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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOROUGH PRESIDENT - BRONX

#### ■ PUBLIC HEARINGS

A PUBLIC HEARING IS BEING CALLED BY the President of the Borough of The Bronx, Honorable Ruben Diaz Jr. The hearing will take place on Thursday, June 23, 2016 at 10:00 A.M., in the office of the Borough President, 851 Grand Concourse, Room 206, The Bronx, NY 10451. The following matter will be heard:



### CD #1 ULURP APPLICATION NO: C 160251 ZMX:

IN THE MATTER OF an application submitted by MLK Plaza LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6c:

1. Changing from an M1-2 District to an R7X District property bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet northeasterly (as measured along the street line) form the point of intersection of the southeasterly street line of Southern Boulevard and the northeasterly street line of East 147<sup>th</sup> Street, a line 100 feet northeasterly of East 147<sup>th</sup>, a line 100 feet northeasterly of East 147<sup>th</sup> Street, Austin Place, East 147<sup>th</sup> Street, Timpson Place, and a line 100 feet southwesterly of East 147<sup>th</sup> Street;
2. Changing from an M1-3 District to an R7X District property bounded by Timpson Place, East 147<sup>th</sup> Street, Austin Place, and a line 100 feet southwesterly of East 147<sup>th</sup> Street; and
3. Establishing within a proposed R7X District a C1-4 District bounded by Southern Boulevard, a line perpendicular to the southeasterly street line of Southern Boulevard distant 275 feet (as measured along the street line) form the point of intersection of the southerly street line of Southern Boulevard and the northeasterly street line of East 147<sup>th</sup> Street, a line midway between Southern Boulevard and Timpson Place, and a line 100 feet southwesterly of East 147<sup>th</sup> Street.

Borough of The Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 9, 2016, and subject to the conditions of CEQR Declaration E-385.

j16-22

### BOROUGH PRESIDENT - QUEENS

#### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Melinda Katz, on **Thursday, June**

23, 2016, at 10:30 A.M., in the Borough President's Conference Room, located at 120-55 Queens Boulevard, Kew Gardens, NY 11424, on the following items:

**CD Q02 - ULURP #160101 ZRQ**  
**IN THE MATTER OF** an application submitted by Sunnyside-Barnett Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area in Community District 2 (related applications ULURP #s 160103 ZMQ, 160102 ZRQ).

**CD Q02 - ULURP #160102 ZRQ**  
**IN THE MATTER OF** an application submitted by Sunnyside-Barnett Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, to establish that R6 districts in Mandatory Inclusionary Housing areas are allowed a maximum FAR of 3.6, to establish Mixed-Use District MX 17 (M1-1/R6) and to modify height and setback regulations in MX-17 (M1-1/R6) in Community District 2 (related applications ULURP #s 160101 ZRQ, 160103 ZMQ)

**CD Q02 - ULURP #160103 ZMQ**  
**IN THE MATTER OF** an application submitted by Sunnyside-Barnett Associates LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning map. Sections 9b and 9d as follows:

- changing from an M1-1 district to an M1-1/R6 district property bounded by the southerly boundary line of the Long Island Rail Road Right-Of-Way (Main Line), the southerly centerline prolongation of 52nd Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50th Street; and
- establishing a special Mixed-Use District (MX 17) bounded by the southerly boundary line of the Long Island Rail Road Right-Of-Way (Main Line), the northerly centerline prolongation of 52nd Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50th Street

Borough of Queens, Community District 2, as shown on the diagram (for illustrative purposes only) March 28, 2016 (related applications ULURP #s 160101 ZRQ, 160102 ZRQ).

**CD Q14 - ULURP # 160219 ZMQ**  
**IN THE MATTER OF** an application submitted by Rockaway Beach Hotel, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, changing from an R5/C1-3 district to an R6A/2-5 district for a block bounded by Rockaway Beach Boulevard, Beach 108th Street, Rockaway Beach Drive and Beach 109th Street, Block 16180 Lots 1, 2, 3, 8 and 9, Zoning Map Section 30b, Rockaway, Queens (related application ULURP #160220 ZRQ).

**CD Q14 - ULURP #160220 ZRQ**  
**IN THE MATTER OF** an application submitted by Rockaway Beach Boulevard LLC, pursuant to Section 201 of the New York City Charter for an amendment of the New York City Zoning Resolution, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area in Community District 14 (related application ULURP #160219 ZMQ)

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

j17-23

**CITY PLANNING COMMISSION**

**PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY on Wednesday, June 22, 2016 at 10:00 A.M.

**BOROUGH OF THE BRONX**  
**Nos. 1-5**  
**LA CENTRAL**  
**No. 1**

**CD 1** **C 160267 ZMX**  
**IN THE MATTER OF** an application submitted by the NYC Department of Housing Preservation and Development pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

- changing from a M1-1 District to an C6-2 District property bounded by Bergen Avenue and its northeasterly centerline prolongation, Brook Avenue, the centerline of a Rail Road Right Of Way, and the

- northwesterly prolongation of the northerly street line of former 150<sup>th</sup> Street; and
  - changing from a C4-4 District to an C6-2 District property bounded by Bergen Avenue, the northwesterly prolongation of the northerly street line of former 150<sup>th</sup> Street, the centerline of a Rail Road Right Of Way, and a line 90 feet northeasterly of East 149<sup>th</sup> Street;
- as shown on a diagram (for illustrative purposes only) dated April 11, 2016.

**No. 2**

**CD 1** **C 160268 HAX**  
**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD).

- pursuant to Article 160 of the General Municipal Law of New York State for:
  - the designation of properties located at Bergen Avenue and Westchester Avenue (Block 2361, Lots 1, 25, 26 and 50 and Block 2294, Lot 32), and 503 East 153 Street (Block 2363, Lot 1)
  - as an Urban Development Action Area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to be selected by HPD;

to facilitate development of five mixed use buildings containing approximately 831 affordable dwelling units, 160 supportive housing units, commercial space and community facility space.

**No. 3**

**CD 1** **N 160269 ZRX**  
**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**APPENDIX F**  
**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**The Bronx**

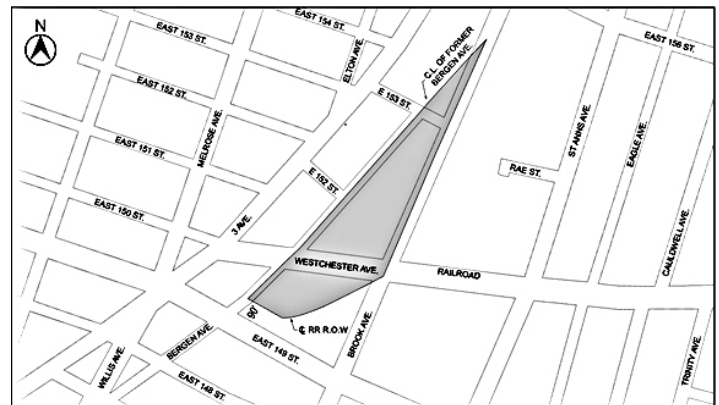
**The Bronx Community District 1**

In the #Special Harlem River Waterfront District# (see Section 87-20) and in the R7A, R7X, R8 and R8A Districts within the areas shown on the following Maps:

\* \* \*

Map 2 - (date of adoption)

**[PROPOSED MAP]**



**■ Mandatory Inclusionary Housing Area (MIHA) see Section 23-154(d) (3)**  
**Area 1 (date of adoption) - MIH Program Option 1**

**Portion of Community District 1, The Bronx**

\* \* \*

**No. 4**

**CD 1** **C 160270 ZSX**  
**IN THE MATTER OF** an application submitted by Department of Housing Preservation and Development pursuant to Sections 197-c

and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of required open space without regard to zoning lot lines; and
2. Section 74-743(a)(2) - to allow the location of buildings without regard to applicable yard requirements of Sections 23-47 and 35-50 and height and setback regulations of Sections 23-62, 23-64 and 33-43;

in connection with a proposed mixed-use development, on property generally bounded by Bergen Avenue and its northeasterly centerline prolongation, Brook Avenue and East 149<sup>th</sup> Street (Block 2294, Lot 32, Block 2361, Lots 1, 25, 26, & 50, Block 2363, Lot 1), in a C6-2\* District, within a Large-Scale General Development.

\*Note: The site is proposed to be rezoned by changing from C4-4 and M1-1 Districts to a C6-2 District under a concurrent related application for a Zoning Map change (C 160267 ZMX).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271-0001.

No. 5

CD 1 C 160271 ZSX

**IN THE MATTER OF** an application submitted by Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-422 (Location of floors occupied by commercial uses) to allow Use Group 10 (television studios offices) on portions of the 2<sup>nd</sup> floor of the proposed building (Building B) on Parcel A, in connection with a proposed mixed-use development, on property generally bounded by Bergen Avenue and its northeasterly centerline prolongation, Brook Avenue and East 149<sup>th</sup> Street (Block 2294, Lot 32, Block 2361, Lots 1, 25, 26, & 50, Block 2363, Lot 1), in a C6-2\* District, within a Large-Scale General Development.

\*Note: The site is proposed to be rezoned by changing from C4-4 and M1-1 Districts to a C6-2 District under a concurrent related application for a Zoning Map change (C 160267 ZMX).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271-0001.

NOTICE

**On Wednesday, June 22, 2016, at 10:00 A.M., in Spector Hall, located at 22 Reade Street in Lower Manhattan, a public hearing is being held by the City Planning Commission to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by the City of New York - Department of Housing Preservation & Development (HPD) on behalf of the project sponsor, La Central Manager LLC, for approval of several discretionary actions including the disposition of City-Owned property and designation/approval of an Urban Development Action Area Project (UDAAP), zoning map and text amendments, and special permits to establish a Large-Scale General Development (LSGD). These actions are intended to provide affordable and supportive housing, local retail and other commercial uses, community facility uses, and open space on an assemblage of City-Owned properties (Block 2361, Lots 1, 25, 26 and 50; Block 2363, Lot 1; and Block 2294, Lot 32 and portions of Lots 30, 55, and 60), generally bounded by Bergen Avenue to the west, Brook Avenue to the east, a line approximately 90 feet north of East 149th Street to the south, and the Metropolitan Transit Authority elevated rail line for the 2 and 5 trains, in the Melrose neighborhood of the Bronx, Community District 1. Written comments on the DEIS are requested and will be received and considered by HPD, the Lead Agency, until Tuesday, July 5, 2016.**

**This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 15HPD041X.**

No. 6

1775 GRAND CONCOURSE TEXT AMENDMENT

CD 5 N 160179 ZRX

**IN THE MATTER OF** an application submitted by 1775 Grand Concourse, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying Article XII, Chapter 2 (Special Grand Concourse Preservation District) to permit indirectly illuminated signs on the Grand Concourse street frontage of specified commercial infill sites.

For consideration.

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;  
Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

Article XII  
SPECIAL PURPOSE DISTRICTS

Chapter 2  
Special Grand Concourse Preservation District

\* \* \*

122-20  
SPECIAL SIGN REGULATIONS

In order to enhance the visual quality of the Special District, the applicable #sign# regulations of the underlying districts are modified, as follows:

- (a) Within the Limited Commercial Areas, only one #sign#, other than an #advertising sign#, with a surface area not exceeding 12 square feet, shall be permitted per #commercial use#. Such #signs# shall be located in a #sign band#, on the flap of a canopy, or as allowed under paragraph (d) of this Section. The height of such #signs# shall be not more than 24 inches and the letter sizes shall be restricted to a height of 12 inches. Except as provided in paragraph (d), all such #signs# may not project from the vertical surface of a #building# more than 18 inches.
- (b) Within the Commercial Extension Areas, no #signs# and no #display windows# shall be permitted on a #building# or other structure# within 50 feet of the Grand Concourse. #Commercial uses# which are located on a cross-street beyond a distance of 50 feet from the Grand Concourse #street line#, shall comply with the #sign# regulations applicable to the underlying #Commercial District#.
- (c) On Commercial Infill Sites, the maximum surface area to be occupied by a #sign#, other than an #advertising sign#, shall be three square feet for every five feet of store frontage or 12 square feet, whichever is greater. Such #signs# shall be located in a #sign band# or on the flap of a canopy, or as allowed under paragraph (d). On portions of Commercial Infill Sites more than 50 feet from the Grand Concourse, the signage regulations of a C1 District shall apply.
- (d) Except in C1 Districts, no #sign# may be located so as to obscure any decorative lintel, cornice or other architectural detail. In the event that compliance with this requirement does not provide adequate surface area for the allowable #sign#, as defined in paragraph (a) of this Section, a projecting #sign# may be permitted by the Commissioner of Buildings provided that no such #sign# shall project from the vertical surface of a #building# more than 18 inches.
- (e) Except in C1 Districts, no banners, pennants, #flashing# or #illuminated signs# shall be permitted anywhere within the Special District. In addition, within Commercial Infill Sites north of the Cross Bronx Expressway, as shown on the map in Appendix A of this Chapter, #signs with indirect illumination# shall be permitted on the Grand Concourse #street# frontage of a #building#.
- (f) Within the Limited Commercial Areas, Commercial Infill Sites, and Commercial Extension Areas within 50 feet of the Grand Concourse, window graphics shall occupy not more than 20 percent of a window. Display lettering more than three inches high shall be considered as a #sign#.
- (g) All lawfully existing #non-conforming signs# located within the Special District shall be terminated one year after September 28, 1989.

\* \* \*

BOROUGH OF MANHATTAN

No. 7  
ADORAMA

CD 5 C 160082 ZSM

**IN THE MATTER OF** an application submitted by 42 West 18th Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback requirements of Sections 23-633, 35-24 & 23-692, the rear yard requirements of Section 23-532, the permitted obstructions in rear yards requirements of Section 33-23, and the minimum distance between buildings requirements of Section 23-711, to facilitate a mixed-use development on property, located at 38-42 West 18th Street (Block 819, Lots 14, 15 & 66), in a C6-4A District, within the Ladies Mile Historic District.

BOROUGH OF QUEENS

No. 8

LONG ISLAND CITY BUSINESS IMPROVEMENT DISTRICT  
CDs 1, 2 N 160322 BDQ

**IN THE MATTER OF** an application submitted by the Department of Small Business Services on behalf of the Long Island City Business Improvement District (originally Queens Plaza/ Court Square) pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the

Administrative Code of the City of New York, as amended, concerning amending of the Long Island City Business.

YVETTE V. GRUEL, Calendar Officer  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
Telephone (212) 720-3370

j8-22

**COMMUNITY BOARDS**

■ PUBLIC HEARINGS

**PUBLIC NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 06 - Wednesday, June 22, 2016 at 6:30 P.M., The Wings Academy High School, 1122 East 180th Street, Bronx, NY

Lambert Houses Redevelopment  
#160218 MMX

**IN THE MATTER OF** an application, submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. Of the New York City Administrative Code for an amendment to the City Map involving: the narrowing by elimination, discontinuance and closing of a portion of East Tremont Avenue for Boston Avenue to East Tremont Avenue; and the adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto.

#160285 ZMX

**IN THE MATTER OF** an application submitted by the NYC Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 3d: changing from an R7-1 district to an R8 district property.

#160286 HAX

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) to facilitate a mixed use development containing approximately 1,665 affordable residential units, approximately 86,608 square feet of retail space and approximately 110 accessory parking spaces in Community District 6, Borough of the Bronx.

#160290 ZSX

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Phipps Houses pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit to Section 78-312 (d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632 on the periphery of a large-scale residential development, in connection with a proposed mixed-use development within a proposed large-scale residential development.

1932 Bryant Avenue  
#160365 ZMX

**IN THE MATTER OF** an application submitted by Second Farms Neighborhood, HFDC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d: changing from an R7-1 district to an R8 district property bounded by Bryant Avenue.

#160367 ZMX

**IN THE MATTER OF** an application submitted by Second Farms Neighborhood, HFDC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the required off-street parking spaces for the existing developments on zoning lots Parcel 6, Parcel 7 and Parcel 8a, in connection with a proposed mixed-use development on property located at 1932 Bryant Avenue.

#160368 ZMX

**IN THE MATTER OF** an application submitted by Second Farms Neighborhood, HFDC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit to pursuant to the following section of the Zoning Resolution: 78-312(c) to modify the rear yard requirements of Section 23-47, to allow minor variations in required rear yards on the periphery; and to modify height and setback regulations on the periphery of a proposed mixed-use development.

j16-22

**PUBLIC NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 10 - Monday, June 27, 2016 at 7:30 P.M., Hutchinson Metro Center - Conference Center 1200, 1200 Waters Place, Bronx, NY.

ULURP# 160335 PCX  
Westchester Square Replacement Library

**IN THE MATTER OF** the replacement of the existing New York Public Library Branch, at 2521 Glebe Avenue with new construction at 9 Westchester Square - Westchester Square Replacement Library.

j21-27

**PUBLIC NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 04 - Tuesday, June 28, 2016 at 6:00 P.M., Bronx Museum of the Arts, 1040 Grand Concourse, Bronx, NY.

#C150312 ZMX  
Concourse Village West Rezoning

**IN THE MATTER OF** an application submitted by Upper Manhattan Development Corp., pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a: changing from a C8-3 district to an R7D district property bounded by a line 100 feet north westerly of Concourse Village West, East 156th Street, Concourse Village West, East 153rd Street, the centerline of the easterly portion of Grand Concourse, and a line 525 feet south westerly of East 156th Street.

j22-28

**COMPTROLLER**

■ MEETING

The City of New York Audit Committee Meeting is scheduled for Wednesday, June 22, 2016, from 9:30 A.M. to 12:00 NOON at 1 Centre Street, Room 1005, North. Meeting is open to the general public.

j15-22

**CONSUMER AFFAIRS**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the New York City Department of Consumer Affairs, will hold a Public Hearing on Wednesday, June 29, 2016, at 2:00 P.M., at 42 Broadway, 5<sup>th</sup> Floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

1. Aio Gourmet LLC  
652 10th Avenue in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

j22

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the New York City Department of Consumer Affairs will hold a Public Hearing on Wednesday, June 29, 2016, at 2:00 P.M., at 42 Broadway, 5<sup>th</sup> Floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

1. 118 Harlem Burger Co. LLC  
2190 Frederick Douglass Boulevard in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
2. Barara LLC  
208 Franklin Street in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
3. C & S Gourmet Meals & Deli, Inc.  
3612 Ditmars Boulevard in the Borough of Queens  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
4. Cien Fuegos LLC  
95 Avenue A in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

5. Dsmi Rest LLC  
2758 Broadway in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
6. Lukes Lobster Xix LLC  
5 West 25th Street in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
7. Maja's Tapas Restaurant Bar Inc.  
229 Dyckman Street in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
8. Nealtican Deli Grocery Corp.  
1225 Flushing Avenue in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

◀ j22

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## EDUCATIONAL CONSTRUCTION FUND

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■ PUBLIC HEARINGS

**CORRECTED NOTICE OF PUBLIC SCOPING**  
**Draft Scope of Work for an Environmental Impact Statement (EIS)**  
**ECF East 96th Street Project**

**NOTICE IS HEREBY GIVEN** that a public scoping meeting will be held on Wednesday, June 29, 2016, beginning at 5:30 P.M., at the Park East High School, 230 East 105th Street, New York, NY.

The purpose of the scoping meeting is to provide the public with the opportunity to comment on the Draft Scope of Work proposed to be used to develop an Environmental Impact Statement (EIS) for the proposed ECF East 96th Street project. Comments on the Draft Scope of Work are invited and may be presented at the public scoping meeting and/or may be submitted in writing to the New York City Educational Construction Fund (ECF) until Monday, July 10, 2016, at the email and contact addresses below.

Directing that an Environmental Impact Statement be prepared, the Environmental Assessment, Positive Declaration, and Draft Scope of Work were issued by ECF on June 10, 2016, and are available for review from the contact person listed below and on the ECF website at <http://schools.nyc.gov/community/facilities/ecf/default.htm>.

The co-applicants, ECF and AvalonBay Communities, Inc. (AvalonBay), are seeking a rezoning and other actions to allow the construction of a mixed-use building, a replacement facility for the existing School of Cooperative Technical Education (SCTE), a new facility for the relocation of two existing neighborhood public high schools, and relocation of an existing jointly-operated playground on Block 1668, Lot 1, in the East Harlem neighborhood of Manhattan. The proposed project involves the construction of a mixed-use tower on Second Avenue containing a 135,000-gross square foot (gsf) public technical school - a replacement facility for the existing SCTE on the project site - as well as approximately 25,000 gsf of retail space, and approximately 1,015,000 gsf of residential floor area (1,100-1,200 units), of which 70 percent will be market rate and 30 percent will be permanently affordable. Following the demolition of the existing SCTE, the co-applicants will construct a 135,000 gsf building on First Avenue that will house two public high schools. The jointly-operated playground currently on the western portion of the project site would be relocated to the center of the project block. It is anticipated that site preparation and construction for the project would commence in 2018 and is expected it would be complete and operational in 2023.

The proposed project will require several discretionary actions, including: a zoning map amendment to change the portion 100 feet east of 2nd Avenue from R10A and R7-2 to a C2-8 District and the remainder of Block 1668 from R7-2 and R10A districts to a R10 district; amendments to the Zoning Resolution to allow distribution of lot coverage and to establish a Mandatory Inclusionary Housing designated area; a special permit to allow distribution of lot coverage and waiver of height and setback restrictions; a special permit to reduce parking requirements applicable to non-income restricted residences; certifications to modify restrictions on location of curb cuts; and a certification that a transit easement is not required. The proposed project also will require approval of a home rule message by the New York City Council and legislation by the New York State Legislature to authorize the alienation and disposition to ECF of the existing jointly-operated playground, and its replacement with an equivalent amount of jointly-operated playground. The project also involves a transfer of the City-Owned property (the site) to ECF, which would lease a portion of the property to the designated developer, AvalonBay. ECF would convey the schools to the City (acting through the New York City Department of Education (DOE) and re-convey

control of the jointly-operated playground to DOE and the New York City Department of Parks and Recreation. To facilitate construction of the schools, ECF would issue tax-exempt bonds.

**Lead Agency:** New York City Educational Construction Fund

**Sponsoring Agency:** New York City Educational Construction Fund

**Contact:** Jennifer Maldonado, Executive Director  
 New York City Educational Construction Fund  
 RE: COOP Tech at East 96th Street  
 30-30 Thomson Avenue, First Floor  
 Long Island City, NY 11101  
 E96thStreet@schools.nyc.gov

**SEQRA/CEQR Classification:** Type I

**Location of Action:** The project site is Block 1668, Lot 1, the full block bounded by East 96th and 97th Street and First and Second Avenues in the East Harlem neighborhood of Manhattan. It is located in Manhattan Community District 11. The western portion of the project site is currently occupied by the Marx Brothers Playground, which is jointly operated by DOE and DPR. The playground area facing Second Avenue is currently in use by MTA as a staging area for Second Avenue Subway construction. The eastern portion of the project site is occupied by a 4-story school building, currently in use by SCTE, a DOE facility for high school students.

This Notice of Public Meeting has been prepared pursuant to Article 8 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act (SEQRA)), its implementing regulations found at 6 NYCRR Part 617, and the Rules of Procedure for City Environmental Quality Review found at 62 RCNY Chapter 5, and Mayoral Executive Order 91 of 1977, as amended (CEQR).

j15-29

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## BOARD OF EDUCATION RETIREMENT SYSTEM

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■ MEETING

The Board of Trustees of the Board of Education Retirement System of the City of New York, will be meeting at 5:00 P.M. on June 22, 2016 at M.S. 131 (100 Hester Street, New York, NY 10002).

j13-22

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## HOUSING AUTHORITY

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■ MEETING

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, June 29, 2016, at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, NY (unless otherwise noted). Copies of the Calendar are available on NYCHA's website or can be picked up at the Office of the Corporate Secretary at 250 Broadway, 12th Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes are also available on NYCHA's website or can be picked up at the Office of the Corporate Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's website at <http://www1.nyc.gov/site/nycha/about/board-calendar.page> to the extent practicable at a reasonable time before the meeting.

The meeting is open to the public. Pre-Registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary at (212) 306-6088 no later than five business days before the Board Meeting.

For additional information, please visit NYCHA's website or contact (212) 306-6088.

j15-29

TRANSPORTATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945, commencing at 2:00 P.M. on Wednesday, June 22, 2016. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor South West, New York, NY 10041, or by calling (212) 839-6550.

#1 IN THE MATTER OF a proposed revocable consent authorizing 55 Water Street Condominium to construct, maintain and use planters on the east sidewalk of Water Street, south of Old Slip, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2015 to June 30, 2025 - \$325/annum

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 IN THE MATTER OF a proposed revocable consent authorizing Albert Einstein College of Medicine, Inc., to continue to maintain and use pipes and conduit under and across Morris Park Avenue, west of Eastchester Road, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025, by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2015 to June 30, 2016 - \$11,000
For the period July 1, 2016 to June 30, 2017 - \$11,282
For the period July 1, 2017 to June 30, 2018 - \$11,564
For the period July 1, 2018 to June 30, 2019 - \$11,846
For the period July 1, 2019 to June 30, 2020 - \$12,128
For the period July 1, 2020 to June 30, 2021 - \$12,410
For the period July 1, 2021 to June 30, 2022 - \$12,692
For the period July 1, 2022 to June 30, 2023 - \$12,974
For the period July 1, 2023 to June 30, 2024 - \$13,256
For the period July 1, 2024 to June 30, 2025 - \$13,538

the maintenance of a security deposit in the sum of \$13,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#3 IN THE MATTER OF a proposed revocable consent authorizing Amicable Holdings LLC to construct, maintain and use a stoop and a fenced-in area, together with planted area and trash enclosure, on the south sidewalk of Amity Street, east of Clinton Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to the Expiration Date - \$25/per annum

the maintenance of a security deposit in the sum of \$6,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 IN THE MATTER OF a proposed revocable consent authorizing Esplanade Venture Partnership to continue to maintain and use four benches on the west sidewalk of West End Avenue, between West 74th Street and West 75th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2016 to June 30, 2026 - \$600/annum

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#5 IN THE MATTER OF a proposed revocable consent authorizing Harbor Hill Housing Development Fund Corporation to continue to maintain and use fenced-in planted areas on the east sidewalk of Second Avenue, north of 57th Street and on the north sidewalk of 57th Street, east of Second Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From July 1, 2016 to June 30, 2026 - \$1,870/per annum

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#6 IN THE MATTER OF a proposed revocable consent authorizing Jean Marcel Rouff to construct, maintain and use a fenced-in area, together with steps, on the north sidewalk of East 64th Street, between Lexington Avenue and Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to the Expiration Date - \$100/per annum

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#7 IN THE MATTER OF a proposed revocable consent authorizing Rosa Parks Condominium to continue to maintain and use eight planters on the north sidewalk of West 118th Street, west of St. Nicholas Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2016 to June 30, 2026 - \$200/per annum

the maintenance of a security deposit in the sum of \$1,600 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#8 IN THE MATTER OF a proposed revocable consent authorizing the New York Community Hospital of Brooklyn, Inc. to continue to maintain and use a ramp on the south sidewalk of Avenue O, west of Kings Highway, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2016 to June 30, 2026 - \$25/annum

the maintenance of a security deposit in the sum of \$15,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#9 IN THE MATTER OF a proposed revocable consent authorizing United Cerebral Palsy Housing Development Fund Corporation to continue to maintain and use a conduit under and along the south sidewalk of Lawrence Avenue near Seton Place, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$1,142
For the period July 1, 2017 to June 30, 2018 - \$1,171
For the period July 1, 2018 to June 30, 2019 - \$1,200
For the period July 1, 2019 to June 30, 2020 - \$1,229
For the period July 1, 2020 to June 30, 2021 - \$1,258
For the period July 1, 2021 to June 30, 2022 - \$1,287
For the period July 1, 2022 to June 30, 2023 - \$1,316
For the period July 1, 2023 to June 30, 2024 - \$1,345
For the period July 1, 2024 to June 30, 2025 - \$1,374
For the period July 1, 2025 to June 30, 2026 - \$1,403

the maintenance of a security deposit in the sum of \$1,400 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#10 IN THE MATTER OF a proposed revocable consent authorizing United Cerebral Palsy of New York City, Inc. to continue to maintain and use a pedestrian bridge over and across Lawrence Avenue, north of Seton Place, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$10,102
For the period July 1, 2017 to June 30, 2018 - \$10,361
For the period July 1, 2018 to June 30, 2019 - \$10,620
For the period July 1, 2019 to June 30, 2020 - \$10,879
For the period July 1, 2020 to June 30, 2021 - \$11,138
For the period July 1, 2021 to June 30, 2022 - \$11,397
For the period July 1, 2022 to June 30, 2023 - \$11,656
For the period July 1, 2023 to June 30, 2024 - \$11,915
For the period July 1, 2024 to June 30, 2025 - \$12,174
For the period July 1, 2025 to June 30, 2026 - \$12,433

the maintenance of a security deposit in the sum of \$12,500 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

#11 IN THE MATTER OF a proposed revocable consent authorizing Wayne Golden and Sylvia Golden to continue to maintain and use a fenced-in area on the south sidewalk of East 70th Street, west of Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June

30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From July 1, 2016 to June 30, 2026 - \$100/per annum

the maintenance of a security deposit in the sum of \$2,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

j2-22

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

#### SALE

The City of New York, in partnership with PropertyRoom.com, posts vehicle and heavy machinery auctions online every week at: <http://www.propertyroom.com/s/7300>

All auctions are open to the general public, and registration is free.

