

Committee on Criminal Justice
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THE COUNCIL OF THE CITY OF NEW YORK

**BRIEFING PAPER AND COMMITTEE REPORT OF THE
GOVERNMENTAL AFFAIRS DIVISION**

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COMMITTEE ON CRIMINAL JUSTICE

Hon. Carlina Rivera, Chair

June 28, 2022

Oversight

Rikers Island Interagency Task Force

INT NO. 284: By the Public Advocate (Mr. Williams) and Council Members Narcisse, Hudson, Stevens, Williams, Ayala, Restler and Nurse

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to social workers in city correctional facilities

ADMINISTRATIVE CODE: Adds Section 9-163

INT NO. 349: By the Public Advocate (Mr. Williams) and Council Members Powers, Joseph, Louis, Yeger, Stevens, Restler and Abreu

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to dyslexia screening and treatment in city jails

ADMINISTRATIVE CODE: Adds Section 9-163

INT NO. 356: By Council Members Rivera, Louis, Hanif, Joseph, Narcisse, Avilés, Williams, Cabán, Ung, Ossé, Ayala, De La Rosa, Restler, Richardson Jordan, Riley, Gutiérrez, Abreu, Won, Barron, Schulman and Farías

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing a program for child visitors of department of correction facilities

ADMINISTRATIVE CODE: Adds section 9-156

INT NO. 357: By Council Members Rivera, Louis, Joseph, Narcisse, Avilés, Williams, Yeger, Cabán, Ung, Ossé, Ayala, Restler, Richardson Jordan, Riley, Gutiérrez, Abreu, Won, Barron, Schulman and Farías

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to use an electronic case management system to track investigations of sexual abuse

ADMINISTRATIVE CODE: Amends Section 9-156

INT NO. 385: By Council Members Cabán, Powers, Hanif, Joseph, Nurse, Krishnan, Avilés, Ossé, Dinowitz, Won, Williams, Brooks-Powers, Restler, Ung and Brewer

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report programming and fiscal information

ADMINISTRATIVE CODE: Amends Sections 9-129, 9-143 and 9-144 and adds Section 9-163

INT NO. 456: By Council Member Powers, the Public Advocate (Mr. Williams) and Council Members Yeger, Joseph, Hanif and Restler

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the maximum fee allowed when transferring money to a person in the custody of the department of correction

ADMINISTRATIVE CODE: Adds Section 9-163

RESO. NO. 156: By Council Members Rivera, Hudson, Louis, Hanif, Narcisse, Avilés, Williams, Cabán, Ossé, Ayala, Restler, Richardson Jordan, Gutiérrez, Barron and Farías

TITLE: Resolution calling on the New York State Legislature to pass, and the Governor to sign the Treatment Not Jail Act (S2881 /A6603), which would amend Criminal Procedure Law Article 216 of the judicial diversion law in order to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support

I. INTRODUCTION

On June 28, 2022, the Committee on Criminal Justice, chaired by Council Member Carlina Rivera, will hold an oversight hearing on the Rikers Island Interagency Task Force. The Committee will also hear Introduction No. 284, sponsored by the Public Advocate, Mr. Williams, a local law in relation to social workers in city correctional facilities, Introduction No. 349, sponsored by the Public Advocate, Mr. Williams, a local law to in relation to dyslexia screening and treatment in city jails, Introduction No. 356 sponsored by Council Member Rivera, a local law in relation to establishing a program for child visitors of Department of Correction (DOC or the Department) facilities, Introduction No. 357, sponsored by Council Member Rivera, a local law to in relation to requiring DOC to use an electronic case management system to track investigations of sexual abuse, Introduction No. 385, sponsored by Council Member Cabán, a local law in relation

to requiring DOC to report programming and fiscal information, Introduction No. 456, sponsored by Council Member Powers, a local law in relation to the maximum fee allowed when transferring money to a person in the custody of DOC, and Resolution No. 156, sponsored by Council Member Rivera, calling on the New York State Legislature to pass, and the Governor to sign the Treatment Not Jail Act (S2881 /A6603). The Committee expects to hear testimony from Chief Counsel to the Mayor Brendan McGuire, Deputy Mayor for Public Safety, Phillip Banks, DOC, the Mayor's Office of Criminal Justice (MOCJ), Correctional Health Services, the New York City Board of Correction, public defenders, advocates, other interested parties, and members of the public.

