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**THE COUNCIL OF THE CITY OF NEW YORK**

**Committee Report of the Justice and Human Services Divisions**

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**COMMITTEE ON CRIMINAL JUSTICE**

Hon. Keith Powers, *Chair*

**COMMITTEE ON GENERAL WELFARE**

Hon. Stephen T. Levin*, Chair*

#### **October 2, 2019**

## Int. No. 1190: By Council Members Levin, Ayala, and Levine

## Title: A local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services and the department of homeless services to provide drug treatment services

## Administrative Code: Adds Sections 21-129.1, 21-323

## Preconsidered Introduction: By Council Members Ayala and Levin

## Title: A Local Law to require the board of correction to report on the impact on incarcerated individuals of closing jails on Rikers Island, and to amend the administrative code of the city of New York, in relation to requiring the mayor’s office of criminal justice to report on progress in closing jails on Rikers Island

## Administrative Code: Adds Section 9-307

## Preconsidered Introduction: By Council Member Levin

## Title: A Local Law in relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island.

## Preconsidered Introduction: By Council Members Powers and Rosenthal

## Title: 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 ensuring minimum standards of design in newly constructed jails

## Administrative Code: Adds Section 9-157, amends Section 9-139

1. **Introduction**

On October 2, 2019, the Committee on Criminal Justice, chaired by Council Member Keith Powers, and Committee on General Welfare, chaired by Council Member Stephen T. Levin, will hold a hearing on four pieces of legislation: (1) Introduction Number 1190 (Int. No. 1190), a local law to amend the administrative code of the city of New York, in relation to requiring the department of social services and the department of homeless services to provide drug treatment services (2) Preconsidered Introduction \_\_\_, A local law to require the board of correction to report on the impact on incarcerated individuals of closing jails on Rikers Island, and to amend the administrative code of the city of New York, in relation to requiring the mayor’s office of criminal justice to report on progress in closing jails on Rikers Island, (3) Preconsidered Introduction \_\_\_, A local law in relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers, and (4) Preconsidered Introduction \_\_\_\_, 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 ensuring minimum standards of design in newly constructed jails. The Committees are expecting representatives from the Department of Correction (DOC), Mayor’s Office of Criminal Justice (MOCJ), Department of Social Services (DSS), the Board of Correction (BOC or “the Board”) advocates, and other stakeholders to testify.

1. **Background**

On October 17, 2019, the New York City Council is scheduled to vote on a land use action pursuant to the Universal Land Use Review Procedure (ULURP) that will permit the construction of four new borough-based jail facilities to replace those currently located Rikers Island, and those facilities currently located in Queens, Manhattan, and Brooklyn. The four bills addressed in this committee report are designed to accompany that ULURP in order to ensure adequate oversight over the construction of new facilities, improve conditions of confinement in new borough-based jails, and reinvest cost-savings from the closure of older jails into directly impacted communities.

*Borough Based Jail Plan*

The Administration’s plan to close jails on Rikers Island and open new borough-based facilities is projected to be complete in 2026. The plan involves reducing the New York City jail population to 4,000 people, demolishing all current facilities, and building new facilities in Manhattan, Queens, Brooklyn, and the Bronx.[[1]](#footnote-2) It is unclear which buildings will be constructed first, whether or not people in custody in existing facilities will be relocated to jails on Rikers Island, and how staffing plans will decrease throughout the implementation of the plan.[[2]](#footnote-3)

*Jail Conditions*

The jails on Rikers Island have been called some of the worst in the country.[[3]](#footnote-4) In a recent BOC report on jail conditions and operations during a city-declared heat emergency, the Board recorded temperatures in jail facilities as high as 95.8 degrees.[[4]](#footnote-5) Similarly, in a report conducted by The Independent Commission on New York City Criminal Justice and Incarceration Reform, chaired by former New York state chief judge Jonathan Lippman (the “Lippman Commission”), jails on Rikers Island were found to be filled with “leaks, water damages. . . [and] foul smells emanating from the parts of the island that are composed of landfill.”[[5]](#footnote-6) This report also stated that the isolated nature of Rikers Island creates numerous issues, both fiscal and moral. It is accessible by only a narrow bridge, and transportation to courthouses from the Island costs about $31 million per year.[[6]](#footnote-7) Moreover, the isolated nature of the island, combined with construction that uses long, linear, corridors, lends itself to a culture of violence and neglect.[[7]](#footnote-8) Furthermore, the physical design of the jails fails to foster ample programming or mental health treatment. For example, in Anna M. Kross Center, there are a dearth of confidential treatment spaces near housing units for the effective delivery of mental healthcare, and clinical sessions are often held in utility closets or dayroom floors.[[8]](#footnote-9)

