NEW YORK CITY
BOARD OF CORRECTIONS

PUBLIC HEARING

Public Hearing
125 Worth Street
New York, NY 10013
October 16, 2015
[1:13 p.m. - 6:35 p.m.]
MEMBERS PRESENT:
Stan Brezenoff, Chair
Derrick Cephas, Vice Chair
Honorable Bryanne Hamill
Bobby Cohen
Jennifer Jones Austin
Stanley Richards
Steve Safyer (arrived after introductions)
Michael Regan (arrived after introductions)
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(The public board meeting commenced at 1:13 p.m.)

MR. STAN BREZENHOFF: Good afternoon.
We are now convening the public hearing associated with the proposed rule that has been the subject of quite a lot of review and discussion since the proposed rule was first voted into the rulemaking, the rulemaking process. We have a list of individuals who have signed up thus far to, to speak and we’ll be calling from that list. We anticipate that additional individuals will be signing up and that process of signing up will be open until 7:00 p.m. I think there’s general awareness that we are limiting individuals/speakers to a six-minute maximum. They are not obligated to speak for six minutes, but we are allowing that length of time and we will seek to strictly adhere to that limit in deference to the extensive list of individuals who wish to be, to be heard. To that end, we have someone with signs that will alert the speaker, sort of the two-minute warning, that’s the NFL number, and a one-minute warning,
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which, I guess, is Jeopardy and then that’s the hook, so stop. So let’s, let’s begin. The first person on the list is Emily Dindial of the Innocence Project. Is she here?

MS. EMILY DINDIAL: Hi. Sorry. Do I speak into this then?

MR. BREZENOFF: Before you begin, and don’t do for one, for one second. It’s been suggested since this is a singular kind of meeting that each of the Board members who are present introduce themselves. I'll start. I’m Stan Brezenoff and I’m the Chair of the Board of Correction.

MR. DERRICK CEPHAS: Derrick Cephas, Vice Chair.

JUDGE BRYANNE HAMILL: Bryanne Hamill. Good afternoon, everyone.

MR. BOBBY COHEN: Bobby Cohen. I’d just like to comment that, I mean, hopefully it, it may not change, but I’m disappointed that the Commissioner of Correction decided not to attend this hearing. I think we all had many questions of him and looked forward to, hopefully, him
appearing at some future time before this process is over. I think, I think that the issues before us are of sufficient content and the information provided to date by the Department is of deficient content that we, we should have the opportunity question him. Thank you.

MS. JENNIFER JONES AUSTIN: Jennifer Jones Austin.

MR. STANLEY RICHARDS: Stanley Richards.

MR. BREZENOFF: I’m afraid I’m going to have to say something about that comment. Let’s be clear about the purpose of this hearing. The purpose of this hearing is to hear from the public. It’s what’s called for in the City rules. We’ve had lots of discussions with the Commissioner. The Commissioner has been at many public meetings and will be at others. But this is the forum to hear from the public and it’s gratuitous to comment like that at this meeting. That’s not what this hearing is about. I'm going to call two additional names so that we can have some smooth transition from speaker to speaker. Well, we've arranged some seating so no one has
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to stand for six minutes. So the next two
speakers after the current one is Allegra
Glashausser and Dr. Francis Geteles. Please.

MS. DINDIAL: My name's Emily Dindial.
Is this -- can you hear me?

UNIDENTIFIED MALE: No, I don't think it's on. Push the button on the--

MS. DINDIAL: Got it. Hello? No?

UNIDENTIFIED MALE: There you go.

MS. DINDIAL: Thank you. Okay. Hi.

I'm Emily Dindial. I'm a policy analyst of the
Innocence Project. On behalf of the Innocence
Project and the many exonerated people who have
been housed in New York City jails, thank you for
allowing me to testify before the Board of
Correction today. The Innocence Project was
founded in 1992 at the Benjamin N. Cardozo School
of Law to exonerate the innocent through a post-
conviction DNA testing. We regard each
exoneration as an opportunity to review where the
system fell short and identify ways to prevent
future injustice. Our clients in New York and
around the country were sustained by visits with
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family and friends and harmed by their
experiences in solitary confinement. Of the 330
DNA exonerations, nine percent pled guilty and 25
percent falsely confessed to crimes they did not
commit. Criminalists estimate that in well under
10 percent of all criminal cases, DNA can prove
guilt or innocence so we know that DNA
exonerations represent only the tip of the
wrongful convictions iceberg.

The proposed changes in many instances
amount to punishments of people presumed to be
innocent. Upwards of 80 percent of the Rikers
population are pre-trial detainees. It also
punishes their family members, many of whom are
forced to be away from their loved ones solely
because they cannot afford bail. There's no
convincing nexus between the apparent goal of
reducing violence on Rikers and the solution of
restricting visitation. The proposed rules are
vague -- granting too much discretion to decision
makers based on imprecise criteria and minimal
guidance. These measures are being explored
while already robust security measures are in
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place. We know that detainees are at --
detainees are subjected to strip searches, both
prior to visits and after visits. Visitors are
physically searched and required to clear several
metal detectors. What we don't know is whether
these changes will further reduce violence in
light of existing security measures, what
percentage of weapons in jail are brought in
through contact visits or what other efforts
could be made to reduce weapons before denying
visits, something so fundamental to detainees and
their families.

The proposed rules give additional
reasons for correction officers to deny
visitations, such as lack of a family
relationship, the visitor's probation or parole
status or the nature of either the detainees or
visitor's felony or misdemeanor convictions for
the last seven years. There's no doubt that
demonstrating how these factors will reduce
weapons or violence in the jails or whether the
criteria identified by the Board, for the
purposes of evaluating visitation, are
appropriate determinations. In fact, the proposed rule change eliminates language meant to provide a nexus between violence reduction and limited visitation rights and to prevent arbitrary decisions. Specifically, it removes the requirement that any determination to limit visitation be based on specific acts committed by the visitor or inmate during a visit or on specific information received and verified that the visitor or inmate plans to engage in acts during the visit that will threaten the safety or security of the facility. It also removes the requirement to provide the visitor and inmate with written notification and an opportunity to respond prior to any determination. The elimination of these protections and the development of the new rules provide an opportunity to widen the net of individuals who might be arbitrarily denied visits with their loved ones. This policy shift, in fact, could breed the very conduct it intends to prevent. By denying visitation to inmates from their loved ones, frustration, anger and potential violence
are foreseeable and preventable possibilities. Visitation fosters successful reentry for detainees and has been shown to reduce and delay recidivism rates. The drastic measures proposed grants even more discretion to officers while taking away some of the few protections for detainees without any convincing support for the claim that this will reduce violence. The proposed rules also seek to roll back one of the important positive reforms to conditions of confinement in New York City jails that the Board passed earlier this year, limitations on the use of punitive segregation. In his testimony to Congress, Anthony Graves, who was exonerated through post-conviction DNA testing after serving 18 years on death row in Texas, including 10 years in solitary, called the use of solitary confinement criminal torture. While in solitary, he suffered from sleep deprivation and was kept up by inmates who were also suffering from psychological effects of extended periods of isolation. He still suffers from the experience today. There is extremely limited -- the reforms
made last January created meaningful limitations on the practice of solitary confinement. The use of solitary confinement is widely denounced for advocates for human rights, criminal justice reform and mental health. The U.N. defines prolonged solitary confinement as torture and, if necessary, recommends a maximum use of 15 consecutive days. One limitation adopted by the Board mandates seven days out of solitary after maximum of 30 days in. The rule proposed by the DOC seeks an exception to the 30-day limitation for inmates who endanger inmates, who endanger inmates or staff in any inmate sentenced to punitive segregation as a result of assault on staff. However, the current rules already provide an exception for inmates who engage in persistent acts of violence other than self-harm such that placement in enhanced supervision housing would endanger inmates or staff. The exception, the new exception proposed is so broad that it could feasibly apply to any punitive segregation sentence, including non-violent infractions and render the new limitations
meaningless. The testimony we offer today is
grounded in experience of our exonerated
factually innocent clients and seeks to remove
the reliability and maintain the integrity and
legitimacy of the criminal justice system.

Many of our clients tell us that
visitation was central to their will to survive
and thrive. Those who were subjected to solitary
confinement still suffer from its effects years
after exoneration. The mental health concerns
raised from the use, extended use of punitive
segregation, the ease at which sentences of
punitive segregation are granted and the lack of
meaningful opportunity to appeal are why the
limits were enacted and must be upheld.

For these reasons, we respectfully urge
the Board reject the proposed changes under
consideration. Thank you.

MR. BREZENOFF: Thank you. Allegra
Glashausser?

MR. ALEX LESMAN: Good afternoon. In
place of Allegra Glashausser, my name is Alex
Lesman and I'm the secretary of the Committee on
Corrections and Community Reentry at the New York City Bar. Thank you for this opportunity.

First, the Committee opposes lowering the minimum standard for visitation. We recognize that jails can be violent, but when violence is spiking, incarcerated people need more contact with their family and friends, not less. In order to encourage positive interactions and support, jails should be more open to visitors. The proposed rule would add several new factors by which staff could restrict or ban visitors. There's also a catchall clause that visitation may be denied because it would pose a threat to the good order of the facility. This is exceedingly vague and there are no procedural safeguards that would prevent staff from using these factors in arbitrary or discriminatory ways. Also the rule does not explain who would make the decision to deny a visit and when. Then there is the logistical question about investigating visitor's background. How would a technologically challenged department get an accurate criminal history for that visitor? The
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rule would also alter the appeal process for
visitors who have been denied or banned.
Inserting the Department as an intermediate
arbiter before an appeal reaches the Board. This
would increase the appeal process from about 14
days to about 30 days, much longer than most
people are detained in jail.

We're also concerned that the Department
has not provided information showing that
visiting rooms are a significant source of
weapons or that the proposed rule would have any
effect on violence. Based on Department data, we
can conclude that less than one percent of
visitors bring weapons into jails. Making visits
more difficult for the 99-plus percent of
visitors who are not carrying weapons is
unreasonable and runs contrary to the undisputed
value of visitation. The Board should ask the
Department why its current process, including the
four physical and magnetometer searches a visitor
goes through before entering the visiting room
and the searches of inmates could not effectively
find weapons.
Second, the Board should reject the proposed changes to package policies. Low income families will be burdened by having to purchase clothing and personal items new, rather than sending their loved ones items they already own. Even with the introduction of uniforms, inmates still need undergarments, hygiene items and other basic necessities. The Department has not provided data on the amount of contraband actually entering jails through packages and it is unclear why, in the 48 hours the Department is already permitted to search all packages, is insufficient.

Third, the Committee vigorously opposes any modifications to the recently enacted restrictions on punitive segregation. The Department has failed to present sufficient evidence that changes are warranted. It has also failed to employ existing measures to address incidents of violence and thereby obviate the need for modifying the existing limits. The proposed changes ignore the rationale for limiting punitive segregation, which is that
prolonged isolation is harmful and
counterproductive for the subject person and also
fails to enhance the safety of incarcerated
people or staff. In our December 2014 testimony,
we detailed the significant and potentially
permanent mental and physical harm that can
result from prolonged isolation. It is troubling
that the Board might consider quickly retreating
from the carefully crafted restrictions on
punitive segregation so recently adopted.

Regarding the seven-day rule, the three-
day maximum stay in isolation and the seven-day
respite are designed to limit the harm caused by
prolonged isolation. Keeping people whose
behavior has not improved after 30 days only
increases the harm. Evidence suggests that their
stay in segregation might enhance the likelihood
of their committing additional violent or
inappropriate acts. The more effective remedy is
to separate such people from the population,
provide them with meaningful programs in a more
secure environment and initiate an intervention
that is designed to address their behavior. The
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Department has failed to explain why the ESHU, designed for people with problematic behavior, is not appropriate for those that commit violent or inappropriate acts after release from punitive segregation.

We also oppose the expansion of punitive segregation sentences to 60 days for people found who have assaulted staff causing serious injuries. This would also undercut the Board's rationale for limiting punitive segregation. The Department ignores the fact that ESHU was specifically proposed and approved to house the same people who would be candidates for 60-day sentences in punitive segregation. We are also concerned about increasing segregation sentences when the Department has not been vigilant about timely removal of people from isolation and has filed to monitor or report these cases to the Board.

Finally, the Board should not dilute the procedural protections for placement in ESHU. The current standards for placement in ESHU lack the precision and process to guarantee the rights
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of those being placed. This lack of process is especially significant because there is no limit on the duration of a person's ESHU stay. The proposed amendment would permit the return of a person to ESHU with no review and weaken a standard that is already lacking meaningful protections. By contrast, the one clear directive in the proposal is that if the Department decides for any reason that a person should return to ESHU that person has absolutely no right to contest the decision.

Thank you for hearing our concerns.

MR. BREZENOFF: Thank you. Our next speaker is Dr. Francis Geteles. Dr. Geteles will be followed by Barry Campbell and Sarah Kerr.

DR. FRANCIS GETELES: Good morning. I'm Dr. Francis Geteles and I'm a member of the vol-, I'm a volunteer with Physicians for Human Rights, as well as with the CAIC, the Campaign for Alternatives to Isolated Confinement, which is trying to get a reform bill passed in New York State that would change the way solitary confinement is done here. Last year -- first of
all, last year it seemed that you did, at least in part, listen to what the public said to you and you came up with at least some important limitations on solitary confinement. But I think even these new rules that you're trying to pass are flawed and psychologically damaging. The United Nations has recently passed a new set of minimum standards for the way people in custody should be treated. And one of those specifically says that under no circumstance may restrictions or disciplinary sanctions amount to torture or other cruel or degrading treatment. The following practices are prohibited: indefinite solitary confinement and prolonged solitary confinement. Now, they've, they're definition of prolonged solitary confinement is no more than 15 days and according to Juan Mendez, the U.N. rapporteur on torture, he selected that as the cutoff point because there is evidence in the literature suggesting that anything beyond that point, that that's sort of a turning point at which some of the psychological damage becomes irreversible. So if you'll look at your, the new
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rules you're considering where you are going to eliminate, allow the prison authorities to eliminate the seven days of release from solitary -- originally your 30 days were already in excess of what they considered torture. However, now you're allowing 120 days. And the way I'm seeing that is you're allowing the authorities to get a waiver of the seven-day release and you're allowing them to get three waivers. That then becomes 120 days in solitary confinement. And so it's like eight times the amount that it is considered approaching torture.

Another one of the rules is that an individual must not be sanctioned for conduct that is considered to be a direct result of his or her mental illness or intellectual ability, yet I see nothing in your rules which, in fact, deals with assessments prior -- well, with -- there's very little in your rules that involves trying to think of why is this happening; what are the conditions psychologically of the individual which may lead to undesirable behavior. And then, in connection with that, the
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training of the guards so they know how to deal
with those kinds of behaviors. We, the thing
that I see here is a pattern which says you deal
with problems by punishment and more punishment
and more punishment. And essentially then,
you're shutting out other options. You're
shutting out the options to incentivize better
behavior by positive reinforcement. You're --
there is very little concept here that perhaps
there needs to a psychological or social work
intervention that will help these people. So the
easy way out is punishment. It's so much easier
than doing what really needs to be done to help
the people. And so I'm here basically to urge
you not to take the easy way out and not to let
the guards take the easy way out because, in
fact, it would be so detrimental. And in that
connection, also, I just wanted to say that among
the psycho-, negative psychological effects that
we know or have been recorded as happening as a
result of solitary confinement are things like
increased anger, increased irritability -- and so
you're taking what is already volatile behavior
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and you're saying, we'll put them in a situation which is going to create more volatile behavior. And that doesn't make any sense to me. Thank you.

MR. BREZENOFF: Thank you. Barry Campbell?

MR. BARRY CAMPBELL: Good morning. My name is Barry Campbell and I'm currently employed at The Fortune Society as the special assistant to the President and CEO. I'm also formerly incarcerated so the rules and regulations that you're talking about have a personal effect on me. My last day on Rikers Island was in 2003, but my rap sheet is 30 pages long as an adult so I've been in and out of Rikers Island more times than I care to count. And I just want to remind people that these rules and regulations that we're discussing here today are going to be affecting human beings -- human beings. And I want to make that clear to people -- human beings.

We strongly urge this Board to reject the proposed rule changes pertaining to visiting
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and package policies, decline to make any
amendments to the due process requirements for
the enhanced supervision housing and do not allow
any exceptions to the current limitations on the
use of punitive segregation. For the longest --
I've been working at Fortune Society since 1991
and I've been working there. We help people come
out of jail and prison. And I am telling you 90
percent of the people that come out of Rikers
Island are angry. Ninety percent of the people
that come out of Rikers Island have some sort of
mental instability about them that needs to be
addressed. And then there's also the personal
feeling of that this is it for my life; I have no
place to go but down. And it's not true because
I'm living proof of that. I'm what you call a
systems baby -- foster home, boys' homes, jail
and prison. And I've turned my life around
completely with the help of agencies like Fortune
Society. And I want to urge people to think
about these rules and regulations under the guise
of the human beings that they effect. Because if
it's one thing that the Department of Corrections
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doesn't want to do and the criminal justice
doesn't want to do, but seem to do all the time,
is create an angrier person than when they went
in there. So in a sense, you're locking up human
beings and you're releasing animals and that's
due to the treatment that they get while they're
incarcerated.

When I went into, when I first went into
Rikers Island, I was about 16, 17 years old. And
at that time, my whole criminal career was ahead
of me. But I didn't know much about the criminal
world until I went into Rikers Island and I
didn't know anything about inhumane treatment
until I went into Rikers Island. And I say this
because when you treat somebody less than a human
being and they begin to buy into that, when they
come out, they will act less of a human being.
And what I'm saying is I'm asking the Department
of Corrections to show some compassion to the
human beings that are being incarcerated because,
you know, the truth be told, I'm not the worst
thing that I've ever did and neither is anyone
else. People make mistakes. I made a lot of
mistakes when I was growing up. But the mistakes
that I made I shouldn't be paying for them for
the rest of my life. And that's what's happening
when people get locked up whether it's the
Draconian laws and barriers that exist when a
person's released or the way that they're treated
inside that affects their mental stability when
they are released. In some shape, form or
fashion, people are being affected on every level
when they come out, come out of incarceration.
And the way that the system is set up, it's set
up in design so that you go back to jail or
prison. And with all of the mass, mass
incarceration issues that are going around the
world -- the White House is talking about it, the
Senate is talking about it, the Governor is
talking about it. He just made an announcement,
I think it was about two weeks ago, about trying
to help people when they come home from jail or
prisons. These rules and regulations that we're
looking to change actually take a step back from
what the Governor and the rest of the world is
asking us to do as a society.
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And what I'm asking people to do is not look at the crime of the individual, but look at the individual himself or herself and realize that that's a human being and change can happen. If that's the one thing that we're guaranteed in life is that change can happen. And if you give a person an opportunity to change in an environment that nurtures that change, then the results that you get is what's standing here before you today. Thank you for your time.

MR. COHEN: I'd like to ask a question.

MR. BREZENHOFF: Go ahead.

MR. COHEN: Thank you. Thank you very much. I wondered if you could comment on, on two aspects of the rules before us. One, on the aspect of the rule which says that the, that the criminal history of visitors would, would play in possibly denying them the ability to visit or deny the prisoner the right to have that visit. And also the effect of, you know, whether the Board's notion of having seven, seven days between being time and, and limiting just to 60 days in a, in a 120-day period where -- how would
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that, how that plays out in terms of the experience of a prisoner and their families.

