S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N A S S E M B L Y

January 19, 2011

Introduced by M. of A. JEFFRIES, TITONE, PEOPLES-STOKES, LANCMAN, CAMARA, McDONOUGH, GIBSON, N. RIVERA, LIFTON -- Multi-Sponsored by -- M. of A. BRENNAN, CRESPO, GALEF -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- 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:

Section 1. The legislature hereby finds and declares as follows:

The legislation is necessitated by a troubling pattern and practice throughout at least three different gubernatorial administrations of inappropriate and possibly unlawful behavior by law enforcement personnel in New York state, largely emanating from the Executive Services Detail of the state police. Most recently, this behavior took the form of possible intimidation of a female victim involved in a domestic violence dispute with a high ranking member of the Paterson administration. While this specific incident is being investigated, under the administrations of the two previous governors, there were several documented instances where state troopers were also subject to improper political influence and used in ways that undermine the very fabric of our democracy.

By way of example, in 2007, a scandal erupted involving former Governor Eliot Spitzer's use of state troopers to monitor and gather travel information about former Senate Majority Leader Joseph Bruno for purposes of trying to discredit a political adversary. Under the Pataki administration, the state police were found to have electronically cleansed a domestic dispute complaint involving a political ally and

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

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former Congressmember John Sweeney, in order to shield him from public scrutiny and embarrassment. These are just two of several occurrences that have already been documented by the Office of the New York State Attorney General. It is the intent of this legislation to provide for the independent and comprehensive investigation of this pattern and practice, and recommend steps the legislature can implement to reform law enforcement practices in the state.

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

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

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

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

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

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

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

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

S 10. This act shall take effect immediately.