*Addressing the Roots of Incarceration*

The vast majority of people who are incarcerated at Rikers Island and current borough-based facilities are Black and Latinx, and most of those incarcerated are detained without having been convicted of a crime.[[9]](#footnote-10) Numerous advocates have argued that systemic racism drives both poverty and mass incarceration, putting low-income people of color especially at risk for justice system involvement.[[10]](#footnote-11) According to an analysis by the Federation of Protestant Welfare Agencies (FPWA), as poverty rates increase, jail incarceration rates increase in New York City community districts.[[11]](#footnote-12) In fact, the five community districts with the highest poverty rates were also among the ten community districts with the highest jail incarceration rates. [[12]](#footnote-13) In addition to race and poverty, the link between incarceration and homelessness is well established. Jails and/or prisons increasingly constitute a feeder into the city’s homeless shelter system, particularly for single adults.[[13]](#footnote-14) From 2014 to 2017, the number and percent of formerly incarcerated individuals released directly from New York State correctional facilities to City homeless shelters rose dramatically.[[14]](#footnote-15) In 2017, more than 54 percent of individuals released from prison to New York City were released directly to the city’s shelter system, an increase from 23 percent in 2014.[[15]](#footnote-16) Also in 2017, more than 4,100 individuals were released to city shelters from upstate prisons, a 92 percent increase from 2014.[[16]](#footnote-17) Accordingly, one in five entrants to the shelter system comes directly from a New York State prison, up from one in 10 four years ago.[[17]](#footnote-18)

While the criminal justice system feeds into the homeless system, the reverse is also true as homeless behavior is often criminalized. Behaviors common among those experiencing homelessness, such as sleeping in a car or loitering, are all prohibited in New York State.[[18]](#footnote-19) The New York Civil Liberties Union filed a complaint in 2016 asking the New York City Commission on Human Rights to investigate the New York City Police Department’s practice of forcing people experiencing homelessness in Harlem to “move along” from place to place, sometimes threatening them with arrest.[[19]](#footnote-20) In January 2016, Governor Andrew M. Cuomo signed an executive order requiring local governments across the state to take people experiencing homelessness off the streets to shelters in freezing temperatures, “including involuntary placement.”[[20]](#footnote-21)

The overlap of race, poverty, and homelessness with incarceration demonstrates the complexity of preventing justice involvement and that the health and humans services sector is best positioned to address many related needs.[[21]](#footnote-22) A Brooklyn-based analysis conducted by the Open Society Foundation found that a high rate of Temporary Assistance for Needy Families recipients were concentrated in neighborhoods with high rates of incarcerated residents.[[22]](#footnote-23) Community districts with high jail incarceration rates also experienced high rates of unemployment, psychiatric hospitalizations, and school absence rates.[[23]](#footnote-24) The intersection of community impacts and benefits with incarceration suggest a partnership between criminal justice and human services could serve to stabilize and support individuals and families and decrease incarceration rates.

Accordingly, various community-based organizations have asked local governments to focus on policies that aim to reduce spending on corrections and reinvest the savings in strategies that increase public safety and rebuild communities impacted by mass incarceration.[[24]](#footnote-25) Nationwide, spending on corrections has skyrocketed in the last few decades, yet 40 percent of people leaving prison return within 3 years.[[25]](#footnote-26) A report by Communities United, Make the Road New York, Padres & Jóvenes Unidos, and the Right on Justice Alliance states that federal, state and local governments should immediately disinvest in police, corrections, the judicial/legal system, and immigration enforcement and reinvest in creating living-wage jobs, expanding the availability of affordable housing, broadening access to first-rate physical, mental, and behavioral healthcare, addressing the effects of environmental degradation and climate change, and providing alternatives to justice-system involvement such as restorative justice programs and increased use of social workers, psychologists, conflict mediators, mental health counselors, and drug treatment counselors.[[26]](#footnote-27)

