

**Testimony before the NYC Board of Correction
Public Meeting**

January 12, 2021

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Thank you for the opportunity to speak with you today. My name is Tanya Krupat, and I am the Director of the Osborne Center for Justice Across Generations, the policy arm of the Osborne Association¹. I am here as a member of the DOC Visiting workgroup, which also includes representatives from Brooklyn Defender Services, Jails Action Coalition, Hour Children, the Fortune Society, and CASES. We appreciate the efforts the Department and CHS have made and continue to make to keep those in custody and those who work within facilities as healthy and safe as possible. We have been disheartened by the silence around visiting, and we thank you for including visiting and televisiting today.

At your October monthly meeting, 3 months ago, I testified about the lack of in-person visiting, the lack of any planning to reinstate this, as well as expressing concerns about televisiting. We are now three months later and DOC has not put forth a plan to reinstate in-person visiting, and we continue to have concerns about the quality of the televisits, whether current televisiting capacity is meeting the need, and with the practice of strip searching incarcerated individuals before and after televisits.

While COVID rates are up now and rising, this was not the case for many months over the past 10 months, and visiting could have been reinstated with precautions, as the State prisons did from early August through the end of December, 2020. Since families are rarely able to attend the BOC meetings and are not an organized body and those incarcerated cannot be here either, I want to pause for a minute to think about what close to one year with no in-person visits actually means: for those incarcerated- most of whom are pre-trial (on January 1st 4,509 people were in DOC custody *pre-trial*, and 133 City sentenced) - this includes moms and dads who are missing milestones and moments, and living off of memories of their children that are growing more and more distant and outdated; this includes young people incarcerated who counted on their moms or grandmother's visit to calm them down and remind them of who they really are and can be. In the community, this included 400-500 people *per day* who would visit Rikers each day of the 5 days/ week that visiting is allowed (close to or more than 2,000 visitors per week!);

¹ The Osborne Association offers a wide range of diversion and reentry programs at sites in the Bronx, Brooklyn, Harlem, Newburgh, and Buffalo, as well as services at thirty (30) New York State prisons and seven (7) New York City Jails. Over the past six months, our program staff who work on Rikers or in borough jails have pivoted to providing program materials to DOC for distribution, staffing a reentry hotline to assist those preparing to leave or having just left DOC custody, conducting extension outreach to people upon discharge from DOC facilities, providing reentry services both in-person and virtually, and providing services and supports to those in the reentry hotels coordinated by MOCJ and the Office of Emergency Management.

this includes children in foster care who were able to visit at least monthly for extended Tuesday visits with ACS' CHIP Program. The lack of in-person visits here, especially for young children who cannot build or maintain attachment via televisit, could literally be changing the course of their lives and their parent's parental rights. As children bond with foster parents or relatives, Family Court takes this into consideration and through no fault of parents who are incarcerated during Covid, may rule to pursue adoption and terminate parental rights. For children and families outside of foster care, the lack of visiting compounds deep concerns and fears for the health and safety of loved ones incarcerated during Covid (many of whom have asthma and other serious health conditions placing people in high-risk categories should they contract Covid).

While many in Corrections may welcome the suspension of in-person visits, visiting is a critical component of correctional operations with many documented benefits *for corrections* including violence reduction and institutional adjustment. It is unacceptable that there has been so much silence about reinstating visiting and that no adjusted or reduced visiting was reinstated when Covid cases were non-existent or very low in Rikers and in NYC. From March 18th when visiting within DOC facilities was suspended to mid-October (SEVEN months), we did not hear any plans for what visiting in the time of Covid might look like. Then in October, it seemed visiting might come back. Osborne, Fortune and other community-based organizations were contacted to see if we could assist with pre-registering visitors. The members of the Visit Committee met with DOC to discuss an adapted visit process, and pledged to help get the word out. We heard that visiting rooms were being prepared to accept visitors. And then...nothing. No news; no plan; no communication.

