

Transportation for NSD

<p>Approved by: Jess Dannhauser, Commissioner</p>	<p>Date Issued:</p>	<p>Number of Pages: 17 Number of Attachments: 4</p>
<p>Related Laws: NY CLS Veh & Tr § 1229-c</p>	<p>ACS Divisions/Provider Agencies: Youth and Family Justice; Policy, Planning and Measurement; and Youth Justice Placement Providers</p>	<p>Contact Office/Unit: Johan Peguero Associate Commissioner Close to Home & NSD Johan.Peguero@acs.nyc.gov</p>
<p>Supporting Regulations: N/A</p>	<p>Supporting Case Law: N/A</p>	<p>Bulletins & Directives: N/A</p>
<p>Key Words: Court Visits, Deathbed Visits, Funeral Visits, Medical Transport, Multi-car Collisions, Outside Appointments, Structural Collisions, Transportation, Vehicular Accidents</p>	<p>Related Policies: ACS NSD Policy #: 06/07, Resident Abscond from Non-Secure Detention ACS Policy #2024/04 Deathbed Visits for Youth in Secure and Specialized Secure Detention. ACS Policy #2024/05 Funeral Visits for Youth in Secure and Specialized Secure Detention</p>	<p>Supersedes: DJJ Operations Order#: 06/07, NSD/SEEDS Vehicular DJJ Administrative Order #: 02/04 Reporting of Incidents and GOALS Data Management. DJJ Operations Orders#: 01/05 Motor Vehicle Usage Report. DJJ Contracts of Non-Secure Detention</p>
<p>Related Forms: Attachment A: Report of Motor Vehicle Accident Attachment B: Vehicular Inspection Form Attachment C: Critical Incident Report Form Attachment D: Non – Secure Detention Security Seating</p>		
<p>SUMMARY: This policy governs the procedures of safe transportation of all youth from Non-Secure Detention (NSD) facilities to external locations, such as court, medical, deathbed visits, and funeral visits. Non-Secure Detention facility staff are required to follow the procedures and guidelines instructed by this policy to best mediate all potential occurrences which may unfold during the transport of all youth from NSD facilities, such as an accident, emergency, or preventing an attempted absence.</p>		

SCOPE: This policy applies to all ACS staff, interns, volunteers, contractors, and providers in Non-Secure Detention facilities.

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I. Introduction

To provide procedures for the safe transport of youths in New York City Administration for Children's Services Division of Youth and Family Justice (ACS DYFJ) custody from all NSD facilities to external locations such as court, medical, deathbed visits, and funeral visits.

II. Definitions

- A. Court Visits - The transportation of youth to and from court hearings, such as Criminal Court, Family Court, and Supreme Court, ensuring their attendance and participation in the Judicial System while under NSD supervision. Youth charged with a crime in Long Island will be transported only by the Sheriff, unless directed by Long Island Family Court.
- B. Deathbed Visits – Youth attendance at the bedside of a close family member whose death is imminent, in a recognized healthcare facility. Youth must not be permitted to attend a deathbed visit in a private home.¹
- C. Funeral Visits - Youth's attendance at: (1) a place of worship, a licensed funeral home, or other appropriate site of memorial service; or (2) an interment held at the gravesite (but only when the youth is unable to pay final respects at a place of worship, a licensed funeral home, or other appropriate memorial service).²
- D. Medical Transport - Organized transportation of youth to and from medical facilities for appointments, treatments, or emergencies, ensuring that they receive access to necessary healthcare services while under NSD supervision.
- E. Multi-car Collision – A vehicular accident involving three (3) or more vehicles colliding in a series of impacts while transporting youth.
- F. Outside Appointments – Scheduled activities or events that take place beyond facility premises, such as transporting youth to a new site for a placement interview, programing, or educational purposes.
- G. Structural Collisions – A vehicular accident involving a piece of infrastructure, such as a building or bridge.
- H. Transportation - Any time a youth under the care and supervision of an NSD facility is transported by staff away from the facility to an outside destination. Transports are only allowed within the state of New York State. For this policy, "during" transport includes the

¹ See ACS Policy #2024/04 *Deathbed Visits for Youth in Secure and Specialized Secure Detention*

² See ACS Policy #2024/05 *Funeral Visits for Youth in Secure and Specialized Secure Detention*

entirety of a planned transport beginning with departure from the NSD facility, continuing through arrival at the outside destination, and concluding with the youth's safe return to the NSD facility.

