Legislation Details (With Text)

File #:	Int 0292-2014	**Version:**	A	**Name:**	Requiring the commissioner of correction, in coordination with the commissioner of health and mental hygiene, to post a quarterly report on its website regarding punitive segregation, restricted housing and clinical alternative to punitive segregation hou
Type:	Introduction			**Status:**	Enacted
				In control:	Committee on Fire and Criminal Justice Services
On agenda:	4/29/2014				
Enactment date:	8/28/2014			**Enactment #:**	2014/042

Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of correction, in coordination with the commissioner of health and mental hygiene, to post a quarterly report on its website regarding punitive segregation, restricted housing and clinical alternative to punitive segregation housing statistics for city jails

Sponsors: Daniel Dromm, Andy L. King, Rory I. Lancman, Corey D. Johnson, Margaret S. Chin, Elizabeth S. Crowley, Inez E. Dickens, Vanessa L. Gibson, Brad S. Lander, Mark Levine, Deborah L. Rose, Ruben Wills, Inez D. Barron, Rosie Mendez, Helen K. Rosenthal, Stephen T. Levin, Jumaane D. Williams, Karen Koslowitz, Antonio Reynoso, Maria Del Carmen Arroyo, Costa G. Constantinides, Ben Kallos, Daniel R. Garodnick, Ydanis A. Rodriguez, Carlos Menchaca, Annabel Palma, Mathieu Eugene, Robert E. Cornegy, Jr., Darlene Mealy, The Public Advocate (Ms. James)

Indexes:

Attachments: 1. Int. No. 292 - 4/29/14, 2. Committee Report 6/12/14, 3. Hearing Testimony 6/12/14, 4. Hearing Transcript 6/12/14, 5. Committee Report 8/20/14, 6. Hearing Testimony 8/20/14, 7. Hearing Transcript 8/20/14, 8. Hearing Transcript - Stated Meeting 8-21-14, 9. Fiscal Impact Statement, 10. Mayor's Letter, 11. Local Law 42, 12. Minutes of the Stated Meeting - August 21, 2014

Date	Ver.	Action By	Action	Result
4/29/2014	*	City Council	Introduced by Council	
4/29/2014	*	City Council	Referred to Comm by Council	
6/12/2014	*	Committee on Fire and Criminal Justice Services	Hearing Held by Committee	
6/12/2014	*	Committee on Fire and Criminal Justice Services	Laid Over by Committee	
8/20/2014	*	Committee on Fire and Criminal Justice Services	Hearing Held by Committee	
8/20/2014	*	Committee on Fire and Criminal Justice Services	Amendment Proposed by Comm	
8/20/2014	*	Committee on Fire and Criminal Justice Services	Amended by Committee	
8/20/2014	A	Committee on Fire and Criminal Justice Services	Approved by Committee	Pass
8/21/2014	A	City Council	Approved by Council	Pass
8/21/2014	A	City Council	Sent to Mayor by Council	
8/28/2014	A	Mayor	Hearing Held by Mayor	
8/28/2014	A	Mayor	Signed Into Law by Mayor	

powered by Legistar™

8/28/2014 A City Council Recved from Mayor by Council

Int. No. 292-A

By Council Members Dromm, King, Lancman, Johnson, Chin, Crowley, Dickens, Gibson, Lander, Levine, Rose, Wills, Barron, Mendez, Rosenthal, Levin, Williams, Koslowitz, Reynoso, Arroyo, Constantinides, Kallos, Garodnick, Rodriguez, Menchaca, Palma, Eugene, Cornegy, Mealy and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of correction, in coordination with the commissioner of health and mental hygiene, to post a quarterly report on its website regarding punitive segregation, restricted housing and clinical alternative to punitive segregation housing 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 9-134 to read as follows:

§ 9-134 Jail punitive segregation statistics. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

"Department" shall mean the New York city department of correction.

"Inmate recreation day" shall mean one day per each individual for every day in punitive segregation during each quarter.

"Inmate shower day" shall mean one day per each individual for every day in punitive segregation during each quarter.

"Mental health unit" ("MHU") shall mean any separate housing area staffed by mental health clinicians where inmates with mental illness who have been found guilty of violating department rules are housed, including but not limited to restricted housing units and clinical alternative to punitive segregation units.

