

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.]

October 16, 2015

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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2           (The public board meeting commenced at 1:13  
3 p.m.)

4                       MR. STAN BREZENHOFF: Good afternoon.

5           We are now convening the public hearing  
6 associated with the proposed rule that has been  
7 the subject of quite a lot of review and  
8 discussion since the proposed rule was first  
9 voted into the rulemaking, the rulemaking  
10 process. We have a list of individuals who have  
11 signed up thus far to, to speak and we'll be  
12 calling from that list. We anticipate that  
13 additional individuals will be signing up and  
14 that process of signing up will be open until  
15 7:00 p.m. I think there's general awareness that  
16 we are limiting individuals/speakers to a six-  
17 minute maximum. They are not obligated to speak  
18 for six minutes, but we are allowing that length  
19 of time and we will seek to strictly adhere to  
20 that limit in deference to the extensive list of  
21 individuals who wish to be, to be heard. To that  
22 end, we have someone with signs that will alert  
23 the speaker, sort of the two-minute warning,  
24 that's the NFL number, and a one-minute warning,

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2           which, I guess, is Jeopardy and then that's the  
3           hook, so stop. So let's, let's begin. The first  
4           person on the list is Emily Dindial of the  
5           Innocence Project. Is she here?

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

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

15                      MR. DERRICK CEPHAS: Derrick Cephas,  
16          Vice Chair.

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

19                      MR. BOBBY COHEN: Bobby Cohen. I'd just  
20          like to comment that, I mean, hopefully it, it  
21          may not change, but I'm disappointed that the  
22          Commissioner of Correction decided not to attend  
23          this hearing. I think we all had many questions  
24          of him and looked forward to, hopefully, him

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2           appearing at some future time before this process  
3           is over. I think, I think that the issues before  
4           us are of sufficient content and the information  
5           provided to date by the Department is of  
6           deficient content that we, we should have the  
7           opportunity question him. Thank you.

8                   MS. JENNIFER JONES AUSTIN: Jennifer  
9           Jones Austin.

10                   MR. STANLEY RICHARDS: Stanley Richards.

11                   MR. BREZENOFF: I'm afraid I'm going to  
12           have to say something about that comment. Let's  
13           be clear about the purpose of this hearing. The  
14           purpose of this hearing is to hear from the  
15           public. It's what's called for in the City  
16           rules. We've had lots of discussions with the  
17           Commissioner. The Commissioner has been at many  
18           public meetings and will be at others. But this  
19           is the forum to hear from the public and it's  
20           gratuitous to comment like that at this meeting.  
21           That's not what this hearing is about. I'm going  
22           to call two additional names so that we can have  
23           some smooth transition from speaker to speaker.  
24           Well, we've arranged some seating so no one has

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2           to stand for six minutes. So the next two  
3           speakers after the current one is Allegra  
4           Glashausser and Dr. Francis Geteles. Please.

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

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

9                   MS. DINDIAL: Got it. Hello? No?

10                  UNIDENTIFIED MALE: There you go.

11                  MS. DINDIAL: Thank you. Okay. Hi.  
12           I'm Emily Dindial. I'm a policy analyst of the  
13           Innocence Project. On behalf of the Innocence  
14           Project and the many exonerated people who have  
15           been housed in New York City jails, thank you for  
16           allowing me to testify before the Board of  
17           Correction today. The Innocence Project was  
18           founded in 1992 at the Benjamin N. Cardozo School  
19           of Law to exonerate the innocent through a post-  
20           conviction DNA testing. We regard each  
21           exoneration as an opportunity to review where the  
22           system fell short and identify ways to prevent  
23           future injustice. Our clients in New York and  
24           around the country were sustained by visits with

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2           family and friends and harmed by their  
3           experiences in solitary confinement. Of the 330  
4           DNA exonerations, nine percent pled guilty and 25  
5           percent falsely confessed to crimes they did not  
6           commit. Criminalists estimate that in well under  
7           10 percent of all criminal cases, DNA can prove  
8           guilt or innocence so we know that DNA  
9           exonerations represent only the tip of the  
10          wrongful convictions iceberg.

11           The proposed changes in many instances  
12          amount to punishments of people presumed to be  
13          innocent. Upwards of 80 percent of the Rikers  
14          population are pre-trial detainees. It also  
15          punishes their family members, many of whom are  
16          forced to be away from their loved ones solely  
17          because they cannot afford bail. There's no  
18          convincing nexus between the apparent goal of  
19          reducing violence on Rikers and the solution of  
20          restricting visitation. The proposed rules are  
21          vague -- granting too much discretion to decision  
22          makers based on imprecise criteria and minimal  
23          guidance. These measures are being explored  
24          while already robust security measures are in

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2           place. We know that detainees are at --  
3           detainees are subjected to strip searches, both  
4           prior to visits and after visits. Visitors are  
5           physically searched and required to clear several  
6           metal detectors. What we don't know is whether  
7           these changes will further reduce violence in  
8           light of existing security measures, what  
9           percentage of weapons in jail are brought in  
10          through contact visits or what other efforts  
11          could be made to reduce weapons before denying  
12          visits, something so fundamental to detainees and  
13          their families.

14                   The proposed rules give additional  
15          reasons for correction officers to deny  
16          visitations, such as lack of a family  
17          relationship, the visitor's probation or parole  
18          status or the nature of either the detainees or  
19          visitor's felony or misdemeanor convictions for  
20          the last seven years. There's no doubt that  
21          demonstrating how these factors will reduce  
22          weapons or violence in the jails or whether the  
23          criteria identified by the Board, for the  
24          purposes of evaluating visitation, are

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2           appropriate determinations. In fact, the

3           proposed rule change eliminates language meant to

4           provide a nexus between violence reduction and

5           limited visitation rights and to prevent

6           arbitrary decisions. Specifically, it removes

7           the requirement that any determination to limit

8           visitation be based on specific acts committed by

9           the visitor or inmate during a visit or on

10          specific information received and verified that

11          the visitor or inmate plans to engage in acts

12          during the visit that will threaten the safety or

13          security of the facility. It also removes the

14          requirement to provide the visitor and inmate

15          with written notification and an opportunity to

16          respond prior to any determination. The

17          elimination of these protections and the

18          development of the new rules provide an

19          opportunity to widen the net of individuals who

20          might be arbitrarily denied visits with their

21          loved ones. This policy shift, in fact, could

22          breed the very conduct it intends to prevent. By

23          denying visitation to inmates from their loved

24          ones, frustration, anger and potential violence

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2           are foreseeable and preventable possibilities.

3           Visitation fosters successful reentry for

4           detainees and has been shown to reduce and delay

5           recidivism rates. The drastic measures proposed

6           grants even more discretion to officers while

7           taking away some of the few protections for

8           detainees without any convincing support for the

9           claim that this will reduce violence. The

10          proposed rules also seek to roll back one of the

11          important positive reforms to conditions of

12          confinement in New York City jails that the Board

13          passed earlier this year, limitations on the use

14          of punitive segregation. In his testimony to

15          Congress, Anthony Graves, who was exonerated

16          through post-conviction DNA testing after serving

17          18 years on death row in Texas, including 10

18          years in solitary, called the use of solitary

19          confinement criminal torture. While in solitary,

20          he suffered from sleep deprivation and was kept

21          up by inmates who were also suffering from

22          psychological effects of extended periods of

23          isolation. He still suffers from the experience

24          today. There is extremely limited -- the reforms

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2           made last January created meaningful limitations  
3           on the practice of solitary confinement. The use  
4           of solitary confinement is widely denounced for  
5           advocates for human rights, criminal justice  
6           reform and mental health. The U.N. defines  
7           prolonged solitary confinement as torture and, if  
8           necessary, recommends a maximum use of 15  
9           consecutive days. One limitation adopted by the  
10          Board mandates seven days out of solitary after  
11          maximum of 30 days in. The rule proposed by the  
12          DOC seeks an exception to the 30-day limitation  
13          for inmates who endanger inmates, who endanger  
14          inmates or staff in any inmate sentenced to  
15          punitive segregation as a result of assault on  
16          staff. However, the current rules already  
17          provide an exception for inmates who engage in  
18          persistent acts of violence other than self-harm  
19          such that placement in enhanced supervision  
20          housing would endanger inmates or staff. The  
21          exception, the new exception proposed is so broad  
22          that it could feasibly apply to any punitive  
23          segregation sentence, including non-violent  
24          infractions and render the new limitations

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2           meaningless. The testimony we offer today is  
3           grounded in experience of our exonerated  
4           factually innocent clients and seeks to remove  
5           the reliability and maintain the integrity and  
6           legitimacy of the criminal justice system.

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

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

20                       MR. BREZENOFF: Thank you. Allegra  
21          Glashausser?

22                       MR. ALEX LESMAN: Good afternoon. In  
23          place of Allegra Glashausser, my name is Alex  
24          Lesman and I'm the secretary of the Committee on

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2           Corrections and Community Reentry at the New York

3           City Bar. Thank you for this opportunity.

4           First, the Committee opposes lowering the minimum

5           standard for visitation. We recognize that jails

6           can be violent, but when violence is spiking,

7           incarcerated people need more contact with their

8           family and friends, not less. In order to

9           encourage positive interactions and support,

10          jails should be more open to visitors. The

11          proposed rule would add several new factors by

12          which staff could restrict or ban visitors.

13          There's also a catchall clause that visitation

14          may be denied because it would pose a threat to

15          the good order of the facility. This is

16          exceedingly vague and there are no procedural

17          safeguards that would prevent staff from using

18          these factors in arbitrary or discriminatory

19          ways. Also the rule does not explain who would

20          make the decision to deny a visit and when. Then

21          there is the logistical question about

22          investigating visitor's background. How would a

23          technologically challenged department get an

24          accurate criminal history for that visitor? The

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2           rule would also alter the appeal process for  
3           visitors who have been denied or banned.

4           Inserting the Department as an intermediate  
5           arbiter before an appeal reaches the Board. This  
6           would increase the appeal process from about 14  
7           days to about 30 days, much longer than most  
8           people are detained in jail.

9                         We're also concerned that the Department  
10           has not provided information showing that  
11           visiting rooms are a significant source of  
12           weapons or that the proposed rule would have any  
13           effect on violence. Based on Department data, we  
14           can conclude that less than one percent of  
15           visitors bring weapons into jails. Making visits  
16           more difficult for the 99-plus percent of  
17           visitors who are not carrying weapons is  
18           unreasonable and runs contrary to the undisputed  
19           value of visitation. The Board should ask the  
20           Department why its current process, including the  
21           four physical and magnetometer searches a visitor  
22           goes through before entering the visiting room  
23           and the searches of inmates could not effectively  
24           find weapons.

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2                       Second, the Board should reject the  
3 proposed changes to package policies. Low income  
4 families will be burdened by having to purchase  
5 clothing and personal items new, rather than  
6 sending their loved ones items they already own.  
7 Even with the introduction of uniforms, inmates  
8 still need undergarments, hygiene items and other  
9 basic necessities. The Department has not  
10 provided data on the amount of contraband  
11 actually entering jails through packages and it  
12 is unclear why, in the 48 hours the Department is  
13 already permitted to search all packages, is  
14 insufficient.

15                      Third, the Committee vigorously opposes  
16 any modifications to the recently enacted  
17 restrictions on punitive segregation. The  
18 Department has failed to present sufficient  
19 evidence that changes are warranted. It has also  
20 failed to employ existing measures to address  
21 incidents of violence and thereby obviate the  
22 need for modifying the existing limits. The  
23 proposed changes ignore the rationale for  
24 limiting punitive segregation, which is that

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2           prolonged isolation is harmful and  
3           counterproductive for the subject person and also  
4           fails to enhance the safety of incarcerated  
5           people or staff. In our December 2014 testimony,  
6           we detailed the significant and potentially  
7           permanent mental and physical harm that can  
8           result from prolonged isolation. It is troubling  
9           that the Board might consider quickly retreating  
10          from the carefully crafted restrictions on  
11          punitive segregation so recently adopted.

12                        Regarding the seven-day rule, the three-  
13          day maximum stay in isolation and the seven-day  
14          respite are designed to limit the harm caused by  
15          prolonged isolation. Keeping people whose  
16          behavior has not improved after 30 days only  
17          increases the harm. Evidence suggests that their  
18          stay in segregation might enhance the likelihood  
19          of their committing additional violent or  
20          inappropriate acts. The more effective remedy is  
21          to separate such people from the population,  
22          provide them with meaningful programs in a more  
23          secure environment and initiate an intervention  
24          that is designed to address their behavior. The

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2           Department has failed to explain why the ESHU,  
3           designed for people with problematic behavior, is  
4           not appropriate for those that commit violent or  
5           inappropriate acts after release from punitive  
6           segregation.

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

21                        Finally, the Board should not dilute the  
22          procedural protections for placement in ESHU.  
23          The current standards for placement in ESHU lack  
24          the precision and process to guarantee the rights

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2           of those being placed. This lack of process is  
3           especially significant because there is no limit  
4           on the duration of a person's ESHU stay. The  
5           proposed amendment would permit the return of a  
6           person to ESHU with no review and weaken a  
7           standard that is already lacking meaningful  
8           protections. By contrast, the one clear  
9           directive in the proposal is that if the  
10          Department decides for any reason that a person  
11          should return to ESHU that person has absolutely  
12          no right to contest the decision.

13                   Thank you for hearing our concerns.

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

17                   DR. FRANCIS GETELES: Good morning. I'm  
18                   Dr. Francis Geteles and I'm a member of the vol-,  
19                   I'm a volunteer with Physicians for Human Rights,  
20                   as well as with the CAIC, the Campaign for  
21                   Alternatives to Isolated Confinement, which is  
22                   trying to get a reform bill passed in New York  
23                   State that would change the way solitary  
24                   confinement is done here. Last year -- first of

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2           all, last year it seemed that you did, at least  
3           in part, listen to what the public said to you  
4           and you came up with at least some important  
5           limitations on solitary confinement. But I think  
6           even these new rules that you're trying to pass  
7           are flawed and psychologically damaging. The  
8           United Nations has recently passed a new set of  
9           minimum standards for the way people in custody  
10          should be treated. And one of those specifically  
11          says that under no circumstance may restrictions  
12          or disciplinary sanctions amount to torture or  
13          other cruel or degrading treatment. The  
14          following practices are prohibited: indefinite  
15          solitary confinement and prolonged solitary  
16          confinement. Now, they've, they're definition of  
17          prolonged solitary confinement is no more than 15  
18          days and according to Juan Mendez, the U.N.  
19          rapporteur on torture, he selected that as the  
20          cutoff point because there is evidence in the  
21          literature suggesting that anything beyond that  
22          point, that that's sort of a turning point at  
23          which some of the psychological damage becomes  
24          irreversible. So if you'll look at your, the new

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2           rules you're considering where you are going to  
3           elimin-, allow the prison authorities to  
4           eliminate the seven days of release from solitary  
5           -- originally your 30 days were already in excess  
6           of what they considered torture. However, now  
7           you're allowing 120 days. And the way I'm seeing  
8           that is you're allowing the authorities to get a  
9           waiver of the seven-day release and you're  
10          allowing them to get three waivers. That then  
11          becomes 120 days in solitary confinement. And so  
12          it's like eight times the amount that it is  
13          considered approaching torture.

14                    Another one of the rules is that an  
15          individual must not be sanctioned for conduct  
16          that is considered to be a direct result of his  
17          or her mental illness or intellectual ability,  
18          yet I see nothing in your rules which, in fact,  
19          deals with assessments prior -- well, with --  
20          there's very little in your rules that involves  
21          trying to think of why is this happening; what  
22          are the conditions psychologically of the  
23          individual which may lead to undesirable  
24          behavior. And then, in connection with that, the

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2           training of the guards so they know how to deal

3           with those kinds of behaviors. We, the thing

4           that I see here is a pattern which says you deal

5           with problems by punishment and more punishment

6           and more punishment. And essentially then,

7           you're shutting out other options. You're

8           shutting out the options to incentivize better

9           behavior by positive reinforcement. You're --

10          there is very little concept here that perhaps

11          there needs to a psychological or social work

12          intervention that will help these people. So the

13          easy way out is punishment. It's so much easier

14          than doing what really needs to be done to help

15          the people. And so I'm here basically to urge

16          you not to take the easy way out and not to let

17          the guards take the easy way out because, in

18          fact, it would be so detrimental. And in that

19          connection, also, I just wanted to say that among

20          the psycho-, negative psychological effects that

21          we know or have been recorded as happening as a

22          result of solitary confinement are things like

23          increased anger, increased irritability -- and so

24          you're taking what is already volatile behavior

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2           and you're saying, we'll put them in a situation  
3           which is going to create more volatile behavior.  
4           And that doesn't make any sense to me. Thank  
5           you.

6                       MR. BREZENOFF: Thank you. Barry  
7           Campbell?

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

23                      We strongly urge this Board to reject  
24          the proposed rule changes pertaining to visiting

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2           and package policies, decline to make any

3           amendments to the due process requirements for

4           the enhanced supervision housing and do not allow

5           any exceptions to the current limitations on the

6           use of punitive segregation. For the longest --

7           I've been working at Fortune Society since 1991

8           and I've been working there. We help people come

9           out of jail and prison. And I am telling you 90

10          percent of the people that come out of Rikers

11          Island are angry. Ninety percent of the people

12          that come out of Rikers Island have some sort of

13          mental instability about them that needs to be

14          addressed. And then there's also the personal

15          feeling of that this is it for my life; I have no

16          place to go but down. And it's not true because

17          I'm living proof of that. I'm what you call a

18          systems baby -- foster home, boys' homes, jail

19          and prison. And I've turned my life around

20          completely with the help of agencies like Fortune

21          Society. And I want to urge people to think

22          about these rules and regulations under the guise

23          of the human beings that they effect. Because if

24          it's one thing that the Department of Corrections

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2           doesn't want to do and the criminal justice  
3           doesn't want to do, but seem to do all the time,  
4           is create an angrier person than when they went  
5           in there. So in a sense, you're locking up human  
6           beings and you're releasing animals and that's  
7           due to the treatment that they get while they're  
8           incarcerated.