II. BACKGROUND

In New York City, DOC provides for the care, custody and control of persons accused of crimes or convicted and sentenced to one year or less of jail time.¹ The Department manages 10 correctional facilities, eight of which are located on Rikers Island, a jail barge and two hospital prison wards.² During Fiscal Year (“FY”) 2021, DOC handled over 16,000 admissions³ and the current jail census is over 5,500.⁴ During the first three months of 2022, 57.7 percent of detainees identified as Black, 31 percent as Hispanic, 5.3 percent as white, 4.3 percent as Other, and 1.8 percent as Asian.⁵ Approximately four percent of detainees identified as women.⁶

¹ “Facilities Overview.” New York City Department of Correction, <https://www1.nyc.gov/site/doc/about/facilities.page>

² Id.

³ “New York City Mayor’s Management Report.” September 2021, p. 121, available at https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2021/2021_mmr.pdf

⁴ “Daily Inmates in Custody.” NYC OpenData <https://data.cityofnewyork.us/Public-Safety/Daily-Inmates-In-Custody/7479-ugqb/data>. On June 10, there were 5,535 people in DOC custody.

⁵ “Population Demographics Report – FY22 Q3.” Department of Correction, https://www1.nyc.gov/assets/doc/downloads/pdf/FY22_Q3_DEMOGRAPHICS.pdf

⁶ Id.

In FY 2021, DOC was budgeted to employ 7,460 correction officers but had a uniformed headcount of 8,388.⁷ DOC maintains one of the highest ratio of correction officer to individuals in custody in the nation. In FY 2021, DOC had five correction officers for every three people in custody.⁸ In 2019, the national average was one correction officer for every four people in custody.⁹

III. NUNEZ V. CITY OF NEW YORK

In 2015, DOC entered a consent settlement in the case of *Nunez vs. City of New York*, a class action lawsuit regarding DOC's excessive use of force against those in its custody.¹⁰ The settlement requires DOC to implement specific policies and practices and meet certain goals. The process is overseen by a court-appointed monitor. The monitor assesses and reports on DOC's progress in improving practices related to use-of-force every six months. These reports focus on qualitative and quantitative data, as well as compliance with the specific requirements in the settlement. These reports also provide insight into longstanding systemic problems in DOC and include recommendations on how to fix these problems. The Monitor also issues special reports and writes letters to the judge when conditions warrant.

IV. NUNEZ MONITOR'S COMPLIANCE ASSESSMENT

On March 16, 2022, the monitor issued a special report detailing the imminent risk of harm to incarcerated individuals and staff in the jails. The report noted that the Department failed to implement the reforms outlined in the September 2021 remedial order and that the staffing crisis

⁷ Mayor's Office of Operations, Preliminary Mayor's Management Report: January 2021, p 65, https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2021/2021_pmmr.pdf

⁸ "A Look Inside the New York City Department of Correction Budget: One Year Later." *Vera Institute of Justice*, March 2022, <https://www.vera.org/downloads/publications/a-look-inside-the-new-york-city-correction-budget-2022-report.pdf>

⁹ Id.

¹⁰ No. 11 CIV. 5845 LTS JCF, 2013 WL 2149869 (S.D.N.Y. May 17, 2013).

was continuing. Based on a staffing analysis, the monitor wrote that “the Department’s staff management and deployment practices are so dysfunctional that if left unaddressed, sustainable and material advancement of systemic reform will remain elusive, if not impossible, to attain.”¹¹ The report ended with specific concrete steps DOC would need to take to address the foundational issues that stand in the way of compliance with the consent decree, including: creation of adequate staffing practices, addressing security practices, improving management of Robert N. Davoren Complex, prioritizing the management of people in custody and prioritizing staff accountability.¹²

On April 19, 2022, the U.S. attorney for the Southern District of New York, representing the United States as a plaintiff-intervenor in the *Nunez* case, threatened a federal takeover of Rikers Island in a letter to the judge. Citing the monitor’s March 16th report, U.S. attorney Damian Williams “remain[s] alarmed by the extraordinary level of violence and disorder at the jails and the ongoing imminent risk of harm that inmates and correction officers face every day.”¹³ Mr. Williams continued:

“Absent a commitment to expeditiously make the dramatic systemic reforms identified by the Monitor and to bring in corrections experts from outside the Department to revamp the agency’s operations and staffing practices, we will be left with no other option but to seek more aggressive relief, which could involve seeking the appointment of a receiver with independent authority to implement sweeping reforms and to take all necessary actions to

¹¹ Martin, Steve J. “Special Report of the Nunez Independent Monitor.” New York City Department of Correction, 16 March 2022, p 1, <http://tillidgroup.com/wp-content/uploads/2022/03/Special-Report-03-16-22-As-Filed.pdf>

¹² Id at 67-73.

