



Legislation Details (With Text)

File #: Int 0742-2022 **Version:** * **Name:** Requiring the administration for children’s services and the department of probation to report on juvenile justice statistics.

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

In control: Committee on General Welfare

On agenda: 9/29/2022

Enactment date: **Enactment #:**

Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services and the department of probation to report on juvenile justice statistics

Sponsors:

Indexes: Report Required

Attachments: 1. Summary of Int. No. 742, 2. Int. No. 742, 3. September 29, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 9-29-22, 5. Minutes of the Stated Meeting - September 29, 2022

Date	Ver.	Action By	Action	Result
9/29/2022	*	City Council	Introduced by Council	
9/29/2022	*	City Council	Referred to Comm by Council	
12/31/2023	*	City Council	Filed (End of Session)	

Int. No. 742

By Council Members Salamanca, Louis and Riley

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services and the department of probation to report on juvenile justice statistics

Be it enacted by the Council as follows:

Section 1. Section 21-905 of the administrative code of the city of New York, as added by local law number 44 for the year 2013, is amended to read as follows:

§ 21-905[.] Demographic [Data.] data of the juvenile justice system. By January 15, 2023, and no later than 15 days after the end of each month thereafter, ACS shall submit a report related to demographic data of the juvenile justice system to the speaker of the council and post such report permanently on ACS’s website. All data contained in such report must be in a machine-readable format and include a comparison of the current reporting period to the prior four reporting periods, when such information is available. The information

required pursuant to this section for each reporting period must be accessible through the city's open data web portal. Such report must include the following information:

a. Admissions to [Detention Facilities] detention facilities. 1. [By September 30 of each year, ACS shall post a report on its website regarding the] The total number of admissions [in] during the previous [fiscal year] month to the following facilities:

[i.] (a) secure detention facilities, in total and disaggregated by facility; [and

ii.] (b) non-secure detention facilities, in total and disaggregated by facility;

(c) specialized secure detention facilities, in total and disaggregated by facility; and

(d) specialized juvenile detention facilities, in total and disaggregated by facility.

2. The data provided pursuant to paragraph one of this subdivision [a of this section] shall be disaggregated by the following factors:

[i.] (a) age;

[ii.] (b) gender;

[iii.] (c) race;

[iv.] (d) zip code of residence, except that for a number between one and five admissions from one zip code, the number [shall be] is replaced with a symbol;

[v.] (e) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody, further disaggregated by the youth's age, gender and race; [and

vi.] (f) for youth brought to detention by police, [whether] the top arrest charge [was a misdemeanor or a felony] at the time ACS assumed custody, further disaggregated by the youth's age, gender and race;

(g) whether such youth have any prior contact with ACS, including foster care cases; and

(h) whether such youth have any prior contact with the department of probation.

b. Demographic [Data for Detention Facilities] data for detention facilities. 1. [By September 30 of each

year ACS shall post a report on its website regarding the] The average daily population [in] during the previous [fiscal year] month in the following facilities:

- [i.] (a) secure detention facilities, in total and disaggregated by facility; [and
- ii.] (b) non-secure detention facilities[.], in total and disaggregated by facility;
- (c) specialized secure detention facilities, in total and disaggregated by facility; and
- (d) specialized juvenile detention facilities, in total and disaggregated by facility;

2. [By September 30 of each year ACS shall post a report on its website regarding the] The number of youth admitted to a detention facility during the previous [fiscal year] month who spent time either in non-secure detention only, secure detention only, [or] specialized secure detention only, both non-secure and secure detention, both non-secure and specialized secure detention, or both secure and specialized secure detention, in total and disaggregated by the following factors:

- [i.] (a) age;
- [ii.] (b) gender;
- [iii.] (c) race;
- [iv.] (d) zip code of residence, except that for a number between one and five admissions from one zip code, the number [shall be] is replaced with a symbol;
- [v.] (e) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody; [and]
- [vi.] (f) for youth brought to detention by police, [whether] the top arrest charge [was a misdemeanor or a felony] at the time ACS assumed custody[.];
- (g) whether such youth have any prior contact with ACS, including foster care cases; and
- (h) whether such youth have any prior contact with the department of probation;

3. During the prior month, the average and median bail amounts imposed by the criminal court on youth in ACS custody and the percentage of youth in ACS custody who were remanded by the criminal court to

detention without imposing bail, disaggregated by juvenile offenders, adolescent offenders and individuals who are 17 years old remanded to detention before October 1, 2019; and

4. The total number of adolescent offenders in the facility on the last day of the reporting period who are serving a sentence in specialized secure detention, further disaggregated by top charge at sentencing, age, gender and race.

c. Admissions to [Placement Facilities] placement facilities. 1. [By September 30 of each year, ACS shall post a report on its website regarding the] The total number of placement admissions [in] during the previous [fiscal year] month in the following facilities:

[i.] (a) non-secure placement facilities, in total and disaggregated by facility; and

[ii.] (b) limited-secure placement facilities, in total and disaggregated by facility.

2. The data provided pursuant to paragraph one of this subdivision [c of this section] shall be disaggregated by the following factors:

[i.] (a) age;

[ii.] (b) gender;

[iii.] (c) race;

[iv.] (d) zip code of residence, except that for a number between one and five admissions from one zip code, the number [shall be] is replaced with a symbol;

[v.] (e) youth who were detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act;

[vi.] (f) youth who were not detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act;

[vii.] (g) youth who were transferred to an ACS placement facility from the custody of the New York state office of children and family services in accordance with subdivision [six] 6 of section [four hundred and four] 404 of the [New York state] social services law; [and

viii.] (h) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court;

(i) whether such youth have any prior contact with ACS, including foster care cases; and

(j) whether such youth have any prior contact with the department of probation.

d. Demographic [Data for Placement Facilities] data for placement facilities. 1. [By September 30 of each year, ACS shall post a report on its website regarding the] The average daily population [in] during the previous [fiscal year] month in the following facilities:

[i.] (a) non-secure placement facilities, in total and disaggregated by facility; and

[ii.] (b) limited-secure placement facilities[.], in total and disaggregated by facility;

2. [By September 30 of each year, ACS shall post a report on its website the] The number of youth admitted to a placement facility during the previous [fiscal year] month who spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors:

[i.] (a) age;

[ii.] (b) gender;

[iii.] (c) race;

[iv.] (d) zip code of residence, except that for a number between one and five admissions from one zip code, the number [shall be] is replaced with a symbol; [and

v.] (e) for youth remanded to a detention facility by a court, the most serious offense adjudicated against such youth by the court[.];

(f) whether such youth have any prior contact with ACS, including foster care cases; and

(g) whether such youth have any prior contact with the department of probation.

e. Data on [Transfers] transfers. 1. [By September 30 of each year, ACS shall post a report on its website regarding the] The total number of youth who have been transferred during the previous [fiscal year]

month from:

- [i.] (a) a non-secure detention facility to a secure detention facility;
- [ii.] (b) a secure detention facility to a non-secure detention facility;
- [iii.] (c) a non-secure placement facility to a limited secure placement facility;
- [iv.] (d) a non-secure placement facility to a secure placement facility;
- [v.] (e) a limited secure placement facility to a non-secure placement facility;
- [vi.] (f) a limited secure placement facility to a secure placement facility;
- [vii.] (g) a secure placement facility to a limited secure placement facility; [and]
- [viii.] (h) a secure placement facility to a non-secure placement facility;
- (i) a specialized secure detention facility to a secure detention facility; and
- (j) a specialized secure detention facility to a non-secure detention facility.

2. The data provided pursuant to paragraph one of this subdivision [e of this section] shall be disaggregated by the following factors:

- [i.] (a) age;
- [ii.] (b) gender; and
- [iii.] (c) race.