Relating specifically to jails in New York City, JustLeadershipUSA met with 30 partner organizations and held assemblies in eight communities most impacted by mass incarceration to develop a #buildCOMMUNITIES platform specifically focused on closing Rikers Island and investing the cost-savings from closure in communities impacted by mass incarceration.[[27]](#footnote-28) The platform states that investing billions into the DOC, New York Police Department (NYPD), the Department of Probation (DOP), and the court system to address problems of public health, poverty and inequality does not work. The platform demands investment in public health, housing, employment and economic development, education and schools, community programs and services such as substance use and mental health treatment, and conflict transformation and alternative accountability.[[28]](#footnote-29)

*Incarceration and Substance Use Disorder*

According to a study published by the Department of Health and Mental Hygiene (DOHMH) in 2015, 96.9% of the people who are most frequently incarcerated struggle with substance use.[[29]](#footnote-30) Moreover, 75% of people incarcerated at Rikers Island have a substance use disorder.[[30]](#footnote-31) The intersection of the opioid crisis, homelessness, and incarceration is inextricably linked. DOHMH reported that frequently incarcerated individuals were more likely to have struggled with mental illness, homelessness, and substance use.[[31]](#footnote-32) Such frequency of incarceration amongst those struggling with substance use, in addition to high rates of overdose-caused deaths amongst those who experience homelessness,[[32]](#footnote-33) suggest that a significant investment in supportive housing and community-based opioid treatment is needed to reduce the jail population.

1. **BILL ANALYSIS**
2. **INTRO. NO. 1190**

Section one of Introduction 1190 adds a new section 21-129.1 to the administrative code to require the Department of Social Services and the Department of Homeless Services to provide drug treatment services at all HIV/AIDS Services Administrative (HASA) supportive housing facilities, including counseling, access to medicated assisted treatment, and on-site access to at least one physician familiar with treating opioid misuse and certified to prescribe buprenorphine or other widely accepted medication to combat opioid addiction pursuant to state and federal law. A HASA facility may be excused from having a physician if it can demonstrate that healthcare providers regularly visit the facility and provide treatment to its residents, and that a coordinator is designated to communicate between the HASA and healthcare facility. Section two adds a new section 21-323 of the administrative code to require the department to provide drug treatment in all shelters, subject to the same requirements as outlined in section one. Section three makes it take effect 180 days after becoming law.

1. **PRECONSIDERED INTRODUCTION (RELATED TO REPORTING)**

Section one amends the administrative code by adding a new section 9-307 to require MOCJ to issue a progress report on closing jails on Rikers Island and related efforts to reduce the jail population in the city and open jail facilities outside Rikers Island. The bill would require MOCJ to report on trends in the jail population, including average population disaggregated by facility; the timeline for closure; the budget and procurement of contracts related to closure; the design and construction of jail facilities, including relocating incarcerated individuals; changes to information technology infrastructure; and staffing plans for all correctional facilities. Section two requires an additional report from the BOC on the impact of the construction of city jails on the quality of life for incarcerated individuals, the impact of any significant changes to the design or construction of any new facilities on incarcerated individuals, and the impact of the construction of new city jails on work conditions for department of correction and correctional health services staff and volunteers. Section 3 requires the BOC to issue a report on conditions facilities prior to the DOC housing incarcerated individuals on conditions at such facilities.

1. **PRECONSIDERED INTRODUCTION (RELATED TO COMMUNITY INVESTMENT)**

Section one establishes a commission on community reinvestment and the closure of Rikers Island, tasked with advising the City Council and the Mayor with respect to the ways in which the city should invest in neighborhoods and communities that have been disparately affected by mass incarceration to address the drivers of mass incarceration, and issuing a report on its recommendations. Membership on the commission includes:

* The commissioner of the Department of Social Services or their designee, who shall serve as chair
* The comptroller or their designee;
* The commissioner of the department of probation or their designee;
* A representative from the Mayor’s Office of Criminal Justice;
* Seven members appointed by the Mayor, at least five who have been formerly incarcerated or directly impacted by incarceration;
* One member appointed by the Speaker of the Council specializing in justice reinvestment;
* Four members appointed by the Speaker of the Council;
* The director of the Department of Health and Mental Hhygiene or their designee; and
* The director of Housing Preservation and Development

Section two makes it so that the law takes effect immediately.

