



Legislation Text

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Int. No. 1094-A

By Council Members Rivera, Brewer, Restler, Barron, Williams, Krishnan, Richardson Jordan, Hanif, Gutiérrez, Riley, Caban, Joseph, Stevens and Narcisse

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to record interactions in which an individual is informed about a scheduled court appearance and report on rates of court production

Be it enacted by the Council as follows:

Section 1. Section 9-146 of the administrative code of the city of New York is amended by adding new subdivisions d, e, f and g to read as follows:

d. The department shall record, via body-worn or handheld camera, video, including audio, every interaction between incarcerated individuals and correction officers in which an incarcerated individual is informed about a scheduled court appearance and shall maintain a database with the video files created pursuant to this subdivision. All video recordings shall include the department informing an incarcerated individual that they have a court appearance, that they have the right to attend their court appearance, and the entirety of any response by the incarcerated individual or departmental intervention taken to gain compliance.

e. If consent is provided to the department by an incarcerated individual, the department shall provide, within 3 business days to the defense attorney on record of such incarcerated individual, the video file of an interaction in which that incarcerated individual is informed that they have a court appearance and the entirety of any response by the incarcerated individual or departmental intervention taken to gain compliance, unless otherwise prohibited by law.

f. The department shall independently establish, or establish by working with the office of court administration, a means by which real-time information regarding an incarcerated individual's departure from

their housing facility on the date of their scheduled court appearance can be communicated to the defense attorney on record of such incarcerated individual and, if necessary, the department shall make available a telephone number where such information can be obtained.

g. No later than 30 days after the effective date of the local law that added this section, and monthly thereafter, the commissioner, in consultation with the relevant agencies, shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website data on court production. Such data must include the total number of court production videos stored in the department's database and the total number of court production videos provided to defense counsel pursuant to subdivision e. The data must also include the number of scheduled court appearances for incarcerated individuals in a court facility, as well as virtual court appearances. This data shall be further disaggregated by:

1. The total number of scheduled court appearances, disaggregated by housing facility and venue of the scheduled court appearance;
2. The total number of individuals that were delivered to the court facility on the date of their scheduled court appearance, disaggregated by housing facility and venue of the scheduled court appearance;
3. The total number of individuals who were not delivered to the court facility on the date of their court appearance disaggregated by housing facility and venue of the scheduled court appearance, and the reason the individual was not delivered to the court facility;
4. The total number of individuals with an on-site court appearance that were delivered to the court facility before 10:00 a.m. on the day of their scheduled court appearance, disaggregated by venue of the scheduled court appearance;
5. The total number of individuals with an on-site court appearance that were delivered to the court facility between 10:00 a.m. and 12:00 p.m. on the day of their scheduled court appearance, disaggregated by venue of the scheduled court appearance;

6. The total number of individuals with an on-site court appearance that were delivered to the court facility after 12:00 p.m. on the day of their scheduled court appearance, disaggregated by venue of the scheduled court appearance;
7. The total number of individuals for which use of force was required to compel the individual to be delivered to the court facility on the date of their scheduled court appearance, disaggregated by housing facility.

§ 2. This local law takes effect in 90 days.

JW
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