

S. 7085

A. 10199

S E N A T E - A S S E M B L Y

March 11, 2010

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

IN ASSEMBLY -- Introduced by M. of A. JEFFRIES, TITONE, PEOPLES-STOKES,  
LANCMAN, CAMARA, ESPAILLAT, BENJAMIN, FIELDS, POWELL, McDONOUGH,  
GIBSON, N. RIVERA, LIFTON -- Multi-Sponsored by -- M. of A. CRESPO,  
GALEF -- read once and referred to the Committee on Governmental Oper-  
ations

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 ASSEM-  
BLY, 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 rank-  
8 ing 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 Gover-  
14 nor 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

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

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1 that have already been documented by the Office of the New York State  
2 Attorney General. It is the intent of this legislation to provide for  
3 the independent and comprehensive investigation of this pattern and  
4 practice, and recommend steps the legislature can implement to reform  
5 the institution of the state police.

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

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

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

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

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

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

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

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

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