

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 86

Introduced by Council Members Rosenthal, Crowley, Dromm, Cumbo, Koslowitz, Palma, Cornegy, Torres, Cohen, Rodriguez, Cabrera, Lancman, Williams, Rose, Barron, Garodnick, Kallos and Lander.

A LOCAL LAW

To amend New York city charter, in relation to renaming the office of the criminal justice coordinator as the office of criminal justice, and the administrative code of the city of New York, in relation to requiring the office of criminal justice to post on the office's website an annual report regarding bail and the criminal justice system.

Be it enacted by the Council as follows:

Section 1. The section heading and opening paragraph of section 13 of the New York city charter, as added by vote of the electors on November 4, 1975, are amended to read as follows:

[Coordinator of criminal justice] *Office of Criminal Justice*. There is established in the executive office of the mayor [a position of coordinator] *an office* of criminal justice, to be *headed by a coordinator of criminal justice* appointed by the mayor. The coordinator shall:

§ 2. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-117 to read as follows:

3-117 Annual reporting on bail and the criminal justice system.

a. Within 90 days of the beginning of each reporting period, the office of criminal justice shall post on its website a report regarding bail and the criminal justice system for the preceding reporting period. The reporting period for paragraphs 1, 3, 14, and 15 of this subdivision is quarterly, the reporting period for paragraphs 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 16 is semi-annually, and the reporting period for paragraphs 17 through 33 is annually. For the purposes of this subdivision, any inmate incarcerated on multiple charges shall be deemed to be

incarcerated only on the most serious charge, a violent felony shall be deemed to be more serious than a non-violent felony of the same class, any inmate incarcerated on multiple charges of the same severity shall be deemed to be held on each charge, any inmate incarcerated on multiple bail amounts shall be deemed to be held only on the highest bail amount, any inmate held on pending criminal charges who has a parole hold shall be deemed to be held only on the parole hold, any inmate held on pending criminal charges who has any other hold shall be deemed to be held only on the pending criminal charges, and any inmate incarcerated on multiple cases in which sentence has been imposed on at least one of such cases shall be deemed to be sentenced. Such report shall contain the following information, for the preceding reporting period or for the most recent reporting period for which such information is available, to the extent such information is available:

- 1. The average daily population of inmates in the custody of the department of correction.*
- 2. The number of inmates admitted to the custody of the department of correction during the reporting period who had been sentenced to a definite sentence, the number held on pending criminal charges, and the number in any other category.*
- 3. Of the number of inmates in the custody of the department of correction on the last Friday of each calendar month of the reporting period, the percentage who had been sentenced to a definite sentence, the percentage held on pending criminal charges, and the percentage in any other category.*
- 4. Of the number of inmates in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage who were remanded without bail.*
- 5. The number of inmates in the custody of the department of correction who were sentenced to a definite sentence during the reporting period of the following length: (a) 1-15 days; (b) 16-30 days; (c) 31-90 days; (d) 91-180 days; or (e) more than 180 days.*

6. *Of the number inmates in the custody of the department of correction on the last Friday of each calendar month of the reporting period who were sentenced to a definite sentence, the percentage of inmates whose sentences were of the following lengths: (a) 1-15 days; (b) 16-30 days; (c) 31-90 days; (d) 91-180 days; or (e) more than 180 days.*

7. *The number of inmates admitted to the custody of the department of correction during the reporting period on pending criminal charges who were charged with offenses of the following severity: (a) class A felonies; (b) class B or C felonies; (c) class D or E felonies; (d) misdemeanors; or (e) non-criminal charges.*

8. *Of the number of inmates in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage charged with offenses of the following severity: (a) class A felonies; (b) class B or C felonies; (c) class D or E felonies; (d) misdemeanors; or (e) non-criminal charges.*

9. *The number of inmates admitted to the custody of the department of correction during the reporting period on pending criminal charges who were charged with offenses of the following severity: (a) class A felonies disaggregated by offense; (b) violent felonies as defined in section 70.02 of the penal law; (c) non-violent felonies as defined in section 70.02 of the penal law; (d) misdemeanors; or (e) non-criminal charges.*

10. *Of the number of inmates in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage charged with offenses of the following severity: (a) class A felonies disaggregated by offense; (b) violent felonies as defined in section 70.02 of the penal law; (c) non-violent felonies as defined in section 70.02 of the penal law; (d) misdemeanors; or (e) non-criminal charges.*

11. *Of the number of inmates in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percentage charged with offenses of the following type, including the attempt to commit any of such offense as defined in section 110 of the penal law:*

(a) The following crimes as defined in the New York state penal law: (i) misdemeanor larceny as defined in sections 155.25, 140.35, and 165.40, (ii) misdemeanor drug possession as defined in section 220.03, (iii) misdemeanor assault as defined in sections 120.00, 120.14, 120.15, 121.11, and 265.01, (iv) misdemeanor harassment or violation of a court order as defined in sections 215.50 and 240.30, (v) misdemeanor theft of services as defined in section 165.15, (vi) misdemeanor trespass as defined in sections 140.10 and 140.15, (vii) misdemeanor criminal mischief or graffiti as defined in sections 145.00 and 145.60, (viii) misdemeanor sexual crimes as defined in sections 130.52, 130.55, and 135.60, (ix) misdemeanor resisting arrest or obstructing governmental administration as defined in sections 205.30 and 195.05, (x) misdemeanor marijuana possession as defined in sections 221.10 and 221.40, (xi) felony vehicular assault or vehicular manslaughter as defined in sections 120.03, 120.04, 120.04-a, 120.20, 120.25, 125.12, 125.13, and 125.14, (xii) felony assault as defined in sections 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, 120.12, and 120.13, (xiii) homicide offenses as defined in sections 125.10, 125.11, 125.15, 125.20, 125.21, 125.22, 125.25, 125.26, and 125.27, (xiv) felony sexual assault as defined in sections 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.53, 130.65, 130.65a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.91, 130.95, and 130.96, (xv) kidnapping as defined in sections 135.10, 135.20, and 135.25, (xvi) burglary as defined in sections 140.20, 140.25, and 140.30, (xvii) arson as defined in sections 150.05, 150.10, 150.15, and 150.20, (xviii) robbery, grand larceny, and stolen property offenses as defined in sections 155.30, 155.35, 155.40, 155.42, 160.05, 160.10, 160.15, 165.45, 165.50, 165.52, and 165.54, (xix) felony violation of a court order as defined in sections 215.51 and 215.52, (xx) felony drug possession or sale as defined in sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, and 220.44, (xxii) firearm or weapons possession as defined in sections 265.01-A, 265.01-B, 265.02, 265.03, 265.04, 265.08, 265.09, 265.11, 265.12, 265.13, 265.14, 265.16, and 265.19.

(b) The following crimes as defined in the New York state vehicle and traffic law: (i) driving under the influence of alcohol as defined in section 1192, (ii) driving with a suspended license as defined in section 511.

(c) The following categories of offense: (i) any violation or non-criminal offense, (ii) any misdemeanor not specifically enumerated in this paragraph, (iii) any felony not specifically enumerated in this paragraph.

12. The number of inmates admitted to the custody of the department of correction during the reporting period on pending criminal charges who were charged with offenses in the categories defined in subparagraphs a, b, and c of paragraph 11 of this subdivision.

13. The number of inmates admitted to the custody of the department of correction during the reporting period on pending criminal charges who had bail fixed in the following amounts: (a) \$1; (b) \$2-\$500; (c) \$501-\$1000; (d) \$1001-\$2500; (e) \$2501-\$5000; (f) \$5001-\$10,000; (g) \$10,001-\$25,000; (h) \$25,001-\$50,000; (i) \$50,001-\$100,000; or (j) more than \$100,000.

14. Of the number of inmates in the custody of the department of correction on the final Friday of each calendar month of the reporting period who were held on pending criminal charges, the percentage who had bail fixed in the following amounts: (a) \$1; (b) \$2-\$500; (c) \$501-\$1000; (d) \$1001-\$2500; (e) \$2501-\$5000; (f) \$5001-\$10,000; (g) \$10,001-\$25,000; (h) \$25,001-\$50,000; (i) \$50,001-\$100,000; or (j) more than \$100,000.

15. Of the number of inmates in the custody of the department of correction on the final day of the reporting period who were held on pending criminal charges, the percentage who had been incarcerated for the following lengths of time: (a) 1-2 days; (b) 3-5 days; (c) 6-15 days; (d) 16-30 days; (e) 31-90 days; (f) 91-180 days; (g) 180 – 365 days; or (h) more than 365 days.

16. The information in paragraphs 1, 5, 7, 9, 13, 15, 30, 31, 32, and 33 of this subdivision disaggregated by the borough in which the inmate's case was pending. This data shall be listed separately and shall also be compared to the following crime rates disaggregated by borough:

(a) The number of crimes reported per capita;

(b) The number of class A felonies and violent felonies as defined in section 70.02 of the penal law reported per capita;

(c) The number of arrests per capita for criminal offenses; and

(d) The number of arrests for class A felonies and violent felonies as defined in section 70.02 of the penal law per capita.

17. The number of cases in which bail was set at arraignment on a misdemeanor complaint.

18. Of all cases arraigned on a misdemeanor complaint, the percentage in which bail was set.

19. The number of cases in which bail was set at arraignment on a felony complaint.

20. Of all cases arraigned on a felony complaint, the percentage in which bail was set.

21. The number of cases in which bail was posted during any time in which the most serious pending count was a misdemeanor and the defendant failed to appear for at least one court appearance during the reporting period.

22. Of all cases in which bail was posted during any time in which the most serious pending count was a misdemeanor, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.

23. The number of cases in which bail was posted during any time in which the most serious pending count was a felony and the defendant failed to appear for at least one court appearance during the reporting period.

24. Of all cases in which bail was posted during any time in which the most serious pending count was a felony, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.

25. The number of cases in which the defendant was released without bail during any time in which the most serious pending count was a misdemeanor and the defendant failed to appear for at least one court appearance during the reporting period.

26. *Of all cases in which the defendant was released without bail during any time in which the most serious pending count was a misdemeanor, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.*

27. *The number of cases in which the defendant was released without bail during any time in which the most serious pending count was a felony and the defendant failed to appear for at least one court appearance during the reporting period.*

28. *Of all cases in which the defendant was released without bail during any time in which the most serious pending count was a felony, the percentage in which the defendant failed to appear for at least one court appearance during the reporting period.*

29. *The number of defendants assigned supervised release at arraignment and the percentage of arraigned defendants who were assigned supervised release.*

30. *Of all criminal cases in which bail was fixed during the preceding reporting period, the percentage in which the defendant posted bail, in total and disaggregated by the following bail amounts: (a) \$1; (b) \$2-\$500; (c) \$501-\$1000; (d) \$1001-\$2500; (e) \$2501-\$5000; (f) \$5001-\$10,000; (g) \$10,001-\$25,000; (h) \$25,001-\$50,000; (i) \$50,001-\$100,000; or (j) more than \$100,000.*

31. *Of all cases in which the defendant was held in the custody of the department of correction on pending criminal charges for any period of time and in which a disposition was reached during the reporting period, the percentage in which the disposition was as follows: (a) conviction for a class A felony disaggregated by offense; (b) conviction for a violent felony; (c) conviction for a non-violent felony; (c) conviction for a misdemeanor; (d) conviction for a non-criminal offense; (e) charges dismissed or adjourned in contemplation of dismissal; or (f) any other disposition.*

32. *Of all cases in which the defendant was held in the custody of the department of correction on pending criminal charges during the reporting period for any period of time, the percentage in which the status of the criminal case is as follows: (a) the charges are pending and*

the defendant was released by posting bail; (b) the charges are pending and the defendant was released by court order; (c) the charges are pending and the defendant was not released; (d) conviction for a violent felony; (e) conviction for a non-violent felony; (f) conviction for a misdemeanor; (g) conviction for a non-criminal offense; (h) charges dismissed or adjourned in contemplation of dismissal; or (i) any other disposition.

33. Of the number of inmates in the custody of the department of correction on the last Friday of each calendar month who were held on pending criminal charges during the reporting period, the percentage in which the status of the criminal case on the final day of the reporting period is as follows: (a) the charges are pending and the defendant was released by posting bail; (b) the charges are pending and the defendant was released by court order; (c) the charges are pending and the defendant was not released; (d) conviction for a violent felony; (e) conviction for a non-violent felony; (f) conviction for a misdemeanor; (g) conviction for a non-criminal offense; (h) charges dismissed or adjourned in contemplation of dismissal; or (i) any other disposition.

§ 3. This local law takes effect immediately, provided that section 2 applies to any calendar year beginning on or after January 1, 2016, and further provided that the first report pursuant to section 2 is due within 90 days of the quarter beginning April 1, 2016.

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 September 17, 2015 and approved by the Mayor on October 7, 2015.

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. 86 of 2015, Council Int. No. 753-A of 2015) 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.