



Legislation Text

File #: Res 1320-2012, **Version:** *

Res. No. 1320

Resolution calling upon the New York State Senate and the New York State Assembly to pass and the Governor to sign A.4672B and S.641B, which would enhance the criminal penalties for assaulting an employee of a local social services district or juvenile detention agency while such employee is in the performance of his or her duties.

By Council Members Wills, Palma, Crowley, Cabrera, Comrie, Ferreras, Fidler, Gonzalez, Levin, Rose, Vacca, Rodriguez, Halloran and Ulrich

Whereas, Employees of local social services districts are often on the front lines in high risk situations such as working in clients' homes, working with clients who may be mentally ill and not taking their prescribed medication, and reporting and removing children in cases of child abuse and neglect; and

Whereas, According to the United States Department of Labor, Occupational Safety & Health Administration ("OSHA"), health care and social service workers face an increased risk of work-related assaults for several reasons including, but not limited to, the prevalence of handguns and other weapons among clients, the presence of drug or alcohol abusers among clients, distraught family members, and a lack of staff training in recognizing and managing hostile behavior; and

Whereas, Also according to OSHA, social service and health care workers face more assaults (48%) than any other industry; and

Whereas, In 2000, data from the Bureau of Labor Statistics showed that the rate of injuries resulting from assaults and violent acts (measured by the number of events per 10,000 full-time workers) for social service workers was 15 compared to an overall private sector injury rate of 2; and

Whereas, According to a February 14, 2008 New York Times article, "Working in Mental Health, the

Prospect of Violence Is a Part of the Job,” a 2003 national survey of therapeutic workers nationwide found that 58% of respondents said they encounter violence; and

Whereas, According to the New York Times article, a survey conducted in 2001 in Georgia found that out of 1,132 licensed therapists who responded 14 had been shot, 6 attacked with a knife, 209 pushed or shoved, 112 slapped and 87 hit by objects thrown at them; and

Whereas, Specific examples of violence in New York State include, but are not limited to, an instance in 2008 where a therapist was slashed to death in her office, a 2009 case where a youth counselor was beaten to death by two youth residents, and a 2011 case where a social worker was murdered in a group home by a young man she counseled; and

Whereas, Data from the New York State Office of Children and Family Services (“OCFS”) shows that assaults on staff in juvenile detention facilities increased to 138 in 2010, up from 133 in 2009; and

Whereas, Additionally, a report titled, “Employee Safety in the New York State Juvenile Justice System” found that employees in limited secure residential programs throughout New York State report that violence towards staff has increased in recent years; and

Whereas, The Public Employees Federation, which represents social workers, counselors, teachers and other professional staff members at OCFS facilities, and the Civil Service Employees Association (“CSEA”), which represents youth aides, administrative and operational staff members at OCFS, indicate that there is an increase in workers’ compensation incidents due to an increase in violence in facilities; and

Whereas, Also according to the CSEA, 18 out of 33 youth division aides at one juvenile detention facility are out of work due to severe injuries suffered at the hands of the facility’s youth residents; and

Whereas, Current law does not provide sufficient criminal assault penalties to protect employees of a

local social services district or juvenile detention agency; and

Whereas, A.4672B and S.641B would elevate any assault committed against an employee of a local services district or juvenile detention agency to a felony offense; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Senate and the New York State Assembly to pass and the Governor to sign A.4672B and S.641B, which would enhance the criminal penalties for assaulting an employee of a local social services district or juvenile detention agency while such employee is in the performance of his or her duties.

EH
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