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:

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

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

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

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

(c) Such members shall serve terms of three years, except, as to the initial members appointed to the review board, two shall be appointed to serve a term of one year, two shall be appointed to serve a term of two years, and three shall be appointed to serve a term of three years. No review board member shall serve more than six consecutive years, including re-appointments. The members of the review board shall include at least two individuals who were formerly incarcerated in the state of New York in a county correctional facility and/or a state correctional facility, at least one member who formerly served as a police officer or peace officer in the state of New York, at least one individual who is a licensed physician, nurse, or nurse practitioner in the state of New York, at least one individual representing a community-based organization within the county with a history of engagement with efforts to reform and improve the criminal legal system, and at least one individual with a history of engagement in jail or prison chaplaincy or ministry. No individual who is employed as a police officer or peace officer in the state of New York shall serve on the review board while so employed. Vacancies caused by the expiration of term or otherwise shall be filled in the same manner as original appointments. Any member chosen to fill in a vacancy created other than by expiration of term shall be appointed for the unexpired term of the succeeded member.

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

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

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

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

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

(ii) The review board shall have the power and obligation to independently review complaints made to it concerning allegations of misconduct by county law enforcement officers or officials. As used in this section, "county law enforcement" shall include all county law enforcement agencies and correctional facilities, and "officers or officials" shall include all officers or officials directly employed by such agencies and facilities or contracted therewith.

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

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

(iv) In regard to complaints received by the review board pursuant to subparagraph (ii) of this paragraph, the review board shall have the power and obligation to make findings and recommendations upon its deliberations upon a review of a each such complaint. Such findings and recommendations shall be made within ninety days of receipt by the review board of a complaint unless the review board determines that additional time is necessary in order to issue findings and recommendations. Determinations that additional time is necessary shall be made by adoption of a motion submitted by one or more members of the review board stating that additional time is necessary and specifying the reason or reasons additional time is necessary. Any determination that additional time is necessary in order to issue findings and recommendations shall set a new deadline not longer than ninety days from the initial deadline. The initial deadline may be so extended no more than two times. The review board's findings and recommendations shall include written determinations as to each allegation contained in or raised by the complaint as to whether the review board finds by a preponderance of the evidence such allegation to be credible. If any allegation is found to be credible, the determination of the review board shall, for each such allegation, make a recommendation as to the initiation of disciplinary action and/or the filing of criminal charges and/or as to other steps, such as an apology, participation in additional training, or participation in a restorative justice process. The review board's findings and determinations shall be provided within one week of the review board's adoption of such findings and recommendations to the chairperson of the board of supervisors and to the head of the agency or office which employs or employed the officer or officers involved in the incident that was the subject of the complaint.

(v) In regard to internal investigations reviewed by the review board pursuant to subparagraph (iii) of this paragraph, the review board shall have the power and obligation to make findings and recommendations upon its deliberations upon a review of each such internal investigation. Such findings and recommendations shall be made within ninety days of receipt by the review board of notification to the review board of the existence of such internal investigation unless the review board determines that additional time is necessary in order to issue findings and recommendations. Determinations that additional time is necessary shall be made by adoption of a motion submitted by one or more members of the review board stating that additional time is necessary and specifying the reason or reasons additional time is necessary. Any determination that additional time is necessary in order to issue findings and recommendations shall set a new deadline not longer than ninety days from the initial deadline. The initial deadline may be so extended no more than two times. The review board's findings and recommendations shall include written determinations as to whether the review board finds such internal investigation was conducted in a proper manner, and, in regard to each allegation contained in or raised by the internal investigation that provided the basis for the internal investigation, as to whether the review board finds by a preponderance of the evidence such allega-

tion to be credible. If the review board finds that the internal investigation was not conducted in a proper manner, the review board's findings and recommendations shall state the basis of such finding. If any allegation of the underlying internal investigation is found to be credible, the determination of the review board shall, for each such allegation, make a recommendation as to the initiation of disciplinary action and/or the filing of criminal charges and/or as to other steps, such as an apology, participation in additional training, or participation in a restorative justice process. The review board's findings and determinations shall be provided within one week of the review board's adoption of such findings and recommendations to the chairperson of the board of supervisors and to the head of the agency or office which employs or employed the officer or officers involved in the incident that was the subject of the internal investigation.

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

(vii) The review board shall have the power and obligation to recommend changes in county policy and procedures to the board of supervisors.

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

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

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

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

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

§ 3. This act shall take effect immediately.