

Legislation Details (With Text)

File #: ID-5838 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 9/27/2023 **In control:** County Legislature
On agenda: 10/19/2023 **Final action:** 10/19/2023
Enactment date: 10/19/2023 **Enactment #:** 408-23
Title: TO AUTHORIZE THE COMMISSIONER AND DEPUTY COMMISSIONER OF PUBLIC SAFETY TO BECOME SWORN PEACE OFFICERS PURSUANT TO THE PROVISIONS OF THE NEW YORK STATE CRIMINAL PROCEDURE LAW 2.10

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/19/2023	1	County Legislature	adopted	Pass
10/5/2023	1	Public Safety and Law Enforcement Committee	carried at Committee	Pass

Narrative of Resolution:

To authorize the Commissioner and Deputy Commissioner of Public Safety to become sworn Peace Officers pursuant to the provisions of the New York State Criminal Procedure Law 2.10

If Resolution requires expenditure of County Funds, provide the following information:

Amount to be authorized by Resolution: \$3,000 Estimated

Are funds already budgeted? Yes

Specify Compliance with Procurement Procedures: N/A

RESOLUTION INTRODUCED BY THE PUBLIC SAFETY COMMITTEE TO AUTHORIZE THE COMMISSIONER AND DEPUTY COMMISSIONER OF PUBLIC SAFETY TO BECOME SWORN PEACE OFFICERS PURSUANT TO THE PROVISIONS OF THE NEW YORK STATE CRIMINAL PROCEDURE LAW 2.10

WHEREAS, the Commissioner and Deputy Commissioner of the Sullivan County Division of Public Safety in their respective titles have assumed the responsibility of providing emergency response to the scene of man-made or natural disasters throughout Sullivan County as the Department of Homeland Security and Emergency Services; and

WHEREAS, the Commissioner, and Deputy Commissioner in his absence, chair the Sullivan Threat Assessment Committee charged with targeted violence threat assessment and management, and domestic terrorism prevention; and

WHEREAS, in accordance with Section 14 of the Defense Emergency Act 1951 Chapter 784-51, "every political subdivision shall have power to assist in the effectuation of any matter undertaken"; and

WHEREAS, the Commissioner and Deputy Commissioner encounter highly-sensitive information during coordination with law enforcement agencies; and while on-scene, and in an attempt to secure the scene, often must make immediate

decisions to protect the safety of the citizens and visitors of Sullivan County; and

WHEREAS, various provisions of law prohibit the Commissioner and Deputy Commissioner from participating in law enforcement sensitive training courses and carrying out essential duties during a declared State of Emergency, including but not limited to closing roadways, built facilities and other areas; and

WHEREAS, during times of a declared State of Emergency, or in preparation for a disaster, the Commissioner and Deputy Commissioner must be empowered to freely traverse Sullivan County; and

WHEREAS, the Division of Public Safety recognizes that Peace Officers are authorized to carry out the essential duties pursuant to Criminal Procedure Law; and

WHEREAS, Section 2.10 of Criminal Procedure Law reads: *“Peace Officers designated pursuant to the provisions of the New York State Defense Emergency Act, as set forth in chapter seven hundred eighty-four of the laws of nineteen hundred fifty-one, as amended, when acting pursuant to their special duties during a period of attack or imminent attack by enemy forces, or during official drills called to combat natural or man-made disasters, or during official drills in preparation for an attack by enemy forces or in preparation for an attack by enemy forces or in preparation for a natural or man-made disaster”*; and

WHEREAS, the Sullivan County Division of Public Safety has determined that public interest would be better served if the Commissioner and Deputy Commissioner were sworn Peace Officers, with requisite training and education.

NOW, THEREFORE, BE IT RESOLVED, the Commissioner and Deputy Commissioner are hereby authorized to become sworn Peace Officers and carry out all duties of a Peace Officer in accordance with the New York State Criminal Procedure Law, effective immediately.