

STATE OF NEW YORK

6212

2023-2024 Regular Sessions

IN SENATE

April 3, 2023

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

AN ACT to amend the executive law, in relation to directing the division of criminal justice services to establish the safer communities grant program; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 835 of the executive law is amended by adding five
2 new subdivisions 11, 12, 13, 14 and 15 to read as follows:

3 11. "Clearance by arrest", with respect to an offense reported to a
4 law enforcement agency, means the law enforcement agency has arrested
5 not less than one person for the offense, charged said person with the
6 commission of the offense and referred said person for prosecution for
7 the offense; or has cited an individual under the age of eighteen to
8 appear in juvenile court or before another juvenile authority with
9 respect to the offense, regardless of whether a physical arrest
10 occurred.

11 12. "Clearance by exception", with respect to an offense reported to a
12 law enforcement agency, means the law enforcement agency has identified
13 not less than one person suspected of the offense, and with respect to
14 the suspect, has gathered enough evidence to support an arrest of the
15 suspect, make a charge against the suspect; and refer the suspect for
16 prosecution; identified the exact location of the suspect so that the
17 suspect could be taken into custody immediately; and encountered a
18 circumstance outside the control of the law enforcement agency that
19 prohibits the agency from arresting the suspect, charging the suspect,
20 or referring the suspect for prosecution, including the death of the
21 suspect, the refusal of the victim to cooperate with the prosecution
22 after the suspect has been identified, or the denial of extradition
23 because the suspect committed an offense in another jurisdiction and is
24 being prosecuted for that offense.

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

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1 13. "Clearance rate", with respect to a law enforcement agency, means
2 the number of offenses cleared by the law enforcement agency, including
3 through clearance by arrest and clearance by exception, divided by the
4 total number of offenses reported to the law enforcement agency.

5 14. "Eligible entity" means a Tribal or municipal law enforcement
6 agency or prosecuting office, or a group of Tribal law enforcement agen-
7 cies or Tribal prosecuting offices.

8 15. "Program" means the grant program established under section eight
9 hundred forty-five-e of this article.

10 § 2. The executive law is amended by adding a new section 845-e to
11 read as follows:

12 § 845-e. Safer communities grant program. 1. As used in this section,
13 "specified offenses" includes homicides, rapes, sexual assaults, kidnap-
14 pings and non-fatal shootings.

15 2. Not later than one hundred eighty days after the effective date of
16 this section, the division shall establish the safer communities grant
17 program to award grants to eligible entities for investigative and/or
18 prosecutorial activities with the specific objective of improving clear-
19 ance rates for cases involving one or more specified offenses. Grants
20 shall be in such amounts as determined appropriate by the division on a
21 case-by-case basis.

22 3. An eligible entity seeking a grant under the program shall submit
23 to the division an application at such time and in such manner as deter-
24 mined by the division containing or accompanied by:

25 (a) such information as the division may reasonably require; and

26 (b) a description of each eligible project, as described in subdivi-
27 sion five of this section, that the grant will fund.

28 4. The division, in selecting a recipient of a grant under the
29 program, shall consider the specific plan and activities proposed by the
30 applicant to improve clearance rates for specified offenses.

31 5. A grant recipient shall use the grant for activities with the
32 specific objective of improving clearance rates for cases involving
33 specified offenses, including:

34 (a) ensuring the retention of detectives who are assigned to investi-
35 gate the specified offense or offenses as of the date of receipt of the
36 grant;

37 (b) hiring and training additional detectives who will be dedicated to
38 investigating specified offenses;

39 (c) developing policies, procedures, and training to improve the abil-
40 ity of detectives to effectively investigate and solve cases involving
41 specified offenses, including implementing best practices relating to:

42 (i) improving internal agency cooperation, organizational oversight
43 and accountability, and supervision of investigations;

44 (ii) developing specific goals and performance metrics for both inves-
45 tigators and investigative units;

46 (iii) establishing or improving relationships with the communities the
47 agency serves; and

48 (iv) collaboration with and among other law enforcement agencies and
49 criminal justice organizations;

50 (d) training personnel to address the needs of victims and family
51 members of victims of specified offenses or collaborating with trained
52 victim advocates and specialists to better meet victims' needs;

53 (e) acquiring, upgrading, or replacing investigative, evidence proc-
54 essing, or forensic testing technology or equipment;

