

May 6, 2015

Dear Members of the Board of Correction,

As advocates for children and families, we write to you to express our concern about the anticipated restrictions on visiting at Rikers Island. We recognize the urgency of addressing violence on Rikers Island based on reports of assaults and fights involving incarcerated individuals and staff, and the significant threat to the safety and security of the facilities posed by the introduction of contraband by staff and visitors. However, the proposed changes to visiting would likely deny, delay, and reduce the quality of visiting, and risk *exacerbating* violence by further isolating people from their loved ones in the community.

While details of the proposed visiting changes have not been publicly released, information gleaned from Commissioner Ponte's budget testimony in March and news reports suggests that the NYC Department of Correction (DOC) is linking the violence at Rikers Island to contraband allegedly introduced through visiting and is determined to restrict both the contact between incarcerated individuals and their families, as well as to require advance approval of visitors which will lead to delays and in many cases denial of visiting by family and friends. The proposed changes would likely include:

1. Plexiglas partitions (possibly 6-8 inches in height and extending down to the floor) to be installed at visiting tables;
2. Visitors would be required to register and seek approval in advance, and would be subjected to some form of background check in order to obtain DOC approval;
3. DOC could deny visitors based on a "perceived threat," or based on a previous felony conviction or presumed gang affiliation.

We address these three aspects of the proposed visit restrictions below, and strongly urge DOC to implement the more urgent, more effective, and more relevant aspects of the 14 point plan (such as installing cameras and increasing programming) *before* making any changes to the current minimum standards for visiting. We urge you *not* to approve a change to the minimum visiting standards.

Reducing Contact between Visitors and the Incarcerated Person

Contact between children and their incarcerated parents in the form of child-sensitive, face to face visits is critical. In addition to supporting the child's well-being and the parent's rehabilitation, visiting has been shown to reduce disciplinary infractions and create a more

“peaceful correctional environment.”¹ Additionally, for parents with open child welfare cases, visiting is critical to reducing the trauma of foster care placement by helping children remain emotionally stable and connected to their parents. Regular and meaningful parent-child visiting for children in foster care, including when a parent is incarcerated, is required by the Family Court Act and Social Services law, state regulations, and the NYC Administration for Children’s Services’ policies.²

For family members, friends and loved ones, visiting across a barrier is very different from and more painful than having a contact visit. Although DOC proposes a 6-8 inch barrier, this is a full barrier to a child. **Children need to be able to hug their parents and sit close to them throughout a visit and not just when they arrive and leave.** Preventing children from touching their parents, sitting on their parents’ laps, and from being held *throughout* a visit can have devastating effects on children and on the parent/child relationship.

We are unable to find any evidence or data that supports non-contact visiting as a best practice.

Visitor Registry and Application

In its examination of practices elsewhere, DOC has cited LA County and Cook County jail procedures as “best practices” to consider adopting. A review of the Cook County jail website for visitors reveals an online visiting application process which includes a background check that takes up to 3 business days to clear. With non-contact visits and visiting delays, these facilities do not exemplify best practice visiting policies and there is no evidence available that suggests restricting visits has led to reduced incidents of contraband. We recommend DOC examine the Philadelphia Prison System (their jail system) which offers contact visits and has separate child-friendly visiting rooms. They address contraband through a “combination of searches, surveillance, intelligence gathering and mechanical devices ...and conduct pat down searches of staff upon entry.”³ The recently opened Las Colinas Detention and Reentry Center, in San Diego County, allows for contact visits. Body scanning incarcerated individuals after visits has reduced contraband incidents.⁴

The targeting of visitors as the major source of contraband and reason for internal violence seems sorely misguided. According to a 2014 NYC Department of Investigation (DOI) report, a large proportion of the illegal trafficking (contraband) is carried out by uniformed guards and civilian employees.⁵ DOI recommends stricter screening of correction officers, including drug-

¹ Mohr, G. C. An Overview of Research Findings in the Visitation, Offender Behavior Connection. Columbus: Ohio Department of Rehabilitation and Correction, 2012; DC Public Safety Radio podcast April 2015, <http://media.csosa.gov/podcast/audio/2015/04/video-visiting-in-corrections-national-institute-of-corrections/>

² Family Court Act § 1030; see also Social Services Law § 384-b(7)(f)(5); ACS Memo, Deputy Commissioner Lisa Parrish (1999), *Clarification of Visits to Incarcerated Birth Parents*.