Vehicles can be viewed in person by appointment at: KenBen Industries, 364 Maspeth Avenue, Brooklyn, NY 11211. Phone: (718) 802-0022

a28-o6

### OFFICE OF CITYWIDE PROCUREMENT

#### NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>.

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j4-d30

### POLICE

#### NOTICE

#### OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT

The following listed property is in the custody of the Property Clerk Division without claimants: Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

#### INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

#### FOR MOTOR VEHICLES (All Boroughs):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555

- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

#### FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j4-d30

## PROCUREMENT

### "Compete To Win" More Contracts!

*Thanks to a new City initiative - "Compete To Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.*

- Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)

*"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."*

### HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York ("PPB Rules"), vendors must first complete and submit an electronic prequalification application using the City's Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

#### Participating NYC Agencies

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the

following NYC Agencies:

- Administration for Children's Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit [www.nyc.gov/hhsaccelerator](http://www.nyc.gov/hhsaccelerator)

### ADMINISTRATION FOR CHILDREN'S SERVICES

#### AWARD

*Human Services/Client Services*

- **FAMILY ASSESSMENT SERVICES** - Renewal - PIN# 06811P0001001R003 - AMT: \$504,792.00 - TO: Berkshire Farm Center and Services for Youth, 13640 Route 22, Canaan, NY 12029.
- **SPECIALIZED TEEN PREVENTIVE** - Renewal - PIN# 06811P0025002R001 - AMT: \$7,057,859.52 - TO: Cardinal McCloskey School and Home for Children, 115 East Stevens Avenue, Valhalla, NY 10595.
- **COMMUNITY PARTNERSHIP PROGRAM** - Renewal - PIN# 06810P0045007R002 - AMT: \$900,000.00 - TO: Little Flower Children's and Family Services of New York, 2450 North Wading River Road, Wading River, NY 11792.
- **COMMUNITY PARTNERSHIP PROGRAM** - Renewal - PIN# 06810P0045007R002 - AMT: \$908,231.73 - TO: University Settlement Society of New York, 184 Eldridge Street, New York, NY 10002.
- **NON-SECURE DETENTION SERVICES** - Renewal - PIN# 06813N0006001R001 - AMT: \$3,810,762.00 - TO: Good Shepherd Services, 305 Seventh Avenue, New York, NY 10001.

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*Services (other than human services)*

- **CLINICAL CONSULTATION SERVICES** - Negotiated Acquisition - Other - PIN# 06807P0005CNVN004 - AMT: \$264,521.00 - TO: New York Foundling Hospital, 590 Avenue of the Americas, New York, NY 10011. Pursuant to Section 3-04 of the Procurement Policy Board Rules.
- **CLINICAL CONSULTATION SERVICES** - Negotiated Acquisition - Other - PIN# 06807P0001CNVN005 - AMT: \$300,000.00 - TO: New York Foundling Hospital, 590 Avenue of the Americas, New York, NY 10011. Pursuant to Section 3-04 of the Procurement Policy Board Rules.

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### BUILDINGS

#### PROCUREMENT

##### INTENT TO AWARD

*Services (other than human services)*

**ADMINISTRATION OF 40 HOUR HMO COURSE** - Negotiated Acquisition - Other - PIN# 81013N0001001N003 - Due 7-5-16 at 3:00 P.M.

Due to regulations, it is imperative that this service continue with no interruption while the Department works to have a contract in place.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Buildings, 280 Broadway, 6th Floor, New York, NY 10007. Leesel Wong (212) 393-2242; Fax: (646) 500-6194; [lewong@buildings.nyc.gov](mailto:lewong@buildings.nyc.gov)

j20-24

### CITYWIDE ADMINISTRATIVE SERVICES

#### OFFICE OF CITYWIDE PROCUREMENT

##### SOLICITATION

*Goods*

**PAPER, INDEX #4** - Competitive Sealed Bids - PIN#8571600380 - Due 7-26-16 at 10:30 A.M.

A copy of the bid can be downloaded from City Record Online at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord). Enrollment is free. Vendor may also request the bid by contacting Vendor Relations via email at [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov), by telephone at (212) 386-0044.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Citywide Administrative Services, 1 Centre Street, 18th Floor North, New York, NY 10007. Rafael Soto (212) 386-0459; Fax: (212) 313-3495; [rsoto@dcas.nyc.gov](mailto:rsoto@dcas.nyc.gov)

◀ j22

##### AWARD

*Goods*

**SPRAYERS** - Competitive Sealed Bids - PIN#8571500654 - AMT: \$77,756.60 - TO: Janeice Products Company Inc., 1084 Williston Road, Suite B, Aiken, SC 29803.

◀ j22

**GSA CONTRACT FOR GENERAL IT EQUIPMENT SOFTWARE-DEP** - Other - PIN#8571600402 - AMT: \$116,146.00 - TO: Gencore Candeo LTD, 5800 Eagles Nest Boulevard, Tyler, TX 75703.

GSA # GS-35F-0475Y  
Suppliers wishing to be considered for a contract with the General Services Administration of the Federal Government are advised to contact the Small Business Utilization Center, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 18-130, New York, NY 10278 or by phone: (212) 264-1234.

● **NYS COMPREHENSIVE TELECOMM. EQUIP. AND SOLUTIONS (STATEWIDE) CISCO VOIP PHONE SVCE.-DEP** - Other - PIN#8571600413 - AMT: \$315,534.42 - TO: Presidio Networked Solutions Group LLC, 110 Parkway Drive South, Hauppauge, NY 11788. NYS OGS PT #64292

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: (518) 474-6717.

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### EDUCATION

#### CONTRACTS AND PURCHASING

##### SOLICITATION

*Goods and Services*

**PROFESSIONAL DEVELOPMENT IN ACADEMIC INTERVENTION SERVICES** - Request for Proposals - PIN#R1149040 - Due 7-27-16 at 1:00 P.M.

The NYCDOE on behalf of the Office of Curriculum, Instruction and Professional Learning, seeks proposals from organizations experienced in providing high quality professional development in Academic Intervention Services (AIS) to schools within the New York City public school system. The goal of this MTAC is facilitate schools' collaborations with organizations capable of delivering high quality professional development in AIS in the areas of literacy, mathematics, science, social studies and behavior to develop targeted intervention strategies to help struggling students performing below grade level expectations.

THIS SOLICITATION IS OPEN INDEFINITELY. HOWEVER, TO ENSURE THAT SERVICE IS AVAILABLE FOR 2017 SCHOOL YEAR, PROPOSALS MUST BE RECEIVED NO LATER THAN: July 27, 2016 at 1:00 P.M. (Eastern Standard Time).

Pre-Proposal Conference: July 11, 2016 from 11:00 A.M. to 12:00 P.M., at St. Francis College, Founders Hall Auditorium, 180 Remsen Street, Brooklyn Heights, NY 11201.

Please note that ALL proposals are due at 65 Court Street, Room 1201, Brooklyn, NY 11201, Attention: Bid Unit/Vendor Resources.

To download, go to <http://schools.nyc.gov/Offices/DCP/Vendor/Default>.



htm. Scroll until you see "Open MTAC Procurements". If you cannot download, send an email to vendorhotline@schools.nyc.gov. Include your company's name, address, phone and fax numbers, email address, Tax ID Number, MTAC Number and Title.

Questions regarding this solicitation should be addressed to ISPSupport@schools.nyc.gov no later than July 12th, 2016. Subsequent amendments and answers will be posted to http://schools.nyc.gov/Offices/dcp. Review this site periodically for important updates.

The New York City Department of Education (DOE) strives to give all businesses, including Minority- and Women-Owned Business Enterprises (MWBES), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including MWBES, from all segments of the community. The DOE works to enhance the ability of MWBES to compete for contracts. DOE is committed to ensuring that MWBES fully participate in the procurement process.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Education, 65 Court Street, 12th Floor, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; vendorhotline@schools.nyc.gov

◀ j22

**ENVIRONMENTAL PROTECTION**

**WASTEWATER TREATMENT**

■ AWARD

*Services (other than human services)*

**SERVICE AND INSPECTION OF BACKFLOW PREVENTERS AT VARIOUS WASTEWATER TREATMENT PLANTS AND DEP FACILITIES** - Competitive Sealed Bids - PIN#82616B0012001 - AMT: \$1,698,970.00 - TO: Delphi Plumbing and Heating Inc., 242 43rd Street, Brooklyn, NY 11232. 1368-RPZ

● **TRANSPORTATION AND DISPOSAL SERVICES- GROUP # 1 - WARDS ISLAND AND OAKWOOD BEACH** - Competitive Sealed Bids - PIN#82616B0011001 - AMT: \$47,503,580.00 - TO: Tully Environmental Inc., 127-50 Northern Boulevard, Flushing, NY 11368. 1436-BIO-1

● **TRANSPORTATION AND DISPOSAL SERVICES - GROUP 3 - 26TH WARD AND RED HOOK** - Competitive Sealed Bids - PIN#82616B0011003 - AMT: \$36,946,685.00 - TO: Tully Environmental Inc., 127-50 Northern Boulevard, Flushing, NY 11368. 1436-BIO-3

◀ j22

**HEALTH AND MENTAL HYGIENE**

■ AWARD

*Human Services/Client Services*

**MENTAL HEALTH HOUSING SERVICES** - Request for Proposals - PIN#08PO076331R2X00 - AMT: \$530,499.00 - TO: Cecil Housing Development Fund, 243 West 30th Street-2nd Floor, New York, NY 10001.

● **MENTAL HEALTH SERVICES** - Required Method (including Preferred Source) - PIN#11AZ021501R2X00 - AMT: \$620,496.00 - TO: Fountain House, Inc., 425 West 47th Street, New York, NY 10036.

● **MENTAL HEALTH SERVICES** - Required Method (including Preferred Source) - PIN#14SA006401R1X00 - AMT: \$4,475,154.00 - TO: Greenwich House, Inc., 122 West 27th Street- 6th Floor, New York, NY 10001.

● **MENTAL HEALTH SERVICES** - Required Method (including Preferred Source) - PIN#14AZ003701R1X00 - AMT: \$8,387,637.00 - TO: Project Renewal Inc., 200 Varick Street, New York, NY 10014.

● **NY NY 111 SUPPORTED HOUSING** - Required Method (including Preferred Source) - PIN#17AZ004001R0X00 - AMT: \$3,261,489.00 - TO: Project Renewal, Inc., 200 Varick Street, New York, NY 10014.

● **PCIP CANCER INITIATIVE** - BP/City Council Discretionary - PIN#16CI021201R0X00 - AMT: \$163,125.00 - TO: Ralph Lauren Center for Cancer Care and Prevention, 1919 Madison Avenue, New York, NY 10035.

● **HOPWA RENTAL ASSISTANCE** - Request for Proposals - PIN#13AE000501R1X00 - AMT: \$7,400,000.00 - TO: Hispanic Aids Forum, Inc., 184 Fifth Avenue, New York, NY 10010.

● **HOPWA PERMANENT SUPPORTIVE HOUSING POPULATION "A" # 1S** - Request for Proposals - PIN#13AE000325R1X00 - AMT: \$1,350,000.00 - TO: Institute for Community Living, Inc., 125 Broad Street, New York, NY 10004.

● **MENTAL HYGIENE SERVICES** - Required Method (including Preferred Source) - PIN#11AZ006101R2X00 - AMT: \$2,458,737.00 - TO: Institute for Community Living, Inc., 125 Broad Street, New York, NY 10004.

● **MENTAL HYGIENE SERVICES** - Required Method (including Preferred Source) - PIN#08PO076325R2X00 - AMT: \$2,143,200.00 - TO: Lantern Community Services, Inc., 494 8th Avenue, New York, NY 10001.

● **MENTAL HYGIENE SERVICES** - Required Method (including Preferred Source) - PIN#14AZ003501R1X00 - AMT: \$4,804,434.00 - TO: MFY Legal Services, Inc., 299 Broadway, New York, NY 10007.

● **HOPWA PERMANENT SUPPORTIVE HOUSING POPULATION "A"** - Request for Proposals - PIN#13AE000319R1X00 - AMT: \$1,350,000.00 - TO: Project Hospitality Inc., 100 Park Avenue, Staten Island, NY 10301.

● **MENTAL HYGIENE SERVICES** - Required Method (including Preferred Source) - PIN#13MR003201R2X00 - AMT: \$112,077.00 - TO: Staten Island Aid for Retarded Children, Inc., 3450 Victory Boulevard, Staten Island, NY 10314.

● **MENTAL HYGIENE SERVICES** - BP/City Council Discretionary - PIN#16MR039201R0X00 - AMT: \$322,000.00 - TO: Staten Island Mental Health Society, Inc., 669 Castleton Avenue, Staten Island, NY 10301.

● **MENTAL HYGIENE SERVICES** - Required Method (including Preferred Source) - PIN#14AZ003201R1X00 - AMT: \$838,890.00 - TO: The Child Center of NY, 60-02 Queens Boulevard, Woodside, NY 11377.

◀ j22

*Services (other than human services)*

**PROVIDE CARE FOR MISTREATED OR NEGLECTED**

**ANIMALS** - BP/City Council Discretionary - PIN#16AA031001R0X00 - AMT: \$117,000.00 - TO: Animal Care and Control of New York City, Inc., 11 Park Place-Suite 805, New York, NY 10007.

◀ j22

**HOUSING PRESERVATION AND DEVELOPMENT**

**MAINTENANCE**

■ AWARD

*Construction/Construction Services*

**INSTALLATION AND REPAIR OF GAS FIRED HEATING PLANTS BID#8315** - Competitive Sealed Bids/Pre-Qualified List - Other - PIN#80613B0024001R001 - AMT: \$650,000.00 - TO: Apex Mechanical Corp., 2800 Webster Avenue, Bronx, NY 10458.

Installation and Repair of Gas-Fired Heating Plants and Water Heaters.

◀ j22

**OFFICE OF MANAGEMENT AND BUDGET**

■ SOLICITATION

*Services (other than human services)*

**ASSET MANAGEMENT** - Request for Proposals - PIN#00216P0006 - Due 7-29-16 at 2:00 P.M.

EPIN # 00216P0006

The New York City Office of Management and Budget ("OMB") is seeking proposals from appropriately qualified architectural/engineering firms in response to a Request for Proposals ("RFP") to provide Asset Management services.

The RFP specifications require a licensed professional architect/engineering firm with technical expertise in asset management for a wide range of asset types located in New York City. Joint venture proposals are acceptable but prior inter-firm collaboration must be demonstrated. Assignment of projects by OMB, during the proposed contract term, will be on an as needed basis.

Questions concerning this RFP must be submitted to contracts@omb.nyc.gov by 12:00 P.M. on July 8, 2016.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Office of Management and Budget, 255 Greenwich Street, New York, NY 10007. Michelle Rolon (212) 788-5821; contracts@omb.nyc.gov

◀ j22-27

**PARKS AND RECREATION**

■ **VENDOR LIST**

*Construction/Construction Services*

**PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION - NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS**

DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)\*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE\*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

\*Firms that are in the process of becoming a New York City-certified M/WBE may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has began the Certification process.

Application documents may also be obtained on-line at: <http://a856-internet.nyc.gov/nycvendoronline/home.asap>; or <http://www.nycgovparks.org/opportunities/business>

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*

*Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6781; [dmwbe.capital@parks.nyc.gov](mailto:dmwbe.capital@parks.nyc.gov)*

**j4-d30**

**CONTRACTS**

■ **SOLICITATION**

*Construction/Construction Services*

**CONSTRUCTION OF A COMFORT STATION AT GREEN CENTRAL KNOLL PARK - Competitive Sealed Bids - PIN# 84616B0180 - Due 7-14-16 at 10:30 A.M.**

Located at Evergreen Avenue, Central Avenue and Noll Street. Contract # B395-115MA.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

Bidders are hereby advised that this contract is subject to the Project Labor Agreement ("PLA") Covering Specified Renovation and Rehabilitation of City Owned Buildings and Structures entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated local unions. Please refer to the bid documents for further information.

To request the Plan Holder's List, please call the Blue Print Room at (718) 760-6576.

The Cost Estimate Range is under \$2,100,000.00 for this project. There is a Pre-Bid Meeting scheduled for Thursday, June 30th, 2016 at 11:30 A.M. at the Olmsted Center Annex Bidroom.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of New York, Parks and Recreation. A separate check/money order is required for each project. The company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*

*Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6855; [juan.alban@parks.nyc.gov](mailto:juan.alban@parks.nyc.gov)*

**j22**

**REVENUE**

■ **SOLICITATION**

*Services (other than human services)*

**OPERATION OF A MARINA - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# B166-D-M - Due 7-21-16 at 3:00 P.M.**

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a significant Request for Proposals ("RFP") for the operation, renovation, and maintenance of a full-service marina in Mill Basin, Brooklyn.

There will be a recommended site visit on June 29, 2016, at 12:00 P.M. We will be meeting at the corner of Avenue Y and East 69th Street in Brooklyn. If you are considering responding to this RFP, please make every effort to attend this recommended site visit.

Hard copies of the RFP can be obtained, at no cost, commencing on June 9, 2016 through July 21, 2016, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download, commencing on June 9, 2016 through July 21, 2016, on Parks' website. To download the RFP, visit [www.nyc.gov/parks/businessopportunities](http://www.nyc.gov/parks/businessopportunities), click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFP's description.

For more information or to request to receive a copy of the RFP by mail, prospective proposers may contact Eitan Adler, Senior Project Manager, at (212) 360-3454 or at [eitan.adler@parks.nyc.gov](mailto:eitan.adler@parks.nyc.gov).

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) (212) 504-4115

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*

*Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Eitan Adler (212) 360-3454; Fax: (917) 849-6642; [eitan.adler@parks.nyc.gov](mailto:eitan.adler@parks.nyc.gov)*

**j10-23**

**CONTRACT AWARD HEARINGS**

**NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, PUBLIC HEARINGS UNIT, 253 BROADWAY, 9TH FLOOR, NEW YORK, N.Y. 10007, (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICES.**

## YOUTH AND COMMUNITY DEVELOPMENT

### ■ PUBLIC HEARINGS

**SHORT NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Tuesday, June 28th, 2016, Conference Room 1421, at the office of the Department of Youth and Community Development, 2 Lafayette Street, New York, NY 10007, commencing at 10:00 A.M.

**IN THE MATTER OF** the one (1) proposed contract between the Department of Youth and Community Development and the Contractor listed below, aim to support young people ages 16 to 24 years gain the support, educational credentials and skills needed to succeed in today's economy. This Out-Of-School Youth (OSY) program promotes integrated and holistic models that will strengthen New York City's (City) workforce development system. Similarly, these programs aim to support career advancement and income mobility by helping jobseekers and incumbent workers address educational needs and develop high-demand skills. The term of the contract shall be from 7/1/16 to 6/30/20 with an option to renew for up to two additional years. The contractors' service area, contract number and PIN number are indicated below

**PIN:** 260170090531

**Service Option:** Career Development

**Name:** Northern Manhattan Improvement Corporation

**Amount:** 1,821,540

**Address:** 45 Wadsworth Avenue, New York, NY 10033

The proposed contractors were selected pursuant to Section 3-16 of the Procurement Policy Board Rules.

Drafts of the contract may be inspected at the Department of Youth and Community Development, Office of the Agency Chief Contracting Officer, 2 Lafayette Street, 14th Floor, New York, NY 10007, on business days between the hours of 9:00 A.M. and 5:00 P.M., from June 22nd, 2016 to June 28th, 2016, excluding weekends and holidays.

◀ j22

## AGENCY RULES

## BOARD OF CORRECTION

### ■ NOTICE

#### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

##### What are we proposing?

The Board of Correction (the "Board") is proposing rules designed to detect, prevent and respond to sexual abuse and sexual harassment of persons incarcerated in jails and other facilities operated by the Department of Correction.

##### When and where is the hearing?

The Board of Correction will hold a public hearing on the proposed rules. The public hearing will take place at 1:00 P.M. on July 26, 2016. The hearing will be held at 125 Worth Street, Second Floor Auditorium, New York, NY 10013.

##### How do I comment on the proposed rules?

Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Board of Correction through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to the Board of Correction at [BOC@BOC.nyc.gov](mailto:BOC@BOC.nyc.gov).
- **Mail.** You can mail comments to the Board of Correction, Attention: Bennett Stein, 1 Centre Street, Room 2213, New York, NY 10007.

- **Fax.** You can fax comments to the Board of Correction at (212) 669-7980.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 669-7900. You can also sign up in the hearing room before the session begins at 1:00 P.M., on July 26, 2016.

**Is there a deadline to submit comments?** Yes, you must submit comments by the close of business on July 26, 2016.

**Do you need assistance to participate in the hearing?** Please tell the Board of Correction if you need a reasonable accommodation of a disability at the Hearing. Please tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 669-7900. Please tell us by the close of business on July 19, 2016.

**Can I review the comments made on the proposed rules?** One week after the hearing, a transcript of the hearing and copies of the written comments will be available to the public on the Board of Correction's website.

**What authorizes the Board of Correction to propose these rules?** Sections 626 and 1043 of the New York City Charter authorize the Board of Correction to propose these rules. The proposed rules were not included in the Board's regulatory agenda for this Fiscal Year because they were not contemplated when the Board of Correction published the agenda.

**Where can I find the Board's rules?** The Board's rules are in Title 40 of the Rules of the City of New York.

**What requirements govern the rulemaking process?** The Board of Correction must meet the requirements of Section 1043 of the New York City Charter when promulgating or amending rules. This notice is made according to the requirements of Section 1043(b) of the New York City Charter.

#### Statement of Basis and Purpose of Proposed Rules

Under § 626(e) of the New York City Charter, the Board of Correction ("Board") is authorized to establish minimum standards "for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of" the New York City Department of Correction ("Department"). Pursuant to this authority, the Board proposes to create a new chapter of its rules containing Minimum Standards that are designed to detect, prevent and respond to sexual abuse and sexual harassment of persons incarcerated in jails and other facilities operated by the Department.

In April 2015, the New York City Public Advocate Letitia James petitioned the Board to adopt rules consistent with national standards that the Department of Justice ("DOJ") had promulgated pursuant to the Prison Rape Elimination Act of 2003 ("PREA"), 42 U.S.C. 15601, *et seq.*, in response to the epidemic of sexual violence in the nation's prisons and jails.<sup>1</sup> The Board accepted the petition at its June 9, 2015 meeting, and after several months of fact-finding by the Board's *ad hoc* PREA Committee, developed proposed rules which incorporate in whole or in part many elements of the national standards ("PREA Standards").

In recognition of the unique characteristics of individual correctional agencies, facilities and inmate populations nationwide, the PREA Standards afford discretion and flexibility to agencies in combating sexual violence. Consistent with this approach, the proposed rules require action that is specifically tailored to detecting, preventing and responding to sexual abuse and sexual harassment in the New York City jails, including specific provisions proposed by the Public Advocate and other stakeholders. Additionally, the proposed rules do not incorporate certain sections of the PREA Standards which we concluded were not applicable to the Department or, in several instances noted below, not appropriate to apply to the Department.

The proposed rules also contain provisions that will enable the Board to assess the Department's compliance with them. These provisions require, for example, that the Department provide the Board with written directives or policies effectuating certain elements of the rules, periodic progress reports — particularly with respect to provisions that require an extended period of time to implement — and semiannual reporting of aggregate data that will allow the Board to track sexual abuse/sexual harassment allegations and outcomes.

The proposed rules are embodied in a new chapter of the Board's Minimum Standards, which is divided into subchapters that correspond to the subject matter categories in which the PREA Standards are grouped. Additionally, each rule that is modeled on a PREA Standard is denoted by the name of the PREA Standard section heading on which it is based.

<sup>1</sup> The standards are codified in 28 C.F.R. Part 115 and are available here: <http://www.prearesourcecenter.org/sites/default/files/content/prisonsandjailsfinalstandards.pdf>.

Following is a descriptive summary of the proposed rules.<sup>2</sup>

## **The Proposed Rules**

### **Subchapter A: Definitions §§ 5-01 and 5-02**

Proposed rule § 5-01("General Definitions") sets forth definitions of terms used throughout Chapter 5 and is derived in part from PREA Standard § 115.5.

Proposed rule § 5-02 ("Definitions related to sexual abuse") adopts the definitions of "sexual abuse" and "sexual harassment" in PREA Standard § 115.6.

### **Subchapter B: Prevention Planning §§ 5-03 – 5-09**

Prevention planning is key to eliminating or reducing sexual violence in correctional settings. Subchapter B of the proposed rules, which incorporates PREA Standards § 115.11 and §§ 115.13 - 115.18, mandate implementation of the prevention measures described below.

#### Zero Tolerance Policy; Appointment of PREA Coordinator (§ 5-03)

Proposed rule § 5-03 requires the Department to have a written policy mandating "zero tolerance toward all forms of sexual abuse and sexual harassment," and requires the Department to designate a PREA coordinator and each facility to designate a PREA compliance manager with sufficient time and authority to coordinate compliance efforts. This proposed rule incorporates PREA Standard § 115.11.

#### Staffing Plans (§ 5-04(a)-(f))

Proposed rule § 5-04 requires, among other things, each Department facility to develop and document a staffing plan, taking into account a set of specified factors, that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. The proposed rule also requires all facilities to annually assess, determine, and document whether adjustments are needed to the staffing levels or deployment of monitoring technologies.

Section 5-04 incorporates PREA Standard § 115.13, but also adds reporting requirements so that the Board can track the Department's progress in the development and implementation of facility staffing plans, including any deviations or adjustments thereto (§ 5-04(c), (d) and (f)).

Proposed rule § 5-04 requires that the Department ensure that each of its facilities develops, documents and makes its best efforts to comply with a staffing plan by January 3, 2018. During the period of time leading up to this implementation date, § 5-04(c) requires the Department to provide semiannually written reports to the Board of its progress toward ensuring system-wide implementation of this rule. See also uncodified rule § 3 ("Implementation Dates").

#### Video Surveillance (§ 5-04 (g), (h), (i) and (k))

Proposed rule § 5-04(g), (h), (i) and (k) address the vital importance of video camera surveillance in preventing sexual abuse in the jails and requires the Department to address the potential need for additional camera installation after the *Nunez* Agreement ends.<sup>3</sup> Section 5-04(g) provides that after termination of the Agreement, the Department must provide the Board with the Department's surveillance camera installation protocol, which must be designed to ensure that, to the extent necessary and feasible, additional surveillance cameras will be installed. For assessment purposes, the Department must also provide annually a written report to the Board of actions taken pursuant to this protocol.

Section 5-04(h) requires, after the *Nunez* Agreement terminates, the Department to provide the Board with its surveillance camera maintenance protocol, which must be designed to ensure that all surveillance cameras are maintained to function properly and, if repairs are required, they are timely made. The Department must provide semiannually a written report to the Board of action taken pursuant to this protocol.

To ensure that video footage of sexual abuse incidents is preserved for investigative and prosecutorial purposes, § 5-04(i) provides that when the Department is notified of a sexual abuse incident within 90 days

<sup>2</sup> Unless otherwise noted, all of the PREA Standards referenced in this Statement are incorporated in the proposed rules essentially in full, except for non-substantive revisions (e.g., substitution of "Department" for "agency"), or excision of provisions that the Board considered inapplicable to the Department or inappropriate for these Rules.

<sup>3</sup> The *Nunez* Agreement refers to the Consent Judgment in *Nunez v. City of New York*, 11 Civ. 05845 (SDNY), a class action brought by current and future inmates, confined in Department facilities. The lawsuit, in which the DOJ intervened, alleged that the Department had engaged in a pattern and practice of using unnecessary and excessive force against the plaintiff class. The *Nunez* Agreement includes provisions for surveillance camera installation, maintenance and video preservation.

of the incident, video capturing the incident will be preserved until the later of two specified time periods.

#### Monitoring Rounds (§ 5-04 (j) and (k))

Proposed rule § 5-04(j) and (k) require that supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. It incorporates PREA Standard § 115.13(d), with the following additions:

- Monitoring rounds must be conducted at "unpredictable and varied times" (§ 504(j));
- The Department must issue a written directive to staff regarding these rounds and provide this directive to the Board (§ 5-04(j)); and
- The Department must have a written policy requiring it to consider whether it is feasible to place a surveillance camera in an area where sexual abuse is repeatedly alleged to have occurred or to consider alternative preventive measures, such as increased monitoring rounds or the assignment of additional Department staff in that area (§ 5-04(k)).

#### Youthful Inmates (§ 5-05)

Proposed rule § 5-05, which incorporates PREA Standard § 115.14, prohibits placement of adolescent inmates (under the age of 18) with adult inmates (ages 18 or older) in housing units in which the adolescents would have "sight, sound or physical contact" with adult inmates through use of a shared dayroom or other common space, shower area or sleeping quarters (§5-05(a)).

Section 5-05 also requires "sight and sound separation" between adolescents and adults in areas outside of housing units unless there is "direct staff supervision"<sup>4</sup> when adolescents and adults have sight, sound or physical contact (§ 5-05(b)).<sup>5</sup>

#### Limits to cross-gender viewing and searches (§ 5-06)

Proposed rule § 5-06 incorporates PREA Standard § 115.15, with one addition. Section 5-06(a) and (b) generally prohibit cross-gender strip searches (and pat-down searches of female inmates by male officers), except in exigent circumstances. Subdivision (d) of the proposed rule requires implementation of policies and procedures to protect inmates from being viewed by correctional staff of the opposite gender when showering, performing bodily functions or changing clothing.

Subdivision (e) prohibits the Department from searching or physically examining a transgender or intersex inmate solely to determine the inmate's genital status, while subdivision (f) requires the Department to train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible consistent with security needs.

In recognition of the fact that transgender individuals are among those with the highest rates of sexual victimization while incarcerated,<sup>6</sup> the Board added a provision to § 5-06(f) requiring the Department, when conducting searches of transgender and intersex inmates, to "make its best efforts to treat transgender and intersex inmates in accordance with their gender identity" unless exigent circumstances require otherwise.

Finally, the Board added a requirement that the Department issue a directive to staff incorporating the provisions of § 5-06 and provide this directive to the Board (§ 5-06(g)).

#### Inmates with Disabilities and Inmates Who Are Limited English Proficient (§ 5-07)

Proposed Rule § 5-07, which incorporates PREA Standard § 115.16, requires the Department to take appropriate steps to ensure that inmates with disabilities or other limitations or who are limited English proficient have an equal opportunity to participate in or benefit from all of the Department's efforts to prevent, detect and respond to sexual abuse and sexual harassment.

#### Hiring and Promotion Decisions (§ 5-08)

<sup>4</sup> Section 5-01 defines direct staff supervision as when correction staff "is in the same room with, and within reasonable hearing distance of, the inmate."

<sup>5</sup> Proposed rule § 4-05 does not incorporate PREA Standard § 115.14(c), which states that agencies shall make best efforts to avoid placing adolescent inmates in isolation to comply with this provision, shall not deny them large-muscle exercise and any legally required special education services to comply with this provision, and shall provide them with access to other programs and work opportunities to the extent possible. This is because the Department places all adolescent inmates together in a separate housing unit where they are not comingled with adults.

<sup>6</sup> Research on sexual abuse in correctional facilities consistently documents the vulnerability of transgender individuals. *National Prison Rape Elimination Commission Report*, p. 12 (2009) ("NPREC Report"), <https://www.ncjrs.gov/pdffiles1/226680.pdf>.

