

STATE OF NEW YORK
EXECUTIVE CHAMBER
GEORGE E. PATAKI, GOVERNOR

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STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

October 7, 2003

TO THE ASSEMBLY

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 2902, entitled:

#167 "AN ACT to amend the criminal procedure law, in relation to persons designated as peace officers"

NOT APPROVED

The bill would amend the Criminal Procedure Law to extend peace officer status to all security hospital treatment assistants (SHTAs) employed by the Office of Mental Health (OMH). SHTAs are direct care workers in OMH's secure treatment environments who are responsible for a wide range of patient care activities, including aiding clinical staff in the administration of medications, assisting patients in daily living activities and leading other therapeutic and rehabilitative activities. In extending peace officer status to all SHTAs, the bill would eliminate the current statutory discretion of the OMH Commissioner to designate SHTAs as peace officers when they are transporting convicted criminals to court, a mental health facility or a correctional facility. This bill would take effect on November 1, 2003.

The broad law enforcement powers that would be conferred by this bill, including the authority to make warrantless arrests, use physical and deadly force where justified, carry licensed firearms, and execute warrantless searches, go well beyond the traditional scope of SHTAs' duties. Indeed, in urging disapproval of the bill, the Office of Mental Health, the New York State Commission on Quality Care for the Mentally Disabled, and the New York State Chapter of the National Alliance for the Mentally Ill all express concern that the effect of the bill would be to diminish the treatment aspect of their jobs and shift the emphasis of SHTAs to that of security and law enforcement. In this connection, it is important to note that uniformed peace officers are currently assigned at OMH's facilities to ensure safety and security.

Thus, while I appreciate the difficult and demanding work that SHTAs perform on the front lines of our secure hospital facilities, I have not been persuaded that the broad grant of law enforcement authority that would be conferred by this bill is necessary to the performance of their duties. Under these circumstances, I am constrained to disapprove the bill.

The bill is disapproved.

(Signed) George E. Pataki