



NEW YORK STATE SENATOR

Patrick M. Gallivan

Gallivan Calls for Death Penalty to be Reinstated for Cop Killers

PATRICK M. GALLIVAN March 18, 2011

| ISSUE: **CRIME, CORRECTIONAL, DEATH PENALTY**



Albany - Senator Patrick M. Gallivan (R,C,I – 59th District), a former member of the New York State Police and Sheriff of Erie County called for a reinstatement of the death penalty today for those who murder police officers, peace officers or corrections officers in New York State.

Senator Gallivan joined with Senator Martin J. Golden (R- Brooklyn), a former New York City Police Officer and several other members of the Senate Republican Conference in calling for the enactment of legislation introduced by Senator Golden. Senator Gallivan and his

colleagues cited the recent murders of two police officers, Officer Alain Schaberger of New York City and Detective John Falcone of Poughkeepsie, as the cause of their renewed motivation to reestablish the death penalty in New York State for cop killers.

“I’ve seen the worst society can produce. The criminal underclass across New York State pays no respect to the quality of life in our communities and even less to the law enforcement professionals who protect those communities. We must employ every resource at our disposal to protect those who protect us,” Gallivan remarked.

In 2004, the New York State Court of Appeals overturned death penalty sentences, saying that judges were improperly required to instruct jurors in capital cases that if they deadlocked and failed to reach a verdict during the penalty phase of a trial, the judge would impose a sentence that would leave the defendant eligible for parole after 20-25 years. As a result, prosecutors have been unable to seek a capital sentence when a law enforcement officer is murdered while performing his duties.

“Capital punishment is not a matter I take lightly, but it remains the only viable deterrent to prevent the cold-blooded murder of police officers. If you kill a cop in New York State, justice must be served. Our laws must reflect the reality of our society, and our punishments must not only fit the crime, but more importantly, if possible, prevent the crime,” said Gallivan.

“I’ve looked into the eyes of cop killers, I’ve seen their deep disregard for a decent society and for those charged with its protection. The only thing individuals of this nature understand are consequences. 15 police officers have been murdered in the line of duty since 2005, including New York State Trooper, Joseph Longobardo, who was murdered while taking part in the apprehension of Ralph “Bucky” Phillips in Chautauqua County. Clearly the current system is not affording the protection our men and women of the shield deserve,” concluded Gallivan.

The legislation has been referred to the Senate Codes Committee. A companion bill has been introduced in the Assembly.