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OFFICE OF THE  
DEMOCRATIC MINORITY



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**NASSAU COUNTY LEGISLATURE**  
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## Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Peter J. Clines, Esq., Minority Counsel *PJC*

CC: Hon. Norma Gonsalves, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: May 3, 2017

Re: A LOCAL LAW TO AMEND THE NASSAU COUNTY GOVERNMENT LAW OF  
NASSAU COUNTY IN RELATION TO NASSAU COUNTY CORRECTIONAL  
CENTER OVERSIGHT BOARD OF VISITORS

Attached please find the above referenced proposed local law which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Norma Gonsalves along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.

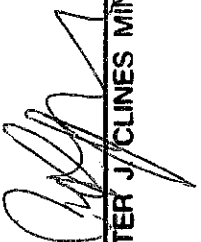
2017 MAY - 3 P 11 01  
RECEIVED  
NASSAU COUNTY  
CLERK OF THE LEGISLATURE

Introduced by: Legislator Siela Bynoe and Minority Leader Kevan Abrahams

PROPOSED LOCAL LAW NO. -2017

A LOCAL LAW TO AMEND THE NASSAU COUNTY GOVERNMENT LAW OF NASSAU COUNTY IN RELATION TO NASSAU COUNTY CORRECTIONAL CENTER OVERSIGHT BOARD OF VISITORS

APPROVED AS TO FORM



PETER J. CLINES MINORITY COUNSEL

RECEIVED  
NASSAU COUNTY  
CLERK OF THE LEGISLATURE  
2017 MAY -3 P 1:04

WHEREAS, the County Charter provides for a Nassau County Correctional Center (“Correctional Center”) Board of Visitors; and

WHEREAS, in connection with recent appointments to the Board of Visitors, appointees testified that the Board did not have the resources to carry out the oversight duties mandated by the County Government Law of Nassau County (the “Charter”); and

WHEREAS, the Board of Visitors should play an essential role in overseeing the operations of the Correctional Center, ensuring the humane treatment of inmates and promoting a safe and secure environment for Corrections personnel; and

WHEREAS, it is essential that the Board of Visitors has the necessary powers and resources to carry out its functions; and

WHEREAS, it is the judgment of the Legislature that the current provisions of the Charter relating to Board of Visitors should be clarified to make explicit the authority of the Board to carry out its statutory responsibilities; now, therefore

**BE IT ENACTED** by the County Legislature of the County of Nassau as follows:

**Section 1.** Article XX entitled “Sheriff” §2004 of the County Government Law of Nassau County is hereby amended to read as follows:

§ 2004. **Nassau County Correctional Center Board of Visitors; membership; appointment, compensation and expenses; power and duties.**

- a. There shall be within the Division of Corrections a Nassau County Correctional Center Board of Visitors **with oversight authority over the correctional center**. It shall consist of seven members, including a chairperson, each of whom shall be appointed by the County Executive subject to confirmation by the County Legislature. [As far as may be practicable, the] **The** members shall possess a working knowledge of the correctional system[.] **and must possess skills and/or experience in one or more of the following areas: penology, law enforcement, law, criminal justice, correctional services, forensic investigations, chaplaincy, social work, psychology, medicine or related fields.**
- b. All members of the Board shall be Nassau County residents.
- c. All members of the Board shall be voting members.
- d. The term of office of each member shall be three years, except that members first appointed shall be appointed as follows: four for a term of one year, two for a term of two years, and one for a term of three years. Upon expiration of the term of office of any member, his successor shall be appointed for a term of three years. Any appointed member of the Board may be removed by the County Executive for cause after an opportunity to be heard in his defense. Any member chosen to fill a vacancy created other than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Vacancies caused by the expiration of term or otherwise shall be filled in the same manner as original appointments.
- e. Members **of the Board** shall serve without compensation. The [Board of Supervisors] **Legislature** may appropriate sufficient sums to meet the expenses actually and necessarily incurred by members of the Board in the performance of their duties hereunder.