MR. CAMPBELL: Well, it plays out like this. Most of the time when a person gets a restricted visitation, they see their family, but once they walk away from that visitation, they're even angrier when they were when they went on it because something inside them clicks that I can't touch my baby girl. I can't hug my mother. I can't kiss my wife. And those are the little things that we get in between the visitations that help keep us calm, that help us think that there's something to live for. There are people waiting for me outside. I have good people that wish nothing but good things for me. If I don't have that connection with those people, then the only thing that I have to look forward to is despair and then I become part of the problem. But if a person has hope, they look to become part of the solution. Now, as far as the seven days in between, you know, there's no way to deescalate the effects of being in solitary confinement. Let's first say that. The only way
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to truly fight this issue is to not have it in
the first place. Isolation from other human
beings is not what this world is about. Human
beings need human contact. I mean, if you take a
look at the world today, social media is a buzz.
That's a form of human contact. And if a person
doesn't get that contact, then they feel like
they're an animal and they begin to behave like
one. And then part turns around and he says,
these people are really, they need to be isolated
and kept away. It's because you've created them.
You made them that way by these Draconian rules
and regulations that you put into effect that
don't consider the human condition. And that's
what we need to consider about all of these rules
and regulations that we put in place. I
understand that Rikers Island needs to be safe.
I understand that Rikers Island needs to be drug
free. I understand that we have a problem with
crime. But the biggest problem is how we treat
other human beings when they do do something
wrong. You know, there's something to be said
about punishing somebody, but there's also
something to be said when you punish somebody for
the rest of their life for a mistake. It's just
not right. Thank you.

MR. COHEN: Thank you very much.

MR. BREZENOFF: The next speaker is
Sarah Kerr and she'll be followed by Alex Abell
and Tanya Krupat.

MS. SARAH KERR: Good afternoon. My
name is Sarah Kerr and I'm a staff attorney at
the Prisoners' Rights Project of the Legal Aid
Society. Thank you for the opportunity to offer
this testimony in opposition to the proposed
amendments to the Board's standards.

The Board should not adopt the proposed
amendments to the minimum standards with respect
to visiting, packages, enhanced supervision
housing and punitive segregation. This Board is
charged with the authority to set minimum
standards for conditions in the city jails. The
Board's standards should be clear,
understandable, fair, enforceable, protective of
the rights of individuals and tailored to ensure
humane and safe function of our city jails. The
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proposed amendments are not such standards. They seek to reduce fairness by eliminating due process protections and reducing the authority of the Board to have oversight of the Department. They include provisions that are contradictory. They are vague, overbroad, lack clarity of definition and fail to identify bases for restricting rights. The proposed amendments would have you impose maximum restrictions on the State Constitutional right to contact visits and permit intrusive and unlimited inquiries by the Department into personal information about any visitor to the jails, an intrusive invasion of privacy that I believe is well beyond the authority of the Department of Correction. The Board must not make these changes which weaken the Board's standards and their enforceability by permitting the DOC to make decisions severely restricting visiting rights ad hoc behind closed doors with no notice to be, or opportunity to be heard until after the decision is made and no transparency as to how the decision is to be made. DOC would have you return to a system that
permits the tortuous use of solitary confinement, punitive segregation, without limits or other precautions. And the Department makes these requests absent any factual showing and today, literally, in their absence.

The request for change in the language that is proposed came from the Department. They are a public agency and I understand that this is the day for public comment, but they are our department and I wish that they were here to hear the public comment on the rules they propose. This Board must not eviscerate its standards or relinquish its important role as an independent City agency with oversight of the Department. If there is information or statements that the Board has received from the Departments since we're not hearing them today, I ask that they be shared with the people here and posted on the Board website as well to be available for public comment about this process that will be ongoing after today.

I wanted to address punitive segregation and visitation in particular. I'll try to be
quick, but I have to say that the wording in the proposed amendments is confusing and it makes it hard to address quickly, but I'll do my best. Punitive segregation causes serious physical, psychological and developmental harm. The Board must not pass the proposed amendments to limitations on, on this practice. The proposed amendments would decimate the reforms that were adopted just in January. They provide for exceptions to the 30-day consecutive day cap through the waivers. They increase sentences for assault on staff to 60 days and cumulatively would permit extensive and possibly unlimited consecutive sentences to punitive segregation with relief. If you can have three waivers and you can have four sentences of 30 days each, that's four months. And then they can use the waivers again. I mean, the language is just illusion. It, you can't have three waivers in four months without possibly then being able to do it again. It just doesn't limit anything.

The proposed amendments state that this would only occur in highly exceptional
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circumstances. But saying so is no replacement for an enforceable standard that protects the individuals in our jails and there just no, is no definition. The violent infractions that can be used don't -- include many charges that aren't what we would consider violence. Drugs have been, you know, the use of drugs have been called violent in our criminal courts and they're called that in our rules and our jails and prisons as well. And so, you know, we know we have problem with drug use. We know we need to increase programing, yet we're going to let those be the violent infractions that permit maximum use of punitive segregation. It makes no sense.

HHC should be involved in the programing and in the decisions for overrides requiring individualized planning, treatment and program for, programming for individuals who present management problems. And the necessity for such standards was clearly expressed in this room on Tuesday. Right? On Tuesday, we heard that individuals with psychiatric disabilities are currently being held in punitive segregation for
lengthy periods of time as the recipients of the overrides. They're already available under the rules that were passed in January and that the exclusion of individuals with serious psychiatric disabilities has not eliminated punitive segregation for people with major mental illness and it was described that the clinical staff are looking for really serious symptoms, catatonia. Right? We're looking for people exhibiting active psychosis. This is not what the standards that were adopted in January were supposed to do. We were supposed to have moved beyond this and adding to it and taking back those limitations that were placed in aren't going to get you there. I see it's time. If there are any questions, I'd be happy to answer them.

MR. BREZENOFF: And if you, if your remarks are in writing, if you could let us have them and we will make that a part of the record as well.

MS. KERR: They were e-mailed this morning. Thank you.

MR. BREZENOFF: Next is Alex Abell.
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MR. ALEX ABELL:  Hi. Hello, everyone.

Good afternoon, members of the Board. Thank you for listening to me today in advance. My name is Alex Abell. I'm with the Urban Justice Center and I'm also a member of the Jails Action Coalition. I'm going to comment today specifically about the proposed rule changes regarding packages. But first, I want to say a quick little word in the context, not of my position at Urban Justice Center or with the Jails Action Coalition, but just as a New Yorker. I was born in Lennox Hill Hospital. I've lived here all my live, 32 years, and it's important to me being a New Yorker. It's important to me how progressive we are or how, you know, our reputation, at least, for progressiveness in comparison to the rest of the country. And I think that it's, at times, what I've noticed in the language during some of the Board of Corrections meetings, from the Department of Corrections, the language seems to reflect some level of pride in that as well. And I'm speaking recently specifically from Commissioner Ponte
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when he speaks about the time limits, the recent
changes made to solitary confinement, the
restrictions that are now in question today, but
the restrictions in the past and then abolishing
completely for the youth. And when he speaks
about it, he references how ahead of the pack we
are and how we're, you know, we're leading the
country in this way. And, "No one else is doing
this, but us," he says. And I think that he
should be proud of that. But then, a minute
later when discussing the visitation policies, he
remarks how these new visitation policies are
going to bring us in line with the rest of the
country and how this is just how everybody else
is doing it. And so, my question is, as a New
Y Yorker, and in general, what is our essence? Are
we progressive or are we, you know, just
progressive when we want to be, when it's
convenient for the Department? And that's, I, I
want to know what we are and I want to know what
you are as a Board because you are us, you know,
we are each other. What is our essence
basically? So that's my question about that.
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But I wanted to speak specifically about packages, especially in the context of my position at the Urban Justice Center, which involves visiting a couple jails a week and interviewing about 40 people, all of whom are receiving mental health services. The one thing I consistently hear from these people is that there's no access, or one of the consistent things I hear, but one of them is that there's no access to laundry services in many of the units, especially in the mental observation units. There's no washer. There's no dryer. People in the units must wash their clothes in the sink. That is if they have a change of clothes to even, you know, wear while they're washing the other ones. And when I speak to them, you know, in an interview room, they point out the stains their clothes. I can see the stains in their clothes. They apologize to me for the way they smell and often I can smell them. Based on my anecdotal experience, and anecdotal, it's, you know, it's definitely not empirical, but I have spoke to about 1,000 people over the past nine months who
are receiving mental health services so it's not a small sample size at all. Based on my experience, this is common. It's common in units for sentenced people. It's common in units for detained people whether they're given uniforms or not. And this is, as you know, in violation of the minimum standards, to not have access to these laundry facilities and not to have -- if you have a uniform, to not have it laundered. I've written to the BOC about it. Our clients have written to the BOC about it, but that's not why I'm here to say. As we know, this will not be the first violation of minimum standards at all. I mean, you know, I'm not even going to complain about that. I'm just here to com-, to say that that's a fact. Whether or not it's a minimum standard, it's a fact that people don't get their clothes washed and they don't have access to laundry services. It's the reality.

The other reality is that many, many people on Rikers Island right now, as we know, are only there because they're poor. They don't have the money to make bail. Their families
don't have the money to make bail. Given these two realities, poverty and now, on the other hand, little to no access to laundry services, forcing the families of incarcerated people to purchase brand new clothing only through approved, approved vendors and then to have to pay for the shipping would have the impact of further degrading the lives of many of the individuals incarcerated on Rikers Island, especially those living in mental observation units. This is absolutely unnecessary as there is no evidence, none, that a significant amount of dangerous weapons enters the jail through incoming packages. Because there is no proof that a significant number of weapons entering the jail through packages, this rule change will not decrease the level of violence, but instead will, in effect, in reality, be a rule targeting the poor. Another rule targeting the poor. And it will, in effect, I think, I think evidence shows result in more violence, not less. I'll say that again. More violence, not less. To kind of prove that, I
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just, I'd ask you to piggyback on the gentleman who spoke earlier about the, we're talking about human beings here. I would ask you just to indulge me just for a moment, as human beings sitting here right now, I assume everybody in this room is wearing clean clothes at this moment. We all put on fresh undergarments, regular clothes, this morning. And you can feel these things on your skin. You can smell them. Smell your clothes right now. I mean, not literally, but like, you know, feel your clothes on the body, the way it feels on your skin. It feels okay. Now imagine, okay, that the clothes you have on, you've been, have not been washed in days. They have not been washed in weeks even. You've been sweating in them. You've been eating in them. You've been sleeping in them. You've used the bathroom countless times and put the same clothes back on afterwards. The clothes are stained on the inside and on the outs. You can smell them. They stink. They itch on your skin.

So, given that, how do you feel right now? Do you feel calm? Do you feel at peace?
Thank you. That's all.

MR. BREZENOFF: The next speaker is Tanya Krupat. And she'll be followed by David Karopkin, Phil Desgranges and Susan Jacobs.

MS. TANYA KRUPAT: Thank you for the opportunity to speak with you today. My name is Tanya Krupat. I'm the program director at the New York Initiative for Children of Incarcerated Parents at the Osbourne Association. I and many others have come before you for the past six 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, rather than point out the numerous reports in recent weeks about officers arrested for bringing in contraband, and visitors 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
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for a leave of absence in hopes they will let her
return in a few months. She needs to register
for public assistance for the kids and make sure
that 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 seven, 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 her children, her grandchildren. As
mad as grandma is at her own daughter for doing
what she did to get arrested, she's worried about
her. She loves her daughter dearly. She's
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
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arrive at Rikers. They wait on a long line. The four-year old starts crying. He is anxious and confused. He witnessed his mother's arrest and he's scared of the officers. The seven-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 four-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 that she's a threat to the good order of the facility and deny her visit. But she's lucky this time and is able to somehow make it through all three searches and
reach the facility, five 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 nine, but what if the older sister was nine or 10? She would have to watch her brother sit in her mom's lap and not get to. She would need to remain on one side of the Plexiglas while her brother sat on 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's 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 could wait for two months for a response. This is just one scenario based on a family that we know in our programs of hundreds that are possible to illustrate the deeply problematic
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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 of the Department or the reduction of violence.

We stand firm in our conviction that many important necessary improvements to security and visiting can be made within the existing minimum standards and that initiatives underway and proposed by the DOC visiting working group 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 this morning. Changing the standard should be a last resort. That said, any changes to the visiting standard 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 with the approval of 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. The continuum would include placing visitors and the visited in proximity of an officer and offering a booth visit. Requiring the development and implementation of child sensitive visiting options and requiring monthly reporting on data, including the number of children who visit, which is currently not reported on. Outside of the minimum standards, an immediate review and replacement of current booths should be done as 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
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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.

MR. COHEN: I have a question. I have a
question. I, I've reviewed the recent data on,
on denied visits and, and booth visits on Rikers
Island and from, from August to July, the number
of visits that were denied by the Department went
up to 600 from about 200 in July to August. And
the number of non-contact visits has, has
increased about 40 percent over the past four
years and much in the past year, with a
population that's decreasing. I wonder if, if in
terms of your project, you've noticed any
implementation--

UNIDENTIFIED FEMALE: Where did you get
your information from? Pardon me. Where did you
get your information from?

MR. COHEN: Yes. It's from, it's from
the Department of Correction.
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UNIDENTIFIED FEMALE: Okay. But where, like, exactly where, 'cause, like, the public can look that up and find out the information that you just said.

MR. COHEN: Well, I'll, we'll, we'll put it, I'll publish that information. It's directly from the Department on there, on the amount to visit. Some of it is in the Mayor's Management report, but the stuff that I talked to you right now is, is information provided to the Department, to the Board of Correction, and it does show a substantial -- so I was wondering, in terms of your program and your experience, have you noticed that a sort of a prior implementation of the, of this rule? Is it more difficult for, for families to visit right now?

MS. KRUPAT: It's always been difficult so it's hard to speak of an increase. We, we continually hear of difficulties. We do, in terms of the booth, visits, we are increasingly hearing about the difficulty. One of the members of the DOC vissiting work group was given a tour and one of the officers actually said to her, oh,
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yeah, we need to poke more holes in that booth so that they can hear each other. So we are very concerned about the increase -- and also from the perspective of children. No child should ever have to see their parent behind glass. It's completely traumatic.

MR. BREZENOFF: David Karopkin.

MR. DAVID KAROPKIN: Thank you. Good afternoon, members and staff of the Board of Correction. My name is David Karopkin. I'm legislative legal aide to New York City councilmember Daniel Dromm. He regrets that he can't be with us today. I'm here to deliver the following comments on his behalf.

I urge the Board to reject the rule changes under consideration today, and instead to adopt a plan for reform sixteen of my counsel colleagues have submitted. Frankly, I'm disappointed that these rule changes are even being considered over the objection of virtually everyone who commented last time. I'm especially taken aback that the version presented by the Board for public screening is nearly identical to
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what Commissioner Ponte submitted, almost word
for word. At a time when the U.S. Department of
Justice, New York City Council, medical and legal
experts and countless advocates have expressed
grave concerns about the systemic failures and
inhumane conditions at Rikers Island. Business
as usual cannot be an option. If New York City
will not take the deafening calls for reform
seriously, I ask that the Board do so. The
Board's minimum standards should be just that,
minimum standards. Instead, these rule changes
will only make it easier for the DOC to ignore
the basic needs and dignity of individuals in its
custody. Now is not the time to rollback reform.
The Board needs to take a leading role in
improving jail conditions rather than weakening
its rules, which are supposed to provide
protection for incarcerated individuals.

Specifically, on the proposal around
punitive segregation, the Board reversal is
perplexing. Earlier this year, the Board adopted
minimum standards that set significant limits on
the use of the practice and this moved New York
City closer to international standards that consider more than 15 days in extreme isolated confinement as torture. We can't allow the DOC to create additional loopholes and permanent exceptions to the amount of time that individuals can be kept in such extreme confinement. Doing so would be a serious step backwards and will undermine the DOC's progress in this area. Instead, the DOC wants to implement the humane disciplinary system that does not continue to rely on solitary confinement as a sanction for misconduct.

The visitation restrictions under consideration are equally problematic. Children, family, friends and other contacts must be allowed to visit incarcerated individuals whether they are awaiting trial or serving a sentence in New York City jails and they must be allowed to have meaningful physical contact during those visits. We know that such visits play an instrumental role in an individual's ability to maintain social connections, something the Board and the DOC acknowledge rightfully. And instead
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of implementing unnecessarily burdensome rules
that will restrict visitation and demean those
who wish to visit, the Board should be working to
improve, encourage and facilitate visitation.

I'm also appalled by the proposed
restrictions on packages, which I urge the Board
to reject. It is wrong for the Board to require
individuals in jails to receive packages from
only preapproved vendors. Such a rule would
prevent family and friends from providing
personal items without purchasing them new and
paying for shipping and this will be a
significant financial hardship for many. The
Department of Correction already conducts
thorough searches of packages and the Board has
reported that confiscated weapons have mostly
been improvised out of materials commonly
available within the jails so the proposed
restrictions are not likely to reduce violence.

I urge the Board to abandon these rules
changes and instead focus on evidence-based steps
to address the root causes of violence in New
York City jails. The culture of brutality at
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Rikers Island calls for a dramatic policy shift as you've heard from many today. These rule changes will only exacerbate problems without addressing the underlying issues plaguing our jails. It is imperative for the Department of Correction to identify and remove corrections officers and leaders who perpetrate abuses and contribute to the influx of contraband and increase in violence and the Department of Correction must also put thought and care into designing humane rehabilitation programs guided by prison reform experts to end the DOC's reliance on punitive segregation and similar measures. Thank you for your consideration. I look forward to working with you.

MR. COHEN: Thank you. Thank you very much.

MR. BREZENOFF: Phil Desgranges.

MR. PHIL DESGRANGES: My name is Phil Desgranges. I'm a staff attorney with the New York Civil Liberties Union. The proposed rules, like the ones that came before them, fail to address the core issue behind the violence at
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Rikers Island. Absent a reduction of the inmate population by one half or more, we will continue to see high rates of violence at Rikers. I'll offer one example that's illustrative of why such a drastic step is necessary. Last year early in August 2014, there was a riot at Rikers Island. About 30 inmates hitting each other over the head with chairs and using mop handles to hit each other as well. Video surveillance captured guards standing by and watching. Afterwards, the chief of the union of the corrections union, Norman Seabrook, told the press that his guards could not do anything about it. They were outnumbered 60 to 3. Significantly reducing the inmate population at Rikers Island will lead to an automate increase in the staff to inmate ratio. It would also free up physical space to have smaller and more manageable housing units. Those are two of the recommendations that the Board made several months ago that they found to be necessary for reducing the violence at Rikers. This Board is uniquely positioned to appreciate that reducing violence and evolving the culture
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of the agency at Rikers Island will not take place absent a significant reduction of the inmate population. And this Board should exercise its authority to propose measures to the City council, to the Mayor's office and to the Department that in the short and in the long term will lead to a reduction, a significant reduction in the population at Rikers Island.

Turning to the merits of the proposed rules that are up for consideration today, the NYCLU urges the Board to reject the proposed visitation restrictions, to reject the restrictions on packages, to reject the 60-day solitary sentences for assault on correction staff and to amend the proposed authority to have waiver, the rules waiver authority.

