



Legislation Text

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Int. No. 1005

By Council Members Nurse and Cabán

A Local Law to amend the administrative code of the city of New York, in relation to the use of certain oleoresin capsicum sprays in facilities operated by the department of correction

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 9-168 to read as follows:

§ 9-168 Use of chemical agents. a. For purposes of this section, the following terms have the following meanings:

Adverse reactions list. The term “adverse reactions list” means a daily list provided to the department of correction by the New York city health and hospitals corporation, or any successor health care provider, which lists the names of all incarcerated individuals who may be at higher risk for adverse reactions to certain security-related actions.

High-powered OC spray. The term “high-powered OC spray” means an oleoresin capsicum (OC) spray with a manufacturer’s stated maximum range of more than 12 feet.

b. No correction officer shall use a high-powered OC spray to restrain, subdue, or compel an incarcerated individual to act or stop acting in a particular way without the approval of the tour commander of the facility or supervising correction officer of equivalent rank, except in emergency cases when a delay in the use of a high-powered OC spray presents an immediate threat of death or serious injury or severely threatens the safety or security of the facility. Any use of high-powered OC spray shall be documented in writing by the correction officer as soon as practicable after its use.

c. The commissioner of correction shall ensure that the most recent adverse reactions list is posted in all control rooms and tour commander offices and is electronically accessible to all supervising correction officers.

§ 2. This local law takes effect 180 days after it becomes law.

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