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Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration of children’s services and the department of probation to report on juvenile justice statistics

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Attachments: 1. Summary of Int. No. 1628, 2. Int. No. 1628, 3. June 26, 2019 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 6-26-19, 5. Minutes of the Stated Meeting - June 26, 2019, 6. Committee Report 12/3/19, 7. Hearing Testimony 12/3/19, 8. Hearing Transcript 12/3/19

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Int. No. 1628

By Council Members Salamanca and Ampry-Samuel

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration of children’s services and the department of probation to report on juvenile justice statistics

Be it enacted by the Council as follows:

Section 1. Section 21-905 of the administrative code of the city of New York is amended to read as follows:

§21-905[.] Demographic Data of the Juvenile Justice System. By January 15, 2020, and no later than 15

days after the end of each subsequent month thereafter, ACS shall submit a report related to demographics data of the juvenile justice system to the council and post such report permanently on ACS's website. All data contained in such report shall be in a machine-readable format and include a comparison of the current reporting period to the prior four reporting periods, where such information is available. The information required pursuant to this section for each reporting period shall be accessible through the NYC Open Data website. Such report shall include, but need not be limited to, the following information:

a. Admissions to Detention Facilities.

1. [By September 30 of each year, ACS shall post a report on its website regarding the] The total number of admissions in the previous [fiscal year] month to the following facilities:

- i. secure detention facilities, in total and disaggregated by facility; [and]
- ii. non-secure detention facilities, in total and disaggregated by facility;
- iii. specialized secure detention facilities, in total and disaggregated by facility; and
- iv. specialized juvenile detention facilities, in total and disaggregated by facility.

2. The data provided pursuant to paragraph one of subdivision a of this section shall be disaggregated by the following factors:

- i. age;
- ii. gender;
- iii. race;
- iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;
- v. for youth remanded to a detention facility by a court the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody, further disaggregated by the youth's age, gender and race; [and]
- vi. for youth brought to detention by police, [whether] the top arrest charge [was a misdemeanor or a

felony] at the time ACS assumed custody, further disaggregated by the youth's age, gender and race[.];

vii. whether such youth have any prior contact with ACS, including but not limited to foster care cases;

and

viii. whether such youth have any prior contact with the Department of Probation.

b. Demographic Data for Detention Facilities.

1. [By September 30 of each year ACS shall post a report on its website regarding the] The average daily population in the previous [fiscal year] month in the following facilities:

i. secure detention facilities, in total and disaggregated by facility; [and]

ii. non-secure detention facilities, in total and disaggregated by facility;

iii. specialized secure detention facilities, in total and disaggregated by facility; and

iv. specialized juvenile detention facilities, in total and disaggregated by facility.

2. [By September 30 of each year ACS shall post a report on its website regarding the] The number of youth admitted to a detention facility during the previous [fiscal year] month who spent time either in non-secure detention only, secure detention only, specialized secure detention only, [or] both non-secure and secure detention, both non-secure and specialized secure detention, or both secure and specialized secure detention, in total and disaggregated by the following factors:

i. age;

ii. gender;

iii. race

iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;

v. for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody; [and]

vi. for youth brought to detention by police, [whether] the top arrest charge [was a misdemeanor or a

felony] at the time ACS assumed custody[.];

vii. whether such youth have any prior contact with ACS, including but not limited to foster care cases;

and

viii. whether such youth have any prior contact with the Department of Probation.

3. During the prior month, the average and median bail amounts imposed by the criminal court on youth in ACS custody, and the percentage of youth in ACS custody who were remanded by the criminal court to detention without imposing bail, disaggregated by juvenile offenders, adolescent offenders, and seventeen year olds remanded to detention before October 1, 2019.

4. The total number of Adolescent Offenders in the facility on the last day of the reporting period who are serving a sentence in specialized secure detention, further disaggregated by top charge at sentencing, age, gender, and race.

c. Admissions to Placement Facilities.

1. [By September 30 of each year, ACS shall post a report on its website regarding the] The total number of placement admissions in the previous [fiscal year] month in the following facilities:

i. non-secure placement facilities, in total and disaggregated by facility; [and]

ii. limited-secure placement facilities, in total and disaggregated by facility; and

2. The data provided pursuant to paragraph one of subdivision c of this section shall be disaggregated by the following factors:

i. age;

ii. gender;

iii. race

iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;

v. youth who were detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act;

vi. youth who were not detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act;

vii. youth who were transferred to an ACS placement facility from the custody of the New York state office of children and family services in accordance with subdivision six of section four hundred and four of the New York state social services law; [and]

viii. for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court;

ix. whether such youth have any prior contact with ACS, including but not limited to foster care cases;
and

x. whether such youth have any prior contact with the Department of Probation.

d. Demographic Data for Placement Facilities.