First, dealing with the proposed restrictions on contact visits. The cost associated with restrictions far outweighs any marginal benefits that are likely to come about. As the Board is well aware and as mentioned before, pre-trial detainees, unlike convicted in New York State, have a fundamental state due
process right to maintain relationships with their family and friends through contact visits. Yet, if these proposed rules go into effect, convicted prisoners in New York State prisons will have greater access to contact visits than pre-trial detainees at Rikers Island. In state prisons throughout the state, inmates, convicted prisoners are able to hug, kiss and embrace their loved one throughout the entirety of a visit. Yet that now would be ended for pre-trial detainees at Rikers Island. Contraband is no lesser a problem in state prisons. And these restrictions and the view of the NYCLU raise serious constitutional concerns. But more, more to the point, they also raise serious policy concerns. The fact that people who are incarcerated and want to spend, you know, greater time with their loved ones, show greater affection to their loved ones is a threat to the security, the threat to the security of the facility is problem in our eyes. Instead, we should be increasing that ability to share affection, to share embraces and kisses. As the
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proposed rule states, as a policy matter, this ability to share affection actually decreases problematic behavior with people who are actually incarcerated. It also increases the likelihood of better reentry outcomes. There's a complete contradiction of saying that contact visits actually improved behavior, while at the same time seeking a restriction of those same contact visits.

Turning to the proposed, the proposed authority to restrict visitation based on these status factors, as we'll call them, you know, a person being on probation, on parole or having a criminal conviction. The problem with these rules is they're so vague. There's no information about how much weight will be attributed to the fact that somebody has a criminal conviction or what other factors that are supposedly necessary to be used in conjunction with these factors, what those factors are. Instead, it's such a vague and, honestly, just bare bones proposed rule that it would lead to potential great abuse by the
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Department. Now, we don't doubt that the Department is intending to use their authority to strictly reduce violence at Rikers Island, but such a vague rule could either lead to further abuse, as we all know lots of abuse has already occurred at Rikers Island in the sense of correction staff, but this could actually -- I'm sorry, one minute. So that, that's the NYCLU's position on the proposed visitation restrictions.

As for -- and I'll hurry up -- the proposed restrictions on, the proposed rule for 60-day solitary sentence for assault on correction staff. In our view, this represents a failed, this represents a return to a failed philosophy that greater sentences in solitary will lead to greater returns. As we all know, before the reform of solitary confinement took place, the rates of contraband and the rates of violence at Rikers Island were still high. And at that time, you know, people were spending months, if not longer, at solitary confinement. There just is no evidence that greater time in solitary will lead to a greater turn in effect.
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And if that is the purpose behind these rules, then I think that we don't need to go about seeing it fail when we already know that this philosophy has already failed. Instead, we should be looking for alternatives to solitary confinement that would be effective routes to keep people who are potentially prone to violence or who have engaged in violence out of the general population for a small period of time until they are able to return. ESH was supposed to be that route. It obviously has not been used effectively. And I'll leave that now as I'm being told to stop. If you have any questions.

MR. COHEN: Thank you.

MR. BREZENOFF: Thank you. The next speaker is Susan Jacobs. She'll be followed by Mary Buser, Jennifer Parish and Elizabeth Gaynes.

MS. SUSAN JACOBS: Hi. Good afternoon. Thanks for the opportunity to testify today. I'm Susan Jacobs, the Executive Director of the Center for Family Representation. We work with families in family court to provide parents at risk of losing their children to foster care with
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free legal assistance and social work services. We are signatories on at least three letters to BOC to express concern about the proposed rulemaking changes to the minimum standards for visiting at Rikers. I'm here today to speak more particularly to the population of parents and children impacted by both incarceration and foster care who are doubly harmed by these proposals. CFR defends parents in family court and 43 percent of our clients have criminal justice histories, many are incarcerated at any one time, including on Rikers Island. We, since 2002, have served 6,000 families facing separation and approximately 12,000 children in New York City. The majority of our clients are people of color living in poverty. Many are co-involved in the criminal justice and child welfare systems and have criminal justice histories. The challenge to these families in remaining together is compounded by their multi-system involvement and the impact of rules, regulations and bureaucracies which govern their lives. Visiting between children and parents
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separated by incarceration and/or foster care is cited in the research literature as the single most important factor in whether those families can successfully reunify. And as several of my colleagues have already mentioned, I think we really need to focus on the humanity of these families and think of them as our own families.

Clinical research reveals three things about visiting. First of all, meaningful and frequent visiting is the single best predictor of safe and real lasting reunification of families. Secondly, supporting a child's attachment to his or her parents through visits helps ease anxiety and confusion that often surrounds foster care and, by the way, parental incarceration because when children can see their parents often, they can make them comfortable. They can talk with the people they most need to talk about around what has happened. That's their parents. It's not officers, it's not social workers, it's not -- lord knows -- lawyers. Children also hear from their parents about what will and could happen and they can be assured when they see
parents and sibling regularly. So visiting is at
the heart of what we do in terms of trying to
engage parents in staying involved and trying to
stay reunified or reunify with their children.
If they're given the chance to still be parents,
it enables them to continue relationships with
children and inspires them to keep on working on
going home and participating in services, by
the way, including while they're incarcerated.
Quality visiting can help children preserve
cherished rituals. They can share stories with
their parents and they can seek advice and
encouragement. Somehow we've forgotten what it
is that goes on when families visit. It's not
just hanging out. These interactions help
children cope with foster care and eventually a
smooth return, a smoother return to home.

The proposed measures are extreme, have
no demonstrated relationship to reducing violence
in jail and, in particular, there are two aspects
that we're concerned about. The first are
background checks. Obviously, that discourages
visitors, many of whom are parents taking
children to see incarcerated, to see other relatives. As we said, over 43 percent of our clients are parents with some criminal justice history. Depending on how Draconian the background checks are, they will clearly bar many of those parents from taking children to see the other parent. It's extremely difficult and it's already a huge undertaking, as was pointed out in the story about the grandmother. Similarly, the proposals to limit contact visits for children have a negative impact on the child and on the family's ability to reunite. Can you imagine any of you seeing your children after a long separation, no matter how old they are, and not be allowed to touch or hold that child? How can a young child draw, play games or sit on a parent's lap, including when they're nine years old, when there are barriers in the way, whether the barriers are six inches or six feet? Children need reassurance that their parents are okay and that they will be as well.

The proposed measures fly in the face of existing family court act, social service law,
state regulations and ACS policies requiring "regular and meaningful parent/child visiting for children in foster care, including when that parent is incarcerated." Thanks for the opportunity to testify today on these important issues.

MR. BREZENOFF: Mary Buser?

MS. MARY BUSER: Good afternoon. My name is Mary Buser and I am the author of the recently released book, Lock Down on Rikers, which is based on the five years that I spent working in the Rikers Island Mental Health Department. I started off on Rikers as a student intern at Rose Singer in the 90s and when I departed in 2000, I was an assistant chief of mental health. As someone who walked the jails' halls on a daily basis, I fully understand the need for safety -- safety for correctional personnel, for civilians, and for the inmates. That being said, just how this safety is achieved and maintained is where I differ from the proposals being set forth today as they pertain to visits, packages and solitary confinement.
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With regard to visits, I find it mind-boggling that an already arduous visit process stands to become even more difficult. Just this past week, I received an e-mail from a woman who told me that her husband has been held at Rikers for a year awaiting trial. Not unlike Kalief Browder, who waited three years for trial, this man is despondent and depressed. His lifeline is his wife and baby boy. And yet, in a year's time, he has seen them only once. The reason becomes clear when this woman described her one and only visit in which she and her baby waited five hours for a one-hour visit. During the weight, she could not feed her hungry child because a bottle of milk wasn't allowed. She said that during the visit, she and the baby were continually being sniffed by dogs. Despite this woman's commitment to her husband, she said she would never put herself or her child through anything like this ever again. The degradation of this innocent woman and her baby is appalling, yet this is a common visit house scenario. And instead of recognizing how reprehensible the
visit process has become and reversing course,
the Department of Correction actually seeks to
make it even worse for safety reasons. But I
would ask you to consider the flip side of this
woman's story in terms of safety: the effect on
the detainee who loses this precious visit. I
spoke with numerous detainees whose already
precarious psychological world was thrown into
orbit with the news that a wife or a mother could
no longer endure these degrading visits. What I
witnessed was anger, volatility and the
desperation that often leads to violence.
Instead of recognizing the beneficial effects of
these visits, these new barriers will further
harass family members and inevitably result in
fewer visits further diminishing the calming
effects of family connection, a calm that is
badly needed on Rikers Island. The answer to the
safety issue isn't always a bigger hammer.

Another lifeline for the incarcerated is
receiving a package from family. DOC is
proposing packages be sent to inmates using
preapproved vendors only. As we all know, most
of the Rikers detainees and their families are poor. If they do not have money for bail, it stands to reason they don't have Amazon accounts. Aside from being outright -- aside from being outright cruel, this new criteria will result in fewer packages being sent, further reducing vital family connection. Instead of discouraging family ties, these connections should be nurtured. At a time when Rikers is under the media spotlight and the Mayor is pledging reform, these new proposals are baffling. Where is the innovation? Earlier in the year, I was surprised and encouraged when significant reforms to solitary confinement were announced. Finally, recognition that this grueling punishment needs to be reined in. And I know just how grueling it is. When I left Rikers, I was Assistant Chief at the Otis Bantum Correctional Center, facility, which meant that I oversaw treatment at the CPSU or Bing as it's called. Each day I went to the cell of a mentally decompensated inmate and tried to make a judgment call as to the severity of self-mutilation and suicidal intent. And while
it might be argued that some of these gestures and threats were staged in a bid to get out, I would argue that there's something fundamentally wrong with a punishment that would drive any human being, for whatever reason, to cut himself, bash his head or smear himself in feces in order to escape it. Therefore, I'm very concerned that these recent encouraging reforms are now in position to be rolled back. This is a move in the wrong direction and I fear with a few more rollbacks it's business as usual. Again, where is the innovation? I think there are many ways to reduce jailhouse violence that could come from different angles. For example, why can't there be safe options for those who wish to renounce their violent gang ties and there are many that I met with who wanted out. Why can't there be incentives for good behavior? Why can't there be lesser forms of punishment than solitary confinement for minor infractions? I'm hardly suggesting, as some might say, that jail become a hug a thug day camp, but I would argue that it also doesn't need to be hell on Earth.
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As many people in this room are aware, the inmates on Rikers are routinely referred to as bodies and city property, yet they are neither. They are human beings not unlike the rest of us. They are but for the grace of God are we. Yet life can change on a dime. One drink too many, one serious error in judgment and any of us could find ourselves in the midst of a judicial nightmare. How would we want to be treated? As a body? If we were to visit a loved one, would we want to be sniffed by dogs? It seems to me that the more that you try to extinguish the few vestiges on humanity on Rikers as these proposals will do, the more inhumane the island becomes. I urge you to reject the hammer and return to meaningful innovation. Thank you.

MR. BREZENOFF: Jennifer Parish?

MS. JENNIFER PARISH: Good afternoon. My name's Jennifer Parish. I'm the Director of Criminal Justice Advocacy at the Urban Justice Center Mental Health Project and I'm also a member of the Jails Action Coalition. I urge you to reject the propose amendments to the rules.
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The Department of Correction requested these changes to reduce violence purportedly. But since proposing those changes in May 2015, has supplied no evidence that these drastic measures will actually accomplish this aim. At the meetings that, leading up to this hearing that have happened all summer and in September and October, many of you have expressed misgivings about the DOC's proposal, have asked questions that have not been answered, at least to my knowledge. And I'm quite surprised to see that the DOC is not here today providing answers to those questions. If they've been doing that privately in conversations with you, I think the public is entitled to know that and to know what data you're relying on if you're actually going to make these changes. As the body that's charged with adopting and monitoring these standards, I hope that you will not modify them without sufficient proof that the restrictions you're imposing are outweighed by the increased safety that will result. I'm not seeing any proof that these changes to the visit and package
rules are necessary. They may be expedite [sic] for DOC, but that's not a substitute for a showing that they're actually needed. The Department of Corrections is actual taking a positive step in reducing contraband currently. And that, and they're doing this without a rule change. They're subjecting their staff to routine searches as they enter facilities. And we know, from reading the papers, that those searches are actually detecting contraband and, I'm assuming, that they're also preventing other people who find out about these searches, from bringing contraband into the facilities. I would urge you to allow these staff screenings to continue; wait six months. How many more weapons are coming into the jails? See if that's had the effects needed before changing these rules, before imposing additional restrictions on incarcerated people and their families. I think many other speakers are, highlighted all the problems with the visit rules and I agree with all of them, but I want to focus, in my remarks, on the amendment, on the proposed amendment to
the exception to the seven-day release, as well as the increase of 60-day punishment. I'm deeply concerned about these rule changes, particularly because I think these changes will disproportionately affect people with mental illness who are in solitary confinement. Now, when you all enacted these solitary confinement limits, you specifically recognized the harms of solitary confinement for people with mental disabilities and made provisions that excluded people with serious mental disabilities from solitary. But we know that in reality, people with mental illness are still winding up in solitary. And at the meeting earlier this week, you referenced a report that the Board had done and I'm very glad that the Board is looking at this data because we need to be looking at that data and seeing what's actually going on. And what you found was that the people, the people that we should all be concerned about who are getting these extensions beyond 60 days in six months that most of those people and, in fact, I think the number was as high as 85 percent, were
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people who were receiving mental health treatment. And that Dr. Venters also talked about half of the people who are in solitary confinement are receiving mental health treatment. That's completely unacceptable and the Board should not go along with a rule change that's going to allow that to go even further. In fact, what the Board should really be doing is enforcing the rule that you've already written. You've told the medical providers that they can remove people from those toxic environments. And they should be working with DOC to create alternative places for people who have mental health issues and continue to violate rules can be treated and provided with programming. We're, we say that people who are in ESH housing, which is supposed to be for the most dangerous people. They're allowed seven hours out of cell. They're allowed programming. But we're not doing that for people who are the most vulnerable. We're allowing them to stay into solitary confinement and extend their stay indefinitely, claiming that they're acting out and they're being violent.
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Well, maybe they are because we've heard what those conditions do to a person, how they react to them. So we have to stop that. The Board should stand up against that. You should insist that HHC and DOC come to you with a plan of how they're going to do that. We know they're making strides with the adolescents. We know the TRU is a way that they're trying to address inappropriate behavior in a positive way and trying to at least make this experience of incarceration not be so dreadful for people and to actually try to intervene with them therapeutically. That's what has to happen. We can't be rolling back the solitary confinement reform. We need to be moving forward. Thank you.

MR. BREZENOFF: Elizabeth Gaynes?

MS. ELIZABETH GAYNES: Thanks. I'm Elizabeth Gaynes. I'm the President of the Osbourne Association. That looks so good. I really wish I had some of that. So we're an 85-year old organization. We work in Bronx, Brooklyn, Newburgh and in 20 state prisons and
seventy Rikers Island and City jails. My predecessor at Osbourne who led the association for 40 years was Austin McCormick, who was actually the Commissioner of Correction under Mayor Fiorello La Guardia, and our founder was the warden of Sing Sing a hundred years ago. I say that because our roots run deep in corrections. Our services at Rikers including discharge planning, jail base services, follow-up case management, and we're really proud of the work that we're doing together with the Department of Correction to provide more, many more meaningful programs. But a lot of Osbourne is focused on families. We run hospitality centers at seven state prisons. We run children's visiting areas in five state prisons, video visiting, visit coaching and transportation. And that's really where my heart it. But I mention it so you understand that we're actually quite well grounded in both the historic and day to day operations of secure facilities and that when I share our concerns about proposed rule changes, I can assure you
that we understand that it's complicated to run a prison or a jail. I personally have been working in corrections for 40 years. I started in 1971 following the Attica prison uprising. I was a criminal defense lawyer and a prisoner's rights lawyer during the 70s, which I have to say were the halcyon days of prisoners' rights and constitutional law. And so I've been visiting jails for a very long time in this country and in six others. And I have a clear memory of the correct-, of the creation of the minimum standards of the Board of Correction that came straight out of Attica in the 70s. Some of us are old enough to remember, the rest of you should go to school on Attica. It was called the most deadly one-day encounter between Americans since the Civil War, but it did lead to a lot of reforms, including contact visiting throughout New York City and New York State. And that's why the Board means a lot to me. You know, when I visited Rikers in '78 as an attorney, I was detained because a couple of times later, after I had gone through what was then the conveyor belt
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search, they found a bullet on the floor and thought it might be me. And they were a little worried because my detention including me being eight and a half months pregnant and I kept telling them I was going to, you know, cause a problem and mess up the count. But when they gave me my one phone call 'cause I couldn't leave, I called the Board of Correction. Like, that's who we look to. When I was in a battle of whether I could breastfeed in the visiting room, I called the Board of Correction. You guys are very important. So the specter of your lowering standards involving visiting without justification that's required by your rules, without the data that's required by logic, without the detailed explanation of how these procedures would work, I'm just concerning about the proposal and that that there's an appeal process that would include the Department of Correction. That's not why we have a Board of Correction. We have you and we need you and despite my enormous personal actual affection and respect for this Commissioner, he's the seventh
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one I've worked with pretty closely. And
standards can't rest on the progressive values of
one commissioner or even one mayor. That's why
we have you. And that's why departures have to
pass a very high bar. Of all the reasons for
changing visiting standards, please don't think
that's it brings us in line with other systems.
First of all, you're actually not even close.
The New York State prisons are 10 times better to
visit than any jail on Rikers Island. Maximum
security prisons in New York allow visiting all
day, seven days a week. They have overnight
visiting for families. Medium securities at
least have weekends and holidays. When there was
an escape at Clinton that was all over the press
and they realized that the contraband came from
employees, not visitors, state corrections didn't
try to double down and hurt visitors. They
understand that was not the source of the
problem.

I have to, with little time, say the
interest of full disclosure. I raised my
children in prison visiting rooms and been in
many, many of them. Other than in my work in state prison, I've never been fingerprinted. I've never been screened out the way that these rules would do. It's hard enough without that. And we do not need to be -- it's in writing so I'm going to give it to you -- but there's no data connecting violence to visiting, no evidence that a better search process wouldn't do the trick. It's kind of an irony, you know, New York City just decided to ban the box for people getting jobs. I'd like to see you think about banning the box for people who want to visit. They're our neighbors.

As Black Lives Matter and others concerned with police violence continue to press all over the country for expanded oversight of law enforcement agencies, New York is so fortunate to have established an independent oversight agency for our corrections department not beholden to any political interest or agenda, but committed to upholding standards that are truly the minimum a civilized society ought to accept. We ask you to continue to uphold
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standards that if they rise above the minimum accepted in Chicago and Los Angeles, if they rise above the minimum accepted in Buffalo or Ithaca, you should take pride in that and not seek to level this bloody playing field.

MR. BREZENOFF: Thank you. We're going to take a, just a brief stop in the hearing itself to conduct a bit of Board business related to the taking of testimony and input. And I'm going to entertain a motion with explanation from Judge Hamill.

JUDGE HAMILL: Yes. Good afternoon. This is my second round of going through CAPA so I wanted to make sure I fully understood how the CAPA process would work and it's my understanding that the time for submitting written public comment would close at the end of business today. Apparently, it's 30 days from the time that the rule is published. And we all understand and appreciate that these are extremely significant rule changes that we are under consideration right now. And I also understand that Commissioner Ponte intends to submit written
comments to us. It's my understanding for it to be part of the public record, the public comment period has to be open to receive those comments. At this point, we've only received a few. I've heard many of you reference that you either submitted them last night or this morning or you'd submit after speaking today. So at this time I would make a motion before my colleagues to extend the public comment period for five business days until Friday, October 23rd.

MR. BREZENOFF: Can I have a second?

MR. COHEN: Second.