1. **PRECONSIDERED INTRODUCTION (RELATED TO JAIL DESIGN)**

Section one amends the administrative code to add a new section 9-157 to require new correctional facilities to be designed in accordance with best practices in humane jail design. It creates general requirements, such as infrastructure that provides internet capability, permanent spaces for re-entry services and programming, access to clinical space for each housing unit, and heating and air conditioning. It requires individual cells in new facilities must be no less than 75 square feet, whereas state regulations currently only require cells to be 60 square feet.[[33]](#footnote-34) It also requires cells to contain a functioning toilet, sink with potable water, and bed, have at least one window with access to natural light, and contain no more than one bed. It requires dormitories to be equipped with a sufficient number of functioning toilets, sinks with potable water, showers, and have at least one unit with access to natural light. It requires housing units to have a recreational area with access to fresh air and natural light and a kitchenette. The proposed introduction also requires the department to digitize communications. Section two amends section 9-139 of the administrative code to require the DOC to allow incarcerated individuals to decorate their own cells and to address people in custody by their names, to use their preferred pronouns, and avoid dehumanizing terms such as “body.”

Int. No. 1190

By Council Members Levin, Ayala and Levine

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services and the department of homeless services to provide drug treatment services

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-129.1 to read as follows:

§ 21-129.1 Drug treatment services. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Buprenorphine. The term “buprenorphine” means a semi-synthetic opioid medication used to treat opioid addiction that can be prescribed for take home use.

HASA facility. The term “HASA facility” means single room occupancy hotels or congregate facilities managed by a provider under contract or similar agreement with the department.

b. The department shall provide drug treatment services at all HASA facilities.

c. Such services shall include, but not be limited to:

1. Individual counseling by a certified mental health professional;

2. Group counseling by a certified peer educator;

3. On-site access to buprenorphine or other widely accepted medication to combat opioid addiction pursuant to state and federal law; and

4. On-site access to at least one physician or physician assistant familiar with treating opioid misuse and certified to prescribe buprenorphine or other widely accepted medication to combat opioid addiction pursuant to state and federal law, unless a HASA facility can demonstrate that a nearby healthcare facility can provide access to such physician, by demonstrating that:

(a) Healthcare providers from the healthcare facility regularly visit the HASA facility and provide treatment services to its residents; and

(b) A coordinator is designated to communicate between the HASA facility and the healthcare facility to ensure ease of service to residents seeking treatment.

d. The department shall post conspicuously on its website, in simple and understandable terms, the drug treatment and counseling services available at each HASA facility.

Section 2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-323 to read as follows:

§ 21-323 Drug treatment services. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Buprenorphine. The term “buprenorphine” means a semi-synthetic opioid medication used to treat opioid addiction that can be prescribed for take home use.

Shelter. The term “shelter” means temporary emergency housing provided to homeless individuals by the department or by a provider under contract or similar agreement with the department.

b. The department shall provide drug treatment services at all shelters.

c. Such services shall include, but not be limited to:

1. Individual counseling by a certified mental health professional;

2. Group counseling by a certified peer educator;

3. On-site access to buprenorphine or other widely accepted medication to combat opioid addiction pursuant to state and federal law; and

4. On-site access to at least one physician or physician assistant familiar with treating opioid misuse and certified to prescribe buprenorphine or other widely accepted medication to combat opioid addiction pursuant to state and federal law, unless a shelter can demonstrate that a nearby healthcare facility can provide access to such physician, by demonstrating that:

(a) Healthcare providers from the facility regularly visit the shelter and provide treatment services to its residents; and

(b) A coordinator is designated to communicate between the shelter and the healthcare facility to ensure ease of service to residents seeking treatment.

d. The department shall post conspicuously on its website, in simple and understandable terms, the drug treatment and counseling services available at each shelter.

