



Legislation Text

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Int. No. 1026-A

By Council Members Hudson, Salaam, Louis, Restler, Cabán, Williams, Rivera, Banks, Hanif, Farías, Gutiérrez and Mealy

A Local Law to amend the administrative code of the city of New York, in relation to modifying quarterly reporting requirements on visitations of incarcerated individuals and requiring the department of correction to record notifications to incarcerated individuals of visitation requests

Be it enacted by the Council as follows:

Section 1. The definition of “visitor” in subdivision a of section 9-140 of the administrative code of the city of New York, as amended by local law number 23 for the year 2019, is amended to read as follows:

Visitor. The term “visitor” means any person who enters a city jail with the stated intention of visiting an incarcerated individual at any city jail, or any person who is screened by the department for visitation purposes, including but not limited to [professionals and] any person who registers to visit an incarcerated individual in the department’s visitor tracking system.

§ 2. Subdivision b of section 9-140 of the administrative code of the city of New York, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

b. The commissioner shall post on the department website on a quarterly basis, within 30 days of the beginning of each quarter, a report containing information pertaining to the visitation of the incarcerated individual population in city jails for the prior quarter. The information required by this subdivision shall be reported in a format capable of automatic processing. Such quarterly report shall include the following information [in total and disaggregated by whether the visitor is a professional, and also disaggregated by the type of services the professional provides]:

1. The total number of visitors to city jails[, the total number of visitors to borough jail facilities, and the total number of visitors to city jails on Rikers Island], disaggregated by whether such visitor participated in an in-person visit or a tele-visit.

2. [The total number of visitors that visited an inmate at city jails, the total number of visitors that visited an inmate at borough jail facilities, and the total number of visitors that visited an inmate at city jails on Rikers Island.

3.] The number of visitors unable to visit or to complete a visit with an incarcerated individual at any city jail, in total, and disaggregated by the reason such visit did not take place or was not completed, including, but not limited to:

a. Visitor or incarcerated individual possessed contraband;

b. Visitor failed an ion scan;

c. Visitor was wearing inappropriate attire;

d. Visitor did not possess a valid form of identification;

e. Visitor declined to wait for the incarcerated individual to arrive for the visit;

- f. Visitor did not appear for the visit;
- g. Incarcerated individual refused an escort to the location of the visit;
- h. Incarcerated individual was not in the facility at the time of the visit due to transfer to a different facility or discharge by the department;
- i. Incarcerated individual was located in a housing unit where movement was restricted due to an emergency lockdown, search, or alarm at the time of the visit;
- j. Incarcerated individual had a medical appointment at the time of the visit;
- k. Incarcerated individual had a court appearance at the time of the visit;
- l. Incarcerated individual was the subject of a pending investigation at the time of the visit that prohibited such individual from attending the visit;
- m. Staff were unavailable to escort the incarcerated individual to the location of the visit;
- n. Incarcerated individual failed to comply with rules and regulations, disaggregated by the specific rule or regulation;
- o. Visitor failed to comply with rules and regulations;
- p. Visitor acted in a disrespectful manner towards staff; and
- q. Tele-visit cancelled due to technical problems.

3. The average length of time between the time a visitor arrives at a facility and the time such visitor commences a visit with an incarcerated individual, disaggregated by facility.

4. The incarcerated individual visitation rate, which shall be calculated by dividing the average daily number of visitors who visited incarcerated individuals at city jails during the reporting period by the average daily incarcerated individual population of city jails during the reporting period.

[5. The borough jail facility visitation rate, which shall be calculated by dividing the average daily number of visitors who visited inmates at borough jail facilities during the reporting period by the average daily inmate population of borough jail facilities during the reporting period.

6. The Rikers Island visitation rate, which shall be calculated by dividing the average daily number of visitors who visited inmates at city jails on Rikers Island during the reporting period by the average daily inmate population of city jails on Rikers Island during the reporting period.]

§ 3. Section 9-140 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

i. The department shall record, by audio and video, any instance of department staff notifying an incarcerated individual about a request for an in-person visit or tele-visit with such individual, and any response by such individual to such notification. The department shall maintain a database of any recording required pursuant to this subdivision. Any such video recording shall include the department informing an incarcerated individual that they have a visitor and whether the visit is in-person or a tele-visit, and the entirety of any response by the incarcerated individual.

§ 4. This local law takes effect 270 days after it becomes law.

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