Legislation Details (With Text)

File #:	Res 0021-2024	**Version:**	*	**Name:**	NYS Office of Children and Family Services to prohibit juvenile justice agencies from using room confinement as a form of restraint in secure detention facilities.
Type:	Resolution			**Status:**	Filed (End of Session)
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Title: Resolution calling on the New York State Office of Children and Family Services to prohibit juvenile justice agencies from using room confinement as a form of restraint in secure detention facilities and from using transitional hold as a form of restraint in detention and placement facilities.

Sponsors:

Indexes:

Attachments: 1. Res. No. 21, 2. February 8, 2024 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 2-8-24, 4. Minutes of the Stated Meeting - February 8, 2024

Date	Ver.	Action By	Action	Result
2/8/2024	*	City Council	Introduced by Council	
2/8/2024	*	City Council	Referred to Comm by Council	
12/31/2025	*	City Council	Filed (End of Session)	

Res. No. 21

Resolution calling on the New York State Office of Children and Family Services to prohibit juvenile justice agencies from using room confinement as a form of restraint in secure detention facilities and from using transitional hold as a form of restraint in detention and placement facilities.

By the Public Advocate (Mr. Williams) and Council Members Stevens, Gutiérrez, Hudson and Hanif

Whereas, The New York City Administration for Children's Services (ACS) Room Confinement Policy for Secure Detention, dated March 7, 2016, defines room confinement as the involuntary confinement of a youth in a room, including the youth's own room, when locked or when the youth is authoritatively told not to leave; and

Whereas, According to an article in the Detroit Free Press dated July 16, 2020, a prone hold is a form of restraint that consists of pinning a person face-down on the ground; and

Whereas, On November 18, 2020, the New York State Office of Children and Family Services (OCFS)

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proposed amendments to Sections 441.4(a), 441.17, 441.22(a), 441.22(b), and 442.2 of the New York State Department of Social Services Regulations to eliminate the authority of child care agencies to use room isolation and prone holding as a form of restraint of children in foster care and to preclude a child care institution from maintaining or operating an isolation room; and

Whereas, The November 18, 2020 OCFS amendments are in recognition of the risk of trauma to children when placed in foster care and the ongoing need to address that risk while preparing the child for discharge, particularly as children often experience trauma before entering foster care; and

Whereas, On December 1, 2020, the Legal Aid Society announced that it secured a guarantee from OCFS that OCFS will no longer employ prone restraints on children in residential treatment centers or OCFS facilities; and

Whereas, New York State Executive Department Regulations Section 180-1.9(c)(11) continues to authorize the use of room confinement on youth in secure detention facilities; and

Whereas, The ACS Safe Intervention Policy for Secure and Non-Secure Detention, dated November 7, 2014, allows the use of prone hold for the amount of time it takes to defuse a situation, but no longer than three minutes; and

Whereas, In Fiscal Year 2020, the ACS Annual Detention Incident Report reported 149 room confinements at the Crossroads Secure Detention Facility, including 96 of five hours or more in duration, and 58 room confinements at the Horizon Secure Detention Facility, including 23 of 10 hours or more in duration; and

Whereas, According to the ACS Annual Detention Incident Report for Fiscal Year 2020, staff used 1,948 physical restraints, defined as physical hold techniques and other non-offensive physical safety interventions, on youth at the Crossroads Secure Detention Facility and the Horizon Secure Detention Facility, including 69 physical restraints that resulted in injury; and

Whereas, According to the ACS Quarterly Close to Home Incident Report for Fiscal Year 2021, Second

Quarter, staff used 51 physical restraints on youth in limited secure and non-secure placement facilities, including one physical restraint that resulted in physical injury or impairment; and

Whereas, According to the November 1, 2018 study, "Adverse Childhood Experiences and Justice-Involved Youth: The Effect of Trauma and Programming on Different Recidivistic Outcomes," adverse childhood experiences are prevalent in justice-involved youth and related to recidivism; and

Whereas, According to the Alliance Against Seclusion and Restraint, the use of restraint and seclusion is traumatic, and traumatic stress can be associated with lasting changes in the amygdala, hippocampus, and prefrontal cortex areas of the brain; and

Whereas, OCFS is reforming its use of prone holding and room isolation, and eliminating the use of room confinement in secure detention facilities and transitional holds in detention and placement facilities to diminish the trauma to already traumatized youth in placement and detention facilities; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Office of Children and Family Services to prohibit juvenile justice agencies from using room confinement as a form of restraint in secure detention facilities and from using transitional hold as a form of restraint in detention and placement facilities.

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