**1. Pursuant to its annual budgeting processes, the County Legislature shall appropriate sufficient funds to enable the Board to fulfill its duties, exercise its powers and accomplish its purposes and objectives as set forth in this Article. Such budget appropriation shall permit the Board, at minimum, to employ the full time equivalent of one attorney based on comparable deputy county attorney salaries, the full time equivalent of two investigators based on comparable Consumer Affairs Department investigator salaries, and the full time equivalent of one auditor based on comparable Office of the Comptroller auditor salaries.**

**2. The Board shall establish and maintain a fiscal year which coincides with that of the County and shall formulate its proposed budget in accordance with the County Charter, except that a copy of the Board's proposed budget shall be provided to the Presiding Officer and Minority Leader of the County Legislature at the same time it is provided to the County Executive.**

**3. The budget of the Board of Visitors shall be separately approved by the County Legislature no later than October 30<sup>th</sup> each year.**

**f. The Board shall have the power, by a majority vote of the Board, to appoint, employ, and remove such assistants, employees and personnel, including but not limited to investigators, auditors and counsel, and to establish personnel procedures, as deemed necessary for the efficient and effective execution of the powers and duties of the Board within the limits of the relevant adopted budget appropriations.**

[f.] **g.** The Board and each member thereof shall have the following powers and duties:

1. To investigate, review or take such other actions as shall be deemed necessary or proper with respect to inmate complaints or grievances regarding the correctional center as shall be called to their attention in writing[.] **including the power to interview witnesses and complainants at the correctional center. The Board shall create a communication and information plan to ensure that inmates and visitors are informed about the Board's functions, responsibilities, and how to directly contact the Board regarding any complaints or grievances.**

2. **The Board shall develop a clearly written complaint process for inmates that is publicly posted within the correctional center and on the Sheriff's Department web page linked to the Nassau County website, and is available at the Sheriff's office in pamphlet form. The written complaint process shall also be included in the official handbook issued to correctional center inmates. Such written complaint process shall comport with applicable language accessibility requirements.**

[2]3. To have access to the correctional center and all books, records and data pertaining to the correctional center which are deemed necessary for carrying out the Board's powers and duties.

[3]4. To obtain from correctional center personnel any information deemed necessary to carry out the Board's powers and duties.

[4]5. To request and receive [temporary] office space in the correctional center for the purpose of carrying out the Board's powers and duties.

[5]6. To report periodically to the Sheriff and [, where appropriate,] **quarterly, in writing and in person, to the Nassau County Legislature** to make such recommendations to the Sheriff **and the Legislature** as are necessary to fulfill the purposes of this section. **Such reports to the Legislature shall include the number and general nature of all complaints and grievances received and the status of such complaints and grievances including any action taken by the Board. Such quarterly reports shall be available to the public.**

[6]7. To advise the Sheriff **and the Nassau County Legislature** in developing programs for improving correctional center services and duties and for coordinating the efforts of correctional center officials in respect to improving conditions of inmate care, treatment, safety, rehabilitation, recreation, training and education.

[7]8. To meet on a regular basis, at a time and place designated by the Chairman of the Board[.], **and to also hold public meetings on a bimonthly basis, at a time and place designated by the Chairman of the Board upon public notice published at least five (5) business days prior to the public meeting by posting on the Nassau County website and at the County Executive and Legislative Building, first floor, near the door or entrance to the Office of the Clerk of the County Legislature. A thirty (30) minute public comment period of five (5) minutes per speaker shall be permitted.**

**9. Annual Report and Meeting. The Board shall prepare, with the assistance of counsel, a written Annual Report regarding its activities from the calendar year ending the preceding December 31, and must include: (a) the number and general nature of all complaints and grievances received, (b) the status of such complaints and grievances including any action taken by the Board and (c) all activities and recommendations made by the Board. The Annual Report shall not contain any information that is confidential and/or privileged by any law. Such report shall be submitted to the Sheriff and the Nassau County Legislature prior to each Annual Meeting and copies shall be made available to the public at the Annual Meeting and posted on the Sheriff's Department web page linked to the Nassau County website. At the Annual Meeting, the Board shall make an oral presentation of its Annual Report. The Annual Report shall also be subject to disclosure pursuant New York Freedom of Information Law. The Annual Meeting shall occur on or before January 31 of each year.**

**10. The Board shall require Board staff to visit and inspect the correctional center no fewer than three times annually at appropriate intervals and promptly report their findings to the Board in writing.**

(Local Law No. 9-1990, in effect August 28, 1990. Amended by Local Law No. 35-2000.) Editor's note – a typographical error exists in the Arabic section number noted in the local law. There, it is noted as Section 2204 instead of 2004.