- I. Vehicular Accidents – incidents that involve motor vehicles while transporting youth, including collisions, crashes, or other related road incidents that occur during the transportation of youth to outside appointments.

III. Policy

It must be the policy of the ACS Division of Youth & Family Justice (DYFJ) that vehicles operated by NSD personnel are used in the conduct of agency business and/or by contractors transporting DYFJ youths. Vehicles must be registered, inspected, and insured according to New York State Motor Vehicle regulations. Each NSD facility is responsible for monitoring an authorized driver's list maintained by their Human Resources (HR) department. Only employees on the list are permitted to drive NSD facility vehicles. The Executive Director of NSD must receive a quarterly report of the authorized driver's list from all NSD facilities. DYFJ and each contracted agency must monitor the driving behavior of its authorized drivers and promote safety measures and reporting.

IV. Driver's License Requirement

A. Employees

1. Employees must have a valid driver's license from New York State (or other state of residence where applicable if exempt from the City's residency requirements), with the appropriate classification(s) for the vehicle(s) they are operating.

B. Commercial Driver's License

1. Effective April 1, 1992, New York State's Commercial Driver's Law³ requires all Class 1, 2, 3 or 19a drivers to convert their license to new classifications if they drive vehicles over 26,000 lbs., transport 15 or more passengers, or transport hazardous materials as defined by the Federal Hazardous Materials Transportation Act.⁴

V. Verification and Authorization Process

A. License

1. Employees must present a valid New York State driver's license (or equivalent from the state of residence where applicable) with proper classifications. A copy of all drivers' licenses of authorized drivers must be maintained by each contracted agency.

³ *New York State Commercial Driver's Law*, April 1, 1992.

⁴ *Hazardous Materials Transportation ACT*, January 3, 1975

B. LENS Program

1. Each DYFJ contracted agency operating an NSD facility must review the driving status of all new employees with the New York State Department of Motor Vehicles (NYS DMV), quarterly. The agency must enroll in the DMV's License Event Notification Service (LENS) and ensure that it monitors the driving records of all its applicable employees through this system.

C. Violations

1. No contracted employee may be authorized to drive a vehicle transporting DYFJ youths if the employee has accumulated or been found guilty of:
 - a. Three (3) speeding and/or misdemeanor traffic violations within 18 months (based on violation date, not conviction date).
 - b. Three (3) "passing a stopped school bus" violations in three (3) years.
 - c. One (1) leaving the scene of a personal injury or fatal accident violation.
 - d. Eleven Violation Points based on the NYS DMV Point System. Points are charged against a driver's license based on the date the violation was committed, not the date of conviction in court.
 - e. A suspended or revoked license.
2. Additionally, an employee charged with, but not limited to, any of the following work-related offenses must be suspended from driving duties until all charges have been dismissed or a judgment/verdict is entered in favor of the employee:
 - a. Driving under the influence (including all alcohol and drug-related violations).
 - b. Vehicular homicide or assault.
 - c. Participating in an unlawful speed contest.
 - d. Absconding or attempting to abscond a police officer.
 - e. Use of a vehicle in a crime.
3. After being cleared by a Judge, ACS would require further evaluation of the suspended employee, conducted by ACS Office of Transportation Services.

D. Authorized Driver's List

1. Each Facility Director must create an Authorized Drivers list for each work site based on the employee's driving records and provide same to the Executive Director of NSD.
2. As updates are received from the DMV LENS weekly, the Facility Director must update the Authorized Drivers list weekly and ensure that all facility supervisors have access to the list. The updated list must be forwarded to the Executive Director of NSD on a weekly basis.

VI. DMV Regulations

A. Vehicle Documentations

1. All vehicles operated within NSD facilities must be duly registered in New York State and have updated registration and annual inspection stickers displayed visibly on windshields. Additionally, updated insurance must be maintained in every vehicle. Verification of updated registration stickers, inspection stickers, and insurance cards must be routinely made by DYFJ staff as part of its site inspections.

