

STATE OF NEW YORK

8444

2023-2024 Regular Sessions

IN ASSEMBLY

December 29, 2023

Introduced by M. of A. FAHY, McDONALD -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the executive law, in relation to setting standards for jail staffing analysis; providing the public the opportunity to view the statistics of their local county jail

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 8, 9, 10, 11, 12 and 13 of section 500-b of
2 the correction law are renumbered subdivisions 9, 10, 11, 12, 13 and 14,
3 and a new subdivision 8 is added to read as follows:

4 8. (a) The county sheriff or such designee shall oversee an annual
5 jail staffing analysis using the staffing analysis methodology developed
6 by the National Institute of Corrections. Such analysis shall also
7 consider the following criteria:

8 (1) best practices in the prison rape elimination act and other state
9 and federal guidelines regarding the ratio of uniformed officers to
10 incarcerated people, where such ratio is calculated using the average
11 officer headcount and average daily population from the previous calen-
12 dar year;

13 (2) officers who required medical treatment, were permanently disabled
14 in the course of their duty, or placed on light duty pursuant to section
15 two hundred seven-c of the general municipal law; and

16 (3) efficient use of staff and resources that deploy uniformed offi-
17 cers only to posts unsuitable for civilian staff.

18 (b) The sheriff or designee shall submit its jail staffing analysis to
19 the commission by April first of even-numbered years, and the commission
20 shall provide written approval, or denial with comments, for all staff-
21 ing analyses within ninety days of the submission of the analysis. If
22 the commission denies the analysis, the sheriff or designee shall have
23 thirty days from the receipt of any denial to remediate and resubmit its
24 staffing analysis, which the commission shall review and respond to

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD13756-01-3

1 within thirty days of receipt. The commission shall not grant variances
2 to any counties regarding their annual jail staffing analysis. The
3 commission shall publish all staffing analyses, remediations, and
4 approvals in a prominent place on its website in a machine-readable
5 format.

6 § 2. Paragraph (a) of subdivision 9 of section 500-b of the correction
7 law, as added by chapter 907 of the laws of 1984 and as renumbered by
8 section one of this act, is amended to read as follows:

9 (a) [~~minimum staffing requirements~~] the appropriate level and deploy-
10 ment of staff for each county jail; or

11 § 3. Subdivision 10 of section 500-b of the correction law, as amended
12 by chapter 574 of the laws of 1985 and the opening paragraph as amended
13 by chapter 322 of the laws of 2021 and as renumbered by section one of
14 this act, is amended to read as follows:

15 10. The chief administrative officer shall forward to the commission a
16 quarterly report relative to the housing of incarcerated individuals.
17 Such updates shall also be posted conspicuously on the website of the
18 commission and of the local correctional facility in a machine-readable
19 format. The report shall include, but not be limited to:

20 (a) all unusual incidents or assaults occurring in a housing unit
21 categorized by use of force against people in custody, assaults on
22 staff, violence among people in custody, and other incidents, including
23 placement in solitary confinement, and the race, sex, mental health
24 diagnosis, physical disability, intellectual disability, developmental
25 disability, and/or traumatic brain injury of the incarcerated individ-
26 uals involved;

27 (b) staffing segmented into the following categories: uniformed offi-
28 cers performing custody-related work, uniformed officers performing
29 administrative duties, and civilian administrative staff;

30 (c) daily prisoner population counts segmented by charge type, admis-
31 sion status (sentenced, boarded in, boarded out, civil, federal, techni-
32 cal parole violators, state readies, pretrial, other), race, sex, mental
33 health diagnosis, physical disability, intellectual disability, develop-
34 mental disability, traumatic brain injury, and/or diagnosed substance
35 use disorder;

36 (d) mean and median length of stay;

37 [~~(d)~~] (e) verification that the locality is maintaining security and
38 supervision records as mandated pursuant to the commission's rules and
39 regulations;

40 (f) a list and brief description of all programs available to people
41 in detention, including but not limited to programs offering mental
42 health treatment, substance use treatment, and vocational training;
43 requirements for participation; number of participants per quarter by
44 program; capacity of each program; and completion rates;

45 (g) notification of any instance in which a jail employs more
46 corrections officers than the average daily population, which shall
47 include any relevant justification and a remediation plan to be executed
48 within six months;

49 [~~(e)~~] (h) court orders which have been issued and which relate to
50 staffing, jail capacity or security requirements; and

51 [~~(f)~~] (i) any other information requested by the commission and avail-
52 able to the chief administrative officer with respect to this section.

53 § 4. Subdivision 1 of section 264 of the executive law, as amended by
54 section 30 of part A of chapter 56 of the laws of 2010, is amended to
55 read as follows:

1 1. If at any time the office determines that a county plan is not
2 being complied with, it shall notify the advisory board through the
3 chairperson and the state commission of correction in writing of such
4 fact, and it shall withhold any portion of state funds not theretofore
5 allocated. Such notice shall state the particular reasons for the deter-
6 mination and demand compliance with the plan within sixty days of the
7 notice, setting forth the specific actions deemed necessary to secure
8 compliance. If compliance is forthcoming the board and the state commis-
9 sion of correction shall be notified of such fact in writing and any
10 state funds heretofore withheld shall be released. If compliance with
11 the plan is not fulfilled within such time or within a thirty day exten-
12 sion period as authorized herein, the office shall notify the advisory
13 board through the chairperson and the state commission of correction.
14 Upon such notification, the county shall be deemed in noncompliance with
15 the approved plan and the provisions of subdivision [~~eight~~ nine of
16 section five hundred-b of the correction law shall be applied.

17 An extension may be granted by the office for a thirty day period upon
18 a request by the board through the chairperson, where the office deter-
19 mines it to be appropriate, setting forth specific reasons for a need
20 for an extension and the steps which shall be undertaken to be in
21 compliance at the end of such period.

22 Any notification by the office of non-compliance pursuant to this
23 section shall be deemed a final determination for purposes of judicial
24 review.

25 § 5. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law, provided however, that:

27 1. the amendments to section 500-b of the correction law made by
28 sections one, two and three of this act, shall not affect the repeal of
29 such section and shall be deemed repealed therewith.

30 2. the amendments to subdivision 1 of section 264 of the executive law
31 made by section four of this act shall not affect the repeal of such
32 section and shall be deemed repealed therewith.

33 3. Effective immediately, the addition, amendment and/or repeal of any
34 rule or regulation necessary for the implementation of this act on its
35 effective date are authorized to be made and completed by the state
36 commissioner of corrections and community supervision on or before such
37 effective date.