9                        When I went into, when I first went into  
10           Rikers Island, I was about 16, 17 years old. And  
11           at that time, my whole criminal career was ahead  
12           of me. But I didn't know much about the criminal  
13           world until I went into Rikers Island and I  
14           didn't know anything about inhumane treatment  
15           until I went into Rikers Island. And I say this  
16           because when you treat somebody less than a human  
17           being and they begin to buy into that, when they  
18           come out, they will act less of a human being.  
19           And what I'm saying is I'm asking the Department  
20           of Corrections to show some compassion to the  
21           human beings that are being incarcerated because,  
22           you know, the truth be told, I'm not the worst  
23           thing that I've ever did and neither is anyone  
24           else. People make mistakes. I made a lot of

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2           mistakes when I was growing up. But the mistakes

3           that I made I shouldn't be paying for them for

4           the rest of my life. And that's what's happening

5           when people get locked up whether it's the

6           Draconian laws and barriers that exist when a

7           person's released or the way that they're treated

8           inside that affects their mental stability when

9           they are released. In some shape, form or

10          fashion, people are being affected on every level

11          when they come out, come out of incarceration.

12          And the way that the system is set up, it's set

13          up in design so that you go back to jail or

14          prison. And with all of the mass, mass

15          incarceration issues that are going around the

16          world -- the White House is talking about it, the

17          Senate is talking about it, the Governor is

18          talking about it. He just made an announcement,

19          I think it was about two weeks ago, about trying

20          to help people when they come home from jail or

21          prisons. These rules and regulations that we're

22          looking to change actually take a step back from

23          what the Governor and the rest of the world is

24          asking us to do as a society.

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2                   And what I'm asking people to do is not  
3 look at the crime of the individual, but look at  
4 the individual himself or herself and realize  
5 that that's a human being and change can happen.  
6 If that's the one thing that we're guaranteed in  
7 life is that change can happen. And if you give  
8 a person an opportunity to change in an  
9 environment that nurtures that change, then the  
10 results that you get is what's standing here  
11 before you today. Thank you for your time.

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

13                   MR. BREZENHOFF: Go ahead.

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

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2           that, how that plays out in terms of the  
3           experience of a prisoner and their families.

4                   MR. CAMPBELL: Well, it plays out like  
5           this. Most of the time when a person gets a  
6           restricted visitation, they see their family, but  
7           once they walk away from that visitation, they're  
8           even angrier when they were when they went on it  
9           because something inside them clicks that I can't  
10          touch my baby girl. I can't hug my mother. I  
11          can't kiss my wife. And those are the little  
12          things that we get in between the visitations  
13          that help keep us calm, that help us think that  
14          there's something to live for. There are people  
15          waiting for me outside. I have good people that  
16          wish nothing but good things for me. If I don't  
17          have that connection with those people, then the  
18          only thing that I have to look forward to is  
19          despair and then I become part of the problem.  
20          But if a person has hope, they look to become  
21          part of the solution. Now, as far as the seven  
22          days in between, you know, there's no way to  
23          deescalate the effects of being in solitary  
24          confinement. Let's first say that. The only way

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2           to truly fight this issue is to not have it in  
3           the first place. Isolation from other human  
4           beings is not what this world is about. Human  
5           beings need human contact. I mean, if you take a  
6           look at the world today, social media is a buzz.  
7           That's a form of human contact. And if a person  
8           doesn't get that contact, then they feel like  
9           they're an animal and they begin to behave like  
10          one. And then part turns around and he says,  
11          these people are really, they need to be isolated  
12          and kept away. It's because you've created them.  
13          You made them that way by these Draconian rules  
14          and regulations that you put into effect that  
15          don't consider the human condition. And that's  
16          what we need to consider about all of these rules  
17          and regulations that we put in place. I  
18          understand that Rikers Island needs to be safe.  
19          I understand that Rikers Island needs to be drug  
20          free. I understand that we have a problem with  
21          crime. But the biggest problem is how we treat  
22          other human beings when they do do something  
23          wrong. You know, there's something to be said  
24          about punishing somebody, but there's also

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2           something to be said when you punish somebody for  
3           the rest of their life for a mistake. It's just  
4           not right. Thank you.

5                     MR. COHEN: Thank you very much.

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

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

15                    The Board should not adopt the proposed  
16          amendments to the minimum standards with respect  
17          to visiting, packages, enhanced supervision  
18          housing and punitive segregation. This Board is  
19          charged with the authority to set minimum  
20          standards for conditions in the city jails. The  
21          Board's standards should be clear,  
22          understandable, fair, enforceable, protective of  
23          the rights of individuals and tailored to ensure  
24          humane and safe function of our city jails. The

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2           proposed amendments are not such standards. They

3           seek to reduce fairness by eliminating due

4           process protections and reducing the authority of

5           the Board to have oversight of the Department.

6           They include provisions that are contradictory.

7           They are vague, overbroad, lack clarity of

8           definition and fail to identify bases for

9           restricting rights. The proposed amendments

10          would have you impose maximum restrictions on the

11          State Constitutional right to contact visits and

12          permit intrusive and unlimited inquiries by the

13          Department into personal information about any

14          visitor to the jails, an intrusive invasion of

15          privacy that I believe is well beyond the

16          authority of the Department of Correction. The

17          Board must not make these changes which weaken

18          the Board's standards and their enforceability by

19          permitting the DOC to make decisions severely

20          restricting visiting rights ad hoc behind closed

21          doors with no notice to be, or opportunity to be

22          heard until after the decision is made and no

23          transparency as to how the decision is to be

24          made. DOC would have you return to a system that

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2           permits the tortuous use of solitary confinement,  
3           punitive segregation, without limits or other  
4           precautions. And the Department makes these  
5           requests absent any factual showing and today,  
6           literally, in their absence.

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

23                     I wanted to address punitive segregation  
24          and visitation in particular. I'll try to be

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2           quick, but I have to say that the, the wording in  
3           the proposed amendments is confusing and it makes  
4           it hard to address quickly, but I'll do my best.  
5           Punitive segregation causes serious physical,  
6           psychological and developmental harm. The Board  
7           must not pass the proposed amendments to  
8           limitations on, on this practice. The proposed  
9           amendments would decimate the reforms that were  
10          adopted just in January. They provide for  
11          exceptions to the 30-day consecutive day cap  
12          through the waivers. They increase sentences for  
13          assault on staff to 60 days and cumulatively  
14          would permit extensive and possibly unlimited  
15          consecutive sentences to punitive segregation  
16          with relief. If you can have three waivers and  
17          you can have four sentences of 30 days each,  
18          that's four months. And then they can use the  
19          waivers again. I mean, the language is just  
20          illusion. It, you can't have three waivers in  
21          four months without possibly then being able to  
22          do it again. It just doesn't limit anything.

23                        The proposed amendments state that this  
24          would only occur in highly exceptional

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2           circumstances. But saying so is no replacement  
3           for an enforceable standard that protects the  
4           individuals in our jails and there just no, is no  
5           definition. The violent infractions that can be  
6           used don't -- include many charges that aren't  
7           what we would consider violence. Drugs have  
8           been, you know, the use of drugs have been called  
9           violent in our criminal courts and they're called  
10          that in our rules and our jails and prisons as  
11          well. And so, you know, we know we have problem  
12          with drug use. We know we need to increase  
13          programing, yet we're going to let those be the  
14          violent infractions that permit maximum use of  
15          punitive segregation. It makes no sense.

16                 HHC should be involved in the programing  
17                 and in the decisions for overrides requiring  
18                 individualized planning, treatment and program  
19                 for, programming for individuals who present  
20                 management problems. And the necessity for such  
21                 standards was clearly expressed in this room on  
22                 Tuesday. Right? On Tuesday, we heard that  
23                 individuals with psychiatric disabilities are  
24                 currently being held in punitive segregation for

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2           lengthy periods of time as the recipients of the  
3           overrides. They're already available under the  
4           rules that were passed in January and that the  
5           exclusion of individuals with serious psychiatric  
6           disabilities has not eliminated punitive  
7           segregation for people with major mental illness  
8           and it was described that the clinical staff are  
9           looking for really serious symptoms, catatonia.  
10          Right? We're looking for people exhibiting  
11          active psychosis. This is not what the standards  
12          that were adopted in January were supposed to do.  
13          We were supposed to have moved beyond this and  
14          adding to it and taking back those limitations  
15          that were placed in aren't going to get you  
16          there. I see it's time. If there are any  
17          questions, I'd be happy to answer them.

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

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

24                   MR. BREZENOFF: Next is Alex Abell.

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2                   MR. ALEX ABELL: Hi. Hello, everyone.  
3           Good afternoon, members of the Board. Thank you  
4           for listening to me today in advance. My name is  
5           Alex Abell. I'm with the Urban Justice Center  
6           and I'm also a member of the Jails Action  
7           Coalition. I'm going to comment today  
8           specifically about the proposed rule changes  
9           regarding packages. But first, I want to say a  
10          quick little word in the context, not of my  
11          position at Urban Justice Center or with the  
12          Jails Action Coalition, but just as a New Yorker.  
13          I was born in Lennox Hill Hospital. I've lived  
14          here all my life, 32 years, and it's important to  
15          me being a New Yorker. It's important to me how  
16          progressive we are or how, you know, our  
17          reputation, at least, for progressiveness in  
18          comparison to the rest of the country. And I  
19          think that it's, at times, what I've noticed in  
20          the language during some of the Board of  
21          Corrections meetings, from the Department of  
22          Corrections, the language seems to reflect some  
23          level of pride in that as well. And I'm speaking  
24          recently specifically from Commissioner Ponte

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2           when he speaks about the time limits, the recent

3           changes made to solitary confinement, the

4           restrictions that are now in question today, but

5           the restrictions in the past and then abolishing

6           completely for the youth. And when he speaks

7           about it, he references how ahead of the pack we

8           are and how we're, you know, we're leading the

9           country in this way. And, "No one else is doing

10          this, but us," he says. And I think that he

11          should be proud of that. But then, a minute

12          later when discussing the visitation policies, he

13          remarks how these new visitation policies are

14          going to bring us in line with the rest of the

15          country and how this is just how everybody else

16          is doing it. And so, my question is, as a New

17          Yorker, and in general, what is our essence? Are

18          we progressive or are we, you know, just

19          progressive when we want to be, when it's

20          convenient for the Department? And that's, I, I

21          want to know what we are and I want to know what

22          you are as a Board because you are us, you know,

23          we are each other. What is our essence

24          basically? So that's my question about that.

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2                         But I wanted to speak specifically about  
3 packages, especially in the context of my  
4 position at the Urban Justice Center, which  
5 involves visiting a couple jails a week and  
6 interviewing about 40 people, all of whom are  
7 receiving mental health services. The one thing  
8 I consistently hear from these people is that  
9 there's no acc-, or one of the consistent things  
10 I hear, but one of them is that there's no access  
11 to laundry services in many of the units,  
12 especially in the mental observation units.  
13 There's no washer. There's no dryer. People in  
14 the units must wash their clothes in the sink.  
15 That is if they have a change of clothes to even,  
16 you know, wear while they're washing the other  
17 ones. And when I speak to them, you know, in an  
18 interview room, they point out the stains their  
19 clothes. I can see the stains in their clothes.  
20 They apologize to me for the way they smell and  
21 often I can smell them. Based on my anecdotal  
22 experience, and anecdotal, it's, you know, it's  
23 definitely not empirical, but I have spoke to  
24 about 1,000 people over the past nine months who

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2           are receiving mental health services so it's not  
3           a small sample size at all. Based on my  
4           experience, this is common. It's common in units  
5           for sentenced people. It's common in units for  
6           detained people whether they're given uniforms or  
7           not. And this is, as you know, in violation of  
8           the minimum standards, to not have access to  
9           these laundry facilities and not to have -- if  
10          you have a uniform, to not have it laundered.  
11          I've written to the BOC about it. Our clients  
12          have written to the BOC about it, but that's not  
13          why I'm here to say. As we know, this will not  
14          be the first violation of minimum standards at  
15          all. I mean, you know, I'm not even going to  
16          complain about that. I'm just here to com-, to  
17          say that that's a fact. Whether or not it's a  
18          minimum standard, it's a fact that people don't  
19          get their clothes washed and they don't have  
20          access to laundry services. It's the reality.

21                   The other reality is that many, many  
22          people on Rikers Island right now, as we know,  
23          are only there because they're poor. They don't  
24          have the money to make bail. Their families

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2           don't have the money to make bail. Given these

3           two realities, poverty and now, on the other

4           hand, little to no access to laundry services,

5           forcing the families of incarcerated people to

6           purchase brand new clothing only through

7           approved, approved vendors and then to have to

8           pay for the shipping would have the impact of

9           further degrading the lives of many of the

10          individuals incarcerated on Rikers Island,

11          especially those living in mental obs-, mental

12          observation units. This is absolutely

13          unnecessary as there is no evidence, none, that a

14          significant amount of dangerous weapons enters

15          the jail through incoming packages. Because

16          there is no proof that a significant number of

17          weapons entering the jail through packages, this

18          rule change will not decrease the level of

19          violence, but instead will, in effect, in

20          reality, be a rule targeting the poor. Another

21          rule targeting the poor. And it will, in effect,

22          I think, I think evidence shows result in more

23          violence, not less. I'll say that again. More

24          violence, not less. To kind of prove that, I

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2           just, I'd ask you to piggyback on the gentleman

3           who spoke earlier about the, we're talking about

4           human beings here. I would ask you just to

5           indulge me just for a moment, as human beings

6           sitting here right now, I assume everybody in

7           this room is wearing clean clothes at this

8           moment. We all put on fresh undergarments,

9           regular clothes, this morning. And you can feel

10          these things on your skin. You can smell them.

11          Smell your clothes right now. I mean, not

12          literally, but like, you know, feel your clothes

13          on the body, the way it feels on your skin. It

14          feels okay. Now imagine, okay, that the clothes

15          you have on, you've been, have not been washed in

16          days. They have not been washed in weeks even.

17          You've been sweating in them. You've been eating

18          in them. You've been sleeping in them. You've

19          used the bathroom countless times and put the

20          same clothes back on afterwards. The clothes are

21          stained on the inside and on the outs. You can

22          smell them. They stink. They itch on your skin.

23                        So, given that, how do you feel right

24          now? Do you feel calm? Do you feel at peace?

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2           Thank you. That's all.

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

6                   MS. TANYA KRUPAT: Thank you for the  
7           opportunity to speak with you today. My name is  
8           Tanya Krupat. I'm the program director at the  
9           New York Initiative for Children of Incarcerated  
10          Parents at the Osbourne Association. I and many  
11          others have come before you for the past six  
12          months to oppose the proposed changes to the  
13          minimum standards for visiting. Rather than  
14          repeat the call for data and evidence and  
15          underscore, again, the lack of any demonstrated  
16          correlation between limiting visiting and  
17          reducing violence, rather than point out the  
18          numerous reports in recent weeks about officers  
19          arrested for bringing in contraband, and visitors  
20          being mistreated, I want to tell a story.

21                   This is a story of a grandmother who  
22          became the primary caregiver of her two  
23          grandchildren when her daughter was arrested. The  
24          grandmother is in crisis. She has to ask her job

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2           for a leave of absence in hopes they will let her

3           return in a few months. She needs to register

4           for public assistance for the kids and make sure

5           that she can make medical and educational

6           decisions for them. The younger child has

7           stopped speaking because of the separation from

8           his mom. The older child, only seven, gets

9           teased at school because some of the kids found

10          out her mom was arrested. So grandma goes there

11          to work with the school to explain what is

12          happening. All the while, she fears that ACS

13          will take her children, her grandchildren. As

14          mad as grandma is at her own daughter for doing

15          what she did to get arrested, she's worried about

16          her. She loves her daughter dearly. She's

17          determined to bring the kids to visit their

18          mother at Rikers. This grandma also understands

19          how important it is to be visited because she

20          herself was incarcerated and remembers vividly

21          what visits meant to her. This grandma has a

22          boisterous, assertive, vocal and bubbly

23          personality. She is an advocate. After taking

24          the kids on two subways and then the Q100, they

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2           arrive at Rikers. They wait on a long line. The

3           four-year old starts crying. He is anxious and

4           confused. He witnessed his mother's arrest and

5           he's scared of the officers. The seven-year old

6           is questioning everything, nervous and high

7           energy. After an hour, grandma asks an officer

8           how long this will take. She's trying to figure

9           out how long the kids can last on the last snack

10          they had and whether to take them to the bathroom

11          before getting on the next line. After another

12          30 minutes, she asks again. Her tone is

13          frustrated, angry. Then the four-year old

14          crumbles. He climbs under a chair and won't get

15          out. Grandma tries her best, but the kids are

16          melting down. An officer starts to yell at her

17          to control her kids and in frustration and

18          exhaustion, she yells back and uses a curse word.

19          She argues back about not getting any help and

20          the process taking so long. Under the proposed

21          changes, the officer could decide that she's a

22          threat to the good order of the facility and deny

23          her visit. But she's lucky this time and is able

24          to somehow make it through all three searches and

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2           reach the facility, five hours after leaving her

3           home, where the exhausted children visit with

4           their mom. If the proposed changes are enacted,

5           the children are lucky they are both under nine,

6           but what if the older sister was nine or 10? She

7           would have to watch her brother sit in her mom's

8           lap and not get to. She would need to remain on

9           one side of the Plexiglas while her brother sat

10          on her mother's lap on the other. Now, this

11          grandmother also visits her own brother on Rikers

12          and his co-defendant, her cousin. Both of them

13          pre-trial and unable to afford bail. She would

14          show up on a suspicious visitor list because

15          she's deemed to be visiting too many people.

16          Then her own criminal background could come into

17          play. Based on these factors, the grandmother

18          could be denied the ability to visit, which means

19          the children lose their lifeline to their mother.

20          She appeals, but the new standards mean that she

21          could wait for two months for a response. This

22          is just one scenario based on a family that we

23          know in our programs of hundreds that are

24          possible to illustrate the deeply problematic

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2           nature of the currently proposed changes. They  
3           are too broad and operationalized, they will be  
4           arbitrary and discriminatory, unfairly punishing  
5           children and families to no benefit of the  
6           Department or the reduction of violence.

