

3570--A

2011-2012 Regular Sessions

I N   S E N A T E

February 25, 2011

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Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT creating a state commission to investigate patterns and practices of unlawful or inappropriate conduct on the part of members of law enforcement personnel in New York state

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The legislature hereby finds and declares as follows:  
2     The legislation is necessitated by a troubling pattern and practice  
3 throughout at least three different gubernatorial administrations of  
4 inappropriate and possibly unlawful behavior by law enforcement person-  
5 nel in New York state, largely emanating from the Executive Services  
6 Detail of the state police. Most recently, this behavior took the form  
7 of possible intimidation of a female victim involved in a domestic  
8 violence dispute with a high ranking member of the Paterson adminis-  
9 tration. While this specific incident is being investigated, under the  
10 administrations of the two previous governors, there were several docu-  
11 mented instances where state troopers were also subject to improper  
12 political influence and used in ways that undermine the very fabric of  
13 our democracy.  
14     By way of example, in 2007, a scandal erupted involving former Gover-  
15 nor Eliot Spitzer's use of state troopers to monitor and gather travel  
16 information about former Senate Majority Leader Joseph Bruno for  
17 purposes of trying to discredit a political adversary. Under the Pataki  
18 administration, the state police were found to have electronically  
19 cleansed a domestic dispute complaint involving a political ally and  
20 former Congressman John Sweeney, in order to shield him from public  
21 scrutiny and embarrassment. These are just two of several occurrences  
22 that have already been documented by the Office of the New York State

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 Attorney General. It is the intent of this legislation to provide for  
2 the independent and comprehensive investigation of this pattern and  
3 practice, and recommend steps the legislature can implement to reform  
4 law enforcement practices in the state.

5 S 2. A state commission is hereby created to investigate certain  
6 patterns and practices of unlawful or inappropriate conduct on the part  
7 of members of law enforcement personnel in New York state including, but  
8 not limited to the Executive Services Detail, that result from inappro-  
9 priate or coercive political interference.

10 S 3. The commission shall consist of nine members to be appointed as  
11 follows: Five members, including the chair, shall be appointed by the  
12 chief judge of the New York state court of appeals; one member each  
13 shall be appointed by the temporary president of the senate, the speaker  
14 of the assembly, the minority leader of the senate and the minority  
15 leader of the assembly. The members of the commission shall be either  
16 former judges or distinguished professionals with significant law  
17 enforcement experience. Substantial consideration shall be given to  
18 individuals who are experienced former members of law enforcement agen-  
19 cies in the state. The members of the commission shall be appointed  
20 within thirty days after the effective date of this act.

21 S 4. The members of the commission shall receive no compensation for  
22 their services, but shall be allowed their actual and necessary expenses  
23 incurred in the performance of their duties hereunder.

24 S 5. The commission may employ and at pleasure remove such personnel  
25 as it may deem necessary for the performance of its functions and fix  
26 their compensation within the amounts made available by appropriation  
27 therefor. Such commission may meet and hold public and/or private hear-  
28 ings within or without the state, and shall have all the powers of a  
29 legislative committee pursuant to the legislative law, including the  
30 power to issue subpoenas.

31 S 6. For the accomplishment of its purposes, the commission shall be  
32 authorized and empowered to undertake any studies, inquiries, surveys or  
33 analyses it may deem relevant through its own personnel or in cooper-  
34 ation with or by agreement with any other public or private agency.

35 S 7. The commission may request and shall receive from any court in  
36 the state and from any subdivision, department, board, bureau, commis-  
37 sion, office, agency or other instrumentality of the state or of any  
38 political subdivision thereof such facilities, assistance and data as it  
39 deems necessary or desirable for the proper execution of its powers and  
40 duties and to effectuate the purposes set forth in this act.

41 S 8. To the extent that evidence of criminal behavior is uncovered by  
42 the investigation undertaken by the commission, the commission shall  
43 refer such matters to the appropriate prosecutorial authority.

44 S 9. The commission shall make a report of its findings, including any  
45 recommendations for systematic changes, as it may deem necessary and  
46 appropriate, to the governor, the temporary president of the senate and  
47 the speaker of the assembly no later than one hundred eighty days after  
48 this act shall have become a law and then every one hundred eighty days  
49 thereafter.

50 S 10. This act shall take effect immediately.