



Testimony of

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I am Natalie Fiorenza, Senior Corrections Specialist at New York County Defender Services (NYCDS). NYCDS is an indigent defense office that every year represents tens of thousands of New Yorkers in Manhattan's Criminal, Family, and Supreme Courts. The NYCDS Corrections Specialist Team provides a direct channel of communication with and advocacy for our clients who are incarcerated. Thank you for this opportunity to provide testimony.

1. Permissible Items

We continue to experience significant problems with the Department of Correction's (DOC) mailroom policies governing permissible items. DOC's policy is not only overly restrictive but also inconsistently applied, which has created widespread confusion for advocates and families attempting to send basic necessities to people in custody. We have testified about this chronic issue several times before, and we are grateful to the Board for taking this issue on. Below are a few recent examples of obstacles and confusion we encounter when attempting to send mail to our clients at Rikers.

As we have repeatedly reported throughout this winter, packages containing thermal clothing continue to be rejected. Initially, thermals were not prohibited anywhere in the written policy and would not have fallen under the category of impermissible undergarments. After advocates began calling to inquire about why their client's thermals were being rejected, DOC updated its policy to explicitly prohibit thermals. Since this change, we've received mixed replies about whether or not they are permitted, as most mail room officers have told us that

waffle-knit thermals are, in fact, permitted. However, DOC has testified to the opposite. This back-and-forth illustrates a puzzling dilemma: mailroom staff are willing and able to accept thermals, but for some reason DOC wants to prohibit them.

Thermals are not a luxury. Temperatures inside Rikers facilities' vary widely; even during warmer months some units are extremely cold due to unregulated air conditioning or infrastructure issues. Despite DOC leadership touting the large amount of thermals they have on hand ready to give out, our clients have reported difficulty in obtaining them from staff, and long wait times if they ever do. There is simply no reason for this prohibition.

We are also encountering persistent problems with eyeglasses. Mailrooms have repeatedly refused to accept glasses mailed to our clients. While DOC indicates that glasses can be provided internally, the wait time is often much more than a month. During that time, individuals who rely on glasses are effectively left without the ability to read, write, review legal or medical materials, use their tablet, or keep themselves safe. This issue is further compounded by DOC not allowing contact lenses to be sent to people in custody. We are not sure why glasses are no longer accepted by DOC, and we urge DOC to reverse course in their new rule.

DOC also recently changed their policy regarding permissible shoes, making it unnecessarily strict and cost-prohibitive. As per the new policy, only name-brand Vans sneakers are permitted. They are rejecting identical shoes to Vans because they are not name-brand. At the same time, DOC told us that only certain styles of Vans are allowed, in particular "Old Skool Vans" and "Classic Slip-On."¹ The Old Skool style has laces, yet we have been told that no laces are allowed. Requiring shoes to be a specific brand, color combination, and style dramatically increases the cost to organizations and families. The approved shoes cost at least \$75, and they are difficult to find on Amazon, a significant expense and hurdle for not only our offices, but also

¹ *Revised Mailing Items to Person in Custody*, NYC DOC (last visited Mar. 11, 2025) at https://www.nyc.gov/site/doc/inmate-info/Revised_Mailing_Items_to_Person_In_Custody.page.

for families trying to support their loved ones.² There is no reason why permissible shoes have to be name-brand and not a more affordable version of the same shoe.

Lastly, we have observed a sharp increase in the rejection of clothing packages overall. Over the past several months, items that were previously accepted are now being frequently rejected without a consistent explanation or rationale. As a result, our office has stopped sending clothing packages since January, because they are repeatedly and consistently rejected. Packages are not returned back to sender, due to the fact that return costs are deducted from our clients' commissary. This leaves people in custody without access to basic items that their advocates are attempting and willing to provide, while DOC is not. Taken together, these issues demonstrate that the current mailroom policy is not functioning as intended. Instead of providing clear, predictable rules that do not harm the people in their custody, it has created nothing but confusion and barriers. At the BOC meeting, DOC stated that they are re-visiting their permissible items list. The next iteration of their policy must address these problems we are raising.

2. Legal Visitation Process

We are pleased to hear that DOC is developing a digital form to request legal visits, which should streamline scheduling and significantly reduce delays for legal teams seeking to meet with their client. However, this digital system cannot be the only method for in-person legal visits. We must retain the ability to meet with our clients, in a timely manner, *without* scheduling a visit 48 hours in advance, due to the unexpected nature of the criminal legal process.

