



Legislation Text

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Res. No 137

Resolution calling upon the New York City Police Department and the New York City Patrolmen's Benevolent Association to eliminate the "48-hour" rule - a rule which protects a police officer from being questioned by investigators for a period of 48 hours after the commission of alleged acts of misconduct.

By Council Members Foster, Barron, Sanders, Vann, Brewer, Gerson, Jackson, Jennings, Lopez, Perkins, Reed, Rivera, Serrano and Stewart

Whereas, There exists a contract provision between the New York City Police Department (NYPD) and Patrolmen's Benevolent Association (PBA), known as the "48-hour" rule, which protects a police officer from being questioned by investigators and police superiors for 48 hours after an alleged incident of misconduct; and

Whereas, All citizens have constitutional "due process" rights to protect them during legal procedures when it is alleged that they have committed a crime; and

Whereas, There are many New York City residents who believe that it is inherently unfair to have one standard of justice for ordinary citizens and another standard for police officers; and

Whereas, There have been a number of high profile incidents in which police officers were alleged to have committed certain acts of misconduct or brutality, such as in the Abner Louima, Amadou Diallo and Patrick Dorismond cases, and where the 48-hour rule has been invoked; and

Whereas, Such a dual standard of justice has resulted in an atmosphere of mistrust and a lack of confidence in the criminal justice system; and

Whereas, Since the Fall of 1997, all new contracts with supervisory police officers, such as sergeants, lieutenants and captains, have removed the "48-hour" rule contract provision; and

Whereas, The NYPD has expressed an interest in eliminating this rule from its contract with the PBA, and the PBA should follow the example of the other police unions; and

Whereas, Elimination of the 48-hour rule will engender the good will and trust necessary to police this great city; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Police Department and the New York City Patrolmen's Benevolent Association to eliminate the "48-hour" rule - a rule which protects a police officer from being questioned by investigators for a period of 48 hours after the commission of alleged acts of misconduct.