



**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

July 29, 2025

Via E-mail

Sheriff Tobias Shelley
Onondaga County Sheriff's Office
407 South State Street
Syracuse, NY 13202

Re: Letter regarding Executive Law § 75(5)(b) Referral of Deputy Joseph Strom
OAG Matter No. 1-816792018

Dear Sheriff Shelley,

We have reviewed the Onondaga County Sheriff's Office's ("OCSO") referral of Deputy Joseph Strom pursuant to Executive Law Section § 75(5)(b). Based on our review, we conclude that Deputy Strom engaged in a pattern of misconduct.

I. Overview of Investigation

OCSO referred Deputy Strom to our office on May 5, 2024. The referral was based on five complaints. To investigate these incidents, OAG reviewed the agency's internal investigative files associated with each incident (including video footage), the policies that governed the alleged misconduct, and Deputy Strom's disciplinary record. Additionally, OAG reviewed all Subject Management and Response to Resistance Reports completed by Deputy Strom since January 1, 2022. Based on that review, OAG requested and reviewed records and video footage for a force incident that occurred in January 2024. On October 30, 2024, OAG personnel interviewed Deputy Strom.

II. Findings

OAG's determination is based on the three incidents described below.

A. Incident 1, 23-044

On May 21, 2023 at approximately 2:20 a.m., Deputy Strom observed Complainant 1's vehicle speeding on the highway and began following it. He followed Complainant 1's vehicle and exited the highway in the City of Syracuse. When Deputy Strom was able to get behind the vehicle in the City of Syracuse, he activated his emergency lights and sirens and attempted to

perform a traffic stop. Complainant 1 sped away from Deputy Strom, and Deputy Strom deactivated his emergency lights and sirens. He did not notify OCSO that he was engaged in a vehicle pursuit as required by OCSO's Vehicle Pursuits Written Directive or that he had attempted to initiate a traffic stop. Deputy Strom continued to follow Complainant 1 and observed Complainant 1 driving recklessly and committing additional violations of the Vehicle & Traffic Law. When he was interviewed during OCSO's internal investigation, the investigator asked why Deputy Strom continued to follow Complainant 1 after terminating the pursuit, and Deputy Strom stated, "I wasn't letting him go. That's my issue; old school, he wasn't getting away." Complainant 1's vehicle eventually parked in front of his residence. An analysis conducted by OCSO demonstrated that the pursuit lasted approximately five minutes and that Deputy Strom's patrol vehicle reached a maximum speed of 117 miles per hour on the highway and speeds above 90 miles per hour in the City of Syracuse.

According to Deputy Strom, Complainant 1 exited the vehicle "aggressively." During interviews with OCSO, Complainant 1 and a witness at the scene both stated that Complainant 1 exited the vehicle with his hands up. When Deputy Strom approached Complainant 1, he struck Complainant 1 in the face with an open hand strike. During his OAG interview, Deputy Strom explained that Complainant 1 came toward him "looking for some sort of altercation" and seemed "irritated" leading him to use a "distraction slap." He also testified that Complainant 1 appeared intoxicated but he did not conduct any field sobriety tests because he did not know Complainant 1's "intentions" and "want[ed] to give him a break."

Deputy Strom took possession of Complainant 1's keys to the vehicle, and Complainant 1 provided his driver's license. Complainant 1 told Deputy Strom that he was speeding because an individual was shooting at him on the highway. Deputy Strom then left the scene with Complainant 1's keys and driver's license and went to OCSO's North Community Police Station to investigate Complainant 1's shooting allegation. He did not provide a property receipt to Complainant 1 or issue any tickets to Complainant 1 before leaving.

According to the report of the internal investigation, Deputy Strom spoke to his supervisor at the North Community Police Station and told him what occurred and that he did not issue any tickets because he planned to return to the scene and do so if he was unable to confirm the shooting allegation. At the station, Deputy Strom was unable to locate any reports of shots fired in the area. According to his supervisor, Deputy Strom described what occurred and stated that he planned to return to the scene the following day and left the station.

After Complainant 1's wife called to file a complaint against Deputy Strom, his supervisor ordered Deputy Strom to return to the North Community Police Station and complete the tickets and reports. He returned to the scene and issued tickets to Complainant 1 for reckless driving, a misdemeanor, and six violations of the Vehicle & Traffic Law.

