta in Oneida County. Following the Oneida tragedy, a well-regarded "After Action Review and Report" was prepared by an expert panel that identified lessons to be learned and applied. The report is available at:

[http://oneidacountysheriff.us/download/OCSO\\_Knoxboro\\_Rd\\_AAR\\_122013.pdf](http://oneidacountysheriff.us/download/OCSO_Knoxboro_Rd_AAR_122013.pdf)

In applying the lessons learned in that incident, the Oneida County Sheriff's Office implemented the following eighteen measures intended to minimize the risk of a similar tragedy in the future.

1. Mandated monthly training schedule for the Emergency Response Team.
2. Reconsidered the manner of utilization of less lethal munitions in situations where a suspect armed with a deadly weapon is a potential threat.
3. Require a minimum of three negotiators on scene when working in that capacity.
4. Required the use of "white board" NIMS/ICS standards of accountability at all critical incidents.
5. Upon ERT (SWAT) taking tactical command of a scene, no ancillary or support staff is allowed within a designated inner perimeter without proper training.
6. Members of the OCSO (Sheriff's Office) are assigned to definitive roles at critical incidents, and are not serving in multiple capacities, depending on the size and scope of the situation, as required by proper use of the Incident Command System.
7. The OCSO is currently in the process of purchasing an armored vehicle.
8. The OCSO recently purchased a Robotex surveillance tactical robot.
9. The standardized use of a drop phone for negotiations.
10. The acquisition of a new, improved, and updated drop phone unit.
11. The acquisition of powered portable lighting systems.
12. Early request/ notification for mutual aid in critical incidents with an understanding that it is virtually impossible to be able to handle all situations without assistance.
13. Reevaluated and made revisions in the use of certain types of ammunition.
14. The OCSO now conducts post incidents debriefings.
15. The members of the OCSO now qualify with department issued shotgun and AR15 twice a year.
16. The OSCO now has members trained in Critical Incident Stress Management (CISM) and Peer Support and have established an agency team.
17. The OCSO is currently in the process of purchasing a self-contained mobile command post.
18. Following the incident, the OCSO took the following actions in regard to the members involved in the incident:
  - All involved were placed on a mandatory 48 hour administrative leave from their duties.
  - Some members were given extended paid leave by the agency.
  - The services of the NYS Police Peer Support Team, the County Employee Assistance Program (EAP), and local clergy services were utilized.
  - A spousal support meeting with the county EAP was arranged.
  - Group and individual support meetings were held.

With the exception of owning Armored Personnel Carriers, that were borrowed from neighboring jurisdictions, the joint Ithaca-TCSO SWAT and CINT teams currently do all eighteen on the list, and were doing so at the time of the Hornbrook Road incident.

## **Lessons Learned and Concluding Thoughts**

Undoubtedly this report will leave us all with thoughts of how best to handle the aftermath of this incident as well as what can be done differently moving forward.

There are lessons learned by this incident that will affect our actions in the future.

### **Specific Areas for improvement**

#### **1. "Civilian" Involvement Public Information, Communication with the Community, and Engagement of Human Service Agencies**

The incident highlights the place for a "civilian" element of the overall response to a critical law enforcement situation. Law enforcement is adept at organizing the incident at-hand and does incorporate National Incident Management Systems (NIMS) protocols into the command structure into the event. However, managing the total incident environment –aspects such as communication with municipal leaders and the press, and providing assistance to the Cady family--would have been aided by the formal involvement of other County resources.

In the Danby incident, more should have been done to notify people directly affected by the incident on Hornbrook Road. Families in the area were confused as to whether they were allowed to come and go from their homes. Also, the Town of Danby Highway Supervisor was aware that he and his crews could not be allowed access to their building for safety reasons, however the Town Supervisor was not notified. Other examples may exist.

Although the media was aware of the situation, and press releases were periodically issued by the Sheriff, law enforcement was focused on managing the critical event, and did not have the resources to keep the media informed in a manner that would have allowed a greater understanding of the logical progression of the response. (Concerns existed, too, for the implications of Mr. Cady hearing detailed news reports about the law enforcement operations.)

Finally, while the County's Mental Health Department was involved with the CINT negotiating team, additional assistance to the Cady family might have been available more quickly if the County's human services departments had been immediately engaged.

Coincidentally, an initiative had begun in the fall of 2014 to address these types of situations. However, its work was not completed at the time of this incident.

Last fall, Tompkins County Administrator Joe Mareane formed a working group to deal with responses to critical incidents. The group's members included representatives of the Sheriff's Office, the District Attorney, the Department of Emergency Response, the TC Office of Human Rights, the County Health Department, the County Legislature, and County Administration. This initiative was undertaken in light of recent national incidents and sought to determine how local government should respond most constructively when critical events occur. The desired approach was fourfold: to notify and seek assistance from elected officials in the affected area, identify and enlist community leaders, to educate all involved as to the "how and why" critical incident are responded to, and to involve other County departments and agencies as the situation warrants..

As of this writing, the framework for the responses to these critical incidents has been completed and is included in the appendix of this report. A clear path of internal and external notifications and engagements has been established and will be initiated through County Administration. Additionally, the protocol makes it clear that the Public Information Officer is a part of the response to a critical incident and will assist in the preparation and dissemination of on-going information.

## **2. The Sheriff should have been directly involved in the incident command earlier in the process**

The Sheriff was notified of the event by cell phone voicemail relatively soon after it began. However, that message was not received until hours later and no further efforts were made to ensure the Sheriff was made aware of the situation. He arrived on the scene at approximately 6 a.m. on December 31.

