

VETO MESSAGE - No. 31

TO THE ASSEMBLY:

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

Assembly Bill Number 2534, entitled:

"AN ACT to amend the criminal procedure law, in relation to designating uniformed court officers of the town of New Windsor as peace officers"

Assembly Bill Number 3939, entitled:

"AN ACT to amend the criminal procedure law, in relation to granting peace officer status to uniformed court officers for the village of Northport justice court"

Assembly Bill Number 4632-A, entitled:

"AN ACT to amend the criminal procedure law, in relation to granting peace officer status to uniformed members of the fire marshall's office in the village of Southampton"

Assembly Bill Number 4633-A, entitled:

"AN ACT to amend the criminal procedure law, in relation to designating employees of the village court of the village of Westhampton Beach serving as uniformed court officers as peace officers"

Assembly Bill Number 5311-A, entitled:

"AN ACT to amend the criminal procedure law, in relation to designating village of Lake George seasonal constables as peace officers"

Assembly Bill Number 5709-A, entitled:

"AN ACT to amend the criminal procedure law, in relation to designating uniformed officers of the fire marshal's office of the town of Huntington as peace officers"

Assembly Bill Number 6506, entitled:

"AN ACT to amend the criminal procedure law, in relation to granting animal abuse investigators of the county of Wayne peace officer status"

Assembly Bill Number 7238, entitled:

"AN ACT to amend the criminal procedure law, in relation to granting uniformed marine patrol officers in Cayuga county peace officer status"

Assembly Bill Number 7868, entitled:

"AN ACT to amend the criminal procedure law, in relation to granting

peace officer status to animal control officers employed by the county of Schuyler"

Assembly Bill Number 8354, entitled:

"AN ACT to amend the criminal procedure law, in relation to designating federal Security and Safeguard Division personnel assigned to the United States Department of Energy Naval Reactors Laboratory Field Offices in New York, as peace officers" and

Assembly Bill Number 8637, entitled:

"AN ACT to amend the criminal procedure law, in relation to designating court attendants in the village of Port Chester as peace officers"

NOT APPROVED

These eleven bills would all extend peace officer status to certain new categories of employees. While I have great respect for the work performed by the individuals at issue, the bills are problematic for two reasons. First, peace officers have many of the same law enforcement powers as police officers. Under the Criminal Procedure Law, peace officers may: (1) make warrantless arrests; (2) use physical force and deadly physical force in making arrests; (3) make constitutionally permissible warrantless searches; and (4) issue appearance tickets. Traditional categories of peace officers include officials who perform a law enforcement function for an agency that does not have policing as its central mission, such as departments of probation, parole, corrections, and parks, and state courts in the Unified Court System. In recent decades, however, there has been an explosion of amendments to the Criminal Procedure Law to extend peace officer status to a great number of local job titles without there always being adequate consideration as to whether there is a legitimate need for the powers that peace officer status confers. It is not clear to me why the categories covered by these bills are in need of the extra powers granted them by the proposed legislation.

Second, providing these employees with the broad powers that peace officer status confers is particularly troubling in light of current peace officers' training, which is minimal. The Municipal Police Training Council (MPTC) sets requirements for both police officers and peace officers, but current law does not allow the MPTC to require more than 35 hours instruction for full-time peace officers, or more than 10 hours instruction for part-time peace officers. Criminal Procedure Law Section 2.30(1). In contrast, a basic training course for police officers must include a total of 635 hours of training. The disparity between the required levels of training (the equivalent of almost four months of training for police officers, as against less than one week for peace officers) is far more than can be justified by the fairly small differences between the authorized powers of the two groups. As a result, it is widely recognized that the training requirements for peace officers are inadequate.

I believe that we are making progress toward remedying this situation. Two years ago, when Governor Spitzer vetoed bills granting peace officer status, the veto messages directed staff to work on appropriate criteria under which such status should be granted in the future. The Division of

Criminal Justice Services (DCJS) followed that mandate, and in 2008 it submitted a departmental bill to revamp the peace officer statute. That bill did not pass either house. However, this year a revamped version of this legislation passed the Assembly (A.7957-A).

I hope that soon this bill, or a similar one, will be passed by both houses. To this end I am directing my Counsel's Office and DCJS to continue discussions with the Legislature and affected groups concerning this bill. Once we provide for proper training in the exercise of the sweeping powers that these officers are authorized to exercise, then we can prudently address whether the statute should be amended to create additional categories of peace officers.

These bills are disapproved.

(signed) DAVID A. PATERSON

---