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Today the New York State Law Enforcement Council (LEC) unveiled its legislative agenda for 2011. The legislative priorities are: 1) expanding the state DNA databank, 2) increasing penalties for intimidating and interfering with witnesses, 3) safeguarding our children through a felony endangerment law that applies when a person in a position of trust inflicts serious or repeated abuse on a child, 4) holding public officials accountable to a high standard of ethical conduct, and 5) enhancing protections for police officers.

Bronx County District Attorney Robert T. Johnson, Counsel to the LEC, expressed support for the principles behind the LEC priorities, stating, "We believe that we've come up with smart and fair ways to provide additional protection for the public in general, as well as police officers, children, and witnesses in particular. Furthermore, holding public officials more accountable would also provide a much needed boost to confidence in government."

New York County District Attorney Cyrus R. Vance, Jr., said, "At a time when New York State is forced to make significant budget cuts in the face of diminishing resources, the Law Enforcement Council is absolutely essential. Through the LEC, law enforcement partners from around the state stand together to put forth their core priorities. We recognize that it is always our responsibility to be careful stewards of our communities' resources. At the same time, we are in charge of safeguarding our communities, and in order to do so we are asking the legislature to act on the five priorities, which are no or low cost to taxpayers, but will reap substantial benefits to public safety."

Public Corruption

There is a popular perception in New York State that corruption among public officials is rampant. While the overwhelming majority of public officials have the public interest as their paramount goal, there is a small minority that uses their authority for personal gain. There is no question that change is necessary in order to reverse the tacit acceptance of corruption of public servants and the perception of Albany as a safe house for corruption.

The Law Enforcement Council recommends a multi-pronged approach to discourage and, where

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necessary, punish behavior that is antithetical to the basic responsibilities inherent to public service. First, provide local prosecutors with the power to try corruption cases locally, rather than out-sourcing corruption cases to federal prosecutors. Second, bring Penal Law articles involving Bribery of Public Servants in line with the other bribery laws in New York State. Third, prevent sponsors and their relatives from having a financial interest in or receiving a benefit from a grant. Fourth, enhance financial reporting requirements and campaign finance laws to close loopholes.

DNA Databank

DNA is the modern-day fingerprint; crimes are solved by matching DNA recovered at a crime scene to DNA taken from a known individual. Yet, while fingerprints are taken from all suspects on arrest, DNA can only be collected for a specific subset of crimes – and not until after conviction. Expanding the DNA databank to include DNA samples from suspects of all crimes at the time of arrest serves two critical purposes. First, it helps pinpoint suspects, reducing false leads and saving critical, limited resources. Second, it helps eliminate mistaken identification and speeds the exoneration of wrongfully implicated individuals.

Witness Intimidation

There are two classes of crimes – gang violence and domestic violence – that while quite different at first glance, actually have a lot in common. Both disempower and degrade the affected community, stripping victims of their sense of self and security. Perpetrators seek to inflict not only physical, but also mental and emotional violence against their victims. An integral part of gang and domestic violence is silencing victims and witnesses through intimidation and threats of violence.

The Law Enforcement Council recommends policy and procedural actions that will reduce incentives for intimidation; enhance punishments for intimidation; and establish a new cultural norm that restores fundamental rights to individuals and communities who are entitled to full access to the services provided by our law enforcement and criminal justice systems.

Child Endangerment

New York State does not have a child abuse article in the Penal Law. Police and prosecutors must work within the confines of the assault statutes when they are trying to hold abusers accountable. Under those statutes, prosecutors must prove the intentional infliction of serious physical injury or prove the use of a dangerous weapon. In many cases of child abuse, the actions either don't result in grave physical injury; it is difficult to prove that the act was undertaken intentionally, rather than recklessly; or the method of inflicting the abuse does not qualify because it does not stem from the use of a "weapon" as defined in the law. In many of these cases, children are put in danger through abandonment or neglect or they may be subjected to other physical or emotional cruelties that do not fall under the Penal Law definition of "physical injury."

The class E felony, Aggravated Endangering the Welfare of a Child, proposed by the Law Enforcement Council would penalize a person in a position of trust who knowingly acts in a way likely to be injurious to the child's physical, mental, or emotional welfare. The charge requires one of two aggravating factors to be present: the offender has previously been convicted of a crime in which the victim was a minor, or the conduct includes acts that cause the child extreme pain or which are carried out in an especially vicious or sadistic manner.

Police Protection

Police officers knowingly put themselves in physical danger every day. When suspects intentionally disobey the lawful commands of an officer or subject officers to unwanted physical contact, there are often serious ramifications to public safety. Yet, in those situations prosecutors may not have the appropriate laws needed to prosecute offenders. The Law Enforcement Council supports penalties for individuals who fail to heed or obey a police officer's lawful command; subject police officers to unwanted physical contact while they are performing their official duties; or attempt, while driving, to elude a police officer's order to pull over and comply.

The New York State Law Enforcement Council was formed in 1982 as a legislative advocate for New York's law enforcement community. The council's members represent the leading law enforcement professionals throughout the state, including the Attorney General of the State of New York, the District Attorneys Association of the State of New York, the New York State Association of Chiefs of Police, the New York State Sheriffs' Association, the New York City Criminal Justice Coordinator, and the Citizens Crime Commission of New York City. Since its inception, the council has been an active voice and participant both in improving the quality of justice and in continuing efforts to provide for a safer New York.

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