1 (f) development and implementation of policies that safeguard civil
2 rights and civil liberties during the collection, processing, and foren-
3 sic testing of evidence;

4 (g) hiring or training personnel for collection, processing, and
5 forensic testing of evidence;

6 (h) hiring and training of personnel to analyze violent crime and the
7 temporal and geographic trends among specified offenses;

8 (i) retaining experts to conduct a detailed analysis of homicides and
9 shootings using Gun Violence Problem Analysis (commonly known as "GVPA")
10 or a similar research methodology;

11 (j) ensuring victims have appropriate access to emergency food, hous-
12 ing, clothing, travel, and transportation;

13 (k) developing competitive and evidence-based programs to improve
14 homicide and non-fatal shooting clearance rates;

15 (l) developing best practices for improving access to and acceptance
16 of victim services, including victim services that promote medical and
17 psychological wellness, ongoing counseling, legal advice, and financial
18 compensation;

19 (m) training investigators and detectives in trauma-informed interview
20 techniques;

21 (n) establishing programs to support officers who experience stress or
22 trauma as a result of responding to or investigating shootings or other
23 violent crime incidents; and/or

24 (o) ensuring language and disability access supports are provided to
25 victims, survivors, and their families so that victims can exercise
26 their rights and participate in the criminal justice process.

27 6. A grant made under the program shall not exceed one hundred percent
28 of the cost of the proposed activity if the grant is awarded on or
29 before March thirty-first, two thousand thirty-four or fifty percent of
30 the cost of the proposed activity if the grant is awarded after March
31 thirty-first, two thousand thirty-four.

32 7. Not later than one year after receiving a grant under the program,
33 and each year thereafter during which the activity funded by the grant
34 is carried out, a grant recipient shall submit to the division a report
35 on the activities carried out using the grant, including, if applicable:
36 the number of homicide and non-fatal shooting detectives hired by the
37 grant recipient; the number of evidence-processing personnel hired by
38 the grant recipient; a description of any training that is provided to
39 existing (as of the date on which the grant was awarded) or newly hired
40 homicide and non-fatal shooting detectives and designed to assist in the
41 solving of crimes and improve clearance rates; any new evidence-process-
42 ing technology or equipment purchased or any upgrades made to existing
43 (as of the date on which the grant was awarded) evidence technology or
44 equipment, and the associated cost; any assessments of evidence-process-
45 ing technology or equipment purchased with grant funds to determine
46 whether such technology or equipment satisfies the objectives of the use
47 of the technology or equipment in increasing clearance rates, and any
48 policies in place to govern the use of the technology or equipment; the
49 internal policies and oversight used to ensure that any technology
50 purchased through the grant for the purposes of improving clearance
51 rates does not violate the civil rights and civil liberties of individ-
52 uals; data regarding clearance rates for homicides, rapes, other aggra-
53 vated felonies, and non-fatal shootings, including the rate of clear-
54 ances by arrest and clearances by exception, and crime trends from
55 within each jurisdiction in which the grant recipient carried out activ-
56 ities supported by the grant; whether the grant recipient has provided

grant funds to any victim services organizations, and if so, which organizations; the demographic information for victims of homicides, rapes, other aggravated felonies, and non-fatal shootings, and the length and outcomes of each investigation, including whether the investigation was cleared by arrest or exception; the demographic information for each victim or family member of a victim who received victim-related services provided by the grant recipient; and identification of the services most used by victims and their families and identification of additional services needed.

8. No later than two years after the effective date of this section, and every two years thereafter, the division of criminal justice services shall conduct an evaluation of the practices deployed by grant recipients to identify policies and procedures that have successfully improved clearance rates for homicides, rapes, sexual assaults, kidnappings, and non-fatal shootings; and the efficacy of any services provided to victims and family members of victims of homicides, rapes, sexual assaults, kidnappings, and non-fatal shootings. Not later than thirty days after completion of an evaluation the division shall submit to the temporary president of the senate and speaker of the assembly a report including the results of the evaluation and information reported by each grant recipient under subdivision seven of this section.

§ 3. The sum of thirty million dollars (\$30,000,000) is hereby appropriated to the division or each of fiscal years 2024 through 2034 out of any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, and made immediately available, for the purpose of establishing safer communities grant program to award grants to eligible entities for activities with the specific objective of improving clearance rates for homicides, rapes, sexual assaults, kidnappings, and non-fatal shootings.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.