



Legislation Text

File #: Res 0504-2024, **Version:** *

Preconsidered Res. No. 504

Resolution authorizing the Speaker to commence legal action on behalf of the Council of the City of New York to oppose the Department of Correction's efforts to suspend Local Law 42 of 2024.

By Council Members Nurse and Rivera

Whereas, Prolonged solitary confinement is recognized as torture by the United Nations; and

Whereas, Research by scholars at Cornell University found that solitary confinement, even only for a few days, increases the likelihood a person in custody will die by suicide, violence, or overdose; and

Whereas, A large body of research has established that solitary confinement leads to anxiety, depression, psychosis, and other impairments that reduce a person in custody's ability to reintegrate into society when they are released, including studies published by the U.S. Department of Justice Bureau of Justice Statistics; and

Whereas, Several people have died after being held in solitary confinement at the Rikers Island jail complex over the last decade; and

Whereas, The Council of the City of New York ("Council") has a responsibility to New Yorkers who have been persistently harmed and failed by Department of Correction ("DOC") policies that maintain the status quo; and

Whereas, After extensive public debate and consultation with corrections experts, impacted families, advocates, and labor unions, on January 30, 2024, the Council passed Local Law 42 of 2024, over a Mayoral veto, to address these problems; and

Whereas, Local Law 42 effectively bans solitary confinement in City jails and establishes standards for the use of restrictive housing and emergency lock-ins; and

Whereas, Local Law 42 enhances fairness, transparency, and accountability by, among other things,

providing individuals in DOC's custody due process protections prior to being placed in restrictive housing or in continued use of restraints; and

Whereas, Local Law 42 goes into effect on July 28, 2024; and

Whereas, On June 25, 2024 the Board of Correction voted unanimously to approve its rules for the implementation of Local Law 42; and

Whereas, The DOC seeks to suspend the requirements of Local Law 42, as made clear by its June 5, 2024 letter in *Nunez, et al. v. City of New York et al.*; and

Whereas, Seeking suspension of Local Law 42 prior to its effective date is premature and inappropriate; and

Whereas, Local Law 42 is a vital piece of legislation that will save lives and improve safety and security in City jails for both detained individuals and staff; and

Whereas, The DOC is duty bound to implement valid local laws like Local Law 42; now, therefore, be it

Resolved, That the Council of the City of New York authorizes the Speaker to engage in legal action on behalf of the Council to defend Local Law 42 of 2024.

FFG
7/8/24