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Title: Resolution calling upon the Legislature of the State of New York to create an office of special prosecutor for matters involving police misconduct and brutality.

Sponsors: Helen D. Foster, Melissa Mark-Viverito, Rosie Mendez, Domenic M. Recchia, Jr., James Sanders, Jr., Thomas White, Jr.

Indexes:

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Res. No. 65

Resolution calling upon the Legislature of the State of New York to create an office of special prosecutor for matters involving police misconduct and brutality.

By Council Members Foster, Mark-Viverito, Mendez, Recchia Jr., Sanders Jr. and White Jr.

Whereas, Police misconduct and brutality are serious concerns, as evidenced by the shootings of Amadou Diallo and Patrick Dorismond and the torture of Abner Louima; and

Whereas, Numerous entities, including the City Council, have held hearings on this issue and made recommendations for decreasing the number of such incidents; and

Whereas, Several years ago a report issued by the United States Civil Rights Commission, which addressed police practices and civil rights in New York City, recommended that an independent prosecutor be appointed for selected police misconduct cases; and

Whereas, Such a recommendation was motivated by, as the report describes, a “public perception that police misconduct cases place a tremendous strain on local government prosecutors, who rely routinely on the

police to provide the evidence to prosecute criminal violations”; and

Whereas, Whenever an officer is accused of serious wrongdoing or misconduct, the local prosecutor, who has an on-going working relationship with the Police Department and relies on the Department to effectively prosecute other cases, must also investigate and prosecute such a misconduct case; and

Whereas, The relationship between the local prosecutor and the police may lead to a less than vigorous prosecution and certainly the perception that a conflict of interest exists; and

Whereas, Precedence for such a special prosecutor exists, for in 1972 the Knapp Commission concluded that it was impractical for local district attorneys to deal with police misconduct and urged the establishment of a special prosecutor to investigate police corruption; and

Whereas, Governor Nelson Rockefeller implemented the Knapp Commission’s recommendation with Executive Order 55, which created the New York State Office of the Special Prosecutor for Law Enforcement and Administration of Criminal Justice in New York City; and

Whereas, Such office, until it was disbanded in 1990, was charged with the authority to inquire into matters regarding corruption in the administration of criminal justice in New York City; and

Whereas, Although this office dealt with corruption, certainly a need exists today for such an office to investigate and prosecute cases of police misconduct and brutality, especially given the Mollen Commission’s finding of a link between brutality and corruption; and

Whereas, Such an office will instill confidence in the public that police misconduct cases are treated fairly and even-handedly and that the relationship of the local prosecutor with the police will have no bearing on the disposition of the case; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Legislature of the State of New York to create an office of special prosecutor for matters involving police misconduct and brutality.

TB
Res 32/2004