1. [By September 30 of each year, ACS shall post a report on its website regarding the] The average daily population in the previous [fiscal year] month in the following facilities:

- i. non-secure placement facilities, in total and disaggregated by facility; and
- ii. limited-secure placement facilities, in total and disaggregated by facility.

2. [By September 30 of each year, ACS shall post a report on its website the] The number of youth admitted to a placement facility during the previous [fiscal year] month who spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors:

- i. age;
- ii. gender;
- iii. race

iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; [and]

v. for youth remanded to a detention facility by a court, the most serious offense adjudicated against such youth by the court[.];

vi. whether such youth have any prior contact with ACS, including but not limited to foster care cases;
and

vii. whether such youth have any prior contact with the Department of Probation.

e. Data on Transfers.

1. [By September 30 of each year, ACS shall post a report on its website regarding the] The total number of youth who have been transferred during the previous [fiscal year] month from:

i. a non-secure detention facility to a secure detention facility;

ii. a secure detention facility to a non-secure detention facility;

iii. a non-secure placement facility to a limited secure placement facility;

iv. a non-secure placement facility to a secure placement facility;

v. a limited secure placement facility to a non-secure placement facility;

vi. a limited secure placement facility to a secure placement facility;

vii. a secure placement facility to a limited secure placement facility; [and]

viii. a secure placement facility to a non-secure placement facility;[.]

ix. a specialized secure detention facility to a secure detention facility; and

x. a specialized secure detention facility to a non-secure detention facility;

2. The data provided pursuant to paragraph one of subdivision e of this section shall be disaggregated by the following factors:

i. age;

ii. gender; and

iii. race.

[f. *Interim Reports.*

1. On or before September 30, 2013, ACS shall post a report on its website regarding the total population in non-secure placement facilities as of the last day of every month during the previous fiscal year.

2. No more than one year after ACS begins operating limited secure placement facilities, ACS shall post a report on its website regarding:

i. the total number of admissions to such facilities in the first nine months of their operation, disaggregated by the following factors:

(a) age;

(b) gender;

(c) race; and

(d) youth who were transferred to an ACS placement facility from the custody of the New York state office of children and family services in accordance with subdivision six of section four hundred and four of the New York state social services law;

ii. the total population in such facilities as of the last day of every month during the first nine months of their operation; and

iii. the number of youth admitted to such facilities during the first nine months of their operation who, during that period, spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors:

(a) age;

(b) gender;

(c) race;

(d) zip code of residence except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; and

(e) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.]

f. Pre-sentence data.

1. The number of youth housed in non-secure, secure, specialized secure, and specialized juvenile detention facilities pre-sentencing, in total and disaggregated by the following factors, as defined in the New York state family court act and criminal procedure law:

i. juvenile delinquents, in total and disaggregated by facility;

ii. juvenile offenders, in total and disaggregated by facility;

iii. adolescent offenders, in total and disaggregated by facility;

iv. youth transferred from the custody of the Department of Correction on October 1, 2018; and seventeen year olds remanded to detention on or after October 1, 2018 and before October 1, 2019.

2. The data provided pursuant to paragraph one of subdivision f of this section shall be disaggregated by the following factors:

i. age;

ii. gender;

iii. race

iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;

v. the most serious charged offense on the court petition, complaint or indictment, or top arrest charge at the time ACS assumed custody; and

vi. the average, median, minimum and maximum length of detention, as well as the standard deviation for pre-sentencing or pre-disposition youth.

§ 2. Section 21-906 of the administrative code of the city of New York is amended to read as follows:

§ 21-906[.] Incident Reports in Juvenile Justice Facilities.

a. Quarterly Incident Reports.

