



**New York City Jails Action Coalition**

c/o Urban Justice Center  
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New York, NY 10006  
[www.nycjac.org](http://www.nycjac.org)

April 22, 2019

**By E-MAIL**

Derrick Cephas, Chair  
Members of the Board  
NYC Board of Correction  
1 Centre Street, Room 2213  
New York, NY 10007

**Re: Board of Correction Special Hearing: PREA Compliance**

Dear Chair Cephas and Members of the Board,

The New York City Jails Action Coalition thanks the Board for scheduling a hearing on Minimum Standards to Eliminate Sexual Abuse and Sexual Harassment. We write to request for the Board to ensure visitors, and their experiences, are not forgotten during Tuesday's hearing. We request for the Board to expand Sexual Abuse and Sexual Harassment Minimum Standards to include visits and ask questions that are informed by the numerous reports of unlawful strip searches, and sexual abuse of visitors in NYC DOC facilities. As a coalition of formerly incarcerated, directly impacted family members and loved ones, advocates and concerned community members, we appreciate the Board's attention to this serious, and systemic issue that plagues the NYC Department of Correction where there is little to no accountability.

The members of the NYC JAC, support and echo the voices of those directly impacted who will be testifying during Tuesday's hearing.

**Visit Experience – 'It Makes Me Want to Cry':**

Visits are important for the well-being of incarcerated people. Visits decrease the chance of recidivism;<sup>1 2</sup> may help improve reentry experiences, can improve family relationships during incarceration and upon reentry, especially relationships with children, and can increase prison safety. In addition, visiting preserves the right of family members to have a relationship with

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1 deVuono-powell, S., Schweidler, C., Walters, A., and Zohrabi, A. (2015). Who pays? The true cost of incarceration on families. Oakland, CA: Ella Baker Center, Forward Together, Research Action Design.

2 Berg, M. and Huebner, B. (2011, April). Reentry and the ties that bind: An examination of social ties, employment, and recidivism. Justice Quarterly, 28(2), pp. 382-410.

their loved ones, and may even prevent health problems that can result from long-term separation from an incarcerated family member.<sup>3</sup>

Visiting someone incarcerated, specifically on Rikers Island, is both psychologically and physically demanding for children and adults. In January of 2018, the NYC Jails Action Coalition published a report titled, *'It Makes Me Want to Cry': Visiting Rikers Island*. Members of JAC interviewed and obtained surveys from over 100 visitors at the Q100 bus stop to learn more about the experiences of visitors and to seek their recommendations on needed changes that would support those visiting loved ones on Rikers Island.

One of the most striking accounts coming from visitors was the use of unlawful strip searches and acts of sexual abuse towards visitors. JAC learned this was not an isolated incident, but a common occurrence that many visitors were well aware of as a risk when visiting Rikers.

Excerpt from the NYC JAC report:

*The DOC prohibits strip searches and cavity searches of visitors to city jails, and yet many visitors, most of whom are women, have reported being searched in a way that constitutes sexual abuse by COs.<sup>4</sup> Women and men have reported being forced to strip down to their underwear, show COs their genitals, suffer through inappropriate touching of their breasts and genitals, and undergo cavity searches – even though these searches are directly in violation of DOC policy.<sup>5</sup> As of November 2017, at least 45 women have filed or are in the process of filing lawsuits that accuse the DOC of unlawful strip searches, most of them at Rikers.<sup>6</sup> According to an attorney representing the plaintiffs, these strip searches are still happening, and they are now being conducted in bathrooms in the Central Visit House, out of sight from surveillance cameras. He also shared that one of the officers who was accused of sexual abuse has been promoted to the DOC investigation team. Our outreach at the Q100 bus stop all confirmed that officers conduct illegal strip searches on visitors. One visitor said she felt violated during searches because they sometimes includes officers “touching her privates.”<sup>7</sup>*

After JAC’s report was published, stories continued to be reported through various media outlets.<sup>8</sup> These cases are not isolated incidents, but a violent misuse of power and authority by the Department of Correction.

