

3570

2011-2012 Regular Sessions

I N S E N A T E

February 25, 2011

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT creating a state commission to investigate patterns and practices of unlawful or inappropriate conduct on the part of members of the New York state police; and providing for the repeal of such provisions upon expiration thereof

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 elements within the
5 state police, largely emanating from the Executive Services Detail. Most
6 recently, this behavior took the form of possible intimidation of a
7 female victim involved in a domestic violence dispute with a high ranking
8 member of the Paterson administration. While this specific incident
9 is being investigated, under the administrations of the two previous
10 governors, there were several documented instances where state troopers
11 were also subject to improper political influence and used in ways that
12 undermine the very fabric of our democracy.

13 By way of example, in 2007, a scandal erupted involving former Governor
14 Eliot Spitzer's use of state troopers to monitor and gather travel
15 information about former Senate Majority Leader Joseph Bruno for
16 purposes of trying to discredit a political adversary. Under the Pataki
17 administration, the state police were found to have electronically
18 cleansed a domestic dispute complaint involving a political ally and
19 former Congressman John Sweeney, in order to shield him from public
20 scrutiny and embarrassment. These are just two of several occurrences
21 that have already been documented by the Office of the New York State
22 Attorney General. It is the intent of this legislation to provide for
23 the independent and comprehensive investigation of this pattern and

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

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1 practice, and recommend steps the legislature can implement to reform
2 the institution of the state police.

3 S 2. A temporary state commission is hereby created to investigate
4 certain patterns and practices of unlawful or inappropriate conduct on
5 the part of members of the New York state police including, but not
6 limited to the Executive Services Detail, that result from inappropriate
7 or coercive political interference.

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

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

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

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

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

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

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

47 S 10. This act shall take effect immediately and shall continue in
48 full force and effect until the thirty-first of December in the year
49 next succeeding the year in which it shall have become a law when upon
50 such date the provisions of this act shall be deemed repealed.