¹³ Williams, Damian. “Re: Nunez v. City of New York, 11 Civ. 5845 (LTS)(JCF).” Received by Judge Laura Taylor Swain, *CourtListener*, 19 Apr. 2022, www.courtlistener.com/docket/4349463/444/nunez-v-nyc-department-of-correction/.

comply with the Consent Judgment and Remedial Orders and implement the Monitor Recommendations.”¹⁴

Mr. Williams asked DOC to provide a plan to address the staffing issues prior to the conference scheduled for April 26, 2022.¹⁵ Mr. Williams also requested the DOC Commissioner and a representative from the Mayor’s office attend the conference.¹⁶

On April 20, 2022, the monitor issued another special report to provide an update on DOC’s progress on the recommendations made in the previous report.¹⁷ The Monitor agreed with the U.S. Attorney that the City and the Department need “a plan with specific tasks, concrete deadlines, appropriate oversight, and necessary enforcement mechanisms to ensure accountability that these recommendations are implemented.”¹⁸

On April 21, 2022, U.S. District Judge Laura Taylor Swain ordered DOC Commissioner Molina to attend the conference scheduled for April 26, 2022.¹⁹ At the conference, Judge Swain ordered the monitor to submit the City's proposed implementation plan by May 17, 2022 and for a conference to be held on May 24, 2022.²⁰

The plan submitted on May 17th, included the creation of a task force:

“Citywide Task Force: In order to ensure the Department may timely and meaningfully address the requirements of this Order, the Consent Judgment, and

¹⁴ Id at 5.

¹⁵ Id.

¹⁶ Id at 1.

¹⁷ Martin, Steve J. “Special Report of the Nunez Independent Monitor.” New York City Department of Correction, 20 April 2022, <http://tillidgroup.com/wp-content/uploads/2022/04/Status-Report-04-20-22-As-Filed.pdf>

¹⁸ Id at 6.

¹⁹ Swain, Laura Taylor. “Order – #446 in Nunez v. N.Y.C. Department of Correction (S.D.N.Y., 1:11-Cv-05845).” *CourtListener*, 21 Apr. 2022, www.courtlistener.com/docket/4349463/446/nunez-v-nyc-department-of-correction/.

²⁰ Swain, Laura Taylor. “Order – #451 in Nunez v. N.Y.C. Department of Correction (S.D.N.Y., 1:11-Cv-05845).” *CourtListener*, 27 Apr. 2022, www.courtlistener.com/docket/4349463/451/nunez-v-nyc-department-of-correction/.

three Remedial Orders, the City shall routinely convene representatives from all City agencies that support the Department budget and funding, the Department's physical plant and any corresponding repairs, the Department's accountability process for staff and incarcerated individuals, and the Department's labor issues to ensure the requirements of this order are implemented in a timely and meaningful manner."²¹

At the May 24th conference, the monitor had "reservations whether the plan can be done in a complex bureaucratic setting where time is of the essence."²² Assistant U.S. Attorney Jeffrey Powell characterized the submission as "largely a commitment to develop unspecified plans and strategies to address longstanding problems," and "expected to see more specific and more deadlines for certain actions."²³ Mr. Powell reiterated that the federal government is still considering requesting receivership.²⁴ Attorneys for the plaintiffs called the plan "vague, shortsighted and too weak."²⁵ Judge Swain ordered the City to revise its plan by June 10, 2022 to include metrics to determine if the plan is achieving its goals.²⁶ Judge Swain also gave the plaintiffs and U.S. Attorney the option to submit a motion for receivership on June 10, 2022.²⁷

The plan submitted on June 10th did not include any significant changes to the proposed

²¹ Martin, Steve J. "Action Plan." p 6, New York City Department of Correction, 20 April 2022

