

9077

2009-2010 Regular Sessions

I N A S S E M B L Y

July 27, 2009

Introduced by M. of A. BENEDETTO -- read once and referred to the
Committee on Codes

AN ACT in relation to authorizing the Co-op City public safety department in Bronx county to appoint special policemen with certain specified powers, and to amend the criminal procedure law, in relation to granting peace officer status to special policemen so appointed

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

1 Section 1. Legislative findings. The legislature finds that the population and land area under the supervision and jurisdiction of the
2 limited profit housing company known as "Co-op City" in Bronx county are
3 the largest of any single housing project or complex in the state and
4 are akin to the population and land area associated in popular understanding with a city. The legislature further finds that, unfortunately,
5 the larger the population and land area of a community, the more incidents of crime are likely to occur and the greater the need for stepped-up law enforcement activity, and this is no less true of Co-op City. The
6 legislature further finds that the patrolmen of the housing company's
7 Co-op City public safety department perform what are essentially municipal police functions at little or no cost to the taxpayers of this state
8 because the salaries and law enforcement activities of the housing
9 company's Co-op City public safety department, which activities supplement and often take the place of those of the police department of the
10 city of New York, are paid for out of the monthly housing maintenance
11 payments of the residents of Co-op City, rather than from municipal
12 coffers. It is clear that without the Co-op City public safety department's patrolmen the city of New York and the taxpayers of the city and
13 state would necessarily have to shoulder the sole burden of law enforcement for Co-op City.

14 Accordingly, the legislature finds and declares that the unique situation and special conditions present with respect to the area and community

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

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1 nity known as "Co-op City" in Bronx county are matters of state concern
2 and warrant granting the patrolmen of the Co-op City public safety
3 department powers analogous to those granted by law to the security
4 officers of the state university of New York contained in paragraph 1 of
5 subdivision 2 of section 355 of the education law, as specified herein-
6 below in this act. The legislature declares the necessity for the enact-
7 ment of this act in furtherance of its police powers to protect the
8 public safety of the residents of this state.

9 S 2. The public safety department of a limited profit housing company
10 known as "Co-op City", a company owning, leasing or controlling real
11 property in a large area of Bronx county, and its successors and
12 assigns, may appoint and at pleasure remove, one or more special police-
13 men. Every special policeman so appointed shall, within 15 days there-
14 after, before entering on the duties of his office, take and subscribe
15 the oath of office prescribed in the thirteenth article of the constitu-
16 tion of the state of New York and file the same in the office of the
17 county clerk of the county of Bronx. The compensation of such special
18 policemen shall be paid by such public safety department by which they
19 are appointed.

20 S 3. Subject to the provisions of the criminal procedure law, such
21 special policemen shall be peace officers for the limited profit housing
22 company known as "Co-op City" in Bronx county, or for its successors and
23 assigns. In addition thereto such special policemen shall have the power
24 and duty to preserve law and order on the grounds and other property of
25 the company at which the special policeman is appointed to serve,
26 including any public highway which crosses or adjoins such property.
27 Persons so appointed shall, in the course of and in the actual perform-
28 ance of their official duties have the power to execute arrest warrants
29 pursuant to article 120 of the criminal procedure law and search
30 warrants pursuant to article 690 of the criminal procedure law. In
31 addition, such peace officers shall, in the course of and in the actual
32 performance of their official duties have the power to follow a person
33 in continuous close pursuit outside the grounds or other property of the
34 company when the special policeman has reasonable cause to believe such
35 person has committed an offense on the grounds or other property of the
36 company including any public highway which crosses or adjoins such prop-
37 erty, and may arrest such person for such offense where the person is
38 apprehended, and shall have the power to issue and serve an appearance
39 ticket, as defined in section 150.10 of the criminal procedure law, for
40 an offense other than a felony in lieu of an arrest, and a simplified
41 traffic information and appearance ticket in the form prescribed by the
42 commissioner of motor vehicles pursuant to section 207 of the vehicle
43 and traffic law, upon a person when he has reasonable cause to believe
44 that such person has committed a traffic offense in his presence on the
45 sites owned, operated and maintained by the limited profit housing
46 company known as "Co-op City", and where applicable, such simplified
47 traffic informations shall be administered pursuant to the provisions of
48 article 2-A of the vehicle and traffic law.

49 The appointment of such peace officers shall not be deemed to super-
50 sede in any way the authority of other peace officers or police offi-
51 cers.