§ 3. This local law takes effect 180 days after it becomes law.

SSY/SIL

LS # 5643

8/7/2018

Preconsidered Int. No.

By Council Members Ayala and Levin

..Title

A Local Law to require the board of correction to report on the impact on incarcerated individuals of closing jails on Rikers Island, and to amend the administrative code of the city of New York, in relation to requiring the mayor’s office of criminal justice to report on progress in closing jails on Rikers Island

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-307 to read as follows:

§ 9-307 Report on the closure of jails on Rikers Island. a. Beginning on the 30th day of October in the year 2019, the office shall submit to the council and the board of correction within 30 days of the end of each quarter, and post to the office’s website and the city’s open data portal, a progress report on closing jails on Rikers Island and related efforts to reduce the jail population in the city and open jail facilities outside Rikers Island. Such report shall include information on the following issues:

1. Trends in the jail population and the drivers of population changes, including the following:

(a) average daily population in total and disaggregated in the following categories in total and by facility: pretrial, sentenced, technical parole violation, and pretrial with parole violations, and other; and

(b) the average and median length of stay of incarcerated individuals detained pretrial in total and by facility, in total and disaggregated by whether there is a co-occurring parole violations, and the number and percentage of pretrial detainees whose length of stay is longer than 30 days, 90 days, six months, and one year.

2. The total capacity of all correctional facilities, including those operated by the department of correction and those jointly operated by the department of correction and any other entity, disaggregated by facility;

3. The timeline for closure of each correctional facility located on Rikers Island, any significant changes to such timeline, and any significant actions taken by the mayor in response to such changes;

4. The budget for closure, and any significant changes to such budget.

5. The procurement of contracts related to closure and construction of jail facilities, including any relevant timelines;

6. The design and construction of jail facilities, including relocating incarcerated individuals housed in facilities under construction, and any related information to the timelines for the construction of new facilities.

7. Changes to information technology infrastructure, including any relevant timelines, including but not limited to information regarding (i) management systems for people in custody, staff, and training and (ii) systems to replace paper-based logbooks and forms.

8. Staffing plans for all correctional facilities, by facility and housing type, including but not limited to the number of uniform and civilian staff hired in the reporting period, the number of uniform and civilian staff terminated in the reporting period, and the number of uniform and civilian staff who left the department of correction for reasons other than termination.

b. No information that is required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of information.

§ 2. Board of correction progress report. The board of correction shall submit to the council a report on the impact on incarcerated individuals of closing jails on Rikers Island and constructing new facilities to replace such jails, commencing on July 1, 2020 and every six months thereafter. Such report shall include but not be limited to information on the following issues:

1. The impact of the construction of new city jails on the quality of life for incarcerated individuals, including but not limited to department of correction and correctional health services compliance with board of correction minimum standards, access to programs and medical and mental health appointments, visiting, punitive segregation and other forms of restrictive housing, relocations to different jail facilities, and access to air conditioning and heat;

2. The impact of any significant changes to the design or construction of any new jails on any incarcerated individuals and compliance with board of correction minimum standards.

3. The impact of any significant changes to the design or construction of any new jails on any incarcerated individuals and compliance with board of correction minimum standards.

4. The impact of the construction of new city jails on work conditions for department of correction and correctional health services staff and volunteers.

§ 3. Board of correction facility report. Prior to the department of correction housing incarcerated in any correctional facility opened after the effective date of this local law, the board of correction shall issue a public report on conditions at such facility, including but not limited to those related to the minimum standards of such board.

§ 4. Effective date. This local law takes effect immediately and is repealed on July 1, 2028.

AS/KMD

LS #11693, 10834, 11,391

9/24/19 10:27 AM

Preconsidered Int. No.

