



Legislation Details (With Text)

File #: Int 0998-2018 **Version:** * **Name:** Requiring reporting on incarcerated parents with children and children of incarcerated parents.

Type: Introduction **Status:** Filed (End of Session)

In control: Committee on Criminal Justice

On agenda: 6/28/2018

Enactment date: **Enactment #:**

Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on incarcerated parents with children and children of incarcerated parents

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Date	Ver.	Action By	Action	Result
6/28/2018	*	City Council	Introduced by Council	
6/28/2018	*	City Council	Referred to Comm by Council	
12/31/2021	*	City Council	Filed (End of Session)	

Int. No. 998

By Council Members Dromm, Holden, Chin, Adams, Rosenthal, Ampry-Samuel, Barron, Menchaca and Rivera

A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on incarcerated parents with children and children of incarcerated parents

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 9-154 to read as follows:

§ 9-154 Incarcerated parent report a. For the purposes of this section, the following terms have the following meanings:

Borough jail facility. The term “borough jail facility” means any department facility in which incarcerated individuals are housed by the department and is located outside Rikers Island.

Child. The term “child” means any person who is 21 years and younger.

City jail. The term “city jail” means any department facility in which incarcerated individuals are housed by the department.

Non-contact visit. The term “non-contact visit” means any visit in which the incarcerated person and their visitor are separated by a transparent partition and communicate via intercom or other electronic means.

Parent. The term "parent" means a biological parent; adoptive parent; legal guardian; the spouse or domestic partner of a biological parent, adoptive parent or legal guardian; or any individual acting as a parent in the absence of a biological parent, adoptive parent or legal guardian.

Video visit. The term “video visit” means any visit conducted via a live video conferencing system using an electronic device including, but not limited to, a desktop computer, laptop, or tablet, used for video visitation purposes with an incarcerated individual.

Visitor. The term “visitor” means any person who enters a city jail with the stated intention of visiting an incarcerated individual at any borough jail facility, city jail, or city jail on Rikers Island, or any person who is screened by the department for visitation purposes and any person who registers to visit an incarcerated individual on the department’s visitor tracking system.

b. The commissioner shall submit to the speaker of the council and post on the department’s website on a quarterly basis, beginning on or before January 1, 2019, a report containing information pertaining to the visitation of the incarcerated individual population in city jails for the prior quarter. Such quarterly report shall include, but not be limited to, the following information:

1. The total number of incarcerated parents, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, in any city jail, in total and disaggregated by the facilities located on Rikers Island and by each borough jail facility;

2. The total number of children who visited an incarcerated parent in any city jail, disaggregated by the age of the child, the facilities located on Rikers Island, and by each borough jail facility;

3. The length of time children spent waiting for a visit to begin with an incarcerated parent in any city

jail, any facility located on Rikers Island, or any borough jail facility;

4. The total number of children who had a non-contact visits with an incarcerated parent in any city jail, any facility located on Rikers Island, or any borough jail facility, disaggregated by the type of restriction on the incarcerated parent and by the type of restriction on the visiting child;

5. The total number of children unable to complete a visit with an incarcerated parent in any city jail, disaggregated by the facilities located on Rikers Island and by each borough jail facility;

6. The total number of children who completed a video visit with an incarcerated parent in any city jail, in total disaggregated by the facilities located on Rikers Island and further disaggregated by each borough jail facility;

7. The total number of children who were unable to complete a video visit with an incarcerated parent in any city jail and the reason such visit was not completed, in total disaggregated by the facilities located on Rikers Island and by each borough jail facility;

c. Such report shall be permanently accessible from the department's website and shall be provided in a machine readable format. Each report shall include a comparison of the current reporting period to the prior three reporting periods, where such information is available.

§2. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 Children of incarcerated parents program a. For the purposes of this section, the following terms have the following meanings:

Borough jail facility. The term “borough jail facility” means any department of correction facility in which incarcerated individuals are housed by the department of correction and is located outside Rikers Island.

CHIPP. The term “CHIPP” means the children of incarcerated parents program as administered by ACS.

City jail. The term “city jail” means any department of correction facility in which incarcerated individuals are housed by the department of correction.

Correctional facility. The term “correctional facility” means any facility in which incarcerated individuals are housed that is located outside the five boroughs of New York city.

Non-contact visit. The term “non-contact visit” means any visit in which the incarcerated person and their visitor are separated by a transparent partition and communicate via intercom or other electronic means.

Parent. The term "parent" means a biological parent; adoptive parent; legal guardian; the spouse or domestic partner of a biological parent, adoptive parent or legal guardian; or any individual acting as a parent in the absence of a biological parent, adoptive parent or legal guardian.

Video visit. The term “video visit” means any visit conducted via a live video conferencing system using an electronic device including, but not limited to, a desktop computer, laptop, or tablet, used for video visitation purposes with an incarcerated individual.

b. The commissioner shall submit to the speaker of the council and post on ACS’s website on a quarterly basis, beginning on or before January 1, 2019, a report containing information pertaining to CHIPP for the prior quarter. Such quarterly report shall include, but not be limited, to the following information:

1. The total number of children participating in CHIPP, disaggregated by ethnicity, age, and gender, including non-binary gender individuals:

2. The total number of children, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, who participate in each in-person visit;

3. The total number of children who were not able to have an in-person visit with an incarcerated parent, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, and the reason the children were unable to visit an incarcerated parent;

4. The total number of children who had a non-contact visit with an incarcerated parent, disaggregated by the type of restriction on the incarcerated parent and by the type of restriction on the visiting child;

5. The total number of children, disaggregated by ethnicity, age, and gender, including non-binary gender individuals, who participated in a video visit and the name of each borough jail facility, city jail,

correctional facility, or detention facility that allows children to visit incarcerated parents via video visits;

6. The total number of children who were unable to have a video visit disaggregated by ethnicity, age, and gender, including non-binary gender individuals, and the reason such visit was not completed; and

7. The name of each borough jail facility, city jail, correctional facility, or detention facility that children are taken to have in-person visits with incarcerated parents.

c. Such report shall be permanently accessible from the department's website and shall be provided in a machine readable format. Each report shall include a comparison of the current reporting period to the prior three reporting periods, where such information is available.

§3. This local law takes effect immediately.

KG/SSY
LS #9237 Int. No. 1617-2017
LS # 1111
5/17/18