Deputy Strom's vehicle was not equipped with a dashboard camera, and his body-worn camera was not powered on during this incident. When his supervisor asked him for an explanation regarding his body-worn camera, Deputy Strom stated that the camera was dead. During the internal investigation, he indicated that the camera's battery did not last long, and he had powered the camera on and off during the shift. He stated that during the pursuit, he did not

attempt to power the camera on due to the speed at which he was driving, which he described as “triple digits.” OCSO conducted an audit of Deputy Strom’s body-worn camera and found that the camera had a battery life of 23% at the time of the incident, such that if it had been powered on and activated, it would have captured the entire incident. Two days after the incident (and while the internal investigation was ongoing), Deputy Strom contacted an OCSO detective in the camera unit and asked if he could determine whether the body-worn camera was dead or powered off. According to the detective, Deputy Strom told him that he could not remember if the body-worn camera was dead or if he had turned it off during a recent pursuit that was being reviewed by Internal Affairs.

OCSO’s internal investigation found that Deputy Strom violated six provisions of the Duty Manual, two Onondaga County work rules, and three written directives regarding vehicle pursuits, body-worn cameras, and the handling and submission of property and evidence. On August 4, 2023, OCSO served a Notice and Specification of Charges on Deputy Strom containing 11 charges. The same day, OCSO and Deputy Strom entered into an Agreement to Disciplinary Action pursuant to which Deputy Strom accepted a penalty of a written reprimand and forfeiture of one vacation day. We conclude that Deputy Strom committed serious violations of OCSO’s policies by confiscating Complainant 1’s property, engaging in an unauthorized and unreported high-speed pursuit, and failing to report his location, endangering both himself and the public. As such, we find that he committed misconduct during this incident.

B. Incident 2, 24-032

On February 14, 2024 at approximately 1:50 a.m., Deputy Strom was involved in another unauthorized and unreported high-speed pursuit with significant similarities to Incident 1. Specifically, Deputy Strom failed to notify OCSO of the pursuit or complete any reports, and the incident did not come to the attention of OCSO until the individuals involved complained about his conduct.

Complainant 2 was a passenger in a car with two friends. Deputy Strom observed the vehicle speeding, began following it, and observed a box of Twisted Tea, an alcoholic beverage, being thrown from the vehicle. Deputy Strom continued to follow the vehicle, which was driving up to 115 miles per hour, and kept up with it until it pulled into a driveway at a residence in Oswego County approximately 12 miles from where he first observed the vehicle. According to Deputy Strom, he never activated his emergency lights and sirens because the roads were snow-covered, and he was concerned about causing a collision. While Deputy Strom was driving, he transmitted a point of information over the radio to alert others on his channel of how fast the vehicle was traveling and its location but did not indicate that he was pursuing the vehicle or communicate with OCSO in any way, including to notify OCSO of his location or entry into Oswego County. During his OAG interview, Deputy Strom stated that when he entered Oswego County, he “didn’t even know where [he] was” and was “having some sort of tunnel vision.” The dash camera in Deputy Strom’s vehicle activated when his patrol vehicle exceeded 100 miles per hour. Based on the time that the dash camera activated, the pursuit lasted approximately nine minutes.

When Complainant 2 and his friends arrived at the residence, they parked the vehicle behind a barn and out of sight, and Complainant 2 and the other passenger got out of the vehicle

and began to run. The driver stayed inside the vehicle and slumped down in the driver's seat. The dash camera footage shows that when Complainant 2 and the passenger got to the front of the barn, Deputy Strom pulled in and nearly struck the passenger. When Deputy Strom exited his vehicle, he directed Complainant 2 and the passenger to stop and get on the ground. Deputy Strom took the passenger to the ground, and Complainant 2 began yelling at Deputy Strom. Complainant 2 told investigators that he did not comply with Deputy Strom's commands and refused to give Deputy Strom his hands as instructed. Deputy Strom struck Complainant 2 in the face, took him to the ground, and handcuffed him. When Deputy Strom was interviewed during the internal investigation, he denied striking Complainant 2, but footage from his dash camera showed Deputy Strom slapping Complainant 2 on the left side of his head. Due to the angle of the dash camera, it did not show Deputy Strom taking Complainant 2 or the passenger to the ground or the handcuffing of Complainant 2.

Deputy Strom asked Complainant 2 and the passenger who was driving the vehicle, and they denied driving and told him that the driver ran off. Because Deputy Strom could not identify the driver of the vehicle, he decided to release them. During his OAG interview, Deputy Strom stated that he was "probably being overly kind" by releasing them and just wanted them to understand that they should not do this again. Deputy Strom told them something to the effect of "I better not hear about this in the morning" and shook their hands before leaving.

When Deputy Strom was interviewed during OCSO's internal investigation, he stated that he observed the vehicle behind the barn when he left, but he did not get out to check the vehicle or obtain its license plate number. He also did not obtain any identifying information from Complainant 2 or the passenger. He ended his shift without completing any reports about the incident.

Deputy Strom's body-worn camera was not activated. When asked about this, Deputy Strom said it was not activated because he came upon both subjects immediately upon exiting the patrol vehicle. Later, he stated that he thought his body-worn camera turned on automatically when the dash camera activated.