We urge DOC to have a comprehensive, adaptable, responsive plan to reinstate visits ready to go, and recommend that this plan include fewer visitor searches and checkpoints than the regular visiting process. We ask that the Department work with CHS *and representatives of those who visit, and who work in visitor processing and the visit rooms*, as well as the DOC Visiting Workgroup to develop an alternate visiting process that would allow for reopening of visits, while minimizing the risk of contracting or spreading Covid19. We ask that an update be posted on the DOC website immediately acknowledging the lack of in-person visits, and that updates will be posted as soon as there are any. We also ask that a specific phone number be posted on this website <https://www1.nyc.gov/site/doc/inmate-info/visitors-center.page> where people can call for information about televisits, trouble shooting, and to express their concerns.

This phone line could be staffed by any of the previous visit room Officers who are trained in interacting with the public and understand the importance of visits. The nature of individual's calls should be tracked and reported on to the BOC.

As I stated in October, Osborne and Hour Children have been contracted by the Mayor's Office of Criminal Justice to provide in-person and televisiting support to mothers at RMSC (the women's facility) and their children. We have been working with DOC and MOCJ to implement this project and hope to demonstrate through this effort that in-person visits can be done safely and are worthwhile. We have requested permission to coordinate some in-person visiting events to get started, but none have occurred to date.

TELEVISITING

We appreciate the Department's setting up televisiting so quickly so that families had a means of contact and a way to see each other during this very difficult and scary time. At a Senate hearing in September (9/22/2020), DOC Chief of Staff Brenda Cooke testified that 19,000 televisits had been conducted "to date."² Assuming this covers the time period April 1 to September 18th, this is 23 weeks which would be an average of 826 televisits per week; this translates roughly into approximately 19% of the total population having televisits (assuming a DOC average census of 4,380 and no duplicated televisits each week). We continue to ask DOC for the number of televisits requested versus those completed to better understand what the demand is and also what percentage of requested televisits actually happen.

In our own work, the community-based and advocate members of the DOC Visit Workgroup have heard or experienced challenges with the quality of the televisits, including audio and visual issues, and scheduling challenges. DOC has made a point person available at each facility for legal providers to troubleshoot with about their legal video visits. We request that DOC make someone available at each facility for televisiting families and loved ones in the community. Again, the DOC Visit Officers are well-positioned to take this on.

We also ask that video equipment, and phones, should be used for proper discharge planning. Osborne and many other providers are contracted to provide pre-release discharge

² Today, we heard from DOC's Dana Wax that through December 28th, the Department had conducted a total of over 33,000 televisits.

planning and we are ready and available to provide that discharge planning by phone and by video. Despite our consistent advocacy to DOC, they have not made this possible.

Lastly, but of grave concern, is the issue of **strip searches**.

Visit Committee members learned of the practice of strip searching individuals before and after televisits back in August. As a result of raising concern about this, we were informed by DOC that this would change from a routine practice to one based on “reasonable suspicion;” the following excerpt from the newly issued security directive was shared with us (which we appreciate):

“Upon an individual entering and exiting the Visit Area for a scheduled Tele Visit, persons will not be require to be subjected to a strip search without reasonable suspicion of being in possession of contraband, i.e. information/intelligence gleaned during the Tele Visit, observations of suspicious items during [video] review, staff observation of person actions (suspicious activity), etc.”

We ask that you look into how often and why DOC is strip searching individuals before and after each televisit, and how often this results in contraband recovery. Strip searching is a serious intervention. It is accepted as standard corrections practice but should only be done when absolutely necessary for safety and security purposes. It is a traumatizing and humiliating experience; one that can cause people to forgo seeing their families and children in televisits. In light of the high percentages of men and women incarcerated who have histories of physical and sexual abuse, this practice should be taken very seriously and monitored closely.

On behalf of the other non-DOC members of the Visit Committee, thank you for your consideration.