7                         We stand firm in our conviction that  
8           many important necessary improvements to security  
9           and visiting can be made within the existing  
10          minimum standards and that initiatives underway  
11          and proposed by the DOC visiting working group  
12          should be given time to work before visiting  
13          standards are changed. Thirty-four other  
14          organizations throughout the City agree and have  
15          signed a statement that was submitted to the  
16          Board this morning. Changing the standard should  
17          be a last resort. That said, any changes to the  
18          visiting standard must be specific and limit  
19          arbitrary and capricious implementation. While  
20          the current administration states its positive  
21          intent and commitment to visiting, the standards  
22          will remain in place for future interpretation.  
23          Any changes to the minimum standards must include  
24          specifying that the purpose of the Department's

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2           ability to limit or deny visits is not to do so

3           broadly, that this ability would be invoked only

4           in compelling circumstances after a careful

5           review of visiting patterns or incidents by a

6           specialized and trained unit with the approval of

7           the Commissioner. Ensuring that visitors would

8           not be turned away while a background check was

9           being conducted on them; ensuring that a

10          continuum of visiting options is considered and

11          offered with the last resort being the denial of

12          visiting. The continuum would include placing

13          visitors and the visited in proximity of an

14          officer and offering a booth visit. Requiring

15          the development and implementation of child

16          sensitive visiting options and requiring monthly

17          reporting on data, including the number of

18          children who visit, which is currently not

19          reported on. Outside of the minimum standards,

20          an immediate review and replacement of current

21          booths should be done as the booths do not allow

22          for people to see or hear each other.

23                   We call on you to reject the proposed

24                   changes to the minimum standards and to work

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2           intensively with the Department to reduce  
3           violence while safeguarding the importance of  
4           visiting and remembering the children and  
5           families in the community who want safety on the  
6           island more than anyone does. Thank you.

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

19                   UNIDENTIFIED FEMALE: Where did you get  
20          your information from? Pardon me. Where did you  
21          get your infor-, can you let me know where you  
22          got that information from?

23                   MR. COHEN: Yes. It's from, it's from  
24          the Department of Correction.

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2                   UNIDENTIFIED FEMALE:   Okay.   But where,  
3           like, exactly where, 'cause, like, the public can  
4           look that up and find out the information that  
5           you just said.

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

18                  MS. KRUPAT:   It's always been difficult  
19          so it's hard to speak of an increase.   We, we  
20          continually hear of difficulties.   We do, in  
21          terms of the booth, visits, we are increasingly  
22          hearing about the difficulty.   One of the members  
23          of the DOC visiting work group was given a tour  
24          and one of the officers actually said to her, oh,

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2           yeah, we need to poke more holes in that booth so  
3           that they can hear each other. So we are very  
4           concerned about the increase -- and also from the  
5           perspective of children. No child should ever  
6           have to see their parent behind glass. It's  
7           completely traumatic.

8                       MR. BREZENOFF: David Karopkin.

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

16                      I urge the Board to reject the rule  
17           changes under consideration today, and instead to  
18           adopt a plan for reform sixteen of my counsel  
19           colleagues have submitted. Frankly, I'm  
20           disappointed that these rule changes are even  
21           being considered over the objection of virtually  
22           everyone who commented last time. I'm especially  
23           taken aback that the version presented by the  
24           Board for public screening is nearly identical to

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2           what Commissioner Ponte submitted, almost word  
3           for word. At a time when the U.S. Department of  
4           Justice, New York City Council, medical and legal  
5           experts and countless advocates have expressed  
6           grave concerns about the systemic failures and  
7           inhumane conditions at Rikers Island. Business  
8           as usual cannot be an option. If New York City  
9           will not take the deafening calls for reform  
10          seriously, I ask that the Board do so. The  
11          Board's minimum standards should be just that,  
12          minimum standards. Instead, these rule changes  
13          will only make it easier for the DOC to ignore  
14          the basic needs and dignity of individuals in its  
15          custody. Now is not the time to rollback reform.  
16          The Board needs to take a leading role in  
17          improving jail conditions rather than weakening  
18          its rules, which are supposed to provide  
19          protection for incarcerated individuals.

20                       Specifically, on the proposal around  
21          punitive segregation, the Board reversal is  
22          perplexing. Earlier this year, the Board adopted  
23          minimum standards that set significant limits on  
24          the use of the practice and this moved New York

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2           City closer to international standards that  
3           consider more than 15 days in extreme isolated  
4           confinement as torture. We can't allow the DOC  
5           to create additional loopholes and permanent  
6           exceptions to the amount of time that individuals  
7           can be kept in such extreme confinement. Doing  
8           so would be a serious step backwards and will  
9           undermine the DOC's progress in this area.  
10          Instead, the DOC wants to implement the humane  
11          disciplinary system that does not continue to  
12          rely on solitary confinement as a sanction for  
13          misconduct.

14                    The visitation restrictions under  
15          consideration are equally problematic. Children,  
16          family, friends and other contacts must be  
17          allowed to visit incarcerated individuals whether  
18          they are awaiting trial or serving a sentence in  
19          New York City jails and they must be allowed to  
20          have meaningful physical contact during those  
21          visits. We know that such visits play an  
22          instrumental role in an individual's ability to  
23          maintain social connections, something the Board  
24          and the DOC acknowledge rightfully. And instead

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2           of implementing unnecessarily burdensome rules  
3           that will restrict visitation and demean those  
4           who wish to visit, the Board should be working to  
5           improve, encourage and facilitate visitation.

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

21                      I urge the Board to abandon these rules  
22          changes and instead focus on evidence-based steps  
23          to address the root causes of violence in New  
24          York City jails. The culture of brutality at

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2           Rikers Island calls for a dramatic policy shift  
3           as you've heard from many today. These rule  
4           changes will only exacerbate problems without  
5           addressing the underlying issues plaguing our  
6           jails. It is imperative for the Department of  
7           Correction to identify and remove corrections  
8           officers and leaders who perpetrate abuses and  
9           contribute to the influx of contraband and  
10          increase in violence and the Department of  
11          Correction must also put thought and care into  
12          designing humane rehabilitation programs guided  
13          by prison reform experts to end the DOC's  
14          reliance on punitive segregation and similar  
15          measures. Thank you for your consideration. I  
16          look forward to working with you.

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

19                   MR. BREZENOFF: Phil Desgranges.

20                   MR. PHIL DESGRANGES: My name is Phil  
21                   Desgranges. I'm a staff attorney with the New  
22                   York Civil Liberties Union. The proposed rules,  
23                   like the ones that came before them, fail to  
24                   address the core issue behind the violence at

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2           Rikers Island. Absent a reduction of the inmate  
3           population by one half or more, we will continue  
4           to see high rates of violence at Rikers. I'll  
5           offer one example that's illustrative of why such  
6           a drastic step is necessary. Last year early in  
7           August 2014, there was a riot at Rikers Island.  
8           About 30 inmates hitting each over the head with  
9           chairs and using mop handles to hit each other as  
10          well. Video surveillance captured guards  
11          standing by and watching. Afterwards, the chief  
12          of the union of the corrections union, Norman  
13          Seabrook, told the press that his guards could  
14          not do anything about it. They were outnumbered  
15          60 to 3. Significantly reducing the inmate  
16          population at Rikers Island will lead to an  
17          automate increase in the staff to inmate ratio.  
18          It would also free up physical space to have  
19          smaller and more manageable housing units. Those  
20          are two of the recommendations that the Board  
21          made several months ago that they found to be  
22          necessary for reducing the violence at Rikers.  
23          This Board is uniquely positioned to appreciate  
24          that reducing violence and evolving the culture

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2           of the agency at Rikers Island will not take  
3           place absent a significant reduction of the  
4           inmate population. And this Board should  
5           exercise its authority to propose measures to the  
6           City council, to the Mayor's office and to the  
7           Department that in the short and in the long term  
8           will lead to a reduction, a significant reduction  
9           in the population at Rikers Island.

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

18                   First, dealing with the proposed  
19           restrictions on contact visits. The cost  
20           associated with restrictions far outweighs any  
21           marginal benefits that are likely to come about.  
22           As the Board is well aware and as mentioned  
23           before, pre-trial detainees, unlike convicted in  
24           New York State, have a fundamental state due

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2           process right to maintain relationships with

3           their family and friends through contact visits.

4           Yet, if these proposed rules go into effect,

5           convicted prisoners in New York State prisons

6           will have greater access to contact visits than

7           pre-trial detainees at Rikers Island. In state

8           prisons throughout the state, inmates, convicted

9           prisoners are able to hug, kiss and embrace their

10          loved one throughout the entirety of a visit.

11          Yet that now would be ended for pre-trial

12          detainees at Rikers Island. Contraband is no

13          lesser a problem in state prisons. And these

14          restrictions and the view of the NYCLU raise

15          serious constitutional concerns. But more, more

16          to the point, they also raise serious policy

17          concerns. The fact that people who are

18          incarcerated and want to spend, you know, greater

19          time with their loved ones, show greater

20          affection to their loved ones is a threat to the

21          security, the threat to the security of the

22          facility is problem in our eyes. Instead, we

23          should be increasing that ability to share

24          affection, to share embraces and kisses. As the

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2           proposed rule states, as a policy matter, this  
3           ability to share affection actually decreases  
4           problematic behavior with people who are actually  
5           incarcerated. It also increases the likelihood  
6           of better reentry outcomes. There's a complete  
7           contradiction of saying that contact visits  
8           actually improved behavior, while at the same  
9           time seeking a restriction of those same contact  
10          visits.

11                       Turning to the proposed, the proposed  
12          authority to restrict visitation based on these  
13          status factors, as we'll call them, you know, a  
14          person being on probation, on parole or having a  
15          criminal conviction. The problem with these  
16          rules is they're so vague. There's no  
17          information about how much weight will be  
18          attributed to the fact that somebody has a  
19          criminal conviction or what other factors that  
20          are supposedly necessary to be used in  
21          conjunction with these factors, what those  
22          factors are. Instead, it's such a vague and,  
23          honestly, just bare bones proposed rule that it  
24          would lead to potential great abuse by the

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2           Department. Now, we don't doubt that the  
3           Department is intending to use their authority to  
4           strictly reduce violence at Rikers Island, but  
5           such a vague rule could either lead to further  
6           abuse, as we all know lots of abuse has already  
7           occurred at Rikers Island in the sense of  
8           correction staff, but this could actually -- I'm  
9           sorry, one minute. So that, that's the NYCLU's  
10          position on the proposed visitation restrictions.

11                   As for -- and I'll hurry up -- the  
12          proposed restrictions on, the proposed rule for  
13          60-day solitary sentence for assault on  
14          correction staff. In our view, this represents a  
15          failed, this represents a return to a failed  
16          philosophy that greater sentences in solitary  
17          will lead to greater returns. As we all know,  
18          before the reform of solitary confinement took  
19          place, the rates of contraband and the rates of  
20          violence at Rikers Island were still high. And  
21          at that time, you know, people were spending  
22          months, if not longer, at solitary confinement.  
23          There just is no evidence that greater time in  
24          solitary will lead to a greater turn in effect.

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2           And if that is the purpose behind these rules,  
3           then I think that we don't need to go about  
4           seeing it fail when we already know that this  
5           philosophy has already failed. Instead, we  
6           should be looking for alternatives to solitary  
7           confinement that would be effective routes to  
8           keep people who are potentially prone to violence  
9           or who have engaged in violence out of the  
10          general population for a small period of time  
11          until they are able to return. ESH was supposed  
12          to be that route. It obviously has not been used  
13          effectively. And I'll leave that now as I'm  
14          being told to stop. If you have any questions.

15                   MR. COHEN: Thank you.

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

19                   MS. SUSAN JACOBS: Hi. Good afternoon.  
20          Thanks for the opportunity to testify today. I'm  
21          Susan Jacobs, the Executive Director of the  
22          Center for Family Representation. We work with  
23          families in family court to provide parents at  
24          risk of losing their children to foster care with

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2           free legal assistance and social work services.

3           We are signatories on at least three letters to

4           BOC to express concern about the proposed

5           rulemaking changes to the minimum standards for

6           visiting at Rikers. I'm here today to speak more

7           particularly to the population of parents and

8           children impacted by both incarceration and

9           foster care who are doubly harmed by these

10          proposals. CFR defends parents in family court

11          and 43 percent of our clients have criminal

12          justice histories, many are incarcerated at any

13          one time, including on Rikers Island. We, since

14          2002, have served 6,000 families facing

15          separation and approximately 12,000 children in

16          New York City. The majority of our clients are

17          people of color living in poverty. Many are co-

18          involved in the criminal justice and child

19          welfare systems and have criminal justice

20          histories. The challenge to these families in

21          remaining together is compounded by their multi-

22          system involvement and the impact of rules,

23          regulations and bureaucracies which govern their

24          lives. Visiting between children and parents

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2           separated by incarceration and/or foster care is  
3           cited in the research literature as the single  
4           most important factor in whether those families  
5           can successfully reunify. And as several of my  
6           colleagues have already mentioned, I think we  
7           really need to focus on the humanity of these  
8           families and think of them as our own families.

9                        Clinical research reveals three things  
10           about visiting. First of all, meaningful and  
11           frequent visiting is the single best predictor of  
12           safe and real lasting reunification of families.  
13           Secondly, supporting a child's attachment to his  
14           or her parents through visits helps ease anxiety  
15           and confusion that often surrounds foster care  
16           and, by the way, parental incarceration because  
17           when children can see their parents often, they  
18           can make them comfortable. They can talk with  
19           the people they most need to talk about around  
20           what has happened. That's their parents. It's  
21           not officers, it's not social workers, it's not  
22           -- lord knows -- lawyers. Children also hear  
23           from their parents about what will and could  
24           happen and they can be assured when they see

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2           parents and sibling regularly. So visiting is at  
3           the heart of what we do in terms of trying to  
4           engage parents in staying involved and trying to  
5           stay reunified or reunify with their children.  
6           If they're given the chance to still be parents,  
7           it enables them to continue relationships with  
8           children and inspires them to keep on working on  
9           getting home and participating in services, by  
10          the way, including while they're incarcerated.  
11          Quality visiting can help children preserve  
12          cherished rituals. They can share stories with  
13          their parents and they can seek advice and  
14          encouragement. Somehow we've forgotten what it  
15          is that goes on when families visit. It's not  
16          just hanging out. These interactions help  
17          children cope with foster care and eventually a  
18          smooth return, a smoother return to home.

19                   The proposed measures are extreme, have  
20                   no demonstrated relationship to reducing violence  
21                   in jail and, in particular, there are two aspects  
22                   that we're concerned about. The first are  
23                   background checks. Obviously, that discourages  
24                   visitors, many of whom are parents taking

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2           children to see incar-, to see other relatives.

3           As we said, over 43 percent of our clients are

4           parents with some criminal justice history.

5           Depending on how Draconian the background checks

6           are, they will clearly bar many of those parents

7           from taking children to see the other parent.

8           It's extremely difficult and it's already a huge

9           undertaking, as was pointed out in the story

10          about the grandmother. Similarly, the proposals

11          to limit contact visits for children have a

12          negative impact on the child and on the family's

13          ability to reunite. Can you imagine any of you

14          seeing your children after a long separation, no

15          matter how old they are, and not be allowed to

16          touch or hold that child? How can a young child

17          draw, play games or sit on a parent's lap,

18          including when they're nine years old, when there

19          are barriers in the way, whether the barriers are

20          six inches or six feet? Children need

21          reassurance that their parents are okay and that

22          they will be as well.

23                   The proposed measures fly in the face of

24          existing family court act, social service law,

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2           state regulations and ACS policies requiring  
3           "regular and meaningful parent/child visiting for  
4           children in foster care, including when that  
5           parent is incarcerated." Thanks for the  
6           opportunity to testify today on these important  
7           issues.

8                       MR. BREZENOFF: Mary Buser?

9                       MS. MARY BUSER: Good afternoon. My  
10           name is Mary Buser and I am the author of the  
11           recently released book, Lock Down on Rikers,  
12           which is based on the five years that I spent  
13           working in the Rikers Island Mental Health  
14           Department. I started off on Rikers as a student  
15           intern at Rose Singer in the 90s and when I  
16           departed in 2000, I was an assistant chief of  
17           mental health. As someone who walked the jails'  
18           halls on a daily basis, I fully understand the  
19           need for safety -- safety for correctional  
20           personnel, for civilians, and for the inmates.  
21           That being said, just how this safety is achieved  
22           and maintained is where I differ from the  
23           proposals being set forth today as they pertain  
24           to visits, packages and solitary confinement.

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2                         With regard to visits, I find it mind  
3 boggling that an already arduous visit process  
4 stands to become even more difficult. Just this  
5 past week, I received an e-mail from a woman who  
6 told me that her husband has been held at Rikers  
7 for a year awaiting trial. Not unlike Kalief  
8 Browder, who waited three years for trial, this  
9 man is despondent and depressed. His lifeline is  
10 his wife and baby boy. And yet, in a year's  
11 time, he has seen them only once. The reason  
12 becomes clear when this woman described her one  
13 and only visit in which she and her baby waited  
14 five hours for a one-hour visit. During the  
15 weight, she could not feed her hungry child  
16 because a bottle of milk wasn't allowed. She  
17 said that during the visit, she and the baby were  
18 continually being sniffed by dogs. Despite this  
19 woman's commitment to her husband, she said she  
20 would never put herself or her child through  
21 anything like this ever again. The degradation of  
22 this innocent woman and her baby is appalling,  
23 yet this is a common visit house scenario. And  
24 instead of recognizing how reprehensible the

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2           visit process has become and reversing course,

3           the Department of Correction actually seeks to

4           make it even worse for safety reasons. But I

5           would ask you to consider the flip side of this

6           woman's story in terms of safety: the effect on

7           the detainee who loses this precious visit. I

8           spoke with numerous detainees whose already

9           precarious psychological world was thrown into

10          orbit with the news that a wife or a mother could

11          no longer endure these degrading visits. What I

12          witnessed was anger, volatility and the

13          desperation that often leads to violence.

14          Instead of recognizing the beneficial effects of

15          these visits, these new barriers will further

16          harass family members and inevitably result in

17          fewer visits further diminishing the calming

18          effects of family connection, a calm that is

19          badly needed on Rikers Island. The answer to the

20          safety issue isn't always a bigger hammer.

21                    Another lifeline for the incarcerated is

22                    receiving a package from family. DOC is

23                    proposing packages be sent to inmates using

24                    preapproved vendors only. As we all know, most

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2           of the Rikers detainees and their families are

3           poor. If they do not have money for bail, it

4           stands to reason they don't have Amazon accounts.