By Council Member Levin

..Title

A Local Law in relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island

..Body

Be it enacted by the Council as follows:

Section 1. a. Commission established. There is hereby established a commission on community reinvestment and the closure of Rikers Island.

b. Duties. The commission, in consultation with an expert on justice reinvestment appointed by the council, shall provide advice and recommendations to the city council and the mayor with respect to the ways in which the city can invest in neighborhoods and communities that have been disparately affected by mass incarceration to address the drivers of mass incarceration. Within six months of the formation of the commission, no later than the 30th day of each April thereafter, such commission shall submit an annual report to the mayor and the speaker of the city council and publish such report prominently on the website of the department of social services. Such report shall identify neighborhoods and populations most impacted by historical incarceration rates, analyze or assess ways in which reinvestment can reduce incarceration rates, and identify opportunities for reinvestment in such communities that shall include, but not be limited to, the following:

1. Investments that focus on addressing the root causes of crime and preventing crime, such as, housing, public health and social programs;

2. Practices, policies, and community investments that address responses that avoid contact with the criminal justice system to persons in mental health crisis, struggling with substance use disorder, homelessness and extreme poverty, or other situations in which a traditional law enforcement response may be unwarranted or ineffective; and

4. Proposals for legislation, reviews of prosecutorial practices and police procedures that impact any such issues.

c. Membership. 1. The commission shall be composed of the following members:

(a) The commissioner of the department of social services or their designee, who shall serve as chair; and**;**

(b) The comptroller or their designee;

(d) The commissioner of the department of probation or their designee;

(e) A representative from the mayor’s office of criminal justice;

(f) Seven members appointed by the mayor, at least five who have been formerly incarcerated or directly impacted by incarceration;

(g) One member appointed by the speaker of the council specializing in justice reinvestment;

(h) Four members appointed by the speaker of the council;

(i) The director of the department of health and mental hygiene or their designee; and

(j) The director of housing preservation and development

2. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

3. Each member of the commission shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the commission, a successor shall be selected in the same manner as the original appointment. All members of the commission shall serve without compensation.

4. No member shall be removed from the commission except for cause.

d. Meetings. 1. The chair shall convene the first meeting of the commission no later than 30 days after the last member has been appointed.

2. The commission may invite relevant experts and stakeholders to attend its meetings and to otherwise provide testimony and information relevant to its duties.

3. The commission shall meet no less than once each quarter to carry out the duties described in section one.

4. The taskforce shall hold public hearings on a quarterly basis.

e. The taskforce shall identify between five and ten neighborhoods that have been disparately impacted by mass incarceration, and solicit feedback from community based organizations and service providers focused on serving the needs of such neighborhoods.

f. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the commission.

g. Termination. The commission shall terminate on March 31, 2027.

§ 2. This local law takes effect immediately

KMD/AS

LS 10630

9/24/19 10:30 AM

Preconsidered Int. No.

By Council Members Powers and Rosenthal

..Title

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 ensuring minimum standards of design in newly constructed jails

..Body

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 9-157 to read as follows:

§ 9-157 Minimum standards 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” in the rules of the New York state commission of correction.

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

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

b. Every city correctional facility under the jurisdiction and control of the department open 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 accordance with best practices in humane jail design and prioritize the use of natural and aesthetically appealing materials, such as wood, fabric, ceramics, and plastic, and deprioritize the use of metal.

2. General requirements. Each such facility must 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) permanent spaces for re-entry services and programming, with sufficient size and infrastructure to accomplish the purposes of the services offered therein;

(d) access to clinical space for each housing unit within a facility, with twenty-four hour access to emergency response;

(e) systems that provide heating and air conditioning in compliance with section 1204 of the New York city building code; and

(f) Visiting spaces, waiting areas, and other spaces in which visitors frequent that are suitable for children.

2. Individual cells. Each cell 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, and bed;

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

(d) contain no more than one single bed.

3. Dormitories. Each dormitory in such facility shall:

(a) be equipped with a sufficient number of functioning toilets, sinks with potable water, and showers; and

(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 at least one-tenth the floor area of such space.

4. 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.

5. Bathrooms shall be accessible at all times to individuals housed in such facilities.

c. The department shall digitize paper-based communications and ensure that correctional facilities open 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.

§ 2. 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 their own cells.

h. The department shall require its employees to refer to people in custody only by their names, to use their preferred pronouns, and prohibit addressing people in dehumanizing terms such as “body.”

§ 3. This local law takes effect immediately.

AS

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