MR. BREZENOFF: Any discussion? All those in favor? Carried unanimously. And with that, we can continue with the presentations.

The next three people are Kelly Grace Price, Rosan [phonetic] Johnson and Melissa Tanis.

MS. KELLY GRACE PRICE: I came prepared today. I won't be speaking off the top of my head like I did the other today. Hi. So I want to remind you that I'm Kelly Grace Price and I was a detainee on Rikers Island because I was a victim of domestic violence. I had gone to the
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police for help and because of the important
position that my batterer had with the police and
the District Attorney's Office, I was arrested,
instead of my batterer. I was charged with 324
counts of aggravated harassment against my
batterer, which is outrageous, that I eventually
had dismissed and sealed. But my experience on
Rikers Island, as I expressed the other day,
changed me considerably. And I just want to say
a few things and I brought some visual materials
for you as well. I want to remind the Board that
you have a duty, not only to the Rikers
population, but to the people of New York City as
a whole that get thrown in there on BS and need
to find a way out. You have a duty to make our
experience there as comfortable as possible and
to help us prove our innocence to the fullest
extent that we can. I want to remind you that I
was put on Rikers Island and by some stroke of
luck, I was bailed out. But had I not been
bailed out, I would have been on Rikers Island
for the two and a half years it took to get all
of those 324 charges dismissed and sealed. I
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would have had, under the new rule change
proposals regarding uniforms, I would have had to
appear in front of Judge Tandra Dawson in the
integrated domestic violence part of Manhattan
Supreme Court 27 times in my brown prison
uniform. I brought my appearance slips. I
don't, I'm, I'm sad that Judge Hamill has stepped
out because I'm sure she would recognize
appearance slips. But I brought my appearance
slips from all 27 of my appearances in front of
Judge Tandra Dawson that I would of, as a
domestic violence victim, had to have worn a
dirty brown uniform, further allowing the
perception in the courtroom to be that I was
somehow the criminal and the man that beat me,
choked me until I passed out repeatedly, threw me
through a fish tank repeatedly, was the innocent
between us two. And if you don't mind, I'd just
like you to review my 27 court appearance slips.
I, I can't imagine having to appear as a victim
in that suit 27 times in front of Judge Dawson.
I also want to remind you that I'm not the only
victim that finds herself in the Rose M. Singer
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Center. Statistics from the DOJ show that 75 percent of the women at Rose M. Singer are domestic violence survivors. Of those survivors, we know from the Jane Doe v. City of New York and Benny Santiago federal complaint filed this year in May in the Southern District of New York that's now being held, held in the court part of the Honorable Judge Hellerstein. We know that the materials that the correction officers brought into the jail, that they gave those women that they raped, Jane Doe 1 and Jane Doe 2, we know that that contraband was part of the conspiracy of conscription that the corrections officers used to exert power over Jane Doe 1 and Jane Doe 2. And I just quickly wanted to read a little bit from the complaint to you so you get a specific idea of how pervasive the power of belongings is in a jail, especially to a victim who has nothing and needs something to cling her identity to.

On or about March 20, 2013, Santiago, Correction Officer Santiago of the New York City Corrections Department, instructed Jane Doe 2 to
meet him in the pantry area between buildings 9 and 11 at the Rose M. Singer Center. After moving Jane Doe 2 to the area near the slop sink, which was not monitored by cameras, Santiago began to kiss Jane Doe 2's neck and chest. Jane Doe 2 told him to stop. But Santiago forced her into a nearby janitor's closet, yet another area of RMSC not monitored by cameras. After leading her inside the closet, Santiago unzipped his pants, exposed his penis, and ordered Jane Doe 2 to perform oral sex on him. After a few minutes, Santiago moved Jane Doe 2 into a position in which he could have intercourse with her and he raped her. Jane Doe 2 was scared that if she tried to escape, Santiago would retaliate by reporting her for harassment. He told her that he planted, planted contraband in her room and he also said that he would order other inmates to beat her up. On or about March 30, 2013, Santiago gave John 2 contraband items. He gave her a pair pink headphones and a pink moleskin notebook. Other inmates took note of this.

So, as I mentioned, Latisha James has a
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rule change proposal in front of the Board that
specifically aims to address the climate of
sexual slavery at the Rose M. Singer Center. I
greatly urge you to consider the victims of
Rikers Island like myself. Those women, the
complaint tells us, were specifically chosen
because they were trafficking victims, they were
accused of prostitution, and they were withheld
medication and they were withheld all of their
rights on the island because, specifically, of
their status as victims. I urge you, when you
make your decisions, do not just think about the
worst of the worst and SHU or the ESU. Think
about the victims like me that were put on Rikers
Island from, through some labyrinth criminal
justice process. Think about how you're going to
help us get out of the Rose M. Singer Center
comfortably. Thank you.

MR. BREZENOFF: Thank you. Rosan
Johnson?

UNIDENTIFIED FEMALE: He's not here.

MR. BREZENOFF: He's not here? Melissa

Tanis?
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MS. MELISSA TANIS: Good afternoon.

First, I would like to thank the Board of Correction for the opportunity and the space for use to share our opinions. My name is Melissa Tanis and I speak today as a concerned individual and also as someone who has a father who's incarcerated in the State of Kentucky where the proposed changes are already enforced. When my dad was sentenced to prison, I was five years old. I went 20 years without seeing or talking to him. And because he was completely out of my life, growing up, I was unaware of how it was affecting me even though it was. Not until I was in my 20s when I first started reconnecting with my father, did I realize how much his physical absence in my life was taking a toll on me. I wrote my first letter to my dad in February of 2014 and my first visit to Kentucky State Reformatory in Lagrange, Kentucky happened shortly after. My aunt prepped me on all the visiting rules so that I was aware of what to expect. The nervousness about seeing my dad again and anxiousness that I would end up doing
or saying something or wearing something that was wrong coupled that nervousness. When I imagine what our reunion would be like, I pictured something like you would see in the movies, sappy background music playing in slow motion as we ran towards each other and embraced each other right at the climax of the song. I pictured it this way because I knew that it was a huge moment in my life and needless to say, I was a little disappointed. When I finally made it into the visiting room, there he was sitting at a table in the right hand corner. I walked up to him, but I remembered the words my aunt had told me, they allowed a brief hug in the beginning and the end. I didn't know what constituted brief, but I didn't want to ruin the visit by trying to figure that out. I wanted the embrace to feel like it gave justice to the situation. A brief embrace at the beginning of the visit could not embody the years of lost connection and the beauty of redemption that needed to be conveyed in that moment. And at every visit since then, I have felt the same way. What I need from my parent as
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an adult cannot be accomplished with such
restrictions. The ambiguity of brief instills a
fear in me that I am at risk of doing something
wrong. What constitutes brief is left up to how
the people working that day decide to define it.
Therefore, leaving me with no standard of what is
accepted and no way to ease at least part of the
anxiety that comes with a visit to a prison or a
jail. I am left to internalize that embracing my
parent is not an openly accepted form of
expression and is something that could lead me to
be reprimanded or asked to leave. Therefore,
what is meant to be an act of love and a much
needed avenue to receive loving care is then
tainted with underlying fear.

When visitors are restricted an
unnecessary burden is placed on them and the
stigma, guilt and shame that they already feel
for having an incarcerated family member is
reinforced. As someone who has already
experienced the effects of likes of the proposed
changes at Rikers, I urge you to reconsider the
changes and the effects that they will have on
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families. No child, youth or adult should feel like hugging or making contact with their family member is wrong. In the proposed visiting changes, it is stated that the revision would expand the state law definition of permissible contact to additionally provide the inmates must be permitted to hold children under the age of nine in inmate's family throughout the visit. But I want to ask, what about children above the age of nine? What about adults like me? The need to embrace your child or your parent and your child, but the need to embrace your parent to receive their affection does not go away when you turn 10 years old or when you get older. Children with incarcerated parents need support through every stage of development and it should not stop at age nine. Teenagers need to be able to be held by their parents and feel free to embrace them as long as they need. New York prides itself on being a city that is ahead of the rest of the country. And as a non-native New Yorker and someone who moved here because I was drawn to the progressiveness of New York City, I
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ask why would we want to fall in line with everyone else? The first time I visited someone at a New York State prison, I was so happy and shocked to see that people in the visiting room were allowed to hug and kiss so openly. It reminded me that showing support and love through physical touch is not a bad thing. It is a basic human need and it needs to be encouraged, not regulated. Also, in the proposed changes, it is stated that the proposed revision would amend subsection A to state explicitly the Board's strong belief in the great value of visitation and specifically contact visitation. I thank the Board for placing a high value on family and visitation. And I ask that you stick to your values and not punish the families of the potentially thousands of innocent people on Rikers Island when not enough evidence suggests that visitors are the ones bringing in contraband, especially with new reports revealing staff members who are bringing it in. Having a family member who's incarcerated at any age is a costly burden, both financially and emotionally.
When I go to visit my dad, the greatest gift that I can receive during that time is when there is any moment, whether through laughing, telling stories, that both he and I forget that he is incarcerated. Please do not remind families of the stigma surrounding those who are incarcerated and their families by placing even more of a burden on them. Allow them to have moments in visiting where they can be and feel like family. Thank you for your time and consideration.

MR. BREZENOFF: Thank you. The next three speakers are Reverend English, Johnny Perez, and Janice Perez. I'm not sure who this is. Does that mean that none of the three individuals are here? I will leave a place for them if--

MR. JOHNNY PEREZ: I'm here.

MR. BREZENOFF: I'm sorry?

MR. PEREZ: Johnny Perez is here.

MR. BREZENOFF: Oh, please. Sorry.

MR. PEREZ: So, my name is Johnny Perez. I was incarcerated for a total of 13 years. A year and a half of that was on Rikers Island and,
you know, by not rejecting the proposed changes, you are essentially criminalizing a set of people, not because of anything that they've done or because of who they are, you know, they're only crime is loving someone who is being accused of a crime. Also, by placing restriction on those people who, who do not have family ties with people who are presently incarcerated, lest they close the door on possibility and on advocates such as myself who work directly with people who are on Rikers Island who also happens to have criminal record, who also happens to still be on parole. So being that I can't get the DOC pass the goal there and meet with people regularly through our legal system pass, I find myself having to go through the visiting process. And a lot of the clients that I work with, I'm effective in helping them because I have a criminal record. So, in a sense, being that I don't have any family ties with these folks, I would be barred from being able to connect with people during their incarceration. And as a person who also went through reentry, I cannot
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express the importance of being able to connect with the outside before you get out. You know, my reentry started about five years prior to my release. And I, I can tell you right now that those, those, not only those societal ties, but those human ties with your family are very, very important. You mentioned Janice Perez, she's my daughter. She wasn't able to make it, but she hoped to share with you the experience of having a parent while incarcerated. While I was in prison, the only thing that kept me sane in a lot of sense was the fact that I was able to connect with my family during visits. When an officer tells you, you know, calls out your name or doesn't decide not to give you toilet tissue that day or that week, you know, what keeps a person who's incarcerated insane, sane was the possibility of having something taken away from you and visits are very, very important. Not only visits, but human contact visits -- being able to hold your daughter, being able to kiss your mother. You know, there were times when I had to, you know, sit for long periods of time
just to see her for, like, a few hours, if that. 
There was one time she was, she was denied the 
visit because she wasn't dressed right. The last 
time that I, the last time that I received a 
visit from my mother while I was on Rikers 
Island, I was able to hold her hand for the 
entire visit. After that I didn't see her for 
eight years later because she couldn't afford to 
go upstate. I got sent to Clinton Dannemora. As 
far as it concerns solitary confinement -- it 
amazes how we turn to punishment as a remedy for 
vioce. No, we punishing people to each people 
not to punish people. Right? It’s like we keep 
trying to do the same thing expecting different 
results. It’s like switching seats on the 
Titanic. If you want something different, we 
have to do something completely different, you 
know. And if you want to decrease the likelihood 
of violence on Rikers Island, you know, I would 
compel you and encourage you to take a a) more 
rehabilitative approach in modifying the behavior 
of the person whose inside the cell, b) proper 
staff training to help people take a, I guess, a
therapeutic approach or response to
aggressiveness and/or (c) just shut down Rikers,
in any order that you want. I can’t, as a person
who, who works as an advocate and as a person who
also has a history of, of, who has a criminal
history, whose been in Rikers Island so on and so
forth, I can tell you that when you don’t have
anything to lose, you know, by taking away the
only thing that I do have left, really doesn’t
leave me any other option. It’s better to
incentivize people. Now, you tell a guy who has
15 years to go upstate, I’m going to take your
visit; I’m going to keep you from hugging your
child, then what else is there to lose on top of
that? And for some of us, the only thing we do
have is that one family tie, mainly our mothers
or our child who we left behind. And although
there were times when we handle our problems with
criminal solutions, it doesn’t mean that there’s
not hope for change. I’m an example of this and
I know thousands of people who are examples of
this who have taken their lives as an opportunity
to teach and raise awareness about what can
happen. But it can’t happen unless you have the
property reentry – get people the tools and
opportunity to change their lives around. I come
to you not as an advocate or, so on and so forth,
I come to you just as a human being who would
like to express to you that, that the importance
of not only strengthening family ties during
reentry, which is important, but we don’t want to
create a, we don’t want to pass regulations or
policies that increase the likelihood that people
reoffend, in prison or out of prison. I don’t
have to tell you I bought drugs from correctional
officers who then turn around and threaten to put
me in a box if I didn’t pay them on time. You
probably know that already. I don’t have to tell
you that, you know, most of the scalpels that I
see passed around on Rikers Island are brought in
by correction officers. A mother is not going to
bring her son a knife in prison. It just, it
just doesn’t happen. I have never seen it in 13
years, you know. Thank you for letting me share.
Thanks.

          MR. BREZENOFF: Thank you.
MR. COHEN: Thank you very much. Could you tell us the difference between the experience of visiting on Rikers Island and the experience of visiting in state facilities?

MR. PEREZ: Yeah, absolutely. For one, the time in admitting. On Rikers Island, I was only allowed one hour versus in the state, I was allowed about six or seven hours tops. You know, I also found that, according to my family, they were treated differently by correction officers while we enter, while going inside of Rikers versus going inside of the prison. On upstate, you have access to vending machines. You have cards to play with. There’s a child play area so you can have, so the adults can have a space to talk, have adult conversation outside of the ears of the child. On Rikers Island, there’s none of that. There’s none of that. Not only are, you know, is, is the tables spaced close together, there’s nothing to eat on the visit. You know, but also, my mother used to be very tired when she came to the visit. You know, there was one time, and I felt bad and it hurt me because at
that point I’m like, what am I putting my mother through that she’s like, I’ve been sitting here waiting for you since this morning. Right? It was 8:00 at night. And she was, she wasn’t able to use the bathroom. She was holding her, her bowels because she was afraid that either she would not be able to go on the visit or be denied the visit and, and then I would go upstate and then she wouldn’t know when’s the next time -- she didn’t know where Clinton was. I didn’t know where Clinton was, you know, to, to, and then, you know, so when you talk about what the difference is, there’s not a whole lot of differences. There are some inhumanities in both of them, but the way in which people are treated and, you know, being seen as a human, you know, is very, very effective in helping me turn my life around and change my life around and being an active role in my family, although I’m incarcerated doesn’t mean that I also can’t be a father to my child or can’t be a son to my mother or a husband to my wife. And that’s important. We send people to prison as punishment, not for
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punishment.

MR. COHEN: Thank you.

MR. BREZENOFF: Reverend English?

UNIDENTIFIED FEMALE: What was the name?

MR. BREZENOFF: Reverend English? I was
told that he had arrived? Oh, she had arrived.

Sorry.

REVEREND QUE ENGLISH: Good afternoon.

Well, I choose to believe that we all want the
same thing here that is ultimately that our youth
and young adults don’t ever end up at Rikers nor
make prison their permanent address. While this
is what we’re moving toward, it’s important that
until we get here, the fairness, care and safety
for all mentally, as well as physically is
realize by all who have to enter into the
doorways of Rikers. So today I have faith in DOC
and BOC that they will not pursue or approve
rules changes in their current public forum and
will work to ensure that visitors are not turned
away, that denials are not arbitrary or
discriminatory and that the appeals process
cannot be allowed to take up to eight weeks. So
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safety and protection for all is key. It is, however, alarming to hear that in the five-week period, we had seven correctional employees arrested that contributed to violence and disorder, according to a New York report. So we can all agree that it is important to not only take care what’s happening outside the house, but what’s happening inside the house. So change to mistreatment, including violent mistreatment of visitors as was known of a visitor who was beaten by an officer in the central visiting house, is important, again, to take care of what’s happening on the inside. I must say that to be able to contribute to the conversation here representing New York City Round Table, as well as the New York City Criminal Justice Task Force chaired by Reverend Dr. Divine Pryor, is a great start where the doors are open for candid discussion and hopefully, ultimately, implementation of proposed changes. I do want to commend DOC for employing some of the recommendations of tightening security around the visiting process. I believe our concentration at
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this point should focus on security improvements within the existing minimum standards, which will assist with a reduction of contraband. I feel like we need to look at all the sources.

The DOC claims that the limitations are needed to reduce contraband brought into the jails, but the facts do not support this. Every official and unofficial report confirms that the primary source of contraband is staff, not visitors. And it's important to note that the increase in contrabands are related to drugs, not weapons. Moreover, the vast majority of violent incidents in Rikers do not involve smuggled contraband. The fact is that there is a lack of a connection between visit restrictions, violence reduction and reduction in weapons contraband in the jails. Current procedures are already effective in stopping contraband entering the jails through visitors. If there is a basis for concern, limitations on visits can currently be imposed, including suspending visits and requiring visits to be non-contact booth visit. There is no evidence that the proposed
limitations would reduce violence. However, what we do know is that visiting is one of the best methods for preventing violence and recidivism. Visitors provide support and important community connections and facilitate successful reentry. Suicides in jail often occur during the first days of lockup when people detained need visitors to make bail or provide critical mental and other supports. When visits go up, violence go down. The City has committed significant resources and funding toward decreasing unnecessary detention and increasing successful reentry following incarceration. Let us therefore allow the detained individual the opportunity to refuse a visit from the individuals visiting them. We understand there are circumstances where this is not possible as a result of impending danger from visitors who may have very violent offenses or warrants. This is understandable. Therefore, provisions should be made for all individuals who are receiving visits to be made aware of who that visitor is prior to them entering into the visiting room. Instead of severely restricting
visits, there are effective ways by achieving the Mayor's important goal of reducing violence, including better searches and has TSA body scanning technology and increase use of cameras.

We ask the Board of Correction to require that the Department of Correction submit to the Board a report analyzing the effectiveness of the new DOC screening measures, for example, new DOC training. The BOC should delay changing the minimum standards until they're received and review the report. However, if the BOC decides to proceed to adopt some of the DOC's proposed changes, then we urge that the process be clear and transparent. We welcome the DOC stated openness to revising the proposal based on the concerns and input of faith and community members. The following provisions are what we support: no visitors will be turned away on a first visit; the lack of a family relationship or otherwise close or intimate relationship between the inmate and the prospective visitor should not be a considered factor; denied visits must only be a last resort and the DOC should use other
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options currently at its disposal when a risk has been identified; the appeal process should not be changed. These are our recommendations. These are our concerns. Realizing that decision you make on these issues will have far reaching effect on our City, on our families, particularly black and brown that can either lend to their healing or contribute to their brokenness. They should not be caught in a web of politics, but instead, in a web of safety. We trust you will do the right thing for all. Thank you.

