



Legislation Text

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Int. No. 1638

By Council Members Kallos, Ayala, Powers, Louis and Ampry-Samuel

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City police department and district attorneys to report on the investigation and prosecution of domestic violence and certain known victim offenses

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

§14-181 Investigation of allegations of domestic violence and certain known victim offenses.

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

Members of the same family or household. The term “members of the same family or household” has the same meaning as in section 530.11 of the criminal procedure law.

Reported Allegation. The term “reported allegation” means any instance in which the department is made aware of alleged criminal conduct for a specified offense.

Specified Offense. The term “specified offense” has the same meaning ascribed in section 240.75 of the penal law, provided that for the purpose of this section the term shall include all such offenses in which either the defendant or the person against whom the offense was committed had been previously subject to an arrest or an order of protection due to conduct involving the other party , regardless of whether they were members of the same family or household.

b. By January 30, 2020, and no later than 30 days after the end of each quarter thereafter, the department shall submit to the speaker of the council, and make publicly available on the department’s website, a report

related to the department's response to reported allegations of specified offenses. All data shall be submitted in a machine-readable format and stored permanently on the department's website. Such report shall include but not be limited to the following information, in total and disaggregated by police precinct, regarding allegations of specified offenses for the preceding quarter, and shall include a comparison of the preceding quarter's information to the average of such information for the preceding four quarters:

1. The number of such allegations in total and disaggregated by whether the defendant and victim were members of the same family or household, and further disaggregated by offense.

2. The number of arrests in total and disaggregated by whether the defendant and victim were members of the same family or household, and further disaggregated by offense.

3. The average time elapsed between the department being made aware of such allegations and any related offense in total and disaggregated by whether the defendant and victim were members of the same family or household, and further disaggregated by top arrest charge.

4. The number of individuals against whom a specified offense was committed who were injured, hospitalized, or killed subsequent to the department being made aware of such allegations, in total and disaggregated by whether the defendant and victim were members of the same family or household.

5. The number of orders of protection violated, in total and disaggregated by whether the defendant and victim were members of the same family or household.

6. The number of individuals against whom a specified offense was committed and on whose behalf an order of protection was issued who were injured, hospitalized, or killed after such order was issued, in total and disaggregated by whether the defendant and victim were members of the same family or household, and further disaggregated by the initial offense for which such order was issued and degree of injury.

§2. 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. For the purposes of this chapter, the following terms have the following meanings:

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

§ 9-402 Prosecution of domestic violence and certain known victim offenses.

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

Members of the same family or household. The term “members of the same family or household” has the same meaning as in section 530.11 of the criminal procedure law.

Specified Offense. The term “specified offense” has the same meaning ascribed in section 240.75 of the penal law, provided that for the purpose of this section the term shall include all such offenses in which either the defendant or the person against whom the offense was committed had been previously subject to an arrest or an order of protection due to conduct involving the other party, regardless of whether they were members of the same family or household.

b. By January 30, 2020, and no later than 30 days after the end of each quarter thereafter, each office shall submit to the speaker of the council, and make publicly available on the office’s website, a report related to the office’s handling of reported allegations of certain criminal offenses. All data shall be submitted in a machine-readable format and stored permanently on the department’s website. Such report shall include the following information regarding prosecutions of specified offenses for the previous quarter:

1. The number of cases prosecuted disaggregated by whether the defendant and victim were members of the same family or household, and further disaggregated by the case was referred for prosecution by the New York city police department.

2. The most serious charges alleged disaggregated by whether the defendant and victim were members of the same family or household, and further disaggregated by the case outcome in the following categories: dismissed, adjourned in contemplation of dismissal, convicted of a violation, convicted of a misdemeanor, and

convicted of a felony, in total and disaggregated by whether such felony was violent as defined in the penal law.

3. The most serious charges alleged in total and disaggregated by whether the defendant and victim were members of the same family or household, and further disaggregated by the case outcome in the following categories: (i) dismissed, (ii) adjourned in contemplation of dismissal, (iii) sentenced to a conditional discharge, in total and disaggregated by whether such sentence required the completion of any form of programming, (iv) sentenced to probation, (v) sentenced to a definite period of imprisonment in total and disaggregated by whether such sentence was between zero and 15 days, 15 and 45 days, 45 days and six months, and over six months, and (vi) sentenced to a determinate or indeterminate period of imprisonment, in total and disaggregated by whether such sentence was determinate or indeterminate, and also disaggregated by whether such sentence was between zero and two years, two and five years, five and fifteen years, or over fifteen years. For the purposes of this paragraph, indeterminate sentences shall be calculated using the point at which the sentenced person would be subject to a conditional release.

4. The number of cases in which a defendant pled guilty under the condition that such plea could be withdrawn upon the completion of some form of mandated programming, in total and disaggregated by whether the defendant and victim were members of the same family or household, and further disaggregated by whether such programming was successfully completed.

5. The number of cases in which the defendant had previously been charged with a specified offense, in total and disaggregated by whether the defendant and victim were members of the same family or household, and further disaggregated by whether such defendant had been convicted of any offense in such prior case, and further disaggregated by whether such conviction was for a violation, misdemeanor, or felony.

6. The number of assistant district attorneys assigned to primarily prosecute such cases.

7. The mean and median number of cases assigned to each assistant district attorney assigned to primarily prosecute such cases. If applicable, the maximum number of hours, cases, or other related metrics permitted for such attorneys.

§3. This local law takes effect immediately.

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