[f. *Interim Reports.* 1. On or before September 30, 2013, ACS shall post a report on its website regarding the total population in non-secure placement facilities as of the last day of every month during the previous fiscal year.

2. No more than one year after ACS begins operating limited secure placement facilities, ACS shall post a report on its website regarding:

- i. the total number of admissions to such facilities in the first nine months of their operation,

disaggregated by the following factors:

- (a) age;

(b) gender;

(c) race; and

(d) youth who were transferred to an ACS placement facility from the custody of the New York state office of children and family services in accordance with subdivision six of section four hundred and four of the New York state social services law;

ii. the total population in such facilities as of the last day of every month during the first nine months of their operation; and

iii. the number of youth admitted to such facilities during the first nine months of their operation who, during that period, spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors:

(a) age;

(b) gender;

(c) race;

(d) zip code of residence except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; and

(e) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.]

f. Pre-sentence data. 1. The number of youth housed in non-secure, secure, specialized secure and specialized juvenile detention facilities pre-sentencing, in total and disaggregated by the following factors, as defined in the New York state family court act and criminal procedure law:

(a) juvenile delinquents, in total and disaggregated by facility;

(b) juvenile offenders, in total and disaggregated by facility;

(c) adolescent offenders, in total and disaggregated by facility;

(d) youth transferred from the custody of the department of correction on October 1, 2018; and

(e) individuals who were 17 years old remanded to detention on or after October 1, 2018 and before October 1, 2019.

2. The data provided pursuant to paragraph 1 of this subdivision shall be disaggregated by the following factors:

(a) age;

(b) gender;

(c) race;

(d) zip code of residence, except that for a number between one and five admissions from one zip code, the number is replaced with a symbol;

(e) the most serious charged offense on the court petition, complaint or indictment, or top arrest charge at the time ACS assumed custody; and

(f) the average, median, minimum and maximum length of detention, as well as the standard deviation for pre-sentencing or pre-disposition youth.

§ 2. Section 21-906 of the administrative code of the city of New York, as added by local law number 44 for the year 2013, is amended to read as follows:

§ 21-906[.] Incident [Reports] reports in juvenile justice facilities. a. Quarterly [Incident Reports] incident reports.

1. [Within sixty days after the end of each quarter of the fiscal year, ACS shall post a report on its website based on data from the previous quarter that shall contain the] By January 15, 2023, and no later than 15 days after the end of each quarter thereafter, ACS shall submit a report related to incidents occurring in juvenile justice facilities to the speaker of the council and store it permanently on ACS's website. All data contained in such report must be in a machine-readable format and include a comparison of the current reporting period to the prior four reporting periods, when such information is available. The information required pursuant to this section for each reporting period must be accessible through the city's open data web

portal. Such report must include the number of the following incidents:

[i.] (a) use of physical restraint by staff on children;

[ii.] (b) physical injuries or impairment to children as a result of the use of physical restraint;

[iii.] (c) use of mechanical restraint by staff on children;

[iv.] (d) physical injuries or impairment to children as a result of the use of mechanical restraint;

[v.] (e) fights and altercations between children;

[vi.] (f) physical injuries or impairment to children as a result of fights with other children;

[vii.] (g) physical injuries or impairment to children resulting from any other means not previously mentioned, disaggregated by cause;

(h) serious physical injury to staff;

[viii.] (i) biased-based incidents as reported by a child; [and

ix.] (j) the number of room confinements and the average length of stay for [each confinement.] such confinements;

(k) alarm system activity; and

(l) deployment of a dedicated unit of ACS personnel trained to respond to violent incidents, or a department of correction crisis response team.

