



November 7, 2019

BY E-MAIL

Jacqueline Sherman, Interim Chair
Members of the Board
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Re: Restrictive Housing Rulemaking

Dear Interim Chair Sherman and Members of the Board:

We write to share two concerns regarding the rulemaking process:

1) Need for More Accessible Public Hearing

We are concerned that the only hearing on the proposed restrictive housing rule is scheduled to take place on Monday, December 2, 2019, during a workday. Given the widespread interest in the proposed rule changes, we recommend that the Board schedule time for the public to be heard during the evening.

We urge you to either schedule an additional hearing to take place during the evening sometime between December 2 and December 19, or shift the time of the hearing on December 2 to 2:00 p.m. to 9:00 p.m.

2) Need for Input from Incarcerated People

People who are incarcerated in the City jails currently should receive actual notice of the text of the proposed rule and of their opportunity to comment on any of its provisions. At a minimum, the Board should post information about rulemaking throughout the jails, in each law library, and in all of the visit areas. Considering the proposed rule is primarily about restrictive housing, the Board must ensure that people in these units – who most likely do not have access to law library – receive information about the proposed rule and the process for submitting comments.

We also encourage the Board to take testimony from incarcerated people who prefer to testify in person rather than in writing. We recognize that conducting a public hearing in the jails for incarcerated people to testify will be difficult logistically and poses potential risks of retaliation

for the people willing to testify. To work around this problem, the Board could have staff videotape statements from incarcerated people, compile them for the Board members and public to review, and provide people who testify with a direct method of communicating with the Board if they face any form of retaliation for participating in this process.

We urge you to ensure that the perspective of those who are currently experiencing the conditions that the Board intends to regulate are included in this important discussion.

Thank you for considering our concerns. We look forward to receiving your prompt response.

Sincerely,

NYC Jails Action Coalition & #HALTsolitary Campaign

cc: Michele Ovesey, Acting Executive Director