Proposed rule § 5-08 incorporates PREA Standard § 115.17 for the Department and for CHA where legally permissible. This section:

- Prohibits the Department from hiring or promoting anyone who may have contact with inmates who has engaged in sexual abuse in an institutional setting, has been convicted of engaging in sexual activity in the community facilitated by force, the threat of force, or coercion, or who has been civilly or administratively adjudicated to have engaged in such activity (§ 5-08(a); compare PREA Standard § 115.17(a)(1)-(3)).
- Requires the Department to consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates (§ 5-08(b); compare PREA Standard § 115.17(b)).
- Requires the Department to either conduct criminal background records checks at least every five years of current employees, contractors and volunteers who may have contact with inmates or have in place a system for otherwise capturing such information for current employees (§ 5-08(d) and (e); compare PREA Standard § 115.17(d) and (e)). Section 5-08(e) also makes the CHA<sup>7</sup> subject to this requirement.
- Requirement that the Department and, unless prohibited by law, the CHA must provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work (§ 5-08(i); compare PREA Standard § 115.17(c)(2)).

#### Upgrades to Facilities and Technologies (§ 5-09)

Proposed rule § 5-09, which incorporates PREA Standard § 115.18, requires the Department to take into account the effect of the changes on efforts to combat sexual abuse when designing or expanding facilities and when installing or updating video monitoring systems or other monitoring technology.

#### Subchapter C: Responsive Planning §§ 5-10 and 5-11

Subchapter C includes proposed rules designed to ensure that physical evidence of sexual abuse is immediately preserved and collected and that victims are afforded rape crisis counseling.

#### Evidence Protocol and Forensic Medical Examinations (§ 5-10)

Proposed rule § 5-10(a)-(c), which incorporates PREA Standard § 115.21(a)-(c), requires, among other things, the Department to:

- Follow a uniform evidence protocol that “maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions” (§ 5-10(a)); and
- Offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible (§ 5-10(c)).

In crafting the final version of PREA Standard § 115.21, DOJ recognized the unique role of rape crisis center advocates in supporting victims throughout the forensic medical examination and investigatory interviews, especially given that inmate victims may be reluctant to confide in correctional agency staff due to real or perceived bias and fear of retaliation.<sup>8</sup> For this reason, § 115.21(d) requires correctional agencies to attempt to make available to victims a victim advocate from a rape crisis center.

The consensus among the Public Advocate and other stakeholders with whom the PREA Committee discussed this issue is that the delivery of rape crisis intervention and counseling services to inmates in the facilities in which they are housed is the most effective way of ensuring that victims of sexual abuse obtain the emotional support they need to proceed with forensic examinations and investigatory interviews that are key to successful criminal or administrative prosecutions. These services are also essential in helping inmates overcome the trauma of having been sexually abused.

To meet these goals, proposed rule § 5-10 requires, among other things:

- The delivery of rape crisis intervention and counseling services to inmates in the facilities in which they are housed (the “Initiative”). Such services must be delivered by victim advocates who are appropriately qualified and who are independent of the Department’s security command and

<sup>7</sup> Proposed rule §5-01 defines “CHA” as “the Correctional Health Authority designated by New York City as the agency responsible for health and mental health services for inmates in the care and custody of the Department, including CHA contractor staff or volunteers.”

<sup>8</sup> U.S. Dep’t of Justice, *Final PREA Rule* (“Final PREA Rule”), p. 71, [http://ojp.gov/programs/pdfs/prea\\_final\\_rule.pdf](http://ojp.gov/programs/pdfs/prea_final_rule.pdf).

security staff. Subject to the requirements of § 5-21(d), victim advocates shall assure inmates who request these services that all communications will be kept confidential (§ 5-10(e)).

- As requested by the victim, a victim advocate to accompany and support the victim through the forensic medical examination process and investigatory interviews, and to provide emotional support, crisis intervention, information and referrals (§ 5-10(d); compare to PREA Standard §115.21(e)).
- Prior to implementation of this Initiative, the Department must provide the Board with a written plan describing, among other things, the services to be provided; the credentials of the victim advocates, privacy and confidentiality of in-person, written and telephone communications between inmates and advocates; and communications to inmates about these services (§ 5-10(f)).
- Given that it will take a period of time to plan and implement this Initiative, the agency designated as responsible for its implementation and oversight must provide the Board with a quarterly report of its progress toward implementation (§ 5-10(g); uncodified rule §3 (“Implementation Dates”).
- After the Initiative is implemented, the designated agency shall provide annually to the Board a written report assessing the Initiative’s effectiveness, which shall include the number of inmates who received such services during the reporting year. (§ 5-10(h)).<sup>9</sup>

#### Policies to Ensure Referrals of Allegations for Investigations (§ 5-11)

Proposed rule § 5-11, which incorporates subdivisions (a), (b) and (c) of PREA Standard §115.22, requires, among other things, that the Department ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.<sup>10</sup>

#### Subchapter D: Training and Education §§ 5-12 – 5-16

The proposed rules in Subchapter D require training on key topics related to preventing, detecting and responding to sexual abuse (§ 5-12 on employee training; § 5-13 on volunteer and contractor training), and special training of investigators (§ 5-15) and medical and mental health care practitioners (§ 5-16). These proposed rules incorporate PREA Standards §§ 115.31, 115.32, 115.34 and 115.35.

Since system-wide employee training must be conducted on a schedule that ensures adequate Department and CHA staff coverage at all times, such training may need to be conducted over an extended period of time (see uncodified rule § 3 (“Implementation Dates”). In order to review progress toward this goal, § 5-12(e) requires the Department and CHA to give a quarterly written report to the Board of the number of their respective employees who have been trained in accordance with this rule.

Proposed rule § 5-14 (“Inmate education”), which incorporates PREA Standard § 115.33(a), requires the Department to explain its zero-tolerance policy to inmates during the intake process and to educate inmates on how to report incidents of sexual abuse and sexual harassment (§ 5-14(a)).<sup>11</sup>

Proposed rule § 5-14(b), which incorporates PREA Standard § 115.33(b), requires that, within 30 days of intake, the Department provide “comprehensive education” to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding Department policies and procedures for responding to such incidents.

#### Subchapter E: Screening for Risk of Victimization and Abusiveness §§ 5-17, 5-18, and 5-19

Proposed rules §§ 5-17 and 5-18, which incorporate PREA Standards §§ 115.41 and 115.42, require the Department to screen inmates for their risk of being sexually abused or sexually abusive (§ 5-17), and to use that

<sup>9</sup> Proposed rule § 5-10 does not incorporate PREA Standard § 115.21(g), which states that to the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this Standard.

<sup>10</sup> Proposed rule § 5-11 does not incorporate PREA Standard § 115.22(d) and (e), which provide that any State entity or Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prison or jails shall have in place a policy governing the conduct of such investigations.

<sup>11</sup> Proposed rule § 5-14 does not incorporate PREA Standard § 115.33(c) (which states that current inmates who have not received such education shall receive education upon transfer to a different facility to the extent the policies and procedures of the inmate’s new facility differ from those of the previous facilities) because all Department facilities will provide this education.

screening information to inform housing, bed, work, education and program assignments (§ 5-18). The goal is to keep inmates at high risk of victimization away from inmates at high risk of committing abuse. Proposed rule § 5-18 does not incorporate PREA Standards § 115.42(g), which places limits on the establishment of a dedicated transgender or similar housing unit, out of a concern that this provision might be read to limit the Department's ability to allow individuals to be housed voluntarily in a transgender or similar housing unit. This excision was recommended by advocates.

Proposed rule § 5-19(a)-(e) (protective custody), which incorporates PREA Standard § 115.43, prohibits the placement of inmates at risk of sexual victimization in segregated housing for that reason against their will, unless certain conditions are met. These conditions include placement in involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged; and that such assignment not ordinarily exceed 30 days.

Subdivision (f) of § 5-19 requires the Department to issue a written directive to staff incorporating the provisions of this proposed rule and provide this directive to the Board. To enable the Board to ascertain and assess the involuntary placement of at-risk inmates in segregated housing, subdivision (g) requires the Department to provide the Board with a quarterly report detailing the basis for such placements and why no alternative means of separation could be arranged, and the number of inmates who remain in involuntary segregated housing for more than 30 days.

### **Subchapter F: Reporting §§ 5-20, 5-21 and 5-22**

Sexual abuse in the nation's prisons and jails is significantly underreported.<sup>12</sup> The proposed rules in Subchapter F, which incorporate PREA Standards §§ 115.51, 115.53 and 115.54 (with certain additions), seek to expand the reporting of incidents of sexual abuse and sexual harassment.

#### Inmate Reporting (§ 5-20)

Proposed rule § 5-20 requires the Department to:

- Provide at least two internal methods for inmates to report sexual abuse, sexual harassment and retaliation (§ 5-20(a); see PREA Standard § 115.51(a)).
- Provide at least one way for inmates to report abuse to an entity that is not part of the Department and that allows inmates to remain anonymous upon request (§ 5-20(b); compare to PREA Standard § 115.51(b)).
- Requires the Department staff to accept reports made verbally, in writing, anonymously, and from third parties and to promptly document any verbal report (§ 5-20(c); compare PREA Standard § 115.51(c)).
- Include all the ways inmates can report such information on posters in all housing units, intake and program areas, clinics and mess halls, in the Inmate Handbook and Visitors Handbook; and on the Department's website (§ 5-20(d));
- Provide a method for staff to privately report sexual abuse and sexual harassment (§ 5-20(e); see PREA Standard § 115.51(d)); and issue a written directive to all staff explaining how staff can privately report such information and all the ways inmates can do so, and provide this directive to the Board (§ 5-20(f)).

#### Inmate Access to Outside Confidential Support Services (§ 5-21)

Proposed rule § 5-21, which incorporates PREA Standard § 115.53, requires the Department to provide inmates with access to outside victim advocacy organizations for confidential emotional support services related to sexual abuse as confidentially as possible.

#### Third Party Reporting (§ 5-22)

Proposed rule § 5-22, which incorporates PREA Standard § 115.54, requires that the Department establish a way to receive third-party reports of sexual abuse and that it distribute information on how to report sexual abuse on behalf of an inmate (§ 5-22(a); see PREA Standard § 115.54). Subdivision (b) of § 5-22 requires the Department to include in its Visitors Handbook and post on its website how third parties can report sexual abuse and sexual harassment on behalf of an inmate.

### **Subchapter G: Official Response Following an Inmate Report §§ 5-23 – 5-29**

<sup>12</sup> U.S. Dep't of Justice, *Prison Rape Elimination Act Regulatory Impact Assessment: United States Department of Justice Final Rule*, pp. 17-18 (May 17, 2012), [http://ojp.gov/programs/pdfs/prea\\_ria.pdf](http://ojp.gov/programs/pdfs/prea_ria.pdf) (concluding, based upon the Bureau of Justice Statistics' survey, *Sexual Victimization in Prisons and Jails Reported by Inmates*, 2008-09, that between 69% and 82% of inmates who reported sexual abuse in response to the survey stated that they had never reported an incident to correction staff).

The proposed rules in Subchapter G require the Department and CHA staff to respond quickly, effectively, and in a coordinated fashion to a report of sexual abuse to ensure that physical evidence is preserved and collected, the privacy of the victim is maintained, and victims are protected from the alleged abuser and from retaliation. Sections 5-23 through 5-29 incorporate PREA Standards §§ 115.61-115-65, 115.67 and 115.68 (with additions noted below).

#### Staff and Agency Reporting Duties (§ 5-23)

Proposed rule § 5-23 (modeled on PREA Standard § 115.61) requires, among other things, that the Department report immediately any "knowledge, suspicion or information" regarding an incident of sexual abuse or sexual harassment, retaliation against inmates or staff who report such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation (§ 5-23(a); compare to PREA Standard § 115.61(a)). The rule also requires that, unless otherwise precluded by Federal, State or local law, medical and mental health practitioners must report sexual abuse and must inform inmates of the practitioner's duty to report and the limitations of confidentiality (§ 5-23(c) and (d)).

#### Agency Protection Duties (§ 5-24)

Proposed rule § 5-24 incorporates PREA Standard § 115.62, requiring the Department to act immediately to protect an inmate whenever it learns that the inmate faces a substantial risk of imminent sexual abuse.

#### Reporting to Other Confinement Facilities (§ 5-25)

Proposed rule § 5-25 incorporates PREA Standard § 115.63, and requires that a facility that receives an allegation that one of its inmates was sexually abused while confined at another facility must so inform the other facility within 72 hours. The facility receiving such notification must investigate the incident.

#### Staff First Responder Duties (§ 5-26)

Proposed rule § 5-26, which incorporates PREA Standard § 115.64, sets forth first responder responsibilities, in recognition of the fact "that staff must be able to adequately counsel victims while maintaining security and control over the crime scene so that any physical evidence is preserved until the investigator arrives."<sup>13</sup>

Specifically, § 5-26(a) requires that the first security staff member to respond to the report separate the abuser and victim, preserve any crime scene, and request that the victim and ensure that the abuser not take any actions that could destroy physical evidence.

Section § 5-26(b) requires that where the first staff responder is not a security staff member, the responder must request that the victim not take any actions that could destroy physical evidence, and then must notify security staff.

#### Coordinated Response (§ 5-27)

Proposed rule § 5-27 incorporates PREA Standard § 115.65 and requires the Department to develop a written institutional plan to coordinate responses to an incident of sexual abuse among staff first responders, medical and mental health practitioners, DOI or ID investigators, and facility leadership.

#### Protection against Retaliation and Post-Allegation Protective Custody (§§ 5-28 and 5-29)

Retaliation for reporting incidents of sexual abuse and cooperating with sexual abuse investigations is a serious concern in correctional facilities.<sup>14</sup> Thus, proposed rules §§ 5-28 and 5-29, which incorporate PREA Standards §§ 115.67 and 115.68, require the Department to take certain preventive and remedial actions, including:

- Establishing a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with investigations of such incidents from retaliation by other inmates or staff and issuing a written directive to all staff embodying this policy (§ 5-28(a); see PREA Standard § 115.67(a)).
- Employing multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations (§ 5-28(b); see PREA Standard § 115.67(b)).
- For at least 90 days following a report of sexual abuse, monitoring the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and

<sup>13</sup> Final PREA Rule, p. 121.

<sup>14</sup> Final PREA Rule, p. 126.

acting promptly to remedy any such retaliation (§ 5-28(c); see PREA Standard § 115.67(c)).

Finally, proposed rule § 5-29, which incorporates PREA Standard § 115.68, requires that any use of segregated housing to protect a victim of sexual abuse be subject to rule § 5-19, discussed above.

#### **Subchapter H: Investigations §§ 5-30, 5-31 and 5-32**

The purpose of the proposed rules in Subchapter H is to ensure that all investigations of allegations of sexual abuse and sexual harassment are conducted “promptly, thoroughly and objectively” (§ 5-30(a)). In the words of the National Prison Rape Elimination Commission: “Unless investigations produce compelling evidence, corrections administrators cannot impose discipline, prosecutors will not indict, and juries will not convict abusers.”<sup>15</sup>

The focus of the PREA Committee’s key findings was the quality of the Department’s investigations of staff-on inmate sexual abuse and harassment. The Committee concluded that these investigations were significantly deficient in terms of timeliness, thoroughness and objectivity. This is borne out by the fact that over a three-year period (2013-2015), only five (5) out of 294 allegations of staff-on-inmate sexual abuse were substantiated. Thus, the proposed rules incorporate PREA Standards §§ 115.71, 115.72 and 115.73 which address this issue, and add certain provisions designed to address specific deficiencies identified by the Board in its evaluation of Department investigations of sexual abuse and sexual harassment.

#### **Criminal and Administrative Agency Investigations (§ 5-30)**

Proposed rules that incorporate PREA Standards on investigations include:

- The Department must investigate all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, and must do so “promptly, thoroughly and objectively” (§ 5-30(a); see PREA Standard § 115.71(a)).
- Where sexual abuse is alleged, the Department must use investigators who have received special training in sexual abuse investigations pursuant to rule § 5-15 (§ 4-30 (b); see PREA Standard § 115.71(b)).
- Investigators must gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; must interview alleged victims, suspected perpetrators, and witnesses; and must review prior complaints and reports of sexual abuse involving the suspected perpetrator (§ 5-30(c); see PREA Standard § 115.71(c)).
- The credibility of an alleged victim, suspect, or witness must be assessed on an individual basis and cannot be determined by the person’s status as an inmate or as staff. (§ 5-30(e); see PREA Standard § 115.71(e)).
- All investigations must include an effort to determine whether staff actions or failures to act contributed to the abuse; and must be documented in written reports that include a description of the physical, testimonial and documentary evidence, the reasoning behind credibility assessments, and investigative facts and findings (§ 5-30(f)(1) and (2); see PREA Standard § 115.71(f)(1) and (2)).
- Substantiated allegations of conduct that appears to be criminal must be referred for prosecution (§ 5-30(h); see PREA Standard § 115.71(h)).
- The departure of the alleged abuser or victim from the employment or control of the Department or CHA cannot provide a basis for terminating an investigation (§ 5-30(i); see PREA Standard § 115.71(j)).
- When outside agencies investigate sexual abuse, the Department must cooperate with outside investigators and endeavor to remain informed about the progress of the investigation (§ 5-30(k); see PREA Standard § 115.71(k)).

Proposed rules that are added by the Board to the PREA Standards include:

- The Department must use its best efforts to conduct an initial evaluation as to whether any involved staff member should be suspended, placed on modified duty, re-assigned to a no-inmate contact post or reassigned to a restricted inmate contact post pending investigation within three (3) business days after it receives a report of an alleged incident of sexual abuse or sexual harassment (“Referral Date”). If sexual abuse is alleged, the Department must conduct such an evaluation after consulting with DOI unless doing so would pose a threat to the safety and wellbeing of the victim (§ 5-30(l)).
- The Department must complete all investigations of sexual

abuse and sexual harassment allegations no later than 90 days from the Referral Date, absent extenuating circumstances outside the Department’s control (which must be documented) (§ 5-30(m)).

- Inmates subject to alleged sexual abuse or sexual harassment must be interviewed within 72 hours of the Referral Date, absent unusual circumstances (which must be documented) (§ 5-30(o)).
- All interviews of staff allegedly involved in the sexual abuse or sexual harassment incident must be completed within 30 days of immunity grants, absent unusual circumstances (which must be documented) (§ 5-30(p)).
- Requests for statements or interviews of inmates must be made off the living unit and cannot be made within sight or hearing of other inmates or of staff involved in the incident. Inmate interviews must be conducted in a private and confidential setting (§ 5-30(q)).
- At the conclusion of an investigation of alleged sexual abuse or sexual harassment, the Department must prepare a closing memorandum summarizing the findings of the investigation. The Department must also provide a copy of the closing memo to the Board (§ 5-30(r)).

The Department must issue a written directive to all ID staff that incorporates the provisions of §5-30 and provide this directive to the Board (§ 5-30(t)). Additional related procedural protections that the Department is including in that directive include:

- Efforts to obtain inmate statements must be documented in the investigation file, as must refusals to provide an inmate statement.
- Interviews of inmates must be recorded and a written summary of each interview must be prepared and included in the investigation file; and
- The Department will take reasonable steps to obtain relevant medical records in connection with allegations of sexual abuse in a timely manner.

#### **Evidentiary Standard for Administrative Investigations (§ 5-31)**

Proposed rule § 5-31, which incorporates PREA Standard § 115.72, provides that the Department will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

#### **Reporting to Inmates (§ 5-32)**

Proposed rule § 5-32, which incorporates PREA Standard § 115.73(a)-(e), requires, among other things, that:

- Upon completion of an investigation, the Department must inform the inmate whether the allegation was deemed substantiated, unsubstantiated or unfounded (§ 5-32(a); compare PREA Standard § 115.73(a)).
- If the Department did not conduct the investigation, it must request the relevant information from the investigating entity in order to inform the inmate (§ 5-32(b); compare PREA Standard § 115.73(b)).
- If an inmate alleges that a staff member committed sexual abuse against the inmate, the Department must inform the inmate (unless the Department has determined that the allegation is unfounded) whenever the staff member is (1) no longer posted in the inmate’s unit or facility, or (2) no longer employed at the facility; and (3) whenever the Department learns that the staff member has been indicted on a charge related to the reported conduct, or has been convicted on a charge related to sexual abuse within the facility (§ 5-32(c) (1)-(4); compare PREA Standard § 115.73(c)(1)-(4)).
- If an inmate alleges that another inmate committed sexual abuse against the inmate, the Department must inform the inmate whenever the Department learns that the abuser was indicted or convicted of a charge related to sexual abuse in the facility (§ 5-32(d); compare PREA Standard § 115.73(d)).

#### **Subchapter I: Discipline (§§ 5-33, 5-34 and 5-35)**

One of the primary goals of the PREA Standards, and of the proposed rules, is to ensure that abusers and perpetrators of sexual harassment are punished. This, in turn, will deter others from engaging in sexual abuse and sexual harassment, and encourage the reporting of such incidents. The proposed rules in Subchapter I set guidelines for imposing disciplinary sanctions on staff, contractors, volunteers and inmates who engage in sexual abuse or sexual harassment, and incorporate PREA Standards §§ 115.76, 115.77, and 115.78.

Proposed rule § 5-33(a) provides that Department and CHA staff must be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Moreover,

<sup>15</sup> NPREC Report, p. 12.

§5-33(b) states that termination must be the “presumptive disciplinary sanction” for Department and CHA staff who have engaged in sexual abuse.

Proposed rule § 5-34(a) provides that any contractor or volunteer who engages in sexual abuse must be prohibited from contact with inmates and must be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. Subdivision (b) requires the Department to take appropriate remedial measures, and consider whether to prohibit further contact with inmates, in the case of any other violation of sexual abuse or sexual harassment policies by a contractor or volunteer.

Proposed rule § 5-35 enumerates disciplinary sanctions for inmates who sexually abuse other inmates. The rule states, among other things, that (1) the Department’s disciplinary process must consider whether an inmate’s mental illness contributed to his or her behavior in determining what type of sanction, if any, should be imposed (subdivision(c)); (2) the Department may discipline an inmate for sexual misconduct with staff only upon a finding that the staff member did not consent to such contact (subdivision (e)); and (3) for the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation (subdivision (f))<sup>16</sup>.

#### **Subchapter J: Medical and Mental Care §§ 5-36, 5-37 and 5-38**

Proposed rule § 5-36 (“Medical and mental health screenings; history of sexual abuse”), which incorporates PREA Standard §115.81(c), (d) and (e), provides, among other things, that if the intake screening pursuant to rule § 5-18 indicates that an inmate has experienced prior sexual victimization (in an institutional setting or in the community), Department staff must ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.<sup>17</sup>

Proposed rule § 5-37 (“Access to emergency medical and mental health services”), which incorporates PREA Standard § 115.82, provides that inmate victims of sexual abuse (1) must be provided with timely and unimpeded access to free emergency medical treatment and crisis intervention services, and (2) must be offered timely information about and timely access to free emergency contraception and sexually transmitted infections prophylaxis where medically appropriate.

Proposed rule § 5-38 (“Ongoing medical and mental health care for sexual abuse victims”), which incorporates PREA Standard § 115.83(a)-(g), provides that victims of sexual abuse receive, without financial cost, medical and mental health evaluation and treatment, including follow-up services, treatment plans and referrals for continued care following their transfer to, or placement in other facilities, or their release from custody.

#### **Subchapter K: Data Collection and Review: Audits §§ 5-39, 5-40 and 5-41**

One of the PREA Committee’s key findings was that the Department lacks a comprehensive, coherent and transparent process for collecting data concerning allegations of sexual abuse. This significantly impedes efforts to adjust policies, practices and strategies designed to prevent, detect and respond to sexual violence based on meaningful data review and analysis. Moreover, in the absence of an effective data collection process, the Board is unable to track, assess and monitor the Department’s compliance with its proposed rules.

The proposed rules in subchapter K are designed to obtain incident-specific and aggregate data about sexual abuse and sexual harassment allegations and the outcomes of resulting investigations that will (1) identify possible patterns of sexual abuse and sexual harassment, and

<sup>16</sup> Proposed rule § 5-35 does not incorporate PREA Standard § 115.78(d), which states that if the Department offers therapy, counseling or other interventions designed to address and correct underlying reasons or motivations or abuse, the Department shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming other benefits. The Department does not provide such services to inmates.

<sup>17</sup> Proposed rule § 5-36 does not incorporate PREA Standard §§ 115.81(a) and (b), which states that if the screening pursuant to PREA Standard § 115.41 (“Screening for risk of victimization and abusiveness”) indicates that a “prison” inmate has experienced prior sexual victimization or has previously perpetrated sexual abuse, staff shall ensure that the inmate is offered a follow-up meeting with a medical/mental health practitioner within 14 days of the intake screening. Subdivision (a) of PREA Standard § 115.81 was omitted because it references “prison” inmates whereas subdivision (c) was included because it is identical to subdivision (a) but references “jail” inmates. Subdivision (b) was omitted because it provides for the provision of follow-up mental health services to a “prison” inmate abuser and, in any event, the Department does not provide such services to inmate abusers.

help prevent future misconduct; and (2) enable the Board to assess improvement in the quality of the Department’s investigation of sexual abuse and sexual harassment allegations.

Some of the rules incorporate certain provisions of PREA Standard §§ 115.86, 115.87, 115.88 and 115.89 regarding data collection and include additional provisions that are designed to make the data tracking and the Board’s review of such data more robust and informative.

#### **Sexual Abuse Incident Reviews (§ 5-39)**

Proposed rule § 5-39, which incorporates PREA Standard § 115.86, sets forth requirements for sexual abuse incident reviews at the conclusion of every sexual abuse investigation where the allegations have been deemed substantiated or unsubstantiated. Unlike the sexual abuse investigation, which is intended to determine whether the abuse occurred, the sexual abuse incident review is intended to evaluate whether the Department’s policies and procedures need to be changed in light of the alleged incident. The rule requires that specific factors be considered as part of this evaluation, such as whether (1) race, ethnicity, sexual orientation, gang affiliation, or group dynamics in the facility played a role, (2) physical barriers in the facility contributed to the incident, (3) staffing levels need to be changed, and (4) more video monitoring is required (§ 5-39(d)(1-5); compare PREA Standard § 115.86(d)(1)-(5)).

Section 5-39 further provides that such reviews must “ordinarily occur within 30 days of the conclusion of the investigation” (§ 5-39 (b)); the review team must prepare a report of its findings and submit the report to the facility head and PREA compliance manager (§ 5-39 (d)(6)); and the facility must implement the recommendations for improvement, or must document its reasons for not doing so (§ 5-39 (e)).

Finally, § 5-39(f) requires the Department to provide the Board with all sexual abuse incident reviews on a quarterly basis.

#### **Data Collection and Review (§ 5-40)**

Proposed rule § 5-40 requires the Department to, among other things, provide semiannually a written report to the Board setting forth aggregate data regarding allegations of sexual abuse, the outcome of sexual abuse investigations, and the outcome of criminal and administrative prosecutions of alleged abusers (§ 5-40(a), (b), (g), (h)). Section 5-40 differs significantly from PREA Standard § 115.87 (“Data collection”) in that the proposed rule specifies the aggregate data to be collected.

Subdivision (b) of the proposed rule specifies the aggregate data to be collected, including, for example:

- Whether the alleged abuse was staff-on-inmate or inmate-on-inmate ((b)(1) and (2)).
- The number of incidents deemed substantiated, unsubstantiated or unfounded (b)(3)).
- The date, time and location of the incident and the nature of the alleged sexual abuse ((b)(6)).
- Who reported the incident and how was it reported ((b)(7)).
- Whether the incident occurred in an area subject to video camera surveillance ((b)(8)).
- Whether the victim was administered or declined a rape kit ((b)(9)).
- Whether the Department’s investigation was completed within 90 days, 180 days, one year or more than one year ((b) (11)).
- Whether investigation of the allegation was assumed by DOI and, if so, the outcome ((b)(12) and (13)).
- Whether the allegation was referred to a DA’s Office and if so, the outcome ((b)(15)).
- Whether the allegation was referred for Department disciplinary action and, if so, the outcome ((b)(16)).

Subdivision (c) of the proposed rule requires the Department to review this data in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training, including by (1) identifying the problem areas, (2) taking corrective action, and (3) including in its semiannual report its findings and corrective action for each facility, as well as the Department as a whole.

Section 5-40(e) requires the Department to make its semiannual reports readily available to the public by posting them on the Department’s website.

#### **Audits (§ 5-41)**

Proposed rule § 5-41 requires the Department to provide the Board



with a copy of all audit reports, responses to audit reports, audit correction action plans, appeals of audit findings and decisions on appeal, which relate to audits of Department facilities or the Department as a whole pursuant to PREA Standards § 115.93 and §§115.401 through 115.405.

**Effective Date and Implementation Dates (Uncodified Rule §§ 2 and 3)**

Uncodified rule § 2 of the proposed rules states the date on which the rules in Chapter 5 will become effective (“Effective Date”).

Certain of the proposed rules, such as those requiring staff training, drafting of directives and policies, or preparation of reports, will not be implemented on the Effective Date. Uncodified rule § 2 provides specifies dates or time periods within which each of these rules must be implemented.

**Authority**

The Board of Correction’s authority for these rules is found in Sections 1043 and 626 of the New York City Charter.

**Proposed Rules**

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of the Board of Correction, unless otherwise specified or unless the context clearly indicates otherwise.

New material is underlined. [Deleted material is in brackets.]

Section 1. Title 40 of the Rules of the City of New York is amended by adding a new Chapter 5 to read as follows:

**Chapter 5: Elimination of Sexual Abuse and Sexual Harassment in Correctional Facilities**

**Subchapter A: Definitions**

**§ 5-01 General Definitions.**

As used in this chapter:

**Board** means the New York City Board of Correction.

**CHA** means the Correctional Health Authority designated by the City of New York as the agency responsible for health and mental health services for inmates in the care and custody of the Department, including CHA contractor staff or volunteers.

**CHA employee or staff** means an employee who works directly for the CHA.

**Contractor** means a person who provides services on a recurring basis pursuant to a contractual agreement with the Department or CHA.

**DA** means a District Attorney’s Office.

**Department** means the New York City Department of Correction.

**Department employee or staff** means an employee who works directly for the Department.

**Direct staff supervision** means that Department security staff are in the same room with, and within reasonable hearing distance of, the inmate.