5           Aside from being outright -- aside from being

6           outright cruel, this new criteria will result in

7           fewer packages being sent, further reducing vital

8           family connection. Instead of discouraging

9           family ties, these connections should be

10          nurtured. At a time when Rikers is under the

11          media spotlight and the Mayor is pledging reform,

12          these new proposals are baffling. Where is the

13          innovation? Earlier in the year, I was surprised

14          and encouraged when significant reforms to

15          solitary confinement were announced. Finally,

16          recognition that this grueling punishment needs

17          to be reined in. And I know just how grueling it

18          is. When I left Rikers, I was Assistant Chief at

19          the Otis Bantum Correctional Center, facility,

20          which meant that I oversaw treatment at the CPSU

21          or Bing as it's called. Each day I went to the

22          cell of a mentally decompensated inmate and tried

23          to make a judgment call as to the severity of

24          self-mutilation and suicidal intent. And while

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2           it might be argued that some of these gestures

3           and threats were staged in a bid to get out, I

4           would argue that there's something fundamentally

5           wrong with a punishment that would drive any

6           human being, for whatever reason, to cut himself,

7           bash his head or smear himself in feces in order

8           to escape it. Therefore, I'm very concerned that

9           these recent encouraging reforms are now in

10          position to be rolled back. This is a move in

11          the wrong direction and I fear with a few more

12          rollbacks it's business as usual. Again, where

13          is the innovation? I think there are many ways

14          to reduce jailhouse violence that could come from

15          different angles. For example, why can't there

16          be safe options for those who wish to renounce

17          their violent gang ties and there are many that I

18          met with who wanted out. Why can't there be

19          incentives for good behavior? Why can't there be

20          lesser forms of punishment than solitary

21          confinement for minor infractions? I'm hardly

22          suggesting, as some might say, that jail become a

23          hug a thug day camp, but I would argue that it

24          also doesn't need to be hell on Earth.

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2                   As many people in this room are aware,  
3           the inmates on Rikers are routinely referred to  
4           as bodies and city property, yet they are  
5           neither. They are human beings not unlike the  
6           rest of us. They are but for the grace of God  
7           are we. Yet life can change on a dime. One  
8           drink too many, one serious error in judgment and  
9           any of us could find ourselves in the midst of a  
10          judicial nightmare. How would we want to be  
11          treated? As a body? If we were to visit a loved  
12          one, would we want to be sniffed by dogs? It  
13          seems to me that the more that you try to  
14          extinguish the few vestiges on humanity on Rikers  
15          as these proposals will do, the more inhumane the  
16          island becomes. I urge you to reject the hammer  
17          and return to meaningful innovation. Thank you.

18                   MR. BREZENOFF: Jennifer Parish?

19                   MS. JENNIFER PARISH: Good afternoon.  
20          My name's Jennifer Parish. I'm the Director of  
21          Criminal Justice Advocacy at the Urban Justice  
22          Center Mental Health Project and I'm also a  
23          member of the Jails Action Coalition. I urge you  
24          to reject the propose amendments to the rules.

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2           The Department of Correction requested these

3           changes to reduce violence purportedly. But

4           since proposing those changes in May 2015, has

5           supplied no evidence that these drastic measures

6           will actually accomplish this aim. At the

7           meetings that, leading up to this hearing that

8           have happened all summer and in September and

9           October, many of you have expressed misgivings

10          about the DOC's proposal, have asked questions

11          that have not been answered, at least to my

12          knowledge. And I'm quite surprised to see that

13          the DOC is not here today providing answers to

14          those questions. If they've been doing that

15          privately in conversations with you, I think the

16          public is entitled to know that and to know what

17          data you're relying on if you're actually going

18          to make these changes. As the body that's

19          charged with adopting and monitoring these

20          standards, I hope that you will not modify them

21          without sufficient proof that the restrictions

22          you're imposing are outweighed by the increased

23          safety that will result. I'm not seeing any

24          proof that these changes to the visit and package

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2           rules are necessary. They may be expediate [sic]

3           for DOC, but that's not a substitute for a

4           showing that they're actually needed. The

5           Department of Corrections is actual taking a

6           positive step in reducing contraband currently.

7           And that, and they're doing this without a rule

8           change. They're subjecting their staff to

9           routine searches as they enter facilities. And

10          we know, from reading the papers, that those

11          searches are actually detecting contraband and,

12          I'm assuming, that they're also preventing other

13          people who find out about these searches, from

14          bringing contraband into the facilities. I would

15          urge you to allow these staff screenings to

16          continue; wait six months. How many more weapons

17          are coming into the jails? See if that's had the

18          effects needed before changing these rules,

19          before imposing additional restrictions on

20          incarcerated people and their families. I think

21          many other speakers are, highlighted all the

22          problems with the visit rules and I agree with

23          all of them, but I want to focus, in my remarks,

24          on the amendment, on the proposed amendment to

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2           the exception to the seven-day release, as well  
3           as the increase of 60-day punishment. I'm deeply  
4           concerned about these rule changes, particularly  
5           because I think these changes will  
6           disproportionately affect people with mental  
7           illness who are in solitary confinement. Now,  
8           when you all enacted these solitary confinement  
9           limits, you specifically recognized the harms of  
10          solitary confinement for people with mental  
11          disabilities and made provisions that excluded  
12          people with serious mental disabilities from  
13          solitary. But we know that in reality, people  
14          with mental illness are still winding up in  
15          solitary. And at the meeting earlier this week,  
16          you referenced a report that the Board had done  
17          and I'm very glad that the Board is looking at  
18          this data because we need to be looking at that  
19          data and seeing what's actually going on. And  
20          what you found was that the people, the people  
21          that we should all be concerned about who are  
22          getting these extensions beyond 60 days in six  
23          months that most of those people and, in fact, I  
24          think the number was as high as 85 percent, were

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2           people who were receiving mental health

3           treatment. And that Dr. Venters also talked

4           about half of the people who are in solitary

5           confinement are receiving mental health

6           treatment. That's completely unacceptable and

7           the Board should not go along with a rule change

8           that's going to allow that to go even further.

9           In fact, what the Board should really be doing is

10          enforcing the rule that you've already written.

11          You've told the medical providers that they can

12          remove people from those toxic environments. And

13          they should be working with DOC to create

14          alternative places for people who have mental

15          health issues and continue to violate rules can

16          be treated and provided with programming. We're,

17          we say that people who are in ESH housing, which

18          is supposed to be for the most dangerous people.

19          They're allowed seven hours out of cell. They're

20          allowed programming. But we're not doing that

21          for people who are the most vulnerable. We're

22          allowing them to stay into solitary confinement

23          and extend their stay indefinitely, claiming that

24          they're acting out and they're being violent.

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2           Well, maybe they are because we've heard what  
3           those conditions do to a person, how they react  
4           to them. So we have to stop that. The Board  
5           should stand up against that. You should insist  
6           that HHC and DOC come to you with a plan of how  
7           they're going to do that. We know they're making  
8           strides with the adolescents. We know the TRU is  
9           a way that they're trying to address  
10          inappropriate behavior in a positive way and  
11          trying to at least make this experience of  
12          incarceration not be so dreadful for people and  
13          to actually try to intervene with them  
14          therapeutically. That's what has to happen. We  
15          can't be rolling back the solitary confinement  
16          reform. We need to be moving forward. Thank  
17          you.

18                       MR. BREZENOFF: Elizabeth Gaynes?

19                       MS. ELIZABETH GAYNES: Thanks. I'm  
20          Elizabeth Gaynes. I'm the President of the  
21          Osbourne Association. That looks so good. I  
22          really wish I had some of that. So we're an 85-  
23          year old organization. We work in Bronx,  
24          Brooklyn, Newburgh and in 20 state prisons and

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2           seven Rikers Island and City jails. My

3           predecessor at Osbourne who led the association

4           for 40 years was Austin McCormick, who was

5           actually the Commissioner of Correction under

6           Mayor Fiorello La Guardia, and our founder was

7           the warden of Sing Sing a hundred years ago. I

8           say that because our roots run deep in

9           corrections. Our services at Rikers including

10          discharge planning, jail base services, follow-up

11          case management, and we're really proud of the

12          work that we're doing together with the

13          Department of Correction to provide more, many

14          more meaningful programs. But a lot of Osbourne

15          is focused on families. We run hospitality

16          centers at seven state prisons. We run

17          children's visiting areas in five state prisons,

18          video visiting, visit coaching and

19          transportation. And that's really where my heart

20          it. But I mention it so you understand that

21          we're actually quite well grounded in both the

22          historic and day to day operations of secure

23          facilities and that when I share our concerns

24          about proposed rule changes, I can assure you

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2           that we understand that it's complicated to run a

3           prison or a jail. I personally have been working

4           in corrections for 40 years. I started in 1971

5           following the Attica prison uprising. I was a

6           criminal defense lawyer and a prisoner's rights

7           lawyer during the 70s, which I have to say were

8           the halcyon days of prisoners' rights and

9           constitutional law. And so I've been visiting

10          jails for a very long time in this country and in

11          six others. And I have a clear memory of the

12          correct-, of the creation of the minimum

13          standards of the Board of Correction that came

14          straight out of Attica in the 70s. Some of us

15          are old enough to remember, the rest of you

16          should go to school on Attica. It was called the

17          most deadly one-day encounter between Americans

18          since the Civil War, but it did lead to a lot of

19          reforms, including contact visiting throughout

20          New York City and New York State. And that's why

21          the Board means a lot to me. You know, when I

22          visited Rikers in '78 as an attorney, I was

23          detained because a couple of times later, after I

24          had gone through what was then the conveyor belt

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2           search, they found a bullet on the floor and

3           thought it might be me. And they were a little

4           worried because my detention including me being

5           eight and a half months pregnant and I kept

6           telling them I was going to, you know, cause a

7           problem and mess up the count. But when they

8           gave me my one phone call 'cause I couldn't

9           leave, I called the Board of Correction. Like,

10          that's who we look to. When I was in a battle of

11          whether I could breastfeed in the visiting room,

12          I called the Board of Correction. You guys are

13          very important. So the specter of your lowering

14          standards involving visiting without

15          justification that's required by your rules,

16          without the data that's required by logic,

17          without the detailed explanation of how these

18          procedures would work, I'm just concerning about

19          the proposal and that that there's an appeal

20          process that would include the Department of

21          Correction. That's not why we have a Board of

22          Correction. We have you and we need you and

23          despite my enormous personal actual affection and

24          respect for this Commissioner, he's the seventh

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2           one I've worked with pretty closely. And  
3           standards can't rest on the progressive values of  
4           one commissioner or even one mayor. That's why  
5           we have you. And that's why departures have to  
6           pass a very high bar. Of all the reasons for  
7           changing visiting standards, please don't think  
8           that's it brings us in line with other systems.  
9           First of all, you're actually not even close.  
10          The New York State prisons are 10 times better to  
11          visit than any jail on Rikers Island. Maximum  
12          security prisons in New York allow visiting all  
13          day, seven days a week. They have overnight  
14          visiting for families. Medium securities at  
15          least have weekends and holidays. When there was  
16          an escape at Clinton that was all over the press  
17          and they realized that the contraband came from  
18          employees, not visitors, state corrections didn't  
19          try to double down and hurt visitors. They  
20          understand that was not the source of the  
21          problem.

22                        I have to, with little time, say the  
23                        interest of full disclosure. I raised my  
24                        children in prison visiting rooms and been in

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2           many, many of them. Other than in my work in  
3           state prison, I've never been fingerprinted.  
4           I've never been screened out the way that these  
5           rules would do. It's hard enough without that.  
6           And we do not need to be -- it's in writing so  
7           I'm going to give it to you -- but there's no  
8           data connecting violence to visiting, no evidence  
9           that a better search process wouldn't do the  
10          trick. It's kind of an irony, you know, New York  
11          City just decided to ban the box for people  
12          getting jobs. I'd like to see you think about  
13          banning the box for people who want to visit.  
14          They're our neighbors.

15                   As Black Lives Matter and others  
16          concerned with police violence continue to press  
17          all over the country for expanded oversight of  
18          law enforcement agencies, New York is so  
19          fortunate to have established an independent  
20          oversight agency for our corrections department  
21          not beholden to any political interest or agenda,  
22          but committed to upholding standards that are  
23          truly the minimum a civilized society ought to  
24          accept. We ask you to continue to uphold

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2           standards that if they rise above the minimum  
3           accepted in Chicago and Los Angeles, if they rise  
4           above the minimum accepted in Buffalo or Ithaca,  
5           you should take pride in that and not seek to  
6           level this bloody playing field.

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

13                      JUDGE HAMILL: Yes. Good afternoon.  
14          This is my second round of going through CAPA so  
15          I wanted to make sure I fully understood how the  
16          CAPA process would work and it's my understanding  
17          that the time for submitting written public  
18          comment would close at the end of business today.  
19          Apparently, it's 30 days from the time that the  
20          rule is published. And we all understand and  
21          appreciate that these are extremely significant  
22          rule changes that we are under consideration  
23          right now. And I also understand that  
24          Commissioner Ponte intends to submit written

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2           comments to us. It's my understanding for it to  
3           be part of the public record, the public comment  
4           period has to be open to receive those comments.  
5           At this point, we've only received a few. I've  
6           heard many of you reference that you either  
7           submitted them last night or this morning or  
8           you'd submit after speaking today. So at this  
9           time I would make a motion before my colleagues  
10          to extend the public comment period for five  
11          business days until Friday, October 23rd.

12                   MR. BREZENOFF: Can I have a second?

13                   MR. COHEN: Second.

14                   MR. BREZENOFF: Any discussion? All  
15          those in favor? Carried unanimously. And with  
16          that, we can continue with the presentations.  
17          The next three people are Kelly Grace Price,  
18          Rosan [phonetic] Johnson and Melissa Tanis.

19                   MS. KELLY GRACE PRICE: I came prepared  
20          today. I won't be speaking off the top of my  
21          head like I did the other today. Hi. So I want  
22          to remind you that I'm Kelly Grace Price and I  
23          was a detainee on Rikers Island because I was a  
24          victim of domestic violence. I had gone to the

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2           police for help and because of the important

3           position that my batterer had with the police and

4           the District Attorney's Office, I was arrested,

5           instead of my batterer. I was charged with 324

6           counts of aggravated harassment against my

7           batterer, which is outrageous, that I eventually

8           had dismissed and sealed. But my experience on

9           Rikers Island, as I expressed the other day,

10          changed me considerably. And I just want to say

11          a few things and I brought some visual materials

12          for you as well. I want to remind the Board that

13          you have a duty, not only to the Rikers

14          population, but to the people of New York City as

15          a whole that get thrown in there on BS and need

16          to find a way out. You have a duty to make our

17          experience there as comfortable as possible and

18          to help us prove our innocence to the fullest

19          extent that we can. I want to remind you that I

20          was put on Rikers Island and by some stroke of

21          luck, I was bailed out. But had I not been

22          bailed out, I would have been on Rikers Island

23          for the two and a half years it took to get all

24          of those 324 charges dismissed and sealed. I

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2           would have had, under the new rule change

3           proposals regarding uniforms, I would have had to

4           appear in front of Judge Tandra Dawson in the

5           integrated domestic violence part of Manhattan

6           Supreme Court 27 times in my brown prison

7           uniform. I brought my appearance slips. I

8           don't, I'm, I'm sad that Judge Hamill has stepped

9           out because I'm sure she would recognize

10          appearance slips. But I brought my appearance

11          slips from all 27 of my appearances in front of

12          Judge Tandra Dawson that I would of, as a

13          domestic violence victim, had to have worn a

14          dirty brown uniform, further allowing the

15          perception in the courtroom to be that I was

16          somehow the criminal and the man that beat me,

17          choked me until I passed out repeatedly, threw me

18          through a fish tank repeatedly, was the innocent

19          between us two. And if you don't mind, I'd just

20          like you to review my 27 court appearance slips.

21          I, I can't imagine having to appear as a victim

22          in that suit 27 times in front of Judge Dawson.

23          I also want to remind you that I'm not the only

24          victim that finds herself in the Rose M. Singer

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2           Center. Statistics from the DOJ show that 75  
3           percent of the women at Rose M. Singer are  
4           domestic violence survivors. Of those survivors,  
5           we know from the Jane Doe v. City of New York and  
6           Benny Santiago federal complaint filed this year  
7           in May in the Southern District of New York  
8           that's now being held, held in the court part of  
9           the Honorable Judge Hellerstein. We know that  
10          that the materials that the correction officers  
11          brought into the jail, that they gave those women  
12          that they raped, Jane Doe 1 and Jane Doe 2, we  
13          know that that contraband was part of the  
14          conspiracy of conscription that the corrections  
15          officers used to exert power over Jane Doe 1 and  
16          Jane Doe 2. And I just quickly wanted to read a  
17          little bit from the complaint to you so you get a  
18          specific idea of how pervasive the power of  
19          belongings is in a jail, especially to a victim  
20          who has nothing and needs something to cling her  
21          identity to.

22                        On or about March 20, 2013, Santiago,  
23                        Correction Officer Santiago of the New York City  
24                        Corrections Department, instructed Jane Doe 2 to

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

24                        So, as I mentioned, Latisha James has a

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2           rule change proposal in front of the Board that  
3           specifically aims to address the climate of  
4           sexual slavery at the Rose M. Singer Center. I  
5           greatly urge you to consider the victims of  
6           Rikers Island like myself. Those women, the  
7           complaint tells us, were specifically chosen  
8           because they were trafficking victims, they were  
9           accused of prostitution, and they were withheld  
10          medication and they were withheld all of their  
11          rights on the island because, specifically, of  
12          their status as victims. I urge you, when you  
13          make your decisions, do not just think about the  
14          worst of the worst and SHU or the ESU. Think  
15          about the victims like me that were put on Rikers  
16          Island from, through some labyrinth criminal  
17          justice process. Think about how you're going to  
18          help us get out of the Rose M. Singer Center  
19          comfortably. Thank you.

20                   MR. BREZENOFF: Thank you. Rosan

21           Johnson?

22                   UNIDENTIFIED FEMALE: He's not here.

23                   MR. BREZENOFF: He's not here? Melissa

24           Tanis?

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2                   MS. MELISSA TANIS:   Good afternoon.

