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Int. No. 809

By Council Members Brooks-Powers, Louis, Williams, Narcisse and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to create and implement policies to address medical needs during and after lock-ins

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 9-108 of the administrative code of the city of New York is amended by adding a new definition of "lock-in" in alphabetical order to read as follows:

Lock-in. The term "lock-in" means any period of time in which incarcerated individuals are confined to their cells or beds.

§ 2. Subdivision d of section 9-108 of the administrative code of the city of New York, as added by local law number 132 for the year 2019, is amended to read as follows:

d. Where individuals are not produced for medical appointments, department personnel shall record the facility, along with the reason for non-production, including but not limited to: "court", "visits", "production refusal", "walkout", "programming", "barbershop," "recreation," "lock-in" and "other". For the category, "other," department personnel shall provide a brief narrative. If the reason for non-production is a refusal or walkout, the department [will] shall also record the reason for refusal or walkout, if given. The department shall make such records legible and available to the board of correction at any time. On a monthly basis, the department shall publish an aggregate report on non-production on its website and submit such a report to correctional health services and the city council. This report shall also contain an aggregate count of reasons for production refusal or walkout, if given, and the facility.

§ 3. Section 9-108 of the administrative code of the city of New York is amended by adding new

subdivisions f, g and h to read as follows:

f. The department shall, in consultation with correctional health services, develop a plan to address clinic production during and after a lock-in. Such plan shall ensure that the department is communicating with correctional health services throughout a lock-in. Such plan shall ensure that correctional health services determines the order in which individuals who were not produced for a medical appointment due to a lock-in are produced, based on medical necessity. Such plan shall ensure that department staff continue to escort patients to medical appointments during a lock-in whenever practicable.

g. The department shall notify correctional health services of an impending or present lock-in as soon as possible and include all information that had been provided to department staff, including the time the lock-in was initiated, the anticipated length of the lock-in and the reason for such lock-in.

h. Correctional health services shall submit to the speaker of the council a quarterly report on the number of instances of non-production during a lock-in. The first such report shall be due on April 30, 2023, and shall cover the quarter that began on January 1, 2023. Subsequent reports shall be submitted no later than 30 days after the end of each quarter thereafter.

§ 4. Section 9-155 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Thirty days after the end of the quarter beginning April 1, 2023, and no later than 30 days after the end of each subsequent quarter, the department shall post on its website and submit to the speaker of the council a report containing information pertaining to emergency lock-ins of mental health units as defined in section 9-134 that occurred during the preceding quarter. Such report shall include how mental health services were supplemented during the emergency lock-ins.

§ 5. This local law takes effect 120 days after it becomes law.

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