**Section 2. Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 3. SEQRA Determination.** It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R. and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

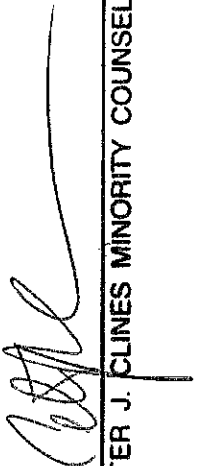
**Section 4. Effective Date.** This Law shall take effect immediately upon its filing in the Office of the Secretary of State.

Introduced by: Legislator Siela Bynoe and Minority Leader Kevan Abrahams

LOCAL LAW NO. -2017

A LOCAL LAW TO AMEND THE NASSAU COUNTY GOVERNMENT LAW OF NASSAU COUNTY IN RELATION TO NASSAU COUNTY CORRECTIONAL CENTER OVERSIGHT BOARD OF VISITORS

APPROVED AS TO FORM

  
PETER J. CLINES MINORITY COUNSEL

2017 MAY -3 P 4: 04  
NASSAU COUNTY  
CLERK OF THE LEGISLATURE

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- e. Members of the Board shall serve without compensation. The Legislature may appropriate sufficient sums to meet the expenses actually and necessarily incurred by members of the Board in the performance of their duties hereunder.
  1. Pursuant to its annual budgeting processes, the County Legislature shall appropriate sufficient funds to enable the Board to fulfill its duties, exercise its powers and accomplish its purposes and objectives as set forth in this Article. Such budget appropriation shall permit the Board, at minimum, to employ the full time equivalent of one attorney based on comparable deputy county attorney salaries, the full time equivalent of two investigators based on comparable Consumer Affairs Department investigator salaries, and the full time equivalent of one auditor based on comparable Office of the Comptroller auditor salaries.
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  3. The budget of the Board of Visitors shall be separately approved by the County Legislature no later than October 30<sup>th</sup> each year.
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deemed necessary for the efficient and effective execution of the powers and duties of the Board within the limits of the relevant adopted budget appropriations.

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4. To obtain from correctional center personnel any information deemed necessary to carry out the Board's powers and duties.
5. To request and receive office space in the correctional center for the purpose of carrying out the Board's powers and duties.
6. To report periodically to the Sheriff and quarterly, in writing and in person, to the Nassau County Legislature to make such recommendations to the Sheriff and the Legislature as are necessary to fulfill the purposes of this section. Such reports to the Legislature shall include the number and general nature of all complaints and grievances received and the status of such complaints and grievances including any action taken by the Board. Such quarterly reports shall be available to the public.
7. To advise the Sheriff and the Nassau County Legislature in developing programs for improving correctional center services and duties and for coordinating the efforts of correctional center officials in respect to improving conditions of inmate care, treatment, safety, rehabilitation, recreation, training and education.
8. To meet on a regular basis, at a time and place designated by the Chairman of the Board, and to also hold public meetings on a bimonthly basis, at a time and place designated by the Chairman of the Board upon public notice published at least five (5) business days prior to the public meeting by posting on the Nassau County website and at the County Executive and Legislative Building, first

floor, near the door or entrance to the Office of the Clerk of the County Legislature. A thirty (30) minute public comment period of five (5) minutes per speaker shall be permitted.

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**Section 3. SEQRA Determination.** It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R. and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section

617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

**Section 4. Effective Date.** This Law shall take effect immediately upon its filing in the Office of the Secretary of State.