

# NEW YORK STATE SHERIFFS' ASSOCIATION

## TEN LEGISLATIVE PROPOSALS FOR THE PROTECTION OF THE PUBLIC AND THE POLICE

Unfortunately, many politicians and community activists, and some in the media, have fostered an attitude toward the police which excuses, or even glamorizes, resistance to lawful authority. It should be readily apparent to everyone that, with some notable exceptions, most of the recent tragic incidents which resulted in the injury or death of an individual at the hands of the police have begun with refusal by that individual to comply with a lawful order. When an individual refuses to comply with a lawful order, the police officer is faced with a choice between walking away from the wrongdoer or taking some action. Action often leads to reaction, and escalation begins. Officers are trained in de-escalation, but that requires some cooperation on both sides. When escalation begets escalation, tragedy can result. An officer's split-second reaction to a perceived threat may perhaps later be thought to be all wrong by those sitting in their arm chairs, under no pressure or stress, but police officers do not often have the luxury of cool reflection before taking action. We call upon the Legislature and the Governor to enact the following two proposals in order to reemphasize the importance of citizen compliance with directives of law enforcement officers. There is a time and place to question an officer's actions but not in the middle of the street when the officer is under the pressure of trying to bring a situation under control for the safety of the public.

1. **Resisting Arrest.** Make Resisting Arrest a Class E felony which cannot be reduced by plea bargaining, and make it an offense for which a judge could require the posting of bail.
2. **Failure to Retreat.** Make it a Class D Felony for any person to approach or remain within 25 feet of a police officer engaged in the performance of his or her duties when such person is ordered by a police officer to halt or retreat and such person fails to immediately do so.

Police officers have a difficult job. Most want to do the job right, and then go home safely to their families at the end of their shift. Unfortunately, in the current climate of disrespect for the police, again fostered by the words and actions of some politicians and community activists, some bad actors think they have been given license to harass and assault police officers with impunity. We call upon the Legislature and the Governor to enact the following six proposals for the protection of police officers, who must be kept safe so they can keep our citizens safe. They are the thin blue line between the citizens and anarchy.

3. **Assault on a Police Officer.** Increase the level of seriousness by one degree for the current crimes pertaining to assault upon a police officer.

**Penal Law § 120.05(3)** - Assault in the Second Degree, causing a peace or police officer physical injury, should become a class C felony.

**Penal Law § 120.08** - Assault on a Peace Officer, Police Officer, Firefighter or Emergency Medical Services Professional, causing serious physical injury, should become a class B felony.

**Penal Law § 120.11** - Aggravated Assault on a Peace Officer or Police Officer, causing serious physical injury by means of a deadly weapon or dangerous instrument should become a class A felony.

4. **Aggravated Harassment of a Police or Peace Officer.** Make it a Class D Felony, for a person to cause, or attempt to cause, any police officer or peace officer engaged in the performance of his or her duties to be struck by any substance or object including, but not limited to, bottles, rocks, bodily fluids, spittle, urine, seminal fluid, feces, flammable liquids or other noxious, hazardous or dangerous substances or objects.
5. **Hate Crime Against a Police Officer.** Make any crime committed against a police officer because of his or her status as a police officer a hate crime, with a concomitant increase in penalty, as is currently provided with respect to hate crimes against members of other protected groups.
6. **Aggravated Offering a False Accusation Against a Police Officer.** Make it a Class D Felony to falsely accuse a police officer or peace officer of wrongdoing in the performance of his or her duties, and create a private right of civil action for the officer against the false accuser.

7. **Criminal Doxing of a Police Officer or Peace Officer.** Make it a Class D Felony to dox a police officer or peace officer because of the officer's status as a police or peace officer, or to dox any other person because of that person's relationship to, or affiliation with, a police or peace officer.
8. **Stalking a Police or Peace Officer.** Make it a Class E Felony to follow or surveille a police or peace officer for no legitimate purpose, whether such officer is on or off duty, or to approach within one hundred yards of the private residence or place of lodging of a police officer, without the consent of said officer, for reasons related to the officer's status or service as a police or peace officer, or for the purpose of intimidating the officer or the officer's family.

Many political leaders have endangered the lives of our police officers either actively, by their inflammatory rhetoric, or passively, by their failure, in the face of unfounded anarchist attacks, to speak up in defense of the great majority of police officers who conscientiously serve and sacrifice for all New Yorkers without regard to race. We call upon the Legislature and the Governor to enact the following two proposals in recognition of the difficult, dangerous job our police officers are asked to perform, and in recognition of the sad fact that, in the performance of that difficult, dangerous job, too many of them lose their lives.

9. **Disability and Death Benefit.** Provide a \$500,000 benefit for police officers who are seriously disabled or die from injuries incurred in the line of duty, in recognition of the high-risk occupation of a police officer, in order to provide some measure of security for the future for the officer and his or her family should the officer be disabled or killed in protecting the public.
10. **Police Memorial Day.** Make May 15 a State holiday in honor of the more than 1,567 police officers who have died in the line of duty in New York, and require the State Division of Criminal Justice Services to annually organize a fitting memorial ceremony at the Police Memorial Wall at the Empire State Plaza in Albany on the Monday falling closest to May 15, and require the Governor to appear in person at such ceremony to say aloud, in tribute, the names of the police officers who died during the previous year from injuries incurred in the line of duty.