



Legislation Text

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Int. No. 1024

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A Local Law to amend the administrative code of the city of New York in relation to requiring the commissioner of the department of correction to post a monthly report on its website regarding punitive segregation, including solitary confinement, statistics for city jails.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 9 of the administrative code of the city of New York is amended by adding a new section 9-132 to read as follows:

§ 9-132. Jail punitive segregation statistics. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. “Department” shall mean the New York city department of correction.
2. “Mental health assessment unit for infracted inmates” or “MHAUII” shall mean any separate housing area staffed by mental health clinicians where inmates with mental illness serve punitive segregation time.
3. “Punitive segregation” shall mean city jail housing units where inmates who have been found guilty of violating department of correction rules may be temporarily housed as a sanction for their offense(s) and restricted to their cells more than 15 hours per day.
4. “Serious injury” shall mean a physical injury that includes: (i) a substantial risk of death or disfigurement; (ii) loss or impairment of a bodily organ; (iii) a fracture or break to a bone, excluding fingers and toes; (iv) an injury defined as serious by a physician; and (v) any additional injury as defined by the

department.

5. “Staff” shall mean anyone, other than an inmate, working at a facility operated by the department.

6. “Use of force” shall mean the use of chemical agents or physical contact between a uniformed member of service and an inmate, but shall not include physical contact used in a non-confrontational manner to apply mechanical restraints or to guide an inmate.

7. “Use of force A” shall mean a use of force resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including, but not limited to: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

8. “Use of force B” shall mean a use of force resulting in an injury that does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid.

b. Commencing on June 17, 2013, and on the fifteenth day of each month thereafter, the commissioner of correction shall post a report on the department website containing information relating to the use of punitive segregation in city jails during the prior month. Such monthly report shall include separate indicators, disaggregated by facility, for the total number of inmates housed in punitive segregation. In addition to the total number of inmates housed in punitive segregation, disaggregated by facility, such monthly report shall include the following information regarding the punitive segregation population, also disaggregated by facility: (i) the number of inmates in each security risk group as defined by the department’s classification system directive, (ii) the number of inmates subject to enhanced restraints, including but not limited to, shackles, waist chains and hand mittens, (iii) the number of inmates sent to punitive segregation during the period, (iv) the number

inmates sent to punitive segregation from mental observation housing areas, (v) the number of inmates, by highest infraction offense grade as classified by the department, (Grade 1, 2, 3), (vi) the number of inmates serving punitive segregation in the following specified ranges: less than 10 days, 10 - 30 days, 31 - 90 days, 91 - 180 days, 181 - 365 days, more than 365 days, (vii) the number of inmates receiving mental health services, (viii) the number of inmates under 21 years of age, (ix) the number of inmates who received infractions while in punitive segregation, (x) the number of inmates who received infractions that lead to the imposition of additional punitive segregation time, (xi) the number of inmates that committed suicide, (xii) the number of inmates that attempted suicide, (xiii) the number of inmates on suicide watch, (xiv) the number of inmates that caused injury to themselves (excluding suicide attempt), (xv) the number of inmates seriously injured while in segregation, (xvi) the number of inmates who were sent to non-psychiatric hospitals outside the city jails, (xvii) the number of inmates who died (non-suicide), (xviii) the number of inmates transferred to a psychiatric hospital from punitive segregation (not MHAUII), (xix) the number of inmates transferred to a psychiatric hospital from MHAUII, (xx) the number of inmates moved from general punitive segregation to MHAUII, (xxi) the number of inmates placed into MHAUII following a disciplinary hearing, (xxii) the number of inmates moved from MHAUII to punitive segregation (not MHAUII), (xxiii) the number of inmates prescribed anti-psychotic medications, mood stabilizers or anti-anxiety medications, disaggregated by the type of medication, (xxiv) the number of requests made by inmates for medical or mental health treatment and the number granted, (xxv) the number of requests made by inmates to attend congregate religious services and the number granted, (xxvi) the number of requests made by inmates for assistance from the law library and the number granted, (xxvii) the number of requests made by inmates to make telephone calls and the number granted, (xxviii) the number of requests made by inmates who asked to attend recreation and the number granted, (xxix) the number of requests made by inmates to shower and the number granted, (xxx) the number of inmates who received visits, (xxxi) the number of instances of allegations of use of force, (xxxii) the number of instances of use of force A, (xxxiii) the number of instances of use of force B, (xxxiv) the number of instances in which

contraband was found, (xxxv) the number of instances of allegations of staff on inmate sexual assault, (xxxvi) the number of instances of substantiated staff on inmate sexual assault, (xxxvii) the number of instances of allegations of inmate on staff sexual assault, (xxxix) the number of instances of substantiated inmate on staff sexual assault.

§2. This local law shall take effect 30 days after enactment.

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