

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2015**

No. 90

Introduced by Council Members Garodnick, Dromm, Ferreras-Copeland, Constantinides, Gentile, Johnson, Lander, Levine, Rose, Rosenthal, Mendez, Cabrera, Williams, Barron and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the department of correction to report on enhanced supervision housing.

Be it enacted by the Council as follows:

Section 1. Section 9-134 of the administrative code of the city of New York, as added by local law number 42 for the year 2014, is amended to read as follows:

§ 9-134 Jail [punitive segregation] *segregated housing* statistics. a. Definitions. For the purposes of this section, the following terms [shall] have the following meanings:

["Department" shall mean]*Department. The term "department" means* the New York city department of correction.

["Inmate recreation day" shall mean]*Inmate recreation day. The term "inmate recreation day" means* one day per each individual for every day in punitive segregation during each quarter.

["Inmate shower day" shall mean]*Inmate shower day. The term "inmate shower day" means* one day per each individual for every day in punitive segregation during each quarter.

["Mental health unit" ("MHU") shall mean]*Mental health unit ("MHU"). The term "mental health unit" ("MHU") means* any separate housing area staffed by mental health clinicians where inmates with mental illness who have been found guilty of violating department rules are housed, including but not limited to restricted housing units and clinical alternative to punitive segregation units.

[“Punitive segregation” shall mean] *Segregated housing unit. The term “segregated housing unit” means any city jail housing units [where inmates who have been found guilty of violating department rules may be temporarily housed as a sanction for their offense(s) and] in which inmates are regularly restricted to their cells more than [fifteen hours per day] the maximum number of hours as set forth in subdivision (b) of section 1-05 of chapter 1 of title 40 of the rules of the city of New York, or any successor rule establishing such maximum number of hours for the general population of inmates in city jails. Segregated housing units do not include mental health units. Segregated housing units include, but are not limited to, punitive segregation housing and enhanced supervision housing.*

[“Serious injury” shall mean] *Serious injury. The term “serious injury” means a physical injury that includes: (i) a substantial risk of death or disfigurement; (ii) loss or impairment of a bodily organ; (iii) a fracture or break to a bone, excluding fingers and toes; (iv) an injury defined as serious by a physician; and (v) any additional serious injury as defined by the department.*

[“Staff” shall mean] *Staff. The term “staff” means anyone, other than an inmate, working at a facility operated by the department.*

[“Use of force” shall mean the use of chemical agents or physical contact between a uniformed member of service and an inmate, but shall not include physical contact used in a non-confrontational manner to apply mechanical restraints or to guide an inmate] *Use of force. The term “use of force” means an instance where staff used their hands or other parts of their body, objects, instruments, chemical agents, electric devices, firearm, or any other physical method to restrain, subdue, or compel an inmate to act in a particular way, or stop acting in a particular way. This term shall not include moving, escorting, transporting, or applying restraints to a compliant inmate.*

[“Use of force A” shall mean] *Use of force A. The term “use of force A” means a use of force resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including, but not limited to:*

(i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness, including a concussion; (viii) suture; (ix) internal injuries, including but not limited to ruptured spleen or perforated eardrum; or (x) admission to a hospital.

["Use of force B" shall mean] *Use of force B. The term "use of force B" means a use of force resulting in an injury that does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid.*

["Use of force C" shall mean] *Use of force C. The term "use of force C" means a use of force resulting in no injury to staff or inmates.*

