



Legislation Text

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Int. No. 778-A

By Council Members Mendez, Garodnick, Cabrera, Chin, Constantinides, Johnson, Lander, Richards, Rose, Rosenthal, Menchaca and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to submit regular reports regarding the investigations of the use of force by correction officers on inmates

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 a new section 9-152 to read as follows:

§ 9-152 Report on use of force investigations.

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

Formal proceeding. The term “formal proceeding” means any formal proceeding before a tribunal, administrative judge, or other adjudicative body outside the department to adjudicate a disciplinary action pursuant to section 75 of the civil service law, including but not limited to proceedings before the New York city office of administrative trials and hearings.

Incident. The term “incident” means any incident in which staff used force on an inmate.

Staff. The term “staff” means any department of correction uniformed staff.

b. Beginning August 31, 2018, and every year thereafter, the commissioner shall prepare a report on investigations into incidents for the previous fiscal year. This report shall be sent to the mayor and the speaker of the council, and posted on the department’s website. This report shall include, but need not be limited to, the following information:

1. The number and rate in which the department investigated incidents.

2. The number and rate of incidents for which the department determined that staff violated a departmental rule or was otherwise subject to discipline, the type of incident that occurred, and the type of discipline recommended and actually imposed for such incidents.

3. To the extent applicable, information regarding the entities within the department that are responsible for conducting investigations into incidents, including the number, rate and speed at which such entities conduct and complete investigations.

4. To the extent applicable, the number of formal proceedings that occurred, and the outcomes of such proceedings. In any case in which the outcome of a formal proceeding was a recommendation to the commissioner for a certain type of sanction, the report shall include whether the recommended sanction was accepted, rejected or modified.

5. The number of investigations into incidents that were referred to a district attorney's office, the department of investigation, or any similar law enforcement entity.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information or that would interfere with law enforcement investigations.

§ 2. This local law takes effect immediately.

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