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Martha W. King
Executive Director

December 11, 2017

Via E-Mail

Cynthia Brann
Commissioner, NYC Department of Correction
75-20 Astoria Boulevard
East Elmhurst, NY 11370

Re: Visit Directive and Practice Analysis

Dear Commissioner Brann:

The Board and the Department agree that maintaining personal connections with social and family networks and support systems is critical to improving outcomes, including decreased violence during confinement and upon reentry. Since 1978, when BOC adopted its Minimum Standards and required DOC to convert its visit booths into rooms, contact visiting has been a priority of the Board, the Department, and the City. Recently, the Board has renewed its oversight efforts in this area and the Department has updated its visit approach, including issuing a new visit directive.

The Board's Minimum Standards require the Department to permit physical contact between people in custody and their visitors. In 1979, New York's highest court held that pre-trial detainees were entitled to contact visits of reasonable duration as a matter of State constitutional right.¹ In the years since, research repeatedly has demonstrated the crucial importance of visiting for maintaining personal connections with social family networks and support systems. In 2015, the Board amended Minimum Standard § 1-09 ("Visiting") to state explicitly the Board's strong belief in the great value of visitation, and specifically, contact visitation.

Guided by the crucial role that contact visits play in violence reduction, rehabilitation, and reentry, the Board reviewed the Department's new visit Directive and analyzed over a years' worth of visit restriction data. The analyses identify ways for both agencies to

¹ *Cooper v. Morin*, 49 N.Y.2d 69, 73 (1979), cert. sub. nom. *Lombard v. Cooper*, 446 U.S. 984 (1980).

enhance access to visiting; improve safety of staff, people in custody, and visitors; and ensure restrictions on visiting are tailored and go no further than what is necessary to address serious threats to safety and security.

The Board's full data analysis — set forth in Appendix A to this letter — includes recommendations focused on 1) improving procedural justice via increased and clearer restriction documentation; 2) individualized and meaningful review of long-term visiting restrictions; and 3) renewed attention to staff compliance with current Department policy. The Board's review of the new visit Directive – set forth in Appendix B to this letter – focuses on (1) the Directive's consistency with the Visiting Minimum Standard; (2) the policies governing visit restrictions for offending conduct; and (3) the reasonableness and clarity of its provisions, especially with respect to contraband and the visit process steps.

We know that the Department takes seriously its responsibility to provide an accessible, safe, and fair visiting process for those in its custody and their family and friends. The Board hopes the Department will take this opportunity to revise policies and practices to improve upon the issues identified here. We seek a meeting with the Department to discuss the issues and concerns outlined and we ask that you provide a written response to this letter by January 8, 2018.

Sincerely,



Martha W. King
Executive Director

cc: DOC

Heidi Grossman, Esq.
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BOC

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