<http://tillidgroup.com/wp-content/uploads/2022/05/2022-05-17-Letter-to-Court-re-Action-Plan.pdf>

²² Rayman, Graham. "Federal Takeover of Rikers Island Not Off the Table Despite City's Plan." *New York Daily News*, 24 May 2022, www.nydailynews.com/new-york/nyc-crime/ny-federal-receivership-court-hearing-rikers-20220524-p7rqij3pe5au7ninzsj54pdkki-story.html.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Kaye, Jacob. "Federal Receivership Won't Come Yet, City Given Time to Measure Rikers Fixes." *Queens Daily Eagle*, 26 May 2022, queenseagle.com/all/2022/5/26/federal-receivership-wont-come-yet-city-given-time-to-measure-rikers-fixes.

²⁷ Id.

task force. Judge Swain approved the plan and denied the plaintiff's request to set up a briefing schedule for a potential contempt motion.²⁸

V. RIKERS ISLAND INTERAGENCY TASK FORCE

On May 12, 2022, Mayor Adams announced the formation of an interagency task force to coordinate a response to the crisis on Rikers Island.²⁹ The task force is chaired by Chief Counsel Brendan McGuire and Deputy Mayor for Public Safety Phillip Banks, and includes representatives from DOC, MOCJ, the Law Department, the Office of Labor Relations, the Office of Management and Budget, the Mayor's Office of Contract Services, the Department of Citywide Administrative Services, and the Department of Design and Construction.³⁰ Additional agencies may be added as needed.³¹ The task force meets weekly with the goal to resolve issues identified by the monitor, the U.S. Attorney's office, and the *Nunez* plaintiffs.³²

VI. ISSUES AND CONCERNS

At today's hearing, the Committee will learn about what actions have been taken by the task force thus far and how those actions are designed to address the issues identified by the monitor, the U.S. Attorney's office, and the *Nunez* plaintiffs.

VII. LEGISLATION

A brief summary of the bills being heard at this hearing is provided below. This summary is intended for informational purposes only and does not substitute for legal counsel.

A. Int. 284

²⁸ Swain, Laura Taylor. "Order – #466 in *Nunez v. N.Y.C. Department of Correction* (S.D.N.Y., 1:11-Cv-05845)." *CourtListener*, www.courtlistener.com/docket/4349463/466/nunez-v-nyc-department-of-correction/.

²⁹ "Mayor Adams Announces Interagency Task Force to Bring Full Resources and Expertise of City Government to Remedy Rikers Island Crisis." The Official Website of the City of New York, 12 May 2022, www1.nyc.gov/office-of-the-mayor/news/296-22/mayor-adams-interagency-task-force-bring-full-resources-expertise-city.

³⁰ Exec. Order No. 16 of 2022, <https://www1.nyc.gov/office-of-the-mayor/news/016-002/executive-order-16>

³¹ *Id* at § 1(c).

³² *Id* at § 2(b).

This bill would require DOC to maintain a ratio of at least one social worker for every 10 incarcerated persons at each City correctional facility by 2026. This bill would also require DOC to report the number of social workers and the number of incarcerated persons at each correctional facility on a quarterly basis. This report would be posted on the DOC website and submitted to the Mayor and Speaker of the Council. The first report would be due on January 31, 2023.

B. Int. 349

This bill would require DOC to screen incarcerated individuals who do not have a high school diploma or equivalent, within 72 hours of intake, for dyslexia and offer treatment programs to those who are identified as having dyslexia. The bill would also require an annual report regarding dyslexia screening and treatment in city jails. This bill would take effect 270 days after it becomes law.

C. Int. 356

This bill would require DOC to establish a child visitor program for the purpose of improving the experience of child visitors at DOC facilities and would require a detailed annual report on the status of the program. The bill would take effect 120 days after it becomes law.

D. Int. 357

This bill would require DOC to collect, manage and store all information currently required by local law regarding sexual abuse and harassment cases in an electronic case management system. This bill would take effect immediately upon enactment.

E. Int. 385

This bill would require DOC to report, on an annual basis, information pertaining to discharge planning efforts, post-release job placements, the mental health needs and services of

incarcerated individuals, programming for incarcerated individuals, and budget and spending. The bill would take effect immediately upon enactment.

