Legislation Details (With Text)

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Title: Resolution calling on the New York State Assembly to pass A.4382, the New York State Senate to introduce and pass similar legislation, and the Governor to sign such legislation into law, granting the New York State Attorney General jurisdiction to investigate and prosecute police misconduct upon the request of the Governor or the District Attorney of the county wherein such misconduct was committed.

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. 1235

Resolution calling on the New York State Assembly to pass A.4382, the New York State Senate to introduce and pass similar legislation, and the Governor to sign such legislation into law, granting the New York State Attorney General jurisdiction to investigate and prosecute police misconduct upon the request of the Governor or the District Attorney of the county wherein such misconduct was committed.

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

Whereas, The New York State Attorney General ("Attorney General") serves as (i) New York State's chief law enforcement officer; (ii) the chief legal advisor to the Governor; and (iii) the guardian of New York State's citizens' legal rights; and

Whereas, The resources of the Attorney General include two executive offices, thirteen regional offices, over 650 Assistant Attorneys General, and over 1,700 employees, comprising of forensic accountants, legal assistants, scientists, investigators and support staff; and

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Whereas, New York State consists of 62 counties, each of which elects a district attorney who is charged with prosecuting violations of the law that occur within his or her county's borders; and

Whereas, District attorneys have longstanding relationships with local law enforcement agencies and have limited resources with which to prosecute a myriad of offenses; and

Whereas, The Attorney General's resources should be utilized to assist New York counties whose district attorneys have the least resources to prosecute criminal offenses; and

Whereas, Additionally, 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, The Attorney General's office has a more distant relationship with municipal and county law enforcement agencies than do the district attorneys; and

Whereas, A.4382, currently pending in the New York State Assembly, seeks to amend the New York State Executive Law by increasing the authority of the Attorney General to investigate and prosecute any alleged criminal misconduct by police officers in connection with the performance of their regular duties under limited, specific circumstances; and

Whereas, A.4382 provides that this increased authority may be exercised only upon (i) a written finding by the Attorney General that a lack of prosecutorial resources of the local jurisdiction hinders the effective investigation and prosecution of the alleged offense or offenses or (ii) the exercise of this authority is necessary

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to ensure the public's confidence in the justice system; and

Whereas, The New York State Senate should introduce and enact a companion bill to A.4382, which would expand the Attorney General's authority to investigate and prosecute criminal misconduct; and

Whereas, Granting the Attorney General jurisdiction to investigate and prosecute police misconduct helps promote and safeguard the public's faith in the justice system and ensures that adequate prosecutorial resources are made available; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass A.4382, the New York State Senate to introduce and pass similar legislation, and the Governor to sign such legislation into law, granting the New York State Attorney General jurisdiction to investigate and prosecute police misconduct upon the request of the Governor or the District Attorney of the county wherein such misconduct was committed.

WJH
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