

**Testimony before the NYC Board of Correction**  
**Public Hearing on**  
**DOC's Proposed Changes to the Minimum Standards for Visiting**

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Thank you for the opportunity to speak with you today. My name is Tanya Krupat and I am the Program Director of the New York Initiative for Children of Incarcerated Parents at the Osborne Association. The New York Initiative is a statewide policy reform effort to improve the lives of New York's children who have experienced the arrest and/or incarceration of a parent.

I (and many others) have come before you for the past 6 months to oppose the proposed changes to the minimum standards for visiting. Rather than repeat the call for data and evidence and underscore again, the lack of any demonstrated correlation between limiting visiting and reducing violence; and rather than point out the numerous reports in recent weeks about Officers arrested for bringing in contraband and visitors reporting being mistreated.... I want to tell a story.

This is a story of a grandmother who became the primary caregiver of her two grandchildren when her daughter was arrested. The grandmother is in crisis. She has to ask her job for a leave of absence and hopes they will let her return in a few months. She needs to register for public assistance for the kids and make sure she can make medical and educational decisions for them. The younger child has stopped speaking because of the separation from his mom; the older child (only 7) gets teased at school because some of the kids found out her mom was arrested so grandma goes there to work with the school to explain what is happening. All the while, she fears that ACS will take the children from her. As mad as Grandma is at her own daughter for doing what she did to get arrested, she is worried about her, and loves her daughter dearly. She is determined to bring the kids to visit their mother at Rikers. This Grandma also understands how important it is to be visited because she herself was incarcerated and remembers vividly what visits meant to her. This Grandma has a boisterous, assertive, vocal and bubbly personality. She is an advocate.

After taking the kids on two subways and then the Q100, they arrive at Rikers. They wait on a long line. The 4-year-old starts crying; he is anxious and confused. He witnessed his mother's arrest and he is scared by the Officers. The 7-year-old is questioning everything, nervous, and high-energy. After an hour, Grandma asks an Officer how long this will take (she's trying to figure out how long the kids can last on the last snack they had, and whether to take them to the bathroom before getting on the next line); after another 30 minutes, she asks again, her tone is frustrated, angry. Then the 4-year-old crumbles—he climbs under a chair and won't get out. Grandma tries her best but the kids are melting down. An Officer starts to yell at her to control her kids and—in frustration and exhaustion—she yells back and uses a curse word. She argues back about not getting any help and the process taking so long. Under the proposed changes, the Officer could decide she is a “threat to the good order of the facility” and deny her visit.

But she is lucky this time and she is able to somehow make it through all 3 searches and reaches the facility (5 hours after leaving her home) where the exhausted children visit with their mom. If the proposed changes are enacted, the children are lucky they are both under 9. But what if the older sister was 9 or 10? She would have to watch her brother sit in their mom's lap and not get

to. She would need to remain on one side of the plexiglass while her brother sat in her mother's lap on the other.

Now this grandmother also visits her own brother on Rikers and his co-defendant, her cousin; both of them pre-trial and unable to afford bail. She would show up on a suspicious visitor list because she is deemed to be visiting too many people. Then her own criminal background could come into play. Based on these factors, the grandmother could be denied the ability to visit, which means the children lose their lifeline to their mother. She appeals but the new standards mean that she may wait for two months (up to 8 weeks) for a response.

This is just one scenario (based on a family in our programs) -of hundreds possible- that illustrates the deeply problematic nature of the currently proposed changes- they are too broad, and operationalized, they will be arbitrary and discriminatory, unfairly punishing children and families to no benefit to the Department or the reduction of violence.

We stand firm in our conviction that many important and necessary improvements to security and visiting can be made *within the existing minimum standards*, and that initiatives underway and the recommendations of the DOC Visiting Workgroup should be given time to work *before* visiting standards are changed. Thirty-four other organizations throughout the City agree and have signed a statement that was submitted to the Board electronically this morning.

That said, any changes to the visiting standards must be specific and limit arbitrary and capricious implementation. While the current administration states its positive intent and commitment to visiting, the standards will remain in place for future interpretation. Any changes to the minimum standards must include:

- Specifying that the purpose of the Department's ability to limit or deny visits is not to do so broadly; that this ability would be invoked *only* in compelling circumstances after a careful review of visiting patterns or incidents by a specialized and trained unit and with approval by the Commissioner.
- Ensuring that visitors would not be turned away while a background check was being conducted on them.
- Ensuring that a continuum of visiting options is considered and offered with the last resort being the denial of visiting, altogether. The continuum would include placing the visitors and visited in proximity of the Visit Officer and offering a booth visit.
- Requiring the development and implementation of child-sensitive visiting options, processing, and responses. Booth visits should absolutely be the last resort for visitors with children as this type of visiting is traumatic.
- Requiring monthly reporting of data on visitor background checks, visitor denials, and booth visits, and the number of child visitors must to be reported as a separate number from total adult visitors, by jail, per month.

Outside of the minimum standards, an immediate review and replacement of current booths should be done as many of the booths do not allow for people to see or hear each other.

We call on you to reject the proposed changes to the minimum standards and to work intensively with the Department to reduce violence while safeguarding the importance of visiting, and remembering the children and families in the community who want safety on the island more than anyone does.

Thank you.

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