



NEW YORK CITY DEPARTMENT OF CORRECTION

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November 13, 2015

NYC Board of Correction
51 Chambers Street, Room 923
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Dear Chair Brezenoff and Ms. King,

Thank you for your recent attention on the visitation process at the Department of Correction. We understand that inmate visits are valuable, humanizing experiences that greatly affect an inmate's ability to manage his or her incarceration. Furthermore, we value the benefit of human contact during those visits, and we constantly strive to balance this benefit against the need to maintain the safety and security of our staff, inmates, and visitors. As we seek additional rule changes that would help us reach that balance, we know that we must be held responsible for complying with our policies and minimum standards. We will bring ourselves into compliance as quickly as possible.

We understand that there are several issues with which we are not currently in compliance in regards to non-contact visits: we have not been conducting six-month reviews of all restrictions, nor have we provided you with copies of the non-contact determination in a timely fashion. To address these issues, we are embarking on a full audit of all currently restricted inmates. We have taken or will take the following steps:

- On Tuesday, 10 November 2015, a formal request was issued to all facilities to provide the visit compliance captain with a review of all the inmates within their facilities who have been designated to receive non-contact visits for the duration of their incarcerations. We anticipate receiving all reviews 16 November 2015.
- On 17 November, the DOC will provide the BOC with a current list of inmates who are designated to receive non-contact visits, which will include all required information, including the reason for designation.
- Beginning next week, headquarters will conduct a thorough audit of the documentation pertaining to each individual inmate on the non-contact list to ensure that their designation is in compliance with DOC's policy. We will prioritize the audit to begin with those inmates who have appealed their designations. If the designation is not aligned with the policy, the inmate will be removed from the non-contact visit list immediately, and all his or her visits will proceed as contact visits unless the facility can provide the proper documentation demonstrating the need to place the inmate on the non-contact visit list in a way that complies with DOC policy.
- We will complete the audit of the non-contact visit inmates within two weeks, and provide the BOC with the results of the audit and an updated list by the beginning of December 2015. The DOC will also send copies of each of the determinations to the BOC in order to cover the backlog of current designees.
- Following this audit, the Department will solidify the operationalization of its non-contact visit policy. We will identify where shortfalls exist, and we will address them in a way that will bring us in compliance with our policies and BOC minimum standards. We will begin by meeting with the visit compliance captain in the first week of December (after the thorough review). During that meeting, we will develop a mechanism by which he or she can consistently and accurately track the placement of the inmate on the non-contact

visit and maintain the list in a way that includes all required information, including the reason for which the inmate was designated as receiving non-contact visits.

- Additionally, in the near term, the visit compliance captain will reach out to the facilities when it is time for them to conduct the six-month review process to re-evaluate the non-contact visit designation.
- In December 2015, the DOC will also establish which role will take the responsibility for sending the BOC the paperwork outlining the determination of all future non-contact visit designees. This may be the visit compliance captain or the HQ legal team. That person will transmit the determinations within 24 hours of the service of notice to the inmate. He or she will become more familiar with the policy in order to be able to more quickly address any potential issues of non-compliance.

As of 9 November 2015, there were 257 inmates on the Department-wide list of non-contact visit inmates; however, it is possible that there may be a time lag of one or two days during which the facility is gathering and transmitting the information to the visit compliance captain which would create a very small difference in overall numbers on a day-to-day basis. This Department-wide list of non-contact visits is maintained by the visit compliance captain, who works for SOD. Every day, the visit compliance captain reviews his or her 24-hour report to learn whether an incident has occurred that would warrant an inmate's visits being restricted to non-contact. The captain then calls the involved facilities to determine whether the inmate has been served with the requisite paperwork, including the "Notice to Inmate/Visitor of Limitation/Denial of Visiting Privileges." Upon service, the inmate's name is placed on the Department-wide list. The visit compliance captain enters the restriction into the visitor database, Visitor Express, which will prevent any visitor from registering for a contact visit with that inmate.

In regards to your question on the duration of the non-contact visit designation, the Department usually places inmates who have been found with weapons like scalpels and razors under such a restriction for the duration of their incarceration because the inmate has clearly demonstrated a willingness to possess a weapon that cannot be manufactured in the jails. In order to prevent the passing of additional weapons to these inmates, they receive non-contact booth visits for the duration of their incarceration. Despite this designation, the inmates will receive six-month reviews to determine whether this designation should remain in place. Additionally, the notice the inmates are served at the time of their designations should make it clear that this is the case, and the Department will review the notice and amend it to communicate this more clearly. Staff will also be reminded of this policy to document such clarifications. During the next rounds of edits, the Department will also include language in the Visitor Handbook and the Inmate Handbook to more clearly communicate this policy. The Department-wide non-contact visit list will also be reviewed and amended to allow the Department to accurately track when the designation was rendered and when the most recent review was conducted.

While the actions described above may resolve the short-term issue of compliance, the Department recognizes the need to examine its current policy and how it complies with the policies, minimum standards, and best practice in a more strategic sense. To that end, we are considering setting up a unit dedicated to visit process compliance – one that would not only take up the tasks of maintaining the Department-wide list but also engage with the facilities constantly to ensure the 6-month review is occurring and being documented and that the proper documentation is transmitted to the BOC in a timely fashion. This unit might also undertake other aspects of the facility-based visits that would centralize some of the functions currently being accomplished by the individual facilities' visit staff.

Thank you again for your attention to this topic, and we look forward to continuing to work collaboratively to bring about better compliance on non-contact visits.

Sincerely,


Joseph Ponte

for Joseph
Ponte

Cc: Board of Correction Board Members