52 Such peace officers shall have the power to prevent disturbances and
53 breaches of the peace in and about the parks, playgrounds, buildings and
54 grounds so owned, leased or controlled, and the approaches thereto, and
55 shall protect and preserve the same from injury, and shall enforce the
56 established rules and regulations of the company. They shall have the

1 power to arrest, or issue appearance tickets as authorized by article
2 150 of the criminal procedure law or any other law, administrative code
3 or local law to, any person committing: (i) any crime or offense,
4 including but not limited to any wilful trespass in said area or on such
5 grounds or property or in or upon such buildings or on the streets,
6 avenues, and roads in said area or on such grounds, or (ii) any
7 violation of the provisions of, or traffic infraction defined by, the
8 vehicle and traffic law, or (iii) any violation of the traffic or park-
9 ing regulations of the city of New York, and shall either issue an
10 appearance ticket as authorized by article 150 of the criminal procedure
11 law or any other law, administrative code or local law to, or convey
12 such person so arrested with a statement of the cause of such arrest
13 before a local criminal court having jurisdiction of the offense.

14 Each such special policeman shall, when on duty, wear in plain view a
15 metallic shield with the words "special policeman", his rank, if any,
16 and the name of the public safety department of the limited profit hous-
17 ing company which appointed him inscribed thereon.

18 S 4. Any wilful trespass in said area or upon any grounds therein or
19 the buildings and approaches thereto; and any wilful injury to any of
20 the said buildings, grounds, area, or to any trees, shrubbery, fences,
21 fixtures or other property thereon or pertaining thereto, and any wilful
22 disturbance of the peace thereon shall constitute a misdemeanor.

23 S 5. The provisions of the vehicle and traffic law and the traffic
24 regulations and parking regulations of the city of New York shall apply
25 and extend to the use, operation and maintenance of motor vehicles on
26 the streets, avenues, and roads of the said Co-op City area or on such
27 grounds, and shall apply with the same force and effect to the streets,
28 avenues, and roads of the said area as they apply to the streets,
29 avenues and roads of the city of New York. A violation thereof shall be
30 classifiable and punishable as provided in such law or regulations.

31 S 6. a. Appearance tickets issued by Co-op City special policemen
32 shall be returnable before a court, administrative tribunal or adjudica-
33 tory body having jurisdiction over the crime, offense, traffic infrac-
34 tion or parking violation charged, in the same manner and with the same
35 effect, and with the same discretion where there is concurrent jurisdic-
36 tion over what is charged respecting to which of the three above-listed
37 alternatives the appearance ticket shall be made returnable, as appear-
38 ance tickets issued by city police or by enforcement officers of any
39 city agency.

40 b. Where an appearance ticket has been served by a Co-op City special
41 policeman appointed as provided in this act in lieu of arrest in cases
42 authorized by article 150 of the criminal procedure law, the officer of
43 the police department of the city of New York assigned to desk duty in
44 the precinct in which the service of such appearance ticket is made, is
45 hereby authorized and directed to administer to such Co-op City special
46 policeman all necessary oaths in connection with the execution of the
47 complaint to be presented in the local criminal court by such Co-op City
48 special policeman in the prosecution of such offense.

49 S 7. Section 2.10 of the criminal procedure law is amended by adding a
50 new subdivision 83 to read as follows:

51 83. PERSONS APPOINTED AS SPECIAL POLICEMEN FOR "CO-OP CITY" IN BRONX
52 COUNTY BY THE PUBLIC SAFETY DEPARTMENT OF A LIMITED PROFIT HOUSING
53 COMPANY OF THE SAME NAME PURSUANT TO THE PROVISIONS OF A CHAPTER OF THE
54 LAWS OF TWO THOUSAND NINE WHICH ADDED THIS SUBDIVISION, PROVIDED, HOWEV-
55 ER, THAT ANY PERSON SO APPOINTED MUST HAVE SATISFACTORILY COMPLETED OR
56 COMPLETE WITHIN ONE YEAR OF THE DATE OF HIS APPOINTMENT A COURSE OF LAW

1 ENFORCEMENT TRAINING APPROVED BY THE MUNICIPAL POLICE TRAINING COUNCIL
2 IN CONSULTATION WITH THE COMPANY AND SHALL BE SUBJECT TO ANY FURTHER
3 REQUIREMENTS AS ARE SPECIFIED IN SUCH CHAPTER OF THE LAWS OF TWO THOU-
4 SAND NINE, AS SUCH CHAPTER MAY, FROM TIME TO TIME, BE AMENDED.
5 S 8. This act shall take effect on the first day of November next
6 succeeding the date on which it shall have become a law.