OCSO's internal investigation found that Deputy Strom violated four provisions of the Duty Manual, three Onondaga County work rules, and five written directives regarding vehicle pursuits, vehicle operations (for operating his patrol vehicle recklessly), response to resistance (for failing to document force), body-worn cameras, and report writing (for failing to obtain information for an incident report). OCSO concluded that the force used to detain Complainant 2 and the passenger was reasonable given their failure to follow verbal commands and active resistance. During his OAG interview, Deputy Strom stated that he was removed from patrol duty and re-assigned to headquarters for approximately one month after he was interviewed by Internal Affairs. On March 1, 2024, OCSO served a Notice and Specification of Charges on Deputy Strom containing 12 charges. Several days later, OCSO and Deputy Strom entered into an Agreement to Disciplinary Action pursuant to which Deputy Strom agreed to a 12-day suspension to settle the charges, to consist of an immediate suspension of four days and a deferred suspension of eight days which would only be served if he was charged with additional rule or policy violations in the next four months. We conclude that Deputy Strom committed serious violations of OCSO's policies by engaging in a second unauthorized and unreported

high-speed pursuit during hazardous weather conditions, endangering both himself and the public, as well as by failing to conduct an adequate investigation or report his location. As such, we find that he committed misconduct during this incident.

C. Incident 3, 24-128855

Given the nature of the substantiated misconduct in Incidents 1 and 2 above, OAG requested from OCSO and then reviewed Subject Management and Response to Resistance Reports completed by Deputy Strom since January 1, 2022. Based on that review, OAG requested and reviewed additional records and video footage related to a force incident that occurred on January 19, 2024. The facts described below are based on Deputy Strom's incident report and body-worn camera footage of Deputy Strom and others at the scene.¹

According to Deputy Strom's incident report, he was on patrol that evening and observed a vehicle swerving and crossing the double yellow line. He attempted to stop the vehicle and activated his emergency lights and sirens, but the driver did not stop. Deputy Strom provided the vehicle's license plate to the 911 center, and the dispatcher stated that the vehicle had been reported stolen. The driver continued to flee until he lost control of the vehicle, and the vehicle overturned, landing on its passenger side. Deputy Strom exited his patrol vehicle and began giving the driver verbal commands to exit the vehicle. He then punched the windshield of the overturned vehicle several times with his fist before using his baton to shatter the driver's side window, which was facing upwards, and continued shouting at the driver to "get out" and "crawl out." P24011901352-12 at 1:40-2:30. As he did so, several officers from other agencies arrived on scene, including from the New York State Police and the North Syracuse Village Police Department. According to Deputy Strom, the driver lit a cigarette inside the vehicle and refused to exit. At that point, Deputy Strom sprayed oleoresin capsicum spray into the vehicle towards the driver's head and neck. P24011901352-12 at 2:20-3:00. The driver remained in the vehicle. Deputy Strom then told the driver: "I'm going to tase you in a second." P24011901352-12 at 3:00. Subsequently, another officer shattered the front windshield with a sledgehammer. While that officer was breaking the windshield, Deputy Strom told other officers, "I already hit him with pepper spray, he's soaked." P24011901352-12 at 3:50. Once the windshield was broken, body-worn camera footage shows the driver sitting on the ground inside the vehicle with his hands raised. He told officers several times that his eyes were "gone." P24011901352-12 at 3:55-4:27. Deputy Strom continued to direct the driver to get out of the vehicle by crawling through the broken windshield. When the driver did not move, a group of officers pulled him from the vehicle through the windshield.

After the driver was pulled from the vehicle, he was positioned on his stomach with multiple officers on top of him. Deputy Strom was positioned near the driver's head while other officers attempted to secure his hands and apply handcuffs. Officers gave the driver several directives to put his hands behind his back. Deputy Strom struck the driver several times in the head and face as the other officers attempted to handcuff him. P24011901352-12 at 4:39-5:05. Less than thirty seconds after the driver was positioned on the ground, the officers on top of the

¹ On February 4, 2025, OAG provided OCSO with body-worn camera footage of this incident from the New York State Police and the North Syracuse Village Police Department and directed OCSO to the relevant portion of the footage for its review.

driver indicated that they had secured his hands and began applying handcuffs. P24011901352-12 at 5:05-5:15. While the driver was being handcuffed, Deputy Strom struck the driver's upper body with his leg. Deputy Strom's body-worn camera footage shows him lunging forward, and the driver immediately yelling out. P24011901352-12 at 5:10-5:17. Body-worn camera footage from the New York State Police shows Deputy Strom standing near the driver's upper body, pulling his body back, and rapidly moving forward, followed immediately by the driver yelling out. X9039A49B at 4:50-5:00. Dash camera footage from an OCSO vehicle that was at the scene shows Deputy Strom standing up from what appears to be a crouched position and quickly moving his lower body toward the driver. P24011901352-10 at 3:55-4:05. This strike was not documented in Deputy Strom's incident report or response to resistance report.

