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June 9, 2015

New York City Board of Correction
51 Chambers Street, Room 923
New York, NY 10007

Dear Board Members:

I am writing to express concern with the Department of Correction's (DOC) most recent petition to the Board to initiate rulemaking. Below, I have outlined these concerns, which focus on the need for DOC to provide evidence-based solutions to violence in its facilities.

Limits on Visitation

The DOC suggests that its proposed change in visitation policy "is in line with similarly situated jurisdictions." The petition fails to mention there are other jurisdictions that do not have visitation policies as restrictive as what is proposed.¹ Most distressingly, no evidence has been presented regarding the benefits of reducing inmate and visitor contact. Given the importance of physical contact to relationship stability and the mental health of inmates, the DOC first needs to explain specific deficiencies in current procedures, which involve fairly invasive searches and which are facilitated by modern technology, before moving toward a more restrictive system.²

The petition suggests limits on visitation based on a "lack of family or otherwise close or intimate relationship" and a visitor's criminal history. Although the petition suggests that there will be "strict limitations governing how [these] criteria are to be properly evaluated," it is not clear which relationships the DOC considers to be "legitimate" for the purposes of this rule. The DOC also invokes the maintenance of the "good order" of facilities as a justification for the revocation of visitation, but this term is similarly vague and problematic.

Limits on Packages

The proposed restrictions will effectively reduce, and even prevent, the receipt of packages by individuals in jails. The DOC links contraband to the increase in stabbings and slashings; however, the Board has reported that confiscated weapons used in such incidents have mostly been improvised out of materials

commonly available within jails. Therefore, the DOC should provide evidence that such packages are frequent sources of contraband and that the current policy is inadequate in a way that will be remedied by the use of approved vendors.

Inmate Categorization

Section 1-16 of the DOC's petition allows the facility to return an individual to Enhanced Supervision Housing without a review if they have reoffended within 45 days of their release. The DOC should provide evidence that this approach will improve outcomes for all individuals involved, including reducing violence. The DOC has also not provided justification for reducing due process protections, which are particularly important when individuals are facing an extended stay in such a potentially damaging environment.

Section 1-17 provides for exceptions to punitive segregation maximums. The proposed exceptions are vague, failing to define what types of actions constitute a danger to incarcerated individuals and staff. Long periods of isolated confinement have been described as torture by experts and are counterproductive to violence-reduction efforts.

Section 1-17 considers an assault on a correction officer to be a particularly egregious offense requiring lengthy placement in punitive segregation. The DOC should specify what constitutes a serious injury and explain why individuals who injure staff should receive more severe punishment than those who injure other inmates.

Thank you for your careful consideration of these concerns. I look forward to continuing to work with you to improve conditions in our jails.

Sincerely,



Daniel Dromm
New York City Council Member, 25th District

¹ California, for example, allows hand-holding throughout the visit. Cal. Code Regs. tit. 15, § 3175.

² See, e.g., Grant Duwe and Valerie Clark, *Blessed Be the Social Tie That Binds: The Effects of Prison Visitation on Offender Recidivism*, 24 CRIM. JUST. POL'Y REV. 271 (2011).