

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 165

Introduced by By The Speaker (Council Member Mark-Viverito) and Council Members Crowley, Chin, Lander and Kallos.

A LOCAL LAW

To amend the New York city charter, in relation to the investigation, review, study, audit of, and recommendations relating to, the operations, policies, programs and practices of the department of correction by the commissioner of the department of investigation

Be it enacted by the Council as follows:

Section 1. Section 803 of the New York city charter is amended by adding a new subdivision d, relettering subdivisions d through f as subdivisions e through g, and amending relettered subdivisions e and f to read as follows:

d. 1. The commissioner shall, immediately upon appointment of the individual described in paragraph 2 of this subdivision, in addition to the investigatory work done in the normal course of the commissioner's duties, on an ongoing basis, conduct system-wide investigations, reviews, studies, and audits, and make recommendations regarding system-wide operations, policies, programs, and practices of the department of correction, with the goal of improving conditions in city jails, including but not limited to, reducing violence in departmental facilities, protecting the safety of departmental employees and inmates, protecting the rights of inmates, and increasing the public's confidence in the department of correction. The commissioner may consider, in addition to any other information the commissioner deems relevant, information regarding civil actions filed in state or federal court against individual correction officers or the city regarding the

department of correction, notices of claim received by the comptroller filed against individual correction officers or the city regarding the department of correction, settlements by the comptroller of claims filed against individual correction officers or the city regarding the department of correction, complaints received and investigations conducted by the board of correction, complaints received and any investigations regarding such complaints conducted by the department of correction, complaints received pursuant to section 804, and any criminal arrests or investigations of individual correction officers known to the department of investigation in its ongoing review of the department of correction.

2. No later than 90 days after the effective date of the local law that added this subdivision, the commissioner shall appoint an individual responsible for implementing the duties described in paragraph 1 of this subdivision and shall report to the council regarding the identity and qualifications of such individual, the number of personnel assigned or to be hired to assist such individual as deemed necessary by the commissioner, and the details of the management structure covering them. In the event such individual is removed or resigns, the commissioner shall replace such individual within 90 days of such removal or resignation and shall provide notification of such replacement, and the identity and qualifications of the new individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision.

3. No officer or employee of an agency of the city shall take any adverse personnel action with respect to another officer or employee in retaliation for such person making a complaint to, disclosing information to, or responding to queries from the commissioner pursuant to activities undertaken pursuant to paragraph 1 of this subdivision unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity. Any officer or employee who believes he or she has been retaliated against in

violation of this subdivision may report such action to the commissioner as provided for in subdivision c of section 12-113 of the administrative code.

4. The department's website will provide a link for individuals to report any problems and deficiencies relating to the department of correction's operations, policies, programs and practices. Individuals making such reports will not be required to provide personally identifying information.

[d.] e. 1. For any investigation made pursuant to subdivision *a* or *b* of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the requesting party, if any. In the event that any matter investigated, reviewed, studied, or audited pursuant to this section involves or may involve allegations of criminal conduct, the commissioner, upon completion of the investigation, review, study, or audit, shall also forward a copy of his or her written report or statement of findings to the appropriate prosecuting attorney, or, in the event the matter investigated, reviewed, studied, or audited involves or may involve a conflict of interest or unethical conduct, to the conflicts of interest board.

2. For any investigation, review, study, or audit made pursuant to paragraph [one] *1* of subdivision *c* or any investigation, review, study, or audit undertaken to examine system-wide operations, policies, programs, and practices made pursuant to paragraph *1* of subdivision *d* of this section, the commissioner shall prepare a written report or statement of findings and, upon completion, shall forward a copy of such report or statement to the mayor, the council, and either the commissioner of correction or the police commissioner[upon completion], as applicable. Within [ninety] 90 days of receiving such report or statement, the police commissioner or commissioner of correction, as applicable, shall provide a written response to the commissioner,

the mayor, and the council. Each such written report or statement, along with a summary of its findings, as well as the reports described in paragraph 3 of this subdivision, shall be posted on the department's website in a format that is searchable and downloadable and that facilitates printing no later than [ten] 10 days after it is delivered to the mayor, the council, and *either the department of correction or the police department, as applicable. The commissioner may redact such report or statement as necessary to preserve safety and security in the facilities under the control of the department of correction.* All such reports, statements, and summaries so posted on the department's website shall be made easily accessible from a direct link on the homepage of the website of the department.

3. In addition to the reports and statements of findings to be delivered to the mayor, the council, *the commissioner of correction*, and the police commissioner pursuant to paragraph 2 of this subdivision, there shall be an annual summary report on the activities undertaken pursuant to paragraph 1 of subdivision *c and paragraph 1 of subdivision d* of this section containing the following information: (a) a description of all significant findings from the investigations, reviews, studies, and audits conducted in the preceding year; (b) a description of the recommendations for corrective action made in the preceding year; (c) an identification of each recommendation described in previous annual reports on which corrective action has not been implemented or completed; and (d) the number of open investigations, reviews, studies, or audits that have been open, as of the close of the preceding calendar year, for a time period of [1)] (1) six months up to and including one year, [2)] (2) more than one year up to and including two years, [3)] (3) more than two years up to and including three years, and [4)] (4) more than three years. The annual summary report required by this paragraph *relating to the police department* shall be completed and delivered to the mayor, the council, and the police commissioner on April 1, 2015 and every

April 1 thereafter. *The annual summary required by this paragraph relating to the department of correction shall be completed and delivered to the mayor, the council, and the commissioner of correction on April 1 beginning in 2018.*

[e.]f. The jurisdiction of the commissioner shall extend to any agency, officer, or employee of the city, or any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city.

[f.] g. The commissioner shall forward to the council and to the mayor a copy of all reports and standards prepared by the corruption prevention and management review bureau, upon issuance by the commissioner.

§ 2. Section 804 of chapter 34 of the New York city charter, as amended by local law number 70 for the year 2013, is amended to read as follows:

§ 804. Complaint bureau. There shall be a complaint bureau in the department which shall receive complaints from the public, including, but not limited to, complaints about any problems and deficiencies relating to the New York city police department's *or department of correction's* operations, policies, programs and practices.

§ 2. This local law takes effect 60 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 16, 2016 and approved by the Mayor on December 6, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 165 of 2016, Council Int. No. 1228-B of 2016) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel