



Legislation Details (With Text)

File #: Int 1186-2023 **Version:** * **Name:** Report on staff misconduct at the department of correction.

Type: Introduction **Status:** Filed (End of Session)

In control: Committee on Criminal Justice

On agenda: 9/14/2023

Enactment date: **Enactment #:**

Title: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to a report on staff misconduct at the department of correction

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Indexes: Report Required

Attachments: 1. Summary of Int. No. 1186, 2. Int. No. 1186, 3. September 14, 2023 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 9-14-23, 5. Minutes of the Stated Meeting - September 14, 2023

Date	Ver.	Action By	Action	Result
9/14/2023	*	City Council	Introduced by Council	
9/14/2023	*	City Council	Referred to Comm by Council	
12/31/2023	*	City Council	Filed (End of Session)	

Int. No. 1186

By Council Members Rivera, Hanif, Stevens, Gutiérrez, Restler and Marte

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to a report on staff misconduct at the department of correction

Be it enacted by the Council as follows:

Section 1. Section 626 of the New York city charter is amended by adding a new subdivision i to read as follows:

i. No later than 60 days after the effective date of the local law that added this subdivision, and quarterly thereafter, the board shall submit to the mayor and the speaker of the council and shall post conspicuously on the board’s website a quarterly report regarding cases involving staff misconduct at the department of correction that the board referred for further investigation. Such report must include a table in which each separate row references a unique investigation. Each such row must include the following information, as well as any additional information the board deems appropriate, set forth in separate columns:

1. The category of any alleged misconduct offenses;

2. A description of the alleged staff misconduct and the procedural history of the staff misconduct case;

and

3. Whether the case was referred to the department of correction, the department of investigation, a district attorney, or the United States department of justice.

§ 2. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 to read as follows:

§ 9-163 Staff misconduct report. a. No later than 75 days after the effective date of the local law that added this section, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report regarding staff misconduct cases that were closed within 10 years preceding the effective date of the local law that added this section. Such report must include a table in which each separate row references a unique staff misconduct case. Each such row must include the following information for each staff misconduct case, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

1. Any unique identifier used by the department to identify the staff misconduct case such as the case number;

2. The date of the incident or incidents of alleged staff misconduct;

3. Each facility where the alleged staff misconduct occurred;

4. The date the staff misconduct case was initiated by the department;

5. The employee's last name;

6. The employee's shield number, if applicable;

7. The employee's civil service title;

8. The category of any alleged misconduct offenses;

9. A description of the alleged staff misconduct and the procedural history of the staff misconduct case;

10. If the case was adjudicated by the office of administrative trials and hearings, the date on which the case was referred to the office of administrative trials and hearings;

11. The execution date of the negotiated plea agreement;

12. The date the case was closed;

13. The disposition of the case;

14. The penalty and discipline imposed if any;

15. Whether the case was referred to the department of investigation, a district attorney, or the United States department of justice;

16. The number of previous staff misconduct cases associated with the employee; and

17. The case number, or other unique identifier used by the department to identify staff misconduct cases, of any previous staff misconduct cases associated with the employee.

b. No later than 60 days after effective date of the local law that added this section, and monthly thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report regarding open staff misconduct cases. Such report must include a table in which each separate row references a unique staff misconduct case. Each such row must include the following information and any additional information the commissioner deems appropriate, set forth in separate columns:

1. Any unique identifier used by the department to identify the staff misconduct case such as the case number;

2. The date of the incident or incidents of alleged staff misconduct;

3. Each facility where the alleged staff misconduct occurred;

4. The date the staff misconduct case was initiated by the department;

5. The employee's last name;

6. The employee's shield number, if applicable;

7. The employee's civil service title;

8. The category of any alleged misconduct offenses;

9. A description of the alleged staff misconduct and the procedural history of the staff misconduct case;

10. If the case is being adjudicated by the office of administrative trials and hearings, the date on which the case was referred to the office of administrative trials and hearings;

11. The status of the case as of the date of the report; and

12. Whether the case was referred to the department of investigation, a district attorney, or the United States department of justice.

c. No later than 120 days after the effective date of the local law that added this section, and monthly thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report regarding staff misconduct cases against department employees that were closed in the previous month. Such report must include a table in which each separate row references a unique staff misconduct case. Each such row must include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

1. Any unique identifier used by the department to identify the staff misconduct case such as the case number;

2. The date of the incident or incidents of alleged staff misconduct;

3. Each facility where the alleged staff misconduct occurred;

4. The date the staff misconduct case was initiated by the department;

5. The employee's last name;

6. The employee's shield number, if applicable;

7. The employee's civil service title;

8. The category of any alleged misconduct offenses;

9. A description of the alleged staff misconduct and the procedural history of the staff misconduct case;

10. If the case was adjudicated by the office of administrative trials and hearings, the date on which the case was referred to the office of administrative trials and hearings;

11. The execution date of the negotiated plea agreement;

12. The date the case was closed;

13. The disposition of the case;

14. The penalty and discipline imposed if any;

15. Whether the case was referred to the department of investigation, a district attorney, or the United States department of justice;

16. The number of previous staff misconduct cases associated with the employee; and

17. The case number, or other unique identifier used by the department to identify staff misconduct cases, of any previous staff misconduct cases associated with the employee.

d. No later than 60 days after the effective date of the local law that added this section, and monthly thereafter, the chief administrative law judge of the office of administrative trials and hearings shall submit to the mayor and the speaker of the council and shall post conspicuously on the office of administrative trials and hearings' website a report regarding open staff misconduct cases against department of correction employees. Such report must include a table in which each separate row references a unique staff misconduct case. Each such row must include the following information, as well as any additional information the chief administrative law judge deems appropriate, set forth in separate columns:

1. Any unique identifier used by the department of correction to identify the staff misconduct case such as the case number;

2. Any unique identifier used by the office of administrative trials and hearings to identify the staff misconduct case such as the case number;

3. The date of the incident or incidents of alleged staff misconduct;

4. Each facility where the alleged staff misconduct occurred;

5. The employee's last name;
 6. The employee's shield number, if applicable;
 7. The employee's civil service title;
 8. The category of any alleged misconduct offenses;
 9. A description of the alleged staff misconduct and the procedural history of the staff misconduct case;
 10. The date on which the case was referred to the office of administrative trials and hearings; and
 11. The status of the case as of the date of the report.
- e. The reports required by subdivisions a, b, c, and d of this section shall include a data dictionary and glossary of terms.

§ 3. Chapter 2 of title 33 of the administrative code of the city of New York is amended by adding a new section 33-202 to read as follows:

§ 33-202 Staff misconduct at the department of correction. a. No later than 75 days after the effective date of the local law that added this section, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report regarding cases involving staff misconduct at the department of correction that were closed within 10 years preceding the effective date of the local law that added this section. The report must include the total number of department of correction staff misconduct cases closed by the department, disaggregated by year and further disaggregated by:

1. The facility where the alleged staff misconduct occurred;
2. The employee's civil service title;
3. The category of any alleged misconduct offenses;
4. Whether the case was closed:
 - (a) Within 90 days;
 - (b) Between 91 days and 180 days;
 - (c) Between 181 days and 270 days;

(d) Between 271 days and 365 days; or

(e) More than 365 days after the case was initiated by the department;

5. The disposition of the case;

6. The penalty and discipline imposed if any;

7. Whether the case was referred to a district attorney; and

8. Whether the case was referred to the United States department of justice.

b. No later than 120 days after effective date of the local law that added this section, and quarterly thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report regarding cases involving staff misconduct at the department of correction that were closed in the previous quarter. The report must include the total number of department of correction staff misconduct cases closed by the department, disaggregated by:

1. The facility where the alleged staff misconduct occurred;

2. The employee's civil service title;

3. The category of any alleged misconduct offenses;

4. Whether the case was closed:

(a) Within 90 days;

(b) Between 91 days and 180 days;

(c) Between 181 days and 270 days;

(d) Between 271 days and 365 days; or

(e) More than 365 days after the case was initiated by the department;

5. The disposition of the case;

6. The penalty and discipline imposed if any;

7. Whether the case was referred to a district attorney; and

8. Whether the case was referred to the United States department of justice.

c. The reports required by subdivisions a and b of this section shall include a data dictionary and glossary of terms.

§ 4. This local law takes effect immediately.

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LS #9383/9816/9817
2/6/23