VII. Vehicular Safety

A. Seat Belt

1. All agency vehicle seatbelts must be routinely checked daily before each use to ensure the belts are in place and in good working order.
2. All drivers and passengers, including youths, must wear seat belts in accordance with provisions set forth in New York State Law. Note: New York State Law requires all passengers to wear seat belts.
3. Youths must never ride in the front seat of a vehicle.

B. Inspection

1. All drivers must inspect/check the operation of all safety-related equipment (e.g., turn signals, horn, brakes, lights, wipers, seat belts, Child Safety lock) of their assigned vehicles before and after each use. If the inspection of the vehicle yields in the discovery of a malfunctional auto part, the driver the vehicle must notify the Facility Director of the NSD and document the discovery of a malfunctional auto part on the Daily Vehicle Inspection Checklist (Attachment B).
2. The driver must ensure that the vehicle they are driving has current NYS inspection and registration stickers.
3. Any safety or driving hazards, including any vandalism of the vehicles by youth must be immediately reported to the Facility Director and the Movement Control and Communications Unit (MCCU) and Operations Liaison or their designee.⁵
4. Drivers must ensure that vehicles are free of contraband and are locked after each use. Drivers are responsible for filling out the Vehicle Inspection Form (Attachment B) and reporting any damages or contraband discovered on the vehicle. The Vehicular

⁵ See *DJJ Administrative Order #: 02/04 Reporting of Incidents and GOALS Data Management*

Inspection Form (Attachment B) must be turned over to a supervisor or their designee. The discovery of any damages or contraband must be immediately notified to the Facility Director, who then reports the findings to the Executive Director of NSD or to the Operations Liaisons.

5. Any contraband discovered is reported to MCCU and confiscated. Depending on the type of contraband found, an investigation may be conducted by an Operation Liaison. Contraband which may prompt an investigation include but not limited to the following: cell phones, weapons and drugs.
6. The Director of the NSD will then permit a corrective action, such as related training or disciplinary action.

C. Security

1. Staff assigned to transport youth must ensure that the vehicle's child safety locks are enabled on each door/hatch prior to departure.
2. Staff transporting youth must ensure that the vehicle's doors are locked while the youth are in the vehicle.
3. Staff must ensure that they are positioned correctly in the vehicle to ensure maximum supervision of all the youth.
 - a. If only two (2) staff are assigned, one (1) staff must drive, and the other staff member must sit in the back of the vehicle with the youth.
 - b. If a multi-passenger van is used, the second staff member must sit behind all the youth or in the last row of the vehicle so that they can observe all the youth in the vehicle.
 - c. Each Facility Director, in conjunction with the Executive Director of NSD must develop security post plan for each vehicle used daily to transport youth. Vehicles include the 12-seater or 6-seater (minivan). This plan must detail where staff must sit, depending upon the number of youth and staff present. All staff must sign for the plan and the plan must be posted in the vehicle on a clipboard that also records the vehicle's driver and mileage.

D. Maintenance

1. Each contracted agency must ensure that vehicles are properly maintained and periodically inspected for unsafe conditions or unreported accidents. Preventive maintenance checks (e.g., an oil change, brake check, fluid level check) must be performed at least once every six months by an authorized vendor. Contractors are responsible for daily maintenance. The Executive Director of NSD must be notified if a vehicle is out of commission.