**DOI** means the New York City Department of Investigation.

**Exigent circumstances** means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

**Facility** means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) used by the Department for the confinement of individuals.

**Gender nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectations.

**ID staff** means any employee or staff who works directly for the Department in the Department’s Investigation Division.

**Inmate** means any person incarcerated or detained in a facility.

**Intersex** means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

**Medical practitioner** means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” means such a professional who has also successfully completed specialized training for treating sexual abuse victims.

**Mental health practitioner** means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” means such a professional who has also successfully completed specialized training for treating sexual abuse victims.

**Nunez Agreement** means the Consent Judgment in *Nunez v. City of New York*, 11 Civ. 05845 (SDNY).

**Pat-down search** means a running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband.

**Security staff** means Department employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

**Strip search** means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.

**Transgender** means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.

**Substantiated allegation** means an allegation that was investigated and determined to have occurred.

**Unfounded allegation** means an allegation that was investigated and determined not to have occurred.

**Unsubstantiated allegation** means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Volunteer** means an individual who donates time and effort on a recurring basis to enhance the activities or programs of the Department or CHA.

**§ 5-02 Definitions Related to Sexual Abuse.**

For purposes of this chapter, the term—

(a) **Sexual abuse includes:**

- (1) **Sexual abuse of an inmate by another inmate; and**
- (2) **Sexual abuse of an inmate by a staff member, contractor, or volunteer.**

(b) **Sexual abuse of an inmate by another inmate includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:**

- (1) **Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;**
- (2) **Contact between the mouth and the penis, vulva, or anus;**
- (3) **Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and**
- (4) **Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.**

(c) **Sexual abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate:**

- (1) **Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;**
- (2) **Contact between the mouth and the penis, vulva, or anus;**
- (3) **Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;**
- (4) **Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;**
- (5) **Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or**

volunteer has the intent to abuse, arouse, or gratify sexual desire;

- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
  - (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, and
  - (8) Voyeurism by a staff member, contractor, or volunteer.
- (d) Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
- (e) Sexual harassment includes—
- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another; and
  - (2) Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

### **Subchapter B: Prevention Planning**

#### **§ 5-03 Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator.**

- (a) The Department shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the Department's approach to preventing, detecting, and responding to such conduct.
- (b) The Department shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee Department efforts to comply with this Chapter in all facilities.
- (c) Each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

#### **§ 5-04 Supervision and Monitoring.**

- (a) The Department shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:
  - (1) Generally accepted detention and correctional practices;
  - (2) Any judicial findings of inadequacy;
  - (3) Any findings of inadequacy from Federal investigative agencies;
  - (4) Any findings of inadequacy from internal or external oversight bodies;
  - (5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
  - (6) The composition of the inmate population;
  - (7) The number and placement of supervisory staff;
  - (8) Institution programs occurring on a particular shift;
  - (9) Any applicable State or local laws, regulations, or standards;
  - (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
  - (11) Any other relevant factors.
- (b) In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.
- (c) The Department shall provide the Board with each facility's staffing plan that is required to be developed pursuant to subdivision (a) of this section.
- (d) The Department shall provide biannually a written report to

the Board of the progress toward developing and implementing facility staffing plans.

- (e) Whenever necessary, but no less frequently than once each year, for each facility the Department operates, in consultation with the PREA coordinator required by § 5-03 of this Chapter, the Department shall assess, determine, and document whether adjustments are needed to:
    - (1) The staffing plan established pursuant to subdivision (a) of this section;
    - (2) The facility's deployment of video monitoring systems and other monitoring technologies; and
    - (3) The resources the facility has available to commit to ensure adherence to the staffing plan.
  - (f) The Department shall provide annually to the Board, in writing, all deviations or adjustments to such plans that the Department is required to document pursuant to subdivisions (b) and (e) of this section.
  - (g) After termination of the Nunez Agreement, the Department shall provide to the Board a detailed description of the criteria the Department shall consider in determining whether a surveillance camera should be installed in a particular area of a facility ("installation protocol"). The purpose of the installation protocol shall be to ensure that, to the extent necessary and feasible, additional surveillance cameras shall be installed. The Department shall provide semiannually a written report to the Board on action taken pursuant to this protocol.
  - (h) After termination of the Nunez Agreement, the Department shall provide the Board with a detailed description of the process it will follow to determine whether all surveillance cameras are functioning properly and, if not, the procedures for replacing or repairing such cameras ("maintenance protocol"). The Department's surveillance camera maintenance protocol. The purpose of the maintenance protocol shall be to ensure that all surveillance cameras are maintained to function properly and, if repairs are required, they are timely made. The Department shall provide semiannually a written report to the Board on action taken pursuant to this protocol.
  - (i) When the Department is notified of a sexual abuse incident within 90 days of the date of the incident, the Department will preserve any video capturing the incident until the later of: (i) four (4) years after the incident, or (ii) 90 days following the conclusion of an investigation into the sexual abuse incident, or of any disciplinary, civil, or criminal proceedings relating to the incident, provided the Department was on notice of any such investigation or proceeding prior to four years (4) after the incident.
  - (j) The Department shall implement a policy and practice of having intermediate- level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such rounds shall be conducted during night shifts as well as day shifts. Rounds shall be conducted at unpredictable and varied times. The Department shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. The Department shall issue a written directive to staff regarding these monitoring rounds and provide this directive to the Board.
  - (k) The Department shall have a written policy requiring consideration of the feasibility of placement of a surveillance camera in an area where sexual abuse is repeatedly reported or alleged to have occurred or consideration of alternative preventive measures such as increased monitoring rounds or the assignment of additional Department staff in that area.
- #### **§ 5-05 Youthful inmates.**
- (a) Any inmate under the age of 18 shall not be placed in a housing unit in which the inmate under the age of 18 will have sight, sound, or physical contact with any inmate 18 years old or more through use of a shared dayroom or other common space, shower area, or sleeping quarters.
  - (b) In areas outside of housing units, the Department shall either:
    - (1) Maintain sight and sound separation between any inmate under the age of 18 and any inmate 18 years old or more, or
    - (2) Provide direct staff supervision when any inmate under the age of 18 and any inmate 18 years old or more have sight, sound, or physical contact.

**§ 5-06 Limits to cross-gender viewing and searches.**

- (a) The Department shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- (b) The Department shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. The Department shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- (c) The Department shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.
- (d) The Department shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit.
- (e) The Department shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- (f) The Department shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. For purposes of these searches, unless exigent circumstances require otherwise, the Department shall make its best efforts to treat intersex and transgender inmates in accordance with their gender identity.
- (g) The Department shall issue a written directive to all staff incorporating the provisions of this section and provide this directive to the Board.

**§ 5-07 Inmates with Disabilities and Inmates Who Are Limited English Proficient.**

- (a) The Department shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the Department shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. The Department is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.
- (b) The Department shall take reasonable steps to ensure meaningful access to all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment for inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- (c) The Department shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under § 5-26 of this Chapter, or the investigation of the inmate's allegations.

**§ 5-08 Hiring and Promotion Decisions.**

- (a) The Department shall not hire or promote anyone who may

have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who—

- (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
  - (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
  - (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
- (b) The Department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
  - (c) Before hiring new employees who may have contact with inmates, the Department shall:
    - (1) Perform a criminal background records check; and
    - (2) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
  - (d) The Department shall also perform a criminal background records check before enlisting the services of any contractor or volunteer who may have contact with inmates.
  - (e) The Department and CHA shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.
  - (f) The Department shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in subdivision (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The Department shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
  - (g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
  - (h) Unless prohibited by law and upon the written consent of a Department employee pursuant to New York Civil Rights Law § 50-a, the Department shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.
  - (i) Unless prohibited by law, CHA shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

**§ 5-09 Upgrades to facilities and technologies.**

- (a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion, or modification upon the Department's ability to protect inmates from sexual abuse.
- (b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance the Department's ability to protect inmates from sexual abuse.

**Subchapter C: Responsive Planning****§ 5-10 Evidence Protocol and Forensic Medical Examinations.**

- (a) The Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- (b) The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly

comprehensive and authoritative protocols developed after 2011.

- (c) The Department shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The Department shall document its efforts to provide SAFEs or SANEs.
- (d) As requested by the victim, a qualified victim advocate shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. For the purposes of this section, a qualified victim advocate is an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.
- (e) Rape crisis intervention and counseling services shall be delivered to inmates in the facility in which they are housed (the "Initiative"). Such services shall be delivered by qualified victim advocates who are independent of the Department's security command and security staff. Subject to the requirements of § 5-21 of this Chapter, qualified victim advocates shall assure inmates who request these services that all communications between counselors and inmates shall be kept confidential.
- (f) Prior to implementation of this Initiative, the agency responsible for its implementation and oversight ("designated agency") shall provide the Board with a written plan describing:
- (1) The services to be provided;
  - (2) The credentials of the qualified victim advocates who will provide these services;
  - (3) Inmates' access to qualified victim advocates;
  - (4) Privacy and confidentiality of in-person, written, and telephone communications between inmates and qualified victim advocates; and
  - (5) Communication to inmates about these services.
- (g) The designated agency shall provide the Board with a quarterly report of the steps taken toward implementation of this Initiative.
- (h) After implementation of this Initiative, the designated agency shall provide annually a written report to the Board assessing the Initiative's effectiveness, which shall include the number of inmates who received such services during the year that is the subject of the report.

#### **§ 5-11 Policies to Ensure Referrals of Allegations for Investigations.**

- (a) The Department shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- (b) The Department shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The Department shall publish such policy on its website. The Department shall document all such referrals.
- (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the Department and the investigating entity.

#### **Subchapter D: Training and Education**

##### **§ 5-12 Employee Training.**

- (a) The Department and CHA shall train all of their employees who may have contact with inmates on:
- (1) Their zero-tolerance policy for sexual abuse and sexual harassment;
  - (2) How to fulfill their responsibilities under Department and CHA sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
  - (3) Inmates' right to be free from sexual abuse and sexual harassment;
  - (4) The right of inmates and employees to be free from

retaliation for reporting sexual abuse and sexual harassment;

- (5) The dynamics of sexual abuse and sexual harassment in confinement;
  - (6) The common reactions of sexual abuse and sexual harassment victims;
  - (7) How to detect and respond to signs of threatened and actual sexual abuse;
  - (8) How to avoid inappropriate relationships with inmates;
  - (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
  - (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- (b) Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.
- (c) All current employees who have not received such training shall be trained. The Department and CHA shall provide each of their employees with refresher training every two years to ensure that all employees know the Department's and CHA's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the Department and CHA shall provide refresher information on current sexual abuse and sexual harassment policies.
- (d) The Department and CHA shall document, through employee signature or electronic verification, that their employees understand the training they have received.
- (e) The Department and CHA shall report to the Board, in writing and on a quarterly basis, the number of their respective employees who have been trained during that quarter in accordance with this section.

##### **§ 5-13 Volunteer and Contractor Training.**

- (a) The Department and CHA shall ensure that each of their volunteers and contractors who have contact with inmates have been trained on their responsibilities under the Department's and CHA's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
- (b) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the Department's and CHA's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- (c) The Department and CHA shall maintain documentation confirming that their volunteers and contractors understand the training they have received.

##### **§ 5-14 Inmate education.**

- (a) During the intake process, inmates shall receive information explaining the Department's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- (b) Within 30 days of intake, the Department shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding Department policies and procedures for responding to such incidents.
- (c) The Department shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
- (d) The Department shall maintain documentation of inmate participation in these education sessions.
- (e) In addition to providing such education, the Department shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

##### **§ 5-15 Specialized Training: Investigations.**

- (a) In addition to the general training provided to all employees pursuant to § 5-12 of this Chapter, the Department shall ensure that its investigators have received training in conducting sexual abuse investigations in confinement settings.

- (b) Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- (c) The Department shall maintain documentation that Department investigators have completed the required specialized training in conducting sexual abuse investigations.

#### **§ 5-16 Specialized Training: Medical and Mental Health Care.**

- (a) The CHA shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in facilities have been trained in:
  - (1) How to detect and assess signs of sexual abuse and sexual harassment;
  - (2) How to preserve physical evidence of sexual abuse;
  - (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
  - (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- (c) The CHA shall maintain documentation that medical and mental health practitioners have received the training referenced in this section either from the CHA or elsewhere.
- (d) Medical and mental health care practitioners shall also receive the training mandated for employees under § 5-12 or for contractors and volunteers under § 5-13 of this Chapter, depending upon the practitioner's status at the CHA.

#### **Subchapter E: Screening for Risk of Sexual Victimization and Abusiveness**

##### **§ 5-17 Screening for Risk of Victimization and Abusiveness.**

- (a) All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates, facility.
- (b) Intake screening shall ordinarily take place within 72 hours of arrival at the
- (c) Such assessments shall be conducted using an objective screening instrument. Such screening instrument shall be provided to the Board.
- (d) The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:
  - (1) Whether the inmate has a mental, physical, or developmental disability;
  - (2) The age of the inmate;
  - (3) The physical build of the inmate;
  - (4) Whether the inmate has previously been incarcerated;
  - (5) Whether the inmate's criminal history is exclusively nonviolent;
  - (6) Whether the inmate has prior convictions for sex offenses against an adult or child;
  - (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
  - (8) Whether the inmate has previously experienced sexual victimization; and
  - (9) The inmate's own perception of vulnerability.
- (e) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the Department, in assessing inmates for risk of being sexually abusive.
- (f) Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the Department will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the Department since the intake screening.
- (g) An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
- (h) Inmates may not be disciplined for refusing to answer, or for

not disclosing complete information in response to questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.

- (i) The Department shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this section in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

##### **§ 5-18 Use of Screening Information.**

- (a) The Department shall use information from the risk screening required by § 5-17 of this Chapter to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- (b) The Department shall make individualized determinations about how to ensure the safety of each inmate.
- (c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the Department shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.
- (d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- (e) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
- (f) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

##### **§ 5-19 Protective Custody.**

- (a) Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If the Department cannot conduct such an assessment immediately, the Department may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
- (b) Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the Department restricts access to programs, privileges, education, or work opportunities, the facility shall document:
  - (1) The opportunities that have been limited;
  - (2) The duration of the limitation; and
  - (3) The reasons for such limitations.
- (c) The Department shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
- (d) If an involuntary segregated housing assignment is made pursuant to subdivision (a) of this standard, the Department shall clearly document:
  - (1) The basis for the Department's concern for the inmate's safety; and
  - (2) The reason why no alternative means of separation can be arranged.
- (e) Every 30 days, the Department shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.
- (f) The Department shall issue a written directive to staff incorporating subdivisions (a) through (e) of this section and provide this directive to the Board.
- (g) The Department shall provide the Board with a quarterly report detailing:
  - (1) The basis for its placement of an inmate at high risk of sexual victimization in involuntary segregated housing and the reasons why no alternative means of separation could be arranged; and
  - (2) The number of such inmates who remain in involuntary segregated housing for more than 30 days.

**Subchapter F: Reporting****§ 5-20 Inmate Reporting.**

- (a) The Department shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
- (b) The Department shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the Department and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to Department officials, allowing the inmate to remain anonymous upon request.
- (c) Department staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
- (d) The Department shall include all the ways inmates can report sexual abuse and sexual harassment on posters in all housing units, intake and program areas, clinics and mess halls, the Inmate Handbook and Visitors Handbook, and on the Department's public website.
- (e) The Department shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.
- (f) The Department shall issue a written directive to all staff stating the method for staff to privately report sexual abuse and sexual harassment of inmates and all the ways inmates can report incidents of sexual abuse and sexual harassment. The Department shall provide this directive to the Board.

**§ 5-21 Inmate Access to Outside Confidential Support Services.**

- (a) The Department shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. The Department shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.
- (b) The Department shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- (c) The Department shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The Department shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

**§ 5-22 Third-Party Reporting.**

- (a) The Department shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.
- (b) The Department shall include in its Visitors Handbook, and post on its website, how third parties can report sexual abuse and sexual harassment on behalf of an inmate.

**Subchapter G: Official Response Following an Inmate Report****§ 5-23 Staff and Agency Reporting Duties.**

- (a) The Department shall require all staff to report immediately and according to Department policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- (b) Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in Department policy, to make treatment, investigation, and other security and management decisions.
- (c) Unless otherwise precluded by Federal, State, or local law, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the New York Mental Hygiene Law § 33.13(10) and the New York Public Health Law § 18, medical and mental health practitioners shall be required to report sexual abuse pursuant to subdivision (a) of this section and to inform inmates of the practitioner's duty

to report, and the limitations of confidentiality, at the initiation of services.

- (d) If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the Department and CHA shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
- (e) The Department shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the investigators designated to investigate these allegations.

**§ 5-24 Agency Protection Duties.**

When the Department learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

**§ 5-25 Reporting to Other Confinement Facilities.**

- (a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility where the alleged abuse occurred.
- (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- (c) The facility initially receiving such allegation shall document that it has provided such notification.
- (d) The facility head that receives such notification shall ensure that the allegation is investigated in accordance with these rules.

**§ 5-26 Staff First Responder Duties.**

- (a) Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:
  - (1) Separate the alleged victim and abuser;
  - (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
  - (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
  - (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

**§ 5-27 Coordinated Response.**

Each Department facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, DOI or ID investigators, and facility leadership.

**§ 5-28 Agency protection against retaliation.**

- (a) The Department shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation. The Department shall issue a written directive to all staff incorporating the provisions of this section and provide this directive to the Board.
- (b) The Department shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- (c) For at least 90 days following a report of sexual abuse, the Department shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any

such retaliation. Items the Department should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The Department shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

- (d) In the case of inmates, such monitoring shall also include periodic status checks.
- (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation.
- (f) The Department's obligation to monitor shall terminate if the Department determines that the allegation is unfounded.

#### **§ 5-29 Post-Allegation Protective Custody.**

Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of § 5-19 of this Chapter.

#### **Subchapter H: Investigations**

#### **§ 5-30 Criminal and Administrative Agency Investigations.**

- (a) When the Department conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- (b) Where sexual abuse is alleged, the Department shall use investigators who have received special training in sexual abuse investigations pursuant to § 5-15.
- (c) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- (d) When the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with DOI and/or prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. The Department shall not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- (f) All investigations:
  - (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
  - (2) Shall be documented in written reports that include a description of the physical, testimonial, and documentary evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- (g) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- (h) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- (i) The Department shall retain all written reports referenced in this section for as long as the alleged abuser is incarcerated or employed by the Department or CHA, plus five years.
- (j) The departure of the alleged abuser or victim from the employment or control of the Department or the employment of CHA shall not provide a basis for terminating an investigation.
- (k) When outside agencies investigate sexual abuse, the Department shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- (l) The Department shall use its best efforts to conduct an initial evaluation as to whether any involved staff member should be suspended, placed on modified duty, re-assigned to a no-inmate contact post or reassigned to a restricted inmate contact post pending investigation within three (3) business days after an alleged incident of sexual abuse or sexual harassment is reported to the Department (the "Referral Date"). In the event sexual abuse is alleged, the Department

shall conduct such an evaluation after consulting with DOI unless doing so would pose a threat to the safety and well-being of the complainant.

- (m) The Department shall complete all investigations of sexual abuse and sexual harassment allegations no later than 90 days from the Referral Date, absent extenuating circumstances outside the Department's control that warrant an extension of this deadline (which shall be documented).
- (n) If an incident of alleged sexual abuse is referred to DOI or the DA for investigation or a decision on immunity, the time for completion of the sexual abuse investigation shall be tolled while the other agency is investigating the matter or making a decision on immunity.
- (o) Inmates subject to alleged sexual abuse or sexual harassment shall be interviewed within 72 hours of the Referral Date, absent unusual circumstances (which shall be documented).
- (p) All interviews of staff involved in the sexual abuse or sexual harassment incident shall be completed within 30 days of immunity grants, absent unusual circumstances (which shall be documented).
- (q) When requesting an inmate's statement or interview, the inmate shall be assured that the inmate will not be subject to any form of retaliation for providing information in connection with the investigation of alleged sexual abuse or sexual harassment. Requests for statements or interviews shall be made off the living unit and shall not be made within sight or hearing of other inmates or staff involved in the incident. Inmate interviews shall be conducted in a private and confidential setting.
- (r) At the conclusion of an investigation of alleged sexual abuse or sexual harassment, the Department shall prepare a closing memorandum summarizing the findings of the investigation. Within five (5) business days after completion of a closing memorandum, the Department shall provide a copy of it to the Board.
- (s) All Closing Memoranda shall be retained for as long as the alleged perpetrator of sexual abuse or sexual harassment is incarcerated or employed by the Department or CHA, plus five years.
- (t) The Department shall issue a written directive to all ID staff incorporating the provisions of this section and provide this directive to the Board.

#### **§ 5-31 Evidentiary Standard for Administrative Investigations.**

The Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

#### **§ 5-32 Reporting to inmates.**

- (a) Following an investigation into an inmate's allegation that he or she suffered sexual abuse in a facility, the Department shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- (b) If the Department did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
- (c) Following an inmate's allegation that a Department or CHA staff member has committed sexual abuse against the inmate, the Department shall subsequently inform the inmate (unless the Department has determined that the allegation is unfounded) whenever:
  - (1) The staff member is no longer posted within the inmate's unit;
  - (2) The staff member is no longer employed at the facility;
  - (3) The Department learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
  - (4) The Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- (d) Following an inmate's allegation that he or she has been sexually abused by another inmate, the Department shall subsequently inform the alleged victim whenever:
  - (1) The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or

(2) The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

(e) All such notifications or attempted notifications shall be documented.

**Subchapter I: Discipline**

**§ 5-33 Disciplinary Sanctions for Staff.**

- (a) Department and CHA staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- (b) Termination shall be the presumptive disciplinary sanction for Department and CHA staff who have engaged in sexual abuse.
- (c) Disciplinary sanctions for violations of Department and CHA policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- (d) All terminations for violations of Department and CHA sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

**§ 5-34 Corrective Action for Contractors and Volunteers.**

- (a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- (b) The Department shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of Department sexual abuse or sexual harassment policies by a contractor or volunteer.

**§ 5-35 Disciplinary Sanctions for Inmates.**

- (a) Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
- (b) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- (c) The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- (d) The Department may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- (e) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- (f) The Department may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. The Department may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

**Subchapter J: Medical and Mental Care**

**§ 5-36 Medical and Mental Health Screenings: History of Sexual Abuse.**

- (a) If the screening pursuant to § 5-17 of this Chapter indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, the Department shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
- (b) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and

security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or Local law.

(c) Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

**§ 5-37 Access to Emergency Medical and Mental Health Services.**

- (a) Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- (b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 5-24 of this Chapter and shall immediately notify the appropriate medical and mental health practitioners.
- (c) Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- (d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

**§ 5-38 Ongoing Medical and Mental Health Care for Sexual Abuse Victims.**

- (a) The CHA shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
- (b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- (c) The CHA shall provide such victims with medical and mental health services consistent with the community level of care.
- (d) Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
- (e) If pregnancy results from the conduct described in subdivision (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
- (f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
- (g) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

**Subchapter K: Data Collection and Review; Audits**

**§ 5-39 Sexual Abuse Incident Reviews.**

- (a) The Department shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- (b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- (c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- (d) The review team shall:
  - (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;



- (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- (4) Assess the adequacy of staffing levels in that area during different shifts;
- (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this standard, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.
- (e) The Department shall implement the recommendations for improvement, or shall document its reasons for not doing so.
- (f) The Department shall provide the Board with all sexual abuse incident review reports on a quarterly basis.

**§ 5-40 Data Collection and Review**

- (a) The Department shall provide semiannually a written report to the Board setting forth data regarding allegations of sexual abuse.
- (b) The semiannual report shall include the total number of allegations of sexual abuse of inmates by staff aggregated by:
  - (1) Staff-on-inmate;
  - (2) Inmate-on-inmate;
  - (3) Number of allegations substantiated, unsubstantiated or unfounded;
  - (4) Victim's gender and perpetrator's gender;
  - (5) If the alleged perpetrator is a staff member, whether the alleged perpetrator is an employee of the Department, CHA, or a contractor;
  - (6) The date, time and location of the incident, and the nature of the sexual abuse;
  - (7) Who reported the incident and how was it reported (e.g., via hotline);
  - (8) Whether the incident occurred in an area subject to video camera surveillance;
  - (9) Whether the alleged victim was administered or declined a rape kit;
  - (10) Whether an alleged staff-member perpetrator was suspended, placed on modified duty, assigned to a no-inmate contact post, assigned to a restricted-inmate contact post, or placed on administrative leave pending investigation or final resolution of the allegation;
  - (11) Whether the Department's investigation was completed within 90 days, 180 days, one year or more than one year after the allegation of sexual abuse was reported to the Department;
  - (12) Whether DOI assumed investigation of the allegation;
  - (13) If DOI assumed investigation of the allegation, the outcome of DOI's investigation;
  - (14) The number of staff members who declined an offer of use immunity pursuant to Mayor's Executive Order No. 16 and the number who were subject to discipline as a result;
  - (15) Whether the allegation of staff-on-inmate or inmate-on-inmate sexual abuse was referred to a DA's Office, including whether that DA's Office declined to prosecute, and if the staff member was prosecuted, the outcome.
  - (16) Whether the allegation was referred for disciplinary action, including (a) whether the Department's Trials & Litigation Division declined to file disciplinary charges, or if disciplinary charges were filed, the outcome; and (b) whether the alleged staff-member perpetrator resigned in lieu of charges or as part of a negotiated plea.
- (c) The Department shall review this aggregate data in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training, including by:
  - (1) Identifying problem areas;

- (2) Taking corrective action on an ongoing basis; and
- (3) Including in its bi-annual report its findings and corrective actions for each facility, as well as the Department as a whole.
- (d) Such semiannual report shall include a comparison of the current six (6) months' data and corrective actions with those from the prior six (6) months and shall provide an assessment of the Department's progress in addressing sexual abuse and sexual harassment.
- (e) Such semiannual reports shall be approved by the Commissioner of the Department, submitted to the Board, and made readily available on the Department's website within fifteen (15) days after the end of the six (6) month period which is the subject of the report.
- (f) The Department shall ensure that all data collected pursuant to this section is securely retained.
- (g) The Department may redact specific material from semiannual reports when publication would present a clear and specific threat to the safety and security of a facility, privacy, or other legal considerations, but must indicate the nature of the material redacted.
- (h) Before making data collected pursuant to this section publicly available, the Department shall remove all personal identifiers.
- (i) The Department shall maintain all data collected pursuant to this section for at least 10 years after the date of the initial collection unless Federal, State, or Local law requires otherwise.

**§ 5-41 Audits**

The Department shall provide the Board with a copy of all audit reports, responses to audit reports, audit correction action plans, appeals of audit findings, and decisions on appeal, submitted to PREA-certified auditors pursuant to PREA Standard § 115.93 and PREA Standards §§ 115.401 through 115.405. The Department shall provide such material to the Board within two (2) business days after its submission to the auditors.

§ 2. Effective Date. The standard in Section 1 of this rule shall take effect September 12, 2016.

§ 3. Implementation Dates. The policies, procedures, criteria, programs, plans, reports and forms required by the various sections of these rules shall be developed, approved and implemented by the dates specified or within the time periods stated below. Unless otherwise stated below, all time periods are computed from the effective date of these rules.

Section	Implementation
5-04(a) (Department shall ensure that each of its facilities shall develop, document and make its best efforts to comply with a staffing plan)	By January 3, 2018
5-04(c) (Department shall provide the Board with facility staffing plans)	By January 3, 2018
5-04(d) (Department shall provide semiannually a written report to the Board of the progress toward developing and implementing facility staffing plans)	Commencing on April 1, 2017 for the previous six (6) months (i.e., October 1, 2016-March 31, 2017) and on the third business day of the month following the end of each 6-month period thereafter
5-04(f) (Department shall provide annually to the Board a written report of all deviations and adjustments to facility staffing plans)	Commencing on March 1, 2018 (for deviations and adjustments that occurred during previous year and by March 1 of each year thereafter)
5-06 (f) (Department shall train security staff in how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates, and make its best efforts to treat intersex and transgender inmates in accordance with their gender identity)	By December 31, 2018

5-06 (g) (Department shall issue directive to all staff incorporating the provisions of 115.15 and provide this directive to the Board)	By December 31, 2016
5-10(e) (Rape crisis intervention and counseling services shall be delivered to inmates in the facility in which they are housed)	By December 31, 2017
5-10(f)(1)-(5) (Designated agency shall provide a written plan to the Board describing the Initiative)	By January 3, 2017
5-10(g) (Designated agency shall provide a quarterly report to the Board of the steps taken toward implementing the Initiative)	By April 1, 2017 with respect to the previous three (3) months (i.e., January 3, 2017-March 31, 2017) and on the third business day of each quarter thereafter.
5-10(h) (Designated agency shall provide annually a written report to the Board assessing the Initiative's effectiveness, etc.)	Commencing on January 3, 2018 with respect to the previous year (i.e., January 1, 2017-December 31, 2017) and on the third business day of each year thereafter.
5-12(a), (b), (c) and (d) (Department and CHA shall complete training of all of their employees in accordance with this section)	By December 31, 2018
5-12(e) (Department and CHA shall provide a report, in writing and on a quarterly basis, of the number of their respective employees who have been trained in accordance with this section)	Commencing on January 3, 2017 with respect to the previous three months (i.e., October 1, 2016 through December 31, 2016) and on the third business day of the month following the end of each quarter thereafter
5-13(a) and (b) (Volunteer and contractor training)	3 months (training of volunteers) By June 30, 2019 (training of contractors)
5-14(a), (c), (d), (e) and (f) (Inmate education)	3 months
5-14(b) (Inmate education)	By December 31, 2017
5-15(a), (b) and (c) (Specialized training; investigations)	3 months
5-16(a), (b), (c) and (d) (Specialized training; Medical and mental health care)	By March 31, 2017
5-19(b)(1)-(3) and (d)(1)-(2) (Protective custody)	3 months
5-19(f) (Protective custody)	3 months
5-19(g) (Protective custody)	Commencing on January 3, 2017 with respect to the previous three (3) months (i.e., October 1, 2016 through December 31, 2016) and on the third business day of the month following the end of each quarter thereafter
5-20 (Inmate reporting)	3 months

5-20 (Inmate access to outside confidential support services)	By December 31, 2016
5-27 (Coordinated response)	By December 31, 2016
5-28(a), (b), (e) and (f) (Agency protection against retaliation)	By December 31, 2016
5-28(c) and (d) (Agency protection against retaliation)	By December 31, 2017
5-40 (a)-(g) (Data collection and reporting) (Department shall provide the Board with semiannual data reports in accordance with subdivisions (a)-(g) of this section)	Commencing July 1, 2017 with respect to the previous six (6) months (i.e., January 1, 2016 through June 30, 2017) and on the first business day of the month following the end of each 6- month period thereafter

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT  
TO CHARTER §1043(d)**

**RULE TITLE:** Implementation of Prison Rape Elimination Act

**REFERENCE NUMBER:** 2016 RG 055

**RULEMAKING AGENCY:** Board of Correction

I certify that this office has reviewed the above-referenced proposed rule as required by Section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

*Is/* STEVEN GOULDEN  
Acting Corporation Counsel

Date: June 10, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10th FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION I ANALYSIS PURSUANT  
TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Implementation of Prison Rape Elimination Act

**REFERENCE NUMBER:** BOC-3

**RULEMAKING AGENCY:** Board of Correction

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

*Is/ Francisco X Navarro*  
Mayor's Office of Operations

June 10, 2016  
Date

**ENVIRONMENTAL PROTECTION**

■ NOTICE

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Department of Environmental Protection (“DEP”) is promulgating rules that would amend the existing fee rule for the Air Pollution Control Code.