It is also worth noting that technological issues or website outages can occur. DOC must ensure that the platform is consistently functional and that contingency plans are in place if the system experiences any technical problems. As this website and form are developed and implemented, DOC should actively solicit feedback from legal providers who regularly navigate the legal visit process to ensure that the system meets the needs of those who are using it. Finally,

² Vans Old Skool Unisex Sneakers, Amazon (last visited Mar. 11, 2026)

https://www.amazon.com/Vans-Herren-Sk8-hi-Reissue-Sneakers/dp/B001C1FR4K/ref=sr_1_37?crid=1E5DVGFBJKIZU&dib=eyJ2IjojMSJ9.Pw9aoD4vOfIKUN2s5RubTRs6kikI_ awuYoeA90_LdPIpuzUEBWAGNaT0iYG2Lk8r8isy3PTMwdPcwKziPfJynRTOP4Ooap23IN-2c3Xp85kvwXSIEW6o6Sz3yYyRLoAoox2OD32gpfM3em-9Xt6ms2uVB69XzUvvhjd4yEs2tZihRWILBbeu2DkZvFIJakCsbocTiJnaw8NXI_kwznZ3Ho38pLj-ktSm8vmsaytcFubkrPHgf5MD2cxR_RhqzVvTqtdT7OkcrmuZ3vWayL2Lv4R8a4L4_O-Poyg2bT5SPMY.tPFNvTR1iZxEBB04G20Yd1N0u_Fk0z1CR-XmVgPXyEo&dib_tag=se&keywords=old%2Bskool%2Bvans&qid=1772823191&srefix=old%2Bskool%2Bvan%2Caps%2C104&sr=8-37&th=1&psc=1;

Vans Unisex Adult Classic Slip On, Amazon (last visited Mar. 11, 2026) at

[amazon.com/Vans-Womens-Classic-Stackform-Sneakers/dp/B0B6QBSBT8/ref=sr_1_9?crid=3N8X17IMIN5TW&dib=eyJ2IjojMSJ9.b4r9-2Xh951wkTbCmJcetu058ApOS5dA_pfgT5ID1D1iTHr8y9kCZjCLSEeWwyNlgBbn4FqGxjsw7os4nnfUX9juVMY3tU9U6imcK52hXcyeS17KVhblp6KOFQqHNyx9yDTGue7L0r6G8ukk93TS1lnC2khco4yk_cpV3pOeQx-d3OXgaK9xJd9isbT-cHt- kOKFzLMyGMawOeIUxjtBqLVAYVToA_ExwxojATdaWKWgJ70ENPXvXjvLRWu-5Ea0CHfZIAL4a9PFXzYm3mxENxyl4XSfeiFjv9Tub8UIo.w9sd8wUN9cHwvHrjcwn-OeFpyS0gk0Cs7KFN0Q6XjPw&dib_tag=se&keywords=slip+on+vans&qid=1773170041&srefix=slip+on+vans%2Caps%2C130&sr=8-9](https://www.amazon.com/Vans-Womens-Classic-Stackform-Sneakers/dp/B0B6QBSBT8/ref=sr_1_9?crid=3N8X17IMIN5TW&dib=eyJ2IjojMSJ9.b4r9-2Xh951wkTbCmJcetu058ApOS5dA_pfgT5ID1D1iTHr8y9kCZjCLSEeWwyNlgBbn4FqGxjsw7os4nnfUX9juVMY3tU9U6imcK52hXcyeS17KVhblp6KOFQqHNyx9yDTGue7L0r6G8ukk93TS1lnC2khco4yk_cpV3pOeQx-d3OXgaK9xJd9isbT-cHt- kOKFzLMyGMawOeIUxjtBqLVAYVToA_ExwxojATdaWKWgJ70ENPXvXjvLRWu-5Ea0CHfZIAL4a9PFXzYm3mxENxyl4XSfeiFjv9Tub8UIo.w9sd8wUN9cHwvHrjcwn-OeFpyS0gk0Cs7KFN0Q6XjPw&dib_tag=se&keywords=slip+on+vans&qid=1773170041&srefix=slip+on+vans%2Caps%2C130&sr=8-9)

DOC should create public dashboards to track key metrics, such as how long wait times are for legal visits, to promote transparency and accountability.

3. De-escalation Units

The Board's investigation into the DOC's use of de-escalation units raises serious concerns about the conditions under which people in custody are being held. These concerns are particularly significant given the history associated with the atrocious spaces DOC has used for de-escalation. Individuals have previously been placed and trapped in "shower cages", also known as "decontamination units." These are small cages that were designed for temporary decontamination after pepper spray exposure. Instead of creating new spaces for de-escalation purposes, DOC decided to convert these shower stalls into cages. These units are dangerous and notorious for self-harm incidents that have previously resulted in death.³ Inspectors recorded numerous incidents where individuals were locked in these shower cages, screaming or injured.⁴ Some had to be removed on stretchers after prolonged confinement or self-harm.⁵ Local Law 42 addressed this troubling pattern and was intended to impose strict regulations governing the use of de-escalation spaces, including a strict prohibition of the usage of decontamination showers.

While portions of the Board's rules related to restrictive housing are currently subject to litigation and a temporary restraining order, several provisions remain in effect. These include requirements that **decontamination showers cannot be used for confinement and that any space used for de-escalation must comply with basic health and hygiene standards.**⁶

However, the Board's investigation shows that DOC is not complying with these standards. At yesterday's BOC meeting, the Board found that at one facility an individual was held in a holding pen for more than 24 hours without linen or bedding. Anecdotally from our clients, this is not unusual. Conditions like these raise serious concerns and show that individuals in DOC's custody are being held in tortuous conditions.

