



NEW YORK STATE
JAILS JUSTICE
NETWORK

Human Rights in Jails and Prisons Bill

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What this Bill Does:

Amends Human Rights Law in NYS by including jails and prisons in the definition of housing for purposes of the responsibility of the Division of Human Rights for investigation and oversight of discrimination against protected classes.

This Bill Does Not:

- Create a new protected class under Human Rights Law.
- Replace current grievance procedures in state and local correctional facilities.

Why We Need It:

People incarcerated in prisons and jails are deserving of human rights protections. Discrimination against protected classes is widespread in prisons and jails and is a major source of abuse. In county facilities outside NYC, where individual sheriffs decide what the rule of law is inside their jails, there isn't currently a uniform measure of discrimination or human rights abuse across the state.

Discrimination is rampant in carceral facilities based on race, gender, gender expression, mental illness, substance use, religion, and disability. Successful lawsuits have documented these human rights abuses. One recent such case is the lawsuit just settled against Broome County Jail in favor of Makyyla Holland for discriminatory treatment as a trans woman. Where the grievance process failed to hold Broome County accountable, Human Rights law may have addressed her treatment more efficiently with long-standing precedents and remedies.

The Current Landscape:

At this moment in time at jails especially, the grievance process is inaccessible, biased, abusive, and sometimes altogether absent both at the facility level and at the State Commission of Correction level.

In 2021, for example, of 4,888 grievances that reached the SCOC, 2 were accepted – and then there was no enforcement. There is substantially no effective grievance process in county jails as each sheriff gets to determine what that process looks like, and ultimately, the State Commission of Correction has the power to issue a variance that effectively denies Human Rights in the most basic ways.

An avenue to human rights complaints review and investigation will not only offer incarcerated people an alternative to the internal grievance process or litigation, both of which are often inaccessible to incarcerated people, but will also create increased public visibility of human rights violations via DHR investigations and implementation, helping to create public support for the incarcerated community. With this will come more justice, less abuse, and less incarceration.

For more information, visit [NYS Jails Justice Network at nysjailsjustice.org](https://nysjailsjustice.org)