"Punitive segregation" shall mean city jail housing units where inmates who have been found guilty of violating department rules may be temporarily housed as a sanction for their offense(s) and restricted to their cells more than fifteen hours per day.

"Serious injury" shall mean a physical injury that includes: (i) a substantial risk of death

powered by Legistar™

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 serious injury as defined by the department.

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

"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.

"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.

"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.

"Use of force C" shall mean a use of force resulting in no injury to staff or inmates.

b. For the quarter beginning October first, two thousand fourteen, commencing on or before January twentieth, two thousand fifteen, and on or before the twentieth day of each quarter thereafter, the commissioner of correction, in coordination with the commissioner of health and mental hygiene, shall post a report on the department website containing information relating to the use of punitive segregation, restricted housing and clinical alternative to punitive segregation housing in city jails for the previous quarter. Such quarterly report shall include separate indicators, disaggregated by facility and housing category for the total

number of inmates housed in punitive segregation, restricted housing and clinical alternative to punitive segregation housing. Such quarterly report shall also include the following information regarding the punitive segregation, restricted housing and clinical alternative to punitive segregation housing population: (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, restricted housing and clinical alternative to punitive segregation housing during the period, (iv) the number of inmates sent to punitive segregation, restricted housing and clinical alternative to punitive segregation housing from mental observation housing areas, (v) the number of inmates, by highest infraction offense grade as classified by the department, (grade one, two, or three), (vi) the number of inmates serving punitive segregation in the following specified ranges: less than ten days, ten to thirty days, thirty-one to ninety days, ninety-one to one hundred eighty days, one hundred eighty-one to three hundred sixty-five days, and more than three hundred sixty-five days, (vii) the number of inmates receiving mental health services, (viii) the number of inmates twenty-one years of age and under, (ix) the number of inmates over twenty-one years of age in ten-year intervals, (x) the race and gender of inmates, (xi) the number of inmates who received infractions while in punitive segregation, restricted housing and clinical alternative to punitive segregation housing, (xii) the number of inmates who received infractions that lead to the imposition of additional punitive segregation time, (xiii) the number of inmates who committed suicide, (xiv) the number of inmates who attempted suicide, (xv) the number of inmates on suicide watch, (xvi) the number of inmates who caused injury to themselves (excluding suicide attempt), (xvii) the number of inmates seriously injured while in punitive segregation, restricted housing and clinical alternative to punitive segregation housing, (xviii) the number of inmates who were sent to non-psychiatric hospitals outside the city jails, (xix) the number of inmates who died (non-suicide), (xx) the number of inmates transferred to a psychiatric hospital from punitive segregation (not MHU), (xxi) the number of inmates transferred to a psychiatric hospital from MHU, disaggregated by program, (xxii) the number of inmates moved from general

punitive segregation to MHU, disaggregated by program, (xxiii) the number of inmates placed into MHU following a disciplinary hearing, disaggregated by program, (xxiv) the number of inmates moved from MHU to punitive segregation, disaggregated by program (not MHU), (xxv) the number of inmates prescribed anti-psychotic medications, mood stabilizers or anti-anxiety medications, disaggregated by the type of medication, (xxvi) the number of requests made by inmates for medical or mental health treatment and the number granted, (xxvii) the number of requests made by inmates to attend congregate religious services and the number granted, (xxviii) the number of requests made by inmates for assistance from the law library and the number granted, (xxix) the number of requests made by inmates to make telephone calls and the number granted, disaggregated by weekly personal calls and other permissible daily calls, (xxx) the number of inmate recreation days and the number of recreation hours attended, (xxxi) the number of individual recreation hours that were offered to inmates prior to six a.m., (xxxii) the number of inmate shower days and the number of showers taken, (xxxiii) the number of inmates who received visits, (xxxiv) the number of instances of allegations of use of force, (xxxv) the number of instances of use of force A, (xxxvi) the number of instances of use of force B, (xxxvii) the number of instances of use of force C, (xxxviii) the number of instances in which contraband was found, (xxxix) the number of instances of allegations of staff on inmate sexual assault, (xl) the number of instances of substantiated staff on inmate sexual assault, (xli) the number of instances of allegations of inmate on staff sexual assault, and (xlii) the number of instances of substantiated inmate on staff sexual assault.

§2. This local law shall take effect immediately upon enactment.

RCC
Int. No. 0190-2010
LS # 814, 821, 937
08/13/14
10:05 p.m.