**When and where is the hearing?** The department will hold a public hearing on the proposed rule amendments. The public hearing will take place at 10:00 A.M. on July 27, 2016. The hearing will be held in the 9th Floor Conference Room at 59-17 Junction Boulevard, Flushing, NY.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department of Environmental Protection through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).
- **Mail.** You can mail written comments to the Department of Environmental Protection, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the Department of Environmental Protection, Bureau of Legal Affairs, at (718) 595-6543.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling (718) 595-6531. You can also sign up in the hearing room before the hearing begins on July 27, 2016. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by July 27, 2016.

**Do you need assistance to participate in the hearing?** You must tell the Bureau of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by postal mail or email to the addresses given above. You may also tell us by telephone at (718) 595-6531. You must tell us by July 20, 2016.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Bureau of Legal Affairs.

**What authorizes the Department to make this rule?** Section 1403(c) of the City Charter and Section 24-105 of the Administrative Code authorize the Department to make this proposed rule, which was included in the Department’s regulatory agenda for this fiscal year. This rule is exempt from additional review under Section 1043(d) of the Charter since it only establishes new fees.

**Where can I find the Department’s rules?** The Department’s rules are in Title 15 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Department must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

**Statement of Basis and Purpose of Proposed Rule**

On May 6, 2016, Subchapter 5 of Title 24, Chapter 1 of the Administrative Code was repealed. The repealed subchapter had set forth fees for the Air Pollution Control Code. A rule was promulgated to replace the fees which had been set forth in the repealed subchapter; however, certain fees were not carried over. The purpose of the proposed rule is to carry over those omitted fees.

New text is underlined; deleted material is in [brackets].

The text of the proposed Rule follows.

Section 1. Section 34-03 of Chapter 34 of Title 15 of the Rules of the City of New York is amended to read as follows:

§ 34-03 Registration Fees. The fee for a new registration or registration renewal is as follows:

Input in MMBTU/HR	Fee No.2 FUEL OIL &/Or NATURAL GAS	Fee No.4 FUEL OIL ONLY OR #4 FUEL OIL & NATURAL GAS
0.35 to less than 1.0	\$110	\$110
1 to less than 2.8	\$190	\$345
2.8 to less than 4.2	\$345	\$345

(a) (1) For boilers or water heaters:

(a)(2) The fee for each field re-inspection required because of a notice of disapproval for a major deficiency shall be equal to the fee required in subdivision (a)(1) of this section for those boilers and water heaters 2.8 to less than 4.2 MMBTU/HR.

(a)(3) There shall be an additional fee imposed for each registration issued or renewed on the basis of a notarized affidavit supplied in response to a notice of disapproval for a minor deficiency issued after a field inspection shall be equal to fifty percent of the fee required in subdivision (a)(1) of this section for those boilers and water heaters 2.8 to less than 4.2 MMBTU/HR.

Section 2. Section 34-04 of Chapter 34 of Title 15 of the Rules of the City of New York is amended by adding new subdivisions (n), (o) and (p), to read as follows:

(n) The fee for each field re-inspection required because of a notice of disapproval for a major deficiency shall be equal to the fee required in subdivisions (a) through (i) of this section.

(o) There shall be an additional fee imposed for each operating certificate issued or renewed on the basis of a notarized affidavit supplied in response to a notice of disapproval for a minor deficiency issued after a field inspection shall be equal to fifty percent of the fee required in subdivisions (a) through (i) of this section.

(p) The expiration date of a valid operating certificate may be abridged by the commissioner for the convenience of the department for good cause shown. The fee to renew the abridged operating certificate shall be reduced by one third per each full or partial year that the unabridged operating certificate would have been, as set forth in subdivisions (a) through (i) of this section.

◀ j22



**MAYOR’S OFFICE OF CRIMINAL JUSTICE**

■ NOTICE

The U.S. Department of Justice, Bureau of Justice Assistance (BJA), recently announced that \$4,298,245 is available for New York City under the Justice Assistance Grant (JAG) program. Funds may be used for several purpose areas, including: law enforcement; prosecution; the court system; preventive public safety strategies; education programs; corrections and reentry; drug treatment and enforcement; planning, evaluation, and technology improvement; and crime victim and witness programs.

The Mayor’s Office of Criminal Justice, in consultation with the New York City Office of Management and Budget, is in the process of preparing a distribution plan for JAG funds. The City is required to submit an application for funding to BJA by June 30, 2016. Individuals or organizations who wish to provide comment about the distribution of JAG funds in New York City should send comments to:

Grant Manager  
 Mayor’s Office of Criminal Justice, Office of the Mayor  
 City of New York  
 One Centre Street, Room 1012 North  
 New York, NY 10007

**All comments must be received by June 28, 2016.**

POLICE

NOTICE

REPORT ON THE
JUNE 30, 2013 (LAG)

ACTUARIAL VALUATION OF THE
NEW YORK CITY POLICE PENSION FUND
AND GROUP LIFE INSURANCE PLAN
FOR DETERMINING THE FISCAL YEAR 2015
EMPLOYER CONTRIBUTION

New York City
Office of the Actuary

April 30, 2015



OFFICE OF THE ACTUARY

255 GREENWICH STREET • 9TH FLOOR
NEW YORK, NY 10007
(212) 442-5775 • FAX: (212) 442-5777

ROBERT C. NORTH, JR.
ACTING CHIEF ACTUARY

April 30, 2015

Board of Trustees
New York City Police Pension Fund
And Group Life Insurance Plan
233 Broadway, Room 2501
New York, NY 10279

Re: June 30, 2013 (Lag) Actuarial Valuation

Dear Members:

This Report presents the results of the June 30, 2013 (Lag) actuarial valuation of the New York City Police Pension Fund ("POLICE") and Group Life Insurance Plan (the "Plan").

Pursuant to Section 96 of the New York City Charter, studies of the actuarial assumptions used to value liabilities of POLICE are conducted every two years.

After reviewing the results of those studies, the Actuary issued a February 10, 2012 Report entitled "Proposed Changes in Actuarial Assumptions and Methods for Determining Employer Contributions for Fiscal Years Beginning on and After July 1, 2011 for the New York City Police Pension Fund" ("February 2012 Report").

These Proposed Actuarial Assumptions and Methods ("2012 A&M") were adopted by the Board of Trustees during Fiscal Year 2012. The 2012 A&M became effective with enabling State Legislation enacted as Chapter 3 of the Laws of 2013 ("Chapter 3/13").

Results of the June 30, 2012 (Lag) actuarial valuation are shown in this Report for comparative purposes.

Also included in this Report are certain items of information used for financial reporting purposes, for filing with the New York State Department of Financial Services and other historical information that the Actuary believes useful.

The June 30, 2013 (Lag) and June 30, 2012 (Lag) actuarial valuations are based upon census data as of those dates submitted by the Plan's administrative staff and by the employer's payroll facilities and on the June 30, 2013 and June 30, 2012 financial information provided by the Office of the Comptroller.

A summary of the benefits available under the terms of the Plan is shown in Section VIII. The benefits valued are unchanged from the prior valuation. Note: as of June 30, 2012, there are no Tier 6 (Tier 3 Revised) members included in the Plan.

The actuarial assumptions and methods are unchanged from the June 30, 2012 (Lag) valuation to the June 30, 2013 (Lag) valuation and are summarized in Section IX.

Historically, the actuarial information that is to be used for financial accounting reporting purposes was presented in a manner believed to be consistent with the requirements of Governmental Accounting Standards Board ("GASB") Statements No. 25 ("GASB25") and No. 27 ("GASB27").

Note: GASB25 and GASB27 have been amended by GASB Statement No. 67 ("GASB67") and No. 68 ("GASB68"), respectively. The City of New York prepared their Fiscal Year 2014 financial statements in accordance with GASB68. POLICE prepared its Fiscal Year 2014 Comprehensive Annual Financial Report ("CAFR") in accordance with GASB67.

The Table of Contents, which immediately follows, outlines in more detail the contents of this Report.

I, Robert C. North, Jr., am the Acting Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries.

Respectfully Submitted,

Robert C. North, Jr., FSA, MAAA
Acting Chief Actuary

RCN/eh

cc: Mr. J.R. Gibney
Mr. K. Holloran
Mr. S.H. Rumley

ACRONYMS

This is a listing of acronyms used throughout this report.

Table listing acronyms and their corresponding full names, such as Actuarial Assumptions and Methods prior to Chapter 152/06, Actuarial Asset Valuation Method, etc.

Statutorily-Required Contribution.....	Statutory Contribution
Unexpected Investment Return.....	UIR
Unfunded Actuarial Accrued Liability.....	UAAL
Variable Supplements Funds.....	VSF
World Trade Center.....	WTC

**REPORT ON THE  
JUNE 30, 2013 (LAG)  
ACTUARIAL VALUATION OF THE  
NEW YORK CITY POLICE PENSION FUND  
AND GROUP LIFE INSURANCE PLAN  
FOR DETERMINING THE FISCAL YEAR 2015  
EMPLOYER CONTRIBUTION**

**SECTION I – EXECUTIVE SUMMARY**

1. This actuarial report presents the results of the June 30, 2013 (Lag) actuarial valuation of the New York City Police Pension Fund ("POLICE") and Group Life Insurance Plan (the "Plan").

The purpose of the valuation is to measure the funding progress of the Plan and to determine the Actuarially-Required Contribution ("Actuarial Contribution") and the Statutorily-Required Contribution ("Statutory Contribution") for Fiscal Year 2015 (i.e., July 1, 2014 to June 30, 2015).

Presented in the following Table I-1 are the principal results of the June 30, 2013 (Lag) actuarial valuation and, for comparative purposes, the June 30, 2012 (Lag) actuarial valuation.

TABLE I-1 NEW YORK CITY POLICE PENSION FUND SUMMARY OF RESULTS OF THE VALUATIONS		
Valuation Date	June 30, 2013 (Lag)	June 30, 2012 (Lag)
Fiscal Year Employer Contribution	2015	2014
Active Members		
Number	34,775	34,240
Annual Salary	\$ 3,607,606,894	\$ 3,478,153,934
Retirees and Beneficiaries		
Number	46,950	46,638
Annual Benefits	\$ 2,072,064,366	\$ 2,006,198,039
Terminated Vested Members	715	746
Active/Inactive Members*	1,287	1,358
Market Value of Assets	\$28,986,941,000	\$25,479,874,000
Actuarial Value of Assets	\$29,087,154,000	\$26,777,077,000
Actuarial Contribution	\$ 2,309,618,694	\$ 2,320,909,885
Statutory Contribution	\$ 2,309,618,694	\$ 2,320,909,885

\* Members no longer on payroll but not otherwise classified.

The June 30, 2012 (Lag) actuarial valuation results reflect the following Chapter amendments:

- Chapter 489 of the Laws of 2013 ("Chapter 489/13"), addressed limitations in existing disability provisions intended to protect public employees who suffered injuries or illnesses in WTC rescue, recovery and cleanup operations.
- Chapter 3 of the Laws of 2013 ("Chapter 3/13"), effective retroactive to July 1, 2011, enacted those 2012 A&M that require State legislation.

- Chapter 18 of the Laws of 2012 ("Chapter 18/12"), placed certain limitations on the Tier 3 and Tier 4 benefits available to participants hired on and after April 1, 2012 in most New York State Public Employee Retirement Systems, including POLICE, and is generally referred to as Tier 6 (referred to by POLICE as Tier 3 Revised).
- Tier 3 – During June 2009 the Governor vetoed legislation that would have extended Tier 2 to members hired after June 30, 2009. As a result of the Governor's veto, POLICE members hired on and after July 1, 2009 are covered under Tier 3.
- Chapter 489 of the Laws of 2008 ("Chapter 489/08") expanded and redefined the eligibility provisions of Accidental Disability and Accidental Death benefits that arose in connection with the World Trade Center ("WTC") Attack on September 11, 2001.
- Chapter 445 of the Laws of 2006 ("Chapter 445/06") as amended by Chapter 5 of the Laws of 2007 ("Chapter 5/07") provides Accidental Death benefits to certain members of POLICE who participated in the rescue, recovery or clean-up operations at the WTC site. Collectively, these laws are referred to as the "WTC Death Benefits Law".
- Chapter 93 of the Laws of 2005 ("Chapter 93/05"), which amended Chapter 104 of the Laws of 2005 ("Chapter 104/05"), established that certain members of POLICE, who participated in the rescue, recovery or clean-up operations at the WTC site and who become partially or totally disabled due to certain diseases, are presumed to have become disabled in the performance of duty. Collectively, these laws are referred to as the "WTC Disability Law."
- Chapter 623 of the Laws of 2004 ("Chapter 623/04") provided for an Excess Benefit Plan to be established which would provide benefits to those pensioners whose annual retirement benefits are limited by Internal Revenue Code ("IRC") Section 415(b). This law is retroactive to July 1, 2000.

2. Section II provides details of the demographic data used to prepare the June 30, 2013 (Lag) and June 30, 2012 (Lag) actuarial valuations and includes the following tables:

- Table II-1: Active Members
- Table II-2: Pensioners and Beneficiaries
- Table II-3: Changes in the Number of Members and Pensioners During the Year
- Table II-4: Schedule of Active Member Data
- Table II-5: Schedule of Pensioners and Beneficiaries Added to and Removed from the Rolls

The annualized covered payrolls reflect the impact of recent labor contract settlements and certain non-union salary increases with retroactive effective dates, if any. These figures exclude all members not on the payroll as of the valuation date. In addition, salaries were increased by a Baseline Overtime assumption under the 2012 A&M.

3. Section III provides details of the assets used to prepare the June 30, 2013 (Lag) and June 30, 2012 (Lag) actuarial valuations including the following tables:

- Table III-1: Statement of Plan Net Assets as of June 30, 2013 and June 30, 2012
- Table III-2: Statement of Changes in Plan Net Assets for the Fiscal Years Ended June 30, 2013 and June 30, 2012

- Table III-3: Development of the Actuarial Values of Assets as of June 30, 2013 and June 30, 2012
  - Table III-4: Statement of Market Values and Actuarial Values of Assets of the Variable Supplements Funds for the Fiscal Years Ended June 30, 2013 and June 30, 2012
4. Section IV presents the Statutory Contributions to the Plan for Fiscal Year 2015 and Fiscal Year 2014. Table IV-1 shows the components of the Statutory Contributions. Table IV-2 develops the Employer Normal Contributions. Table IV-3 shows the Schedule of Unfunded Actuarial Accrued Liability Bases.
  5. Section V presents the Solvency Test. This Schedule is published in the Comprehensive Annual Financial Report ("CAFR") and is a means of checking the Plan's progress under its funding program.
  6. Section VI presents the Funded Status of the Plan, which is expressed in various relationships of assets to liabilities.
  7. Section VII presents a Schedule of Funding Progress. This schedule was required under Governmental Accounting Standards Board Statement No. 25 ("GASB25") and shows for the current year and for each of the last ten fiscal years, certain amounts determined as of the respective valuation dates and their ratios.
  8. Section VIII summarizes the benefit provisions of the Plan and the related Variable Supplements Funds. For the June 30, 2013 (Lag) actuarial valuation, except for Tier 6, the provisions are unchanged from the previous valuation.
  9. Section IX summarizes the actuarial assumptions and methods used in the June 30, 2013 (Lag) and June 30, 2012 (Lag) actuarial valuations (i.e., the 2012 A&M), including the use of the Liability Valuation Method to address the obligations of POLICE to the Police Officers' Variable Supplements Fund ("POVSF") and the Police Superior Officers' Variable Supplements Fund ("PSOVSF"). The actuarial assumptions and methods for the June 30, 2013 (Lag) valuation are unchanged from the previous valuation.
  10. Section X contains a Statement of Actuarial Opinion acknowledging the qualification of the Actuary to render the actuarial opinion contained herein.
  11. Appendix A compares the Statutory Contributions to the Actuarial Contributions for Fiscal Years 2002 through 2015, inclusive.
  12. Appendix B contains tables of Age and Service Distributions showing the numbers of active members, total salaries and average salaries used in the June 30, 2013 (Lag) and June 30, 2012 (Lag) actuarial valuations.
  13. Appendix C shows the number and total salary of active members, by Tier, for Fiscal Years 1981 through 2015 in tabular form and graphically.
  14. Appendix D contains tables of Age and Gender Distributions showing the numbers of pensioners and beneficiaries, total annual benefits and average benefits by cause of retirement used in the June 30, 2013 (Lag) and June 30, 2012 (Lag) actuarial valuations.

**SECTION II - SUMMARY OF DEMOGRAPHIC DATA**

Census data used as the basis for the valuation are submitted by the Pension Fund's administrative staff, by the employer's payroll facilities and by the Comptroller of the City of New York. Data are reviewed by the Office of the Actuary for consistency and reasonability.

The following Table II-1 sets forth a comparison of the Active Member data included in the June 30, 2013 (Lag) and the June 30, 2012 (Lag) actuarial valuations.

Table II-2 sets forth a comparison of the Pensioners and Beneficiaries included in the June 30, 2013 (Lag) and June 30, 2012 (Lag) actuarial valuations.

Table II-3 reconciles changes in the data from June 30, 2012 to June 30, 2013.

Table II-4 shows the Active Member data as of June 30 for the years 2000 through 2013, inclusive.

Table II-5 shows the Pensioners and Beneficiaries added to and removed from the Rolls during the Fiscal Years 2000 through 2013, inclusive.

Table II-6 sets forth a comparison of the membership of the Variable Supplements Funds as of June 30, 2013 and June 30, 2012.

Note: Although Tier 6 (Tier 3 Revised) became effective on April 1, 2012, there were no Tier 6 (Tier 3 Revised) members hired as of June 30, 2012.

TABLE II-1 NEW YORK CITY POLICE PENSION FUND ACTIVE MEMBERS INCLUDED IN THE JUNE 30, 2013 (LAG) AND THE JUNE 30, 2012 (LAG) ACTUARIAL VALUATIONS		
	June 30, 2013 (Lag)	June 30, 2012 (Lag)
Number		
Males	28,973	28,487
Females	<u>5,802</u>	<u>5,753</u>
Total	34,775	34,240
Annual Payroll*		
Males	\$3,021,997,647	\$2,913,226,062
Females	<u>585,609,247</u>	<u>564,927,872</u>
Total	\$3,607,606,894	\$3,478,153,934
Average Salary*		
Males	\$ 104,304	\$ 102,265
Females	100,932	98,197
Overall	\$ 103,741	\$ 101,582
Average Age		
Males	37.6	37.5
Females	37.6	37.4
Overall	37.6	37.5
Average Past Service		
Males	11.7	11.6
Females	10.0	10.9
Overall	11.6	11.5

\* Reflects the impact of recent labor contract settlements and certain non-union salary increases with retroactive effective dates, if any.

TABLE II-2  
NEW YORK CITY POLICE PENSION FUND  
PENSIONERS AND BENEFICIARIES INCLUDED IN THE  
JUNE 30, 2013 (LAG) AND THE JUNE 30, 2012 (LAG) ACTUARIAL VALUATIONS

Group	June 30, 2013				June 30, 2012			
	Number	Annual Amounts Payable			Number	Annual Amounts Payable		
		Plan Benefit	Supplement	Total		Plan Benefit	Supplement	Total
Service Pensioners	30,405	\$1,197,457,368	\$ 86,550,029	\$1,284,007,397	30,119	\$1,152,961,582	\$ 88,081,029	\$1,241,042,611
Ordinary Disability Pensioners	3,262	83,574,800	19,803,434	103,378,234	3,346	85,047,852	20,244,998	105,292,850
Accidental Disability Pensioners	12,072	590,702,468	63,977,059	654,679,527	11,948	567,182,570	63,742,228	630,924,798
Beneficiaries of Members Killed in the Line-of-Duty	353	9,218,875	2,224,835	11,443,710	346	8,593,784	2,219,858	10,813,642
Other Beneficiaries	858	15,971,511	2,583,987	18,555,498	879	15,450,742	2,673,396	18,124,138
<b>Total</b>	<b>46,950</b>	<b>\$1,896,925,022</b>	<b>\$175,139,344</b>	<b>\$2,072,064,366</b>	<b>46,638</b>	<b>\$1,829,236,530</b>	<b>\$176,961,509</b>	<b>\$2,066,198,039</b>

TABLE II-3  
NEW YORK CITY POLICE PENSION FUND  
CHANGES IN THE NUMBER OF MEMBERS AND PENSIONERS DURING THE YEAR  
CLASSIFIED BY STATUS

Status	Active Members (1)	Service Pension (2)	Ordinary Disability (3)	Accidental Disability (4)	Accidental Death (5)	Other Beneficiary (6)	Subtotal (2) to (6) (7)	Grand Total (1)+(7) (8)
1. Number at June 30, 2012	34,240	30,119	3,346	11,948	346	879	46,638	80,878
2. Additions during the Year:								
a. New Entrants	2,056	882	43	298	3	0	1,226	3,282
b. Transfer of Category*	5	0	1	48	6	51	106	111
c. Change in Payroll Status	57	9	0	0	4	1	14	71
d. Total Additions during the Year	2,118	891	44	346	13	52	1,346	3,464
3. Separations during the Year:								
a. Resignation or Dismissal	95	0	0	0	0	0	0	95
b. Retirement for Service	833	0	0	0	0	0	0	833
c. Retirement for Accidental Disability	297	0	0	0	0	0	0	297
d. Retirement for Ordinary Disability	43	0	0	0	0	0	0	43
e. Accidental Death	3	0	0	0	0	0	0	3
f. Ordinary Death	18	527	113	206	6	71	923	941
g. Transfer to Other System	0	0	0	0	0	0	0	0
h. Transfer of Category*	0	78	15	16	0	2	111	111
i. Change in Payroll Status	256	0	0	0	0	0	0	256
j. By Vested Termination	38	0	0	0	0	0	0	38
k. Other	0	0	0	0	0	0	0	0
l. Total Separations during the Year	1,583	605	128	222	6	73	1,034	2,617
4. Number at June 30, 2013	34,775	30,405	3,262	12,072	353	858	46,950	81,725

\* Includes pensioners changing retirement causes.

TABLE II-4

## NEW YORK CITY POLICE PENSION FUND

## SCHEDULE OF ACTIVE MEMBER DATA

Fiscal Year	Valuation Date (June 30)	Number	Annual Payroll	Average Annual Pay	Percentage Increase/ (Decrease) In Average Pay
2001	2000	38,451	\$2,465,681,677	\$60,955	2.2%
2002	2001	38,827	2,500,130,264	64,392	5.6%
2003	2002	36,536	2,496,249,037	68,323	6.1%
2004	2003	35,841	2,433,897,222	67,908	(0.6%)
2005	2004	35,049	2,460,750,037	70,209	3.4%
2006 <sup>1</sup>	2004 (Lag)	35,049	2,757,661,899	78,680	15.9% <sup>2</sup>
2007	2005 (Lag)	35,324	2,812,930,169	79,632	1.2%
2008	2006 (Lag)	35,194	2,816,928,536	80,040	0.5%
2009	2007 (Lag)	34,956	2,961,649,327	84,725	5.9%
2010	2008 (Lag)	35,337	3,095,903,827	87,611	3.4%
2011	2009 (Lag)	35,608	3,261,118,111	91,584	4.5%
2012 <sup>3</sup>	2010 (Lag)	34,597	3,464,096,750	100,127	9.3%
2013	2011 (Lag)	33,705	3,480,066,072	103,251	3.1%
2014	2012 (Lag)	34,240	3,478,153,934	101,582	(1.6%)
2015	2013 (Lag)	34,775	3,607,606,894	103,741	2.1%

1 If based on the actuarial assumptions and methods in effect prior to the enactment of Chapter 152/06 (the "2000 A&M"), the row entries would be 2006, 2005, 35,324, \$2,667,763,986, \$75,523 and 7.6%, respectively.

2 Increase from Valuation Date June 30, 2003.

3 The annualized covered payroll as of June 30, 2010 used for the Fiscal Year 2012 Employer Contribution is based on revised actuarial assumptions enacted by Chapter 3/13 (i.e., the 2012 A&M). If based on actuarial assumptions and methods prior to the 2012 A&M, the row entries would be 2012, 2010 (Lag), 34,597, \$3,383,959,454, \$97,811 and 6.8%, respectively.



TABLE II-5

NEW YORK CITY POLICE PENSION FUND

SCHEDULE OF PENSIONERS AND BENEFICIARIES ADDED TO AND REMOVED FROM THE ROLLS

Fiscal Year Ended June 30	Added to Rolls		Removed from Rolls		Rolls End of Year		% Increase In Annual Allowances	Average Annual Allowances
	Number	Annual Allowances <sup>1</sup>	Number	Annual Allowances	Number	Annual Allowances		
2000	832	\$ 41,398,525	935	\$15,698,156	34,636	\$ 882,280,100	3.0%	\$25,473
2001	1,582	169,140,021	973	16,481,363	35,245	1,034,938,758	17.3%	29,364
2002	2,916	108,830,413	898	19,684,195	37,263	1,124,084,976	8.6%	30,166
2003	1,942	86,819,507	945	21,085,545	38,260	1,189,818,938	5.8%	31,098
2004	2,058	103,277,524	866	19,894,055	39,452	1,273,202,407	7.0%	32,272
2005 <sup>2</sup>	2,716	137,875,353	1,036	25,654,051	41,132	1,385,423,709	8.8%	33,682
2006	2,330	131,918,392	988	25,047,689	42,474	1,492,294,412	7.7%	35,134
2007	2,268	123,856,605	1,011	26,869,025	43,731	1,589,281,992	6.5%	36,342
2008	1,541	92,191,424	982	27,012,317	44,290	1,654,461,099	4.1%	37,355
2009	1,025	89,094,934	1,030	30,086,313	44,285	1,713,469,720	3.6%	38,692
2010	1,355	110,403,824	1,006	29,554,813	44,634	1,794,318,731	4.7%	40,201
2011	2,142	141,323,253	1,021	30,315,285	45,755	1,905,326,699	6.2%	41,642
2012	1,893	133,158,449	1,010	32,287,109	46,638	2,006,198,039	5.3%	43,016
2013	1,346	99,488,158	1,034	33,621,831	46,950	2,072,064,366	3.3%	44,133

<sup>1</sup> Added to Rolls Annual Allowances include post-retirement adjustments in benefits for those on the rolls as of the end of the previous year.

<sup>2</sup> Beginning Fiscal Year Ended 2005, Added to and Removed from Rolls include pensioners changing retirement causes and pensioners who deceased with beneficiaries with continuing benefits.

TABLE II-6

NEW YORK CITY POLICE DEPARTMENT

VARIABLE SUPPLEMENTS FUNDS

MEMBERS INCLUDED IN THE JUNE 30, 2013 (LAG) AND THE JUNE 30, 2012 (LAG) ACTUARIAL VALUATIONS

	June 30, 2013		June 30, 2012	
	POVSF	PSOVSF	POVSF	PSOVSF
Retirees				
Number	11,777	16,996	11,746	16,715
Average Age	61.71	60.11	61.48	59.70
Actives				
Number	22,638	12,137	22,182	12,058
Average Age	35.05	42.40	34.89	42.18

**SECTION III – MARKET VALUES AND ACTUARIAL VALUES OF ASSETS**

Information on the Market Value of Assets (“MVA”) of the Plan is provided by the Office of the Comptroller.

An Actuarial Asset Valuation Method (“AAVM”) is used to determine the Actuarial Asset Value (“AAV”) of the Plan, the POVSF and the PSOVSF.

The AAVM in use for actuarial valuations after the June 30, 2011 (Lag) actuarial valuation is unchanged from the AAVM in use for the June 30, 2009 (Lag) actuarial valuation.

In accordance with this AAVM, actual Unexpected Investment Returns (“UIR”) for Fiscal Years 2012, 2013, etc. are phased into the Actuarial Asset Value (“AAV”) beginning June 30, 2012, 2013, etc. at rates of 15%, 15%, 15%, 15%, 20% and 20% per year (i.e., cumulative rates of 15%, 30%, 45%, 60%, 80% and 100% over a period of six years).

UIR is defined as the excess/(deficit) of Net Investment Return over/(under) the Expected Investment Return (“EIR”) based on the Actuarial Interest Rate (“AIR”) and the AAV.

EIR equals the sum of Beginning-of-Fiscal-Year AAV plus one-half of Net Cash Flow, multiplied by the AIR.

The Actuary reset the Actuarial Asset Value to Market Value (i.e., “Market Value Restart”) as of June 30, 2011.

For the June 30, 2010 (Lag) actuarial valuation, the AAV was defined to recognize Fiscal Year 2011 investment performance. The June 30, 2010 AAV was derived as equal to the June 30, 2011 MVA, discounted by the AIR assumption (adjusted for cash flow) to June 30, 2010.

The following Table III-1 compares the Market Value of Assets (“MVA”) of the Plan as of June 30, 2013 and June 30, 2012.

Table III-2 sets forth a comparison of the changes in the Market Value of Assets of the Plan for the Fiscal Years ended June 30, 2013 and June 30, 2012.

Table III-3 sets forth the development of the Actuarial Asset Value (“AAV”) of the Plan as of June 30, 2013 and as of June 30, 2012.