MR. BREZENOFF: The next three speakers are Natalie Block-Levin, Megan Crowe-Rothstein, Mik Kinkaid. Okay.

MS. NATALIE BLOCK-LEVIN: Good afternoon and thank you for your time. My name is Natalie. I'm a social work student, the daughter of a former teacher and GED administrator at Rikers, and today I'm here on behalf of the Jails Action Committee. I'm going to read a sign-on letter on behalf of 50 organizations and 34 individuals who believe that those who are incarcerated do not lose their status as humans and the point of the
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Jail minimum standards is to uphold that humanity. The proposed amendments to these, to these standards turn their backs on that. We also want to emphasize that these changes will overwhelmingly impact Black and Latino families and communities and poor people who cannot afford bail.

First, I will discuss the proposed amendments to solitary confinement. The Board of Correction should reject proposed changes to minimum standards regarding the use of solitary confinement enacted in January 2015. The Board took an important first step in passing rules that limit the maximum time any incarcerated person could be sentenced to solitary confinement. Currently, the maximum time anyone can be sentenced to solitary confinement is 30 days for a single infraction. The United Nations special report on torture has determined that anything more than 15 days of solitary confinement constitutes torture. The psychological and physical damage to individuals isolated in a cell for 22 to 24 hours a day is
well established. Subjecting incarcerated people to more torturous days of solitary confinement with no respite period will not create safer jails, but rather will likely lead to increased violence. The Department of Correction must implement a humane disciplinary system that provides incentives for positive behavior and establishes alternative sanctions that ensure jail safety while offering a therapeutic response to aggressive behavior. The Board must not allow the DOC to continue to rely on solitary confinement as a sanction for misconduct. Instead, the Board should enact tougher restrictions on its use.

I'm now going to speak about the visiting proposals. The Board must reject the proposed changes to the visiting standards. Children, family and friends who visit loved ones awaiting trial or serving a short sentence in NYC jails must be allowed to have meaningful, physical contact during visits. The proposed rules permit DOC to deny visits based on vague criteria about the dangerousness of the
incarcerated person and their visitors. They allow DOC to conduct broad investigations of visitors, including criminal record checks and to make decisions about who is a family member and what constitutes as a close intimate relationship. Allowing DOC such wide discretion would affect many people, including LGBT individuals and survivors of intimate partner violence. Over policing and criminalization of communities of color increases the likelihood that criminal records will be used to restrict or prohibit family members from visiting their incarcerated loved ones. The proposed measures require that appeals of visit, of visiting restrictions go first to DOC, rather than immediately to the Board. That is the absence of oversight. The proposed change increases the timeframe for the appeals process and unnecessarily includes DOC, which has a long history of violating visiting rules. Appeals about visit restrictions should continue to go directly to the Board for speedy resolution. DOC claims that these limitations are needed to
reduce violence and stop contraband from entering
the jails, yet they present no evidence that the
proposed limitations would accomplish these
goals. The vast majority of violent crimes and
violent incidents in the New York City jails do
not involve smuggled contraband. And the plan to
impose new restrictions on visits as a violence
reduction measure inappropriately shifts the
blame for violence in the jails away from
correction officers and their powerful union.
The fact is that there is a lack of a connection
between visit restrictions, violence reduction
and reduction in contraband in the jails.
Visitors support the mental health of those who
are incarcerated. They provide important
community connections and facilitate successful
entry, reentry. The City should be working to
improve visiting in the jails by reducing the
waiting time for visitors; improving equipment
used to conduct searches and thereby eliminating
unnecessary pat frisks; communicating visit
policies and procedures clearly; assigning
sufficient trained steady staff to visit areas;
and providing appropriate space for visitors, including children. The Board must reject the DOC's proposed rules; require DOC to revamp its cumbersome and demeaning visit process and create new rules that encourage visits and sustain family and community ties know to reduce recidivism and improve reentry outcomes.

Lastly, I'm going to talk about packages. The Board must reject proposed changes to the packages standards. DOC wants to prohibit people in New York City jails from receiving packages, except for court clothes, unless the items are purchased from an approved vendor. Family and friends will not be able to provide socks, underwear, notebooks, envelopes and other property without purchasing it new and paying for shipping. Having to repurchase that could be, could be delivered, that with which could be delivered from home would be a financial burden and hardship for many. There is no evidence that incoming packages are a significant source of weapons that cannot be detected by DOC searches. The proposed restrictions on packages are
unlikely to reduce violence, but will be an extreme unnecessary hardship for incarcerated individuals, most of whom are pre-trial detainees who are incarcerated due to their inability to pay bail and their families and friends.

In conclusion, the Board must allow its rules, which are supposed to provide protections for incarcerated people to be eroded. Must not allow -- I'm sorry. The Board should be part of improving conditions for incarcerated people, not endorsing policies that make it easier for DOC to ignore the basic needs and humanity of the people in its custody. Thank you so much for your time.

MR. BREZENOFF: Megan Crowe-Rothstein?

MS. MEGAN CROWE-ROTHSTEIN: Good afternoon. Thank you for the opportunity to testify today. My name is Megan Crowe-Rothstein. I'm the Director of Social Work for the Mental Health Project, the Urban Justice Center, and a member of the New York City Jails Action Coalition. I've been sitting here listening to incredible testimony and so just very briefly I'm here to add my voice in opposition to the
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proposed rules and highlighting that people from across the country are looking to you to uphold the rights and the dignity of people who are incarcerated in New York City. Specifically, I'm here to testify as a member of the Social Workers Against Prolonged Solitary Confinement Task Force. We are a national task force of social workers dedicated to confronting the issue of solitary confinement both on a macro level, a core mechanism of our racist and classist system of mass incarceration, and on a micro level as a practice with social workers in correctional settings actively and passively participate in, even while we are simultaneously charged with upholding human rights and dignity of all people. Our objective of the task force is to provide social workers and other mental health professionals working in solitary confinement units with a safe platform within which to explain the practical and ethical conflicts of working in these settings. We are also committed to collaborating with national social work institutions to take a unified approach or --
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sorry -- to take a unified professional stand against the use of solitary confinement. The task force is made up of social work leaders from across the country, including social workers who have or continue to work in prison and jail settings.

The practice of social work -- the practice of solitary confinement -- excuse me -- is inherently dehumanizing and in many cases constitutes torture, as you all know, documented by Juan Mendez, the U.N. Special Rapporteur on torture and other cruel, inhumane and degrading treatment or punishment. As social workers, we have an ethical duty to help people in need challenge social problems and addresses and respect the dignity and the worth of every individual. While public discourse increasingly acknowledges that solitary confinement is too often used and for way too long, we as social workers must further question any use of a practice that constitutes torture and violates a person's rights and dignity. Thus, we are concerned about the proposed changes to minimum
standards for solitary confinement. The Board and the Department of Corrections made important strides in these areas, especially in removing the youngest members, people who are incarcerated, 16, 17-year olds, and establishing the 30-day maximum. The proposed changes would be a step backward.

We also oppose the proposed changes to packages and visits. The solitary confinement, as solitary confinement exemplifies, isolating human beings does not lead to rehabilitation and instead, can be greatly harmful to individuals. Staying connected to one's family and friends on the outside gives people hope and support in them in their return to communities. And the proposed rules are far too broad in giving the Department of Correction the ability to limit who can visit a person who is incarcerated.

Similarly, the requirement of sending packages through predetermined vendors places an unnecessary and unfair burden, unfair financial burden on families of people who are incarcerated. The proposed rules misguidedly and
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unfairly punish families and community members. Any reform should support rather than restrict the communities and the communication between people who are incarcerated and their loved ones on the outside.

As social workers, we call for the humane treatment of all people who are incarcerated and end of practices that unfairly target communities of color and communities of poor folk. We ask that the Board consider reducing violence through treatment, enhanced programming and increased community connections, rather than separation and isolation.

I would also like to really briefly read a statement from a mother who is a member of the New York City Jails Action Coalition and was not able to be here today. She writes: My name is Daisy Rodriguez. My son, Samuel -- can I read quickly her statement too?

MR. BREZENOFF: We'll count this as a second one.

MS. CROWE-ROTHSTEIN: Okay. Daisy Rodriguez--
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MR. BREZENOFF: So in other words, if you keep it to a minimum we'll just--

MS. CROWE-ROTHSTEIN: It's one page.

MR. BREZENOFF: --make this another speaker.

MS. CROWE-ROTHSTEIN: Alright. Thank you. My son, Samuel, is presently at Rikers Island. As a mother and a human being, I totally disagree with the methods and the strategy you are using against our families. It is very cruel and inhumane to treat souls like they are not worth it. In God's eyes, everyone is God's children. How can you avoid more violence, more mental illness, if you are torturing and physically and emotionally --torturing both physically and emotionally all our families? We are here to support our loved ones for them to cope with the injustice from the corrections at Rikers. The system wants to keep controlling human life by restricting visits, telling families where to buy their immediate needs and prolonging solitary confinement. In this country that is supposed to have rights and freedoms, we
are seeing the opposite. We are seeing more capitalism, imperialism, instead of democracy. We need a system that would rehabilitate and educate and help our families in obtaining rights and the tools to progress in life and we cannot allow the system to re-victimize our families. We need to be treated with dignity and respect and I trust that the Board will hear our objections to these rules on behalf of our families. Thank you.

MR. BREZENOFF: Thank you. The next speaking is Mik Kincaid, who will be followed by India Rodriguez, Natalie Stiegal and Kimberly Wescott.

MR. MIK KINCAID: My name is Mik Kincaid. I actually was wondering if another speaker who has to leave at 4:00 can speak before me? Xena Grandicehlli and then I'll come up when you call her name if that's acceptable.

MR. BREZENOFF: Okay. I don't -- alright, fine.

MR. KINCAID: Thank you.

MR. BREZENOFF: Is she on the list
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because I don't see her name on the list.

MS. XENA GRANDICEHLLI: Good afternoon Board members. Thank you for having me up here. My name is Xena Grandicehlll. I'm a former incarcerated detainee on Rikers Island and I'm here to speak about your visitation changes that want to be made, as well as the fact about the isolation. When I went on Rikers Island last year, I was there for a good four to five months. And I was put in a position where I literally was ended up having to fight for my safety, even though I was beaten, not just by an inmate, but an officer, and I was raped by an inmate. They stuck me in solitary confinement. My sister came to visit me. There was a lot of back and forth between her and the correction officers. While she was sitting in the visiting room, they asked her to leave. And what sustained me a lot of the time on the island was the fact that this is the only relative I have in New York State that lives here in New York City out in Hartsdale in Westchester County. And she's what kept me going. And when they stuck me in solitary
confinement, they claimed for my safety, and I was denied that visit, I became very depressed. And I wouldn't leave the cell for nothing. They wouldn't let me have packages. They wouldn't let me have the clothing that I had with me at the time, nothing from commissary. Everything that I had to get I actually had to rely on the correction officers for. And if the correction officer felt like they had it in for you for filing a complaint for something they were doing wrong in violating your rights while you were on the island, or they just didn't want to be bothered, you didn't have it. And that goes from rec to showers to hygiene items. So there were times when, yeah, I had to scrub my own underclothes in the sink. To me, visitations are very important. It helps keep the sane, it helps keep us in contact knowing that we're loved, knowing that we're supported and knowing that we have something to look forward to when we get out. And I got out five months later due to the charges being dropped, but that one day that I was denied that visitation, it broke me down. I
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went in there without any type of mental health history. i came out with depression. and not just any depression, but what psychiatrists and mental health people would call major depression. i ended up on medication for the next six months. medication that doesn't help your body, it hurts it more than helps it. i'm saying that to say this: to put somebody in solitary confinement for a long period of time breaks them down just because you're on rikers island and you might be denied a visit. it breaks you down and makes you dehumanized. to put you in solitary confinement for more than 15 days and the stuff that you go through at the hands of officers, inmates, and being denied visits, breaks you down even further. first thing that comes to mind to people like me who go through that is they have anger issues towards staff. they realize that staff's not there to help us. the correctional staff is there to hurt us. it's cruel and unusual what we went through and there's no excuse for it. to put somebody in solitary confinement unless you've been there even for 15,
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10 days, but to put them in there for 120 days because of appeal processes and waivers and all this that they can get, I wish you guys could be on Rikers Island to see some of these people and to see what it does when a person's denied a visit because they're not immediate family according to the new rules they've implemented or just because the officers don't want to get an escort officer to let you down there. Spend a month on Rikers Island and go through that and you will realize what we go through and how we feel as detainees on the island. I just wanted to give you a little bit of my personal story and to let you know that I work with SLRP. I'm a PAC, Prison Advisory Committee member intern and movement building team member and I, and I know my colleague said SLRP oppose these changes as well. Thank you.

MR. RICHARDS: You said you was in administrative seg and you was treated as if you was in punitive seg?

MS. GRANDICEHLIL: Yes.

MR. RICHARDS: Is that your experience?
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MS. GRANIDICEHLLI: Yes.

MR. BREZENOSSOFF: So the next, the next speaker, I'm losing track here, India Rodriguez?

MS. INDIA RODRIGUEZ: Good afternoon. My name is India Rodriguez. I'm a transgender woman, social justice activist advocate, member of Sylvia Rivera Law Project, Prisoner Justice Project, which seeks to address the immediate needs of our community members in confinement. Most of our members, people initiate contact with PJP in a state of crisis, often reporting physical sexual assault by a disciplinary action, a lack of access of appropriate necessary transgender care and punitive segregation and a lack of access to programs during confinement. I stand in solidarity, not only as a transwoman, but also as a former detainee in their Rikers Island, the state prison industrial complex. Solitary confinement was instituted initially as a punitive measure to redress behavior, but its very practice has fallen short of remedying anything other than causing long-term irreparable damage. These practices don't take into account
prior mental health issues. And as a person that struggles the long-term effects of those barbaric conditions, I'll give you a personal account of practices often faced by transwomen/men in confinement. Upon finally going through the classification process, I was often encouraged or feared tactics utilized to seek protected custody on the premise of ensuring my own protection. When prodding was not enough, I was subjected to reprisal, questionable practices to justify a means to an end to me. Often in my confinement, little to no oversight was available, aggravating, deteriorating further the conditions of my confinement. Also in such a status, I was subjected and could not appropriately address/fight the unwarranted advances of officers that preyed upon me. I was subjected repeatedly to sodomy, rape, molestation, inappropriate touch and salacial [sic] acts. I was denied appropriate necessary transgender specific care or imposition of barriers and unrealistic prerequisites to care, further stripping me of my dignity, gender expression.
Today I am free, but I struggle daily with debilitating nightmares, post-traumatic stress. I'm HIV positive and struggle daily with unsurmountable emotional hurdles, traumas, impacts in direct proportion to my experiences in solitary confinement. And I fight daily to assimilate and be a productive member, sound member of society. Today I say, and I stand in solidarity, asking and requesting from you to abolish solitary confinement. This is a civilized society and it must end.

MR. BREZENOFF: Natalie Stiegal?

MS. NATALIA STIEGAL: Actually, it's Natalia. Thank you.

MR. BREZENOFF: Oh. Sorry.

MS. STIEGAL: That's alright.

MR. BREZENOFF: Sorry about that.

MS. STIEGAL: While our focus today is what is happening on Rikers Island, we should never forget that solitary confinement is a universal problem. Although there are nations that have abolished and although Amnesty International has condemned it, Amnesty
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International knows that the U.S. uses solitary confinement to an extent unequal in any other democratic country. Over 80,000 on any one day are held in isolation with 25,000 held long-term in super maximum security prisons. That's 20 to 24 hours a day confined to a cell for months, years or decades in conditions of severe social and physical isolation. Individuals in solitary confinement are deprived of all but the minimum amount of human contact, both within the prison and with those outside it. This practice violates international laws and standards, including the rights in trying the convention as torture and the international covenant on civil and political rights to be free from torture and other cruel, inhuman and degrading treatment or punishment. But I'm not just here to condemn solitary confinement and to urge it be terminated at Rikers Island. As one who has spent time on Rikers in solitary confinement, I would like to explain to all present here what solitary is and what it does. In the first place, the solitary cell is totally isolated from other prisoners and
even guards. The prisoner in solitary is at complete mercy of the guards. And I am speaking from personal experience. Short of banging on their cell doors, which inevitably bring retribution, the prisoner in solitary depends on the guards to turn on and off the cell light, to decide when to escort the prisoner to the showers, when to bring food or if to bring food, and medication as well. One more than one occasion, I was deprived of medication by the official indifference of the guards and medical personnel at Rikers. You are not provided with newspapers or reading material. There is no sunlight tin the cell. The only window is small and high, usually impossible to see out of. The cell is small and there is no communication from one to the other.

How does one end up in solitary? Well, in my case, I was 60 years old, not massive or husky as you can see, relatively short and not in my physical prime. In short, I was not a danger to other prisoners or staff. In return, they posed no danger to me. It was an arbitrary
decision by a judge when I was sentenced that landed me in solitary. I had no way to appeal the decision. My only "offense" was that I am a transgendered woman, a "crime" in the eyes of the DOC apparently. What does solitary do? When you're cut off from all humanity, from all human contact, you begin to turn within. You begin to go through a process called mental decomposition. You gradually use your apt faculties to think and reason. You sleep 18 to 20 hours a day, only waking for food and meds. Your intellectual talents wither and gradually you go mad. The percentage of prisoners in isolation who are mentally ill is astronomical. It takes a truly strong woman or man not to break and that is what the system is designed to do, to break prisoners. But it is failing.

In California, in the last five years, tens of thousands of prisoners have waged massive hunger strikes demanding the abolition of solitary confinement. They have managed to put in a place a permanent end of hostilities between different prison gangs forging unity out of the
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common oppression. They have built a strong base of support on this raised by family members and others as well. The prisoners in the most notorious of these places, Pelican Bay, have led the way in fighting on segregation once and for all.

While any positive changes to the rules governing solitary confinement at Rikers are to be welcomed and the one saving the role of bad guard to be condemned, none will be enough. I am reminded of what Malcolm X once asked, does the slave thank the master for pulling the knife in his back halfway out? No. We want it all the way out. And in the case of Rikers and every prison in the world, that means nothing less than the complete and total abolition of solitary confinement as cruel and unusual punishment.

I hope this panel will hear the voices from inside and out and bring an end to the Guantanamo in New York City that we call Rikers Island. Thank you.

MR. COHEN: So was your confinement in solitary related to your transgender status?
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MS. STIEGAL: Yes, it was, directly, yes.

MR. COHEN: And when--

MS. STIEGAL: There was no other cause.
I'm not a violent person. I didn't have a case on any violent actions in the prison. It was simply an arbitrary action based on my transgender status.

MR. COHEN: How long were you, how long were you in solitary?

MS. STIEGAL: How long was I in solitary? I was there for the duration of my sentence which was about one month.

MR. COHEN: One month. Okay. And what, okay, so, thank you.

MR. BREZENOFF: You want to know when this was?

MR. COHEN: Yeah. Was it, when was it?

MS. STIEGAL: This was in May.

MR. COHEN: This year.

MS. STIEGAL: This year, yes.

MR. COHEN: Thank you.

MR. BREZENOFF: The next speakers are
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Riley Doyle Evans, Kelsey DeAvila and Candie Hailey.

MS. KIMBERLY WESCOTT: Did you skip Kimberly Wescott?

MR. BREZENOFF: Oh, I'm sorry. Did I miss that? I'm sorry. So why don't you come on up first. Thank you.