2. The data provided pursuant to paragraph [one] 1 of this subdivision [a of this section] shall be disaggregated by the following factors:

[i. each] (a) secure detention [facility] facilities, in total and disaggregated by facility;

[ii.] (b) non-secure detention facilities, in total and disaggregated by facility;

[iii.] (c) non-secure placement facilities, in total and disaggregated by facility; [and

iv.] (d) limited secure placement facilities[.], in total and disaggregated by facility;

(e) specialized secure detention facilities, in total and disaggregated by facility;

(f) specialized juvenile detention facilities, in total and disaggregated by facility;

(g) whether the child involved in the incident was an adolescent offender, juvenile offender, juvenile delinquent, youth transferred from the custody of the department of correction on October 1, 2018, or an individual who was 17 years old and was remanded to detention between October 1, 2018 and before October 1, 2019; and

(h) where applicable, whether the staff involved in the incident were employees of ACS, the department of correction or both.

3. For each incident reported pursuant to subparagraph (j) of paragraph 1 of this subdivision, such report must include the facility, duration and reason for each such room confinement. For each incident reported pursuant to subparagraph (k) of paragraph 1 of this subdivision, such report must include the facility and reason for each such alarm system activation.

b. Annual incident reports. 1. Within [sixty] 60 days after the end of each fiscal year, ACS shall post a report on its website containing the following data:

[i.] (a) the number of allegations made during the fiscal year that a child in a detention or placement facility was a neglected or abused child; and

[ii.] (b) the number of findings made during the fiscal year by the New York state office of children and family services substantiating allegations that a child in a detention or placement facility was a neglected or abused child, including findings that substantiated allegations made prior to the fiscal year.

2. The data provided pursuant to paragraph [one] 1 of this subdivision [b of this section] shall be disaggregated by the following factors:

[i. each] (a) secure detention [facility] facilities, in total and further disaggregated by facility;

[ii.] (b) non-secure detention facilities, in total and further disaggregated by facility;

[iii.] (c) non-secure placement facilities, in total and further disaggregated by facility; [and

iv.] (d) limited secure placement facilities[.], in total and further disaggregated by facility;

(e) specialized secure detention facilities, in total and further disaggregated by facility; and

(f) specialized juvenile detention facilities, in total and further disaggregated by facility.

c. Oleoresin capsicum spray. If, at any time, the city obtains a waiver pursuant to section 180-3.19 of title 9 of the New York codes, rules and regulations, or a successor regulation, permitting ACS or the department of correction to use oleoresin capsicum spray in a specialized secure detention or specialized juvenile detention facility, ACS shall post public notice of such waiver on their website no later than five days following the receipt of such waiver. Beginning January 15, 2023, and 15 days after the end of each month ACS shall report on all incidents in which oleoresin capsicum spray was used in a juvenile facility, including the following information:

1. the date and time of such use;
2. the number of youths exposed to oleoresin capsicum spray;
3. the ages of all such youths who were exposed;
4. the number of each ACS or department of correction personnel involved in the incident;
5. the number of youth requiring medical attention after such incident; and
6. the facility where such incident occurred.

§ 3. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-922 to read as follows:

§ 21-922 Juvenile justice facility staffing. a. Within 15 days of January 1, 2023, and no later than 15 days after the end of each month thereafter, ACS shall submit a report to the speaker of the council and post such report on its website regarding the average number of staff members during the previous month deployed to the following facilities:

1. Secure detention, in total and disaggregated by facility;
2. Specialized secure detention, in total and disaggregated by facility; and
3. Specialized juvenile detention, in total and disaggregated by facility.

b. The data provided pursuant to subdivision a for specialized juvenile detention shall be further

disaggregated by the average number of department of correction staff and ACS staff, in total and disaggregated by tour and job title.

§ 4. Chapter 2 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-208 to read as follows:

§ 9-208 Youth probation report. a. Definitions. As used in this section, the following terms have the following meanings:

Adjust. The term “adjust” means the process described in section 308.1 of the family court act, or any successor statute.

