



NEW YORK STATE SENATOR

John J. Flanagan

New York State Senate Announces Community Heroes Protection Act

JOHN J. FLANAGAN February 3, 2017

| ISSUE: **FIRST RESPONDERS**



Senate Majority Leader John Flanagan (2nd Senate District) recently announced that the New York Senate Majority, led by Senators Fred Akshar, Martin Golden and Patrick Gallivan, has introduced the Community Heroes Protection Act (S1114A/A2962A). The legislation, which is sponsored in the Assembly by Assemblyman Peter Abbate, would designate crimes that specifically target police, firefighters and other emergency service workers punishable as hate crimes.

The Community Heroes Protection Act classifies all crimes against first responders, such as law enforcement officers, firefighters, and emergency medical services personnel as hate crimes. These offenses are designated as hate crimes only if they are intentionally aimed at first responders based on the profile of their career.

In current law, when a person is convicted of a hate crime and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense or one category higher than the offense level applicable to the defendant`s conviction. Police officers and first responders are not included in the current definition of a hate crime.

“Those who undertake the awesome responsibility of protecting our communities deserve to know that our state will stand to protect them when needed. Simply by virtue of the jobs they undertake, these men and women are targets to some and it is imperative that we provide them with extra protections to help keep them safe. I applaud Senators Akshar, Golden and Gallivan for stepping forward to sponsor this legislation and look forward to working with them to make it a reality in our state,” stated Senator Flanagan.

The Community Heroes Protection Act was inspired by the many brave men and women in uniform who have lost their lives, were injured or targeted simply because of their jobs as protectors of the community. Researchers have found that between 2015 and 2016, there was a 68% increase in firearms related fatalities among law enforcement. This brings the total number of officers who were fatally shot in 2016 to sixty-four.

“We are living in a time where our nation is divided and crimes against first responders and police officers are on the rise. Thousands of men and women voluntarily put their uniforms on every day to protect and serve our communities in a capacity no other could, even when there are very few willing to stand up for them,” stated Senator Akshar (52nd Senate

District). "Many families, friends, and colleagues are unjustly losing loved ones and it is our duty to offer our Community Heroes respect and to ensure their protection, just as they risk their lives every day to ensure ours."

Senator Martin J. Golden (22nd Senate District), a former New York City Police Officer, said, "Each day, our brave and dedicated law enforcement officers, firefighters, corrections officers, and medical service personnel put their lives on the line for our safety. Sadly, these same individuals are being targeted with violence simply because they wear a uniform and are an officer or a first responder. The Community Heroes Protection Act will classify these bias attacks against our law enforcement officers and first responders as hate crimes. This will allow our prosecutors and judges to ensure that an offender receives a punishment that fits this heinous crime. As legislators, it is our obligation to help protect our law enforcement officers, firefighters, corrections officers, and medical service personnel as they perform their critical duties protecting the citizens of New York State. Although there will always be danger, I am confident that Community Heroes Protection Act will help protect New York State."

According to The National Association of Emergency Medical Technicians, four in five medical technicians have experienced some form of injury as a result of the job. Approximately 52%, claimed to have been injured by assault and over 20% said personal safety was their primary concern.

In numerous studies across the country it has been found, that law enforcement officers are not the only first responders being violently targeted. In New York alone, areas such as Cape Vincent and Webster have seen Community Heroes like EMTs, Firefighters, and 911 Dispatchers injured or killed in numerous ambush-style acts of violence.

Senator Patrick Gallivan (59th Senate District), a former NY State Trooper and Sheriff of Erie County said, "Police officers, firefighters and other first responders are dedicated to serving and protecting our citizens and our communities and they deserve our full support. I am deeply troubled by incidents in New York and across the country where men and women in uniform have been targeted because of who they represent, when in fact they represent all of us. By imposing stiffer penalties on those who perpetrate such crimes, we are sending a clear message that we stand with law enforcement and other emergency personnel who put their lives on the line in an effort to build safer communities for everyone."

Some of the leaders of first responders were favorable of the new legislation:

Daniel Sisto Vice President and Legislative Director for the New York State Troopers PBA said, "The willingness of individuals to use violence against emergency response personnel has increased in both frequency and severity. A clear message must be sent that this dangerous behavior will not be tolerated. Those that are willing to ignore that message must be held accountable."

New York State Association of Chiefs of Police President (NYSACOP) David J. Zack said, "NYSACOP is grateful that the sponsors of the Community Heroes Protection Act are taking the unprecedented attacks against law enforcement seriously, and taking serious action to curb it. Law enforcement officers, correction officers, firefighters, and emergency medical service personnel expose themselves to danger each and every day. Each understood the risk when they took the job. These brave men and women are willing to lay down their lives to protect the lives of others. It is only right that the Legislature and the Governor do all each can to deter those who wish to do these heroes harm based solely on the hatred they possess for those who play such a vital role in our American society. "

Louis Viscusi, President of Suffolk County Correction Officers Association said, "Even with all of the recent negativity, Law Enforcement Officers and First Responders continue to dedicate their lives to helping and protecting others. This legislation will give us the protection we need to deter targeted offenses against law enforcement, firefighters and EMS workers. The Suffolk County Correction Officers Association is proud to support this bill."

FASNY President Kenneth Pienkowski said, "Far too often our members have been targeted by menacing individuals solely because they are firefighters. In 2009 one of our volunteers from the Cape Vincent Fire Department, Mark Davis, was killed while attending to a patient during an EMS call response. In December of 2012, a gunman ambushed four volunteer firefighters who were battling a house fire in Webster, NY, killing two. These despicable and tragic incidents are unfortunately becoming commonplace; they are but two examples of the dangers our members face outside of their primary function as firefighters. Our members are volunteers who accept this job with no pay, little benefits and only a desire to protect their community. How can we possibly ask people to join the ranks of the volunteer community if we cannot give them the most basic protections against malevolent individuals who target them because of what they do? This legislation is vitally important to ensure the protection of our members who risk their lives daily to protect their community".

Jerry DeLuca, Executive Director of the New York State Association of Fire Chiefs said, "The mission of the New York State Association of Fire Chiefs is to educate and train firefighters and officers, so that they can stay safe while working to protect their communities. The Community Heroes Protection Act goes one step further in helping to ensure the safety of those firefighters, police officers and EMS workers who place their lives in jeopardy for the safety of the public."

James Slevin, President of the United Firefighters Association said "Our firefighters and so many other first responders put their lives at risk every single day to rescue others. To know

that criminal acts - against our heroes - are on the rise is a serious concern, and we commend Senator Akshar and others for introducing the Community Heroes Protection Act. This bill will help ensure that crimes targeted against our brave emergency service workers will be punishable as hate crimes.”

Vincent Variale, President of the Uniformed EMS Officers Union of the FDNY said, “Our members appreciate the support and acknowledgment of Senator Fred Akshar and other members of the Senate and Assembly, of the risks and dangers that exist in our profession. This legislation will send a strong message. If you assault an emergency responder you will pay a heavy price.”

Israel Miranda, President of the Fire Department of New York's Emergency Medical Services said, “This is a much needed legislative initiative. The leading cause of serious injuries to EMS professionals is due to assault, on both a state and national level. Anyone who intentionally assaults a first responder because of their perceived employment or uniform they wear, is unacceptable.”

RELATED LEGISLATION

2017-S1114A

- Introduced
- - In Committee Assembly
 - In Committee Senate

- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Designates offenses against law enforcement officers, firefighters and emergency medical services personnel as hate crimes

January 06, 2017

In Assembly Committee

Sponsored by Fred Akshar

Do you support this bill?