3           First, I would like to thank the Board of  
4           Correction for the opportunity and the space for  
5           use to share our opinions.   My name is Melissa  
6           Tanis and I speak today as a concerned individual  
7           and also as someone who has a father who's  
8           incarcerated in the State of Kentucky where the  
9           proposed changes are already enforced.   When my  
10          dad was sentenced to prison, I was five years  
11          old.   I went 20 years without seeing or talking  
12          to him.   And because he was completely out of my  
13          life, growing up, I was unaware of how it was  
14          affecting me even though it was.   Not until I was  
15          in my 20s when I first started reconnecting with  
16          my father, did I realize how much his physical  
17          absence in my life was taking a toll on me.   I  
18          wrote my first letter to my dad in February of  
19          2014 and my first visit to Kentucky State  
20          Reformatory in Lagrange, Kentucky happened  
21          shortly after.   My aunt prepped me on all the  
22          visiting rules so that I was aware of what to  
23          expect.   The nervousness about seeing my dad  
24          again and anxiousness that I would end up doing

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2           or saying something or wearing something that was

3           wrong coupled that nervousness. When I imagine

4           what our reunion would be like, I pictured

5           something like you would see in the movies, sappy

6           background music playing in slow motion as we ran

7           towards each other and embraced other right at

8           the climax of the song. I pictured it this way

9           because I knew that it was a huge moment in my

10          life and needless to say, I was a little

11          disappointed. When I finally made it into the

12          visiting room, there he was sitting at a table in

13          the right hand corner. I walked up to him, but I

14          remembered the words my aunt had told me, they

15          allowed a brief hug in the beginning and the end.

16          I didn't know what constituted brief, but I

17          didn't want to ruin the visit by trying to figure

18          that out. I wanted the embrace to feel like it

19          gave justice to the situation. A brief embrace

20          at the beginning of the visit could not embody

21          the years of lost connection and the beauty of

22          redemption that needed to be conveyed in that

23          moment. And at every visit since then, I have

24          felt the same way. What I need from my parent as

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2           an adult cannot be accomplished with such  
3           restrictions. The ambiguity of brief instills a  
4           fear in me that I am at risk of doing something  
5           wrong. What constitutes brief is left up to how  
6           the people working that day decide to define it.  
7           Therefore, leaving me with no standard of what is  
8           accepted and no way to ease at least part of the  
9           anxiety that comes with a visit to a prison or a  
10          jail. I am left to internalize that embracing my  
11          parent is not an openly accepted form of  
12          expression and is something that could lead me to  
13          be reprimanded or asked to leave. Therefore,  
14          what is meant to be an act of love and a much  
15          needed avenue to receive loving care is then  
16          tainted with underlying fear.

17                   When visitors are restricted an  
18          unnecessary burden is placed on them and the  
19          stigma, guilt and shame that they already feel  
20          for having an incarcerated family member is  
21          reinforced. As someone who has already  
22          experienced the effects of likes of the proposed  
23          changes at Rikers, I urge you to reconsider the  
24          changes and the effects that they will have on

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2           families. No child, youth or adult should feel

3           like hugging or making contact with their family

4           member is wrong. In the proposed visiting

5           changes, it is stated that the revision would

6           expand the state law definition of permissible

7           contact to additionally provide the inmates must

8           be permitted to hold children under the age of

9           nine in inmate's family throughout the visit.

10          But I want to ask, what about children above the

11          age of nine? What about adults like me? The

12          need to embrace your child or your parent and

13          your child, but the need to embrace your parent

14          to receive their affection does not go away when

15          you turn 10 years old or when you get older.

16          Children with incarcerated parents need support

17          through every stage of development and it should

18          not stop at age nine. Teenagers need to be able

19          to be held by their parents and feel free to

20          embrace them as long as they need. New York

21          prides itself on being a city that is ahead of

22          the rest of the country. And as a non-native New

23          Yorker and someone who moved here because I was

24          drawn to the progressiveness of New York City, I

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2           ask why would we want to fall in line with  
3           everyone else? The first time I visited someone  
4           at a New York State prison, I was so happy and  
5           shocked to see that people in the visiting room  
6           were allowed to hug and kiss so openly. It  
7           reminded me that showing support and love through  
8           physical touch is not a bad thing. It is a basic  
9           human need and it needs to be encouraged, not  
10          regulated. Also, in the proposed changes, it is  
11          stated that the proposed revision would amend  
12          subsection A to state explicitly the Board's  
13          strong belief in the great value of visitation  
14          and specifically contact visitation. I thank the  
15          Board for placing a high value on family and  
16          visitation. And I ask that you stick to your  
17          values and not punish the families of the  
18          potentially thousands of innocent people on  
19          Rikers Island when not enough evidence suggests  
20          that visitors are the ones bringing in  
21          contraband, especially with new reports revealing  
22          staff members who are bringing it in. Having a  
23          family member who's incarcerated at any age is a  
24          costly burden, both financially and emotionally.

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2           When I go to visit my dad, the greatest gift that  
3           I can receive during that time is when there is  
4           any moment, whether through laughing, telling  
5           stories, that both he and I forget that he is  
6           incarcerated. Please do not remind families of  
7           the stigma surrounding those who are incarcerated  
8           and their families by placing even more of a  
9           burden on them. Allow them to have moments in  
10          visiting where they can be and feel like family.  
11          Thank you for your time and consideration.

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

18                   MR. JOHNNY PEREZ: I'm here.

19                   MR. BREZENOFF: I'm sorry?

20                   MR. PEREZ: Johnny Perez is here.

21                   MR. BREZENOFF: Oh, please. Sorry.

22                   MR. PEREZ: So, my name is Johnny Perez.  
23           I was incarcerated for a total of 13 years. A  
24           year and a half of that was on Rikers Island and,

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2           you know, by not rejecting the proposed changes,  
3           you are essentially criminalizing a set of  
4           people, not because of anything that they've done  
5           or because of who they are, you know, they're  
6           only crime is loving someone who is being accused  
7           of a crime. Also, by placing restriction on  
8           those people who, who do not have family ties  
9           with people who are presently incarcerated, lest  
10          they close the door on possibility and on  
11          advocates such as myself who work directly with  
12          people who are on Rikers Island who also happens  
13          to have criminal record, who also happens to  
14          still be on parole. So being that I can't get  
15          the DOC pass the goal there and meet with people  
16          regularly through our legal system pass, I find  
17          myself having to go through the visiting process.  
18          And a lot of the clients that I work with, I'm  
19          effective in helping them because I have a  
20          criminal record. So, in a sense, being that I  
21          don't have any family ties with these folks, I  
22          would be barred from being able to connect with  
23          people during their incarceration. And as a  
24          person who also went through reentry, I cannot

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2           express the importance of being able to connect

3           with the outside before you get out. You know,

4           my reentry started about five years prior to my

5           release. And I, I can tell you right now that

6           those, those, not only those societal ties, but

7           those human ties with your family are very, very

8           important. You mentioned Janice Perez, she's my

9           daughter. She wasn't able to make it, but she

10          hoped to share with you the experience of having

11          a parent while incarcerated. While I was in

12          prison, the only thing that kept me sane in a lot

13          of sense was the fact that I was able to connect

14          with my family during visits. When an officer

15          tells you, you know, calls out your name or

16          doesn't decide not to give you toilet tissue that

17          day or that week, you know, what keeps a person

18          who's incarcerated insane, sane was the

19          possibility of having something taken away from

20          you and visits are very, very important. Not

21          only visits, but human contact visits -- being

22          able to hold your daughter, being able to kiss

23          your mother. You know, there were times when I

24          had to, you know, sit for long periods of time

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2           just to see her for, like, a few hours, if that.

3           There was one time she was, she was denied the

4           visit because she wasn't dressed right. The last

5           time that I, the last time that I received a

6           visit from my mother while I was on Rikers

7           Island, I was able to hold her hand for the

8           entire visit. After that I didn't see her for

9           eight years later because she couldn't afford to

10          go upstate. I got sent to Clinton Dannemora. As

11          far as it concerns solitary confinement -- it

12          amazes how we turn to punishment as a remedy for

13          violence. No, we punishing people to each people

14          not to punish people. Right? It's like we keep

15          trying to do the same thing expecting different

16          results. It's like switching seats on the

17          Titanic. If you want something different, we

18          have to do something completely different, you

19          know. And if you want to decrease the likelihood

20          of violence on Rikers Island, you know, I would

21          compel you and encourage you to take a a) more

22          rehabilitative approach in modifying the behavior

23          of the person whose inside the cell, b) proper

24          staff training to help people take a, I guess, a

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2           therapeutic approach or response to

3           aggressiveness and/or (c) just shut down Rikers,

4           in any order that you want. I can't, as a person

5           who, who works as an advocate and as a person who

6           also has a history of, of, who has a criminal

7           history, whose been in Rikers Island so on and so

8           forth, I can tell you that when you don't have

9           anything to lose, you know, by taking away the

10          only thing that I do have left, really doesn't

11          leave me any other option. It's better to

12          incentivize people. Now, you tell a guy who has

13          15 years to go upstate, I'm going to take your

14          visit; I'm going to keep you from hugging your

15          child, then what else is there to lose on top of

16          that? And for some of us, the only thing we do

17          have is that one family tie, mainly our mothers

18          or our child who we left behind. And although

19          there were times when we handle our problems with

20          criminal solutions, it doesn't mean that there's

21          not hope for change. I'm an example of this and

22          I know thousands of people who are examples of

23          this who have taken their lives as an opportunity

24          to teach and raise awareness about what can

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2           happen. But it can't happen unless you have the

3           property reentry - get people the tools and

4           opportunity to change their lives around. I come

5           to you not as an advocate or, so on and so forth,

6           I come to you just as a human being who would

7           like to express to you that, that the importance

8           of not only strengthening family ties during

9           reentry, which is important, but we don't want to

10          create a, we don't want to pass regulations or

11          policies that increase the likelihood that people

12          reoffend, in prison or out of prison. I don't

13          have to tell you I bought drugs from correctional

14          officers who then turn around and threaten to put

15          me in a box if I didn't pay them on time. You

16          probably know that already. I don't have to tell

17          you that, you know, most of the scalpels that I

18          see passed around on Rikers Island are brought in

19          by correction officers. A mother is not going to

20          bring her son a knife in prison. It just, it

21          just doesn't happen. I have never seen it in 13

22          years, you know. Thank you for letting me share.

23          Thanks.

24                           MR. BREZENOFF: Thank you.

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

6                   MR. PEREZ: Yeah, absolutely. For one,  
7 the time in admitting. On Rikers Island, I was  
8 only allowed one hour versus in the state, I was  
9 allowed about six or seven hours tops. You know,  
10 I also found that, according to my family, they  
11 were treated differently by correction officers  
12 while we enter, while going inside of Rikers  
13 versus going inside of the prison. On upstate,  
14 you have access to vending machines. You have  
15 cards to play with. There's a child play area so  
16 you can have, so the adults can have a space to  
17 talk, have adult conversation outside of the ears  
18 of the child. On Rikers Island, there's none of  
19 that. There's none of that. Not only are, you  
20 know, is, is the tables spaced close together,  
21 there's nothing to eat on the visit. You know,  
22 but also, my mother used to be very tired when  
23 she came to the visit. You know, there was one  
24 time, and I felt bad and it hurt me because at

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2           that point I'm like, what am I putting my mother

3           through that she's like, I've been sitting here

4           waiting for you since this morning. Right? It

5           was 8:00 at night. And she was, she wasn't able

6           to use the bathroom. She was holding her, her

7           bowels because she was afraid that either she

8           would not be able to go on the visit or be denied

9           the visit and, and then I would go upstate and

10          then she wouldn't know when's the next time --

11          she didn't know where Clinton was. I didn't know

12          where Clinton was, you know, to, to, and then,

13          you know, so when you talk about what the

14          difference is, there's not a whole lot of

15          differences. There are some inhumanities in both

16          of them, but the way in which people are treated

17          and, you know, being seen as a human, you know,

18          is very, very effective in helping me turn my

19          life around and change my life around and being

20          an active role in my family, although I'm

21          incarcerated doesn't mean that I also can't be a

22          father to my child or can't be a son to my mother

23          or a husband to my wife. And that's important.

24          We send people to prison as punishment, not for

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2           punishment.

3                   MR. COHEN:   Thank you.

4                   MR. BREZENOFF:   Reverend English?

5                   UNIDENTIFIED FEMALE:   What was the name?

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

9                   REVEREND QUE ENGLISH:   Good afternoon.

10           Well, I choose to believe that we all want the  
11           same thing here that is ultimately that our youth  
12           and young adults don't ever end up at Rikers nor  
13           make prison their permanent address.   While this  
14           is what we're moving toward, it's important that  
15           until we get here, the fairness, care and safety  
16           for all mentally, as well as physically is  
17           realize by all who have to enter into the  
18           doorways of Rikers.   So today I have faith in DOC  
19           and BOC that they will not pursue or approve  
20           rules changes in their current public forum and  
21           will work to ensure that visitors are not turned  
22           away, that denials are not arbitrary or  
23           discriminatory and that the appeals process  
24           cannot be allowed to take up to eight weeks.   So

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2           safety and protection for all is key. It is,

3           however, alarming to hear that in the five-week

4           period, we had seven correctional employees

5           arrested that contributed to violence and

6           disorder, according to a New York 1 report. So

7           we can all agree that it is important to not only

8           take care what's happening outside the house, but

9           what's happening inside the house. So change to

10          mistreatment, including violent mistreatment of

11          visitors as was known of a visitor who was beaten

12          by an officer in the central visiting house, is

13          important, again, to take care of what's

14          happening on the inside. I must say that to be

15          able to contribute to the conversation here

16          representing New York City Round Table, as well

17          as the New York City Criminal Justice Task Force

18          chaired by Reverend Dr. Divine Pryor, is a great

19          start where the doors are open for candid

20          discussion and hopefully, ultimately,

21          implementation of proposed changes. I do want to

22          commend DOC for employing some of the

23          recommendations of tightening security around the

24          visiting process. I believe our concentration at

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2           this point should focus on security improvements  
3           within the existing minimum standards, which will  
4           assist with a reduction of contraband. I feel  
5           like we need to look at all the sources.

6                     The DOC claims that the limitations are  
7           needed to reduce contraband brought into the  
8           jails, but the facts do not support this. Every  
9           official and unofficial report confirms that the  
10          primary source of contraband is staff, not  
11          visitors. And it's important to note that the  
12          increase in contrabands are related to drugs, not  
13          weapons. Moreover, the vast majority of violent  
14          incidents in Rikers do not involve smuggled  
15          contraband. The fact is that there is a lack of  
16          a connection between visit restrictions, violence  
17          reduction and reduction in weapons contraband in  
18          the jails. Current procedures are already  
19          effective in stopping contraband entering the  
20          jails through visitors. If there is a basis for  
21          concern, limitations on visits can currently be  
22          imposed, including suspending visits and  
23          requiring visits to be non-contact booth visit.  
24          There is no evidence that the proposed

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2           limitations would reduce violence. However, what  
3           we do know is that visiting is one of the best  
4           methods for preventing violence and recidivism.  
5           Visitors provide support and important community  
6           connections and facilitate successful reentry.  
7           Suicides in jail often occur during the first  
8           days of lockup when people detained need visitors  
9           to make bail or provide critical mental and other  
10          supports. When visits go up, violence go down.  
11          The City has committed significant resources and  
12          funding toward decreasing unnecessary detention  
13          and increasing successful reentry following  
14          incarceration. Let us therefore allow the  
15          detained individual the opportunity to refuse a  
16          visit from the individuals visiting them. We  
17          understand there are circumstances where this is  
18          not possible as a result of impending danger from  
19          visitors who may have very violent offenses or  
20          warrants. This is understandable. Therefore,  
21          provisions should be made for all individuals who  
22          are receiving visits to be made aware of who that  
23          visitor is prior to them entering into the  
24          visiting room. Instead of severely restricting

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2           visits, there are effective ways by achieving the  
3           Mayor's important goal of reducing violence,  
4           including better searches and has TSA body  
5           scanning technology and increase use of cameras.

6                         We ask the Board of Correction to  
7           require that the Department of Correction submit  
8           to the Board a report analyzing the effectiveness  
9           of the new DOC screening measures, for example,  
10          new DOC training. The BOC should delay changing  
11          the minimum standards until they're received and  
12          review the report. However, if the BOC decides  
13          to proceed to adopt some of the DOC's proposed  
14          changes, then we urge that the process be clear  
15          and transparent. We welcome the DOC stated  
16          openness to revising the proposal based on the  
17          concerns and input of faith and community  
18          members. The following provisions are what we  
19          support: no visitors will be turned away on a  
20          first visit; the lack of a family relationship or  
21          otherwise close or intimate relationship between  
22          the inmate and the prospective visitor should not  
23          be a considered factor; denied visits must only  
24          be a last resort and the DOC should use other

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2           options currently at its disposal when a risk has  
3           been identified; the appeal process should not be  
4           changed. These are our recommendations. These  
5           are our concerns. Realizing that decision you  
6           make on these issues will have far reaching  
7           effect on our City, on our families, particularly  
8           black and brown that can either lend to their  
9           healing or contribute to their brokenness. They  
10          should not be caught in a web of politics, but  
11          instead, in a web of safety. We trust you will  
12          do the right thing for all. Thank you.

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

16                   MS. NATALIE BLOCK-LEVIN: Good afternoon  
17                   and thank you for your time. My name is Natalie.  
18                   I'm a social work student, the daughter of a  
19                   former teacher and GED administrator at Rikers,  
20                   and today I'm here on behalf of the Jails Action  
21                   Committee. I'm going to read a sign-on letter on  
22                   behalf of 50 organizations and 34 individuals who  
23                   believe that those who are incarcerated do not  
24                   lose their status as humans and the point of the

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2           jail minimum standards is to uphold that  
3           humanity. The proposed amendments to these, to  
4           these standards turn their backs on that. We  
5           also want to emphasize that these changes will  
6           overwhelmingly impact Black and Latino families  
7           and communities and poor people who cannot afford  
8           bail.

