



## Legislation Text

**File #:** Res 0476-2004, **Version:** \*

### Res. No. 476

Resolution calling on the New York State Legislature to increase the penalties for obstructing law enforcement operations.

By Council Members Vallone Jr, Addabbo, Comrie, Gennaro and Nelson

Whereas, Under New York State Penal Law, a person who “intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act,” is guilty of a class A misdemeanor, which is punishable by no more than one year in prison; and

Whereas, In a recent interview, Police Commissioner Kelly indicated that, in addition to countering terrorism during the upcoming Republican National Convention, and providing security for delegates, visitors and protestors, the New York City Police Department (NYPD) must also contend with various anarchist groups that plan to disrupt police operations; and

Whereas, As detailed by the Commissioner and broadcast over the web, these groups intend to disrupt police operations by, among other things, intentionally fooling bomb sniffing dogs, throwing marbles under the hooves of police horses, using slingshots to pelt the horses, and dispersing trace amounts of ammonium nitrate in the trains; and

Whereas, The insidious nature of these activities is amply reflected by the instructions given on the web site of one of the anarchist groups on how to mislead the bomb dogs: “[G]o to a rifle, pistol or skeet shooting range, spend an hour shooting to saturate clothing with smell of gunpowder, go directly to a New Jersey Transit, LIRR or subway train headed for Penn Station. Try to have at least two people on a train in different locations, sit or stand near the doors as the train approaches the station, try to get near police and dogs, linger as long as possible around the dog, try to pet it if possible. If the dog alerts on your scent, do not leave or resist; the situation will cause a major disruption of the train schedule...If there is more than one person on the train that causes a dog to alert, you can bet that the train will not be going anywhere for a long time...neither will any trains behind it...It is important that the police call in all possible resources to investigate the situation...With any luck, Madison Square Garden will be evacuated;” and

Whereas, These deliberate attempts to disrupt police operations, cause major havoc, and thereby endanger the lives of thousands of New Yorkers and visitors, is unconscionable and serves no legitimate purpose; and

Whereas, Under these circumstances, an arrest for obstructing governmental administration under Penal Law §195.05 is meaningless and insignificant; facing the penalties of an A misdemeanor does not adequately reflect the seriousness and danger of these actions; and

Whereas, Particularly when police resources are stretched thin, and a large event with tens of thousand of

people is taking place, the diversion of police resources due to the antics of a few must be sufficiently punished, and increasing the penalty for obstructing governmental administration is an appropriate response to these dangerous actions; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to increase the penalties for obstructing law enforcement operations.

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