

811

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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

AN ACT to establish a state commission to investigate patterns and practices of unlawful or inappropriate conduct on the part of members of law enforcement personnel in the state

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

1 Section 1. Legislative findings. The legislature hereby finds and
2 declares as follows:
3 The legislation is necessitated by a troubling pattern and practice
4 throughout at least three different gubernatorial administrations of
5 inappropriate and possibly unlawful behavior by law enforcement person-
6 nel in this state, largely emanating from the executive services detail
7 of the division of state police. Most recently, this behavior took the
8 form of possible intimidation of a female victim involved in a domestic
9 violence dispute with a high ranking member of the Paterson adminis-
10 tration. While this specific incident is being investigated, under the
11 administrations of the two previous governors, there were several docu-
12 mented instances where state troopers were also subject to improper
13 political influence and used in ways that undermine the very fabric of
14 our democracy.
15 By way of example, in 2007, a scandal erupted involving former gover-
16 nor Eliot Spitzer's use of state troopers to monitor and gather travel
17 information about former temporary president of the senate Joseph Bruno
18 for purposes of trying to discredit a political adversary. Under the
19 Pataki administration, the division of state police was found to have
20 electronically cleansed a domestic dispute complaint involving a poli-
21 tical ally and former congressman John Sweeney, in order to shield
22 him from public scrutiny and embarrassment. These are just two of
23 several occurrences that have already been documented by the department

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

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1 of law. It is the intent of this legislation to provide for the inde-
2 pendent and comprehensive investigation of this pattern and practice,
3 and recommend steps the legislature can implement to reform law enforce-
4 ment practices in the state.

5 S 2. A state commission is hereby established to investigate certain
6 patterns and practices of unlawful or inappropriate conduct on the part
7 of members of law enforcement personnel in the state including, but not
8 limited to the executive services detail of the division of state
9 police, that result from inappropriate or coercive political interfer-
10 ence.

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 court of appeals; one member each shall be appointed
14 by the temporary president of the senate, the speaker of the assembly,
15 the minority leader of the senate and the minority leader of the assem-
16 bly. The members of the commission shall be either former judges or
17 distinguished professionals with significant law enforcement experience.
18 Substantial consideration shall be given to individuals who are experi-
19 enced former members of law enforcement agencies in the state. 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 the effective date of this act and then every one hundred eighty days
50 thereafter.

51 S 10. This act shall take effect immediately.