



Legislation Text

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Int. No. 1392

By The Speaker (Council Member Johnson) and Council Members Levine and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to requiring district attorneys to report on criminal prosecutions

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 4 to read as follows:

CHAPTER 4
DISTRICT ATTORNEYS

§ 9-401 Definitions. As used in this chapter, the following terms have the following meanings:

Charge severity. The term “charge severity” means whether a top charge is a felony, misdemeanor, violation, or traffic infraction.

Conviction severity. The term “conviction severity” means whether a charge of conviction is a felony, misdemeanor, violation, or traffic infraction.

Dispose. The term “dispose” means any instance in which a prosecution results in a dismissal, adjournment in contemplation of dismissal, or conviction.

Incarcerated. The term “incarcerated” means a defendant who is incarcerated pursuant to article 510 of the penal law, but who has not been deemed an incapacitated person under Article 730 of the criminal procedure law.

Office. The term “office” means the office of any district attorney in the city of New York.

Program. The term “program” means any diversion, treatment, or other intervention that a defendant

enters into voluntarily, while not being in-custody.

Prosecute. The term “prosecute” means to file an accusatory instrument.

Supervised release. The term “supervised release” means any instance in which a criminal defendant is released from custody during the pendency of a prosecution under the condition that such defendant maintain contact with an entity or individual that provides monitoring or supervision during such release.

Top charge. The term “top charge” means the most charge that carries the longest potential period of incarceration filed in an accusatory instrument, or, if an accusatory instrument is not filed, the term “top charge” means the charge that carries the longest potential period of incarceration referred for prosecution.

§ 9-402 Reporting.

a. Each office shall submit an annual report to the council and the office of criminal justice, and post such report on such office’s website. Such reports shall be submitted within 30 days of January 1 each year, starting in 2021, and shall include the following information for criminal prosecutions during the previous calendar year:

1. The number of cases prosecuted in total and disaggregated by:

a. charge severity, and felony charges shall be further disaggregated by whether such charges are for a violent felony;

b. top charge; and

c. the race, gender, and age of the person prosecuted.

2. The number of cases resulting in a conviction, in total and disaggregated by:

a. conviction severity; and felony charges shall be further disaggregated by whether such conviction was for a violent felony;

b. charge or charges of conviction; and

c. the race, gender, and age of the person prosecuted.

3. The number and percentage of cases referred for prosecution for which the office does not prosecute,

in total and disaggregated by top charge and charge severity, and also disaggregated by the race, gender, and age of the person that is not prosecuted. The information reported in this paragraph shall not include cases referred for prosecution for which the office does not prosecute because the individual referred for prosecution participated in a program in lieu of prosecution.

4. The number and percentage of cases referred for prosecution for which the office does not prosecute because the individual referred for prosecution participated in a program in lieu of prosecution, in total and disaggregated by top charge and charge severity, and also disaggregated by the race, gender, and age of the person that is not prosecuted.

. The number of and percentage of prosecutions in which the office requests bail or remand at a criminal court arraignment, bail or remand is so imposed, supervised release is recommended at a criminal court arraignment, and supervised release is so imposed.

5. The number and percentage of all prosecutions, prosecutions in which felony complaints are filed, prosecutions disposed in supreme court, and prosecutions in which misdemeanor complaints are filed, that were disposed in the following categories: dismissal on the motion of the district attorney, dismissal on speedy trial grounds, acquitted at trial, dismissal on other grounds, adjournment in contemplation of dismissal, conviction for a violation, conviction for a traffic infraction, conviction for a misdemeanor, conviction for a felony, and any other outcome.

6. The number and percentage of prosecutions, in total and disaggregated by both charge severity and conviction severity, disposed at the following times: criminal court arraignment, supreme court arraignment, between criminal court arraignment and disposition, between supreme court arraignment and disposition, after pretrial hearings were commenced and before trial, and after trial.

7. The average time between initial arraignment and disposition, in total and disaggregated by charge severity and conviction severity, and also disaggregated by:

(a) Charge severity, with felony charges further disaggregated by whether such charges violent felonies

as defined in article 70 of the penal law;

(b) Whether the defendant was incarcerated; and

(c) Whether the defendant participated in a program during such period.

8. Sentences imposed, in total and disaggregated by charge severity and conviction severity, in the following categories: determinate period of imprisonment, indeterminate period of imprisonment, definite period of imprisonment, conditional discharge, probation, fine, and time served. In any case in which a fine is imposed in addition to another sentence, the report shall include only such other sentence. Sentences of conditional discharges shall be listed in total and disaggregated by type of condition imposed in the following categories: program attendance, community service, or other type of condition.

b. All terms used this section that are not defined in section 9-401 have the same meanings as they have in the penal law or criminal procedure law, where applicable.

c. Reports required pursuant to subdivision a of this section shall be stored permanently and accessible from each office's website, and shall be provided in a format that permits automated processing.

§ 2. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-307 to read as follows:

§ 9-307 District attorney reporting. No later than 45 days from January 1 of each year, starting in 2021, the office shall provide to the council and publish on its website an annual report on district attorneys. This report shall consist of the information required pursuant to section 9-402 aggregated for all district attorneys, and published in a manner that permits the comparison of such information for such district attorneys.

§ 3. This local law takes effect immediately.