F. Int. 456

This bill would require DOC to ensure that members of the public depositing funds into institutional fund account established pursuant to subdivision 7 of section 500-c of the Correction Law are not charged a service fee that is more than \$5. This bill would take effect immediately upon enactment.

G. Res. 156

This resolution would call on the New York State Legislature to pass, and the Governor to sign the Treatment Not Jail Act (S2881 /A6603), which would amend Criminal Procedure Law Article 216 of the judicial diversion law in order to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support.

Int. No. 284

By the Public Advocate (Mr. Williams) and Council Members Narcisse, Hudson, Stevens,
Williams, Ayala, Restler and Nurse

A Local Law to amend the administrative code of the city of New York, in relation to social
workers in city correctional facilities

Be it enacted by the Council as follows:

1 Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended
2 by adding a new section 9-163 to read as follows:

3 § 9-163 Social workers in city correctional facilities. a. Definitions. For the purposes of
4 this section, the following terms have the following meanings:

5 Full-time. The term “full-time” means working an average of 30 hours or more per week.

6 Social worker. The term “social worker” means any personnel, licensed and certified by
7 New York state as a licensed master of social work or a clinical social worker as defined in section
8 7701 of the education law.

9 b. No later than January 1, 2026, the department of correction shall maintain a ratio of at
10 least one full-time social worker for every 10 incarcerated persons at each city correctional facility.

11 c. No later than January 31, 2023, and quarterly thereafter, the commissioner of correction
12 shall submit to the mayor and the speaker of the council and shall post conspicuously on the
13 department of correction’s website a quarterly report regarding the number of full-time social
14 workers and the number of incarcerated persons at each city correctional facility.

15 § 2. This local law takes effect immediately.

Session 12

JB

LS #4170

2/23/22 3:56pm

Session 11

AM

LS #14066
Int. 2008-2020

By the Public Advocate (Mr. Williams) and Council Members Powers, Joseph, Louis, Yeger, Stevens, Restler and Abreu

A Local Law to amend the administrative code of the city of New York, in relation to dyslexia screening and treatment in city jails

Be it enacted by the Council as follows:

1 Section 1. Chapter 1 of title 9 of the administrative code is amended by adding a new
2 section 9-163 to read as follows:

3 § 9-163 Dyslexia screening and treatment. a. The department shall screen all incarcerated
4 persons who do not have a high school diploma or its equivalent for dyslexia within 72 hours of
5 intake. For the purposes of this section, the term “dyslexia” means an unexpected difficulty in
6 reading for an individual who has the intelligence to be a much better reader, most commonly
7 caused by a difficulty in the phonological processing which affects the ability of an individual to
8 speak, read and spell.

9 b. The department, the department of education or their agents shall offer programs to treat
10 dyslexia to incarcerated individuals who have been identified as having dyslexia. Such programs
11 must be evidence-based, as defined in section 7801 of title 20 of the United States code.

12 c. No later than January 31, 2024 and annually thereafter, the commissioner shall submit
13 to the mayor, the speaker of the council and the public advocate and post conspicuously on the
14 department’s website an annual report regarding dyslexia screening and treatment in city jails.
15 Such report shall not contain personally identifiable information. Such report shall include the
16 following information for the previous calendar year:

17 1. The number of individuals who were screened for dyslexia;

18 2. The number of individuals who were identified as having dyslexia;

1 3. The number of individuals who participated in dyslexia treatment programs; and

2 4. A summary of the programs available pursuant to subdivision b.

3 § 2. This local law takes effect 270 days after it becomes law.

Session 12

AM

LS # 4449

3/31/22

Session 11

AM

LS # 14642

Int. # 2392 – 2021

Int. No. 356

By Council Members Rivera, Louis, Hanif, Joseph, Narcisse, Avilés, Williams, Cabán, Ung, Ossé, Ayala, De La Rosa, Restler, Richardson Jordan, Riley, Gutiérrez, Abreu, Won, Barron, Schulman and Farías

A Local Law to amend the administrative code of the city of New York, in relation to establishing a program for child visitors of department of correction facilities

Be it enacted by the Council as follows:

1 Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended
2 by adding a new section 9-156 to read as follows:

3 § 9-156 Child visitor program. a. Definitions. For purposes of this section, the following
4 terms have the following meanings:

5 Borough jail facility. The term “borough jail facility” means any department facility that is
6 located outside Rikers Island and in which people held in department custody are housed.

