

## VETO MESSAGE:

VETO MESSAGE - No. 74

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 6263, entitled:

"AN ACT to amend the criminal procedure law, in relation to designating certain employees of the village of Lake George as peace officers; and providing for the repeal of such provisions upon expiration thereof"

NOT APPROVED

This bill would grant peace officer status to certain temporary employees of the Village of Lake George. Although the bill includes restrictive language that would appear to limit the ability of these officers to carry firearms, these individuals could carry firearms if licensed to do so. This bill is one of 16 similar bills that the Legislature passed this session, each of which would grant peace officer status to a separate class of employees.

Peace officers have many of the same legal powers as police officers, including the power to use force to make arrests, make warrantless arrests, conduct warrantless searches and issue appearance tickets. These are very far-reaching powers that should not be granted lightly, and should only be granted to those who have received sufficient training.

Unfortunately, our current laws governing the training of peace officers are inadequate. The Municipal Police Training Council is authorized to set training requirements for peace officers, but is limited to requiring no more than 35 hours of training for full-time peace officers.

cers, and 10 hours of training for part-time peace officers. A basic training course for police officers, in contrast, must include a curriculum of at least 475 hours of instruction and a supervised field training and orientation program of at least 160 hours, for a total of at least 635 hours.

I do not think we should be expanding the categories of individuals who are granted peace officer status until we have amended our current laws to ensure that these individuals are adequately trained. Moreover, most of the peace officer bills that have been presented for my review fail to provide an adequate justification explaining why these individuals need peace officer powers.

The memorandum in support of this bill states that the Village of Lake George needs summer employees to patrol streets, enforce local laws and direct traffic, and I am informed that the village has developed a summer hiring program with some good features. However, this bill does not provide the right legal framework for such a program. In particular, it would extend broad peace officer powers to employees whose functions are meant to be more narrowly limited. In addition, although the functions of these employees are somewhat limited, they still should undergo proper law enforcement training. Moreover, under current law, peace officers can have up to twelve months to complete their training, so

there would be a possibility that these summer-season peace officers would not receive even the minimal training required by law.

Rather than grant peace officer status through individual bills passed for small groups within specific municipalities, the Legislature should address this issue on a more comprehensive basis, and determine which categories of employees may need peace officer powers on a statewide basis. When appropriate, such grant of powers can be made subject to the

approval of the local municipality.

I have asked my staff, the Division of Criminal Justice Services and other affected agencies to work with the Legislature during the remainder of this year to review this issue carefully and to develop appropriate criteria under which peace officer status should be granted in the future, including a review of training requirements and appropriate restrictions on the ability to carry firearms.

The bill is disapproved.

(signed) ELIOT SPITZER

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