MS. WESCOTT: Good afternoon. This testimony is presented on behalf of the Community Services Service Society, a non-profit organization serving low income New Yorkers for over 173 years. I'm Kimberly Wescott, associate counsel for CSS, where I focus on reentry issues. Because the reintegration process begins at the point of incarceration, we support programming and processes that promote effective reentry into the community. CSS voices our strong opposition to the proposed revisions to the Board of Correction's minimum standards that weaken the limitations on the use of punitive segregation that were just enacted in January of this year, as well as those that would change visiting and packages standards. We believe that these
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proposed changes would degrade the dignity and
health of persons detained at the New York City
Department of Correction facilities and
simultaneously alienate and humiliate visiting
family members attempting to preserve contacts
with their loved ones, contacts that will be
essential when the detained individuals return
home. In no uncertain terms, the safety of DOC
staff is critically important. But the proposed
regulations are counterproductive to achieving
DOC's legitimate security objectives and could
well result in increasing the rate of violence at
DOC facilities rather than decreasing.

We've included comments on this in our
written remarks on the punitive segregation side
so I'm going to, based on very powerful testimony
here, just focus my remarks on the visiting end,
just to offer some research.

The Board should reject proposed changes
to the visiting standards which further limit
children, family and friends opportunities for
physical contact while visiting loved ones
awaiting trial or serving a short sentence in New
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York City jails. It's well established that regular visits by family members not only improve the mental and emotional health of the incarcerated person, but also help support family cohesion, reduce stress among children and caregivers and improve the likelihood that the family will be able to withstand the stresses of incarceration. Studies have established that contact, particularly human, physical such as an embrace or the touch of a hand, is essential for fostering a sense of connection and combatting the alienation of persons detained from families and friends in the community. Contact strengthens bonds that help visiting family members carry on the struggle of assuming the outside obligations of the incarcerated person, such as raising children and supporting the family financially and emotionally. And helps the individual maintain relationships with children, family and friends. Continued contact with one's children goes without saying. It's crucial. Studies have shown that in the absence of regular contact, particularly young children, are
negatively affected by separation arising from incarceration of a parent and are at increased risk for developing behavioral problems and academic failure. Research also demonstrates that regular visits to a family member or loved one in jail or prison may strengthen the relationships between family members, reduce the stress levels both the persons incarcerated and those on the outside and improve mental health outcomes resulting in children reporting fewer feelings of alienation and increased levels of self-esteem.

DOC claims that the proposed rules limiting physical contact are needed to reduce violence and stop contraband from entering the jails. But there's no evidence that proposed limitations would accomplish these goals. In spite of this, the proposed changes permit DOC to deny visits based on vague criteria about the dangerousness of the incarcerated person and his or her visitors and allow DOC to conduct broad investigations of visitors, including criminal checks, criminal background checks -- forgive --
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to make decisions about exactly who falls within
the definition family member. Beyond the lack of
demonstrated efficacy of these practices, the
proliferation of the use of the background checks
on regular citizens and the collection of their
personal information violates personal privacy.
And the process is disconcerting to families and
friends and loved ones. This increased
surveillance will be piled onto a visiting
process that already tests visitors' fortitude.
 Parents and children are already subjected to a
demoralizing lack of privacy, tedious and lengthy
waits, humiliation and rude treatment by
correctional officers, visiting in crowded, noisy
and dirty facilities studies and experience show.
Such poor visitation conditions suggest a lack of
psychological safety and do not support an
enduring bond among children, family members and
parents. Allowing DOC this kind of freewheeling
and arbitrary discretion is unwarranted,
dangerous and would affect and possibly screen
out a lot of good people -- survivors of domestic
violence, anyone whose background check might
reveal even a low level or remote criminal offense. But all such individuals constitute the multifaceted support system of folks who are detained in, in correctional facilities. And it's important to maintain your, your mental health, your emotional health and promote successful reentry. So over-policing and criminalizing communities of color already subjected to dehumanizing background checks and racially disparate enforcement increases the likelihood that the resulting disparately imposed criminal record background checks will be used to restrict or prohibit family members from visiting their incarcerated loved ones.

As previously outlined, the City should work to improve visitings in the jails. It should not commit additional resources throughout the punitive paradigm of over policing families, the vast majority of whom do not visit their loved ones bearing weapons or drugs or contraband.

In closing, CSS recognizes that jails and prisons are complex institutions. Successful
removal from the general population requires
attainable goals for the individual to return to
the general population and an overall change in
correctional culture, like that which has been
demonstrated institutions that have adopted
effective communication techniques. The Board is
charged with serving as the watchdog over the DOC
and with ensuring that New Yorkers are treated
fairly and humanely by the DOC. Drafting and
urging the passage of rules that harm and work
against New Yorkers is inconsistent with that
mandate. We urge the Board to withdraw its
current proposed revisions as they concern sol-,
help me, solitary confinement, visiting
regulations and packages. Thank you for your
opportunity to comment.

MR. BREZENOFF: Riley Evans?

MR. RILEY DOYLE EVANS: Good afternoon.

My name is Riley Doyle Evans. I'm here on behalf
of Brooklyn Defender Services where I am the jail
services coordinator. I ask you to please read
through our more thorough testimony. The
testimony delivered here will be necessarily more
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general than our written comments. As noted by others, the U.N. Commission in charge of rules for the treatment of prisoners to which the U.S. is a party, recently released revisions that explicitly prohibit as torture a solitary confinement longer than 15 days and an imposition of solitary confinement upon people with mental or physical disabilities.

As a City, we are all responsible for the people in our jails. We are all responsible for torture when it is inflicted in our name. So when I speak about this issue, I use collective terms, we, us and our. However, it is you, this Board, who has been charged with making choices that reflect on all of us. Our choice is clear, we cannot, we must not permit any expansion of solitary confinement in our city jails. Anything to the contrary is an explicit and shameful acknowledgement that we condone torture in our name. The international standards do not make exceptions for any class of infraction or people, nor should we. In addition to facilitating torture, the length, the lengthening of solitary
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confinement sentences for assault on staff to 60 days and giving the Department discretion to override the seven-day reprieve will not serve the stated purposes of reducing violence. There is no evidence in the academic literature, correctional best practices or provided by the Department of Correction to suggest that longer sentences in isolation have successfully deterred or reduced on the violence. On the contrary, the evidence suggests that reducing the use of solitary improves jail safety. In the case of New York City jails, the Board's own experts, Drs. Gilligan and Lee, have advised you of this reality. If the Board permits longer sentences in isolation, it will be in direct contradiction to the evidence and international rules. It would be indefensible. The cyclical failure of harm, the cyclical failure and harm of solitary confinement will be borne out through overrides of the seven-day reprieve. Our clients in solitary confinement routinely report that they are denied basics needs like toilet tissue. They report that they do not have access to the
telephones to call their families or their attorneys. They describe an inability to access medical care. They report that they cannot get attention from mental health staff when they well up with anxiety for being made in a filthy concrete box without contact with other human beings for long periods of time. In order to get access to these basic needs our clients must resort to small protests like holding open the slot through which they are fed or flooding their cell. When they do, the response is routinely for the Department to send a probe team to extract the person violently from their cell and in almost all cases, the person will be infracted for resisting staff or assault on staff as a result of the extraction, leading to ever longer stays in isolation. The cycle of, this cycle of violence only escalates as people become more desperate and resentful of their conditions. Some individuals who feel their only agency lies in an act of disobedience may carry this sentiment with them into the general population. The harm of solitary confinement
reverberates through an entire system.

During a Board meeting just a few days ago, Dr. Venters described the many of the individuals who are the subjects of overrides after 60 days in solitary confinement were held over for infractions that did not involve actual violence, but rather threats or gestures. He also reported that more than 89 percent of the overrides received mental health treatment and more than 50 percent of the people in isolation overall suffer from mental health conditions which are exacerbated by isolation, leading to the very behavior that keeps them there. This report is a good indication of the circumstances in which the proposed overrides to the seven-day reprieve would be used and who would be subjected to them. These individuals would be subjected to continuous long-term isolation, not because of persistent violent acts, but because of perceived aggression directly related to their mental illness and the intersection with isolation. The escalation of immense and horrifying self-harm, cell fires and desperation in GRVC 12 Main before
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it was shuttered this year should be foretelling of the consequences when isolation is the only response to difficult behavior. After all, the same population, including some of the very same individuals who are housed there are now the subject of 60-day overrides and will be denied a seven-day reprieve should these rules be adopted.

At the beginning of this year, the Department established enhanced revision housing unit to more securely house those they claimed were the most dangerous people in the system. They utilized tens of millions of dollars from the Mayor's mental health budget to do so. The Department claimed they needed this tool to end reliance on long-term solitary. Now the Department claims that there are individuals who must be housed in long-term 23-hour isolation in order to keep the jail safe. If not to house this population, why were these units created? Why weren't mental health funds utilized to develop therapeutic interventions for people trapped in the cycle of isolation and mental illness? The Board must reject any expansion of
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solitary confinement and redirect focus to exploring lasting, humane responses to violence.

Due process protections for the enhanced supervision housing should be strengthened and not diminished. Despite the fact that ESH placements are indeterminate, the proposed rules would permit the Department to return someone to ESH without procedural review of their present behavior, relying solely on a finding that may be months or years old. Moreover, if this restrictive unit is not being utilized to complete the mission for which the Board approved its establishment or if the unit has not shown effective in reducing violence, the Board should not allow for its continued operation.

The proposed restrictions on visiting and packages are unwarranted and should be rejected. It is patently unjust to punish hundreds of thousands of innocent New Yorkers when they have nothing to do with contraband smuggling. The Department has provided no information suggesting that visitation or packages are a significant source of contraband
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smuggling or why existing searches of packages
before and after visits are inadequate to control
contraband through those points of entry.
Meanwhile, several DOC officers have been
arrested brazenly smuggling weapons in the last
few weeks.

The proposed rules would provide the
Department with unbridled discretion to deny
visits. The rules as drafted provide no guidance
whatsoever as to how information would be
gathered about incarcerated people and their
families, from where, by whom, how different
characteristics would be weighed when determining
whether to deny a visit, when such an evaluation
would take place and at what level of staff a
determination would be made. Also unclear is how
potential, how a potential denial of a visit is
actually related to any risk whatsoever of
contraband smuggling or violence. Is there any
incident of smuggling or violence that the
Department can point to that their, as of now and
defined, screening system would have anticipated
and prevented? The proposed rule is
inappropriate for a jail setting. When individuals in the jail are placed in restrictive punitive settings, there is supposed to be a direct connection to behavior in the jail. They may not be deprived of fundamental rights on a preventative basis. Similarly, visiting is a fundamental right and there must be a nexus to actual behavior during a visit before such a deprivation is imposed. Current rules already allow for limitations on visits when a demonstrated risk is identified. As the Board considers this traumatic increase in discretion for the Department, we encourage you to remember rulemaking for the ESH. The Department apparently convinced you that placements in this unit would be narrowly tailored to capture the most dangerous people in the jails. Now the Department tells you this unit is not made for that population. Please do not make the same mistake twice. Do not lend your trust to a department which has not earned it. The conspicuous absence of the Commissioner--

MR. BREZENOFF: You've really gone over.
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Mr. Evans: This is the last point.

Mr. Brezenoff: You're very far over.

Mr. Evans: My apologies. The conspicuous absence of the Commissioner at today's hearing is shameful and embarrassing. It's embarrassing because it's an indication of how seriously the Department takes the Board and its minimum standards. It's shameful because it reveals that the Department doesn't take seriously the harm it inflicts on people through solitary confinement and isolation from their families. The Department didn't even show up to listen to the concerns of the public to defend their own proposals because they are indefensible. If this Board adopts these rules, you should be equally ashamed and embarrassed because you will have shown all of us that your role is merely to wield the rubberstamp. Thank you.

Mr. Brezenoff: Kelsey DeAvila?

Ms. Kelsey DeAvila: Hi. My name is Kelsey DeAvila. I'm a social worker at Brooklyn Defender Services. I'd like to start off by
sharing a bit of a client that I visit weekly at the Rose M. Singer Center. Her name is Rhonda and she's been on Rikers Island for two months now. Rhonda is 24 years old and this is the first time she's been incarcerated. Her first week on the island, she cried every day. Rhonda comes from a low income family in Brooklyn and doesn't have much of a support system besides her mother and 10-year old sister. Rhonda's story is not different or unique to the thousands of other people incarcerated. Rhonda uses her visits as checkpoints to tell herself that she's made it another week, as reminders that she's strong enough to get through this, and lastly, it's her one, her one hour where she can physically touch and feel the support of her family. Rhonda's mom commits herself to visiting her daughter every week. It's a two-hour commute from her apartment in Brooklyn to Rikers and another two-hour commute back. She does it unconditionally because she knows how much her daughter needs it. When her mom visits, she brings Rhonda's 10-year old sister. At first, Rhonda was hesitant about
having her baby sister see her, but it's the baby sister herself who begs and convinces her mom to take her. Right now, Rhonda's mom faces a criminal charge. Under the DOC proposal, the criteria to limit or deny visits includes any pending criminal charges. While the proposed rule states that such, such factors alone shall not form the sole basis for the Department's final determination, there is no language describing how these or other factors would be weighed when determining whether to deny a visit. If these rules were to be approved, Rhonda's only visitor could potentially be denied. Her little sister would also not be able to visit because it's their mother who she depends on. As the current language stands, it's open to too much discretion and interpretation on behalf of the Department of Correction. It would prevent too many families from being able to see each other and support one another. This kind of support among loved ones is essential in the rehabilitative process in coming back to a community. These rule changes will simply divide
families even deeper in a system that's already against them. We are aware of the already horrific process families and visitors are subject to when visiting their incarcerated loved one. And the truth is the Department already has the means through existing procedure to limit and deny visits when warranted. In addition to the intrusive searches endured by family members, people who are incarcerated are subject to strip searches before and after visiting with their family. These strip, these strip searches are performed by officers precisely so that they can find weapons or other contraband not detected by manometers or other scanners. If contraband is ever recovered, the Department currently has the ability to limit visits to non-contact booth visits. If staff perform the mandated searches appropriately and effectively, these procedures should be adequate to intercept contraband smuggled during visits.

If the primary concern of the Department is reducing violence, the Department should be working with the City to establish policy that a
center and focus on the support system of those incarcerated by improving access for visitors, child-friendly visits and reforming the visit procedures in which family members are subjected. I, myself, have witnessed the emergency service unit get on the Q100 bus, escort families and begin invasive searches using the canine unit, all before anyone can ask what is going on. There's something fundamentally wrong when this is how parents, spouses, grandparents, children and friends are greeted when coming to Rikers Island. The current process already discourage people from visiting the island and making visits, and making visits more difficult and the main physical contact will only discourage more family members from visiting, causing further isolation and desperation among the incarcerated population thereby fermenting further violence.

Not that long ago, the Visit Working Group was established to address these exact issues. We have yet to finalize a report of our progress and findings and we need to be given that chance before you ultimately take away the
rights of visitors. In the short time we've been meeting, we've already made our recommendations when it comes to security. Infrastructure is a serious issue on the island. People being released from the jails are sent to the central visit building where they are to pass through the lines of people waiting to come in.

Package procedures are different for each building. And, in fact, each facility has their own set of rules that makes it difficult for communication and consistency between officer staff and visitors. We don't need evasive and harmful rule changes. We need to actually implement and follow through on the ones already set in place.

During these Visit Working Group meetings, I, along with other members, have requested specific data related to the number and specific type of contraband recovered during visits in order to better understand the scope of the problem from the perspective of the Department, but no such data has been provided. The Board should not be able to support DOC's
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proposal simply based off the Department's belief that there has been no data or evidence-based documentation. The Board should be requesting this data and should be allowed to review before such a harmful rule change is accepted. There needs to be transparency into which to what is going on so we can better refocus on the real issues.

I'd also like to discuss the proposal concerning packages. Family and friends would not be able to provide socks, underwear, notebooks, envelopes and other property without purchasing it new and paying for shipping. Having to repurchase could be del-, having to repurchase what could be delivered from home will be a financial hardship for many. I work with incarcerated people every day and we're putting, we're already getting several reports that packages are being denied or sent back because they include such items. We have hearings and voting process for a reason and yet the Department undermines the Board's own existence by disregarding this entire process altogether.
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We have these systems for checks and balances for a reason and by the Department denying packages to our clients, speak to the larger issue of communication and transparency. The absence of Commissioner Ponte and senior staff shows a great disrespect, disrespect to the people of this City who are being greatly impacted by the changes he and his staff are proposing. Families matter. Those incarcerated matter. And the simple fact that I even have to explain that shows how behind we've become.

Last night, I attended the National Association of Social Workers annual meeting and our guest speaker was New York City's First Lady, Chirlane McCray. She spoke a great deal about her and the Mayor de Blasio's goal in making our city a global leader. Mayor de Blasio was elected by running on a progressive platform to bring real change to the City. New York City has a great opportunity to be a true leader in progressive change, but following cities like Los Angeles, we're not only going backwards, we're admitting to our own failure in being an
independent frontrunner. We need to refocus. We need to be proactive and not reactive. We need smart, comprehensive evidence-based and, most importantly, thoughtful policy changes if we want to reduce violence in our jails. We cannot approve rule changes like the one in front of you because they simply are lacking in detail substance and they provide too much discretion on behalf of the Department. You may have the support of the Department, but you don't have the support of the people. And I sincerely urge you all to not accept these rule changes, but to work together, including the Department and the de Blasio administration and, most importantly, the people of New York City in becoming an actual leader for real change. Thank you.

MR. BREZENOFF: Candie Hailey? To be followed by Brittany Knapp and Jane Stanicki.

MS. CANDIE HAILEY: Hello and good day, all. My name is Candie and I'm a bing survivor. I say survivor due to the fact that I spent over three years in solitary confinement, also known as the SHU, better known as the Bing or the Box,
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where I was dehumanized and tortured. It's an absolute miracle that I stand here before you today because I just knew solitary confinement was going to be the death of me. Please take my words into consideration for if you do, you just might save another inmate's life. After being neglected, abused, raped and ridiculed, I was eventually acquitted of all charges. The main reason I sent so long on Rikers Island was due to the officers not producing me to court. If I was in general population, then I would have had the privilege to shower, put on my trial clothes, get on the Department of Correction bus and get to court like a normal inmate. Being that I was falsely accused of assault on staff, I was placed in solitary confinement where I needed to be in full enhanced restraint, capped and escort, which means I wore a spit mask, a waist chain, mittens, shackles and had to have a captain, as well as an officer escort me to the shower, the Department of Correction bus, to court appearances, everywhere. It was bad enough that I was incarcerated for a crime that I never committed,
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but to make matters worse, Officer Ellis, an elderly woman correction officer who falsely accused me of assaulting her as a result of her writing me an infraction, also known as a ticket, I was placed in solitary confinement. After the jurisdiction captain told me, unfortunately, the camera does not work in that housing area. It's very ironic and peculiar to me that the camera did not work in the housing area, especially since it was in Building 8, a protective custody unit. How can a camera not work inside of a protective custody unit? People take for granted in life the simple things, such as bubble bath, toilet tissues and hot meals. When I was in solitary confinement, I was deprived of toilet tissue, sanitary napkins, toothpaste, toothbrush, linen, showers, recreation, religious services and medical and mental health treatment, dental treatment. I had three wisdom teeth that needed to be pulled and I was in so much pain. Even visits -- when I say visits, I mean counsel and family visits as well. At one of my visits, my youngest sister, China, and I -- at one of my
visits, my younger sister, China, and I were being watched by suicide watch officer and two floor officers as well with two cameras behind us. After the visit, my sister was told that she passed me contraband and she could not have any more visits with me. How could she pass me contraband with three officers sitting adjacent from us and two cameras as well? She did not. Eventually, I appealed the visiting ban that China was given and the in-house judge overturned the decision. When I received visits, it felt as if my soul was returning to my body. Preventing inmates from simply hugging the visitor will not prevent contraband from entering the jail and prison systems due to the fact that officers and other staff are the criminals giving the inmates contraband. When I was tortured in solitary confinement, Officer Mach [phonetic], shield number 15656, gave me a metal nail filer. Would you consider that to be contraband? On another occasion, Officer Roberson [phonetic], shield number 11774, offered me liquor out of his juice
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container that she was drinking from while on duty. She got upset when I replied, I do not drink. I strongly believe that liquor is said to be contraband. This list goes on and I could write all year about the crooked officers and other staff I've witnessed give other inmates, as well as myself contraband. But I presume that you all get my point. Just keep in mind that both officers, Mach, 15656 and Roberson, 11774 are both still employed at Rikers Island. So what changes are you really making? Every day I rot in that cell as if I tried, as I tried to commit suicide by hanging myself, overdosing on medication, swallowing industrialized cleaning powder, Nair hair remover and cutting my wrists. I asked God, why? Why me, God? You know, I'm innocent. Today, I understand exact-, absolutely why I was put in solitary confinement. Inmate 2411201778 was destined to be here today and every single day to give you my testimony and beg you to end these modern-day concentration camps called solitary confinement housing areas. Please stop the torture. The Bible reads, thou shall
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not kill. So if you are a believer, you will put an end to these death chambers once and for all. Thank you for listening and have a blessed day.

