



District Attorneys Association of the State of New York

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Message from the President

Hon. Kathleen B. Hogan, Warren County District Attorney



Members of the District Attorneys Association – both through our 62 county offices and collectively – are working hard to ensure that New York remains a vibrant, safe place to live. DAASNY has been actively educating legislators and the public on issues of importance to public safety and advocating for critical funding for criminal justice programs in the state budget.

Child Protection Act of 2010: DAASNY has proposed much needed legislation to protect children. New York's penal laws fail to protect children from many serious, but unfortunately, commonly seen forms abuse. The Child Protection Act of 2010 will strengthen our ability to keep our children safe and will help us to shield them from child abusers.

Crimes Against Revenue Program: DAASNY is seeking support for the Crimes Against Revenue Program in which local offices prosecute people who steal from the state. This program has a 285% return on investment for every dollar spent. Despite the fact that the program returns money to the state, it is in danger of being cut.

New York State Law Enforcement Council Announces 2010 Legislative Priorities



The New York State Law Enforcement Council released its 2010 book of legislative priorities. The council's members represent the leading law enforcement professionals throughout the state, including the District Attorneys Association of the State of New York, the Attorney General 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.

New York State Law Enforcement Council was formed in 1982 as a legislative advocate for New York's law enforcement community. Since its inception, the council has been an active voice and participant in improving the quality of justice and in the continuing efforts to provide for a safer New York.

Legislative Priorities

Collect DNA at Arrest

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 submitted to the state databank 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.

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Reduce Gang Violence

Once considered a problem of inner cities, gangs have expanded into suburban and even rural areas. Although the nature of gangs in different parts of the state is not uniform, the violence, harassment, and intimidation that they inflict on communities is the same. New York needs to enact legislation that defines gang, creates aggravated penalties for gang violence, protects witnesses from intimidation and physical harm, and creates penalties that deter and punish chronic offenders.

Microstamping for Easy Identification of Crime Guns

Microstamping is an inexpensive tool that will help law enforcement solve and deter gun crimes. By etching a code onto the firing pin and barrel of a semi-automatic pistol, microstamping provides an easy-to-follow trail back to the purchaser of the weapon. The Law Enforcement Council supports the requirement that all semi-automatic pistols manufactured by, or delivered to, any licensed firearms dealer in New York State be capable of microstamping.

Create a Felony Child Endangerment Law

The Penal Law does not adequately address the unique nature of child abuse cases. In many of these cases, children may be put in danger through abandonment or neglect or subjected to other physical or emotional cruelties that do not fall under the Penal Law definition of "physical injury." Moreover, hands, fists, and feet don't qualify as "weapons" under the penal law definitions so the abuse inflicted by hitting, kicking, or punching frequently falls through this gap in the law. A proposed class E felony, Aggravated Endangering the Welfare of a Child, would penalize a person in a position of trust who knowingly acts in a way likely to harm a child when 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.

Expand the Identity Theft Law to Address Current Crimes

New York State's Identity Theft laws must be revised in order to keep pace with the changing nature of the crime. For example, higher penalties should be available based on the dollar-value of the theft/fraud and the number of victims affected. In addition, the crimes that are typically committed in connection with Identity Theft, such as Grand Larceny, Forgery, Criminal Possession of a Forged Instrument, and Criminal Possession of Stolen Property, can only be charged in one county, whereas identity thieves rarely keep their operation confined by artificial county boundaries. This makes enforcement a piecemeal effort. Finally, Identity Theft and Unlawful Possession of Personal Identification Information aren't listed in the Enterprise Corruption laws, which certainly should apply to large-scale operations.

Protect the Police

Police officers knowingly put themselves in physical danger every day. And 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.

Spotlight On: Manhattan Conviction Integrity Program



In March of 2010, newly elected Manhattan District Attorney Cyrus R. Vance, Jr. created the Conviction Integrity Program to seek to prevent wrongful convictions and address claims of actual innocence. The Program is made up of three integral elements: a Conviction Integrity Committee, a Conviction Integrity Chief, and an outside Conviction Integrity Policy Advisory Panel.

The Conviction Integrity Committee is comprised of ten senior members of the District Attorney's staff. The Committee will review practices and policies related to case assessment, investigation, and disclosure obligations, with a focus on procedures that could lead to errors in eyewitness misidentifications or false confessions.

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Check out the new and improved DAASNY web site at:

www.daasny.org

Bonnie Sard, a senior Assistant District Attorney is the Conviction Integrity Chief. In this position she will coordinate the activities of the Committee, and, with the Committee, will lead the re-investigation of any cases that present a meaningful claim of actual innocence.

The Conviction Integrity Policy Advisory Panel, a group of leading criminal justice experts, will advise the Office on national best practices and evolving issues in the area of wrongful conviction. The Panel includes former New York Court of Appeals Judge Howard Levine, former New York State Commissioner of Criminal Justice Services and Deputy Secretary for Criminal Justice Denise O'Donnell, Innocence Project Co-Founder Barry Scheck, as well as legal scholars and former prosecutors.

DA Vance, when introducing the Program, noted, "As prosecutors it is our duty to bring our best efforts to bear in every case to ensure that only the guilty are convicted. And if we have any reason to believe that we have prosecuted or are prosecuting someone who is actually innocent, we must take prompt steps to investigate the matter and see that justice is served. This Program is not aspirational – it is a modern, comprehensive structure to minimize wrongful convictions by evaluating the merits of each case, in the earliest stages of an investigation and beyond, guided by the best science, the best training, and the best national practices."

More information can be found at: <http://www.manhattanda.org/>

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