STATE OF NEW YORK

6212--A

2023-2024 Regular Sessions

IN SENATE

April 3, 2023

Introduced by Sen. ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to directing the division of criminal justice services to establish the safer communities grant program; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 835 of the executive law is amended by adding five new subdivisions 11, 12, 13, 14 and 15 to read as follows:

11. "Clearance by arrest", with respect to an offense reported to a law enforcement agency, means the law enforcement agency has arrested not less than one person for the offense, charged said person with the commission of the offense and referred said person for prosecution for the offense; or has cited an individual under the age of eighteen to appear in juvenile court or before another juvenile authority with respect to the offense, regardless of whether a physical arrest occurred.

12. "Clearance by exception", with respect to an offense reported to a law enforcement agency, means the law enforcement agency has identified not less than one person suspected of the offense, and with respect to the suspect, has gathered enough evidence to support an arrest of the suspect, make a charge against the suspect; and refer the suspect for prosecution; identified the exact location of the suspect so that the suspect could be taken into custody immediately; and encountered a circumstance outside the control of the law enforcement agency that prohibits the agency from arresting the suspect, charging the suspect, or referring the suspect for prosecution, including the death of the suspect, the refusal of the victim to cooperate with the prosecution after the suspect has been identified, or the denial of extradition

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

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because the suspect committed an offense in another jurisdiction and is being prosecuted for that offense.

13. "Clearance rate", with respect to a law enforcement agency, means the number of offenses cleared by the law enforcement agency, including through clearance by arrest and clearance by exception, divided by the total number of offenses reported to the law enforcement agency.

14. "Eligible entity" means a Tribal or municipal law enforcement agency or prosecuting office, or a group of Tribal law enforcement agencies or Tribal prosecuting offices.

15. "Program" means the grant program established under section eight hundred forty-five-e of this article.

§ 2. The executive law is amended by adding a new section 845-e to read as follows:

§ 845-e. Safer communities grant program. 1. As used in this section, "specified offenses" includes homicides, rapes, sexual assaults, kidnappings and non-fatal shootings.

2. Not later than one hundred eighty days after the effective date of this section, the division shall establish the safer communities grant program to award grants to eligible entities for investigative and/or prosecutorial activities with the specific objective of improving clearance rates for cases involving one or more specified offenses. Grants shall be in such amounts as determined appropriate by the division on a case-by-case basis.

3. An eligible entity seeking a grant under the program shall submit to the division an application at such time and in such manner as determined by the division containing or accompanied by:

(a) such information as the division may reasonably require; and

(b) a description of each eligible project, as described in subdivision five of this section, that the grant will fund.

4. The division, in selecting a recipient of a grant under the program, shall consider the specific plan and activities proposed by the applicant to improve clearance rates for specified offenses. Eligible applicants that do not receive funding through the Gun Involved Violence Elimination (GIVE) Initiative administered by the division of criminal justice services shall be given priority in the allocation of safer communities grant program awards.

5. A grant recipient shall use the grant for activities with the specific objective of improving clearance rates for cases involving specified offenses, including:

(a) ensuring the retention of detectives who are assigned to investigate the specified offense or offenses as of the date of receipt of the grant;

(b) hiring and training additional detectives who will be dedicated to investigating specified offenses;

(c) developing policies, procedures, and training to improve the ability of detectives to effectively investigate and solve cases involving specified offenses, including implementing best practices relating to:

(i) improving internal agency cooperation, organizational oversight and accountability, and supervision of investigations;

(ii) developing specific goals and performance metrics for both investigators and investigative units;

(iii) establishing or improving relationships with the communities the agency serves; and

(iv) collaboration with and among other law enforcement agencies and criminal justice organizations;

(d) training personnel to address the needs of victims and family members of victims of specified offenses or collaborating with trained victim advocates and specialists to better meet victims' needs;

(e) acquiring, upgrading, or replacing investigative, evidence processing, or forensic testing technology or equipment;