During his OAG interview, OAG personnel showed Deputy Strom his body-worn camera footage and asked him what occurred. He stated: "I don't know. I couldn't tell you. I don't know." OAG personnel showed him the footage again, and Deputy Strom stated "Was it a knee strike? I don't know." OAG personnel asked Deputy Strom if it was possible that it was a knee strike and he responded: "I honestly, I couldn't tell you."

The driver was charged with three violations of the Vehicle & Traffic Law, criminal possession of stolen property in the fourth degree, and resisting arrest. At the hospital, the driver was charged with additional violations of the Vehicle & Traffic Law, including aggravated unlicensed operation and driving while intoxicated.

We find that Deputy Strom used excessive force by striking the driver in the upper body after the driver was restrained, a violation of the Fourth Amendment of the United States Constitution, Article I, § 12 of the New York State Constitution, and OCSO's Written Directive regarding Response to Resistance.

To evaluate an officer's use of force under the Federal and State Constitutions, courts consider the objective reasonableness of the force based on the "facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham v. Connor*, 490 U.S. 386, 396 (1989); *Macareno v. City of New York*, 187 A.D.3d 1164, 1166 (2d Dep't 2020) (applying *Graham* factors to excessive force claim under Federal and State Constitutions). The inquiry is "whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation." *Id.* at 397 (internal quotation marks omitted); *see also Mazzariello v. Town of Cheektowaga*, 305 A.D.2d 1118, 1119 (4th Dep't 2003). Reasonableness must also be "judged from the perspective of a reasonable officer on the scene at the moment the force is used." *Soto v. Gaudett*, 862 F.3d 148, 158 (2d Cir. 2017) (internal quotation marks omitted). OCSO's Written Directive requires that officers "use only that force that is objectively reasonable . . . to effectively bring an incident under control, while protecting the lives of its members and others." It also prohibits force "against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject." Written Directive, Procedure E(1)(d).

Under the *Graham* factors and OCSO's Written Directive, Deputy Strom's strike constitutes excessive force. As to the first factor, the driver was arrested for several crimes,

including felonies, which are serious offenses. However, there is no indication that at the time of the strike, the driver was an immediate threat to the safety of the officers, the second factor under *Graham*. The driver was on the ground and had just been restrained and subdued by multiple officers. Third, he was not actively resisting arrest or attempting to evade arrest when Deputy Strom decided to administer the strike. No reasonable officer that observed an individual on the ground, secured by multiple officers, and in the process of being handcuffed would continue to use force against that individual. This is consistent with OCSO's Written Directive which prohibits force against "persons who are handcuffed or restrained" except in certain circumstances not present here.

As a result, we find that Deputy Strom committed misconduct during this incident.

III. Conclusions and Recommendations

Deputy Strom engaged in a pattern of misconduct that violated OCSO's policies and the Federal and State Constitutions.

Executive Law § 75(5)(b) requires that the OAG "determine whether the subject officer . . . has engaged in a pattern or practice of misconduct, use of excessive force, or acts of dishonesty." To identify a pattern of misconduct for purposes of Executive Law § 75(5)(b), we look to whether the subject officer engaged in multiple acts of similar misconduct.

Incidents 1 and 2, on their own, constitute a pattern of misconduct. In less than one year, Deputy Strom engaged in two unauthorized, unreported, and reckless high-speed pursuits in violation of many OCSO policies. These pursuits, and the encounters that followed, were not recorded by Deputy Strom on his body-worn camera or documented as required by OCSO policy until OCSO directed Deputy Strom to do so. Deputy Strom also used excessive force during the arrest of the driver in Incident 3, an additional undocumented use of force without any justification.

The OAG recommends the following remedial actions:

- 1) Reassignment. If possible, we recommend that Deputy Strom be reassigned to headquarters or an administrative assignment that limits his interaction with the public.
- 2) Progressive Discipline for Future Misconduct. We are not recommending specific disciplinary action against Deputy Strom because the statute of limitations for discipline has expired for these incidents. For any future misconduct by Deputy Strom, OCSO should impose progressive discipline that accounts for the violations described above, up to and including termination.
- 3) Monitoring. We recommend that OCSO create a plan for monitoring Deputy Strom's conduct, including periodic review of reports and video footage of arrests, uses of force, and pursuits by Internal Affairs or a supervisor.

Pursuant to Executive Law § 75(5)(c), OCSO shall inform the OAG within 90 days of the actions it is taking in connection with these recommendations.

We appreciate the cooperation of you and your agency.

Thank you,

LETITIA JAMES
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