



Legislation Text

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**File #:** Int 1036-2024, **Version:** \*

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Int. No. 1036

By Council Members Nurse, Lee, Restler, Cabán, Louis and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to provide reports regarding people in custody who have been ordered to undergo a mental health examination

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 Reporting on court-ordered mental health examinations. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Mental health examination. The term “mental health evaluation” means an evaluation performed by a psychiatric examiner pursuant to section 730 of the criminal procedure law.

Order of examination. The term “order of examination” has the same meaning as set forth in section 730 of the criminal procedure law.

Incapacitated person. The term “incapacitated person” has the same meaning as set forth in section 730 of the criminal procedure law.

Appropriate institution. The term “appropriate institution” has the same meaning as set forth in section 730 of the criminal procedure law.

b. Beginning no later than April 30, 2025, and within 30 days of each quarter thereafter, the department of correction, in consultation with correctional health services, the office of criminal justice, and other relevant agencies, shall send a report regarding people in custody who have been ordered to undergo a mental health

examination to the mayor and the speaker of the council and post such report on the department's website during the prior quarter. The information required by this section shall be reported in a format capable of automatic processing. Such report shall include the following information in total and disaggregated by the county wherein such persons were originally charged with a criminal offense;

1. The number of people in custody with a pending mental health examination, further disaggregated by whether the person was charged felony or misdemeanor offense, and the housing area type where such persons are being detained;
2. The number of people in custody with a pending mental health examination who were admitted to the department's custody during the current reporting period, further disaggregated by whether the person in custody was charged with a felony or misdemeanor offense, and the housing area type where such persons are being detained;
3. The number of people in custody deemed an incapacitated person following a mental health examination, further disaggregated by whether the person was charged felony or misdemeanor offense, and the housing area type where such persons are being detained;
4. The number of people in custody deemed an incapacitated person following a mental health examination who were admitted to the department's custody during the current reporting period, further disaggregated by whether the person was charged felony or misdemeanor offense, and the housing area type where such persons are being detained;
5. The number and percentage of mental health examinations conducted virtually as opposed to in person;
6. The average length of time between when correction health services receives an order of examination and the date a mental health examination is scheduled;
7. The average length of time between the date correctional health services schedules a mental health examination and the first scheduled mental health examination date;

8. The number and percentage of mental health examinations not successfully completed on the first scheduled date, further disaggregated by the reason the mental health examination was not completed, including but not limited to, the department's failure to escort the person in custody to their mental health examination, the lack of an available psychiatric examiner, the virtual mental health examination being canceled due to technical problems, the person in custody refusing to attend their mental health examination, and movement of the person in custody being restricted due to a lockdown, search, or alarm in their housing facility;
  9. For mental health examinations not completed on the first scheduled date, the average length of time between the first scheduled mental health examination date and the second scheduled mental health examination date;
  10. The number and percentage of people in custody with a pending mental health examination, who have had more than two scheduled appointments without a completed mental health examination;
  11. The average length of time between when correctional health services receives an order of examination and completion of the mental health examination;
  12. The percentage of people in custody who completed a mental health examination during the current reporting period who were deemed an incapacitated person;
  13. The average length of time between the department receiving notice that a person is to be discharged to an appropriate institution and such persons being discharged from the department's custody, further disaggregated by whether the person was charged felony or misdemeanor offense;
  14. The average length of time between when a person is admitted to the custody of the department and when they are discharged to an appropriate institution, further disaggregated by whether the person was charged with a felony or misdemeanor offense.
- §2. This local law takes effect immediately

8/1/2024