

STATE OF NEW YORK

8856

IN SENATE

January 9, 2026

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the county law and the correction law, in relation to establishing county law enforcement civilian complaint review boards

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

1 Section 1. Section 209 of the county law, as amended by chapter 310 of
2 the laws of 1962, is amended to read as follows:

3 § 209. Investigations. 1. The board of supervisors is empowered to
4 conduct an investigation into any subject matter within its jurisdic-
5 tion, including the conduct and performance of official duties of any
6 officer or employee paid from county funds and the accounting for all
7 money or property owned by or under the control of the county. The power
8 to conduct investigations may be delegated to a committee of the board.
9 The [~~chairman~~] chair of the board and any member of such committee may
10 issue a subpoena requiring a person to attend before the board or such
11 committee and be examined in reference to any matter within the scope of
12 the investigation, and in a proper case to produce all books, records,
13 papers and documents material or relevant to the investigation. A
14 subpoena issued under this section shall be regulated by the civil prac-
15 tice law and rules. The [~~chairman~~] chair of the board and any member of
16 such committee may administer the oath to any witness and adjournments
17 may be taken from time to time.

18 2.(a) Every county shall create a county law enforcement civilian
19 complaint review board, hereinafter "review board", as an investigative,
20 review, and advisory body and in furtherance of effective implementation
21 of the board of supervisors' oversight and investigative authority of
22 and relating to local correctional facilities and county law enforcement
23 officials and officers. The county shall allocate sufficient funds
24 annually as to ensure that the review board has the resources needed in
25 order to properly carry out its functions as described in this section,
26 including office space, office supplies, computers, telephones, and
27 other items necessary to fulfill its obligations under this section.

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

LBD11806-03-5

1 (b) The review board shall be comprised of seven individuals and up to
2 two ex-officio members, who are residents of the county and are
3 appointed by the board of supervisors to serve on the review board. The
4 members of the review board will not be compensated but shall receive
5 stipends of not less than two thousand five hundred dollars per year in
6 recognition of their service as volunteers on the review board.

7 (c) Such members shall serve terms of three years, except, as to the
8 initial members appointed to the review board, two shall be appointed to
9 serve a term of one year, two shall be appointed to serve a term of two
10 years, and three shall be appointed to serve a term of three years. No
11 review board member shall serve more than six consecutive years, includ-
12 ing re-appointments. The members of the review board shall include at
13 least two individuals who were formerly incarcerated in the state of New
14 York in a county correctional facility and/or a state correctional
15 facility, at least one member who formerly served as a police officer or
16 peace officer in the state of New York, at least one individual who is a
17 licensed physician, nurse, or nurse practitioner in the state of New
18 York, at least one individual representing a community-based organiza-
19 tion within the county with a history of engagement with efforts to
20 reform and improve the criminal legal system, and at least one individ-
21 ual with a history of engagement in jail or prison chaplaincy or minis-
22 try. No individual who is employed as a police officer or peace officer
23 in the state of New York shall serve on the review board while so
24 employed. Vacancies caused by the expiration of term or otherwise shall
25 be filled in the same manner as original appointments. Any member chosen
26 to fill in a vacancy created other than by expiration of term shall be
27 appointed for the unexpired term of the succeeded member.

28 (d) The members of the review board shall be appointed by the board of
29 supervisors within ninety days of the effective date of this subdivision
30 and the review board shall commence operations within ninety days of
31 such appointment.

32 (e) The public defender and district attorney may appoint an individ-
33 ual who previously served in their office as an ex-officio member of the
34 board.

35 (f) This section shall apply to all counties except counties wholly
36 within a city.

37 (g) Each review board shall have the following powers and obligations:

38 (i) The review board shall have the power and obligation to establish
39 by majority vote of the members of the review board rules and procedures
40 for the review board's operations. Such rules and procedures shall
41 include that the operation of the review board shall be in accordance
42 with the requirements of article seven of the public officers law relat-
43 ing to open meetings. Such rules and procedures shall be adopted within
44 sixty days of the appointment of the initial members of the review board
45 and may then be amended as deemed necessary by the review board.

46 (ii) The review board shall have the power and obligation to independ-
47 ently review complaints made to it concerning allegations of misconduct
48 by county law enforcement officers or officials. As used in this
49 section, "county law enforcement" shall include all county law enforce-
50 ment agencies and correctional facilities, and "officers or officials"
51 shall include all officers or officials directly employed by such agen-
52 cies and facilities or contracted therewith.

53 (iii) The review board shall have the power and obligation to review
54 internal investigations of civilian complaints against county law
55 enforcement officers or officials conducted by county law enforcement
56 agencies and shall have full access to all documents and materials

1 created, obtained, or maintained by the law enforcement agency or the
2 county relating to such internal investigations. County law enforcement
3 agencies shall notify the review board within one week of the initiation
4 of any such internal investigation and shall promptly provide full
5 access to the review board to all documents and materials created,
6 obtained, or maintained by the law enforcement agency or the county
7 relating to such internal investigations.