### **Recommendations for the Department and the Board:**

- Expand the Sexual Abuse and Sexual Harassment Minimum Standards to include rules about visits.

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<sup>3</sup> deVuono-powell, S., Schweidler, C., Walters, A., and Zohrabi, A. (2015). See page 9.

<sup>4</sup> Rakia, R. (2017, January 10). “A Living Nightmare”: Women visiting loved ones jailed at rikers describe a pattern of invasive searches by guards. *The Intercept*. Retrieved from <https://theintercept.com/2017/01/10/rikers-island-strip-search-new-york-city-jails-visitors/>

<sup>5</sup> Ibid.

<sup>6</sup> A. Figman, personal communication, November 27, 2017.

<sup>7</sup> ‘It Makes Me Want to Cry’: Visiting Rikers Island: <https://www.nycjac.org/improving-visits.html>

<sup>8</sup> Women Describe Invasive Strip Searches on Visits to City Jails: <https://www.nytimes.com/2018/04/26/nyregion/strip-search-new-york-city-jails-lawsuits.html>

- Require DOC to track and publish quarterly numbers of sexual abuse complaints by visitors, including the following information:
  - Facility;
  - Demographics (gender, race, and age);
  - Category (abusive pat frisk, strip search, sexual abuse);
  - Number of investigatory days complaints have been pending;
  - Closing rates;
  - Category of alleged perpetrator (correction officer, captain, other DOC staff);
  - Substantiation rates; and
  - Administrative actions taken against staff.
- Limit the number of searches to which visitors are subjected, including eliminating the canine search and random ion scans.
- Launch an independent and transparent investigation into the allegations of sexual abuse during unlawful strip searches.
- Ensure supervisors make rounds during visit hours to ensure that DOC's policies regarding searches are followed.
- Ensure that when pat-frisk searches of visitors do occur, supervisors are present to oversee the search.
- Periodically re-train correction officers of DOC's search policies and how to do a proper search.
- Immediately transfer any staff member from their visit post if there is a complaint that the staff member has conducted an improper search.
- Immediately transfer any staff member from their visit post when it has been determined that a staff member has used undesignated search areas such as bathrooms to conduct searches.
- Provide visitors who are subjected to pat-frisk searches with a card that includes the searching correction officer's name, badge number, an explanation of the visitor's rights, and the description of how to make a complaint.
- Hang signs in visit areas with a phone number visitors can call to report sexual abuse. Consider including the NYPD Special Victims Unit hotline number.
- Staff should be trained to work with young children and their caregivers in ways that are affirming and non-threatening.
- Provide visitors with information on the DOC website with how canines are expected to interact during searches, specifically if an individual is menstruating to alleviate any concerns or fear a visitor may possess.
- DOC should raise the age a child can stay in their caregiver's arms during searches by the K-9 Unit to minimize fear or unexpected contact with the dog.

### **Conclusion:**

Visiting has become more punishing than it is welcoming, and we are deeply concerned for the safety of visitors when they go through DOC security. The countless stories we hear about speak to the immediate need for oversight and accountability. It is important we are holding DOC accountable and adhering to policy and not routine. It has become apparent that these actions taken by DOC staff member are not an accident or mistake in protocol, but a continuous breach and ongoing serious threat to the safety of visitors. We must not forget that family members and

loved ones are continuous active agents in the rehabilitation process for incarcerated people, and we need to ensure that their safety and their ability to support loved ones are upheld and not neglected.

We urge the Board to hold the Department accountable for their continued mistreatment of visitors, and for the Board to expand Sexual Abuse and Sexual Harassment Minimum Standards to include rules about visits.

Sincerely,  
New York City Jails Action Coalition (JAC)

c: Martha King, Executive Director  
Bennett Stein, Director of Policy and Communications