9                         First, I will discuss the proposed  
10           amendments to solitary confinement. The Board of  
11           Correction should reject proposed changes to  
12           minimum standards regarding the use of solitary  
13           confinement enacted in January 2015. The Board  
14           took an important first step in passing rules  
15           that limit the maximum time any incarcerated  
16           person could be sentenced to solitary  
17           confinement. Currently, the maximum time anyone  
18           can be sentenced to solitary confinement is 30  
19           days for a single infraction. The United Nations  
20           special report on torture has determined that  
21           anything more than 15 days of solitary  
22           confinement constitutes torture. The  
23           psychological and physical damage to individuals  
24           isolated in a cell for 22 to 24 hours a day is

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2           well established. Subjecting incarcerated people  
3           to more torturous days of solitary confinement  
4           with no respite period will not create safer  
5           jails, but rather will likely lead to increased  
6           violence. The Department of Correction must  
7           implement a humane disciplinary system that  
8           provides incentives for positive behavior and  
9           establishes alternative sanctions that ensure  
10          jail safety while offering a therapeutic response  
11          to aggressive behavior. The Board must not allow  
12          the DOC to continue to rely on solitary  
13          confinement as a sanction for misconduct.  
14          Instead, the Board should enact tougher  
15          restrictions on its use.

16                   I'm now going to speak about the  
17          visiting proposals. The Board must reject the  
18          proposed changes to the visiting standards.  
19          Children, family and friends who visit loved ones  
20          awaiting trial or serving a short sentence in NYC  
21          jails must be allowed to have meaningful,  
22          physical contact during visits. The proposed  
23          rules permit DOC to deny visits based on vague  
24          criteria about the dangerousness of the

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2           incarcerated person and their visitors. They

3           allow DOC to conduct broad investigations of

4           visitors, including criminal record checks and to

5           make decisions about who is a family member and

6           what constitutes as a close intimate

7           relationship. Allowing DOC such wide discretion

8           would affect many people, including LGBT

9           individuals and survivors of intimate partner

10          violence. Over policing and criminalization of

11          communities of color increases the likelihood

12          that criminal records will be used to restrict or

13          prohibit family members from visiting their

14          incarcerated loved ones. The proposed measures

15          require that appeals of visit, of visiting

16          restrictions go first to DOC, rather than

17          immediately to the Board. That is the absence of

18          oversight. The proposed change increases the

19          timeframe for the appeals process and

20          unnecessarily includes DOC, which has a long

21          history of violating visiting rules. Appeals

22          about visit restrictions should continue to go

23          directly to the Board for speedy resolution. DOC

24          claims that these limitations are needed to

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2           reduce violence and stop contraband from entering

3           the jails, yet they present no evidence that the

4           proposed limitations would accomplish these

5           goals. The vast majority of violent crimes and

6           violent incidents in the New York City jails do

7           not involve smuggled contraband. And the plan to

8           impose new restrictions on visits as a violence

9           reduction measure inappropriately shifts the

10          blame for violence in the jails away from

11          correction officers and their powerful union.

12          The fact is that there is a lack of a connection

13          between visit restrictions, violence reduction

14          and reduction in contraband in the jails.

15          Visitors support the mental health of those who

16          are incarcerated. They provide important

17          community connections and facilitate successful

18          entry, reentry. The City should be working to

19          improve visiting in the jails by reducing the

20          waiting time for visitors; improving equipment

21          used to conduct searches and thereby eliminating

22          unnecessary pat frisks; communicating visit

23          policies and procedures clearly; assigning

24          sufficient trained steady staff to visit areas;

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2           and providing appropriate space for visitors,  
3           including children. The Board must reject the  
4           DOC's proposed rules; require DOC to revamp its  
5           cumbersome and demeaning visit process and create  
6           new rules that encourage visits and sustain  
7           family and community ties know to reduce  
8           recidivism and improve reentry outcomes.

9                        Lastly, I'm going to talk about  
10           packages. The Board must reject proposed changes  
11           to the packages standards. DOC wants to prohibit  
12           people in New York City jails from receiving  
13           packages, except for court clothes, unless the  
14           items are purchased from an approved vendor.  
15           Family and friends will not be able to provide  
16           socks, underwear, notebooks, envelopes and other  
17           property without purchasing it new and paying for  
18           shipping. Having to repurchase that could be,  
19           could be delivered, that with which could be  
20           delivered from home would be a financial burden  
21           and hardship for many. There is no evidence that  
22           incoming packages are a significant source of  
23           weapons that cannot be detected by DOC searches.  
24           The proposed restrictions on packages are

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2           unlikely to reduce violence, but will be an  
3           extreme unnecessary hardship for incarcerated  
4           individuals, most of whom are pre-trial detainees  
5           who are incarcerated due to their inability to  
6           pay bail and their families and friends.

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

15                        MR. BREZENOFF: Megan Crowe-Rothstein?

16                        MS. MEGAN CROWE-ROTHSTEIN: Good  
17          afternoon. Thank you for the opportunity to  
18          testify today. My name is Megan Crowe-Rothstein.  
19          I'm the Director of Social Work for the Mental  
20          Health Project, the Urban Justice Center, and a  
21          member of the New York City Jails Action  
22          Coalition. I've been sitting here listening to  
23          incredible testimony and so just very briefly I'm  
24          here to add my voice in opposition to the

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2           proposed rules and highlighting that people from

3           across the country are looking to you to uphold

4           the rights and the dignity of people who are

5           incarcerated in New York City. Specifically, I'm

6           here to testify as a member of the Social Workers

7           Against Prolonged Solitary Confinement Task

8           Force. We are a national task force of social

9           workers dedicated to confronting the issue of

10          solitary confinement both on a macro level, a

11          core mechanism of our racist and classist system

12          of mass incarceration, and on a micro level as a

13          practice with social workers in correctional

14          settings actively and passively participate in,

15          even while we are simultaneously charged with

16          upholding human rights and dignity of all people.

17          Our objective of the task force is to provide

18          social workers and other mental health

19          professionals working in solitary confinement

20          units with a safe platform within which to

21          explain the practical and ethical conflicts of

22          working in these settings. We are also committed

23          to collaborating with national social work

24          institutions to take a unified approach or --

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2           sorry -- to take a unified professional stand  
3           against the use of solitary confinement. The  
4           task force is made up of social work leaders from  
5           across the country, including social workers who  
6           have or continue to work in prison and jail  
7           settings.

8                         The practice of social work -- the  
9           practice of solitary confinement -- excuse me --  
10          is inherently dehumanizing and in many cases  
11          constitutes torture, as you all know, documented  
12          by Juan Mendez, the U.N. Special Rapporteur on  
13          torture and other cruel, inhumane and degrading  
14          treatment or punishment. As social workers, we  
15          have an ethical duty to help people in need  
16          challenge social problems and addresses and  
17          respect the dignity and the worth of every  
18          individual. While public discourse increasingly  
19          acknowledges that solitary confinement is too  
20          often used and for way too long, we as social  
21          workers must further question any use of a  
22          practice that constitutes torture and violates a  
23          person's rights and dignity. Thus, we are  
24          concerned about the proposed changes to minimum

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2           standards for solitary confinement. The Board  
3           and the Department of Corrections made important  
4           strides in these areas, especially in removing  
5           the youngest mem-, people who are incarcerated,  
6           16, 17-year olds, and establishing the 30-day  
7           maximum. The proposed changes would be a step  
8           backward.

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

20                      Similarly, the requirement of sending  
21           packages through predetermined vendors places an  
22           unnecessary and unfair burden, unfair financial  
23           burden on families of people who are  
24           incarcerated. The proposed rules misguidedly and

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2           unfairly punish families and community members.  
3           Any reform should support rather than restrict  
4           the communities and the communication between  
5           people who are incarcerated and their loved ones  
6           on the outside.

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

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

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

23                      MS. CROWE-ROTHSTEIN: Okay. Daisy  
24          Rodriguez--

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2                   MR. BREZENOFF:   So in other words, if  
3           you keep it to a minimum we'll just--

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

5                   MR. BREZENOFF:   --make this another  
6           speaker.

7                   MS. CROWE-ROTHSTEIN:   Alright. Thank  
8           you.   My son, Samuel, is presently at Rikers  
9           Island.   As a mother and a human being, I totally  
10          disagree with the methods and the strategy you  
11          are using against our families.   It is very cruel  
12          and inhumane to treat souls like they are not  
13          worth it.   In God's eyes, everyone is God's  
14          children.   How can you avoid more violence, more  
15          mental illness, if you are torturing and  
16          physically and emotionally --torturing both  
17          physically and emotionally all our families?   We  
18          are here to support our loved ones for them to  
19          cope with the injustice from the corrections at  
20          Rikers.   The system wants to keep controlling  
21          human life by restricting visits, telling  
22          families where to buy their immediate needs and  
23          prolonging solitary confinement.   In this country  
24          that is supposed to have rights and freedoms, we

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2           are seeing the opposite. We are seeing more  
3           capitalism, imperialism, instead of democracy.  
4           We need a system that would rehabilitate and  
5           educate and help our families in obtaining rights  
6           and the tools to progress in life and we cannot  
7           allow the system to re-victimize our families.  
8           We need to be treated with dignity and respect  
9           and I trust that the Board will hear our  
10          objections to these rules on behalf of our  
11          families. Thank you.

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

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

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

23                   MR. KINCAID: Thank you.

24                   MR. BREZENOFF: Is she on the list

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2           because I don't see her name on the list.

3                       MS. XENA GRANDICEHLI:   Good afternoon  
4           Board members.  Thank you for having me up here.  
5           My name is Xena Grandicehlli.  I'm a former  
6           incarcerated detainee on Rikers Island and I'm  
7           here to speak about your visitation changes that  
8           want to be made, as well as the fact about the  
9           isolation.  When I went on Rikers Island last  
10          year, I was there for a good four to five months.  
11          And I was put in a position where I literally was  
12          ended up having to fight for my safety, even  
13          though I was beaten, not just by an inmate, but  
14          an officer, and I was raped by an inmate.  They  
15          stuck me in solitary confinement.  My sister came  
16          to visit me.  There was a lot of back and forth  
17          between her and the correction officers.  While  
18          she was sitting in the visiting room, they asked  
19          her to leave.  And what sustained me a lot of the  
20          time on the island was the fact that this is the  
21          only relative I have in New York State that lives  
22          here in New York City out in Hartsdale in  
23          Westchester County.  And she's what kept me  
24          going.  And when they stuck me in solitary

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2           confinement, they claimed for my safety, and I

3           was denied that visit, I became very depressed.

4           And I wouldn't leave the cell for nothing. They

5           wouldn't let me have packages. They wouldn't let

6           me have the clothing that I had with me at the

7           time, nothing from commissary. Everything that I

8           had to get I actually had to rely on the

9           correction officers for. And if the correction

10          officer felt like they had it in for you for

11          filing a complaint for something they were doing

12          wrong in violating your rights while you were on

13          the island, or they just didn't want to be

14          bothered, you didn't have it. And that goes from

15          rec to showers to hygiene items. So there were

16          times when, yeah, I had to scrub my own

17          underclothes in the sink. To me, visitations are

18          very important. It helps keep the sane, it helps

19          keep us in contact knowing that we're loved,

20          knowing that we're supported and knowing that we

21          have something to look forward to when we get

22          out. And I got out five months later due to the

23          charges being dropped, but that one day that I

24          was denied that visitation, it broke me down. I

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2           went in there without any type of mental health

3           history. I came out with depression. And not

4           just any depression, but what psychiatrists and

5           mental health people would call major depression.

6           I ended up on medication for the next six months.

7           Medication that doesn't help your body, it hurts

8           it more than helps it. I'm saying that to say

9           this: to put somebody in solitary confinement

10          for a long period of time breaks them down just

11          because you're on Rikers Island and you might be

12          denied a visit. It breaks you down and makes you

13          dehumanized. To put you in solitary confinement

14          for more than 15 days and the stuff that you go

15          through at the hands of officers, inmates, and

16          being denied visits, breaks you down even

17          further. First thing that comes to mind to

18          people like me who go through that is they have

19          anger issues towards staff. They realize that

20          staff's not there to help us. The correctional

21          staff is there to hurt us. It's cruel and

22          unusual what we went through and there's no

23          excuse for it. To put somebody in solitary

24          confinement unless you've been there even for 15,

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2           10 days, but to put them in there for 120 days  
3           because of appeal processes and waivers and all  
4           this that they can get, I wish you guys could be  
5           on Rikers Island to see some of these people and  
6           to see what it does when a person's denied a  
7           visit because they're not immediate family  
8           according to the new rules they've implemented or  
9           just because the officers don't want to get an  
10          escort officer to let you down there. Spend a  
11          month on Rikers Island and go through that and  
12          you will realize what we go through and how we  
13          feel as detainees on the island. I just wanted  
14          to give you a little bit of my personal story and  
15          to let you know that I work with SLRP. I'm a  
16          PAC, Prison Advisory Committee member intern and  
17          movement building team member and I, and I know  
18          my colleague said SLRP oppose these changes as  
19          well. Thank you.

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

23                   MS. GRANDICEHLI: Yes.

24                   MR. RICHARDS: Is that your experience?

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2                   MS. GRANDICEHLI:   Yes.

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

5                   MS. INDIA RODRIGUEZ:   Good afternoon.  
6 My name is India Rodriguez.  I'm a transgender  
7 woman, social justice activist advocate, member  
8 of Sylvia Rivera Law Project, Prisoner Justice  
9 Project, which seeks to address the immediate  
10 needs of our community members in confinement.  
11 Most of our members, people initiate contact with  
12 PJP in a state of crisis, often reporting  
13 physical sexual assault by a disciplinary action,  
14 a lack of access of appropriate necessary  
15 transgender care and punitive segregation and a  
16 lack of access to programs during confinement.  I  
17 stand in solidarity, not only as a transwoman,  
18 but also as a former detainee in their Rikers  
19 Island, the state prison industrial complex.  
20 Solitary confinement was instituted initially as  
21 a punitive measure to redress behavior, but its  
22 very practice has fallen short of remedying  
23 anything other than causing long-term irreparable  
24 damage.  These practices don't take into account

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2           prior mental health issues. And as a person that

3           struggles the long-term effects of those barbaric

4           conditions, I'll give you a personal account of

5           practices often faced by transwomen/men in

6           confinement. Upon finally going through the

7           classification process, I was often encouraged or

8           feared tactics utilized to seek protected custody

9           on the premise of ensuring my own protection.

10          When prodding was not enough, I was subjected to

11          reprisal, questionable practices to justify a

12          means to an end to me. Often in my confinement,

13          little to no oversight was available,

14          aggravating, deteriorating further the conditions

15          of my confinement. Also in such a status, I was

16          subjected and could not appropriately

17          address/fight the unwarranted advances of

18          officers that preyed upon me. I was subjected

19          repeatedly to sodomy, rape, molestation,

20          inappropriate touch and salacial [sic] acts. I

21          was denied appropriate necessary transgender

22          specific care or imposition of barriers and

23          unrealistic prerequisites to care, further

24          stripping me of my dignity, gender expression.

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2           Today I am free, but I struggle daily with  
3           debilitating nightmares, post-traumatic stress.  
4           I'm HIV positive and struggle daily with  
5           unsurmountable emotional hurdles, traumas,  
6           impacts in direct proportion to my experiences in  
7           solitary confinement. And I fight daily to  
8           assimilate and be a productive member, sound  
9           member of society. Today I say, and I stand in  
10          solidarity, asking and requesting from you to  
11          abolish solitary confinement. This is a  
12          civilized society and it must end.

13                   MR. BREZENOFF: Natalie Stiegel?

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

16                   MR. BREZENOFF: Oh. Sorry.

17                   MS. STIEGAL: That's alright.

18                   MR. BREZENOFF: Sorry about that.

19                   MS. STIEGAL: While our focus today is  
20           what is happening on Rikers Island, we should  
21           never forget that solitary confinement is a  
22           universal problem. Although there are nations  
23           that have abolished and although Amnesty  
24           International has condemned it, Amnesty

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2           International knows that the U.S. uses solitary

3           confinement to an extent unequal in any other

4           democratic country. Over 80,000 on any one day

5           are held in isolation with 25,000 held long-term

6           in super maximum security prisons. That's 20 to

7           24 hours a day confined to a cell for months,

8           years or decades in conditions of severe social

9           and physical isolation. Individuals in solitary

10          confinement are deprived of all but the minimum

11          amount of human contact, both within the prison

12          and with those outside it. This practice

13          violates international laws and standards,

14          including the rights in trying the convention as

15          torture and the international covenant on civil

16          and political rights to be free from torture and

17          other cruel, inhuman and degrading treatment or

18          punishment. But I'm not just here to condemn

19          solitary confinement and to urge it be terminated

20          at Rikers Island. As one who has spent time on

21          Rikers in solitary confinement, I would like to

22          explain to all present here what solitary is and

23          what it does. In the first place, the solitary

24          cell is totally isolated from other prisoners and

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2           even guards. The prisoner in solitary is at  
3           complete mercy of the guards. And I am speaking  
4           from personal experience. Short of banging on  
5           their cell doors, which inevitably bring  
6           retribution, the prisoner in solitary depends on  
7           the guards to turn on and off the cell light, to  
8           decide when to escort the prisoner to the  
9           showers, when to bring food or if to bring food,  
10          and medication as well. One more than one  
11          occasion, I was deprived of medication by the  
12          official indifference of the guards and medical  
13          personnel at Rikers. You are not provided with  
14          newspapers or reading material. There is no  
15          sunlight tin the cell. The only window is small  
16          and high, usually impossible to see out of. The  
17          cell is small and there is no communication from  
18          one to the other.

19                   How does one end up in solitary? Well,  
20           in my case, I was 60 years old, not massive or  
21           husky as you can see, relatively short and not in  
22           my physical prime. In short, I was not a danger  
23           to other prisoners or staff. In return, they  
24           posed no danger to me. It was an arbitrary

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2           decision by a judge when I was sentenced that  
3           landed me in solitary. I had no way to appeal  
4           the decision. My only "offense" was that I am a  
5           transgendered woman, a "crime" in the eyes of the  
6           DOC apparently. What does solitary do? When  
7           you're cut off from all humanity, from all human  
8           contact, you begin to turn within. You begin to  
9           go through a process called mental decomposition.  
10          You gradually use your apt faculties to think and  
11          reason. You sleep 18 to 20 hours a day, only  
12          waking for food and meds. Your intellectual  
13          talents wither and gradually you go mad. The  
14          percentage of prisoners in isolation who are  
15          mentally ill is astronomical. It takes a truly  
16          strong woman or man not to break and that is what  
17          the system is designed to do, to break prisoners.  
18          But it is failing.