8 (iv) In regard to complaints received by the review board pursuant to
9 subparagraph (ii) of this paragraph, the review board shall have the
10 power and obligation to make findings and recommendations upon its
11 deliberations upon a review of a each such complaint. Such findings and
12 recommendations shall be made within ninety days of receipt by the
13 review board of a complaint unless the review board determines that
14 additional time is necessary in order to issue findings and recommenda-
15 tions. Determinations that additional time is necessary shall be made by
16 adoption of a motion submitted by one or more members of the review
17 board stating that additional time is necessary and specifying the
18 reason or reasons additional time is necessary. Any determination that
19 additional time is necessary in order to issue findings and recommenda-
20 tions shall set a new deadline not longer than ninety days from the
21 initial deadline. The initial deadline may be so extended no more than
22 two times. The review board's findings and recommendations shall include
23 written determinations as to each allegation contained in or raised by
24 the complaint as to whether the review board finds by a preponderance of
25 the evidence such allegation to be credible. If any allegation is found
26 to be credible, the determination of the review board shall, for each
27 such allegation, make a recommendation as to the initiation of discipli-
28 nary action and/or the filing of criminal charges and/or as to other
29 steps, such as an apology, participation in additional training, or
30 participation in a restorative justice process. The review board's find-
31 ings and determinations shall be provided within one week of the review
32 board's adoption of such findings and recommendations to the chairperson
33 of the board of supervisors and to the head of the agency or office
34 which employs or employed the officer or officers involved in the inci-
35 dent that was the subject of the complaint.

36 (v) In regard to internal investigations reviewed by the review board
37 pursuant to subparagraph (iii) of this paragraph, the review board shall
38 have the power and obligation to make findings and recommendations upon
39 its deliberations upon a review of each such internal investigation.
40 Such findings and recommendations shall be made within ninety days of
41 receipt by the review board of notification to the review board of the
42 existence of such internal investigation unless the review board deter-
43 mines that additional time is necessary in order to issue findings and
44 recommendations. Determinations that additional time is necessary shall
45 be made by adoption of a motion submitted by one or more members of the
46 review board stating that additional time is necessary and specifying
47 the reason or reasons additional time is necessary. Any determination
48 that additional time is necessary in order to issue findings and recom-
49 mendations shall set a new deadline not longer than ninety days from the
50 initial deadline. The initial deadline may be so extended no more than
51 two times. The review board's findings and recommendations shall include
52 written determinations as to whether the review board finds such inter-
53 nal investigation was conducted in a proper manner, and, in regard to
54 each allegation contained in or raised by the internal investigation
55 that provided the basis for the internal investigation, as to whether
56 the review board finds by a preponderance of the evidence such allega-

1 tion to be credible. If the review board finds that the internal inves-
2 tigation was not conducted in a proper manner, the review board's find-
3 ings and recommendations shall state the basis of such finding. If any
4 allegation of the underlying internal investigation is found to be cred-
5 ible, the determination of the review board shall, for each such allega-
6 tion, make a recommendation as to the initiation of disciplinary action
7 and/or the filing of criminal charges and/or as to other steps, such as
8 an apology, participation in additional training, or participation in a
9 restorative justice process. The review board's findings and determi-
10 nations shall be provided within one week of the review board's adoption
11 of such findings and recommendations to the chairperson of the board of
12 supervisors and to the head of the agency or office which employs or
13 employed the officer or officers involved in the incident that was the
14 subject of the internal investigation.

15 (vi) The review board shall have the power and obligation to make
16 findings upon its deliberations concerning any policies, procedures and
17 practices of county law enforcement agencies in whatever form it deems
18 necessary, including reports and referrals to any other agency or insti-
19 tution of competent jurisdiction.

20 (vii) The review board shall have the power and obligation to recom-
21 mend changes in county policy and procedures to the board of supervi-
22 sors.

23 (viii) The review board shall have the power and obligation, consist-
24 ent with the provisions of state law to make public any of the findings
25 or recommendations described in this section.

26 (ix) The review board shall have whatever other powers are granted to
27 them by the board of supervisors.

28 (x) If the sheriff declines to adopt the recommendations made by the
29 review board, they shall respond to the complaint or internal investi-
30 gation within fourteen days. The county legislature, may by resolution,
31 extend this deadline for an additional fourteen days.

32 § 2. Section 500-j of the correction law, as amended by chapter 291 of
33 the laws of 2009, is amended to read as follows:

34 § 500-j. Who may visit local correctional facilities. The following
35 persons may visit at pleasure all local correctional facilities: The
36 governor and lieutenant-governor, secretary of state, comptroller and
37 attorney-general, members of the legislature, judges of the court of
38 appeals, justices of the supreme court and county judges, district
39 attorneys, members of a county law enforcement civilian complaint review
40 board established pursuant to subdivision two of section two hundred
41 nine of the county law in and of the county in which such facility is
42 located, and every [~~clergyman~~] clergyperson or minister, as such terms
43 are defined in section two of the religious corporations law, having
44 charge of a congregation in the county in which such facility is
45 located. No other person not otherwise authorized by law shall be
46 permitted to enter the rooms of a local correctional facility in which
47 convicts are confined, unless under such regulations as the sheriff of
48 the county, or in counties within the city of New York, the commissioner
49 of correction of such city, or in the county of Westchester, the commis-
50 sioner of correction of such county shall prescribe.

51 § 3. This act shall take effect immediately.