Table III-4 shows the MVA and the AAV for the Police Officers’ Variable Supplements Fund (“POVSF”) and the Police Superior Officers’ Variable Supplements Fund (“PSOVSF”), respectively, as of June 30, 2013 and June 30, 2012.

	June 30, 2013	June 30, 2012
<b>ASSETS</b>		
Cash	\$ 18,110	\$ 23,142
Receivables		
Investment Securities Sold	\$ 1,101,260	\$ 642,412
Member Loans	261,906	257,077
Accrued Interest and Dividends	<u>72,010</u>	<u>76,766</u>
Total Receivables	\$ 1,435,176	\$ 976,255
<b>INVESTMENTS AT FAIR VALUE</b>		
Short-Term Investments		
Commercial Paper	\$ 258,612	\$ 570,837
Short-term Investment Fund	563,187	538,859
U.S. Treasury Bills	137,235	143,550
U.S. Government Agency Discount Notes	56,072	62,792
Debt Securities		
U.S. Government	3,279,722	3,599,981
Corporate	3,442,405	3,645,270
Yankee Bonds	31,510	36,704
Equities		
Domestic	11,491,706	9,297,798
Private Equity	4,444,724	3,515,800
Mutual Funds – International Equity	4,670,297	3,939,397
Mutual Fund		
Fixed Income	1,571,283	745,519
Domestic Equity	-	143
Promissory Notes	5,563	10,329
Collateral From Securities Lending	<u>3,174,158</u>	<u>2,222,853</u>
Total Investments at Fair Value	\$33,126,474	\$28,329,832
<b>OTHER ASSETS</b>	<u>12,697</u>	<u>193,665</u>
<b>TOTAL ASSETS</b>	\$34,592,457	\$29,522,894
<b>LIABILITIES</b>		
Accounts Payable	\$ 269,071	\$ 249,190
Payable for Investment Securities Purchased	2,113,320	1,531,923
Accrued Benefits Payable	44,009	34,096
Securities Lending	<u>3,179,116</u>	<u>2,227,811</u>
<b>TOTAL LIABILITIES</b>	\$ 5,605,516	\$ 4,043,020
<b>PLAN ASSETS HELD IN TRUST FOR PENSION BENEFITS</b>	\$28,986,941	\$25,479,874

	June 30, 2013	June 30, 2012
<b>ADDITIONS</b>		
Contributions		
Member Contributions	\$ 229,675	\$ 216,172
Employer Contributions	<u>2,424,690</u>	<u>2,385,731</u>
Total Contributions	\$ 2,654,365	\$ 2,601,903
Investment Income (Loss)		
Interest Income	\$ 376,436	\$ 361,931
Dividend Income	393,640	333,333
Net Appreciation (Depreciation) in Fair Value	<u>2,348,307</u>	<u>(394,985)</u>
Total Investment Income (Loss)	\$ 3,118,383	\$ 300,279
Less Investment Expenses	<u>105,960</u>	<u>91,685</u>
Net Investment Income (Loss)	\$ 3,012,423	\$ 208,594
Securities Lending Transactions		
Securities Lending Income	\$ 20,594	\$ 16,551
Securities Lending Fees	<u>(3,016)</u>	<u>(1,102)</u>
Net Securities Lending Income (Loss)	\$ 17,578	\$ 15,449
Net Investment Income (Loss)	\$ 3,030,001	\$ 224,043
Other		
Net Receipts from Other Retirement Systems		
Litigation Income	4,559	5,069
TOTAL ADDITIONS	<u>1,406</u>	<u>483</u>
	\$ 5,690,331	\$ 2,831,498
<b>DEDUCTIONS</b>		
Benefit Payments and Withdrawals	\$ 2,157,547	\$ 2,083,906
Administrative Expenses	17,548	16,578
Transfer to PSOVSF	<u>8,169</u>	<u>0</u>
<b>TOTAL DEDUCTIONS</b>	\$ 2,183,264	\$ 2,100,484
<b>NET INCREASE (DECREASE) PLAN NET ASSETS</b>	\$ 3,507,067	\$ 731,014
<b>PLAN NET ASSETS HELD IN TRUST FOR PENSION BENEFITS</b>		
Beginning of Year Plan Net Assets	\$25,479,874	\$24,748,860
End of Year	\$28,986,941	\$25,479,874

TABLE III-3 NEW YORK CITY POLICE PENSION FUND DEVELOPMENT OF ACTUARIAL VALUES OF ASSETS AS OF JUNE 30, 2013 AND JUNE 30, 2012 (\$ Thousands)		
	June 30, 2013	June 30, 2012
1. Net Assets Available for Benefits at Beginning of Year	\$25,479,874	\$24,748,860
2. Total Contributions	2,654,365	2,601,903
3. Net Investment Income <sup>1</sup>	3,030,001	224,043
4. Total Benefit Payments and Expenses	(2,177,299)	(2,094,932)
5. Increase/(Decrease) in Net Assets during the Year (2. + 3. + 4.)	\$ 3,507,067	\$ 731,014
6. Net Assets Available for Benefits at End of Year (1. + 5.)	\$28,986,941	\$25,479,874
7. Total Investment Return	\$ 3,030,001	\$ 224,043
8. Transfer of Excess Earnings to POLICE VSFs	0	0
9. Adjusted Investment Return (7. - 8.)	\$ 3,030,001	\$ 224,043
10. Average Investable Assets	\$27,015,610	\$25,002,346
11. Assumed Rate of Return ("AIR")	7.00%	7.00%
12. Expected Investment Return	\$ 1,891,093	\$ 1,750,164
13. Unexpected Investment Return (9. - 12.)	\$ 1,138,908	\$(1,526,121)
14. Actuarial Value of Assets	\$29,087,154	\$26,777,077

<sup>1</sup> Net of investment expenses.

TABLE III-4 NEW YORK CITY POLICE OFFICERS' VARIABLE SUPPLEMENTS FUND ("POVSF") AND NEW YORK CITY POLICE SUPERIOR OFFICERS' VARIABLE SUPPLEMENTS FUND ("PSOVSF") STATEMENT OF MARKET VALUES AND ACTUARIAL VALUES OF ASSETS (\$ Thousands)				
	June 30, 2013		June 30, 2012	
	MVA	AAV	MVA	AAV
POVSF	\$ 464,887	\$ 464,226	\$ 544,788	\$ 575,048
PSOVSF	(60)	13,183	208,082	222,342
Total	\$ 464,827	\$ 477,409	\$ 752,870	\$ 797,390

**SECTION IV - STATUTORY CONTRIBUTION**

The Statutory Contribution for Fiscal Year 2015 under the 2012 A&M equals \$2,309,618,694. The Statutory Contribution is equal to the Actuarial Contribution.

The following Table IV-1 shows the components of the Fiscal Year 2015 and the Fiscal Year 2014 Statutory Contributions.

TABLE IV-1 NEW YORK CITY POLICE PENSION FUND COMPONENTS OF FISCAL YEAR 2015 AND FISCAL YEAR 2014 STATUTORY CONTRIBUTIONS		
Valuation Date	June 30, 2013 (Lag)	June 30, 2012 (Lag)
Fiscal Year	2015	2014
Normal Contribution <sup>1</sup>	\$1,258,816,047 <sup>2</sup>	\$1,275,019,850 <sup>3</sup>
Unfunded Actuarial Accrued Liability Contribution		
- Initial UAAL		
-(Gain)/Loss		
-(Gain)/Loss	1,084,638,552	1,053,047,138
-(Gain)/Loss	32,652,194	32,652,194
- Total UAAL	(58,789,449)	(58,789,449)
	(27,789,355)	NA
Administrative Expense Contribution	1,030,711,942	1,026,909,883
Total Amount from City to the New York City Police Pension Fund	20,090,705	18,980,152
	\$2,309,618,694	\$2,320,909,885

<sup>1</sup> Includes amounts necessary, if any, to provide for financing of the Excess Benefit Plan established by Chapter 623/04.

<sup>2</sup> Includes \$1,126,649 for Group Life Insurance Plan.

<sup>3</sup> Includes \$1,084,523 for Group Life Insurance Plan.

The following Table IV-2 shows the development of the Fiscal Year 2015 and the Fiscal Year 2014 Statutory Employer Normal Contributions.

TABLE IV-2 NEW YORK CITY POLICE PENSION FUND DEVELOPMENT OF FISCAL YEAR 2015 AND FISCAL YEAR 2014 STATUTORY EMPLOYER NORMAL CONTRIBUTIONS		
Valuation Date	June 30, 2013 (Lag)	June 30, 2012 (Lag)
Fiscal Year	2015	2014
1. Present Value of Future Benefits		
a. Pensioners and Beneficiaries	\$21,674,574,798	\$20,840,670,338
b. Supplemental Benefits	2,316,523,440	2,341,073,257
c. Active Members	25,251,173,086	24,467,985,037
d. Future VSF Transfers	5,588,774,934	5,178,214,909
e. Total	\$54,831,046,258	\$52,827,943,541
2. PV Future Employee Contributions	\$ 569,645,318	\$ 524,251,938
3. PV Future Employer Normal Contributions	\$10,361,307,110	\$10,288,066,986
4. Actuarial Accrued Liability (1.e.-2.-3.)	\$43,900,093,830	\$42,015,624,617
5. Actuarial Value of Assets	\$29,087,154,000	\$26,777,077,000
6. PV One-Year Discounted Employer Normal Contributions	\$ 1,232,608,213	\$ 1,306,237,459
7. PV Expenses Reimbursed in the Future	\$ 36,500,598	\$ 35,013,543
8. Valuation Unfunded Actuarial Accrued Liability (4.-5.-6.-7.)	\$13,543,831,019	\$13,897,296,615
9. Present Value of Future Salaries under OYLM	\$28,514,307,454	\$27,333,108,189
10. Employer Normal Cost Rate (3./9.)	36.337%	37.640%
11. Annual Salaries (@ t = 1.5)*	\$ 3,464,281,716	\$ 3,387,406,614
12. Statutory Employer Normal Contribution (10. times 11.)	\$ 1,258,816,047	\$ 1,275,019,850

\* The projected annualized covered payroll under the One-Year Lag methodology.

The following Table IV-3 shows the Schedule of Unfunded Actuarial Accrued Liability Bases as of June 30, 2013.

The Initial UAAL is being amortized over a closed 22-year period using Increasing Dollar Payments ("IDP"). Under IDP, amortization payments increase by 3.0% per year, consistent with the assumed rate of General Wage Increases.

UAALs established post-June 30, 2010 are generally amortized using Level Dollar Payments ("LDP") as follows:

- Benefit Changes – Over the remaining working lifetimes of those impacted, unless the amortization period is determined by statute.
- Assumption and/or Method Changes – Over a closed 20-year period.
- Actuarial Gains and Losses – Over a closed 15-year period.

Note: Under the One-Year Lag methodology, the number of payments is one less than the number of years in the amortization period (e.g., 14 payments over a closed 15-year amortization period).

Amortization Base	Date Established	Original Amount	Amortization Period/ Method	Fiscal Year 2015 Amortization Payment	Years/ Payments Remaining	OYLM UAAL at June 30, 2013
Initial UAAL	6/30/10	\$15,226 <sup>1</sup>	22 Years Closed/ IDP-3%	\$1,085	19/19	\$14,028
(Gain)/Loss	6/30/11	\$ 276	15 Years Closed/ LDP	\$ 33	13/13	\$ 282
(Gain)/Loss	6/30/12	\$ (497)	15 Years Closed/ LDP	\$ (59)	14/14	\$ (532)
(Gain)/Loss	6/30/13	\$ (235)	15 Years Closed/ LDP	\$ (28)	15/14	\$ (235)

<sup>1</sup> Amount before reflecting any adjustments under OYLM.

**SECTION V – SOLVENCY TEST**

Valuation Date (June 30)	Aggregate Accrued Liabilities For:			Actuarial Value of Assets (D)	Percentage of Actuarial Values Covered by Actuarial Value of Assets		
	Accumulated Member Contributions (A)	Current Pensioners and Beneficiaries (B)	Active Members' Employer Financed Portion (C)		(A)	(B)	(C)
2001	1,163,665	10,245,495	6,688,974	18,141,670	100%	100%	100%
2002	1,715,036	11,294,438	6,645,998	18,913,634	100%	100%	89%
2003	1,805,279	12,020,762	6,512,726	18,781,359	100%	100%	76%
2004	1,819,074	12,856,032	6,686,526	18,510,638	100%	100%	57%
2004 (Lag) <sup>2</sup>	1,819,074	12,934,032	7,691,232	18,735,134	100%	100%	52%
2005 (Lag)	1,804,733	14,176,476	7,559,642	18,767,256	100%	100%	37%
2006 (Lag)	1,628,376	15,866,403	7,627,823	18,689,451	100%	100%	16%
2007 (Lag)	1,690,817	16,893,533	8,067,768	19,800,553	100%	100%	15%
2008 (Lag)	1,841,590	17,590,712	8,429,458	21,393,152	100%	100%	23%
2009 (Lag)	2,030,929	17,852,955	9,217,265	22,676,172	100%	100%	30%
2010 (Lag) <sup>3</sup>	2,180,671	20,639,838	16,892,925	22,908,732	100%	100%	1%
2011 (Lag)	2,564,754	21,974,393	16,953,617	24,748,860	100%	100%	1%
2012 (Lag)	2,456,478	23,181,744	17,191,876	26,777,077	100%	100%	7%
2013 (Lag)	2,741,297	23,991,098	17,907,612	29,087,154	100%	100%	13%

See Notes to Table V-1 on Page 28 and Notes to Solvency Test on Page 29.

Notes to Table V-1

<sup>1</sup> See Notes to Solvency Test.

<sup>2</sup> If based on 2000 A&M, the row entries would be 2005, \$1,804,733, \$14,176,476, \$7,207,700, \$18,767,256, 100%, 100% and 39%, respectively, for the June 30, 2005 valuation date.

<sup>3</sup> If based on 2006 A&M, the row entries would be 2010 (Lag), \$2,180,671, \$18,247,596, \$10,431,316, \$23,943,601, 100%, 100% and 34%, respectively, for the June 30, 2010 (Lag) valuation date.

Notes to Solvency Test

The ultimate test of financial soundness in a retirement system is its ability to pay all of its promised benefits when due. The retirement system's progress in accumulating assets to pay all promised benefits can be measured by comparing the Actuarial Value of Assets for the retirement system with the Aggregate Accrued Liabilities for:

- a. Accumulated Member Contributions.
- b. Current Pensioners and Beneficiaries, and
- c. Active Members' Employer-Financed Benefits.

The Aggregate Accrued Liabilities are the Actuarial Present Value of projected benefits produced by the projected benefit attribution approach prorated on service. The Aggregate Accrued Liabilities were calculated in accordance with previously issued Governmental Accounting Standards Board Statement No. 5 ("GASB5").

This comparative summary allocates assets as if they were priority groups, somewhat similar to (but not identical with) the priority categories of Section 4044 of the Employee Retirement Income Security Act of 1974.

The values in Table V-1 are dependent upon census data, benefit levels (which have changed on occasion over the past years), and the actuarial assumptions and methods employed at each valuation date. These underlying bases can be found within the Comprehensive Annual Financial Report ("CAFR") for each respective year.

To fully evaluate trends in financial soundness, changes in assumptions need to be evaluated. For the valuation dates shown in the table, the Actuarial Interest Rate and General Wage Increase assumptions were equal to 8.0% per annum, gross of expenses, and 3.0% per annum, respectively, through the June 30, 2009 (Lag) actuarial valuation. Beginning with the June 30, 2010 (Lag) actuarial valuation, the Actuarial Interest Rate assumption equals 7.0% per annum, net of investment expenses, and the General Wage Increase assumption equals 3.0% per annum.

Valuation Date (June 30)	Assumed Annual Rate of Return On Investments	Assumed General Wage Increase
2001	8.00%	3.0%
2002	8.00%	3.0%
2003	8.00%	3.0%
2004	8.00%	3.0%
2004 (Lag)	8.00%	3.0%
2005 (Lag)	8.00%	3.0%
2006 (Lag)	8.00%	3.0%
2007 (Lag)	8.00%	3.0%
2008 (Lag)	8.00%	3.0%
2009 (Lag)	8.00%	3.0%
2010 (Lag)	7.00%	3.0%
2011 (Lag)	7.00%	3.0%
2012 (Lag)	7.00%	3.0%
2013 (Lag)	7.00%	3.0%

**SECTION VI - FUNDED STATUS**

The Funded Status of the Plan is usually expressed in various relationships of Assets to Liabilities. Different measures are developed and utilized for different purposes and reporting entities.

This Section presents in Table VI-1 the following measures of Funded Status:

- AAV as a percentage of Total Actuarial Present Value of Benefits ("APVB") based on the actuarial assumptions used in the actuarial valuation.

- AAV as a percentage of Projected Benefit Obligation ("PBO") based on the actuarial assumptions used in the actuarial valuation. This ratio is presented annually in the CAFR.
- AAV as a percentage of Accumulated Benefit Obligation ("ABO") based on the actuarial assumptions used in the actuarial valuation. This ratio is also presented annually in the CAFR.
- The Market Value of Assets ("MVA") as a percentage of the Market Value Accumulated Benefit Obligation ("MVABO"). MVABO is calculated under the same actuarial assumptions used in the actuarial valuations except for an investment rate of return assumption which is equal to the yield on U.S. Treasury securities based on durations consistent with those of the expected payments from the Plan.

The ratio of MVA to MVABO provides a measure of funded status that is (1) independent of the asset allocation of the Plan, (2) exclusive of any advance recognition of expected asset risk premia (e.g., equity risk premium) and (3) absent any smoothing of asset values.

This ratio has been presented annually in the POLICE CAFR beginning with the June 30, 2003 CAFR.

Note that all Funded Status measures prior to June 30, 2010 are exclusive of the assets and the liabilities of the Variable Supplements Funds ("VSFs").

Valuation Date (June 30)	AAV/APVB	AAV/PBO	AAV/ABO	MVA/MVABO
2001	76%	100%	112%	76%
2002	73%	96%	107%	65%
2003	70%	92%	100%	52%
2004	66%	87%	94%	63%
2004 (Lag) <sup>2</sup>	63%	83%	94%	63%
2005 (Lag)	60%	80%	89%	54%
2006 (Lag)	56%	74%	81%	61%
2007 (Lag)	56%	74%	81%	66%
2008 (Lag)	57%	77%	83%	55%
2009 (Lag)	58%	78%	84%	42%
2010 (Lag) <sup>3</sup>	46%	58%	63%	36%
2011 (Lag)	48%	60%	63%	44%
2012 (Lag)	51%	63%	66%	34%
2013 (Lag)	53%	65%	69%	43%

<sup>1</sup> Measures as described in this Section.

<sup>2</sup> If based on 2000 A&M, the row entries would be 2005, 57%, 77%, 85% and Not Available, respectively, for the June 30, 2005 valuation date.

<sup>3</sup> Includes Actuarial Liabilities attributable to Variable Supplements Funds, net of their Actuarial Asset Values, if any. If based on 2006 A&M, the row entries would be 2010 (Lag), 59%, 78%, 84% and 44% respectively, for the June 30, 2010 (Lag) valuation date.

**SECTION VII – SCHEDULE OF FUNDING PROGRESS**

TABLE VII-1 NEW YORK CITY POLICE PENSION FUND SCHEDULE OF FUNDING PROGRESS (IN CONFORMITY WITH THE PLAN'S FUNDING METHOD) <sup>1</sup> (\$ Thousands)						
Valuation Date (June 30)	(1) Actuarial Asset Value (AAV)	(2) Actuarial Accrued Liability (AAL)	(3) Unfunded AAL (UAAL) (2) – (1)	(4) Funded Ratio (1)/(2)	(5) Covered Payroll	(6) UAAL as a Percentage Of Covered Payroll (3)/(5)
2001	\$18,141,670	\$18,141,670	\$ 0	100.0%	\$ 2,500,130	0.0%
2002	18,913,634	18,913,634	0	100.0%	2,496,249	0.0%
2003	18,781,359	18,781,359	0	100.0%	2,433,897	0.0%
2004	18,510,638	18,510,638	0	100.0%	2,460,750	0.0%
2004 (Lag) <sup>2</sup>	18,735,134	18,735,134	0	100.0%	2,757,662	0.0%
2005 (Lag)	18,767,256	18,767,256	0	100.0%	2,812,930	0.0%
2006 (Lag)	18,689,451	18,689,451	0	100.0%	2,816,929	0.0%
2007 (Lag)	19,800,553	19,800,553	0	100.0%	2,961,649	0.0%
2008 (Lag)	21,393,152	21,393,152	0	100.0%	3,095,904	0.0%
2009 (Lag)	22,676,172	22,676,172	0	100.0%	3,261,118	0.0%
2010 (Lag) <sup>3</sup>	22,908,732	38,134,430	15,225,698	60.1%	3,464,097	439.5%
2011 (Lag)	24,748,860	40,524,580	15,775,720	61.1%	3,480,066	453.3%
2012 (Lag)	26,777,077	42,015,625	15,238,548	63.7%	3,478,154	438.1%
2013 (Lag)	29,087,154	43,900,094	14,812,940	66.3%	3,607,607	410.6%

<sup>1</sup> See Notes to Schedule of Funding Progress.

<sup>2</sup> If based on 2000 A&M, the row entries would be 2005, \$17,865,280, \$17,865,280, \$0, 100.0%, \$2,667,764 and 0.0%, respectively, for the June 30, 2005 valuation date.

<sup>3</sup> Effective June 30, 2010, based on the Entry Age Actuarial Cost method ("EAACM"). Previously, based on the Frozen Initial Liability Actuarial Cost Method. AAL includes Accrued Liabilities attributable to the Variable Supplements Funds, net of their Actuarial Asset Values, if any.

Notes to Schedule of Funding Progress

As of June 30, 1999, the economic and noneconomic assumptions were revised following experience reviews.

AAVM was changed as of June 30, 1999 to reflect a market basis for investments held by the Plan and was made as one component of an overall revision of actuarial assumptions and methods as of June 30, 1999.

Under the AAVM used as of June 30, 1999, any UIR for Fiscal Years 2000 or later are phased into AAV beginning the following June 30 at a rate of 10%, 15%, 20%, 25% and 30% per year (or a cumulative rate of 10%, 25%, 45%, 70% and 100% over a period of five years).

Beginning with the June 30, 2004 (Lag) actuarial valuation the economic and non-economic assumptions were again revised in connection with an experience review. The AAVM was changed to a method which also resets the AAV to Market Value (i.e., "Market Value Restart") as of June 30, 1999. As of each June 30 thereafter the AAVM recognizes investment returns greater or less than expected over a period of six years.

Under this revised AAVM, any UIR for Fiscal Years 2000 and later are phased into the AAV beginning the following June 30 at a rate of 15%, 15%, 15%, 15%, 20% and 20% per year (or cumulative rates of 15%, 30%, 45%, 60%, 80% and 100% over a period of six years).

Effective with the June 30, 2010 (Lag) actuarial valuation, the economic and non-economic assumptions were revised in connection with an experience review.

For the June 30, 2010 (Lag) actuarial valuation, the AAV is defined to recognize Fiscal Year 2011 investment performance. The June 30, 2010 AAV is derived as equal to the June 30, 2011 MVA, discounted by the AIR assumption (adjusted for cash flow) to June 30, 2010.

For the June 30, 2011 (Lag) actuarial valuation, the AAV was reset to the MVA (i.e., "Market Value Restart").

The Actuarial Asset Valuation Method ("AAVM") in use for actuarial valuations after the June 30, 2011 (Lag) actuarial valuation is unchanged from the AAVM in use for the June 30, 2009 (Lag) actuarial valuation.

To effectively assess the funding progress of the Plan, it is necessary to compare the Actuarial Asset Value ("AAV") and the Actuarial Accrued Liability ("AAL") calculated in a manner consistent with the Plan's funding method over a period of time. The AAL is the portion of the APV of pension plan benefits and expenses which is not provided for by future normal costs and future member contributions.

The Unfunded Actuarial Accrued Liability ("UAAL") is the excess of the AAL over the AAV. Under the EAACM, actuarial gains (losses), as they occur, reduce (increase) the UAAL and are explicitly identified and amortized. Increases (decreases) in obligations due to benefit changes, actuarial assumption changes and/or actuarial method changes are also explicitly identified and amortized.

**SECTION VIII – SUMMARY OF PLAN PROVISIONS**

A. Effective Date: March 29, 1940.

B. Eligibility Requirements:

Tier 1: Pre-July 1, 1973.

Tier 2: July 1, 1973 to June 30, 2009.

Tier 3: July 1, 2009 to March 31, 2012.

Tier 6 (or Tier 3 Revised): On or after April 1, 2012.

City service in positions in the competitive class of the civil service, who serve probationary periods or who receive permanent appointments in the Police force.

Also, City service in a position of Police Surgeon classified in the non-competitive class of civil service.

C. Member Contributions:

Tier 1 and Tier 2

1. **Required Member Contributions** – Based upon age at entry and elected retirement age, credited with regular and special interest. Contributions are required for the first 20 years (or 25 years depending on Plan) of Membership service.

2. Voluntary Member Contributions – Additional contributions to the Annuity Savings Fund credited with regular and special interest.

Tier 3 and Tier 6

Members contribute 3.0% of salary for a maximum of 25 years.

D. Increased-Take-Home-Pay (“ITHP”) Contributions: The City of New York pays a portion of employee contributions for Tier I and Tier II members. Effective October 1, 2000, the rate of ITHP contributions is 5.0% of salary, accumulated with regular and special interest. The member may elect to waive the ITHP reduction and contribute at the full employee rate which results in additional benefits attributable to the ITHP contributions.

E. Credited Service: Credited Service is classified as Allowable Police Service or Other Credited Service. Members are credited with one year of service for two hundred fifty or more days of service and not more than one year for all service in any calendar year. Allowable Police Service includes service in the Uniformed Transit Police Force, Uniformed Housing Police Force, Uniformed Correction Force and Uniformed Sanitation Force, if it immediately precedes the Uniformed Police Force service.

Members may purchase, subject to limitations in the law, years of certain war time military service, combined military service and service as police officers in a foreign country for the United States Government, and authorized Child Care Leave.

F. Salary Base:

Tier 1: Final Salary (“FS”). The contract rate of base pay and holiday pay on the last day paid plus any overtime, night differential and worked vacation earned in the previous 12 months plus applicable longevity pay.

Note: For members appointed on or after June 17, 1971, the pensionable compensation for the final year of service is limited to 120% of the pensionable compensation for the year immediately preceding the final year (the “Kingston Law”).

Tier 2: Final Average Salary (“FAS”). Total pensionable compensation (wages, overtime, night differential, worked vacation, etc.) a member earned during the twelve (12) months preceding the date of retirement not in excess of 120% of the immediate previous twelve months’ pensionable compensation.

Note: If greater, FAS will equal the greatest average three consecutive years’ pensionable compensation, where each year’s salary cannot exceed 120% of the average of the two previous years.

Tier 3: Members Appointed Between July 1, 2009 and March 31, 2012

Final Average Salary (FAS) is the average total pensionable compensation earned by a member during any consecutive three (3) year period based on the month and day of retirement that provides the highest average wages. If the wages earned during any year included in the period exceed the average of the prior two years by more than 10%, the amount in excess of 10% shall be excluded.

Tier 6: Members Appointed on or After April 1, 2012

FAS is the average total pensionable compensation earned by a member during any 5 consecutive years based on the month and day of retirement that provides the highest average wages. If the wages earned during any year included in the period exceed the average of the prior four (4) years by more than 10%, the amount in excess of 10% shall be excluded. Additionally, if the member was on a leave of absence without pay (e.g., suspension) at any time during the five year period, that time, not in excess of 12 months, will be excluded from the calculation and the same period of time immediately preceding the five-year period will be included for the final average salary.

G. Service Retirement:

Eligibility:

Tier 1 and Tier 2: Completion of 20 years of Credited Service or completion of 25 years of Credited Service, if elected the 25-Year Plan.

Tier 3 and Tier 6: Completion of 20 years of Credited Service for Early Service Retirement and 22 years of Credited Service for Normal Service Retirement.

Benefit: 50% of [FS (Tier 1) or FAS (Tier 2)] plus 1/60<sup>th</sup> of the sum of all salary after 20 years (or 25 years depending on Plan) of Credited Service.

The benefit is adjusted by the annuitized value of the net excess/(deficit) of accumulated member contributions and ITHP over/(under) required amounts.

Benefit (Tier 3 and Tier 6): 2.1% of FAS times number of years of Credited Service for first 20 years plus 4.0% of FAS times number of years of Credited Service in excess of 20 years (total benefit limited to 50% of FAS).

The benefit is reduced by 50% of Primary Social Security at age 62.

H. Disability Retirement:

Accidental Disability:

Eligibility:

Immediate. Must be found by the Medical Board and the Board of Trustees to be physically or mentally unable to perform regular job duties as a result of an injury received in the line-of-duty.

Benefit: 75% of [FS (Tier 1) or FAS (Tier 2)] plus 1/60<sup>th</sup> of the sum of all salary after 20 years (or 25 years depending on Plan) of Credited Service, plus annuitized value of actual member accumulated contributions and ITHP.

Benefit (Tier 3 and Tier 6): 50% of FAS less 50% of Primary Social Security Disability Benefits.

Ordinary Disability:

Tier 1 and Tier 2

Eligibility:

Immediate. Must be found by the Medical Board and the Board of Trustees to be physically or mentally unable to perform regular job duties as a result of an injury not received in the line-of-duty.

Benefit: 2.5% times [FS (Tier 1) or FAS (Tier 2)] times Credited Service.

Minimum Benefit:

Less than 10 years of service: 1/3 of [FS (Tier 1) or FAS (Tier 2)],  
10 or more years of service: 1/2 of [FS (Tier 1) or FAS (Tier 2)],  
plus annuitized value of the net excess/(deficit) of member accumulated contributions and ITHP over/(under) required amounts.

Tier 3 and Tier 6

Eligibility: 5 years of Credited Service and eligibility for Social Security disability benefit.

Benefit: The greater of 33 1/3% of FAS or 2.0% of FAS times number of years of Credited Service (not in excess of 22 years) less 50% of Primary Social Security Disability Benefit.

I. Death Benefit:

Eligibility: Tier 1: Immediate.  
Tier 2, Tier 3 and Tier 6: Immediate except 90 days of service for Ordinary Death.

