



NEW YORK STATE SENATOR

Gustavo Rivera

State Senator Gustavo Rivera and Assemblymember Latoya Joyner's Legislation To Notify The Next Of Kin Of The Death Of An Incarcerated Individual Passes The Legislature

GUSTAVO RIVERA June 15, 2016

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(Albany, NY) - State Senator Gustavo Rivera and Assemblymember Latoya Joyner released the following statement after bill (S5427A/ A7500A), passed the New York State Senate yesterday. This bill, which requires the Department of Corrections and Community Supervision (DOCCS) to be responsive to inquiries from family members or other designated representative about the circumstances surrounding the death of an incarcerated individual and to provide such person with an original preliminary death certificate, passed the New York State Assembly on March 28 and has now been sent to Governor Cuomo's desk for signature.

"The death of a loved one is one of the most difficult situations a person can go through, and it is even more challenging when this person is behind bars. In implementing this measure, our State will ensure that the family members of a deceased incarcerated individual can navigate such a heartbreaking and largely bureaucratic process in a timely and

compassionate manner. I urge Governor Cuomo to join the Legislature in enacting this bill into law," said State Senator Gustavo Rivera.

"With unanimous support from the Assembly and the Senate's passage this week, I am happy that my colleagues have recognized the rights of families and their loved ones behind bars. Every inmate is someone's mother or father, brother or sister, son or daughter. No one should have to wait 18 months before receiving details regarding the death of someone they care about that is in custody," said Assemblywoman Latoya Joyner (D-Bronx, 77th AD). "This bill will help family members gain clarity by speeding up the process by which they obtain information, and make it somewhat easier to grieve the loss by offering some closure and details surrounding their passing."

Every year, approximately 150 incarcerated individuals die while in the care, custody and control of DOCCS. Currently, the process the family of a deceased incarcerated individual has to undergo to gain information about their loved one is filled with obstacles. For instance, outside hospitals and county coroners only respond to DOCCS and routinely tell the family member that they must contact the facility where the incarcerated individual had been in custody, while the facility in question, will refer them back to the hospital or coroner.

Additionally, the State Commission of Correction (SCOC), the agency responsible for the full investigation of an incarcerated individual's death, does not complete a full investigation until 12 to 18 months after the passing. In the meantime, family members are left in the dark. They are not notified of the causes of death or provided with a preliminary death certificate, which only furthers the uncertainty and delays their grieving process.

RELATED LEGISLATION

2015-S5427A

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
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Provides for the notification of the next of kin of the death of an inmate

May 14, 2015

Senate Floor Calendar

Sponsored by **Gustavo Rivera**

Do you support this bill?