³ Commissioner Giorla, Philadelphia Prison System per e-mail correspondence with Lois Cronholm on March 26, 2015.

⁴ Communication with Kathy Meyers, Reentry Supervisor Las Colinas Detention & Reentry Facility on April 30, 2015.

⁵ NYC Department of Investigation Report on Security Failures at City Department of Correction Facilities. November 2014. http://www.nyc.gov/html/doi/downloads/pdf/2014/Nov14/pr26rikers_110614.pdf

sniffing dogs at employee entrances. “Investigators say that while visitors to city jails bring in some contraband, a large proportion of the illegal trafficking is carried out by uniformed guards and civilian employees.”⁶

Rikers processes approximately 1,500 visitors daily (5 days a week) or 390,000 visits annually. According to a review of DOC data from July 2014- March 2015, 16 weapons were confiscated and 44 visitors were found with drugs.⁷ This is 60 instances of contraband in a 9 month period in which there were close to 270,000 visits; we are not aware whether the individuals caught with contraband would have been screened out by a registry, and question if there is any evidence to link the introduction of contraband to those whose backgrounds would disqualify them from visiting under the proposed plan.

DOC should be focused on making visiting *more* welcoming and child-friendly, reducing the unfriendly and difficult visiting process that already discourages visitors who are best able to reassure and support incarcerated individuals who might otherwise be more suicidal, violence-prone, and depressed.

Prohibiting People Based on Past Criminal Convictions

This aspect of the proposal would disproportionately affect poor people and communities of color who are over-represented among people who are convicted of crimes. It would prevent thousands of people, including caregivers and parents who bring children to visit, from visiting. New York State prisons release approximately 11,000 people a year to New York City, and there are thousands of individuals on parole and probation with felony records, many of whom have family members detained on Rikers Island, and who could provide needed support.

Many individuals with prior convictions, even serious convictions, exemplify transformation, upstanding citizenship, and are effective mentors for incarcerated family and friends. They are also now leaders of organizations, service providers, work for government agencies, and are loving family members. We are missing an opportunity to support reentry and lower recidivism by preventing individuals with felony backgrounds from visiting.

In closing, we collectively urge that the visiting limitations/restrictions within the 14 point plan be abandoned or at least, placed on hold while DOC implements and then evaluates the effectiveness of the following actions:

- **DOC should strengthen screening, searches and security methods for reducing contraband**, both prior to entry of visitors to the visiting room and visit-exit strategies to better identify contraband. DOC should explore the use of body scanners and TSA technology that is safe, less invasive, and effective for identifying contraband;

⁶ Ibid.

⁷ Pazmino, G. “New policy announced for Rikers Island visitors.” [Capital News](#), March 12, 2015.

- **DOC should install cameras and increase staffing in visiting rooms;**
- **DOC should evaluate the effects of improved screening and security measures on contraband levels** before changes to the visiting standards are considered;
- **DOC should speed up their proposed timeline for installing cameras and other measures that have much greater promise for reducing violence on Rikers.** Camera installation has been pushed back to an estimated 2018 date, while measures to restrict visits would presumably go into effect immediately, in August 2015.

If you would like more information or to discuss this further, please contact Tanya Krupat, Director, New York Initiative for Children of Incarcerated Parents, 646-964-2160, tkrupat@osborneny.org.

Thank you in advance for your thoughtful consideration.

Sincerely,

The Bronx Defenders	Hour Children
Brooklyn Defender Services	JustLeadershipUSA
CASES	Lawyers For Children
Center for Family Representation	Legal Action Center
Center for Community Alternatives	NYU Family Defense Clinic
Center for Employment Opportunities	The Osborne Association
Citizens' Committee for Children	Women's Prison Association
The Fortune Society	
Philip Genty, Director, Prisoners and Families Clinic at Columbia University	
The Adoption and Safe Families Act Coalition ⁸	
Permanent Judicial Commission on Justice for Children	

⁸ The Adoption and Safe Families Act (ASFA) Coalition is a coalition of NYC child welfare agency, parent, and child advocate groups. It is tri-chaired by ACS, Lawyers for Children, and Brooklyn Defender Services.