19                   In California, in the last five years,  
20                   tens of thousands of prisoners have waged massive  
21                   hunger strikes demanding the abolition of  
22                   solitary confinement. They have managed to put  
23                   in a place a permanent end of hostilities between  
24                   different prison gangs forging unity out of the

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2           common oppression. They have built a strong base  
3           of support on this raised by family members and  
4           others as well. The prisoners in the most  
5           notorious of these places, Pelican Bay, have led  
6           the way in fighting on segregation once and for  
7           all.

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

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

23                        MR. COHEN: So was your confinement in  
24          solitary related to your transgender status?

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2                   MS. STIEGAL:  Yes, it was, directly,  
3           yes.

4                   MR. COHEN:  And when--

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

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

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

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

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

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

20                   MS. STIEGAL:  This was in May.

21                   MR. COHEN:  This year.

22                   MS. STIEGAL:  This year, yes.

23                   MR. COHEN:  Thank you.

24                   MR. BREZENOFF:  The next speakers are

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2           Riley Doyle Evans, Kelsey DeAvila and Candie  
3           Hailey.

4                   MS. KIMBERLY WESCOTT: Did you skip  
5           Kimberly Wescott?

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

9                   MS. WESCOTT: Good afternoon. This  
10          testimony is presented on behalf of the Community  
11          Services Service Society, a non-profit  
12          organization serving low income New Yorkers for  
13          over 173 years. I'm Kimberly Wescott, associate  
14          counsel for CSS, where I focus on reentry issues.  
15          Because the reintegration process begins at the  
16          point of incarceration, we support programming  
17          and processes that promote effective reentry into  
18          the community. CSS voices our strong opposition  
19          to the proposed revisions to the Board of  
20          Correction's minimum standards that weaken the  
21          limitations on the use of punitive segregation  
22          that were just enacted in January of this year,  
23          as well as those that would change visiting and  
24          packages standards. We believe that these

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2           proposed changes would degrade the dignity and  
3           health of persons detained at the New York City  
4           Department of Correction facilities and  
5           simultaneously alienate and humiliate visiting  
6           family members attempting to preserve contacts  
7           with their loved ones, contacts that will be  
8           essential when the detained individuals return  
9           home. In no uncertain terms, the safety of DOC  
10          staff is critically important. But the proposed  
11          regulations are counterproductive to achieving  
12          DOC's legitimate security objectives and could  
13          well result in increasing the rate of violence at  
14          DOC facilities rather than decreasing.

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

20                 The Board should reject proposed changes  
21          to the visiting standards which further limit  
22          children, family and friends opportunities for  
23          physical contact while visiting loved ones  
24          awaiting trial or serving a short sentence in New

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2           York City jails. It's well established that

3           regular visits by family members not only improve

4           the mental and emotional health of the

5           incarcerated person, but also help support family

6           cohesion, reduce stress among children and

7           caregivers and improve the likelihood that the

8           family will be able to withstand the stresses of

9           incarceration. Studies have established that

10          contact, particularly human, physical such as an

11          embrace or the touch of a hand, is essential for

12          fostering a sense of connection and combatting

13          the alienation of persons detained from families

14          and friends in the community. Contact

15          strengthens bonds that help visiting family

16          members carry on the struggle of assuming the

17          outside obligations of the incarcerated person,

18          such as raising children and supporting the

19          family financially and emotionally. And helps the

20          individual maintain relationships with children,

21          family and friends. Continued contact with one's

22          children goes without saying. It's crucial.

23          Studies have shown that in the absence of regular

24          contact, particularly young children, are

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2           negatively affected by separation arising from  
3           incarceration of a parent and are at increased  
4           risk for developing behavioral problems and  
5           academic failure. Research also demonstrates  
6           that regular visits to a family member or loved  
7           one in jail or prison may strengthen the  
8           relationships between family members, reduce the  
9           stress levels both the persons incarcerated and  
10          those on the outside and improve mental health  
11          outcomes resulting in children reporting fewer  
12          feelings of alienation and increased levels of  
13          self-esteem.

14                 DOC claims that the proposed rules  
15          limiting physical contact are needed to reduce  
16          violence and stop contraband from entering the  
17          jails. Bu there's no evidence that proposed  
18          limitations would accomplish these goals. In  
19          spite of this, the proposed changes permit DOC to  
20          deny visits based on vague criteria about the  
21          dangerousness of the incarcerated person and his  
22          or her visitors and allow DOC to conduct broad  
23          investigations of visitors, including criminal  
24          checks, criminal background checks -- forgive --

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2           to make decisions about exactly who falls within

3           the definition family member. Beyond the lack of

4           demonstrated efficacy of these practices, the

5           proliferation of the use of the background checks

6           on regular citizens and the collection of their

7           personal information violates personal privacy.

8           And the process is disconcerting to families and

9           friends and loved ones. This increased

10          surveillance will be piled onto a visiting

11          process that already tests visitors' fortitude.

12          Parents and children are already subjected to a

13          demoralizing lack of privacy, tedious and lengthy

14          waits, humiliation and rude treatment by

15          correctional officers, visiting in crowded, noisy

16          and dirty facilities studies and experience show.

17          Such poor visitation conditions suggest a lack of

18          psychological safety and do not support an

19          enduring bond among children, family members and

20          parents. Allowing DOC this kind of freewheeling

21          and arbitrary discretion is unwarranted,

22          dangerous and would affect and possibly screen

23          out a lot of good people -- survivors of domestic

24          violence, anyone whose background check might

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2           reveal even a low level or remote criminal  
3           offense. But all such individuals constitute the  
4           multifaceted support system of folks who are  
5           detained in, in correctional facilities. And  
6           it's important to maintain your, your mental  
7           health, your emotional health and promote  
8           successful reentry. So over-policing and  
9           criminalizing communities of color already  
10          subjected to dehumanizing background checks and  
11          racially disparate enforcement increases the  
12          likelihood that the resulting disparately imposed  
13          criminal record background checks will be used to  
14          restrict or prohibit family members from visiting  
15          their incarcerated loved ones.

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

23                 In closing, CSS recognizes that jails  
24          and prisons are complex institutions. Successful

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2           removal from the general population requires  
3           attainable goals for the individual to return to  
4           the general population and an overall change in  
5           correctional culture, like that which has been  
6           demonstrated institutions that have adopted  
7           effective communication techniques. The Board is  
8           charged with serving as the watchdog over the DOC  
9           and with ensuring that New Yorkers are treated  
10          fairly and humanely by the DOC. Drafting and  
11          urging the passage of rules that harm and work  
12          against New Yorkers is inconsistent with that  
13          mandate. We urge the Board to withdraw its  
14          current proposed revisions as they concern sol-,  
15          help me, solitary confinement, visiting  
16          regulations and packages. Thank you for your  
17          opportunity to comment.

18                   MR. BREZENOFF: Riley Evans?

19                   MR. RILEY DOYLE EVANS: Good afternoon.  
20           My name is Riley Doyle Evans. I'm here on behalf  
21           of Brooklyn Defender Services where I am the jail  
22           services coordinator. I ask you to please read  
23           through our more thorough testimony. The  
24           testimony delivered here will be necessarily more

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2           general than our written comments. As noted by  
3           others, the U.N. Commission in charge of rules  
4           for the treatment of prisoners to which the U.S.  
5           is a party, recently released revisions that  
6           explicitly prohibit as torture a solitary  
7           confinement longer than 15 days and an imposition  
8           of solitary confinement upon people with mental  
9           or physical disabilities.

10                   As a City, we are all responsible for  
11           the people in our jails. We are all responsible  
12           for torture when it is inflicted in our name. So  
13           when I speak about this issue, I use collective  
14           terms, we, us and our. However, it is you, this  
15           Board, who has been charged with making choices  
16           that reflect on all of us. Our choice is clear,  
17           we cannot, we must not permit any expansion of  
18           solitary confinement in our city jails. Anything  
19           to the contrary is an explicit and shameful  
20           acknowledgement that we condone torture in our  
21           name. The international standards do not make  
22           exceptions for any class of infraction or people,  
23           nor should we. In addition to facilitating  
24           torture, the length, the lengthening of solitary

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2           confinement sentences for assault on staff to 60

3           days and giving the Department discretion to

4           override the seven-day reprieve will not serve

5           the stated purposes of reducing violence. There

6           is no evidence in the academic literature,

7           correctional best practices or provided by the

8           Department of Correction to suggest that longer

9           sentences in isolation have successfully deterred

10          or reduced on the violence. On the contrary, the

11          evidence suggests that reducing the use of

12          solitary improves jail safety. In the case of

13          New York City jails, the Board's own experts,

14          Drs. Gilligan and Lee, have advised you of this

15          reality. If the Board permits longer sentences

16          in isolation, it will be in direct contradiction

17          to the evidence and international rules. It

18          would be indefensible. The cyclical failure of

19          harm, the cyclical failure and harm of solitary

20          confinement will be borne out through overrides

21          of the seven-day reprieve. Our clients in

22          solitary confinement routinely report that they

23          are denied basics needs like toilet tissue. They

24          report that they do not have access to the

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2           telephones to call their families or their

3           attorneys. They describe an inability to access

4           medical care. They report that they cannot get

5           attention from mental health staff when they well

6           up with anxiety for being made in a fil-, made to

7           live in a filthy concrete box without contact

8           with other human beings for long periods of time.

9           In order to get access to these basic needs our

10          clients must resort to small protests like

11          holding open the slot through which they are fed

12          or flooding their cell. When they do, the

13          response is routinely for the Department to send

14          a probe team to extract the person violently from

15          their cell and in almost all cases, the person

16          will be infracted for resisting staff or assault

17          on staff as a result of the extraction, leading

18          to ever longer stays in isolation. The cycle of,

19          this cycle of violence only escalates as people

20          become more desperate and resentful of their

21          conditions. Some individuals who feel their only

22          agency lies in an act of disobedience may carry

23          this sentiment with them into the general

24          population. The harm of solitary confinement

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2           reverberates through an entire system.

3                         During a Board meeting just a few days  
4           ago, Dr. Venters described the many of the  
5           individuals who are the subjects of overrides  
6           after 60 days in solitary confinement were held  
7           over for infractions that did not involve actual  
8           violence, but rather threats or gestures. He  
9           also reported that more than 89 percent of the  
10          overrides received mental health treatment and  
11          more than 50 percent of the people in isolation  
12          overall suffer from mental health conditions  
13          which are exacerbated by isolation, leading to  
14          the very behavior that keeps them there. This  
15          report is a good indication of the circumstances  
16          in which the proposed overrides to the seven-day  
17          reprieve would be used and who would be subjected  
18          to them. These individuals would be subjected to  
19          continuous long-term isolation, not because of  
20          persistent violent acts, but because of perceived  
21          aggression directly related to their mental  
22          illness and the intersection with isolation. The  
23          escalation of immense and horrifying self-harm,  
24          cell fires and desperation in GRVC 12 Main before

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2           it was shuttered this year should be foretelling  
3           of the consequences when isolation is the only  
4           response to difficult behavior. After all, the  
5           same population, including some of the very same  
6           individuals who are housed there are now the  
7           subject of 60-day overrides and will be denied a  
8           seven-day reprieve should these rules be adopted.

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

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2           solitary confinement and redirect focus to  
3           exploring lasting, humane responses to violence.

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

17                    The proposed restrictions on visiting  
18          and packages are unwarranted and should be  
19          rejected. It is patently unjust to punish  
20          hundreds of thousands of innocent New Yorkers  
21          when they have nothing to do with contraband  
22          smuggling. The Department has provided no  
23          information suggesting that visitation or  
24          packages are a significant source of contraband

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2           smuggling or why existing searches of packages  
3           before and after visits are inadequate to control  
4           contraband through those points of entry.  
5           Meanwhile, several DOC officers have been  
6           arrested brazenly smuggling weapons in the last  
7           few weeks.

8                         The proposed rules would provide the  
9           Department with unbridled discretion to deny  
10          visits. The rules as drafted provide no guidance  
11          whatsoever as to how information would be  
12          gathered about incarcerated people and their  
13          families, from where, by whom, how different  
14          characteristics would be weighed when determining  
15          whether to deny a visit, when such an evaluation  
16          would take place and at what level of staff a  
17          determination would be made. Also unclear is how  
18          potential, how a potential denial of a visit is  
19          actually related to any risk whatsoever of  
20          contraband smuggling or violence. Is there any  
21          incident of smuggling or violence that the  
22          Department can point to that their, as of now and  
23          defined, screening system would have anticipated  
24          and prevented? The proposed rule is

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2           inappropriate for a jail setting. When  
3           individuals in the jail are placed in restrictive  
4           punitive settings, there is supposed to be a  
5           direct connection to behavior in the jail. They  
6           may not be deprived of fundamental rights on a  
7           preventative basis. Similarly, visiting is a  
8           fundamental right and there must be a nexus to  
9           actual behavior during a visit before such a  
10          deprivation is imposed. Current rules already  
11          allow for limitations on visits when a  
12          demonstrated risk is identified. As the Board  
13          considers this traumatic increase in discretion  
14          for the Department, we encourage you to remember  
15          rulemaking for the ESH. The Department  
16          apparently convinced you that placements in this  
17          unit would be narrowly tailored to capture the  
18          most dangerous people in the jails. Now the  
19          Department tells you this unit is not made for  
20          that population. Please do not make the same  
21          mistake twice. Do not lend your trust to a  
22          department which has not earned it. The  
23          conspicuous absence of the Commissioner--

24                   MR. BREZENOFF: You've really gone over.

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2                   MR. EVANS: This is the last point.

3                   MR. BREZENOFF: You're very far over.

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

21                   MR. BREZENOFF: Kelsey DeAvila?

22                   MS. KELSEY DEAVILA: Hi. My name is  
23          Kelsey DeAvila. I'm a social worker at Brooklyn  
24          Defender Services. I'd like to start off by

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2           sharing a bit of a client that I visit weekly at

3           the Rose M. Singer Center. Her name is Rhonda

4           and she's been on Rikers Island for two months

5           now. Rhonda is 24 years old and this is the

6           first time she's been incarcerated. Her first

7           week on the island, she cried every day. Rhonda

8           comes from a low income family in Brooklyn and

9           doesn't have much of a support system besides her

10          mother and 10-year old sister. Rhonda's story is

11          not different or unique to the thousands of other

12          people incarcerated. Rhonda uses her visits as

13          checkpoints to tell herself that she's made it

14          another week, as reminders that she's strong

15          enough to get through this, and lastly, it's her

16          one, her one hour where she can physically touch

17          and feel the support of her family. Rhonda's mom

18          commits herself to visiting her daughter every

19          week. It's a two-hour commute from her apartment

20          in Brooklyn to Rikers and another two-hour

21          commute back. She does it unconditionally

22          because she knows how much her daughter needs it.

23          When her mom visits, she brings Rhonda's 10-year

24          old sister. At first, Rhonda was hesitant about

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2           having her baby sister see her, but it's the baby

3           sister herself who begs and convinces her mom to

4           take her. Right now, Rhonda's mom faces a

5           criminal charge. Under the DOC proposal, the

6           criteria to limit or deny visits includes any

7           pending criminal charges. While the proposed

8           rule states that such, such factors alone shall

9           not form the sole basis for the Department's

10          final determination, there is no language

11          describing how these or other factors would be

12          weighed when determining whether to deny a visit.

13          If these rules were to be approved, Rhonda's only

14          visitor could potentially be denied. Her little

15          sister would also not be able to visit because

16          it's their mother who she depends on. As the

17          current language stands, it's open to too much

18          discretion and interpretation on behalf of the

19          Department of Correction. It would prevent too

20          many families from being able to see each other

21          and support one another. This kind of support

22          among loved ones is essential in the

23          rehabilitative process in coming back to a

24          community. These rule changes will simply divide

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2           families even deeper in a system that's already  
3           against them. We are aware of the already  
4           horrific process families and visitors are  
5           subject to when visiting their incarcerated loved  
6           one. And the truth is the Department already has  
7           the means through existing procedure to limit and  
8           deny visits when warranted. In addition to the  
9           intrusive searches endured by family members,  
10          people who are incarcerated are subject to strip  
11          searches before and after visiting with their  
12          family. These strip, these strip searches are  
13          performed by officers precisely so that they can  
14          find weapons or other contraband not detected by  
15          manometers or other scanners. If contraband is  
16          ever recovered, the Department currently has the  
17          ability to limit visits to non-contact booth  
18          visits. If staff perform the mandated searches  
19          appropriately and effectively, these procedures  
20          should be adequate to intercept contraband  
21          smuggled during visits.

22                        If the primary concern of the Department  
23                        is reducing violence, the Department should be  
24                        working with the City to establish policy that a

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2           center and focus on the support system of those  
3           incarcerated by improving access for visitors,  
4           child-friendly visits and reforming the visit  
5           procedures in which family members are subjected.

6           I, myself, have witnessed the emergency service  
7           unit get on the Q100 bus, escort families and  
8           begin invasive searches using the canine unit,  
9           all before anyone can ask what is going on.

10          There's something fundamentally wrong when this  
11          is how parents, spouses, grandparents, children  
12          and friends are greeted when coming to Rikers  
13          Island. The current process already discourage  
14          people from visiting the island and making  
15          visits, and making visits more difficult and the  
16          main physical contact will only discourage more  
17          family members from visiting, causing further  
18          isolation and desperation among the incarcerated  
19          population thereby fermenting further violence.

20                       Not that long ago, the Visit Working  
21          Group was established to address these exact  
22          issues. We have yet to finalize a report of our  
23          progress and findings and we need to be given  
24          that chance before you ultimately take away the

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2           rights of visitors. In the short time we've been  
3           meeting, we've already made our recommendations  
4           when it comes to security. Infrastructure is a  
5           serious issue on the island. People being  
6           released from the jails are sent to the central  
7           visit building where they are to pass through the  
8           lines of people waiting to come in.

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

17          During these Visit Working Group  
18          meetings, I, along with other members, have  
19          requested specific data related to the number and  
20          specific type of contraband recovered during  
21          visits in order to better understand the scope of  
22          the problem from the perspective of the  
23          Department, but no such data has been provided.  
24          The Board should not be able to support DOC's

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2           proposal simply based off the Department's belief  
3           that there has been no data or evidence-based  
4           documentation. The Board should be requesting  
5           this data and should be allowed to review before  
6           such a harmful rule change is accepted. There  
7           needs to be transparency into which to what is  
8           going on so we can better refocus on the real  
9           issues.