Accidental Death Benefit:

Benefit Payable from Pension Fund:

Tier 1 and Tier 2: 50% of average of the final five years of salary payable to surviving spouse for life or to other eligible dependents, plus lump sum of accumulated member contributions and ITHP.

Tier 3 and Tier 6: 50% of FAS.

In addition there may be a benefit payable in accordance with General Municipal Law Section 208.f.

Ordinary Death Benefit:

Tier 1

Less than 10 years of Credited Service: 50% of FS.

At least 10 years of Credited Service: 100% of FS plus accumulated member contributions and ITHP with interest.

Tier 2

Three times final year's salary raised to the next highest multiple of \$1,000 plus accumulated member contributions.

Tier 3 and Tier 6

Three times final year's salary raised to the next highest multiple of \$1,000 plus accumulated member contributions.

Form of Payment of Death Benefit: Lump sum. The first \$50,000 of benefit on account of death in active service will be paid from the Group Life Insurance Plan.

Death Benefit for Members Eligible for Service Retirement:

Lump sum equal to the reserve for the Service Retirement allowance which would have been payable had the member retired the day before death.

J. Vested Benefit upon Termination:

Eligibility:

<u>Credited Service</u>	<u>Vested Percentage</u>
Less than 5 years	0%
5 or more years	100%



Benefit at Service Retirement Date: 2.5% times [FS (Tier 1) or FAS (Tier 2)] times number of years of Credited Service plus annuitized value of the net excess/(deficit) of accumulated member contributions and ITHP over/(under) required amounts with interest to normal retirement date.

2.1% of FAS (Tier 3 and Tier 6) times number of years of Credited Service payable at date 20 years of Credited Service would have been completed or at age 55, if earlier and elected, with a reduction.

The benefit is reduced by 50% of Primary Social Security at age 62.

Participant may elect refund of accumulated member contributions.

K. Normal Form of Retirement Income: Life Annuity.

L. Loans (Tier 1 and Tier 2 only):

Eligibility: After three years of membership up to the day of retirement.

Amount: Up to 90% of accumulated member contributions.

M. Cost-of-Living Adjustments ("COLA"):

Tier 1 and Tier 2

Eligibility: Service Retirees: Age 62 and retired 5 years or age 55 and retired 10 years. Disability Retirees: Retired 5 years. Beneficiaries receiving accidental death benefits: Receiving benefits for 5 years.

Amount: Starting with benefits for September 2001, the COLA percentage is 50% of the increase in CPI-U based upon the 12 months ending March 31, rounded to the next highest 0.1%. Such percentage shall not be less than 1.0% nor greater than 3.0%. This percentage is applied to the first \$18,000 of the total retirement benefit (including all prior COLA) that is payable if no optional form of benefit is elected.

If a retiree dies and has chosen an optional form of payment which provides for benefits to be continued to the spouse, for life, one half of the COLA amount is paid to such spouse.

N. Escalation

Tier 3 and Tier 6

Service, vesting and disability retirement benefits, as well as survivor benefits, may be subject to annual escalation.

Full Escalation Date: The full escalation date is calculated as follows for different retirement types:

Vested and Service Pensions: The first day of the month following the date on which a member completes or would have completed 25 years of service.

Disability Pensions: The first day of the month following the day on which a disability retiree first becomes eligible for ODR/ADR.

Death Benefits: The first day of the month following the day on which a beneficiary first becomes eligible for a death benefit paid as other than a lump sum.

If a member first begins receiving benefits on the same date as the full escalation date, the Full Escalation will be calculated as a 3.0% increase of current annual pension, or the Cost-of-Living Index increase of current annual pension, whichever is less.

Partial Escalation: Partial escalation is calculated on benefits that commence prior to the member's full escalation date. A member will receive 1/36<sup>th</sup> of the full escalation rate for each month the benefit starts after the member would have completed 22 years of service.

O. WTC Disability Benefits: Certain active and retired members of the Plan, who participated in the rescue, recovery or clean-up operations at the WTC site and who become partially or totally disabled due to certain diseases, are presumed to have become disabled in the performance of duty.

P. WTC Death Benefits: Certain active and retired members of the Plan, who participated in the rescue, recovery or clean-up operations at the WTC site and who die due to certain diseases, are presumed to have died in the performance of duty.

Q. Variable Supplements Funds ("VSF"):

Eligibility: Service Retirement as a Police Officer or Police Superior Officer with at least 20 years (or 25 years depending on Plan) of allowable service. This benefit is not payable to Disability retirees or Vested retirees.

Benefit: Beginning Calendar Year 2007 (2008 for those who became members on or after July 1, 1988), the annual payment is \$12,000.

Increases in Supplementation or automatic COLA benefits payable from the Plan for retirees under legislation enacted after 1988 for Police Officers and 1993 for Police Superior Officers reduce VSF benefits. Subject to certain other conditions, in certain situations, these reductions in VSF benefits due to Supplementation and COLA cease for benefits payable for Calendar Year 2007 and after.

**Form of payment:** Life annuity payable annually on or about December 15. Benefit is prorated in year of retirement and in year of death.

**Source of Payment:** VSF benefits are payable from the Police Officers' Variable Supplements Fund ("POVSF") or the Police Superior Officers' Variable Supplements Fund ("PSOVSF") for eligible Police Officers and Police Superior Officers beneficiaries, respectively.

**VSF DROP:** Members who retire for service on or after January 1, 2002 with 20 years or more (or 25 years depending on Plan) of allowable service are entitled to a lump sum in the first year following retirement equal to the VSF benefits that would have been paid with respect to Calendar Year 2002 and later had the member retired upon completion of 20 years (or 25 years depending on Plan) of allowable service. This is referred to as the "VSF DROP."

**SECTION IX – SUMMARY OF 2012 ACTUARIAL ASSUMPTIONS AND METHODS ("2012 A&M")**

1. **Healthy Mortality:** The following Table IX-1 presents a sample of probabilities of mortality that are used for active members and service retirees with separate probabilities for males and females (except for Accidental Death where the same probabilities are used):

TABLE IX-1 NEW YORK CITY POLICE PENSION FUND PROBABILITIES OF HEALTHY LIVES MORTALITY						
ACTIVE MEMBER MORTALITY				POST-RETIREMENT MORTALITY		
Age	Ordinary Death		Accidental Death	Age	Males	Females
	Males	Females				
20	0.0400%	0.0300%	0.01%	20	0.0214%	0.0124%
30	0.0400%	0.0300%	0.01%	30	0.0392%	0.0205%
40	0.0500%	0.0400%	0.02%	40	0.0924%	0.0493%
50	0.1500%	0.1000%	0.03%	50	0.1614%	0.1468%
60	0.3000%	0.2000%	0.04%	60	0.5939%	0.4636%
70	NA	NA	NA	70	1.6666%	1.1921%
80	NA	NA	NA	80	5.0522%	3.4074%
90	NA	NA	NA	90	15.2121%	10.5553%
100	NA	NA	NA	100	33.6045%	23.1601%
110	NA	NA	NA	110	100.0000%	100.0000%

2. **Disability Mortality:** The following Table IX-2 presents a sample of probabilities of mortality that are used for disabled retirees with separate probabilities for males and females:

TABLE IX-2 NEW YORK CITY POLICE PENSION FUND PROBABILITIES OF POST-DISABLEMENT MORTALITY		
Age	Males	Females
20	0.0304%	0.0154%
30	0.0690%	0.0320%
40	0.1497%	0.0595%
50	0.3124%	0.1945%
60	0.7467%	0.5537%
70	2.0462%	1.5179%
80	6.1261%	4.4692%
90	18.8609%	13.5234%
100	37.1685%	23.4195%
110	100.0000%	100.0000%

3. **Beneficiaries Mortality:** The following Table IX-3 presents a sample of probabilities of mortality that are used for beneficiaries with separate probabilities for males and females:

TABLE IX-3 NEW YORK CITY POLICE PENSION FUND PROBABILITIES OF BENEFICIARY MORTALITY		
Age	Males	Females
20	0.0214%	0.0124%
30	0.0392%	0.0205%
40	0.1021%	0.0591%
50	0.3401%	0.1846%
60	0.8400%	0.7716%
70	1.8086%	1.5676%
80	5.3016%	3.7819%
90	15.2335%	11.5224%
100	33.6045%	23.1881%
110	100.0000%	100.0000%

4. **Withdrawal:** The following Table IX-4 presents a sample of probabilities of withdrawal from active service, for causes other than death or retirement:

TABLE IX-4 NEW YORK CITY POLICE PENSION FUND PROBABILITIES OF WITHDRAWAL FOR CAUSES OTHER THAN DEATH OR RETIREMENT	
YEARS OF SERVICE	PROBABILITY OF WITHDRAWAL
0	4.00%
5	2.00%
10	1.00%
15	0.30%
20	NA

5. Disability: The following Table IX-5 presents a sample of probabilities of disability retirement during active service:

TABLE IX-5 NEW YORK CITY POLICE PENSION FUND PROBABILITIES OF DISABILITY RETIREMENT				
		Accidental Disability		
		Tier I and Tier II		Tier III
Age	Ordinary Disability	Not Eligible for WTC Benefits	Eligible for WTC Benefits	
20	0.050%	0.150%	0.300%	0.150%
30	0.100%	0.500%	1.000%	0.500%
40	0.150%	1.250%	2.500%	1.200%
50	0.200%	2.000%	4.000%	1.500%
60	6.000%	5.000%	10.000%	3.000%

6. Service Retirement: The following Tables IX-6a and IX-6b present a sample of select and ultimate age based probabilities of retirement:

TABLE IX-6a NEW YORK CITY POLICE PENSION FUND PROBABILITIES OF SERVICE RETIREMENT UNREDUCED RETIREMENT WITH FULL COLA			
Age	Years of Service Since First Eligible		
	0	1	2 or More
40	60.00%	15.00%	10.00%
50	60.00%	15.00%	15.00%
60	60.00%	20.00%	20.00%
61	60.00%	30.00%	30.00%
62	60.00%	50.00%	50.00%
63	100.00%	100.00%	100.00%

TABLE IX-6b NEW YORK CITY POLICE PENSION FUND PROBABILITIES OF SERVICE RETIREMENT TIER III EARLY SERVICE RETIREMENT		
Years of Service	Reduced Retirement	Unreduced Before Full COLA
20	5.00%	NA
21	2.00%	NA
22	NA	5.00%
23	NA	2.00%
24	NA	2.00%

7. Salary Scale: The following Table IX-7 presents a sample of service-based salary increase rates:

TABLE IX-7 NEW YORK CITY POLICE PENSION FUND ANNUAL RATES OF SALARY INCREASE	
Years of Service	Salary Scale Rate of Next Increase
0	3.00%
1	7.00%
2	13.00%
3	15.00%
4	21.00%
5	36.00%
10	5.00%
15	4.50%
20	4.00%
25+	3.50%

Salary Scale includes an assumed General Wage Increase of 3.0% per annum. Longevity increases for the first 10 years are first included in FAS after 20 years of service. All longevity increases are included in FAS after 25 years of service.

8. Overtime: The following Table IX-8 presents a sample of overtime assumptions used.

TABLE IX-8 NEW YORK CITY POLICE PENSION FUND OVERTIME					
Years of Service	All Tiers Baseline	Tier I/II Dual Service	Tier I/II Dual Disability	Tier III Dual Service	Tier III Dual Disability
0	15.00%	18.00%	8.00%	17.00%	12.00%
5	15.00	18.00	8.00	17.00	12.00
10	15.00	18.00	8.00	17.00	12.00
15	15.00	18.00	8.00	17.00	12.00
20	15.00	18.00	12.00	17.00	14.00
25	12.00	15.00	9.00	14.00	11.00
30	7.00	10.00	6.00	9.00	6.00
35	6.00	8.00	6.00	7.00	6.00
40	6.00	8.00	6.00	7.00	6.00
45	6.00	8.00	6.00	7.00	6.00

Salaries are increased by Baseline Overtime assumptions of 15% for members with less than 23 years of service, grading to 6% at 31 years of service and by Dual Overtime assumptions that differ by Tier and retirement cause (i.e., Service or Disability).

9. Marital Assumption: All active members are assumed to be married and females are assumed to be three years younger than their male spouses.
10. Credited Service: Calculated in whole year increments for valuation purposes.
11. Loans: Except for Death Benefits, it is assumed that eligible members take the maximum allowable loan at retirement.
12. Actuarial Interest Rate: 7.0% per annum, net of investment expenses.
13. COLA: 1.5% per year for Auto COLA, 2.5% per year for Escalation, based on an assumed long-term Consumer Price Inflation rate of 2.5% per year.

For clarification of terminology, the automatic Cost-of-Living Adjustments ("COLA") under Chapter 125 of the Laws of 2000 are referred to as Auto COLA. The post-retirement inflation-related benefit increases under certain Tier 3 and Tier 3 Revised Plans are referred to as Escalation.

14. VSF Membership: It is assumed that 50% of active members who retire for Service will be Police Superior Officers.
15. Actuarial Asset Valuation Method: The Actuarial Asset Valuation Method ("AAVM") in use for actuarial valuations after the June 30, 2011 (Lag) actuarial valuation is unchanged from the AAVM in use for the June 30, 2009 (Lag) actuarial valuation.

In accordance with this AAVM, actual Unexpected Investment Returns ("UIR") for Fiscal Years 2012, 2013, etc. are phased into the Actuarial Asset Value ("AAV") beginning June 30, 2012, 2013, etc. at rates of 15%, 15%, 15%, 15%, 20% and 20% per year (i.e., cumulative rates of 15%, 30%, 45%, 60%, 80% and 100% over a period of six years).

UIR is defined as the excess/(deficit) of Net Investment Return over/(under) the Expected Investment Return ("EIR") based on the AIR and the AAV.

EIR equals the sum of Beginning-of-Fiscal-Year AAV plus one-half of Net Cash Flow, multiplied by the Actuarial Interest Rate.

The Actuary reset the Actuarial Asset Value to Market Value (i.e., "Market Value Restart") as of June 30, 2011.

For the June 30, 2010 (Lag) actuarial valuation, the AAV is defined to recognize Fiscal Year 2011 investment performance. The June 30, 2010 AAV is derived as equal to the June 30, 2011 MVA, discounted by the AIR assumption (adjusted for cash flow) to June 30, 2010.

16. Actuarial Cost Method: Beginning with the June 30, 2010 (Lag) actuarial valuation, the Entry Age ("EA") Actuarial Cost Method ("ACM") ("EAACM") of funding is utilized by the Plan's Actuary to calculate the contribution required of the employer under the 2012 A&M.

Under this method, the Actuarial Present Value ("APV") of Benefits ("APVB") of each individual included in the actuarial valuation is allocated on a level basis over the earnings (or service) of the individual between entry age and assumed exit age(s). The employer portion of this APV allocated to a valuation year is the Normal Cost. The portion of this APV not provided for at a valuation date by the APV of Future Normal Costs or future member contributions is the Actuarial Accrued Liability ("AAL").

The excess, if any, of the AAL over the Actuarial Asset Value ("AAV") is the Unfunded Actuarial Accrued Liability ("UAAL").

Under this method, actuarial gains (losses), as they occur, reduce (increase) the UAAL and are explicitly identified and amortized.

Increases (decreases) in obligations due to benefit changes, actuarial assumption changes and/or actuarial method changes are also explicitly identified and amortized.

Under the EAACM, the explicit UAALs that are developed each year are generally financed over fixed periods. Ideally, these periods are reasonably consistent with the expected future working lifetimes of all active participants of the Plan.

The Initial UAAL is being amortized over a closed 22-year period beginning June 30, 2010 using Increasing Dollar Payments ("IDP"). Under IDP, amortization payments increase by 3.0% per year, consistent with the assumed rate of General Wage Increases.

The 2011 UAAL, the 2012 UAAL and the 2013 UAAL are being amortized over closed 15-year periods.

Note: Under One-Year Lag methodology, the number of payments is one less than the number of years in the amortization period.

Under the EAACM, the Employer Normal Contribution Rate ("ENCR") remains constant by individual and changes gradually over time for the entire Plan as the characteristics of the group changes (e.g., more Tier 3 Revised active members decrease the average ENCR).

The obligations of POLICE to the Police Officers' Variable Supplements Fund ("POVSF") and the Police Superior Officers' Variable Supplements Fund ("PSOVSF") are recognized through the Liability Valuation Method.

Under this methodology the APV of Future VSF Transfers from POLICE to the POVSF and PSOVSF is included directly as an actuarial liability of POLICE. This amount is computed as the excess, if any, of the APV of benefits of the POVSF and PSOVSF over the AAV of the POVSF and PSOVSF, respectively. Under the EAACM, a portion of the APV of Future VSF Transfers is reflected in the APV of Future Normal Costs and a portion is reflected in the UAAL.

17. Lump Sum Death Benefits: Liabilities for group life lump sum death benefits are calculated under the One-Year Term Cost method.

18. Allowances for Administrative Expenses: The Employer Contribution for a fiscal year is increased by the interest-adjusted amount of administrative expenses paid from the Fund during the second prior fiscal year.

19. WTC Disability and Death Benefits: To properly value the benefit provisions of the WTC Disability Law and the WTC Death Benefits Law, it is necessary to collect data on affected members to first identify eligible members and then to track their experience.

For actuarial valuations prior to June 30, 2010, WTC Disability Law liabilities were estimated as described in Fiscal Note 2005-06, dated June 3, 2005. WTC Death Benefits Law liabilities were estimated as described in Fiscal Note 2008-09, dated June 18, 2008.

For actuarial valuations beginning June 30, 2010, reflecting the 2012 A&M, obligations attributable to the WTC Disability Law and to the WTC Death Benefits Law are determined through the use of explicit assumptions in the 2012 A&M and through estimation techniques for post-retirement reclassifications.

20. One-Year Lag Methodology: One-Year Lag methodology uses a June 30, XX-2 valuation date to determine Fiscal Year XX employer contributions.

This methodology requires technical adjustments to certain components used to determine Fiscal Year XX employer contributions as follows:

- Present Value of Future Salary ("PVFS")

The PVFS at June 30, XX-2 is reduced by the value of salary projected to be paid during Fiscal Year XX-1.

- Salary for Determining Employer Normal Contributions

Salary used to determine the employer Normal Contribution is the salary projected to be paid during Fiscal Year XX to members on payroll at June 30, XX-2.

- UAAL Payments

For determining the UAAL payments for Fiscal Year XX, and to be consistent with the OYLM, the UAAL as of June 30, XX-2 is adjusted by the discounted value of employer normal contributions paid during Fiscal Year XX-1 and the discounted value of Administrative Expenses reimbursed during Fiscal Years XX-1 and XX.

#### **SECTION X – ACKNOWLEDGEMENT OF QUALIFICATION**

I, Robert C. North, Jr., am the Acting Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.



Robert C. North, Jr., FSA, FSPA, FCA, MAAA, EA  
Acting Chief Actuary  
New York City Retirement Systems  
April 30, 2015

## APPENDIX A

## APPENDIX A

**SCHEDULE OF HISTORIC EMPLOYER CONTRIBUTIONS**

The Table A-1 below compares the Statutory Contributions to the Actuarial Contributions for the Fiscal Years 2002 through 2015, inclusive.

TABLE A-1 NEW YORK CITY POLICE PENSION FUND COMPARISONS OF STATUTORY VERSUS ACTUARIAL CONTRIBUTIONS (\$ Thousands)			
Fiscal Year Ended June 30	Statutory Contributions <sup>1</sup>	Actuarial Contributions	Statutory Divided by Actuarial
2002	\$ 534,476	\$ 636,481	84.0%
2003	625,379	821,387	76.1
2004	811,978	917,731	88.5
2005	1,033,285	1,123,939	91.9
2006 <sup>2</sup>	1,337,715	1,337,715	100.0
2007	1,544,341	1,544,341	100.0
2008	1,797,824	1,797,824	100.0
2009	1,932,150	1,932,150	100.0
2010	1,980,996	1,980,996	100.0
2011	2,083,633	2,083,633	100.0
2012 <sup>3</sup>	2,385,731	2,385,731	100.0
2013	2,424,690	2,424,690	100.0
2014	2,320,910	2,320,910	100.0
2015	2,309,619	2,309,619	100.0

<sup>1</sup> The Statutory Contribution for Fiscal Year 2002 was computed in accordance with Chapter 125/00 which provided for a five-year phase-in of the liabilities attributable to Chapter 125/00.

The Statutory Contributions for Fiscal Years 2003 through 2005 were computed in accordance with Chapter 278/02 which provided for a ten-year phase-in of the liabilities attributable to Chapter 125/00.

<sup>2</sup> If based on 2000 A&M, the row entries would be \$1,431,852, \$1,504,655 and 95.2%, respectively.

<sup>3</sup> If based on 2006 A&M, the row entries would be \$2,203,702, \$2,203,702 and 100.0%, respectively.

APPENDIX B

NEW YORK CITY POLICE PENSION FUND

ACTIVE VALUATION AS OF JUNE 30, 2013 (Lag)

Age and Service Distributions

AGE	SERVICE UNDER 5	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40 & UP	ALL YEARS
<b>NUMBERS:</b>										
UNDER 20	0	0	0	0	0	0	0	0	0	0
20 TO 24	1,212	2	0	0	0	0	0	0	0	1,214
25 TO 29	3,734	2,133	0	0	0	0	0	0	0	5,867
30 TO 34	1,368	4,554	1,208	1	0	0	0	0	0	7,131
35 TO 39	519	2,054	3,040	962	0	0	0	0	0	6,575
40 TO 44	69	817	1,762	3,617	984	2	0	0	0	7,251
45 TO 49	2	99	662	1,951	1,412	590	0	0	0	4,716
50 TO 54	3	3	66	483	385	475	150	0	0	1,565
55 TO 59	0	3	11	46	18	135	166	6	0	385
60 TO 64	1	1	6	0	1	5	25	19	4	62
65 TO 69	0	2	1	1	0	0	0	0	0	4
70 & UP	0	0	0	0	2	0	0	1	2	5
<b>TOTAL</b>	<b>6,908</b>	<b>9,668</b>	<b>6,756</b>	<b>7,061</b>	<b>2,802</b>	<b>1,207</b>	<b>341</b>	<b>26</b>	<b>6</b>	<b>34,775</b>
<b>SALARIES:</b>										
UNDER 20	0	0	0	0	0	0	0	0	0	0
20 TO 24	67,198,748	109,466	0	0	0	0	0	0	0	67,308,214
25 TO 29	227,797,889	202,274,876	0	0	0	0	0	0	0	430,072,765
30 TO 34	83,372,355	465,436,633	135,872,062	110,032	0	0	0	0	0	684,791,082
35 TO 39	31,327,960	210,259,279	345,687,140	119,925,712	0	0	0	0	0	707,200,091
40 TO 44	4,721,181	84,245,098	197,338,698	446,871,685	132,928,596	274,369	0	0	0	866,379,627
45 TO 49	201,617	10,443,352	73,915,792	233,893,309	185,366,832	82,573,998	0	0	0	586,394,900
50 TO 54	348,712	344,027	7,329,141	57,013,434	48,219,923	64,754,912	23,109,330	0	0	201,119,479
55 TO 59	0	420,759	1,365,643	5,429,979	2,257,392	17,633,275	25,505,178	1,003,754	0	53,615,980
60 TO 64	120,294	139,954	719,999	0	143,410	718,246	3,727,660	3,127,069	674,096	9,370,728
65 TO 69	0	274,458	140,253	141,305	0	0	0	0	0	556,016
70 & UP	0	0	0	0	286,797	0	0	143,410	367,805	798,012
<b>TOTAL</b>	<b>415,088,756</b>	<b>973,947,902</b>	<b>762,368,728</b>	<b>863,385,456</b>	<b>369,202,950</b>	<b>165,954,800</b>	<b>52,342,168</b>	<b>4,274,233</b>	<b>1,041,901</b>	<b>3,607,606,894</b>
<b>AVERAGE SALARIES:</b>										
UNDER 20	0	0	0	0	0	0	0	0	0	0
20 TO 24	55,444.51	54,733	0	0	0	0	0	0	0	55,443
25 TO 29	61,006	94,831	0	0	0	0	0	0	0	73,304
30 TO 34	60,945	102,204	112,477	110,032	0	0	0	0	0	96,030
35 TO 39	60,362	102,366	113,713	124,663	0	0	0	0	0	107,559
40 TO 44	68,423	103,115	111,997	123,548	135,090	137,185	0	0	0	119,484
45 TO 49	100,809	105,488	111,655	119,884	131,280	139,956	0	0	0	124,342
50 TO 54	116,237	114,676	111,048	118,040	125,247	136,326	154,062	0	0	128,511
55 TO 59	0	140,253	124,149	118,043	125,411	130,617	153,646	167,292	0	139,262
60 TO 64	120,294	139,954	120,000	0	143,410	143,649	149,106	164,583	168,524	151,141
65 TO 69	0	137,229	140,253	141,305	0	0	0	0	0	139,004
70 & UP	0	0	0	0	143,399	0	0	143,410	183,903	159,602
<b>TOTAL</b>	<b>60,088</b>	<b>100,739</b>	<b>112,843</b>	<b>122,275</b>	<b>131,764</b>	<b>137,494</b>	<b>153,496</b>	<b>164,394</b>	<b>173,650</b>	<b>103,741</b>

POLICE AgeSvc 6302013 (Lag)

NYC Office of the Actuary

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NEW YORK CITY POLICE PENSION FUND

ACTIVE VALUATION AS OF JUNE 30, 2012 (Lag)

Age and Service Distributions

AGE	SERVICE UNDER 5	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40 & UP	ALL YEARS
<b>NUMBERS:</b>										
UNDER 20	0	0	0	0	0	0	0	0	0	0
20 TO 24	1,229	1	0	0	0	0	0	0	0	1,230
25 TO 29	3,722	2,093	0	0	0	0	0	0	0	5,815
30 TO 34	1,448	4,324	1,187	1	0	0	0	0	0	6,960
35 TO 39	530	1,954	2,976	1,044	1	0	0	0	0	6,505
40 TO 44	82	891	1,703	3,442	1,438	2	0	0	0	7,558
45 TO 49	6	112	566	1,643	1,508	603	0	0	0	4,438
50 TO 54	1	10	69	336	363	420	167	0	0	1,366
55 TO 59	2	1	12	25	12	117	125	11	0	305
60 TO 64	2	1	4	2	1	5	14	16	11	56
65 TO 69	0	2	0	1	0	0	0	0	0	3
70 & UP	0	0	0	0	1	0	0	1	2	4
<b>TOTAL</b>	<b>7,022</b>	<b>9,389</b>	<b>6,517</b>	<b>6,494</b>	<b>3,324</b>	<b>1,147</b>	<b>306</b>	<b>28</b>	<b>13</b>	<b>34,240</b>
<b>SALARIES:</b>										
UNDER 20	0	0	0	0	0	0	0	0	0	0
20 TO 24	66,149,356	63,505	0	0	0	0	0	0	0	66,212,861
25 TO 29	228,833,393	191,101,939	0	0	0	0	0	0	0	419,935,332
30 TO 34	91,133,773	426,752,632	130,175,465	124,854	0	0	0	0	0	648,186,724
35 TO 39	33,406,836	193,037,910	333,092,084	129,145,072	113,873	0	0	0	0	688,795,775
40 TO 44	5,717,147	89,417,063	186,828,028	414,638,026	189,572,897	314,716	0	0	0	886,487,877
45 TO 49	611,850	11,550,777	62,448,093	191,647,603	193,149,625	83,414,871	0	0	0	542,822,819
50 TO 54	119,103	1,071,889	7,606,507	38,606,201	44,304,160	56,671,815	25,892,651	0	0	174,272,326
55 TO 59	250,914	138,864	1,479,051	2,912,118	1,628,786	15,170,882	18,943,645	1,733,912	0	42,255,172
60 TO 64	241,302	99,886	489,243	241,109	132,796	700,070	1,881,764	2,459,824	1,880,367	8,125,351
65 TO 69	0	271,740	0	140,948	0	0	0	0	0	412,688
70 & UP	0	0	0	0	141,990	0	0	141,990	359,019	642,999
<b>TOTAL</b>	<b>426,463,674</b>	<b>913,506,205</b>	<b>722,118,471</b>	<b>777,455,931</b>	<b>429,044,127</b>	<b>156,272,354</b>	<b>46,718,060</b>	<b>4,335,726</b>	<b>2,239,386</b>	<b>3,478,153,934</b>
<b>AVERAGE SALARIES:</b>										
UNDER 20	0	0	0	0	0	0	0	0	0	0
20 TO 24	53,823.72	63,505	0	0	0	0	0	0	0	53,832
25 TO 29	61,481	91,305	0	0	0	0	0	0	0	72,216
30 TO 34	62,938	98,694	109,668	124,854	0	0	0	0	0	93,130
35 TO 39	63,032	98,791	111,926	123,702	113,873	0	0	0	0	105,887
40 TO 44	69,721	100,356	109,705	120,464	131,831	157,358	0	0	0	117,291
45 TO 49	101,975	103,132	110,332	116,645	128,083	138,333	0	0	0	122,312
50 TO 54	119,103	107,189	110,239	114,899	122,050	134,933	155,046	0	0	127,579
55 TO 59	125,457	138,864	123,254	116,485	135,732	129,666	151,549	157,628	0	138,551
60 TO 64	120,651	99,886	122,311	120,555	132,796	140,014	134,412	153,739	170,942	145,114
65 TO 69	0	135,870	0	140,948	0	0	0	0	0	137,563
70 & UP	0	0	0	0	141,990	0	0	141,990	179,510	160,750
<b>TOTAL</b>	<b>60,733</b>	<b>97,295</b>	<b>110,805</b>	<b>119,719</b>	<b>129,075</b>	<b>136,244</b>	<b>152,673</b>	<b>154,847</b>	<b>172,260</b>	<b>101,582</b>

POLICE AgeSvc 6302012 (Lag)

