COBA PRESIDENT BENNY BOSCIO JR.’S STATEMENT CONCERNING ASSEMBLY BILL 1914

“COBA’s lobbyists and government relations team regularly monitors proposed legislation at both the state and city levels to assess whether certain bills contain provisions that could be harmful to COBA Members. Concerning Assembly Bill 1914, our lobbyists have tracked this legislation since it was originally introduced in June, 2020. The bill reflects an emotional statement which is shared by all familiar with the death of George Floyd, which all of us can agree was an horrific tragedy. That being said, we believe that a sweeping legislative effort to terminate police officers and peace officers, like Correction Officers, as a result of this tragedy will unjustifiably destroy the careers of many officers who find themselves in a Use of Force incident for reasons beyond their control or in the event they are attacked by an inmate or forced to break up an inmate on inmate fight.

Despite the fact that the bill purports to assign an immediate termination following an incident involving use of force, there are structural protections in law for police officers and peace officers, like correction officers, subject to the proposal. Penal Law §35.30 is effectively a defense which is raised in response to criminal charges. In order to determine that an act violates §35.30, the defense would need to be rejected in a criminal prosecution. That process is steeped in due process of law.

Nonetheless, we are working with all police and peace officers to educate the sponsors and all legislators of the potential for abuse this proposal could generate. The fact of the matter is that we live in an environment where we face physical interactions and Use of Force incidents every day. This legislation would suggest that we stop and read the Penal Law and seek judicial permission prior to responding to the incidents which are in the normal course of our work.

There is no doubt that this legislation, if signed into law, would lead to the death and injury of Correction Officers. We will continue our vigorous fight to stop the legislation.”

Benny Boscio Jr.
COBA President
AN ACT to amend the executive law, in relation to requiring the termination of any police officer or peace officer who uses physical force which is not justifiable or which is not part of procedure.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1. Section 1. The executive law is amended by adding a new section
2. § 837-t-1 to read as follows:
3. Termination due to use of force. Whenever a police officer or peace officer uses physical force and such force is not justifiable
4. pursuant to section 35.30 of the penal law or such force is not in the
5. procedures on the use of physical force established by the police officer's
6. or peace officer's employer, such police officer or peace officer
7. shall be terminated from such position immediately. Such police officer
8. or peace officer shall be terminated regardless of if harm is done any
9. person or if any complaint is filed against such police officer or peace
10. officer.
11. § 2. This act shall take effect on the thirtieth day after it shall
12. have become a law.