

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

No. 90

Introduced by Council Members Crowley, Rose, Cohen, Cabrera and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the department of probation to report on recidivism and related statistics

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-203 to read as follows:

§ 9-203 Probation recidivism report. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Adjust. The term “adjust” has the same meaning as the process described in section 308.1 of the New York family court act, or any successor statute.

Department. The term “department” means the New York city department of probation.

Eligible year. The term “eligible year” means any year during which a court ordered the department to supervise a probationer that pursuant to such court order would have terminated during the reporting period.

Probationer. The term “probationer” means a person the department has been ordered to supervise.

b. No later than 90 days from January 1 of each year, beginning in 2017, the department shall provide to the council and publish on its website an annual report regarding recidivism. Such

report shall include the information required by paragraphs 2 through 6 of this subdivision for every eligible year regarding probationers sentenced to probation during such eligible year. Such report shall include the following information for probationers who were under the supervision of the department during the previous calendar year:

1. The number of probationers, the average monthly number of probationers, and the number of probationers whose period of supervision began during the reporting period;

2. The number and percentage of probationers who were: (a) arrested for a non-criminal offense; (b) arrested for any crime; (c) arrested for a misdemeanor; (d) arrested for a felony; disaggregated by whether such felony is a violent felony offense as such term is defined by section 70.02 of the penal law or any successor statute, or whether such probationers were felony drug offenders or second felony drug offenders, as such terms are defined by section 70.70 of the penal law or any successor statute; (e) convicted of a non-criminal offense, (f) convicted of a misdemeanor; or (g) convicted of a felony, disaggregated by whether such felony is a violent felony offense as such term is defined by section 70.02 of the penal law or any successor statute, or whether such probationers were felony drug offenders or second felony drug offenders, as such terms are defined by section 70.70 of the penal law or any successor statute;

3. With respect to the probationers who were arrested for any non-criminal offense, misdemeanor or felony during their probation, as reported in paragraph 2 of this subdivision, the number of arrests that resulted in sentences of incarceration other than time served, disaggregated by such category of arrest;

4. The number and percentage of probationers who were arrested within the following periods of time from the date of their sentence: (a) 1 month, (b) 3 months, (c) 6 months, (d) 1 year, (e) 2 years, and (f) 3 years;

5. *The number and percentage of probationers who: (a) were in full compliance with the terms of their probation, (b) violated the terms of their probation, in total and disaggregated by whether such violation was based on an arrest or another ground, or (c) violated the terms of their probation, and there was filed a related declaration of delinquency, petition of violation, or similar court filing, in total and disaggregated by whether such declaration was based on an arrest, a violation of the technical terms of probation, or absconding;*

6. *The number and percentage of probationers whose period of probation was successfully completed during the reporting period, and the mean and median length of their period of probation; and*

7. *The number of cases opened for adjustment during the reporting period that were monitored by the department, and the number and percentage of such cases in which those being monitored violated the terms of their monitoring.*

c. *The information required by subdivision b of this section shall be reported in total and disaggregated by the following criteria:*

1. *The age of the probationer, where applicable, in the following categories at a minimum: (a) up to age 15, (b) 16-24, and (c) 25 and older. For the purposes of subdivision b of this section, such age shall be calculated by using the probationer's age at the end of the reporting period, and for the purposes of subdivision c of this section such age shall be calculated by using the probationer's age at the time at which their period of supervision began;*

2. *Whether the underlying case for which the probationer was ordered to be monitored by the department was classified by state law, or by equivalent laws of another state, as a: (a) juvenile delinquency, (b) juvenile offender, (c) youthful offender, or (d) adult criminal case;*

3. For those probationers for whom the underlying case for which the probationer was ordered to be monitored was an adult criminal case, or the equivalent in another state, whether such case was a misdemeanor or felony; and

4. The risk level of the probationer, as described in section 351.6 of title 9 of the compilation of codes, rules and regulations of the state of New York, or any successor regulation.

d. The information required by subdivisions b and c of this section shall be compared to previous reporting periods, and shall be stored permanently and shall be accessible from the department's website.

§ 2. This local law takes effect immediately; provided, however, that the information required by subparagraphs (e) through (g) of paragraph 2, paragraph 3, and paragraph 5 of subdivision b of section 9-203 of the administrative code of the city of New York, as added by section 1 of this local law, need not include information on probationers adjudicated to be juvenile delinquents, provided that such information shall be included in the report submitted within 90 days after January 1, 2018 and in reports submitted thereafter.

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 July 14, 2016 and approved by the Mayor on August 3, 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. 90 of 2016, Council Int. No. 1142-A 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