VIII. Vehicular Accidents

A. Driver's Responsibilities

1. Drivers must remain at the scene of a collision, unless physically unable to do so, until a designated agency official, supervisor, or police officer has arrived at the accident site.
2. If youth were in the vehicle at the time of the accident, staff in the vehicle must call 911, then immediately notify the Facility Director by mobile communication of the location of the accident and the nature and extent of any injuries, after reaching out to the police first.
3. The Facility Director or their designee must immediately notify the NSD Operations Liaison or their designee.
4. If there are youth in the vehicle, police assistance must be requested to accompany the injured youth and staff to the hospital, if a hospital visit is warranted. The police must be informed that the youth are detainees of ACS DYFJ and that security precautions are necessary.
5. The Facility Director or their designee must also notify MCCU and the NSD Operations Liaison. The Health Services Unit must be informed of all available information regarding the youth(s) at the time of the accident.
6. The Facility Director and the NSD Operations Liaisons must make immediate arrangements to provide the necessary backup services including, but not limited to, identifying and dispatching replacement staff and/or vehicles to the accident scene and contacting the local vendor for immediate repair/towing services.
7. After an accident with youth in a vehicle that does not require a hospital visit, staff must escort the youths directly to the Health Services Unit for an evaluation at either Crossroads Juvenile Center (CJC) or Horizon Juvenile Center (HJC). Youth must also receive clearance from the Health Services Unit even after returning from the hospital.
8. Critical Incident Reports (Attachment C) must be filed for every vehicular accident by all staff members involved in the accident. The driver must also complete a Motor Accident Report alongside a Critical Incident Report (Attachment C).⁶
9. DYFJ employees or provider's driver must complete a Report of Motor Vehicle Accident Form (Attachment A) within 24 hours of the accident. The driver's supervisor must complete the driver's reports if the driver is unable to do so. The form must be submitted to the Executive Director of NSD and the DYFJ Fleet

⁶ See *Administrative Order#:* 02/04 *Reporting of Incidents and GOALS Data Management*

Coordinator.

10. Blank copies of the Report of Motor Vehicle Accident Form (Attachment A) must be carried in each DYFJ owned vehicle.

IX. Vandalism

1. Incidents of vehicles being vandalized by outsiders must be reported immediately to the Facility Director, MCCU and Operations Liaison.⁷The vandalism must be reported on the Vehicular Inspection Forms (Attachment B).

X. Attachments

1. Attachment A: Report of Motor Vehicle Accident
2. Attachment B: Vehicular Inspection Form
3. Attachment C: Critical Incident Report
4. Attachment D: NSD Security Vehicular Seating Plan

⁷ See *Administrative Order #: 02/04 Reporting of Incidents and GOALS Data Management*

**Attachments
Attachment A
REPORT OF VEHICULAR ACCIDENT FORM**

Effective:

Accident Date: _____ Day of the Week: _____ Time: _____ AM PM

Number of Vehicles: _____ Police Action: Arrest Summons Report Made: Yes No

Police Officer: _____ Shield #: _____ Precinct: _____

Vehicle 1 (City Vehicle)

Plate #: _____ Vehicle Type: _____ Year & Make: _____

Agency ID: _____ Odometer: _____ Other: _____

Operator's Government Name: _____ Job Title: _____

Appointment Date: _____ Bureau: _____ Shift Time: _____ AM PM

Department/Division: _____ Date of Birth: _____ / _____ / _____
(Month) (Day) (Year)

Social Security Number: _____ State of License: _____ Class: _____

Operator's License #: _____ Expiration Date: _____ / _____ / _____
(Month) (Day) (Year)

Supervisor's Name: _____ Phone #: _____

	Describe Damage:



GSS DAILY VEHICLE INSPECTION CHECKLIST

Effective:

Name: _____ Time: _____ Date: _____
 Make: _____ Model: _____ Year: _____
 Plate: _____ Starting Mileage: _____ Ending Mileage: _____

