

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 134

Introduced by Council Members Ayala, Powers, Rivera, Richards, Rosenthal, Dromm, Kallos, Cumbo and Levin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the grievance process for incarcerated individuals

Be it enacted by the Council as follows:

Section 1. Section 9-136 of the administrative code of the city of New York, as added by local law number 87 for the year 2015, is amended to read as follows:

§ 9-136 Grievance [statistics] *process*

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Appeal. The term “appeal” means the action taken when an incarcerated individual’s grievance is escalated to a higher level within the grievance process to review decisions regarding resolutions of grievances by incarcerated individuals.

[Grievance. The term "grievance" means a written complaint submitted by an inmate in the custody of the department about an issue, condition, practice or action relating to the inmate's confinement that is subject to the inmate grievance and request program or any successor program.]

Grievable complaint. The term “grievable complaint” means a complaint handled by the office of constituent and grievance services. The term includes but is not limited to a complaint regarding classification, clothing, commissary, correspondence, employment, environmental, food, inmate account, housing, length of sentence, laundry, law library, medical, mental health, personal hygiene, phone, programs, property, recreation, religion, rules and regulations, school, search, social service, transportation, and visits.

Non-grievable complaint. The term “non-grievable complaint” means any complaint which is not handled by the office of constituent and grievance services, including but not limited to a complaint regarding an allegation of assault, sexual assault/abuse, and verbal misconduct from a staff member; an allegation of assault, sexual assault/abuse, and non-sexual harassment from another incarcerated individual; individual security status; medical and mental health staff; request for accommodation due to a disability or claim of discrimination based on disability or perceived disability; request for protective custody; freedom of information laws, housing, and the grievance process.

Office of constituent and grievance services. The "office of constituent and grievance services" means the unit within the department that facilitates a formal process established by the department that provides incarcerated individuals with the opportunity to resolve grievable complaints regarding their confinement.

b. Forty-five days after the quarter beginning January 1, 2016, and no later than the forty-fifth day after the end of each subsequent quarter, the commissioner shall post on the department website a report containing the following information for the preceding quarter, *in addition to all information in paragraphs 1 through 5 of section d in the aggregate*

1. The number of [grievances] *grievable and non-grievable complaints* submitted in all departmental facilities, in total and disaggregated by the facility and housing area type in which such grievance was submitted.

2. The number of [grievances] *grievable and non-grievable complaints*_submitted in all departmental facilities, disaggregated by grievance category, by the facility and housing area type in which such grievance was submitted, and by the method by which such grievance was submitted.

3. The number of [grievances,] *grievable complaints*, the stages of the grievance process, the stage in the grievance process at which they were resolved, and the categories for which any grievances were dismissed.

4. For non-grievable complaints, where such complaints were referred;

5. The number of [inmates] *incarcerated individuals* that submitted grievances.

d. The department shall utilize an electronic tracking system to record all grievable and non-grievable complaints handled by the office of constituent and grievance services and shall provide the board of correction access to such system. Such system shall track the following:

1. Whether a complaint is subject to the process established by the office of constituent and grievance services, and if not, if and where the incarcerated individual was directed;

2. Whether the incarcerated individual pursued an appeal;

3. How and when the complaint was resolved, and at what stage the complaint was resolved;

4. Whether the complaint was made by the affected incarcerated person, an attorney or other advocate, a public official, or another third party;

5. The housing facility and housing area type where the complaint was made;

f. The department shall ensure equal access to the office of constituent and grievance services, including the following procedures:

1. Evaluating the need for grievance boxes and strategically placing a number of boxes in locations where individuals in department custody frequently congregate, and at least one box in each facility.

2. Placing a number of dedicated personnel in each housing unit to conduct outreach.

3. Developing caseload guidelines for grievance coordinators and officers.

g. The department shall install grievance kiosks in each facility where incarcerated individuals may file grievances electronically by January 2026. Such kiosks shall be accessible in multiple languages and shall provide incarcerated individuals physical receipts confirming filing. If a request made through the kiosk is not subject to the inmate grievance and review process, the kiosks shall provide incarcerated individuals with information regarding where the grievance should be redirected.

h. Incarcerated individuals unable to read, access, or understand the grievance process shall be provided with assistance necessary to meaningfully engage in such process.

§ 3. This local law takes effect 6 months after it becomes law.

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 June 13, 2019 and returned unsigned by the Mayor on July 18, 2019.

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. 134 of 2019, Council Int. No. 1340-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.