



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. 153-A

COMMITTEE: Juvenile Justice

TITLE: A local law to amend the administrative code of the city of New York in relation to requiring the Department of Juvenile Justice to regularly report data concerning its use of physical restraint, mechanical restraint, and room confinement, injuries to children and allegations of child abuse and neglect.

SPONSORS: Council Members Gonzalez, Barron, Brewer, Chin, Dickens, Dromm, Fidler, Gentile, James, Koslowitz, Palma, Rodriguez, Sanders, Jr., Vann, Williams, Foster and Arroyo.

SUMMARY OF LEGISLATION: After defining a series of words and phrases used in the legislation, Intro. 153-A requires the commissioner of the Department of Juvenile Justice to post quarterly incident reports on the Department of Juvenile Justice (DJJ) website for the total number of incidents that occurred during the previous quarter for both non-secure and secure detention facilities. In addition, the legislation requires that the commissioner post annual incident reports regarding allegations of abuse and neglect and findings by the New York State Office of Children and Family Services (OCFS) substantiating such allegations.

The quarterly safety incident reports are to be posted on the Department’s website within sixty days after the end of each quarter of the fiscal year disaggregated by secure detention and non-secure detention facilities. Information to be posted includes the following: (i) the use of physical restraint by Department 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; and (viii) the number of room confinements and the length of stay for each instance.

The annual incident reports are to be posted on the Department’s website within sixty days after the end of the fiscal year which will also be disaggregated by secure detention and non-secure detention facilities. Information to be posted includes the following: (i) the number of allegations made during the fiscal year that a child in a Department detention facility was a neglected or abused child; and (ii) the number of findings made during the fiscal year by OCFS substantiating allegations that a child in a department detention facility was a neglected or abused child (including findings made during the fiscal year that substantiated allegations made prior to the fiscal year).

EFFECTIVE DATE: This local law would take effect 60 days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: NA

FISCAL IMPACT STATEMENT:

	Effective FY10	FY Succeeding Effective FY11	Full Fiscal Impact FY10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: This legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: This legislation would have no impact on city expenditures as all of the data required to be reported on the DJJ website is already compiled by the agency.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division, Mayor's Office of Legislative Affairs, and Department of Juvenile Justice.

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director
Eisha Wright, Supervising Legislative Financial Analyst

HISTORY: On April 14, 2010, Proposed Intro. 153 was introduced by the Council and referred to the Committee on Juvenile Justice. On April 21, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On April 26, 2010, the Committee considered an amended version of the legislation, Proposed Intro. 153-A. On April 29, 2010, the full Council will vote on Proposed Intro. 153-A.