7 Child visitor. The term “child visitor” means a visitor under 16 years of age.

8 City jail. The term “city jail” means any department facility in which people held in
9 department custody are housed.

10 Department. The term “department” means the department of correction.

11 Visiting area. The term “visiting area” means any space within any city jail designated for
12 the purpose of visits.

13 Visitor. The term “visitor” means any person who enters a city jail for the purpose of
14 visiting a person housed in any city jail, or any person who is screened by the department for
15 visiting purposes, and includes the term “child visitor.”

16 b. The department, in consultation with not-for-profit organizations with expertise in issues
17 affecting child visitors, shall develop a program to improve the visiting experience for child

1 visitors and all other participants of visits involving children. Such program shall have the
2 following features:

3 1. In all visiting areas where child visitors will be visiting, the department shall provide
4 toys, games, books and arts-and-crafts for interaction between visit participants of all ages;

5 2. The department shall require all department staff who interact with child visitors to
6 receive training designed to minimize stress for child visitors; and

7 3. All new or substantially remodeled city jails shall have a specially designed visiting area
8 for child visitors and those who accompany them.

9 c. No later than 90 days after January 1, 2020, and annually thereafter, the department shall
10 submit to the board of correction and the speaker of the council, and post on the department's
11 website, a report regarding its efforts to improve the visitation experience for child visitors
12 pursuant to the requirements set forth in subdivision b of this section. Such report shall include,
13 but need not be limited to, the following information:

14 1. The number of visitors to city jails, disaggregated by borough jail facilities and city jails
15 on Rikers Island, and disaggregated further by facility;

16 2. The number of visits by child visitors, disaggregated by borough jail facilities and city
17 jails on Rikers Island, and disaggregated further by facility;

18 3. The number of visits by child visitors that occurred in visiting areas specially designed
19 for child visitors pursuant to subparagraph 3 of subdivision b of this section, disaggregated by
20 facility;

21 4. The number of department staff that interact with child visitors;

22 5. The number of department staff that interact with child visitors who have received
23 training required by subparagraph 2 of subdivision b of this section;

1 6. The inventory of toys, games, books and arts-and-crafts required by subparagraph 1 of
2 subdivision b of this section, disaggregated by borough jail facilities and city jails on Rikers Island,
3 and disaggregated further by facility;

4 7. A description of the department’s efforts to collaborate or consult with experts from
5 relevant nonprofit organizations;

6 8. A list of borough jail facilities and city jails on Rikers Island, if any, that do not have
7 visiting areas specially designed for child visitors; and

8 9. A description of additional improvements made or initiatives taken by the department to
9 improve the child visitation experience.

10 d. The information required by subdivision c of this section shall be compared to the
11 previous four reporting periods whenever possible, stored permanently and made accessible on the
12 department’s website.

13 § 2. This local law takes effect 120 days after it becomes law, except that the department
14 of correction shall take such measures as are necessary for the implementation of this local law,
15 including the promulgation of rules, before such date.

Session 12
RCC
LS#8662
4/22/22

Session 11
NC
LS #7658 and 8543
12/17/18

Int. No. 357

By Council Members Rivera, Louis, Joseph, Narcisse, Avilés, Williams, Yeger, Cabán, Ung, Ossé, Ayala, Restler, Richardson Jordan, Riley, Gutiérrez, Abreu, Won, Barron, Schulman and Farías

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to use an electronic case management system to track investigations of sexual abuse

Be it enacted by the Council as follows:

1 Section 1. Section 9-156 of the administrative code of the city of New York, as added by
2 local law number 21 for the year 2019, is amended by adding a new subdivision i to read as
3 follows:

4 i. The department shall collect, manage, and store all information required pursuant to this
5 section electronically.

6 § 2. This local law takes effect immediately.

Session 12
LS# 8664
RCC
4/22/22

Session 11
LS# 8239
AS
Int., 1646

By Council Members Cabán, Powers, Hanif, Joseph, Nurse, Krishnan, Avilés, Ossé, Dinowitz, Won, Williams, Brooks-Powers, Restler, Ung and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report programming and fiscal information

Be it enacted by the Council as follows:

1 Section 1. Section 9-129 of the administrative code of the city of New York, as amended
2 by chapter 322 of the laws of 2021, is amended to read as follows:

3 § 9-129 Reporting. a. Annual report. The commissioner of correction shall submit a report
4 to the mayor and the council by October [first] 1 of each year regarding implementation of sections
5 9-127 and 9-128 of this title and other discharge planning efforts[, and, beginning October first,
6 two thousand eight and annually thereafter, regarding recidivism among incarcerated individuals
7 receiving discharge planning services from the department of correction or any social services
8 organization under contract with the department of correction] made in the prior fiscal year.

