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

826

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GANTT -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to internal investigative standards and practices for police officers

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

Section 1. The civil service law is amended by adding a new section 204-b to read as follows:

S 204-B. INTERNAL INVESTIGATIVE STANDARDS AND PRACTICES FOR POLICE OFFICERS. 1. THE LEGISLATURE HEREBY FINDS AND DECLARES THAT THE CONDUCT AND COMPETENCE OF POLICE OFFICERS ARE MATTERS OF VITAL IMPORTANCE TO PUBLIC SAFETY AND WELFARE AND TO THE MAINTENANCE OF CIVIL SOCIETY. THESE MATTERS ARE EFFECTED WITH THE HIGHEST PUBLIC INTEREST.

2. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, THE FOLLOWING PROCEDURES SHALL APPLY TO INVESTIGATIONS OF THE CONDUCT OF A POLICE OFFICER BY ANY POLICE AGENCY, NOTWITHSTANDING ANY CONTRARY PROVISION OF ANY COLLECTIVE BARGAINING AGREEMENT. ANY COLLECTIVE BARGAINING AGREEMENT OR PORTION THEREOF INCONSISTENT WITH THE PROVISIONS OF THIS SECTION IS HEREBY DECLARED TO BE VOID AS AGAINST PUBLIC POLICY.

3. ANY INVESTIGATION INTO THE CONDUCT OF A POLICE OFFICER SHALL BE CONDUCTED AS FOLLOWS:

(A) QUESTIONING AND INVESTIGATION OF OFFICERS SHALL COMMENCE IMMEDIATELY UPON THE OCCURRENCE OF CAUSE THEREFOR;

(B) WHENEVER MORE THAN ONE OFFICER IS TO BE INVESTIGATED OR QUESTIONED, ALL OF THE INVOLVED OFFICERS SHALL BE QUESTIONED SEPARATELY;

(C) NO PRELIMINARY OR UNOFFICIAL STATEMENTS SHALL BE TAKEN;

(D) ALL STATEMENTS SHALL BE RECORDED VERBATIM; AND

(E) QUESTIONING AND INVESTIGATION OF NON-OFFICER WITNESSES SHALL COMMENCE IMMEDIATELY UPON THE OCCURRENCE OF CAUSE THEREFOR.

S 2. This act shall take effect immediately.

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

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