

***Taken From: A LOCAL LAW CREATING AN
ONONDAGA COUNTY JUSTICE CENTER OVERSIGHT COMMITTEE
– Approved by the Onondaga Co. Legislature on January 6, 2015 -***

Section 1. Purpose and Intent

Persons confined to the Onondaga County Justice Center (“Justice Center”) are to be treated in a manner consistent with the United States Constitution, and all other laws, rules and regulations. To this end, a Special Legislative Committee shall be established by the Legislature to

Section 2. Establishment and Jurisdiction

There shall be established an Onondaga County Justice Center Oversight Committee, independent of the Sheriff’s Department. The Committee may investigate and review incidents, and receive, investigate and review complaints that derive from incidents, that occur within the Justice Center, and may make recommendations as it deems appropriate to the Sheriff and the Onondaga Legislature.

For the purposes of this law, the Committee shall have access to

For the purposes of this law, the Committee, and its Administrator, shall be granted ...

Section 3. Definitions

For the purposes of this law, the terms listed herein shall have the following meanings:

(a) an “incident” shall include, but not be limited to, situations involving:

Assault (including but not limited to: inmate/inmate, inmate/personnel, inmate/visitor, personnel/inmate, visitor/inmate, inmate group/gang, and/or visitor assault as described in the Reportable Incident Manual of the New York State Commission of Corrections;

Sexual Offense (including but not limited to: inmate/inmate, inmate/personnel, inmate/visitor, personnel/inmate, visitor/inmate sexual offenses as described in the Reportable Incident Manual of the New York State Commission of Corrections;

Serious Injury or death of a prisoner in custody;

Serious injury or death of Justice Center personnel on the job;

Inmate Suicide, Attempted Suicide or Self-Inflicted injury requiring medical treatment;

Inmate Accidental Injury requiring medical treatment;

Arson or other occurrence of fire within the Justice Center;

Hostage Situation;

Use of force against a prisoner by non-SERT personnel;

Use of force by SERT personnel if a serious injury or death should occur;

Medical emergency requiring response from facility medical personnel, response from emergency medical responders from outside the Justice Center, or emergency transport to a facility outside the Justice Center.

***NOTE: Section 3 (b) containing the definition of what a complaint shall mean
is found on the other side of this sheet***

(b) a complaint shall mean any written report, that alleges harm caused to an inmate while in custody in the Justice Center, harmful conditions of confinement in the Justice Center, or misconduct by Justice Center personnel, including but not limited to allegations of the following:

Active Misconduct

Passive Misconduct

Denial of Medical Treatment related to an injury, or to an acute or chronic condition

Serious Injuries and Deaths in custody or arising directly from conditions or circumstances of custody

Suicide and Suicide Attempts in Custody

Truthfulness in Reporting

Compliance with Policy Directives and Training

Access to Medical Evaluation and Treatment

Assessment, Treatment and Accommodation for Prisoners with Disabilities

Allegations that Statements or Actions Have Been Motivated by Bias

Use of Excessive Force

Application of Excessive Penalties, Including But Not Limited to Placement in or Extension of Placement in a Segregated Housing Unit or Lockdown Status for more than 10 days

Unsanitary or Unsafe Housing Conditions

Arbitrary or Willful Destruction or Denial of Permitted Personal Property

Retaliation Against an Inmate or Family Member Subsequent to a Grievance or Complaint Being Made

- (c) "Active Misconduct" shall mean behavior which is alleged by any individual to be inappropriately aggressive, abusive, injurious or intrusive, ranging from excessive physical force to harassment and slurs or insults.
- (d) "Passive Misconduct" shall mean a failure to intervene appropriately, including untimely response, or refusal to provide information about how to file a grievance or complaint, refusal to provide forms required to do so, refusal to notify a superior officer of an inmate's request to file such a grievance or complaint, as well as refusal to provide information about how to seek medical attention or to provide forms required to do so.
- (e) "Serious Injury" shall mean a personal injury which results in death; dismemberment; disfigurement that is more than superficial; a fracture; loss of or injury to a fetus; temporary or permanent loss of use of a body organ, member, function or system; or a medically determined injury or impairment of a non-permanent nature which either requires extended medical treatment or results in treatment by a medical professional outside the facility, or that prevents the injured person from performing significant material acts which constitute such person's usual and customary daily activities.
- (f) "Excessive force" shall be defined as physical force used against an inmate beyond that what is reasonably necessary to control, subdue, or restrain an inmate, or physical force used against an inmate beyond what is reasonably necessary to control and inmate after they have been placed in restraints.