While the Undersheriff is fully able to manage such an event, the Sheriff's presence at the early stages of such a critical incident imparts a sense of engagement by law enforcement leadership. Should such a critical event occur in the future, staff has been directed to make all reasonable efforts to make contact with the Sheriff, including dispatching a deputy to the Sheriff's home.

## **3. Use of the ROOK**

All of the law enforcement agencies involved in the response agreed that the ROOK was the most effective means available to end the long Danby standoff without the loss of life. It was clearly preferable to an armed assault on the house by police officers—a

sentiment that was confirmed after finding loaded weapons positioned throughout the house.

However, it is also evident that a broad spectrum of citizens are troubled by the destruction of the Cady home and what seems to be a disproportionate response to Mr. Cady's decision to barricade himself inside the house.

It is hard to imagine another local event that will duplicate the situation in Danby. However, it is right to ask whether a ROOK or other apparatus that damages or destroys a property would be used if such a situation arose.

In the view of the Sheriff's Office, the use of a ROOK as a *last resort* means of safely extracting an armed and presumably dangerous individual should not be taken off the table as an option in the future. It remains preferable to the gamut of lethal options—all of which were available to law enforcement and ruled out. As noted earlier, if the guiding principle is "life over property", then the ROOK should remain an option.

Should such a situation arise in the future, the new protocols regarding public information may provide an important context to the use of equipment such as the ROOK and, by engaging human service agencies earlier, allow assistance to the affected family to be provided more quickly.

#### **4. Addressing logistical issues confronted in the Danby incident**

Factors such as the duration of the incident, the weather, and the remoteness of the incident made it difficult for incident commanders. The commanders' main focus was obviously to deal with the scene, however future consideration should be given to establish a secondary location for some aspects of the incident. In this case arrangements were made with the Danby Fire Department to use their facility during this incident. The DFD building was used on occasion by personnel involved in the incident, however it could have been utilized for other purposes as well. Press briefings and community information sessions could have been held there and, given the new critical incident response plans, will likely be done through the County Administrators office.

### **Summary and Conclusion**

As with most incidents that involve significant personnel and resources, a review of the actions taken during the incident is undertaken jointly by the involved agencies. This practice has been in place for many years. Law enforcement agencies find value in this type of review, not to find fault or "Monday morning quarterback" decisions or tactics that were used during a particular incident, but rather to learn from the experience and to continue to develop best practices

moving forward. These exercises are not only important for the agencies involved but may also be desired by government officials and by members of the public after a high profile incident – this incident is one such case.

The Ithaca SWAT and CINT teams held a review of this incident within a week of the standoff. Contributing agencies were also invited and several attended. A thorough review of all aspects of the operation was discussed. The general consensus was that, although the desired result was not achieved (Mr. Cady's peaceful surrender), the constraint shown throughout the incident and the tactics used were necessary and prudent given the circumstances.

Law enforcement followed a progression of non-lethal responses to try to bring the situation to a peaceful end.

All decisions during the standoff were made in consultation with the various command staff and experienced tactical experts present at the scene. The District Attorney was also consulted throughout the incident and was either present at the Command Post or otherwise available by phone. Ultimate decisions were made by the Sheriff and/or Undersheriff at the scene.

Of paramount concern throughout the ordeal was the health and safety of all involved, including Mr. Cady and the law enforcement officers on the scene.

Mr. Cady controlled his own actions, and law enforcement reacted to them. It is clear that he was determined not to come out of his home, even after tactics were employed to make it uncomfortable for him to remain inside.

It also seems clear from what was found inside the house after the incident that Mr. Cady was ready and waiting for law enforcement to come inside the house after him. Putting law enforcement officers inside the house to engage Mr. Cady was considered and encouraged at times during the incident. Sheriff Lansing resisted the suggestions, choosing instead to wait while also preparing the house for the best possible tactical advantage for the officers that would be assigned to enter the house.

These preparations did include doing material damage to the house. Having a tactical advantage meant creating larger visual openings to the inside of the house and also wider openings in order to have law enforcement officers behind a ballistic protection shield and place them inside the house had that inevitably been necessary.

The overriding thought was simply Life over Property.

Law enforcement officers, and in particular those involved with critical incident negotiations, are taught to operate on a safety continuum when faced with these types of situations: hostages – family members – law enforcement – suspect. In this case there were no hostages, family

members were allowed and/or chose to leave the house unharmed, and law enforcement utilized equipment and made decisions to safeguard its officers. David Cady was the only person whose safety was not realized in the end – a decision he alone ultimately made.

The Tompkins County Sheriff's Office is, and will continue to be, committed to full disclosure and openness with regards to matters of public interest. This report attempts to give the public a "what we knew and when we knew it" view of this very difficult situation we faced on Hornbrook Road.

It is known that not all members of the public agree with some of the decisions that we made during the incident, and we respect everyone's right to their opinions. It is not possible to have full public satisfaction with how an incident of this magnitude was handled. We at the Sheriff's Office are secure in the notion that everything that was done by law enforcement during this incident was done with the best interests of public safety in mind.

With that said, the Sheriff's Office does not view itself as being above scrutiny. Should a decision be made that an independent agency or outside body of experts in these types of incidents perform a study of this case, our office will cooperate fully with any requests from such entity.

For now, we as a community should make efforts to support the true victims in this case - Melissa Cady and her sons David and Matthew. They are left without a husband and father through no fault of their own, and it is up to us as a community to support them. Government agencies and private organizations have stepped up in that regard, but perhaps we can all do a little more to assist her family today, and to work toward applying the lessons we've learned from this event tomorrow.