

Committee on Public Safety

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STATEMENT OF
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NEW YORK CITY POLICE DEPARTMENT
BEFORE THE NEW YORK CITY COUNCIL
PUBLIC SAFETY COMMITTEE

JUNE 26, 2008

Good afternoon Chairman Vallone and members of the Council. I am Deputy Chief James Molloy, Executive Officer of the NYPD's Special Operations Division. On behalf of Police Commissioner Raymond W. Kelly, I wish to thank the City Council for this opportunity to discuss the bill before you, Intro. 721, which would prohibit climbing or jumping from structures in New York City.

Intro. 721 would make it a class A misdemeanor to climb or use a device to jump or attempt to jump from a structure over 25 feet high in New York City, without the permission of the Police Department and the owner of the structure. The bill seeks to make it absolutely clear that such dangerous stunts are illegal.

There are several provisions of law which specifically address the activities contemplated by the bill. For example, Administrative Code Section 10-114 prohibits "street shows," which include exhibitions of climbing or scaling on the exterior of a building. Administrative Code Section 10-126 prohibits unlawful "avigation" over the City, which includes unauthorized take offs or landings, or parachuting from an aircraft, except in the event of imminent danger. Both are misdemeanors.

Other available charges may include Trespass, Criminal Mischief and Disorderly Conduct, depending on the facts of the case. In addition, the activities recently demonstrated by those climbing the New York Times Building, or the attempt to parachute off the Empire State Building in April, 2006, clearly fall within the scope of Penal Law Section 120.20, Reckless Endangerment, notwithstanding the fact that a judge or a grand jury may disagree in a particular instance.

We would like to express our strong support for the intent of Intro. 721. The danger inherent in attempting to climb or jump from tall structures is self evident, dangerous not only to the person performing the stunt but also to those below, and especially to the police officers and other public servants placed in the position of bringing the misguided offender under control and preventing any injury. We would like to work with the Council to ensure that Intro. 721 is consistent with the already-existing Administrative Code provisions banning similar conduct, so that there is no doubt that any attempt to garner attention or publicity by putting others at risk in this way will be punished severely.

Thank you for the opportunity to discuss Intro. 721, and we welcome any questions you may have.