9 b. Required information. In addition to the information required in subdivision a of this
10 section, such report shall include, but need not be limited to:

11 1. The number of incarcerated individuals and the average number of days spent in the
12 custody of the department of correction among such incarcerated individuals;

13 2. The number of incarcerated individuals eligible for a discharge plan pursuant to section
14 9-127.1, and the number of such incarcerated individuals who are offered a discharge plan;

15 3. Information pertaining to post-release job placement and retention, including, to the
16 extent practicable: the number of formerly incarcerated individuals with post-release job
17 placements within 30 days of release from the custody of the department; the number of formerly
18 incarcerated individuals with post-release job placements within 90 days of release from the

1 custody of the department; and the number of formerly incarcerated individuals with post-release
2 job placements within 180 days of release from the custody of the department; and

3 4. A description of any services referred to formerly incarcerated individuals upon release.

4 § 2. Subdivision b of section 9-143 of the administrative code of the city of New York is
5 amended by adding a new paragraph 3 to read as follows:

6 3. During the reporting period, the number of incarcerated individuals with a mental health
7 diagnosis, the number of incarcerated individuals who received mental health services, and the
8 percentage of incarcerated individuals with a mental health diagnosis who received mental health
9 services.

10 § 3. Section 9-144 of the administrative code of the city of New York, as amended by
11 chapter 322 of the laws of 2021, is amended to read as follows:

12 § 9-144 Correction programming evaluation and report. [The department shall evaluate
13 incarcerated individual programming each calendar year.] a. Definitions. For purposes of this
14 section, “incarcerated individual programming” includes but is not limited to any structured
15 services offered directly to incarcerated individuals for the purposes of vocational training,
16 counseling, cognitive behavioral therapy, addressing drug dependencies, or any similar purpose.

17 b. Annual evaluation. The department shall evaluate incarcerated individual programming
18 each calendar year.

19 c. Annual report. No later than April 1 of each year, beginning in 2017, the department
20 shall submit a [summary of each] report containing a summary of the evaluation required in
21 subdivision b of this section to the mayor and the council, and post such [summary] report to the
22 department’s website.

1 [This summary] d. Program information. The report required in subdivision c of this section
2 shall include [factors determined by the department, including], but need not be limited to, the
3 following information [related to the following for each such program: (i) the] for each program
4 offered in the most recent calendar year and, where information is available, the prior five years:

5 1. The name of the program and the facilities where it is offered;
6 2. The name of the provider;
7 3. The amount of funding received; [(ii) estimated number of incarcerated individuals
8 served; (iii) a brief]

9 4. A description of the program including the enrollment or referral process, the estimated
10 number of hours of programming offered and utilized, the frequency with which it is offered, any
11 interruption in programming and the cause, program length, goals, target populations,
12 effectiveness, and outcome measurements, including a description of any award, certificate, degree
13 or other qualification earned upon successful completion of the program, where applicable; [and
14 (iv) successful completion and compliance rates, if applicable. Such summary]

15 5. The number of participating incarcerated individuals in the aggregate and disaggregated
16 by race, gender and age;

17 6. The number of program instructors, and the ratio of program instructors to participating
18 incarcerated individuals;

19 7. The number of participating incarcerated individuals who successfully complete the
20 program, in the aggregate and disaggregated by race, sex and age, and the ratio of participating
21 incarcerated individuals who successfully complete the program to participating incarcerated
22 individuals, in the aggregate and disaggregated by race, sex and age;

1 8. The number of participating incarcerated individuals who do not successfully complete
2 the program and the reason, when known; and

3 9. For applicable programs, the number of incarcerated individuals earning a GED,
4 disaggregated by race, sex and age.

5 e. Information required for each facility. The information required in subdivision d of this
6 section shall be reported in the aggregate for each program and disaggregated by facility if the
7 program is offered at more than one facility.

