Legislation Details (With Text)

File #:	Res 0334-2024	**Version:**	*	**Name:**	Dept of Corrections and Community Supervision to open its law library during states of emergency and pandemics with safety protocols in place.
Type:	Resolution			**Status:**	Filed (End of Session)
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Title:	Resolution calling on the Department of Corrections and Community Supervision to open its law library during states of emergency and pandemics with safety protocols in place.				
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Attachments:	1. Res. No. 334, 2. April 11, 2024 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 4-11-24, 4. Minutes of the Stated Meeting - April 11, 2024				

Date	Ver.	Action By	Action	Result
4/11/2024	*	City Council	Introduced by Council	
4/11/2024	*	City Council	Referred to Comm by Council	
12/31/2025	*	City Council	Filed (End of Session)	

Res. No. 334

Resolution calling on the Department of Corrections and Community Supervision to open its law library during states of emergency and pandemics with safety protocols in place.

By the Public Advocate (Mr. Williams)

Whereas, The New York State Department of Corrections and Community Supervision (DOCCS), as a result of the U.S. Supreme Court's decision in *Bounds v. Smith*, 430 U.S. 813 (1977), is constitutionally required to provide people in state custody with access to the courts either by providing adequate law libraries or adequate legal assistance; and

Whereas, DOCCS' Department Directive 4483, "Law Libraries, Inmate Legal Assistance and Notary Public Services," establishes guidelines for the operations of law library programs to meet its constitutional mandate; and

Whereas, Department Directive 4484 requires law libraries in state correctional facilities to open at least six or seven per weeks for seven or six hours per day, and provide notary services, photocopying legal

materials, word processing or computer services, and legal writing supplies; and

Whereas, At the height the COVID-19 pandemic, DOCCS closed its law library program as part of an effort to prevent the additional spread of infectious viral transmission of COVID-19 in state correctional facilities; and

Whereas, DOCCS issued a re-opening plan fact sheet that calls for a gradual re-opening of some behavioral health programs and services for incarcerated people, with both staff and people in custody required to wear masks; and

Whereas, While DOCCS has gradually reintroduced general library services with safety protocols in place, the Department has not provided information on when law libraries will be fully re-opened, according to a December 23, 2021 update to the DOCCS COVID-19 Report regarding the new Omicron variant; and

Whereas, The closure of the law library program curtails access to the courts as people in custody are unable to adequately access basic resources for legal research and notary services, or to prepare legal papers; and

Whereas, Public defenders have identified notary services as an important and necessary resources, as they allow people in custody to get important legal paperwork notarized; and

Whereas, Although COVID-19 has required closure of public places and social distancing, access to a law library is a constitutional right; and

Whereas, DOCCS has demonstrated that it can operate other congregate environments such as programming in a safe fashion and with adherence to public health guidelines; now, therefore, be it

Resolved, That the Council of the City of New York calls upon on the Department of Corrections and Community Supervision to open its law library during states of emergency and pandemics with safety protocols in place.

Session 13
LS #5147
01/12/2024

Session 12
AH
LS #5147
01/24/2022