I am Candie, a solitary confin-, a solitary survivor. And here's some infractions.

JUDGE HAMILL: I have a question. First, I do just want to tell my colleagues that I, I learned of Candie at Rose and I used to go and visit her. I was also contacted by Our Children about, about her treatment. Candie, how old were you when you first came to Rikers Island?

MS. HAILEY: Twenty-eight years old.

JUDGE HAMILL: Okay. And how old are you now?

MS. HAILEY: Thirty-two years old.

JUDGE HAMILL: Alright. I want to thank you so much for coming to speak to us. And I just want to share with my colleagues. In addition to being called by Hour Children about Candie, when I would go on her particular housing unit, a lot of the other inmates would call me aside and ask to speak to me because they were
very concerned about how she was being treated so there appeared to be some independent information other than just coming from Candie. Thank you.

MS. HAILEY: Thank you. And thanks for always talking to me.

MR. BREZENOFF: Brittany Knapp.

MS. BRITTANY KNAPP: Good afternoon. My name is Brittany Knapp and I'm an art therapist. Thank you for the opportunity to speak here today. I come here today as a member of the Jails Action Coalition, in opposition to the proposed amendments to the jail minimum standards governing the use of punitive segregation, visits and packages. I will present today as a therapist evidence-based approaches which assert these proposed changes violate the psychological needs of people incarcerated in New York City jails and promote maladaptive behaviors.

I present these points through the lens of the research-based self-determination theory as outlined by psychologists Richard Ryan and Edward Deci, although there are other theories that align closely with what I'm about to speak
with about today. These theories identify three basic intrinsic human psychological needs that are essential to positive functioning and wellbeing. These include the need for competence, relatedness and autonomy. I will detail the importance of each of these basic psychological needs and help propose amendments to the jail minimum standards underlying each of them.

The first is competence. Research performed by prominent behavior psychologist Albert Bandura and Dale Schunk have shown that a sense of competence and mastery over one's own environment gives people a sense of personal control. When a person works towards and masters a task, they are satisfied with themselves and get motivated to tackle future substantial goals. The environment of solitary confinement, by its very nature, leaves no room for a person to feel competent, given little or no stimuli and the ability to set and achieve meaningful goals they set for themselves, which is proven to make positive lasting changes in behavior. For this
reason, solitary confinement is counterproductive and the requirement for seven-day respite periods should absolutely not be removed as the person must be given the ability to feel a sense of some control over their lives.

And the second would be relatedness. Extensive research by Deci and Ryan, Baumeister and Leary has found that a sense of relatedness is essential to human psychological functioning and is, perhaps, the most important element in the treatment of emotional behavior problems. Anxiety, grief, depression, loneliness, frustration and helplessness result in [unintelligible] [2:58:03] for relationship, relatedness, many of whom many people that are imprisoned have, had disruptive home lives or abusive home lives and feel less connected to their immediate families and have developed other meaningful relationships to meet this need to care for, to be cared for and to care for others. Both solitary confinement in which people are isolated from any human contact and allowing the DOC to make decisions about what constitutes a
close intimate relationship violate a person's need for relatedness and the freedom to chooses what this means to them as an individual. Research has proven that this disruption will lead to more suffering and manifest in more maladaptive and destructive behavior.

The final point I will be talking about is autonomy. Ryan, Deci and their colleagues emphasize the importance of autonomy as essential to wellbeing and motivation. A healthy sense of self or identity allows a person to feel responsible for their actions and motivated to move forward with a value that they have identified for themselves. Research has shown that an autonomy-supportive environment listens to the person's point of view, allows for personal choice, treats them with positive regard regardless of the circumstance, gives appropriate reasons for any suggestions or requests and minimizes pressure. This type of environment promotes positive behavior and life decisions, increases self-esteem and gives greater hope for long-term success in treatment. Interventions
like punitive segregation, stringent restrictions on visitation and inability to have your personal belongings and necessities rob a person of their power, identity, self-worth and autonomy. People who are incarcerated must be treated with basic human respect, have their questions and concerns acknowledged and efforts must be made to decrease their suffering. And I would also like to say that there are many possibilities and therapeutic possibilities and interventions that are proven to soothe and deescalate people that could be implemented.

The proposed amendments only increase suffering for incarcerated individuals and inevitably increase recidivism. Research has proven negative behavior will surface and perpetuate if a person's basic human and psychological needs go unmet. For these reasons, the proposed amendments will increase recidivism, make the prison environment less safe for everyone involved and increase suffering for incarcerated people. Thank you for your time.

MR. BREZENOFF: Thank you. Jane
Stanicki is next and she would have been followed by Xena Grandicehlli so at that point perhaps Mik Kincaid would come up after Ms. Stanicki.

MS. JANE STANICKI: So my name is Jane Stanicki. I'm with Hour Children and I will submit my testimony, which has to do with things we've heard a lot about today. You've heard repetition. Maybe the repetition helps underscore how broad and deep the feelings are of so many people here in the audience. And I too talk about the fact that a mother ought to be able to hold the hand of her 10-year old daughter for an extended period of time. But, I'm not going to do this. I, I'm going to talk about Candie for a moment. And Judge Hamill, one time I visited her shortly after you left and she was so happy that you actually stopped to see her. This is what I want to say and it doesn't have to do with the minimum standards, but it's terribly important.

The first time I went to visit Candie, she had been in the bing for 21 months. I saw her and we talked through the steel door, of
course, of course. And then I went to visit her again. And after the second visit, I went to the head of mental health and Singer and I asked was Candie getting mental health visits? Yes, she gets the prescribed number. She gets two, on two tours there's a mental health visit. Candie had told me that she hadn't been out of her cell. I asked him whether he ever, his people ever took Candie out of her cell for a mental health visit? No, he said, of course not. You have to have a captain, the spit mask, everything she told you. And then he said, Candie doesn't have mental health problems. She's a behavioral problem. Twenty-one months in the bing and if Candie did anything -- she occasionally acted out -- she would get another week, two weeks or 30 days. At that point, at the 21-month mark, I think she had several hundred days still "assigned" her in the bing. That is our mental health system at Rose M. Singer. I'll mention one other thing -- and by the way, every time I visited Candie, she was clean, neat, her hair was done, her clothes were clean, I don't know how. We read a book
together, not exactly together, but read the same book. I knew she read the book because we discussed it. This is a pretty amazing survival story. But look what we did. We let that happen. We just shouldn't have let that happen. I'll say one other thing about Singer. The Department of Correction does not seem to understand that women are not small men. They just aren't. They're different. The male military model of incarceration and detention is all wrong. There, Singer is not riven with day-to-day violence. It isn't. But the same rules apply. There's something wrong with the system also. Thank you.

MR. BREZENOFF: Thank you. Mik?

Alright. So there you go.

MR. KINCAID: Thank you so much. And thank you for letting me let Xena go first and I want to say thank you to everyone who has shared their stories of survival in Rikers. I know those are incredibly vulnerable stories to share and I feel very appreciative to have been in this room and listening to them. So my name is Mik
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Kincaid. I'm a staff attorney and the Director in the Prisoner Justice Project at the Sylvia River Law Project. We work with transgender and malconforming and intersex New Yorkers. And I specifically work with people who are on parole or probation, who are in the city jails, or incarcerated upstate. In addition, we started to go to the trans-housing unit once a month to teach a legal clinic and I, last Friday was the last time we went and I asked some of the folks who are inside there to tell me what they wanted me to say today. So these are included in my comments, but I wanted to make sure that they were read out loud.

One woman stated, when people come visit me I get excited. It makes me feel like I am not alone, that I matter. When I leave a visit, I am determined to do better and show up for the people who showed up for me.

Another woman said, when I get to visit, the COs know that I am loved. It says that there are people, and sometime they're the people who know nothing about me, they just know that I am
transgender and in jail, but they want to show up for me and they give me encouragement and I feel safe.

Another woman said, if you take away my visits, you take away my humanity. What person can feel loved without the love of her friends and her significant others. This woman was particularly concerned that her, her lover whom she's not legally married to would not be able to visit her because he also has a criminal history and she was very concerned about the fact that this means that she would never see her loved one again because she is facing a sentence that would bring her upstate.

During group discussions, some of the women wrote the following statement: Jail alone isn't a positive reinforcement to change your life. It's in the best interest of the people inside to have visits be more open, more easily accessed and less scary for the people who are coming to us. We don't have any programs to go to in here. We have nothing to inspire us. Visits are what link us to community and this is
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a treatment that we need and deserve. And it's true the trans-housing unit is treated as if it's a protective custody unit and so folks do not go to recreation; they do not go to religious services; they do not go to programs. They sit all day in that unit and it's a wonderful improvement on what used to happen to transgender people and, of course, there are many, many, many transgender and nonconforming endurance, that's people who are not in that unit. That unit is very, very small. But all the same, it is, it is incredibly isolating. I was locked into that unit for about three hours last Friday because I couldn't, they couldn't get me an escort and we just sat for three hours. And, I mean, it was, I was happy I got to talk to all these individuals, but they have literally nothing else to do with their time.

And a woman who was upstate sent me the following letter. She used to be in the program. She writes, I had a sister who is not a blood sister, but another transwoman. She loved me and looked after me and supported me when we were
both homeless together. She kept me safe and I kept her safe. When I got locked up, I wanted her to visit me, but I never asked her to because I knew that for her to go to the island would be too much. The nasty names that they call us, the pat downs, the humiliation, the waiting, I really needed her to be there for me, but I don't want her to go through that so I never saw her and now I won't ever see her.

So I just wanted to bring those voices today and then just quickly point out some other concerns that we mention in our statement, which we submitted. SRLP is very concerned about the fact that even though the policy now says or would say, if this rule is passed, that contact visits are very important and that the definition of family is expansive, that there is still total discretion to decide what is a close and intimate relationship. It's not defined at all and there's no information about the wait that will be placed on that. There's also information that the Department of Correction can look at trends of visiting and as several people have pointed out,
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folks who have been previously incarcerated and are now advocates and organizers are the best people to visit people who are inside to give them inspiration, to inform them about reentry programs and any, anything that might be important to and useful. And so if a person now in that role wants to visit multiple people for part of a potential program that could a trend of visitation by someone with a criminal history that could be suspicious when actually what they're doing is offering support and encouragement. And again, this has been mentioned as well, but the fact that the appeals would not go to the Department of Correction and not to the Board directly is very disturbing. That is not an impartial decision maker. That is, that is another step that would delay justice for people who have been improperly denied a visitation. And I had comments I was going to say about solitary, but I think because of India and Natalia and Xena, you've already heard so much about what it means for transgender people to be placed in solitary and the incredible harm
that happens to them. So increasing the time
that people spend in solitary is completely
inappropriate and is torturous and the fact that
there are people who leave solitary after 30 days
and still engage in behavior that is deemed to be
violent isn't surprising when you consider the
torture that they've undergone. Of course
they're still doing those behaviors because what
else have we taught them to do? So it, it's not
surprising at all and I don't think that the
solution to that is to put people into more
torturous behavior for more time. Thank you.

MR. BREZENOFF: Thank you. The next
speakers are Tyrell Muhamad, Victor Hato or Paco,
I'm not sure what the lettering is and Richard
Degan.

MR. TYRELL MUHAMAD: Good afternoon. My
name is Tyrell Muhamad. I'm with the
Correctional Association of New York. We already
submitted our written testimony. After so many
amazing people and testimony, I'm not even going
to belabor the point or be redundant. We spoke
about or heard about solitary confinement all
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day. Visitation, all day. And where I work at, I do a lot of study and research. And part of my study and research is to find out and measure what works. Empirical data shows that one of the key linchpins to reentry and successful rehabilitation is family ties, strong community ties. That's undeniable. So we're going to attack visitation and try to dismantle it or divide it in some way, then what we're saying is that we don't believe in rehabilitation. We don't believe in reentry that's successful. So I really, really would like to encourage the Board to really evaluate that. To have the Department of Corrections investigate family members to come on visits to see what type of criminal background they have -- family members just want to visit their loved ones. They're not applying for a job at Corrections. They just want to visit. If we give them that type of leeway and authority, what we're doing is we're opening up a door that's a real slippery slope. And the communities that's already affected will be more devastated. I'm not going to talk about the contraband because,
again, in my research, Department of Corrections has said in their all statistical data that 79 percent of the weapons found come from inside the facility, from their own decaying infrastructure. So, and only, I think what, 20 to 30,000 people per month visit Rikers Island. Out of that number, I think there's only three people get arrested for bringing weapons or contraband. So we are going to allow three people to affect 20 to 30,000 people. Norman Seabrook himself always says, we only have a few bad apples. But the few bad apples we don't want, we don't want them to paint a broad picture for all the correction officers. But we're doing that to our families and our loved ones. We doing that to a community who only wants to continue to have meaningful human interaction with they loved ones. This is it. When Candie spoke today, I heard from the trans-community today, many advocates today talking about the effects of solitary confinement. We in the 21st century and we're going into medieval times to address a problem? We're in a technological society where we have
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therapeutic models that work and we're not even
going to give those models a chance? We say we
are a progressive city. But we doing
unprogressive things. We have to really -- like
the brothers in the street, we have to check
ourselves because we do believe that people are
redeemable. And if that is a truth, then we have
to find methods and ways to redeem people.

The theme today was we're human beings.
We're -- the theme is that there are people who
are incarcerated. No one was born a criminal.
Sometimes circumstances and conditions and
behavior dictate a mistake that one have to live
with forever and it shouldn't be. Only
communities that affect or apply to is the Black
and Latino community. So that racial paradigm
has to be highlighted and addressed. We can't
minimize that. I looked at a program yesterday
on Fusion TV. They were talking about kids in
prison. There was one place in New Orleans that
had a white warden there. He said his population
is 100 percent Black. He said, it's like white
children don’t commit crimes. Do you, do you get
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what I'm saying? We have to be honest today because our communities are suffering. We're being over policed. We're being over incarcerated. And if we don't address that, you have a universal cry for justice in the world today. Everyone's asking for justice. And if we don't listen, they'll make a demand behind there. Thank you.

MR. BREZENOFF: So, again, apologies for the pronunciation, but Victor Paco or Pato? Ah, thank you.

MR. RAKIM: Victor had to leave. My name is Rakim.

MR. BREZENOFF: What'd he say?


MR. RAKIM: I'm the founder and secretary of general litigation and organizer with Resist Rikers. Just last week, we organized a blockade of [unintelligible] [3:16:57] and we organized that blockade because the people are sick and tired of the abuse. They're sick and tired of the fact that we come to Boards like
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this and nothing is happened, nothing is changed.  The children are still on the island. People are still being abused. The weight is still being shift. So the people are saying that we want the island shut and we know you don't have the authority to do that. We have the authority to do that. We can shut it down and we will shut it down. Next week we'll be marching out there on the 23rd and we'll shut it down again. And we know you're taking our pictures. Got 'em right here. We know you're taking our pictures, but we're taking your pictures too. That's you. We're taking your pictures too. So it don't really matter. I'm letting you know that's what we're doing and we're going to shut it down and we're going to remove the children from the island. But the only thing I think that exists in your authority as the Board is to actually do what you can do. Perhaps you can't shut the island down. That's the job of the people. And we'll be doing that. However, we have demanded the immediate and unconditional removal of all children in compliance with international law
from the island without delay, without condition
and that the man continues. However, you've
allowed Ponte to use all kinds of mechanisms to
retain the children on the island. He's, he's
used the advocate organizations to actually
fabricate boards to delay and extend the children
being on the island to justify them being there.
These child advisory boards are unacceptable to
us because all they're doing is delaying the
process. And so we're making the demand for the
immediate removal of the children. And we will
be too, we will be back on that bridge to Rikers
Island shutting it down and all roads will lead
to Rikers Island because it's a symbol of
oppression and you're not going to change it, you
know. He didn't even have to come here, Ponte
didn't have to come here. Why you do think he
didn't come here? Y'all going to rub his neck
whatever he say, you know? The international
community has condemned you. The United States
is under universal periodic review for torture
and you're still not moving. You have the
opportunity to change it. You safer should be
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ashamed of yourself 'cause of your history and
background. What do you do always voting in
favor of what Ponte's setting up? I don't
understand you. What is the problem? This is
repression. This is state direct uncut
repression. You heard what Candie said. This is
what happens every day. This is what I went
through as a child prisoner, what I went through
in those cells. You're hearing it over and over.
Why did I have to be a violent person? I had to
be a violent person to, because I had to defend
myself. I wasn't allowing myself to be raped.
That wasn't happening. So what did I do? I got
violent. And you can better believe, right, none
of those pigs gave me any of those nice little
weapons that they're giving to the gangs to
create power, power bases. Nah. And I had to do
my thing. If I had to, I would have tore it out
the wall. Nobody was abusing me as a child, but
you still have the children there. The children
are violent because they have to defend
themselves. They have to do that. If you remove
them from the island, reintegrate them, give them
the means of transforming themselves, educating themselves, advancing themselves, treat them as children, then you'll see that they're capable of actually transforming. But I don't think that's the intended purpose in this society, to be frank. I mean, it would take higher social changes to actually transform this. But within your capacity, within your purview as members of a Board that have oversight of this system, we make the demand without compromise that the children be removed. And we ask you to be in compliance, Judge, with international law. You know the law. Apply it. No person under 18 can be confined to an adult facility under the conventions of the rights of the child. Why are you allowing it to continue? And so, this is what I'm asking and this is a very simple request and the City Council agrees; you agree; the advocates here agree. Remove the children immediately. That's my only request and my only demand and we'll be back to shut down Rikers every chance. And I will be, I will be asking every organization that's upset with the
injustices that we suffer to target the island.
If, If Joe Police Officer blows out some poor
guy's head in the street, we're going to say, all
roads lead to Rikers. Shut it down 'cause those
are the institutions of repression. That's where
it's responsible. Do you read me? They're
responsible for that repression so we going to
shut it down. But right now, in your authority,
in your capacity, remove those children. That's
all I got to say.

    MR. BREZENOFF: Thank you very much.

Richard Degan?

