Legislation Details (With Text)

File #:	Int 0735-2024	**Version:**	B	**Name:**	Requiring the DOC to report on sexual assault and sexual harassment of correctional staff and providing staff access to mental health treatment resources.
Type:	Introduction			**Status:**	Enacted
				In control:	Committee on Criminal Justice
On agenda:	3/19/2024				
Enactment date:	3/15/2025			**Enactment #:**	2025/023

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 on sexual assault and sexual harassment of correctional staff and providing staff access to mental health treatment resources

Sponsors: Althea V. Stevens, Carmen N. De La Rosa, Public Advocate Jumaane Williams, Sandy Nurse, Kevin C. Riley, Jennifer Gutiérrez, Mercedes Narcisse, Farah N. Louis, Amanda C. Farías, Yusef Salaam, Lincoln Restler, Julie Won, Nantasha M. Williams, Lynn C. Schulman, Chi A. Ossé, Chris Banks, Diana I. Ayala, Adrienne E. Adams, Rita C. Joseph, Shekar Krishnan, Pierina Ana Sanchez, Selvena N. Brooks-Powers, Shahana K. Hanif, Kamillah Hanks, Gale A. Brewer, Crystal Hudson, Carlina Rivera, Erik D. Bottcher, Alexa Avilés

Indexes: Report Required

Attachments: 1. Summary of Int. No. 736-B, 2. Summary of Int. No. 735-A, 3. Summary of Int. No. 735, 4. Int. No. 735, 5. March 19, 2024 - Stated Meeting Agenda, 6. Hearing Transcript - Stated Meeting 3-19-24, 7. Minutes of the Stated Meeting - March 19, 2024, 8. Proposed Int. No. 735-A - 4/10/24, 9. Committee Report 9/27/24, 10. Hearing Testimony 9/27/24, 11. Hearing Transcript 9/27/24, 12. Proposed Int. No. 735-B - 2/20/25, 13. Committee Report 2/13/25, 14. Hearing Transcript 2/13/25, 15. February 13, 2025 - Stated Meeting Agenda, 16. Hearing Transcript - Stated Meeting 2-13-25, 17. Int. No. 725-A (FINAL), 18. Fiscal Impact Statement - City Council, 19. Fiscal Impact Statement - OMB, 20. Legislative Documents - Letter to the Mayor, 21. Local Law 23

Date	Ver.	Action By	Action	Result
3/19/2024	*	City Council	Introduced by Council	
3/19/2024	*	City Council	Referred to Comm by Council	
9/27/2024	A	Committee on Criminal Justice	Hearing Held by Committee	
9/27/2024	A	Committee on Criminal Justice	Laid Over by Committee	
2/13/2025	*	Committee on Criminal Justice	Hearing Held by Committee	
2/13/2025	*	Committee on Criminal Justice	Amendment Proposed by Comm	
2/13/2025	*	Committee on Criminal Justice	Amended by Committee	
2/13/2025	B	Committee on Criminal Justice	Approved by Committee	Pass
2/13/2025	B	City Council	Approved by Council	Pass
2/13/2025	B	City Council	Sent to Mayor by Council	
3/15/2025	B	Administration	City Charter Rule Adopted	
3/17/2025	B	City Council	Returned Unsigned by Mayor	

Int. No. 735-B

By Council Members Stevens and De La Rosa, the Public Advocate (Mr. Williams), and Council Members Nurse, Riley, Gutiérrez, Narcisse, Louis, Farías, Salaam, Restler, Won, Williams, Schulman, Ossé, Banks, Ayala, The Speaker (Council Member Adams), Joseph, Krishnan, Sanchez, Brooks-Powers, Hanif, Hanks, Brewer, Hudson, Rivera, Bottcher and Avilés

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on sexual assault and sexual harassment of correctional staff and providing staff access to mental health treatment resources

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding new sections 9-156.1 and 9-156.2 to read as follows:

§ 9-156.1 Reporting on sexual assault and sexual harassment of staff.

a. Definitions. For purposes of this section, the following terms have the following meanings:

Commissioner. The term "commissioner" means the commissioner of correction.

Correctional health services. The term "correctional health services" has the same meaning as set forth in section 9-108.

Department. The term "department" means the department of correction.

Gender identity. The term "gender identity" has the same meaning as set forth in section 9-165.

Personal information. The term "personal information" has the same meaning as set forth in subdivision a of section 10-501.

Reporting period. The term "reporting period" means January 1 through June 30 of a year, or July 1 through December 31 of a year.

Sexual assault of staff. The term "sexual assault of staff" means any non-consensual physical conduct of a sexual nature by an incarcerated individual toward or against staff, including but not limited to patting, rubbing, kissing, grabbing, pinching, or touching.

