

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

No. 194

Introduced by Council Members Powers, Rosenthal, Cumbo, Kallos, Reynoso, Rivera, Ayala, Ampry-Samuel and Treyger.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to amending the bill of rights for incarcerated individuals and establishing guiding principles for the design of newly constructed jails

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 9-159, to read as follows:

§ 9-159 Guiding principles for new correctional facilities. a. Definitions. As used in this section, the following terms have the following meanings:

Dormitory. The term “dormitory” means a unit which houses multiple individuals. This term shall have the same meaning as the term “multiple occupancy housing unit” .

Housing unit. The term “housing unit” means a structure or part of a structure that contains single occupancy housing units or multiple occupancy housing units, as those terms are defined in the rules of the New York state commission of correction.

Living quarters. The term “living quarters” means an individual occupancy housing unit as defined in section 7040.4 of title 9 of the compilation of codes, rules and regulations of the state of New York or any successor provision.

Kitchenette. The term “kitchenette” means a space equipped to be used for heating food and water.

b. Every city correctional facility under the sole jurisdiction and control of the department built after the effective date of the local law that added this section shall comply with the following requirements:

1. Design requirements. Each such facility shall be designed, where practicable, in a manner that deprioritizes an institutional appearance and the use of bars.

2. General requirements. Each such facility shall include:

(a) a call button or telephone in each room that incarcerated individuals may use to contact staff;

(b) infrastructure that provides internet capability, subject to security and safety protocols of the department;

(c) designated spaces for re-entry services and programming, with sufficient space and infrastructure to accomplish the purposes of the services offered therein;

(d) access to clinical space for each housing unit, with 24 hour access to emergency response;

(e) systems that provide heating and air conditioning;

(f) visiting spaces, waiting areas, and other spaces in which visitors frequent that include an area that is suitable for children; and

(g) an outdoor recreation area.

3. Individual living quarters. Each individual living quarter in such facility shall:

(a) be no less than 75 square feet (6.97 square meters) in total area and no less than six feet (1.83 meters) in any direction;

(b) contain a functioning toilet, sink with potable water, single bed, and a closeable storage container for personal property for a single person;

(c) have at least one window with access to natural light. The total area of all windows in each living quarter shall be a least one-tenth the floor area of such room;

(d) contain no more than one single bed and house no more than one person; and

(e) contain at least one light that can be turned on and off.

4. Dormitories. Each dormitory in such facility shall:

(a) be equipped with a sufficient number of toilets and sinks, and provide showers in accordance with the minimum standards of the New York city board of correction and the guidelines of the New York state commission of correction for multiple occupancy housing units;

(b) have at least one window with access to natural light in each living space within such dormitory. The total area of all windows in each dormitory shall be a least one-tenth the floor area of such space; and

(c) contain a minimum of 75 square feet (6.97 meters) of floor space per person in the sleeping area.

5. Housing units. Each housing unit in such facility shall

(a) include a recreation area with access to fresh air and natural light; and

(b) contain a kitchenette.

6. Bathrooms shall be accessible at all times to individuals housed in each such facility.

c. The department shall digitize paper-based communications and ensure that correctional facilities built after the effective date of the local law that added this section are wired in such a fashion to allow for such electronic communications. Such communication shall include but not be

limited to (1) the location of incarcerated individuals, (2) communications between staff, (3) the filing of grievances, and (4) communications regarding bail status, in accordance with standards set by correctional oversight agencies.

d. This section is not intended to encompass the entirety of standards to apply to jail facilities.

§ 2. Subdivision g of section 9-136 of the administrative code of the city of New York, as added by local law number 134 for the year 2019, is amended to read as follows:

g. The department shall install grievance kiosks in each facility where incarcerated individuals may file grievances electronically *and in a private setting* by [January 2026] *December 31, 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.

§ 3. Section 9-139 of the administrative code of the city of New York, as amended by local law number 91 for the year 2015, is amended to read as follows:

§ 9-139 [Inmate] Bill of rights *for incarcerated individuals*. a. The department shall inform every [inmate] *incarcerated individual* upon admission to the custody of the department, in writing, using plain and simple language, of their rights under department policy, which shall be consistent with federal, state, and local laws, and board of correction minimum standards, on the following topics: non-discriminatory treatment, personal hygiene, recreation, religion, attorney visits, access to legal reference materials, visitation, telephone calls and other correspondence, media access, due process in any disciplinary proceedings, health services, safety from violence, and the grievance system.

b. The department shall inform every [inmate] *incarcerated individual* upon admission to the custody of the department, in writing, using plain and simple language, of their responsibilities under the department's rules governing *their* [inmate] conduct.

c. The department shall inform every [inmate] *incarcerated individual* upon admission to the custody of the department, in writing, using plain and simple language, of available services relating to education, vocational development, drug and alcohol treatment and counseling, and mental health treatment and counseling services.

d. The department shall publish on its website any documents created pursuant to this section. Such documents shall be available in English and Spanish.

e. Within 24 hours of admission to the custody of the department, the department shall provide to each [inmate] *incarcerated individual* an oral summary of the rights and responsibilities enumerated in subdivisions a, b, and c of this section in *their* [the inmate's] preferred language, if the language is accessible through the city's language access plan. The department shall make a good faith effort to provide an oral summary in languages that are not accessible through the city's language access plan as soon as practicable.

f. Upon admission to the custody of the department, each [inmate] *incarcerated individual* shall also be offered the option of being provided the Connections guidebook for formerly incarcerated people, or any similar or successor book or handbook that describes resources available to those re-entering society after being incarcerated.

g. The department shall allow incarcerated individuals to decorate a designated area of their living quarters, with appropriate oversight from the department regarding safety and security considerations.

h. The department shall maintain a policy that requires its employees to refer to individuals in custody by their names and their preferred pronouns, if known and if practicable, and has zero tolerance for staff addressing individuals in custody using dehumanizing terms, such as the word “body.”

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of correction may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

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 October 17, 2019 and returned unsigned by the Mayor on November 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. 194 of 2019, Council Int. No. 1762-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.

STEPHEN LOUIS, Acting Corporation Counsel.