Legislation Details (With Text)

File #:	Res 0929-2003	**Version:**	*	**Name:**	Police officers under investigation as suspects are not required to speak to anyone about the incident for a 48-hour period.
Type:	Resolution			**Status:**	Filed
				In control:	Committee on Public Safety
On agenda:	6/5/2003				
Enactment date:				**Enactment #:**	

Title: Resolution calling upon the appropriate committee of the Council to hold a hearing on the "48-hour rule", whereby police officers under investigation as suspects are not required to speak to anyone about the incident for a 48-hour period.

Sponsors:

Indexes:

Attachments:

Date	Ver.	Action By	Action	Result
6/5/2003	*	City Council	Introduced by Council	
6/5/2003	*	City Council	Referred to Comm by Council	
12/31/2003	*	City Council	Filed (End of Session)	

Res. No. 929
Resolution calling upon the appropriate committee of the Council to hold a hearing on the "48-hour rule", whereby police officers under investigation as suspects are not required to speak to anyone about the incident for a 48-hour period.

By Council Members Barron, Clarke, Comrie, Espada, Foster, Gerson, Jackson, Jennings, Lopez, Martinez, Perkins, Quinn, Reed, Sanders, Serrano, Stewart and Vann

Whereas, The NYPD's "48-hour rule" provides that when a police officer is to be questioned in connection with an official investigation, whether as the subject or as a witness, in serious situations such as the use of deadly physical force or allegations of brutality, the officer is entitled to a 48 hour period in which he or she is not required to answer any questions regarding the alleged incident; and
Whereas, Incidents such as the brutalization of Abner Louima and the tragic killing of Amadou Diallo focused nationwide attention on the policies of the NYPD, and highlighted the need for reforms of certain NYPD procedures for conducting investigations; among those reforms needed to improve Department accountability and enhance public trust is the elimination of the widely criticized 48-hour rule, which creates unwarranted impediments to prompt and thorough investigations; and

Whereas, The 48-hour rule is at best a questionable policy and, at worst, a Department sanctioned window of opportunity for officers to corroborate their stories to avoid prosecution; the officers involved in an incident should be questioned immediately while details are still fresh in their minds and not tainted by the influence of others or the passage of time; this is the only way to preserve the integrity of the investigation; and

Whereas, The 48-hour rule also offers an unnecessary added layer of protection for police officers above and beyond the Constitutional safeguards that are already in place; and
Whereas, Like every other U.S. citizen, police officers retain all rights and protections that the Constitution provides and, as such, are protected by the Fifth Amendment against self-incrimination; like every other citizen, police officers cannot be forced to testify against themselves in a court of law or waive their right against self-incrimination, and they have the right to legal counsel and to remain silent upon the advice of counsel; further, no questioning may take place outside the presence of the officer's attorney once the right to counsel has attached; police officers simply do not need a special rule to protect them; and
Whereas, In order to improve relations between the Department and the communities it serves and to restore the public's confidence and trust, the Department must continually evaluate the effectiveness of its policies and be prepared to make changes as needed; due to the overwhelming disfavor surrounding the 48-hour rule and the general contention that the rule acts as an unnecessary protective shield for suspect officers and, as such, should be eliminated, the issue needs to be fully addressed and debated as the subject of a public hearing; now, therefore, be it
Resolved, That the Council of the City of New York calls upon the appropriate committee of the Council to hold a hearing on the "48-hour rule", whereby officers under investigation as suspects are not required to speak to anyone about the incident for a 48-hour period.
LS# 2606 -TMQ-05/30/03

powered by Legistar™