Moreover, only one facility, EMTC, was found to have a designated area intended for de-escalation that was not located within an in-take cell. This is notable because the DOC's own directives, specifically Directive 5016, indicate that intake areas should not be used for de-escalation. It is unacceptable that this has been the norm on Rikers Island for years, and virtually nothing has been done to create designated de-escalation areas in the remaining seven facilities. It is imperative that DOC immediately makes plans to come into compliance.

³ Chris Gelardi, *Why Does Rikers Island Still Lock People in Shower Stalls* (March 22, 2025) at <https://nysfocus.com/2023/03/22/rikers-island-decontamination-deescalation-unit-shower-cages>.

⁴ *Id.*

⁵ *Id.*

⁶ NYC Administrative Code § 9-167(c)(1).

4. Injury Response Report

The Board's report on injury response highlights several persistent failures that continue to undermine meaningful oversight of safety conditions in New York City's jails.⁷ There has been a major increase in how long it takes for monthly injury reports to be submitted. In 2023, reports were 17 days late, but this delay increased to 72 days in 2024, which is over two months.⁸ This is completely unacceptable. These reports are intended to allow oversight bodies to quickly identify emerging safety issues, patterns of violence, or dangerous conditions within the facilities. When injury data is reported months late, it prevents oversight agencies from responding to problems in real time and significantly weakens the accountability structure that these reporting requirements were designed to create.

Oversight bodies also currently lack independent access to health data from Correctional Health Services (CHS). Injury reporting relies largely on information provided by DOC, making it difficult to verify incidents independently or reconcile discrepancies between DOC reports and medical diagnoses. The Board also has no access to the minutes or any other related documentation for these two agencies' quarterly meetings. This limits the Board's ability to verify how data is being used for corrective action. To be in compliance with Minimum Standard §3-16(c)(1), both agencies must maintain a coordinated electronic injury tracking system.

The Board additionally found that the annual injury review did not meaningfully analyze safety issues. Although DOC submitted the report, the Board determined it did not identify compliance problems, did not propose corrective action plans, and did not include substantive findings about the causes of injuries or strategies to reduce them.⁹ Without this level of analysis, the requirement cannot function as a meaningful tool for identifying systemic safety issues or improving conditions in jails.

Lastly, the report identifies ongoing deficiencies in the reporting of self-harm incidents. They are required to provide public reporting on self-harm, yet some required fields are missing and incidents are not consistently categorized by seriousness.¹⁰ Without providing clear categorization and complete reporting, it is difficult to assess the scale of the problem or determine what interventions are reducing harm.

These concerns, taken together, show that while reporting does exist, it is not functioning in a timely or transparent manner, thereby, reducing the Board's ability to effectuate proper oversight.

⁷ New York City Board of Correction, *Injury Response in NYC Jails* (Feb. 2026) at <https://www.nyc.gov/assets/boc/downloads/pdf/2026-Board-of-Correction-Report-Injury-Response.pdf>.

⁸ *Id.* at 12.

⁹ *Id.*

¹⁰ *Id.* at 9.

5. Outposted Therapeutic Units

Our client's experiences have raised concerns about how individuals with serious mental illness (SMI) are identified and placed in appropriate mental health units. Our organization has received conflicting information about how individuals are designated to PACE units and other specialized mental health housing. In practice, access appears to depend on an active designation of SMI by CHS. However, this requirement can create barriers even when an individual's condition clearly warrants intensive mental health intervention.

Our client's experiences in this gray area show how the current system can delay safe and appropriate housing even when an individual's condition is clearly severe. These challenges are compounded by the broader lack of appropriate placements for people with SMIs. For years, plans have been discussed to create a secure treatment facility off Rikers Island for extremely medically vulnerable individuals, and individuals with SMI designations who require intensive care and may even be awaiting placement in Office of Mental Health (OMH) facilities. However, these projects have been consistently and constantly delayed, as deadline after deadline is missed with no end in sight. While some officials have stated that the facilities are ready to open, DOC has indicated the opposite, claiming they have not yet verified whether the location could be considered "secure". Yesterday, it came to light that staffing issues are at the heart of the delays. As a result, seriously mentally and physically ill individuals are languishing in jails that are not equipped to provide the level of treatment that they need. DOC must open the Outposted Therapeutic Units immediately.

We also want to briefly address the recently announced STEP, or Supportive Transitional Engagement Program, units. Expanding mental health opportunities for people in custody is an important goal, and we were told that this unit would provide more mental health support for our clients who need more care than is provided in a general population setting, but do not quite require the care in a Mental Observation Unit. It is clear that CHS is very excited about this new unit, but our clients who have been placed there have no idea what kind of program they are in, creating confusion and distress. It is imperative that DOC and CHS alert stakeholders, including advocates, in a timely manner when they are planning large housing changes like STEP. Having the ability to talk our clients through these transitions, because we are aware of them ourselves, would make a more lasting impact on our clients. We want to ensure resources are used appropriately and are to the maximum benefit of our clients, and that we are able to help them navigate this transitional period.

Thank you for holding this meeting and listening to our concerns. If you have questions about this testimony, please contact me at nfiorenzo@nycds.org