b. For the quarter beginning October first, two thousand fourteen, commencing on or before January twentieth, two thousand fifteen, and on or before the twentieth day of each quarter thereafter, the commissioner of correction[, in coordination with the commissioner of health and mental hygiene,] shall post a report on the department website containing information relating to the use of [punitive segregation, restricted housing and clinical alternative to punitive segregation]*segregated housing units and MHU* in city jails for the previous quarter. Such quarterly report shall include separate indicators, disaggregated by facility and housing category for the total number of inmates housed in [punitive segregation, restricted housing and clinical alternative to punitive segregation]*segregated housing units and MHU*. Such quarterly report shall also include the following information regarding the [punitive segregation, restricted housing and clinical alternative to punitive segregation]*segregated housing unit and MHU* population: (i) the number of inmates in each security risk group as defined by the department's classification system directive, (ii) the number of inmates subject to enhanced restraints, including but not limited to, shackles, waist chains and hand mittens, (iii) the number of inmates sent to [punitive segregation, restricted housing and clinical alternative to punitive segregation] *segregated housing units and MHU* during the period, (iv) the number of inmates sent to [punitive segregation, restricted housing and clinical alternative to punitive segregation] *segregated housing units and MHU* from

mental observation housing areas, (v) the number of inmates, by highest infraction offense grade as classified by the department, (grade one, two, or three), (vi) the number of inmates serving punitive segregation in the following specified ranges: less than ten days, ten to thirty days, thirty-one to ninety days, ninety-one to one hundred eighty days, one hundred eighty-one to three hundred sixty-five days, and more than three hundred sixty-five days, (vii) the number of inmates receiving mental health services, (viii) the number of inmates twenty-one years of age and under, (ix) the number of inmates over twenty-one years of age in ten-year intervals, (x) the race and gender of inmates, (xi) the number of inmates who received infractions while in [punitive segregation, restricted housing and clinical alternative to punitive segregation] *segregated housing units or MHU*, (xii) the number of inmates who received infractions that [lead] *led* to the imposition of additional punitive segregation time, (xiii) the number of inmates who committed suicide, (xiv) the number of inmates who attempted suicide, (xv) the number of inmates on suicide watch, (xvi) the number of inmates who caused injury to themselves (excluding suicide attempt), (xvii) the number of inmates seriously injured while in [punitive segregation, restricted housing and clinical alternative to punitive segregation] *segregated housing units or MHU*, (xviii) the number of inmates who were sent to non-psychiatric hospitals outside the city jails, (xix) the number of inmates who died (non-suicide), (xx) the number of inmates transferred to a psychiatric hospital from [punitive segregation (not MHU)] *segregated housing units*, (xxi) the number of inmates transferred to a psychiatric hospital from MHU, disaggregated by program, (xxii) the number of inmates moved from general punitive segregation to MHU, disaggregated by program, (xxiii) the number of inmates placed into MHU following a disciplinary hearing, disaggregated by program, (xxiv) the number of inmates moved from MHU to [punitive segregation] *a segregated housing unit*, disaggregated by [program (not MHU)] *segregated housing unit type*, (xxv) the number of inmates prescribed anti-psychotic medications, mood stabilizers or anti-anxiety medications, disaggregated by the type of medication, (xxvi) the number of requests made by inmates for medical or mental health treatment and the number granted, (xxvii) the number of

requests made by inmates to attend congregate religious services and the number granted, (xxviii) the number of requests made by inmates for assistance from the law library and the number granted, (xxix) the number of requests made by inmates to make telephone calls and the number granted, disaggregated by weekly personal calls and other permissible daily calls, (xxx) the number of inmate recreation days and the number of recreation hours attended, (xxxi) the number of individual recreation hours that were offered to inmates prior to six a.m., (xxxii) the number of inmate shower days and the number of showers taken, (xxxiii) the number of inmates who received visits, (xxxiv) the number of instances of allegations of use of force, (xxxv) the number of instances of use of force A, (xxxvi) the number of instances of use of force B, (xxxvii) the number of instances of use of force C, (xxxviii) the number of instances in which contraband was found, (xxxix) the number of instances of allegations of staff on inmate sexual assault, (xl) the number of instances of substantiated staff on inmate sexual assault, (xli) the number of instances of allegations of inmate on staff sexual assault, and (xlii) the number of instances of substantiated inmate on staff sexual assault.

§ 2. This local law takes effect January 1, 2016, except that the first quarterly report pursuant to this local law is due April 20, 2016.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 17, 2015 and approved by the Mayor on October 7, 2015.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 90 of 2015, Council Int. No. 768-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.