

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2016**

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**No. 33**

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Introduced by Council Members Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), The Public Advocate (Ms. James), Garodnick, Cabrera, Dromm, Johnson, Lander, Levine, Mealy, Richards, Rose, Rosenthal, Mendez and Menchaca.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to requiring the department of correction to report on security indicators in city jails, and to repeal section 9-130 of such code, in relation to jail data reporting on adolescents.**

*Be it enacted by the Council as follows:*

Section 1. Section 9-130 of the administrative code of the city of New York is REPEALED and a new section 9-130 is added to read as follows:

*§ 9-130 Jail data reporting.*

*a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Adolescent. The term “adolescent” means an inmate 16 or 17 years of age.*

*Adult. The term “adult” means an inmate 22 years of age or older.*

*Assault. The term “assault” means any action taken with intent to cause physical injury to another person.*

*Department. The term “department” means the New York city department of correction.*

*Hospital. The term “hospital” includes any hospital setting, whether a hospital outside of the department’s jurisdiction or a correction unit operated by the department within a hospital.*

*Serious injury. The term “serious injury” means a physical injury that (i) creates a substantial risk of death or disfigurement; (ii) is a loss or impairment of a bodily organ; (iii) is a*

*fracture or break to a bone other than fingers and toes; or (iv) is an injury defined as serious by a physician.*

*Sexual abuse. The term “sexual abuse” has the same meaning as set forth in section 115.6 of title 28 of the code of federal regulations, or successor regulation, promulgated pursuant to the federal prison rape elimination act of 2003.*

*Staff. The term “staff” means anyone other than an inmate who works at a facility operated by the department.*

*Young adult. The term “young adult” means an inmate 18 to 21 years of age.*

*Use of force A. The term “use of force A” means a use of force by staff on an inmate resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those uses of force resulting in one or more of the following: (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.*

*Use of force B. The term “use of force B” means a use of force by staff on an inmate which does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.*

*Use of force C. The term “use of force C” means a use of force by staff on an inmate resulting in no injury to staff or inmate, including an incident where the use of oleoresin capsicum spray results in no injury, beyond irritation that can be addressed through decontamination.*

*b. No later than 20 days after the end of each month, the department shall post on its website a report containing the following information for the prior month, in total and by indicating the rate per 100 inmates in the custody of the department during such prior month:*

- 1. fight infractions written against inmates;*
- 2. assaults on inmates by inmates involving stabbings, shootings or slashings;*
- 3. assaults on inmates by inmates in which an inmate suffered a serious injury, excluding assaults involving stabbings, shootings or slashings;*
- 4. actual incidents of use of force A;*
- 5. actual incidents of use of force B;*
- 6. actual incidents of use of force C;*
- 7. assaults on staff by inmates in which staff suffered serious injury.*

*c. No later than 45 days after the end of each quarter ending March 31, June 30, September 30 and December 31, the department shall post on its website a report containing the following information for the prior quarter, in total and by indicating the rate per 100 inmates in the custody of the department during such prior quarter. Such report shall also disaggregate the following information by listing adults, young adults, and adolescent inmates separately:*

- 1. fight infractions written against inmates;*
- 2. assaults on inmates by inmates in which an inmate suffered a serious injury, excluding assaults involving stabbings, shootings or slashings;*
- 3. assaults on inmates by inmates involving stabbings;*
- 4. assaults on inmates by inmates involving shootings;*
- 5. assaults on inmates by inmates involving slashings;*

6. *total number of assaults on inmates by inmates involving stabbings, shootings or slashings;*
7. *total number of assaults on inmates by inmates involving stabbings, shootings or slashings in which an inmate suffered a serious injury;*
8. *assaults on inmates by inmates in which an inmate was admitted to a hospital as a result;*
9. *homicides of inmates by inmates;*
10. *attempted suicides by inmates;*
11. *suicides by inmates;*
12. *assaults on staff by inmates;*
13. *assaults on staff by inmates in which staff suffered serious injury;*
14. *assaults on staff by inmates in which the staff was transported to a hospital as a result;*
15. *incidents in which an inmate splashed staff;*
16. *allegations of use of force A;*
17. *actual incidents of use of force A;*
18. *inmate hospitalization as a result of use of force A;*
19. *allegations of use of force B;*
20. *actual incidents of use of force B;*
21. *allegations of use of force C;*
22. *actual incidents of use of force C;*
23. *incidents of use of force C in which chemical agents were used.*

*d. Beginning July 1, 2016 and every July first thereafter, the department shall post on its website a report for the prior calendar year containing information pertaining to (1) allegations of sexual abuse of an inmate by an inmate; (2) substantiated incidents of sexual abuse of an inmate by an inmate; (3) allegations of sexual abuse of an inmate by staff; and (4) substantiated incidents of sexual abuse of an inmate by staff.*

*e. The information in subdivisions b, c and d of this section shall be compared to previous reporting periods, and shall be permanently stored on the department's website.*

§ 2. This local law takes effect July 1, 2016, except that the repeal of section 9-130 of the administrative code of the city of New York takes effect July 16, 2016.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on March 9, 2016 and approved by the Mayor on March 28, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 33 of 2016, Council Int. No. 763-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.