



Legislation Text

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By Council Members Rivera, The Speaker (Council Member Adams), Hanif, Louis, Restler, Brewer, Joseph, Abreu, Cabán, Ayala, De La Rosa, Sanchez, Narcisse, Barron, Hudson, Ossé, Avilés, Powers, Gutiérrez, Krishnan, Brooks-Powers, Stevens, Farías, Bottcher and Richardson Jordan

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a comprehensive jail population review program

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-310 to read as follows:

§ 9-310 Jail population review. a. Definition. For the purpose of this section, the following term has the following meaning:

Covered person. The term “covered person” means a person who has been in the custody of the department of correction for at least seven consecutive days.

b. No later than October 1, 2023, the office shall establish a jail population review program that shall conduct a review of covered persons to identify opportunities for early case resolution or pretrial release with any appropriate conditions. The office may implement such program in one or more boroughs, provided that the office shall implement a citywide program by July 1, 2024.

c. Review criteria. The jail population review program shall (i) establish criteria for determining whether a case presents opportunities for early case resolution or pretrial release with any appropriate conditions and (ii) review each covered person based on such criteria, to the extent the office has access to the information required by such criteria. To the extent such information is available, the criteria shall include the following:

1. The charges filed against the covered person;
2. The covered person's criminal history and any previous record with respect to court attendance;
3. Any known physical and mental health conditions;
4. Any known psychosocial conditions contributing to the individual's circumstances at the time of arrest, including, but not limited to, the individual's financial stability, mental and emotional health, housing, employment, education, and history of trauma;

5. The treatment needs of the covered person;
6. Any available community-based programming that provides services outside the department of correction;

7. The amount of bail set relative to the covered person's ability to pay bail;

8. The typical sentence imposed in similar cases; and

9. Any other information the office deems relevant.

d. The office shall provide, as early as practicable, all the material information collected during the review to the covered person's attorney. The office shall not share any confidential information with the district attorney or the court without the consent of the covered person's attorney.

e. Confidentiality. The office shall establish confidentiality protocols for the jail population review program to ensure that all information collected to conduct the individualized review required by this section is collected, maintained, and disclosed in accordance with applicable law and policies.

f. Report. The office shall publish on its website and submit to the speaker of the council and the mayor a biannual report submitted within 60 days of January 1 and July 1 of each year. Such report must include the following information, disaggregated by race, age, gender, and any relevant health designations, where such information is available to the office:

1. The number of covered persons who were reviewed;

2. The number of covered persons for whom the review required by this section was completed in (i)

zero to 10 days, (ii) 11 to 20 days, or (iii) more than 21 days from the covered person's date of entry into department of correction custody;

3. The number of covered persons identified as having opportunities for early case resolution or pretrial release with appropriate conditions;

4. The number of covered persons identified in paragraph 3 of this subdivision who were released from incarceration, disaggregated by the disposition or status of such person's case and the conditions of pretrial release, if any;

5. The number of covered persons identified in paragraph 4 of this subdivision who were subsequently arraigned on a new offense within the prior 6 months.

The report shall use an asterisk in place of a number where there are fewer than 5 covered persons in any of the categories identified in paragraphs 1 through 5 of this subdivision.

§ 2. This local law takes effect immediately.

AM, JW
LS #6403, 8339, & 9909
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