Legislation Details (With Text)

File #:	Int 1954-2020 **Version:** A	**Name:**	Requiring the DOC and correctional health services to issue reports during public health emergencies.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Criminal Justice
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Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction and correctional health services to issue reports during public health emergencies

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Indexes: Report Required

Attachments: 1. Summary of Int. No. 1954, 2. Int. No. 1954, 3. Committee Report 5/19/20, 4. Hearing Testimony 5/19/20, 5. Hearing Transcript 5/19/20, 6. Hearing Testimony - Brooklyn Defender Services, 7. Hearing Testimony - District Attorney Vance, 8. Hearing Testimony - JLUSA, 9. Hearing Testimony - Legal Aid Society, 10. Hearing Testimony - Special Narcotics Prosecutor Brennen, 11. Proposed Int. No. 1954-A - 5/21/20, 12. Hearing Transcript 5/28/20, 13. Committee Report 5/28/20, 14. Committee Report - Stated Meeting, 15. May 28, 2020 - Stated Meeting Agenda with Links to Files, 16. Hearing Transcript - Stated Meeting 5-28-20, 17. Minutes of the Stated Meeting - May 28, 2020, 18. Int. No. 1954-A (FINAL), 19. Fiscal Impact Statement, 20. Mayor's Letter, 21. Local Law 59

Date	Ver.	Action By	Action	Result
5/19/2020	*	Committee on Criminal Justice	Hearing on P-C Item by Comm	
5/19/2020	*	Committee on Criminal Justice	P-C Item Laid Over by Comm	
5/19/2020	*	Committee on Justice System	Hearing on P-C Item by Comm	
5/19/2020	*	Committee on Justice System	P-C Item Laid Over by Comm	
5/28/2020	*	Committee on Criminal Justice	Hearing Held by Committee	
5/28/2020	*	Committee on Criminal Justice	Amendment Proposed by Comm	
5/28/2020	*	Committee on Criminal Justice	Amended by Committee	
5/28/2020	A	Committee on Criminal Justice	Approved by Committee	Pass
5/28/2020	*	City Council	Introduced by Council	
5/28/2020	A	City Council	Referred to Comm by Council	
5/28/2020	A	City Council	Approved by Council	Pass
5/28/2020	A	City Council	Sent to Mayor by Council	
6/29/2020	A	Administration	City Charter Rule Adopted	
6/29/2020	A	City Council	Returned Unsigned by Mayor	

Int. No. 1954-A

By Council Members Powers, Ayala, Rivera, Rosenthal, Maisel, Kallos and Chin

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department

of correction and correctional health services to issue reports during public health emergencies

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 9-160 to read as follows:

§ 9-160 Reports during public health emergencies. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Application for compassionate release. The term "application for compassionate release" means an application submitted, with the consent of the incarcerated individual, by correctional health services to the incarcerated individual's defense attorney to be used to request that a court release the incarcerated individual.

Cumulative infections. The term "cumulative infections" means the total number of positive infections of people who have been incarcerated during a given public health emergency, regardless of whether those individuals have been discharged after being confirmed positive while in the department's custody.

Infection. The term "infection" means any infection that is the subject of a public health emergency.

Public health emergency. The term "public health emergency" means any declared state of emergency made in response to an outbreak of an infectious disease.

Staff. The term "staff" means civilian and uniform staff of the department of correction and correctional health staff.

b. During the duration of any public health emergency, the department and correctional health services shall submit to the speaker of the council, and make publicly available on the correctional health services website, a weekly report related to the outbreak of infectious diseases in city jails. Such report shall be submitted in a machine-readable format and stored permanently on correctional health services' website, and include the following information for each day in the preceding week:

1. The number of incarcerated individuals tested for the infection, disaggregated by each day starting from the first day of the announcement of the public health emergency, or for the COVID-19 pandemic, each

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day starting from March 13, 2020, in total and disaggregated by whether such tests were positive, negative, or pending results. For those dates following the effective date of the local law that added this section, the number of incarcerated individuals tested for the infection shall be further disaggregated by the reason the test was administered;

2. The number of incarcerated individuals currently diagnosed with the infection; unless otherwise reported by the board of correction;

3. The number of currently incarcerated individuals who have been diagnosed with the infection but are no longer contagious;

4. The number of tests administered to incarcerated individuals;

5. The cumulative number of unique incarcerated individuals who have been tested for the infection, disaggregated by whether test results were positive or negative;

6. Cumulative number of tests administered, disaggregated by whether test results were positive or negative;

7. The cumulative number of staff who voluntarily self reported to be medically confirmed with the infection; disaggregated by whether such infections were of uniform, civilian, or correctional health staff; unless otherwise reported by the board of correction.

8. The total number of staff employed by the department, disaggregated by uniform and non-uniform staff; and further disaggregated by out sick and not out sick;

9. The number of deaths of incarcerated individuals related to the infection;

10. The cumulative number of incarcerated individuals provided applications for compassionate release, in total and disaggregated by number of such individuals released;

11. The number of incarcerated individuals known to correctional health services to be hospitalized due to the infection;

12. ~~T~~he cumulative number of incarcerated individuals known to correctional health services to be

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hospitalized due to the infection;

13. The number of people in custody with a serious mental illness; and

c. During the duration of any public health emergency, the department of correction shall provide a weekly report related to the outbreak of infectious diseases in city jails to the board of correction and to the speaker. Such reports shall include, for the previous week and the previous month:

1. The number of individuals incarcerated solely on a definite sentence, disaggregated by how many such individuals have 30 or fewer, 31-60, and 60-90 days remaining to serve on such sentence;

2. The number of individuals incarcerated solely on a definite sentence, disaggregated by which individuals have been deemed medically vulnerable by correctional health services.

3. The number of calls made to any correctional health services phone number designed to handle calls from incarcerated individuals, and the number of voice messages left on such phone number;

d. Correctional health services in collaboration with the department of correction shall provide and ensure the distribution of a weekly written communication to persons in custody including information about the public health emergency and a frequently asked questions section.

e. During the duration of a public health emergency, the department and correctional health services shall submit to the speaker of the council, and make publicly available on the department's website, a timeline of significant events related to the public health emergency, including but not limited to general criteria for testing and discharge planning related to the public health emergency. Such a timeline shall be updated weekly.

f. Privacy. Reports required pursuant to this section shall not contain identifying information as defined in section 23-1201 of the administrative code of the city of New York. If a category to be reported contains fewer than ten individuals or contains an amount that would allow another category that contains fewer than ten individuals to be deduced, the number shall be replaced with a symbol.

§2. This local law takes effect immediately.

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