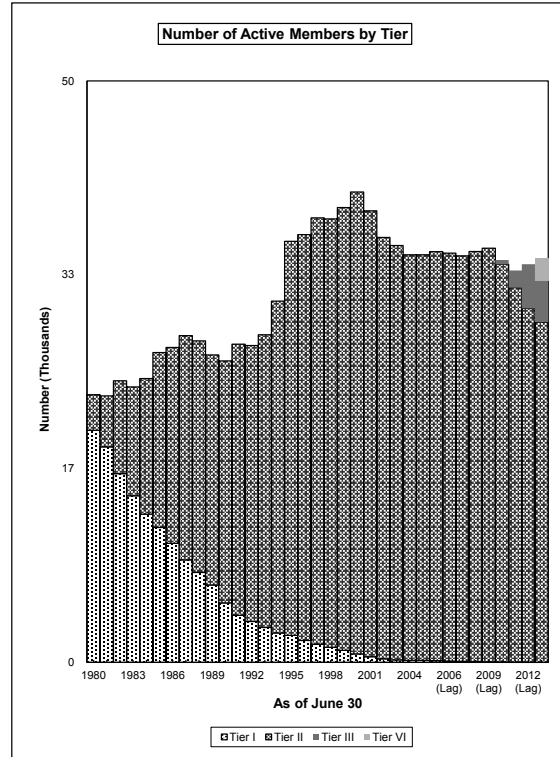
NYC Office of the Actuary

4/30/2015

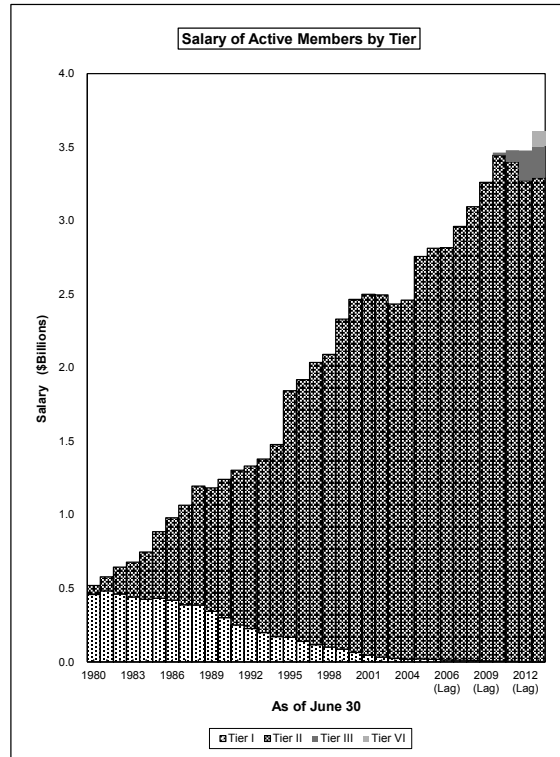
APPENDIX C

NEW YORK CITY POLICE PENSION FUND  
Number and Salary of Active Members by Tier<sup>1</sup>  
Fiscal Years 1981 through 2015

Fiscal Year	Valuation Date (June 30)	Number				
		Tier I	Tier II	Tier III	Tier VI	All Tiers
1981	1980	19,953	3,066	N/A	N/A	23,019
1982	1981	18,532	4,380	N/A	N/A	22,912
1983	1982	16,229	7,990	N/A	N/A	24,219
1984	1983	14,330	9,361	N/A	N/A	23,691
1985	1984	12,746	11,654	N/A	N/A	24,400
1986	1985	11,604	15,034	N/A	N/A	26,638
1987	1986	10,242	16,840	N/A	N/A	27,082
1988	1987	8,821	19,271	N/A	N/A	28,092
1989	1988	7,740	19,906	N/A	N/A	27,646
1990	1989	6,661	19,779	N/A	N/A	26,440
1991	1990	5,108	20,819	N/A	N/A	25,927
1992	1991	4,051	23,317	N/A	N/A	27,368
1993	1992	3,522	23,727	N/A	N/A	27,249
1994	1993	3,008	25,158	N/A	N/A	28,166
1995	1994	2,524	28,535	N/A	N/A	31,059
1996	1995	2,323	33,881	N/A	N/A	36,204
1997	1996	1,882	34,896	N/A	N/A	36,778
1998	1997	1,560	36,657	N/A	N/A	38,217
1999	1998	1,292	36,841	N/A	N/A	38,133
2000	1999	1,043	38,064	N/A	N/A	39,107
2001	2000	733	39,718	N/A	N/A	40,451
2002	2001	482	38,345	N/A	N/A	38,827
2003	2002	312	36,224	N/A	N/A	36,536
2004	2003	220	35,621	N/A	N/A	35,841
2005	2004	175	34,874	N/A	N/A	35,049
2006	2004 (Lag) <sup>2</sup>	175	34,874	N/A	N/A	35,049
2007	2005 (Lag)	147	35,177	N/A	N/A	35,324
2008	2006 (Lag)	108	35,086	N/A	N/A	35,194
2009	2007 (Lag)	87	34,869	N/A	N/A	34,956
2010	2008 (Lag)	69	35,268	N/A	N/A	35,337
2011	2009 (Lag)	51	35,557	N/A	N/A	35,608
2012	2010 (Lag)	34	34,203	360	N/A	34,597
2013	2011 (Lag)	24	32,198	1,483	N/A	33,705
2014	2012 (Lag)	14	30,417	3,809	N/A	34,240
2015	2013 (Lag)	8	29,250	3,601	1,916	34,775



Fiscal Year	Valuation Date (June 30)	Salary (\$1,000)				
		Tier I	Tier II	Tier III	Tier VI	All Tiers
1981	1980	459,463	61,075	N/A	N/A	520,538
1982	1981	483,747	95,513	N/A	N/A	579,260
1983	1982	461,790	182,883	N/A	N/A	644,673
1984	1983	441,423	236,845	N/A	N/A	678,268
1985	1984	426,192	321,138	N/A	N/A	747,330
1986	1985	433,141	453,001	N/A	N/A	886,142
1987	1986	418,990	561,564	N/A	N/A	980,554
1988	1987	388,587	677,662	N/A	N/A	1,066,249
1989	1988	386,904	809,231	N/A	N/A	1,196,135
1990	1989	343,948	840,095	N/A	N/A	1,184,043
1991	1990	301,494	940,444	N/A	N/A	1,241,938
1992	1991	251,498	1,052,090	N/A	N/A	1,303,588
1993	1992	227,656	1,104,942	N/A	N/A	1,332,598
1994	1993	199,408	1,180,520	N/A	N/A	1,379,928
1995	1994	172,811	1,305,674	N/A	N/A	1,478,485
1996	1995	167,850	1,677,035	N/A	N/A	1,844,885
1997	1996	139,681	1,780,312	N/A	N/A	1,919,993
1998	1997	117,829	1,918,621	N/A	N/A	2,036,450
1999	1998	101,398	1,989,664	N/A	N/A	2,091,062
2000	1999	87,267	2,244,690	N/A	N/A	2,331,957
2001	2000	65,003	2,400,679	N/A	N/A	2,465,682
2002	2001	46,194	2,453,936	N/A	N/A	2,500,130
2003	2002	32,750	2,463,499	N/A	N/A	2,496,249
2004	2003	23,680	2,410,218	N/A	N/A	2,433,898
2005	2004	19,398	2,441,352	N/A	N/A	2,460,750
2006	2004 (Lag) <sup>3</sup>	20,898	2,736,764	N/A	N/A	2,757,662
2007	2005 (Lag)	18,245	2,794,685	N/A	N/A	2,812,930
2008	2006 (Lag)	14,031	2,802,898	N/A	N/A	2,816,929
2009	2007 (Lag)	12,341	2,949,308	N/A	N/A	2,961,649
2010	2008 (Lag)	10,354	3,085,550	N/A	N/A	3,095,904
2011	2009 (Lag)	7,935	3,253,183	N/A	N/A	3,261,118
2012	2010 (Lag) <sup>4</sup>	5,375	3,439,898	18,824	N/A	3,464,097
2013	2011 (Lag)	4,047	3,395,842	80,177	N/A	3,480,066
2014	2012 (Lag)	2,377	3,269,999	205,778	N/A	3,478,154
2015	2013 (Lag)	1,287	3,290,337	214,077	101,906	3,607,607



<sup>1</sup> The definition of Active Member was changed effective June 30, 1988 to include only those on payroll.

<sup>2</sup> If based on 2000 A&M, the row entries would be 2005, 147, 35,177, N/A, and 35,324, respectively.

<sup>3</sup> If based on 2000 A&M, the row entries would be 2005, 17,736, 2,650,028, N/A and 2,667,764, respectively.

<sup>4</sup> If based on 2006 A&M, the row entries would be 2010 (Lag), 5,485, 3,360,139, 18,335 and 3,383,959, respectively.



APPENDIX D

NEW YORK CITY POLICE PENSION FUND

PENSIONER VALUATION AS OF JUNE 30, 2013 (Lag)

Summary of Pensioners by Cause and Gender

AGE	MALE			FEMALE			BOTH MALE & FEMALE		
	NUMBER	BENEFITS	AVERAGE	NUMBER	BENEFITS	AVERAGE	NUMBER	BENEFITS	AVERAGE
ALL FILES (ALL BENEFITS)									
ACCIDENTAL DISABILITY:									
UNDER 30	6	284,046	47,341	1	61,014	61,014	7	345,060	49,294
30 TO 34	86	5,289,775	61,509	22	1,267,257	57,603	108	6,557,032	60,713
35 TO 39	236	16,122,543	68,316	48	2,894,319	60,298	284	19,016,862	66,961
40 TO 44	1,084	76,168,323	70,266	142	8,726,913	61,457	1,226	84,895,236	69,246
45 TO 49	1,675	112,934,308	67,423	292	17,269,626	59,143	1,967	130,203,934	66,194
50 TO 54	1,635	98,590,770	60,300	282	15,633,801	55,439	1,917	114,224,571	59,585
55 TO 59	879	50,273,659	57,194	134	6,881,846	51,357	1,013	57,155,505	56,422
60 TO 64	988	45,951,281	46,509	48	2,184,362	45,508	1,036	48,135,643	46,463
65 TO 69	1,691	72,864,240	43,089	41	1,548,973	37,780	1,732	74,413,213	42,964
70 TO 74	1,437	61,423,904	42,745	23	966,465	42,020	1,460	62,390,369	42,733
75 TO 79	637	28,048,011	44,031	11	436,427	39,675	648	28,484,438	43,957
80 TO 84	364	16,179,460	44,449	5	228,481	45,696	369	16,407,941	44,466
85 TO 89	230	9,726,459	42,289	5	193,504	38,701	235	9,919,963	42,213
90 & UP	70	2,529,760	36,139	0	0	0	70	2,529,760	36,139
<b>TOTAL</b>	<b>11,018</b>	<b>596,386,539</b>	<b>54,128</b>	<b>1,054</b>	<b>58,292,988</b>	<b>55,306</b>	<b>12,072</b>	<b>654,679,527</b>	<b>54,231</b>
ORDINARY DISABILITY:									
UNDER 30	3	63,960	21,320	2	33,514	16,757	5	97,474	19,495
30 TO 34	17	432,027	25,413	4	97,791	24,448	21	529,818	25,229
35 TO 39	44	1,426,879	32,429	22	676,553	30,752	66	2,103,432	31,870
40 TO 44	195	6,766,405	34,700	87	2,728,344	31,360	282	9,494,749	33,669
45 TO 49	203	6,238,239	30,730	132	3,741,929	28,348	335	9,980,168	29,792
50 TO 54	177	4,774,093	26,972	97	2,553,938	26,329	274	7,328,031	26,745
55 TO 59	94	2,394,654	25,475	62	1,547,921	24,966	156	3,942,575	25,273
60 TO 64	167	4,653,989	27,868	24	544,666	22,694	191	5,198,655	27,218
65 TO 69	419	10,079,089	24,055	20	418,491	20,925	439	10,497,580	23,912
70 TO 74	466	12,563,260	26,960	9	192,809	21,423	475	12,756,069	26,855
75 TO 79	271	10,152,685	37,464	12	249,654	20,805	283	10,402,339	36,757
80 TO 84	348	15,097,467	43,384	6	210,469	35,078	354	15,307,936	43,243
85 TO 89	279	11,442,026	41,011	7	245,270	35,039	286	11,687,296	40,865
90 & UP	90	3,898,046	43,312	5	154,066	30,813	95	4,052,112	42,654
<b>TOTAL</b>	<b>2,773</b>	<b>89,982,819</b>	<b>32,450</b>	<b>489</b>	<b>13,395,415</b>	<b>27,393</b>	<b>3,262</b>	<b>103,378,234</b>	<b>31,692</b>
SERVICE RETIREMENT:									
UNDER 30	0	0	0	0	0	0	0	0	0
30 TO 34	0	0	0	0	0	0	0	0	0
35 TO 39	0	0	0	0	0	0	0	0	0
40 TO 44	957	52,048,761	54,387	212	10,428,724	49,192	1,169	62,477,485	53,445
45 TO 49	3,989	210,654,661	52,809	885	40,684,469	45,971	4,874	251,339,130	51,567
50 TO 54	5,509	264,195,673	47,957	1,138	49,325,717	43,344	6,647	313,521,390	47,167
55 TO 59	3,245	148,053,846	45,625	653	27,147,535	41,574	3,898	175,201,381	44,946
60 TO 64	2,323	98,679,645	42,479	198	7,873,914	39,767	2,521	106,553,559	42,266
65 TO 69	3,157	123,774,754	39,206	88	3,157,646	35,882	3,245	126,932,400	39,116
70 TO 74	3,547	122,110,012	34,426	69	2,486,784	36,040	3,616	124,596,796	34,457
75 TO 79	1,866	55,235,877	29,601	39	1,305,537	33,475	1,905	56,541,414	29,681
80 TO 84	1,289	35,401,643	27,464	18	440,205	24,456	1,307	35,841,848	27,423
85 TO 89	776	20,238,691	26,081	15	342,590	22,839	791	20,581,281	26,019
90 & UP	425	10,257,498	24,135	7	163,215	23,316	432	10,420,713	24,122
<b>TOTAL</b>	<b>27,083</b>	<b>1,140,651,061</b>	<b>42,117</b>	<b>3,322</b>	<b>143,356,336</b>	<b>43,154</b>	<b>30,405</b>	<b>1,284,007,397</b>	<b>42,230</b>

## NEW YORK CITY POLICE PENSION FUND

## PENSIONER VALUATION AS OF JUNE 30, 2013 (Lag)

## Summary of Pensioners by Cause and Gender

AGE	MALE			FEMALE			ALL FILES (ALL BENEFITS) BOTH MALE & FEMALE		
	NUMBER	BENEFITS	AVERAGE	NUMBER	BENEFITS	AVERAGE	NUMBER	BENEFITS	AVERAGE
<b>ACCIDENTAL DEATH:</b>									
UNDER 30	0	0	0	1	45,916	45,916	1	45,916	45,916
30 TO 34	0	0	0	7	325,975	46,568	7	325,975	46,568
35 TO 39	0	0	0	24	980,499	40,854	24	980,499	40,854
40 TO 44	0	0	0	40	1,716,505	42,913	40	1,716,505	42,913
45 TO 49	4	178,861	44,715	31	1,217,504	39,274	35	1,396,365	39,896
50 TO 54	4	165,924	41,481	28	1,024,975	36,606	32	1,190,899	37,216
55 TO 59	1	36,810	36,810	36	1,021,828	28,384	37	1,058,638	28,612
60 TO 64	1	28,042	28,042	52	1,438,046	27,655	53	1,466,088	27,662
65 TO 69	3	203,729	67,910	46	1,257,869	27,345	49	1,461,598	29,829
70 TO 74	2	65,046	32,523	22	498,119	22,642	24	563,165	23,465
75 TO 79	5	149,468	29,894	26	632,853	24,341	31	782,321	25,236
80 TO 84	0	0	0	11	230,308	20,937	11	230,308	20,937
85 TO 89	2	62,161	31,081	6	130,023	21,671	8	192,184	24,023
90 & UP	1	33,249	33,249	0	0	0	1	33,249	33,249
<b>TOTAL</b>	<b>23</b>	<b>923,290</b>	<b>40,143</b>	<b>330</b>	<b>10,520,420</b>	<b>31,880</b>	<b>353</b>	<b>11,443,710</b>	<b>32,418</b>
<b>OTHER BENEFICIARIES:</b>									
UNDER 30	7	196,081	28,012	7	142,075	20,296	14	338,156	24,154
30 TO 34	1	13,585	13,585	2	53,327	26,664	3	66,912	22,304
35 TO 39	0	0	0	2	64,271	32,136	2	64,271	32,136
40 TO 44	3	102,444	34,148	11	465,470	42,315	14	567,914	40,565
45 TO 49	6	170,335	28,389	33	969,559	29,381	39	1,139,894	29,228
50 TO 54	4	112,230	28,058	33	1,333,590	40,412	37	1,445,820	39,076
55 TO 59	1	29,581	29,581	37	1,030,041	27,839	38	1,059,622	27,885
60 TO 64	1	22,676	22,676	54	1,475,648	27,327	55	1,498,324	27,242
65 TO 69	2	52,089	26,045	77	2,036,598	26,449	79	2,088,687	26,439
70 TO 74	0	0	0	99	2,637,445	26,641	99	2,637,445	26,641
75 TO 79	0	0	0	98	2,429,205	24,788	98	2,429,205	24,788
80 TO 84	0	0	0	117	2,346,123	20,052	117	2,346,123	20,052
85 TO 89	0	0	0	96	1,488,317	15,503	96	1,488,317	15,503
90 & UP	0	0	0	167	1,384,808	8,292	167	1,384,808	8,292
<b>TOTAL</b>	<b>25</b>	<b>699,021</b>	<b>27,961</b>	<b>833</b>	<b>17,856,477</b>	<b>21,436</b>	<b>858</b>	<b>18,555,498</b>	<b>21,626</b>
<b>ALL PENSIONERS AND BENEFICIARIES:</b>									
UNDER 30	16	544,087	34,005	11	282,519	25,684	27	826,606	30,615
30 TO 34	104	5,735,387	55,148	35	1,744,350	49,839	139	7,479,737	53,811
35 TO 39	280	17,549,422	62,677	96	4,615,642	48,080	376	22,165,064	58,950
40 TO 44	2,239	135,085,933	60,333	492	24,065,956	48,915	2,731	159,151,889	58,276
45 TO 49	5,877	330,176,404	56,181	1,373	63,883,087	46,528	7,250	394,059,491	54,353
50 TO 54	7,329	367,838,690	50,189	1,578	69,872,021	44,279	8,907	437,710,711	49,142
55 TO 59	4,220	200,788,550	47,580	922	37,629,171	40,813	5,142	238,417,721	46,367
60 TO 64	3,480	149,335,633	42,913	376	13,516,636	35,949	3,856	162,852,269	42,233
65 TO 69	5,272	206,973,901	39,259	272	8,419,577	30,954	5,544	215,393,478	38,852
70 TO 74	5,452	196,162,222	35,980	222	6,781,622	30,548	5,674	202,943,844	35,767
75 TO 79	2,779	93,586,041	33,676	186	5,053,676	27,170	2,965	98,639,717	33,268
80 TO 84	2,001	66,678,570	33,323	157	3,455,586	22,010	2,158	70,134,156	32,500
85 TO 89	1,287	41,469,337	32,222	129	2,399,704	18,602	1,416	43,869,041	30,981
90 & UP	586	16,718,553	28,530	179	1,702,089	9,509	765	18,420,642	24,079
<b>TOTAL</b>	<b>40,922</b>	<b>1,828,642,730</b>	<b>44,686</b>	<b>6,028</b>	<b>243,421,636</b>	<b>40,382</b>	<b>46,950</b>	<b>2,072,064,366</b>	<b>44,133</b>

## NEW YORK CITY POLICE PENSION FUND

## PENSIONER VALUATION AS OF JUNE 30, 2012 (Lag)

## Summary of Pensioners by Cause and Gender

AGE	MALE			FEMALE			BOTH MALE & FEMALE		
	NUMBER	BENEFITS	AVERAGE	NUMBER	BENEFITS	AVERAGE	NUMBER	BENEFITS	AVERAGE
ALL FILES (ALL BENEFITS)									
ACCIDENTAL DISABILITY:									
UNDER 30	11	553,908	50,355	3	169,492	56,497	14	723,400	51,671
30 TO 34	67	4,111,200	61,361	19	1,045,708	55,037	86	5,156,908	59,964
35 TO 39	265	18,056,076	68,136	47	2,751,001	58,532	312	20,807,077	66,689
40 TO 44	1,173	79,932,601	68,144	162	9,775,569	60,343	1,335	89,708,170	67,197
45 TO 49	1,692	108,165,168	63,927	301	17,129,690	56,909	1,993	125,294,858	62,867
50 TO 54	1,484	86,879,284	58,544	252	13,550,318	53,771	1,736	100,429,602	57,851
55 TO 59	761	42,259,524	55,532	110	5,429,715	49,361	871	47,689,239	54,752
60 TO 64	1,189	53,643,288	45,116	41	1,720,062	41,953	1,230	55,363,350	45,011
65 TO 69	1,848	78,530,100	42,495	39	1,494,414	38,318	1,887	80,024,514	42,408
70 TO 74	1,194	50,400,574	42,212	19	779,326	41,017	1,213	51,179,900	42,193
75 TO 79	588	25,692,082	43,694	9	352,544	39,172	597	26,044,626	43,626
80 TO 84	382	16,877,884	44,183	6	270,618	45,103	388	17,148,502	44,197
85 TO 89	227	9,247,456	40,738	4	148,847	37,212	231	9,396,303	40,677
90 & UP	55	1,958,349	35,606	0	0	0	55	1,958,349	35,606
<b>TOTAL</b>	<b>10,936</b>	<b>576,307,494</b>	<b>52,698</b>	<b>1,012</b>	<b>54,617,304</b>	<b>53,970</b>	<b>11,948</b>	<b>630,924,798</b>	<b>52,806</b>
ORDINARY DISABILITY:									
UNDER 30	3	62,640	20,880	2	33,262	16,631	5	95,902	19,180
30 TO 34	17	382,081	22,475	4	80,117	20,029	21	462,198	22,009
35 TO 39	50	1,642,933	32,859	26	864,764	33,260	76	2,507,697	32,996
40 TO 44	203	6,864,225	33,814	97	3,003,168	30,960	300	9,867,393	32,891
45 TO 49	207	6,028,012	29,121	136	3,693,550	27,158	343	9,721,562	28,343
50 TO 54	153	4,019,803	26,273	97	2,555,058	26,341	250	6,574,861	26,299
55 TO 59	89	2,131,652	23,951	47	1,113,522	23,692	136	3,245,174	23,862
60 TO 64	227	5,791,652	25,514	26	570,252	21,933	253	6,361,904	25,146
65 TO 69	488	11,687,642	23,950	16	321,640	20,103	504	12,009,282	23,828
70 TO 74	395	11,345,733	28,723	8	172,943	21,618	403	11,518,676	28,582
75 TO 79	285	11,303,259	39,661	13	298,728	22,979	298	11,601,987	38,933
80 TO 84	394	16,574,692	42,068	4	142,381	35,595	398	16,717,073	42,003
85 TO 89	247	10,115,901	40,955	8	273,375	34,172	255	10,389,276	40,742
90 & UP	100	4,106,935	41,069	4	112,930	28,233	104	4,219,865	40,576
<b>TOTAL</b>	<b>2,858</b>	<b>92,057,160</b>	<b>32,210</b>	<b>488</b>	<b>13,235,690</b>	<b>27,122</b>	<b>3,346</b>	<b>105,292,850</b>	<b>31,468</b>
SERVICE RETIREMENT:									
UNDER 30	0	0	0	0	0	0	0	0	0
30 TO 34	0	0	0	0	0	0	0	0	0
35 TO 39	2	122,277	61,139	0	0	0	2	122,277	61,139
40 TO 44	1,173	63,464,418	54,104	243	11,859,969	48,806	1,416	75,324,387	53,195
45 TO 49	4,301	217,727,036	50,622	941	41,962,068	44,593	5,242	259,689,104	49,540
50 TO 54	5,232	245,082,789	46,843	1,048	44,239,105	42,213	6,280	289,321,894	46,070
55 TO 59	2,791	123,271,767	44,168	563	23,132,168	41,087	3,354	146,403,935	43,651
60 TO 64	2,414	100,618,150	41,681	146	5,648,763	38,690	2,560	106,266,913	41,511
65 TO 69	3,603	136,573,980	37,906	87	3,037,509	34,914	3,690	139,611,489	37,835
70 TO 74	3,106	102,414,462	32,973	63	2,287,487	36,309	3,169	104,701,949	33,039
75 TO 79	1,774	51,305,640	28,921	42	1,340,746	31,923	1,816	52,646,386	28,990
80 TO 84	1,353	36,505,810	26,981	15	343,829	22,922	1,368	36,849,639	26,937
85 TO 89	797	19,932,634	25,010	17	384,759	22,633	814	20,317,393	24,960
90 & UP	403	9,662,168	23,976	5	125,077	25,015	408	9,787,245	23,988
<b>TOTAL</b>	<b>26,949</b>	<b>1,106,681,131</b>	<b>41,066</b>	<b>3,170</b>	<b>134,361,480</b>	<b>42,385</b>	<b>30,119</b>	<b>1,241,042,611</b>	<b>41,205</b>

## NEW YORK CITY POLICE PENSION FUND

## PENSIONER VALUATION AS OF JUNE 30, 2012 (Lag)

## Summary of Pensioners by Cause and Gender

AGE	MALE			FEMALE			ALL FILES (ALL BENEFITS) BOTH MALE & FEMALE		
	NUMBER	BENEFITS	AVERAGE	NUMBER	BENEFITS	AVERAGE	NUMBER	BENEFITS	AVERAGE
<b>ACCIDENTAL DEATH:</b>									
UNDER 30	0	0	0	1	45,916	45,916	1	45,916	45,916
30 TO 34	0	0	0	2	83,535	41,768	2	83,535	41,768
35 TO 39	0	0	0	5	232,176	46,435	5	232,176	46,435
40 TO 44	0	0	0	29	1,142,234	39,387	29	1,142,234	39,387
45 TO 49	3	125,911	41,970	36	1,499,535	41,654	39	1,625,446	41,678
50 TO 54	4	164,916	41,229	32	1,160,741	36,273	36	1,325,657	36,824
55 TO 59	1	36,558	36,558	22	762,937	34,679	23	799,495	34,761
60 TO 64	1	27,790	27,790	43	1,155,621	26,875	44	1,183,411	26,896
65 TO 69	3	202,973	67,658	59	1,719,729	29,148	62	1,922,702	31,011
70 TO 74	3	124,311	41,437	33	757,378	22,951	36	881,689	24,491
75 TO 79	5	116,805	23,361	23	512,084	22,265	28	628,889	22,460
80 TO 84	1	29,096	29,096	27	616,587	22,837	28	645,683	23,060
85 TO 89	1	32,561	32,561	6	122,508	20,418	7	155,069	22,153
90 & UP	1	32,997	32,997	5	108,743	21,749	6	141,740	23,623
<b>TOTAL</b>	<b>23</b>	<b>893,918</b>	<b>38,866</b>	<b>323</b>	<b>9,919,724</b>	<b>30,711</b>	<b>346</b>	<b>10,813,642</b>	<b>31,253</b>
<b>OTHER BENEFICIARIES:</b>									
UNDER 30	7	196,086	28,012	8	171,635	21,454	15	367,721	24,515
30 TO 34	1	13,585	13,585	1	23,767	23,767	2	37,352	18,676
35 TO 39	0	0	0	3	124,528	41,509	3	124,528	41,509
40 TO 44	2	65,280	32,640	16	586,755	36,672	18	652,035	36,224
45 TO 49	7	193,800	27,686	29	887,823	30,615	36	1,081,623	30,045
50 TO 54	3	83,310	27,770	34	1,345,567	39,576	37	1,428,877	38,618
55 TO 59	2	52,131	26,066	40	1,032,013	25,800	42	1,084,144	25,813
60 TO 64	0	0	0	55	1,589,675	28,903	55	1,589,675	28,903
65 TO 69	2	52,089	26,045	86	2,343,845	27,254	88	2,395,934	27,227
70 TO 74	0	0	0	77	2,023,293	26,277	77	2,023,293	26,277
75 TO 79	0	0	0	97	2,272,919	23,432	97	2,272,919	23,432
80 TO 84	0	0	0	120	2,274,060	18,951	120	2,274,060	18,951
85 TO 89	0	0	0	96	1,370,956	14,281	96	1,370,956	14,281
90 & UP	0	0	0	193	1,421,021	7,363	193	1,421,021	7,363
<b>TOTAL</b>	<b>24</b>	<b>656,281</b>	<b>27,345</b>	<b>855</b>	<b>17,467,857</b>	<b>20,430</b>	<b>879</b>	<b>18,124,138</b>	<b>20,619</b>
<b>ALL PENSIONERS AND BENEFICIARIES:</b>									
UNDER 30	21	812,634	38,697	14	420,305	30,022	35	1,232,939	35,227
30 TO 34	85	4,506,866	53,022	26	1,233,127	47,428	111	5,739,993	51,712
35 TO 39	317	19,821,286	62,528	81	3,972,469	49,043	398	23,793,755	59,783
40 TO 44	2,551	150,326,524	58,928	547	26,367,695	48,204	3,098	176,694,219	57,035
45 TO 49	6,210	332,239,927	53,501	1,443	65,172,666	45,165	7,653	397,412,593	51,929
50 TO 54	6,876	336,230,102	48,899	1,463	62,850,789	42,960	8,339	399,080,891	47,857
55 TO 59	3,644	167,751,632	46,035	782	31,470,355	40,243	4,426	199,221,987	45,012
60 TO 64	3,831	160,080,880	41,786	311	10,684,373	34,355	4,142	170,765,253	41,228
65 TO 69	5,944	227,046,784	38,198	287	8,917,137	31,070	6,231	235,963,921	37,869
70 TO 74	4,698	164,285,080	34,969	200	6,020,427	30,102	4,898	170,305,507	34,770
75 TO 79	2,652	88,417,786	33,340	184	4,777,021	25,962	2,836	93,194,807	32,861
80 TO 84	2,130	69,987,482	32,858	172	3,647,475	21,206	2,302	73,634,957	31,987
85 TO 89	1,272	39,328,552	30,919	131	2,300,445	17,561	1,403	41,628,997	29,671
90 & UP	559	15,760,449	28,194	207	1,767,771	8,540	766	17,528,220	22,883
<b>TOTAL</b>	<b>40,790</b>	<b>1,776,595,984</b>	<b>43,555</b>	<b>5,848</b>	<b>229,602,055</b>	<b>39,262</b>	<b>46,638</b>	<b>2,006,198,039</b>	<b>43,016</b>