    MR. RICHARD DEGAN: I give this to the
Board to look at.

    MR. BREZENOFF: Thank you.

    MR. DEGAN: And we will be shutting it
down. I did some research on Rikers Island. Who
was it named after? I think the Board members
should know. It's named after a very racist old
mecca who only came into the government to
purposely build prisons. The name should be
removed. Out of respect for the African-American
community. You should research who it's named
after. He was a violent racist. You probably
don't even know that and you say you're Board of
Corrections. One, you should change the name,
call it the Board of Incorrections. There's no
government agency that's correcting anything.
Just like you celebrate Christopher Columbus to
this day, this so-called Christopher Columbus Day
we say we're celebrating the Italian heritage.
Now, that is a death camp that place. That is an
island that is decimated with the stories you
just heard. Nobody should ever be in there. But
every year, you go through the budget and it gets
larger and larger. You ask where I head these
names here. We've been heard these names
criminals. I think Christopher Columbus was a
pretty big criminal, but you still have a holiday
named after him. The only criminals I see in
this room are Board members that will not shut
this place down and are probably getting nice
salaries to keep it open. And an MD, if it is a
real MD, should be shutting this down today. You
should go out when you leave this room and
dedicate the rest of your life to shut that place
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down. If you're a real MD, know what they do in these prisons. I work with political prisoners. I work with Mumia Abu-Jamal, who they're trying to kill. What they're doing to these people in Rikers Island, what they do to political prisoners around the world, but your government says we have no political prisoners. If people survive Rikers Island is because they now eventually are going to become revolutionaries because they see what this dump is really about. It's rotten to the core. I never heard one Board member apologize to any of these people. I've not even seen a tear, not a genuine tear, but you gave yourself also mortar. That's how much you care. I have been through the system too. I've been a political prisoner. I write letters to political prisoners. I write letters to Leonard Peltier. I've been doing this work for 30 years and I'm endorsing the shutdown. I'll mark it with a shutdown October, I will be there to shut it down. And other members of families will be there to shut it down. I give you a challenge. Go there in front of Rikers Island and get
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arrested with people too. If you think this is so bad that's going on, you would be like everybody else, show up with the people who are going to get arrested and get arrested with e everybody else and see in your own world what that place is like. Not from this table with your nice titles. How did you get this job in the first place? Some politician, a Democrat or a Republican. And you conned poor people to keep voting for these clown politicians who know this is going on. They know this is going on. There's been articles in Village Voice about the guards bringing in weapons and letting gangs take knives and slash each other's faces. Where is the watchdogs over this? The only guards, the criminals I see in this room, are the police unions right over here 'cause I'm doing -- we're bringing 100 families that have been killed by police. We shutting this City down for three days, but we're also going to shut down Rikers Island. I give you the challenge to come to the shut down in Washington Square on October 24th and demand you shut Rikers Island down. I want
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you to say, before I leave when my time's up, to say you're going to commit right on the record, right now in front of these people, are you going to defund and shut down Rikers Island? If you say you're not going to, this is all a scam. This is a sham. This is wasting our tax dollars. It's not about one or two kids getting out of there. No one belongs in there. But you know who wants this to keep going? The police unions. It's about dollar bills. It's about this. If that place stays open, they get another bonus, the police unions. It should be shut down. It should not be open one more day. Take everybody out of there. And you want to meet some social workers? Go up to Leonard Peltier. Go talk to people that are holistic healers for Native American nations. I was just at the Million Man March and we told people about the shutdown. I challenge you to stop being part of the Democratic Party or Republican Party. Become human beings again. Stop telling poor people to vote against their interests. Let's see, I've got one minute. So I state and I ask you to
remember these people's names. See if they will show up and shut down Rikers Island. See if they want to change the name and then get rid of the place and put the tax dollars somewhere else. They're not going to do it. This is all a show. If they do it, I'll apologize to you personally. And if I see you there any of those three days, I will come and apologize to your face and say, maybe you are for real. If I don't see you there, this is all a dog and pony show. This is just an insult to all these people that testified what's going on. And I hope you're going to be there.

MR. BREZENOFF: Thank you. Alex Lesman, to be followed by Chanel Roper and Brunilda Rivera. Alex Lesman? Oh. Maybe he'll show up. He may have gone out for a moment. Chanel Roper? Brunilda Rivera? Charlotte Pope? Ah, thank you. MS. CHARLOTTE POPE: My name is Charlotte Pope. I'm here from the Children's Defense Fund New York. I'll try to be brief and support some of the other advocates who have spoken today. So in January when the rule for
ESH was drafted by the Board, specific provisions were removed, including that those in ESH could only have booth visits, have visits with a pre-approved list of visitors and receive packages if they were brought directly from the seller. For many months, we've heard testimony that the current visiting process is demeaning and discourages visitors from returning. And many have asked that the Department instead create rules recognizing that visits help sustain family and community ties. We hope that the Board will again reject these restrictions.

To address punitive segregation. In the Department's request letter, the justification for a higher maximum sentence for assaults on staff was "to send a clear message to staff that the Department supports them." There are alternative ways to make sure staff feel supported that do not rely on retaliation or practices that have been shown to cause harm. Subjecting people to additional days of punitive segregation is not a policy which aligns with an anti-violence agenda. In November of last year,
while introducing ESH, the Commissioner said, "Enhanced housing allows the continuation of enhanced supervision for those inmates that are truly dangerous." The Department's more recent descriptions of ESH have been inconsistent with that public conversation. The seven-day release from punitive segregation was implemented to reduce the devastating impact of 23-hour isolation. We ask that the Board reject this proposal as alternatives to punitive segregation are possible and the Department has not disclosed what has been done to integrate people leaving punitive segregation.

Lastly, the proposed rule change to reduce certain due process requirements for ESH remains unclear. During the July meeting, when the Board mentioned that this rule might allow for a revolving door for ESH, the Commissioner responded, "I think there are probably other options that we could work on that would be equally effective." This response raises questions as to the necessity to this rule, especially when considered alongside reports.
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depicting problems with existing ESH due process procedures. Those reports show that there needs to be a greater supervision and monitoring of due process rather than a reduction in the requirements. We have also submitted detailed testimony so I'll stop here. Thank you.

MR. BREZENOFF: Thank you very much. Stacy Erickson? Is Stacy Erickson here? I'll make a note. And let's see who I've got here. This -- I can't make out the first name, but the last name is Ramirez from the Fortune Society? It could be Roland Ramirez? Okay? Jason Harris? Terry Hubbard after that. You are?

MR. SCOTT SMITH: My name is Scott Smith. I'm -- Terry couldn't be here so I'm reading his statement on his behalf.

MR. BREZENOFF: Okay.

MR. SMITH: Thank you. My name is Terry Hubbard and I'm a member of the Jails Action Coalition. I'm here today because I'm a human's right activist and what we are talking about today is a human rights issue. I'm also a mother who has a son who has special needs who is
incarcerated in New York. When my son was on
Rikers Island, I tried to visit as often as I
could, but the wait, it is horrendous. It can be
pretty grueling to have to wait four hours for a
one hour visit and then those inmates with
special needs have to wait for an escort so the
wait for the family can be even longer. One time
when I arrived at the facility after all the
initial lines and waiting, what usually takes an
hour to locate my son took four or five hours.
And I, I and the officer on the floor knew
something was wrong. It shouldn't take four
hours to bring someone down for a visit. I never
had a problem with searches, but I know for a
fact that there are those who are mistreated who
go to visit. My families did not visit because of
the -- many families do not visit because of
the long wait and searches, plus the very long
trip to get to the island. But not being able to
see their loved ones creates an emotional
detachment and hurts everyone. When my son went
upstate, I went through a 30-day background check
to visit him in Central New York Psychiatric
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Center. In that time, while they wanted to see if I had a criminal record, I could not see him at all and it was -- and in that time anything could happen. After applying, you have to wait for a letter of approval. Sitting and waiting for 30 days, you don't know what the outcome will be after. The fear, the fear I felt in that time waiting, I felt violated. I was in despair not knowing what the outcome was going to be. I felt that I didn't have a voice. I was at the bid of the Department of Corrections and the OMH as I waited patiently to be able to see my own child. It's difficult because not only, because not only the wait at that point in time, in those 30 days my son was stripped of his medication that he needed to survive and he couldn't let me know what he was suffering. When my older son and I were approved to visit Central New York, at Central New York we traveled all the way to the facility. When we got there, they said that they didn't have any record or computer documentation of our approval. Luckily, I had a physical copy of the letter I had received in the mail.
otherwise, I would not have gotten in at all. The information should have been in the database, but it wasn't. My older son also had a copy of a letter we had received in the mail, but even with that, they would not allow him to enter to see his brother. They gave no answer for his, for this, no response at all.

People need visits and human contact, especially those with disabilities, whether it be physical, mental or cognitive impairments, they may have substantial limitations and depression can come in even more so. I feel emotional about this. From my point of view, not being able to touch or hug my son, I don't know who to put it into words, a mother's touch. In one of the facilities I went to visit my son, there was a barrier between us. It was difficult to hug because of the barrier and the hug was very brief. When we said goodbye, he wasn't allowed to touch me or hug me to say goodbye. He could only wave his hand. From his point of view, he missed this rare opportunity for a caring human touch. He was frightened and lonely. I know he
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felt that he would never be able to hug or kiss his mom again. How could there be anything positive that comes out of denying someone that touch, that love?

The package thing I went through when my son was at Oster County and it's very heinous. There you have to order food or any clothing, anything through a catalog. It is more expensive. We had to pay shipping and handling and taxes. Many incarcerated people's families have limited funds and aren't able to afford these prices. I could only afford one package. That was it. Even to put money on an inmate's account, you have to use a debit or credit card and pay a fee. That is not economically sound for families. Imagine if someone doesn't have a credit or a debit card. Their loved ones won't be able to receive packages. When my son did get the package, he felt loved. He felt love from home and not alone. My son always asks me to send him books so he can learn to read even though he has dysgraphia and dyslexia. He loves to read. One thing he wishes he could get is, is
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his GED, but he always has had difficulty in
school. An incarcerated person may feel the love
of their family through this package. Don’t pass
this rule to limit packages to be approved
through approved vendors because it will create
an economic barrier for both the incarcerated
individual and their families and it will further
target families who are economically
disadvantages and their loved ones inside.

Lastly, I've testified before. Solitary
confinement is torture and it destroys the
individual emotionally, physically and mentally,
which can bring on post-traumatic stress
disorder, as well as other mental deficiencies.
I speak from the heart, please take a moment to
empathetically put yourself in our shoes, the
shoes of the family members who go through
visiting their loved ones, worrying about their
loved ones, saving up to pay for transportation
or packages. My son is doing okay, but he hasn't
spoken to his counselor in two months. I travel
all the way upstate once a month to take him some
food and books. These visits and small things I
can bring him are what sustain him. Don’t stop people in Rikers from having these basic rights. Thank you.

MR. BREZENOFF: Thank you. Noah Harris and then Joseph Tanzi. Noah Harris? Joseph Tanzi? I’m going to go back over those who were called and -- Alex Lesman? Chanel Roper?

UNIDENTIFIED MALE: I'll read for Ms. Roper. She's, she's not able to make it from where she is until sometime after 5:00 p.m.

MR. BREZENOFF: Oh, well, then she'll have time. We're going to be here.

UNIDENTIFIED FEMALE 1: Okay. Great.

MR. BREZENOFF: We're going to be here. Brunilda Rivera? There's got to be somebody here. Why don't we take a 10-minute break and reconvene and see who's here or who else signed up. Okay?

[OFF THE RECORD]

[ON THE RECORD]

MR. BREZENOFF: So I think some, some people who have signed up are now here. I'm going to read the names of individuals who have
been registered and were not here when their
names were called or not available. Is Alex
Lesman here? Chanel Roper?

MS. CHANEL ROPER: Yes.

MR. BREZENOFF: Okay. Please? Since
you weren't here earlier, let me repeat that
there is a time limit of six minutes, which
you're not obligated to fill, but it is six
minutes. And we will note for you a two-minute
warning, a one-minute warning and then the bell.
Okay? Which is just the sign that says, stop.
So, please.

MS. ROPER: Good evening, everyone. My
name is Chanel Roper.

JUDGE HAMILL: You have to turn the mic
on, on, I'm sorry.

MS. ROPER: On? Good evening, everyone.
My name is Chanel Roper. My sibling, Dominique
Roper, is at Rikers. I'm going to read you her
story and what she went [unintelligible]
[3:42:44].

I receive visits every week from my
mother. Visits are important because when you
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actually see a loved one or a friend come to see you, it provides a feeling of home, even though you are in this secluded place. When you are in jail, you are forced to find people in jail who share your feelings and views to serve as some kind of family. So when someone from the outside comes to visit you, you know there is actually someone on the outside world, out in the outside world who is thinking of you and that your world is still there for you when you get out. In my opinion, a phone call is not as impactful as a visit. It's not as physical.

The first time I got a visit from my mom, my sister and aunt, I was able to hug them and my mom held me. If you take that away, you just feel like an animal in a cage. Some people make mistakes and I, everyone is a criminal. If you take away visits, you take away one's hope for freedom. Having visits also let's our families feel connected to us. It is as much for them as it is for us. When I say family, I mean family and the way we all experience family. The people we consider family are not always related
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to us by blood. One of my best friends since I was young has been my brother since we were 12 years old. It's common sense that these people become family over time. It comes down to people abusing their power. My experience is that when people in jail have power, they do abuse it. Staff take care -- staff take advantage of people's insecurities and make some people a lot worse when they leave here than when they came in. If there were barriers at the visiting table, it would take away any sense of comfort and closeness. A barrier enforces a face that I'm in here away from them. I worry about my mom feeling that her baby really has been taken away from her. There are punishments -- they are punishing the visitors as much as they are punishing us. The people who come to see you go through so much to see you -- taking off their shoes, their bra, showing their underwear, changing their hair. If they go through all that, they want the visit to be worth it and not to be closed. Being held by mom reminds me that I am not alone in there, that there is someone
out there. A hug can speak in many ways. Being close throughout a visit means a lot. I can smell my mom. I love the way she smells. She makes me feel safe. The first time I saw my mother, she was able to wipe the tears away from my face. When I went back to the unit, I was happy. That touch can last for weeks.

And personally, my mother goes every week to see my sister. I don't. And the reason why is because I don't like going through that. And when someone is incarcerated, it affects everyone and I'm not justifying the behavior that gets people to go there. I'm just saying that everyone makes mistakes. And just because a person doesn't have the financial means, to get over that case, it doesn't take away the fact that people need love. They need human touch. That is what makes us human beings. So if you promote negativity in blocking the physical contact of people, you are stopping our human nature -- giving love physical. It's one thing to say, I love you, but I love you is an action word so it requires more than just moving through
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it. Thank you.

MR. BREZENOFF: Thank you very much. I'm just going to continue to read the name.

Brunilda Rivera? I think we were informed she might be here after 5:00. Stacy Erickson? Noah Harris? Joseph Tanzi? I think that's, those are the names. So we'll just hold things in a, in abeyance and see if anybody shows up. They may be coming from work and it's Friday night in New York so it takes a long time to get places. And we'll see if anybody else shows up to sign up too. So still an hour and 20 minutes to go.

[OFF THE RECORD]

[ON THE RECORD]

MR. JOSEPH TANZI: My name is Joseph Tanzi.

MR. BREZENOFF: Okay. You're on the list for sure.

MR. TANZI: And I'm a veteran. I have worked for the City, the Department of Social Services for approximately 14 and a half years. And I started out in the Division of AIDS Services. And when people didn't really even use
the word, AIDS. I, in fact, I didn't tell my family until about a year after I started working there what I was doing. I just said I worked for the Department of Social Services. Even though I did a lot of work with people coming out of incarceration and Rikers Island was, of course, the main place. I'm, I heard a lot of testimony when people, I was sitting there listening for my turn and it, I found it extremely disturbing 'cause I remember what clients, I remember my clients who came out of Rikers and I had no problems with any of them, for the most part. There was one person and he, he took it upon himself, I knew he was an active drug user, but he took it upon himself to pick up a chair, a rotating swivel chair, and throw it across the room and knock me, it landed right on my face. But do you know, after listening to all these people today on the hours that I was here -- he came up to me years later and apologized for what he had done. And, you know, I didn't really forgive him. I'm, I nodded my head and I said, thank you. But tonight, today, I really have to
say it's like I have no problem with what he did to me. I really honestly don't because after hearing person after person telling their story about their experience at -- it says up there at the Board of Correction, I don't think that Rikers really fosters correction. I mean, granted, there are people who come out and are not repeated offenders, but the police now have a system where if they use force, they have to document the use of force. Now people are, some people are happy with it, some people aren't. But I don't know if the Department of Corrections has a system like that. It just seems as though people throw people in an ungodly--

UNIDENTIFIED MALE: Solitary.

MR. TANZI: Solitary, thank you. Thank you, sir. Thank you very much. And I can't imagine anyone coming out of solitary being corrected. It doesn't seem humane. I, myself, I don't think I could, I could really hack it. You know? I don't think anybody in this audience or about younger people who are still, like, you know, when you were 20, when you're 20 you're an
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adult, but are you really an adult? I wasn't an
adult. I was in college, but I wasn't an adult.
You know? It's really things to really think
about. I hope that the Department of Corrections
probably is the toughest jobs that anybody could
possibly ever think of. I couldn't do it.
There's no way I could do it. I mean, when I
work for Department of Social Services, I had bad
days when I came in. Everybody has bad days.
You, there's not one person here that doesn't
have a bad day sometime when they get to work.
But this is a job that they're dealing with human
lives and I guess maybe sometimes it comes to be
like routine what they do or -- it seems like
they have, from all the people who testified who
were, you know, actual former, who were
incarcerated formerly. It says Department of
Correction. I really wonder how many people have
been corrected. I mean, I went recently to a
forum and Fortune Society had represented it and
a person -- I happen to be, I'm gay and I've been
out for decades. But people who come into
Rikers, some of them are not even capable of -- I
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don’t know if you can even really understand
this, maybe, I'm not saying you have to be gay or
transgender or anything like that. But if you
can understand, I went through so much. I grew
up in a very, very orthodox Catholic family,
orthodox. I mean, I came, no one uses the term
orthodox with Catholicism, but it was, it was
just very, very rigid, extremely rigid, rigid
where you would just, like, and I couldn't even
think about being gay. It was not on the, on the
above. There was just no [unintelligible]
[3:54:41]. And imagine, like, there's a lot of
people who grew up in that kind of environment of
some sort, you know, and they're incarcerated
now. And who knows who's in charge really
understands something like that? And especially
transgender people, I mean, I'm gay and there's
times I'm like, I, I feel for them and everything
like that, but I don't know what it's really like
to be a transgender person. I have friends who
are transgender persons. I have people who are,
hate to say it, that are Black that are like my
best friends from college, but I don't know what
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It's like to be a Black person. So I don't want to drag this on anymore. I know you've been hearing testimony for hours and hours and hours and I appreciate that you had this open forum and that people were here to listen. And I hope you do something, some type of reformation within the, you know, Department of Corrections will, you know, be about, be more sensitive to people's needs.

MR. BREZENOFF: Thank you very much.

MR. TANZI: Thank you very much.

JUDGE HAMILL: Is anyone else waiting to speak?

(The public board meeting concluded at 7:00.)
CERTIFICATE OF ACCURACY

I, Andrew Slawsky, certify that the foregoing transcript of the NYC Board of Corrections Public Hearing on October 16, 2015 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

Date: October 23, 2015

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