8 f. Accessibility and formatting. The report required in subdivision c of this section shall be
9 permanently accessible from the department's website and shall be provided in a format that
10 permits automated processing, where appropriate. [Each yearly summary] Required rates shall be
11 expressed in fractions and percentages.

12 g. Annual comparison required. The report required in subdivision c of this section shall
13 include a comparison of the current year with the prior five years, where such information is
14 available.

15 § 4. Chapter 1 of title 9 of the administrative code of the city of New York is amended by
16 adding a new section 9-163 to read as follows:

17 § 9-163 Report on budget and spending. The commissioner shall report the following
18 information to the mayor and the speaker of the council by September 1 of each year:

19 a. The amount of overtime spending per uniformed personnel for the prior fiscal year; and

20 b. The average number of fixed posts requiring coverage for each month of the prior fiscal
21 year.

22 § 5. This local law takes effect immediately.

4/26/2022

Session 11

NC

LS #6949/6950/7506

Int. No. 456

By Council Member Powers, the Public Advocate (Mr. Williams) and Council Members Yeger, Joseph, Hanif and Restler

A Local Law to amend the administrative code of the city of New York, in relation to the maximum fee allowed when transferring money to a person in the custody of the department of correction

Be it enacted by the Council as follows:

1 Section 1. Title 9 of the administrative code of the city of New York is amended by adding
2 a new section 9-163 to read as follows:

3 § 9-163 Institutional fund accounts. The department of correction shall ensure that
4 members of the public depositing funds into institutional fund accounts established pursuant to
5 subdivision 7 of section 500-c of the correction law are not charged a service fee that is more than
6 \$5. This fee cap applies to all devices or systems capable of allowing members of the public to
7 deposit funds into an institutional fund account, including wire and online transfers.

8 § 2. This local law takes effect immediately.

Session 12

AM
LS # 1872
5/2/22

Session 11

AS
LS # 8804
Int. # 1955 – 2020

Res. No. 156

Resolution calling on the New York State Legislature to pass, and the Governor to sign the Treatment Not Jail Act (S2881 /A6603), which would amend Criminal Procedure Law Article 216 of the judicial diversion law in order to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support.

By Council Members Rivera, Hudson, Louis, Hanif, Narcisse, Avilés, Williams, Cabán, Ossé, Ayala, Restler, Richardson Jordan, Gutiérrez, Barron and Farías

Whereas, According to the most recent Preliminary Mayor's Management Report, 53 percent of those in New York City Department of Correction custody had a mental health diagnosis and 16.5 percent had a serious mental illness diagnosis; and

Whereas, According to a 2018 report from the New York City Health and Hospitals Corporation, 45 percent of those in City jails had a substance abuse disorder; and

Whereas, While efforts have been made to reduce the number of people in New York City jails with mental health and substance use problems and increase the availability of community mental health resources and access to diversion programs, much more needs to be done; and

Whereas, It costs New York City and local governments across the state more to incarcerate individuals with mental health and substance use problems than it does to provide them treatment within their communities for a variety of reasons, including that they cannot use Medicaid dollars for their treatment; and

Whereas, Reports indicate that placing these individuals in treatment programs, rather than incarcerating them, reduces recidivism rates; and

Whereas, Under current state law, only people with substance use disorders charged with specific drug- and property-related criminal offenses are eligible for judicial diversion; and

Whereas, All court-involved people with disabilities and other behavioral health-related problems deserve an opportunity to access and benefit from treatment and support; and

Whereas, S2881, introduced by State Senator Jessica Ramos, and companion bill A6603, introduced by State Assembly Member Andrew Hevesi, would amend the judicial diversion law to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support; and

Whereas, S2881/A6603 would expand eligibility for treatment by eliminating charge-based eligibility and making people with mental health illness and those with intellectual and physical disabilities eligible for diversion; and

Whereas, S2881/A6603 would shift the presumption from incarceration to community support by ensuring that participation in judicial diversion is not tied to a guilty plea and participants are not incarcerated without due process; and

Whereas, Expanding eligibility for judicial diversion would save taxpayer money because diversion programs qualify for Medicaid and federal matching-funds; and now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign the Treatment Not Jail Act (S2881/A6603), which would amend Criminal Procedure Law Article 216 of the judicial diversion law in order to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support.

Session 12
LS#7355
KMD
4/22/22