



November 6, 2015

New York City Board of Correction  
1 Centre Street  
New York, NY 10007

Dear Chair Brezenoff and Members of the Board,

Brooklyn Defender Services appreciates your consideration of the comments below as part of the record related to rulemaking regarding visiting, solitary confinement, packages, and Enhanced Supervision Housing. This letter intends to respond to the prepared testimony of Commissioner Ponte dated October 16, 2015, but not made public until after the public comment period had closed. This letter does not reflect a complete record of our concerns and should be considered supplemental to our previous testimony.

In the interest of brevity, this letter will not reiterate in detail the concerns raised by the Legal Aid Society and the Jails Action Coalition in their letters dated October 27, 2015 and November 2, 2015 respectively. We share the serious concerns raised in those letters regarding the grave implications for civil liberties, the procedural barriers for adequate public comment, as well as the detailed concerns regarding the proposed rule changes themselves. We would like to focus our comments on the important role of the Board of Correction in our city, and ask you to remember this role as you consider the proposed rule changes.

New York City is fortunate to have the Board of Correction to oversee its jails. In most jurisdictions, jails and prisons operate without oversight, and people suffer. With unfettered access to the jails and authority to establish Minimum Standards independently of the Department of Correction, the Board plays a critical role in mitigating the harm suffered by people who are incarcerated in New York City. New Yorkers should benefit from a Board who champions its independence and prioritizes the rights of incarcerated New Yorkers and their families. The Board was established in the shadow of Attica to help our city be more humane, more just, and more democratic – to move our jail system closer in line with the values which define our city.

For the first time in history, criminal justice, incarceration, and Rikers Island in particular, are the subject of unprecedented public scrutiny. At this moment, your independence is crucial. Earlier this year, the Board took major steps to recognize the dignity of the people held in New York City Jails by acknowledging the harm of solitary confinement and limiting its use in our city. We urge you to continue in the right direction, toward an approach to violence reduction which prioritizes the dignity and rights of New Yorkers as foundational.

Throughout the rulemaking process, the Department has described their view of visiting and packages in comforting terms, noting how important visits are, and how they plan to deliver essential items to people through the uniform system. But the Department's actions have fallen far short of their promises, to detriment of the people in their care and their families. Our office has submitted several complaints to the Board regarding the rollout of uniforms including about clients coming to court without warm clothing, being deprived of medically-ordered shoes, being denied trial clothing, being forced to wash their clothing in sinks, and about many people returning to the community in their uniforms. Each and every time someone is deprived of such a fundamental need, their dignity is violated.

Our Jail Services Social worker is a part of the Visit Committee, and has described to you in a recent letter and prior testimony how the Department has taken no concrete action to improve visiting, or provide the Committee with data. As a result of the lack of urgency on the part of the Department to address the horrifying conditions for visitors, families and children who visit the jails continue to be humiliated by invasive searches, intimidating dogs, rude staff, and interminable waits in order to see their loved ones. This process is devoid of dignity for the tens of thousands of people who visit the jails each year – innocent New Yorkers just like you.

As we have stated many times, we are deeply concerned about violence in the jails, and the safety of our clients as well as correctional staff. Conditions in city jails which are contrary to human dignity foment resentment and violence. We believe that the solution to violence is founded on restoring respect for the human dignity of the people held in our jails and their families. The Board should invest its resources in monitoring compliance with existing minimum standards as a first step to preserve basic human dignity. We urge you to push our jails to reflect the values we share, and resist any movement in the opposite direction. Thank you for your consideration of our supplemental comments.

Sincerely,

Riley Doyle Evans  
Jail Services Coordinator