



Prisoners' Rights Project
199 Water Street
New York, NY 10038
T (212) 577-3530
F (212) 509-8433
www.legal-aid.org

May 5, 2016

Martha King, Executive Director
Chair and Members
NYC Board of Correction
1 Centre St.
Room 2213
New York, NY 10007

Blaine (Fin) V. Fogg
President

Seymour W. James, Jr.
Attorney-in-Chief

Justine M. Luongo
Attorney-in-Charge
Criminal Defense Practice

John Boston
Project Director
Prisoners' Rights Project

Re: Rulemaking Concerning Jail Rape and Sexual Abuse

Dear Members of the Board:

We urge the New York City Board of Correction (Board) finally to propose Rules pursuant to the City Administrative Procedure Act to address the grievous problem of sexual abuse of persons in the custody of the New York City Department of Correction (DOC).

On April 8, 2015, the Public Advocate petitioned the Board with proposed Rules to address this longstanding and horrific problem. The Legal Aid Society and other advocates urged adoption of these Rules, and recommended amendments to strengthen them in certain areas to ensure that the Rules adopted by the Board have the teeth necessary to provide the men and women in City custody with protection against rape and sexual abuse. *See* Letter from the Legal Aid Society to the Board of Correction dated May 11, 2015.

At its June 9, 2015 meeting, the Board voted to initiate Rulemaking. Since then, members of the Board have met with various stakeholders. At its March 8, 2016 meeting, Executive Director King indicated that the Board was continuing with the fact-finding process and that the Proposed Rule was expected to be released in May. The May Board meeting is scheduled for next Tuesday, May 10, 2016. Yet, no Rule has been posted.

While we appreciate that Rulemaking in this area requires the review and balancing of complex issues and interests, over a year has passed since this critical issue was brought to your attention by the Public Advocate. The time has come for the Board to exercise its function in this area of vital importance to the men and women in DOC custody, and propose Rules for public comment.

Very truly yours,

DORI A LEWIS
Supervising Attorney