Legislation Details (With Text)

File #:	Res 1236-2012	**Version:**	*	**Name:**	Duties of state police when an offense is committed by a police officer resulting in serious physical injury to another person. (S.3921)
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Title: Resolution calling on the New York State Senate to pass and the Governor to sign S.3921, which would amend the New York State Executive Law in relation to the duties of state police when an offense is committed by a police officer resulting in serious physical injury to another person.

Sponsors:

Indexes:

Attachments:

Date	Ver.	Action By	Action	Result
2/29/2012	*	City Council	Introduced by Council	
2/29/2012	*	City Council	Referred to Comm by Council	
12/31/2013	*	City Council	Filed (End of Session)	

Res. No. 1236

Resolution calling on the New York State Senate to pass and the Governor to sign S.3921, which would amend the New York State Executive Law in relation to the duties of state police when an offense is committed by a police officer resulting in serious physical injury to another person.

By Council Members Williams, Comrie, James, Koppell, Lander, Levin, Wills, Mark-Viverito, Dromm and Rodriguez

Whereas, The New York City Police Department ("NYPD") has approximately 34,500 uniformed police officers and is responsible for enhancing the quality of life in the City by working in partnership with the community, enforcing the law, and providing for a safe environment; and

Whereas New York City has five district attorneys, one for each county, who serve as each county's chief prosecutor; and

Whereas, There is necessarily a relationship formed between the NYPD and the district attorneys'

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offices as they work together to prosecute the arrests made by the police; and

Whereas, Under the current law, the investigation and prosecution of state crimes by municipal police officers is undertaken by the local district attorneys; and

Whereas, There may be an inherent conflict present in a local prosecuting agency's investigation and prosecution of a serious criminal offense alleged to have been committed by a municipal police officer, given the ongoing relationships between local district attorneys and their affiliated municipal police agencies; and

Whereas, The presence of such relationship could interfere with and compromise the objective, management, and conduct of criminal proceedings against an accused police officer; and

Whereas, In order to better promote public confidence in the justice process, particularly in communities of color, a systemic change is needed in the way police misconduct and brutality complaints are criminally investigated and prosecuted; and

Whereas, S.3921, currently pending in the New York State Senate, seeks to amend the New York State Executive Law by authorizing New York State's Division of State Police ("State Police") to (i) assume responsibility of any crime scene involving an offense by a police officer resulting in serious physical injury to another person; (ii) secure and freeze the scene of such crime; and (iii) undertake a criminal investigation in cooperation with the New York State Attorney General; and

Whereas, S.3921 would charge the State Police with the responsibility to prevent, investigate, and detect violations of the State's criminal laws by a police officer as well as require the State Police to cooperate with the New York State Attorney General in the investigation and criminal prosecution of any such offense by a police officer; and

Whereas, S.3921 would assist in improving relations between local police departments and community residents by offering a more neutral, independent investigation of alleged police misconduct and brutality; now,

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therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Senate to pass and the Governor to sign S.3921, which would amend the New York State Executive Law in relation to the duties of state police when an offense is committed by a police officer resulting in serious physical injury to another person.

WJH
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