Sexual harassment of staff. The term "sexual harassment of staff" means any of the following acts conducted by an incarcerated individual toward or against staff: (i) verbal comments or obscene gestures of a sexual nature, including sexually suggestive remarks, jokes, innuendos or leering; (ii) intentional touching of

the incarcerated individual's own body in plain view of staff, in a manner that demonstrates it is for the purpose of sexual arousal, gratification, annoyance, or offense; and (iii) any act made by an incarcerated individual to request, solicit, or otherwise encourage staff to engage in sexual activity.

Staff. The term "staff" means a natural person, other than an incarcerated individual, who works directly for the department or correctional health services.

b. Incident report. No later than February 15, 2026, and every 6 months thereafter, the department shall submit to the mayor, the speaker of the council, and the board of correction a report on alleged incidents of sexual assault of staff and sexual harassment of staff that occurred, or for which an investigation was pending, during the preceding reporting period. All data in such report shall be reported in a machine-readable format. Such report shall include a table with information about each alleged incident of sexual assault of staff or sexual harassment of staff that occurred during the preceding reporting period in each row. Such information shall include, but need not be limited to:

1. A unique identification number for such incident;

2. Whether the incident related to an allegation of sexual assault of staff, and if so, any specific alleged conduct that violated the department's person in custody rulebook;

3. Whether the incident related to an allegation of sexual harassment, and if so, any specific alleged conduct that violated the department's person in custody rulebook;

4. The month in which such incident occurred;

5. Whether the staff who was the alleged victim of such incident was civilian or uniformed staff at the time of such incident;

6. Whether such incident took place between the times of 7:00 a.m. and 3:00 p.m., 3:00 p.m. and 11:00 p.m., or 11:00 p.m. and 7:00 a.m.;

7. The gender identity of the staff who was the alleged victim of such incident;

8. The gender identity of the alleged perpetrator of such incident;

9. The facility of the department in which such incident occurred;

10. Whether such incident occurred in a service area or housing area of such facility;

11. For any such incident that occurred in a housing area, the type of housing area;

12. Whether the department's video camera surveillance recorded such incident;

13. Whether the department collected any physical evidence from or related to such incident;

14. Whether the department assisted the staff who was the alleged victim of such incident in obtaining a rape kit following the incident, including, but not limited to, by making referrals for treatment or providing stipends;

15. The number of days between such incident and the date such incident was reported to the department;

16. Whether the department opened an investigation of such incident, and, if so, the number of days between such incident and the date the department opened such investigation;

17. Whether the alleged perpetrator and the alleged victim were separated from physical contact during the pendency of such investigation;

18. Whether such investigation is pending or has been closed at the time of submission of such report;

19. The outcome of any investigation related to the alleged incident, including but not limited to, any discipline or penalties imposed on the alleged perpetrator;

20. Whether the department referred such incident to the district attorney, and if so, the number of days between such incident and the date the department made such referral;

21. Whether the alleged perpetrator of such incident was re-arrested following the incident, and if so, the number of days between such incident and such arrest; and

22. Whether the alleged victim was notified regarding the outcome of any investigation related to the incident.

c. In accordance with applicable law, correctional health services shall assist the department in

collecting the information required to be reported under this section.

d. Notwithstanding any other provision of law, the report required by subdivision b shall not be transmitted in electronic format to the department of records and information services or made available to the public on or through such department's website.

§ 9-156.2 Mental health resources for correctional staff.

a. Definitions. For purposes of this section, the following terms have the following meanings:

Commissioner. The term "commissioner" means the commissioner of correction.

Sexual assault of staff. The term "sexual assault of staff" means any non-consensual physical conduct of a sexual nature by an incarcerated individual toward or against staff, including but not limited to patting, rubbing, kissing, grabbing, pinching, or touching.

Sexual harassment of staff. The term "sexual harassment of staff" means any of the following acts conducted by an incarcerated individual toward or against staff: (i) verbal comments or obscene gestures of a sexual nature, including sexually suggestive remarks, jokes, innuendos or leering; (ii) intentional touching of the incarcerated individual's own body in plain view of staff, in a manner that demonstrates it is for the purpose of sexual arousal, gratification, annoyance, or offense; and (iii) any act made by an incarcerated individual to request, solicit, or otherwise encourage staff to engage in sexual activity.

Staff. The term "staff" means an individual, other than an incarcerated individual, who works directly for the department.

b. The department shall provide to staff access to mental health resources relating to reducing stress and other adverse mental health impacts for persons working in correctional facilities. In providing such access, the department shall consider guidance and any best practices established by the national institute of corrections. Such resources shall include, but need not be limited to, confidential mental health counseling to address the impacts of sexual assault of staff and sexual harassment of staff.

c. The commissioner shall provide information about the availability of such resources on the

department's website. The commissioner shall electronically communicate such information to staff, and shall post such information in conspicuous locations in facilities of the department.

§ 2. This local law takes effect 120 days after it becomes law.

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