1. [Within sixty days after the end of each quarter of the fiscal year, ACS shall post a report on its website based on data from the previous quarter that shall contain the] By January 15, 2020, and no later than 15 days after the end of each subsequent quarter thereafter, ACS shall submit a report related to incidents occurring in juvenile justice facilities to the council and store it permanently on ACS's website. All data contained in such report shall be in a machine-readable format and include a comparison of the current reporting period to the prior four reporting periods, where such information is available. The information required pursuant to this section for each reporting period shall be accessible through the NYC Open Data website. Such report shall include, but need but be limited to, the number of the following incidents:

- i. use of physical restraint by staff on children;
- ii. physical injuries or impairment to children as a result of the use of physical restraint;
- iii. use of mechanical restraint by staff on children;
- iv. physical injuries or impairment to children as a result of the use of mechanical restraint;
- v. fights and altercations between children;
- vi. physical injuries or impairment to children as a result of fights with other children;
- vii. physical injuries or impairment to children resulting from any other means not previously mentioned, disaggregated by cause;
- viii. serious physical injury to staff;
- [viii] ix. biased-based incidents as reported by a child; [and]
- x. the number of room confinements and the average length of stay for [each] such confinements [.];
- xi. alarm system activity; and
- xii. deployment of a dedicated unit of ACS personnel trained to respond to violent incidents, or a department of correction crisis response team.

2. The data provided pursuant to paragraph one of subdivision a of this section shall be disaggregated by the

following factors:

- i. [each] secure detention facilitie[y], in total and disaggregated by facility;
- ii. non-secure detention facilities, in total and disaggregated by facility;
- iii. non-secure placement facilities, in total and disaggregated by facility; [and]
- iv. limited secure placement facilities, in total and disaggregated by facility;
- v. specialized secure detention facilities, in total and disaggregated by facility;
- vi. specialized juvenile detention facilities, in total and disaggregated by facility;
- vii. whether the child involved in the incident was an adolescent offender, juvenile offender, juvenile delinquent, or youth transferred from the custody of the Department of Correction on October 1, 2018, or a seventeen year old remanded to detention on or after October 1, 2018 and before October 1, 2019; and
- viii. where applicable, whether the staff involved in the incident was ACS or DOC staff, or both.

3. For each incident reported pursuant to subparagraphs xiii of paragraph 1 of subdivision a of this section, such report shall include the facility, duration and reason for each such room confinement. For each incident reported pursuant to subparagraph xiv of paragraph 1 of subdivision a of this section, such report shall include the facility and reason for each such alarm system activation.

b. Annual incident reports.

1. Within sixty days after the end of each fiscal year, ACS shall post a report on its website containing the following data:

- i. the number of allegations made during the fiscal year that a child in a detention or placement facility was a neglected or abused child; and
- ii. 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 detention or placement facility was a neglected or abused child, including findings that substantiated allegations made prior to the fiscal year.

2. The data provided pursuant to paragraph one of subdivision b of this section shall be disaggregated

by the following factors:

- i. [each] secure detention facilities[y], in total and further disaggregated by facility;
- ii. non-secure detention facilities, in total and further disaggregated by facility;
- iii. non-secure placement facilities, in total and further disaggregated by facility; [and]
- iv. limited secure placement facilities, in total and further disaggregated by facility;[.]
- v. specialized secure detention facilities, in total and further disaggregated by facility; and
- vii. specialized juvenile detention facilities, in total and further disaggregated by facility.

c. Oleoresin Capsicum Spray. If, at any time, the City obtains a waiver pursuant to section 180-3.19 of title 9 of the New York codes, rules and regulations, permitting ACS or the department of correction to use oleoresin capsicum spray in a specialized secure detention or specialized juvenile detention facility, ACS shall post public notice of such waiver on their website no later than 5 days following the receipt of such waiver. Beginning January 15, 2020, and 15 days after the end of each month ACS shall report on all incidents in which oleoresin capsicum spray was used in a juvenile facility, including but not limited to the following information:

- i. the date and time of such use;
- ii. the number of youth exposed to oleoresin capsicum spray;
- iii. the age of such youth(s) exposed;
- iv. the number of each ACS or DOC personnel involved in the incident;
- v. the number of youth requiring medical attention after such incident; and
- vi. the facility where such incident occurred.

§3. 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 Juvenile Justice Facility Staffing.

a. Within 15 days of January 1, 2020, and no later than 15 days after the end of each subsequent month thereafter, ACS shall submit a report to the council and post such report on its website regarding the average

number of staff members in the previous month deployed to the following facilities:

1. Secure detention, in total and disaggregated by facility;
2. Specialized secure detention, in total and disaggregated by facility; and
3. Specialized juvenile detention, in total and disaggregated by facility.

b. The data provided pursuant to subdivision a for specialized juvenile detention shall be further disaggregated by the average number of department of correction staff and ACS staff, in total and disaggregated by tour and job title.