Juvenile delinquent. The term “juvenile delinquent” has the same meaning as described in section 301.2 of the family court act, or any successor statute.

b. Within 15 days of January 15, 2023, and no later than 15 days after the end of each month thereafter, the department of probation shall submit to the speaker of the council and post on its website a report on the number of cases in the previous month in the following categories:

1. Juvenile delinquents under 16 years of age whose cases originated in family court;
2. Juvenile delinquents under 16 years of age whose cases were transferred to family court from the youth part of criminal court;
3. Youth 16 and 17 years of age whose cases originated in family court; and
4. Youth 16 and 17 year of age whose cases were transferred from the youth part of criminal court to family court.

c. The data provided pursuant to subdivision b of this section shall be further disaggregated by the following factors:

1. The total number of youth screened for adjustment in family court, and further disaggregated by age, gender, race, the most serious offense and age at time of interview;
2. The total number of individuals whose cases have been adjusted, and further disaggregated by age,

gender, race, the most serious offense and age at time of interview;

3. The average number of days elapsed from an individual's arrest to adjustment interview;

4. The reasons stated for not adjusting an individual, further disaggregated by age, gender, race, the most serious offense and age at the time of arrest;

5. The number of individuals who successfully complete adjustment and have their cases diverted;

6. The number of individuals who are referred from the department of probation to the law department for failure to follow conditions of adjustment;

7. The number of individuals receiving probation services;

8. The number of individuals detained, disaggregated by age, gender, race, the most serious offense, risk level score and age at the time of risk assessment interview; and

9. The percent of dispositional recommendations for placement, disaggregated by age, gender and race.

§ 5. Section 9-306 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

§ 9-306 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, 34, 35, 36 and 37 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. The information required pursuant to paragraphs 34 through 37 must be stored permanently, must be accessible through the city's open data web portal and must be provided in a format that permits automated processing. For the purposes of this [subdivision,] section, any [incarcerated] individual incarcerated on multiple charges [shall be] is deemed to be incarcerated only on the most serious charge, a violent felony [shall be] is deemed to be more serious than a non-violent felony of the same class, any [incarcerated] individual incarcerated on multiple charges of the same severity [shall be] is deemed to be held on each charge, any [incarcerated]

individual incarcerated on multiple bail amounts [shall be] is deemed to be held only on the highest bail amount, any incarcerated individual held on pending criminal charges who has a parole hold [shall be] is deemed to be held only on the parole hold, any incarcerated individual held on pending criminal charges who has any other hold [shall be] is deemed to be held only on the pending criminal charges, and any [incarcerated] individual incarcerated on multiple cases in which sentence has been imposed on at least one of such cases [shall be] is 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 incarcerated individuals in the custody of the department of correction[.];

2. The number of incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals 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 of incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals 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] offenses as defined in article 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)] and (xxi) 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, and (ii) driving with a suspended license as defined in section

511[.]; and

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

12. The number of incarcerated individuals 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] (a), (b) and (c) of paragraph 11 of this subdivision[.];

13. The number of incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals 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 incarcerated individual's case was pending[. This], which 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)] (d) conviction for a misdemeanor; [(d)] (e) conviction for a non-criminal offense; [(e)] (f) charges dismissed or adjourned in contemplation of dismissal; or [(f)] (g) 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 incarcerated individuals 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[.];

34. The number of violent felonies filed against individuals who are 16 or 17 years of age in criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county and most serious offense;

35. The number of violent felonies removed to family court from criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county and most serious offense;

36. The total number of non-violent felonies filed against individuals who are 16 and 17 year of age in criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county and most serious offense; and

37. The number of non-violent felonies removed to family court from criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county and most serious offense.

b. Except as otherwise expressly provided in this section, no report required by subdivision a of this section shall contain personally identifiable information.

§ 6. This local law takes effect immediately, except that sections one and two of this local law take effect on January 1, 2023.

Session 12

AM

LS # 1823

7/25/22

Session 11

JDK/SA

LS # 8625

Int. # 1628 - 2019