



Legislation Text

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Int. No. 153-A

By Council Members Gonzalez, Barron, Brewer, Chin, Dickens, Dromm, Fidler, Gentile, James, Koslowitz, Palma, Rodriguez, Sanders Jr., Vann, Williams, Foster, Arroyo, Crowley, Dilan, White, Jackson, Levin and Rose

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of juvenile justice to regularly report data concerning its use of physical restraint, mechanical restraint, and room confinement, injuries to children and allegations of child abuse and neglect.

Be it enacted by the Council as follows:

Section 1. Title nine of the administrative code of the city of New York is amended by adding a new chapter 2 to read as follows:

**CHAPTER 2**

**DEPARTMENT OF JUVENILE JUSTICE**

**§9-201 Incident Reports.**

9-201 a. Definitions. For purposes of this section, the following terms shall have the following meanings: 1. “Abused child” shall mean an “abused child in residential care” as defined in section 412-a of the New York social services law, except that for purposes of this section, “abused child” shall include a youth who is eighteen years of age or older and is in the custody of the department;

2. “Department” shall mean the department of juvenile justice;

3. “Mechanical restraint” shall mean the use of a mechanical device to restrict the movement or normal function of a portion of a child’s body, including but not limited to, handcuffs, leg cuffs, daisy chains or waist restraint;

4. “Neglected child” shall mean a “neglected child in residential care” as defined in section 412-a of

the New York social services law, except that for purposes of this section, “neglected child” shall include a youth who is eighteen years of age or older and is in the custody of the department;

5. “Physical injury or impairment” shall mean the term as it is defined in section §412-a of the New York social services law;

6. “Physical restraint” shall mean the use of bodily force to limit a child’s freedom of movement during a physical confrontation or to prevent a confrontation; and

7. “Room confinement” shall mean the confinement of a child in a room, including but not limited to the child’s own room, when locked or when the child is authoritatively told not to leave.

b. Quarterly incident reports. Within sixty days after the end of each quarter of the fiscal year, the department shall post a report on its website containing the total number of the following incidents for the previous quarter, for non-secure detention facilities and for each secure detention facility:

1. use of physical restraint by department staff on children;

2. physical injuries or impairment to children as a result of the use of physical restraint;

3. use of mechanical restraint by staff on children;

4. physical injuries or impairment to children as a result of the use of mechanical restraint;

5. fight and altercations between children;

6. physical injuries or impairment to children as a result of fights with other children;

7. physical injuries or impairment to children resulting from any other means not previously mentioned;

and

8. the number of room confinements and the length of stay for each instance.

c. Annual incident reports. Within sixty days after the end of each fiscal year, commencing with the end of the fiscal year after the date of enactment of this chapter, the department shall post a report on its website containing the following data, disaggregated by secure or non-secure detention:

1. the number of allegations made during the fiscal year that a child in a department detention facility

was a neglected or abused child; and

2. the number of findings made during the fiscal year by the New York state office of children and family services substantiating allegations that a child in a department detention facility was a neglected or abused child (including findings made during the fiscal year that substantiated allegations made prior to the fiscal year).

§2. This local law shall take effect sixty days after its enactment into law.

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