§4. Title 9 of the administrative code of the city of New York is amended by adding a new section §9-206 to read as follows:

§9-206 Youth probation report.

a. Definitions. Adjust. The term “adjust” has the same meaning as the process described in section 308.1 of the New York family court act, or any successor statute.

Juvenile delinquent. The term “juvenile delinquent” has the same meaning as described in the New York family court act, or any successor statute.

b. Within 15 days of January 15, 2020, and no later than 15 days after the end of each subsequent month thereafter, the department of probation shall submit to the council and post on its website a report on the number of cases in the previous month in the following categories: (i) juvenile delinquents under 16 years of age whose cases originate in family court; (ii) juvenile delinquents under 16 years of age whose cases were transferred to family court from the youth part of criminal court; (iii) youth 16 and 17 years of age whose cases originate in family court; (iv) youth 16 and 17 year of age whose cases were transferred from the youth part of criminal court to family court. This information shall be reported in total and disaggregated by the following factors:

1. The total number of youth screened for adjustment in family court, and further disaggregated by age, gender, race, the most serious offense, and age at time of interview.

2. The total number of individuals whose cases have been adjusted, and further disaggregated by age, gender, race, the most serious offense, and age at time of interview.
3. The average number of days elapsed from an individual's arrest to adjustment interview.
4. The reasons stated for not adjusting an individual, and further disaggregated by age, gender, race, the most serious offense, and age at the time of arrest.
5. The number of individuals who successfully complete adjustment and have their cases diverted.
6. The number of individuals who are referred from the department of probation to the law department for failure to follow conditions of adjustment.
7. The number of individuals receiving probation services.
8. The number of individuals detained, disaggregated by age, gender, race, the most serious offense, risk level score, and age at the time of risk assessment interview.
9. The percent of dispositional recommendations for placement, disaggregated by age, gender, and race.

§ 5. Subdivision a of section 9-306 of the administrative code of the city of New York, as added by local law number 86 for the year 2015 and renumbered by local law number 25 for the year 2018, is amended to read as follows:

a. Within 90 days of the beginning of each reporting period, the office of criminal justice shall post on its website a report regarding bail and the criminal justice system for the preceding reporting period. The reporting period for paragraphs 1, 3, 14, [and] 15, 34, 35, 36, and 37 of this subdivision is quarterly, the reporting period for paragraphs 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 16 is semi-annually, and the reporting period for paragraphs 17 through 33 is annually. The information required pursuant to paragraphs 34-37 shall be stored permanently and shall be accessible through the NYC Open Data website, and shall be provided in a format that permits automated processing. For the purposes of this subdivision, any inmate incarcerated on multiple charges shall be deemed to be incarcerated only on the most serious charge, a violent felony shall be deemed to be more serious than a non-violent felony of the same class, any inmate incarcerated on multiple

charges of the same severity shall be deemed to be held on each charge, any inmate incarcerated on multiple bail amounts shall be deemed to be held only on the highest bail amount, any inmate held on pending criminal charges who has a parole hold shall be deemed to be held only on the parole hold, any inmate held on pending criminal charges who has any other hold shall be deemed to be held only on the pending criminal charges, and any inmate incarcerated on multiple cases in which sentence has been imposed on at least one of such cases shall be deemed to be sentenced. Such report shall contain the following information, for the preceding reporting period or for the most recent reporting period for which such information is available, to the extent such information is available:

§ 6. Subdivision a of section 9-306 of the administrative code of the city of New York is amended by adding new paragraphs 34 through 37 to read as follows:

34. The number of violent felonies filed against 16 and 17 year olds in criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county, and most serious offense.

35. The number of violent felonies removed to family court from criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county, and most serious offense.

36. The total number of non-violent felonies filed against 16 and 17 year olds in criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county, and most serious offense.

37. The number of non-violent felonies removed to family court from criminal court, in total and disaggregated by age at time of charge, gender, race, age at the time of the charge, county, and most serious offense.

§ 6. This local law takes effect immediately, except that sections 1 and 2 of this local law take effect on January 1, 2020.

JDK/SA

LS #8625
6/19/19