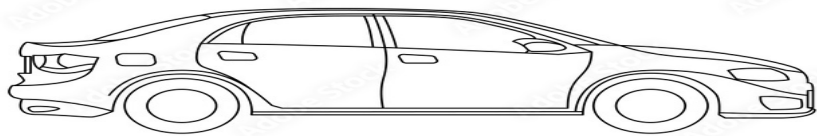
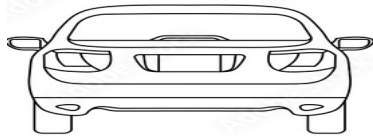
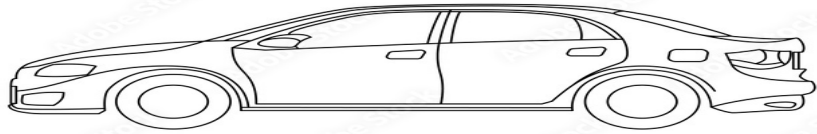
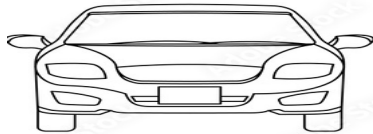
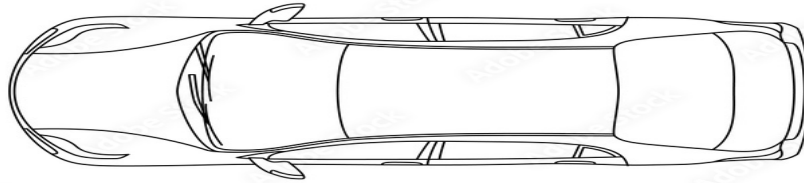
<u>Exterior</u>	<u>Working</u>	<u>Needs Service</u>	<u>Comments</u>
Tire Pressure			
Window/Mirrors			
Door Open/Close			
Windshield Wipers			
Sign of Leakage Under Vehicle			
Headlights			
Turn Signals			
Reverse Lights			
Hazard Lights			

<u>Interior</u>	<u>Working</u>	<u>Needs Service</u>	<u>Comments</u>
Clean			
Seat Belts			
Brakes			
Heat/AC			
Defroster			
Dashboard Warning Lights			
Door Locks			
Horn			
Insurance/Registration/ Inspection/ Permit Up To Date			
First Aid Kit			
Jumper Cables & Flashlights			

GSS DAILY VEHICLE INSPECTION CHECKLIST

Effective:

<u>Under Hood</u>			
Oil Changed			
Windshield Washer Fluid			
Battery Corrosion			



<u>NOTES</u>



ACS/DIVISION OF YOUTH AND FAMILY JUSTICE
CRITICAL INCIDENT REPORT

Form#:
Attachment C
Effective:

Print or Type all Information

Facility Critical Incident Report # Control #
Secure Detention Non-Secure Detention Court Services Central Office
Name of Facility

Full Name/Title of Person Submitting Report
Incident Date: Time: Location:
Staff involved (use full names):

Residents involved (use full names):
Witnesses (use full names; indicate if staff or youth):

Type of Incident:

- 1. Death of youth or serious injury to youth or staff requiring medical attention which may result in disfigurement or permanent disability (attach EMSA Incident Report).
2. Birth
3. Fire
4. AWOL/Abscond
5. Escape. (Attempt)
6. Major Disorder (Riot/Serious breach of security, i.e., lost exterior keys, etc.).
7. Child Abuse (including allegation or suspected child abuse).
8. Suicide Attempt (as defined by physician or mental health provider).
9. Assault on Staff or Youth, which causes Injury.
10. Other (is defined as any event, which results in significant disruption of the operation of the facility, i.e., employee, serious mechanical breakdown, union action, etc.).

Describe incident (who, what, when, where, why & how) and circumstances surrounding it.
Full name of staff on duty and their location at the time of incident:

Describe Injuries (attach Medical Report):

Signature: _____

Date: _____

Recommendation/Follow Up:
(To be completed by Supervisor)

Follow-up Signature: _____

Date: _____

(Verbal Notification within 48 hours, indicate date and time):

Commissioner _____
Associate Commissioner _____
Assistant Commissioner _____
Executive Director of Secure/NSD _____
Administrator on Call _____
Facility Director (NSD) _____
OCFS _____

Parent or Legal Guardian _____
Director, Case Management _____
Inspector General _____
(Only for Child Abuse Allegation, Death or Escape)
Your supervisor _____
Attorney of record (when death or escape occurs) _____
Appropriate Clergy (when death occurs) _____

Critical Incident Report Distribution Instructions (within 5 days):

- The Coordinator of Child Welfare is responsible for forwarding copies to:
Commissioner
Executive Deputy Commissioner Division of Youth & Family Justice
Executive Director (Secured/Non-Secured Detention)
Inspector General (Only for Child Abuse Allegation, Death or Escape)
Director, Case Management
Unit Manager
DFY
- Executive Director of all NSD facilities will be responsible for distribution of:
Critical Incident/Incident reports occurring within NSD facilities.