(f) development and implementation of policies that safeguard civil rights and civil liberties during the collection, processing, and forensic testing of evidence;

(g) hiring or training personnel for collection, processing, and forensic testing of evidence;

(h) hiring and training of personnel to analyze violent crime and the temporal and geographic trends among specified offenses;

(i) retaining experts to conduct a detailed analysis of homicides and shootings using Gun Violence Problem Analysis (commonly known as "GVPA") or a similar research methodology;

(j) ensuring victims have appropriate access to emergency food, housing, clothing, travel, and transportation;

(k) developing competitive and evidence-based programs to improve homicide and non-fatal shooting clearance rates;

(l) developing best practices for improving access to and acceptance of victim services, including victim services that promote medical and psychological wellness, ongoing counseling, legal advice, and financial compensation;

(m) training investigators and detectives in trauma-informed interview techniques;

(n) establishing programs to support officers who experience stress or trauma as a result of responding to or investigating shootings or other violent crime incidents; and/or

(o) ensuring language and disability access supports are provided to victims, survivors, and their families so that victims can exercise their rights and participate in the criminal justice process.

6. A grant made under the program shall not exceed one hundred percent of the cost of the proposed activity if the grant is awarded on or before March thirty-first, two thousand thirty-four or fifty percent of the cost of the proposed activity if the grant is awarded after March thirty-first, two thousand thirty-four.

7. Not later than one year after receiving a grant under the program, and each year thereafter during which the activity funded by the grant is carried out, a grant recipient shall submit to the division a report on the activities carried out using the grant, including, if applicable: the number of homicide and non-fatal shooting detectives hired by the grant recipient; the number of evidence-processing personnel hired by the grant recipient; a description of any training that is provided to existing (as of the date on which the grant was awarded) or newly hired homicide and non-fatal shooting detectives and designed to assist in the solving of crimes and improve clearance rates; any new evidence-processing technology or equipment purchased or any upgrades made to existing (as of the date on which the grant was awarded) evidence technology or equipment, and the associated cost; any assessments of evidence-processing technology or equipment purchased with grant funds to determine whether such technology or equipment satisfies the objectives of the use of the technology or equipment in increasing clearance rates, and any policies in place to govern the use of the technology or equipment; the internal policies and oversight used to ensure that any technology purchased through the grant for the purposes of improving clearance rates does not violate the civil rights and civil liberties of individ-

uals; data regarding clearance rates for homicides, rapes, other aggravated felonies, and non-fatal shootings, including the rate of clearances by arrest and clearances by exception, and crime trends from within each jurisdiction in which the grant recipient carried out activities supported by the grant; whether the grant recipient has provided grant funds to any victim services organizations, and if so, which organizations; the demographic information for victims of homicides, rapes, other aggravated felonies, and non-fatal shootings, and the length and outcomes of each investigation, including whether the investigation was cleared by arrest or exception; the demographic information for each victim or family member of a victim who received victim-related services provided by the grant recipient; and identification of the services most used by victims and their families and identification of additional services needed.

8. No later than two years after the effective date of this section, and every two years thereafter, the division of criminal justice services shall conduct an evaluation of the practices deployed by grant recipients to identify policies and procedures that have successfully improved clearance rates for homicides, rapes, sexual assaults, kidnappings, and non-fatal shootings; and the efficacy of any services provided to victims and family members of victims of homicides, rapes, sexual assaults, kidnappings, and non-fatal shootings. Not later than thirty days after completion of an evaluation the division shall submit to the temporary president of the senate and speaker of the assembly a report including the results of the evaluation and information reported by each grant recipient under subdivision seven of this section.

§ 3. The sum of thirty million dollars ($30,000,000) is hereby appropriated to the division for each of fiscal years 2024 through 2034 out of any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, and made immediately available, for the purpose of establishing safer communities grant program to award grants to eligible entities for activities with the specific objective of improving clearance rates for homicides, rapes, sexual assaults, kidnappings, and non-fatal shootings.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.