10                   I'd also like to discuss the proposal  
11           concerning packages. Family and friends would  
12           not be able to provide socks, underwear,  
13           notebooks, envelopes and other property without  
14           purchasing it new and paying for shipping.  
15           Having to repurchase could be del-, having to  
16           repurchase what could be delivered from home will  
17           be a financial hardship for many. I work with  
18           incarcerated people every day and we're putting,  
19           we're already getting several reports that  
20           packages are being denied or sent back because  
21           they include such items. We have hearings and  
22           voting process for a reason and yet the  
23           Department undermines the Board's own existence  
24           by disregarding this entire process altogether.

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2           We have these systems for checks and balances for  
3           a reason and by the Department denying packages  
4           to our clients, speak to the larger issue of  
5           communication and transparency. The absence of  
6           Commissioner Ponte and senior staff shows a great  
7           disrespect, disrespect to the people of this City  
8           who are being greatly impacted by the changes he  
9           and his staff are proposing. Families matter.  
10          Those incarcerated matter. And the simple fact  
11          that I even have to explain that shows how behind  
12          we've become.

13                        Last night, I attended the National  
14          Association of Social Workers annual meeting and  
15          our guest speaker was New York City's First Lady,  
16          Chirlane McCray. She spoke a great deal about  
17          her and the Mayor de Blasio's goal in making our  
18          city a global leader. Mayor de Blasio was  
19          elected by running on a progressive platform to  
20          bring real change to the City. New York City has  
21          a great opportunity to be a true leader in  
22          progressive change, but following cities like Los  
23          Angeles, we're not only going backwards, we're  
24          admitting to our own failure in being an

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2           independent frontrunner. We need to refocus. We  
3           need to be proactive and not reactive. We need  
4           smart, comprehensive evidence-based and, most  
5           importantly, thoughtful policy changes if we want  
6           to reduce violence in our jails. We cannot  
7           approve rule changes like the one in front of you  
8           because they simply are lacking in detail  
9           substance and they provide too much discretion on  
10          behalf of the Department. You may have the  
11          support of the Department, but you don't have the  
12          support of the people. And I sincerely urge you  
13          all to not accept these rule changes, but to work  
14          together, including the Department and the de  
15          Blasio administration and, most importantly, the  
16          people of New York City in becoming an actual  
17          leader for real change. Thank you.

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

20                   MS. CANDIE HAILEY: Hello and good day,  
21                   all. My name is Candie and I'm a bing survivor.  
22                   I say survivor due to the fact that I spent over  
23                   three years in solitary confinement, also known  
24                   as the SHU, better known as the Bing or the Box,

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2           where I was dehumanized and tortured. It's an

3           absolute miracle that I stand here before you

4           today because I just knew solitary confinement

5           was going to be the death of me. Please take my

6           words into consideration for if you do, you just

7           might save another inmate's life. After being

8           neglected, abused, raped and ridiculed, I was

9           eventually acquitted of all charges. The main

10          reason I sent so long on Rikers Island was due to

11          the officers not producing me to court. If I was

12          in general population, then I would have had the

13          privilege to shower, put on my trial clothes, get

14          on the Department of Correction bus and get to

15          court like a normal inmate. Being that I was

16          falsely accused of assault on staff, I was placed

17          in solitary confinement where I needed to be in

18          full enhanced restraint, capped and escort, which

19          means I wore a spit mask, a waist chain, mittens,

20          shackles and had to have a captain, as well as an

21          officer escort me to the shower, the Department

22          of Correction bus, to court appearances,

23          everywhere. It was bad enough that I was

24          incarcerated for a crime that I never committed,

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2           but to make matters worse, Officer Ellis, an  
3           elderly woman correction officer who falsely  
4           accused me of assaulting her as a result of her  
5           writing me an infraction, also known as a ticket,  
6           I was placed in solitary confinement. After the  
7           jurisdiction captain told me, unfortunately, the  
8           camera does not work in that housing area. It's  
9           very ironic and peculiar to me that the camera  
10          did not work in the housing area, especially  
11          since it was in Building 8, a protective custody  
12          unit. How can a camera not work inside of a  
13          protective custody unit? People take for granted  
14          in life the simple things, such as bubble bath,  
15          toilet tissues and hot meals. When I was in  
16          solitary confinement, I was deprived of toilet  
17          tissue, sanitary napkins, toothpaste, toothbrush,  
18          linen, showers, recreation, religious services  
19          and medical and mental health treatment, dental  
20          treatment. I had three wisdom teeth that needed  
21          to be pulled and I was in so much pain. Even  
22          visits -- when I say visits, I mean counsel and  
23          family visits as well. At one of my visits, my  
24          youngest sister, China, and I -- at one of my

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2           visits, my younger sister, China, and I were

3           being watched by suicide watch officer and two

4           floor officers as well with two cameras behind

5           us. After the visit, my sister was, my sister

6           was -- after the visit, my sister was told that

7           she passed me contraband and she could not have

8           any more visits with me. How could she pass me

9           contraband with three officers sitting adjacent

10          from us and two cameras as well? She did not.

11          Eventually, I appealed the visiting ban that

12          China was given and the in-house judge overturned

13          the decision. When I received visits, it felt as

14          if my soul was returning to my body. Preventing

15          inmates from simply hugging the visitor will not

16          prevent contraband from entering the jail and

17          prison systems due to the fact that officers and

18          other staff are the criminals giving the inmates

19          contraband. When I was tortured in solitary

20          confinement, Officer Mach [phonetic], shield

21          number 15656, gave me a metal nail filer. Would

22          you consider that to be contraband? On another

23          occasion, Officer Roberson [phonetic], shield

24          number 11774, offered me liquor out of his juice

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2           container that she was drinking from while on

3           duty. She got upset when I replied, I do not

4           drink. I strongly believe that liquor is said to

5           be contraband. This list goes on and I could

6           write all year about the crooked officers and

7           other staff I've witnessed give other inmates, as

8           well as myself contraband. But I presume that

9           you all get my point. Just keep in mind that

10          both officers, Mach, 15656 and Roberson, 11774

11          are both still employed at Rikers Island. So

12          what changes are you really making? Every day I

13          rot in that cell as if I tried, as I tried to

14          commit suicide by hanging myself, overdosing on

15          medication, swallowing industrialized cleaning

16          powder, Nair hair remover and cutting my wrists.

17          I asked God, why? Why me, God? You know, I'm

18          innocent. Today, I understand exact-, absolutely

19          why I was put in solitary confinement. Inmate

20          2411201778 was destined to be here today and

21          every single day to give you my testimony and beg

22          you to end these modern-day concentration camps

23          called solitary confinement housing areas. Please

24          stop the torture. The Bible reads, thou shall

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2           not kill. So if you are a believer, you will put  
3           an end to these death chambers once and for all.  
4           Thank you for listening and have a blessed day.  
5           I am Candie, a solitary confin-, a solitary  
6           survivor. And here's some infractions.

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

14                        MS. HAILEY: Twenty-eight years old.

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

17                        MS. HAILEY: Thirty-two years old.

18                        JUDGE HAMILL: Alright. I want to thank  
19          you so much for coming to speak to us. And I  
20          just want to share with my colleagues. In  
21          addition to being called by Hour Children about  
22          Candie, when I would go on her particular housing  
23          unit, a lot of the other inmates would call me  
24          aside and ask to speak to me because they were

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2           very concerned about how she was being treated so  
3           there appeared to be some independent information  
4           other than just coming from Candie. Thank you.

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

7                   MR. BREZENOFF: Brittany Knapp.

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

20                   I present these points through the lens  
21          of the research-based self-determination theory  
22          as outlined by psychologists Richard Ryan and  
23          Edward Deci, although there are other theories  
24          that align closely with what I'm about to speak

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2           with about today. These theories identify three  
3           basic intrinsic human psychological needs that  
4           are essential to positive functioning and  
5           wellbeing. These include the need for  
6           competence, relatedness and autonomy. I will  
7           detail the importance of each of these basic  
8           psychological needs and help propose amendments  
9           to the jail minimum standards underlying each of  
10          them.

11                       The first is competence. Research  
12           performed by prominent behavior psychologist  
13           Albert Bandura and Dale Schunk have shown that a  
14           sense of competence and mastery over one's own  
15           environment gives people a sense of personal  
16           control. When a person works towards and masters  
17           a task, they are satisfied with themselves and  
18           get motivated to tackle future substantial goals.  
19           The environment of solitary confinement, by its  
20           very nature, leaves no room for a person to feel  
21           competent, given little or no stimuli and the  
22           ability to set and achieve meaningful goals they  
23           set for themselves, which is proven to make  
24           positive lasting changes in behavior. For this

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2           reason, solitary confinement is counterproductive  
3           and the requirement for seven-day respite periods  
4           should absolutely not be removed as the person  
5           must be given the ability to feel a sense of some  
6           control over their lives.

7                         And the second would be relatedness.  
8           Extensive research by Deci and Ryan, Baumeister  
9           and Leary has found that a sense of relatedness  
10          is essential to human psychological functioning  
11          and is, perhaps, the most important element in  
12          the treatment of emotional behavior problems.  
13          Anxiety, grief, depression, loneliness,  
14          frustration and helplessness result in  
15          [unintelligible] [2:58:03] for relationship,  
16          relatedness, many of whom many people that are  
17          imprisoned have, had disruptive home lives or  
18          abusive home lives and feel less connected to  
19          their immediate families and have developed other  
20          meaningful relationships to meet this need to  
21          care for, to be cared for and to care for others.  
22          Both solitary confinement in which people are  
23          isolated from any human contact and allowing the  
24          DOC to make decisions about what constitutes a

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2           close intimate relationship violate a person's  
3           need for relatedness and the freedom to chooses  
4           what this means to them as an individual.

5           Research has proven that this disruption will  
6           lead to more suffering and manifest in more  
7           maladaptive and destructive behavior.

8                       The final point I will be talking about  
9           is autonomy. Ryan, Deci and their colleagues  
10          emphasize the importance of autonomy as essential  
11          to wellbeing and motivation. A healthy sense of  
12          self or identity allows a person to feel  
13          responsible for their actions and motivated to  
14          move forward with a value that they have  
15          identified for themselves. Research has shown  
16          that an autonomy-supportive environment listens  
17          to the person's point of view, allows for  
18          personal choice, treats them with positive regard  
19          regardless of the circumstance, gives appropriate  
20          reasons for any suggestions or requests and  
21          minimizes pressure. This type of environment  
22          promotes positive behavior and life decisions,  
23          increases self-esteem and gives greater hope for  
24          long-term success in treatment. Interventions

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2           like punitive segregation, stringent restrictions  
3           on visitation and inability to have your personal  
4           belongings and necessities rob a person of their  
5           power, identity, self-worth and autonomy. People  
6           who are incarcerated must be treated with basic  
7           human respect, have their questions and concerns  
8           acknowledged and efforts must be made to decrease  
9           their suffering. And I would also like to say  
10          that there are many possibilities and therapeutic  
11          possibilities and interventions that are proven  
12          to soothe and deescalate people that could be  
13          implemented.

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

24                         MR. BREZENOFF: Thank you. Jane

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2           Stanicki is next and she would have been followed  
3           by Xena Grandicehlli so at that point perhaps Mik  
4           Kincaid would come up after Ms. Stanicki.

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

22                   The first time I went to visit Candie,  
23          she had been in the bing for 21 months.  I saw  
24          her and we talked through the steel door, of

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2           course, of course. And then I went to visit her

3           again. And after the second visit, I went to eth

4           head of mental health and Singer and I asked was

5           Candie getting mental health visits? Yes, she

6           gets the prescribed number. She gets two, on two

7           tours there's a mental health visit. Candie had

8           told me that she hadn't been out of her cell. I

9           asked him whether he ever, his people ever took

10          Candie out of her cell for a mental health visit?

11          No, he said, of course not. You have to have a

12          captain, the spit mask, everything she told you.

13          And then he said, Candie doesn't have mental

14          health problems. She's a behavioral problem.

15          Twenty-one months in the bing and if Candie did

16          anything -- she occasionally acted out -- she

17          would get another week, two weeks or 30 days. At

18          that point, at the 21-month mark, I think she had

19          several hundred days still "assigned" her in the

20          bing. That is our mental health system at Rose

21          M. Singer. I'll mention one other thing -- and

22          by the way, every time I visited Candie, she was

23          clean, neat, her hair was done, her clothes were

24          clean, I don't know how. We read a book

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2           together, not exactly together, but read the same  
3           book. I knew she read the book because we  
4           discussed it. This is a pretty amazing survival  
5           story. But look what we did. We let that  
6           happen. We just shouldn't have let that happen.  
7           I'll say one other thing about Singer. The  
8           Department of Correction does not seem to  
9           understand that women are not small men. They  
10          just aren't. They're different. The male  
11          military model of incarceration and detention is  
12          all wrong. There, Singer is not riven with day-  
13          to-day violence. It isn't. But the same rules  
14          apply. There's something wrong with the system  
15          also. Thank you.

16                   MR. BREZENOFF: Thank you. Mik?  
17           Alright. So there you go.

18                   MR. KINCAID: Thank you so much. And  
19           thank you for letting me let Xena go first and I  
20           want to say thank you to everyone who has shared  
21           their stories of survival in Rikers. I know  
22           those are incredibly vulnerable stories to share  
23           and I feel very appreciative to have been in this  
24           room and listening to them. So my name is Mik

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2           Kincaid. I'm a staff attorney and the Director  
3           in the Prisoner Justice Project at the Sylvia  
4           River Law Project. We work with transgender and  
5           malconforming and intersex New Yorkers. And I  
6           specifically work with people who are on parole  
7           or probation, who are in the city jails, or  
8           incarcerated upstate. In addition, we started to  
9           go to the trans-housing unit once a month to  
10          teach a legal clinic and I, last Friday was the  
11          last time we went and I asked some of the folks  
12          who are inside there to tell me what they wanted  
13          me to say today. So these are included in my  
14          comments, but I wanted to make sure that they  
15          were read out loud.

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

21                 Another woman said, when I get to visit,  
22                 the COs know that I am loved. It says that there  
23                 are people, and sometime they're the people who  
24                 know nothing about me, they just know that I am

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2           transgender and in jail, but they want to show up  
3           for me and they give me encouragement and I feel  
4           safe.

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

16                        During group discussions, some of the  
17          women wrote the following statement: Jail alone  
18          isn't a positive reinforcement to change your  
19          life. It's in the best interest of the people  
20          inside to have visits be more open, more easily  
21          accessed and less scary for the people who are  
22          coming to us. We don't have any programs to go  
23          to in here. We have nothing to inspire us.  
24          Visits are what link us to community and this is

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2           a treatment that we need and deserve. And it's  
3           true the trans-housing unit is treated as if it's  
4           a protective custody unit and so folks do not go  
5           to recreation; they do not go to religious  
6           services; they do not go to programs. They sit  
7           all day in that unit and it's a wonderful  
8           improvement on what used to happen to transgender  
9           people and, of course, there are many, many, many  
10          transgender and nonconforming endurance, that's  
11          people who are not in that unit. That unit is  
12          very, very small. But all the same, it is, it is  
13          incredibly isolating. I was locked into that  
14          unit for about three hours last Friday because I  
15          couldn't, they couldn't get me an escort and we  
16          just sat for three hours. And, I mean, it was, I  
17          was happy I got to talk to all these individuals,  
18          but they have literally nothing else to do with  
19          their time.

20                   And a woman who was upstate sent me the  
21                   following letter. She used to be in the program.  
22                   She writes, I had a sister who is not a blood  
23                   sister, but another transwoman. She loved me and  
24                   looked after me and supported me when we were

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2           both homeless together. She kept me safe and I  
3           kept her safe. When I got locked up, I wanted  
4           her to visit me, but I never asked her to because  
5           I knew that for her to go to the island would be  
6           too much. The nasty names that they call us, the  
7           pat downs, the humiliation, the waiting, I really  
8           needed her to be there for me, but I don't want  
9           her to go through that so I never saw her and now  
10          I won't ever see her.

11                        So I just wanted to bring those voices  
12           today and then just quickly point out some other  
13           concerns that we mention in our statement, which  
14           we submitted. SRLP is very concerned about the  
15           fact that even though the policy now says or  
16           would say, if this rule is passed, that contact  
17           visits are very important and that the definition  
18           of family is expansive, that there is still total  
19           discretion to decide what is a close and intimate  
20           relationship. It's not defined at all and there's  
21           no information about the wait that will be placed  
22           on that. There's also information that the  
23           Department of Correction can look at trends of  
24           visiting and as several people have pointed out,

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2           folks who have been previously incarcerated and

3           are now advocates and organizers are the best

4           people to visit people who are inside to give

5           them inspiration, to inform them about reentry

6           programs and any, anything that might be

7           important to and useful. And so if a person now

8           in that role wants to visit multiple people for

9           part of a potential program that could a trend of

10          visitation by someone with a criminal history

11          that could be suspicious when actually what

12          they're doing is offering support and

13          encouragement. And again, this has been

14          mentioned as well, but the fact that the appeals

15          would not go to the Department of Correction and

16          not to the Board directly is very disturbing.

17          That is not an impartial decision maker. That

18          is, that is another step that would delay justice

19          for people who have been improperly denied a

20          visitation. And I had comments I was going to

21          say about solitary, but I think because of India

22          and Natalia and Xena, you've already heard so

23          much about what it means for transgender people

24          to be placed in solitary and the incredible harm

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2           that happens to them. So increasing the time  
3           that people spend in solitary is completely  
4           inappropriate and is torturous and the fact that  
5           there are people who leave solitary after 30 days  
6           and still engage in behavior that is deemed to be  
7           violent isn't surprising when you consider the  
8           torture that they've undergone. Of course  
9           they're still doing those behaviors because what  
10          else have we taught them to do? So it, it's not  
11          surprising at all and I don't think that the  
12          solution to that is to put people into more  
13          torturous behavior for more time. Thank you.

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

18                   MR. TYRELL MUHAMAD: Good afternoon. My  
19          name is Tyrell Muhamad. I'm with the  
20          Correctional Association of New York. We already  
21          submitted our written testimony. After so many  
22          amazing people and testimony, I'm not even going  
23          to belabor the point or be redundant. We spoke  
24          about or heard about solitary confinement all

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2           day. Visitation, all day. And where I work at,

3           I do a lot of study and research. And part of my

4           study and research is to find out and measure

5           what works. Empirical data shows that one of the

6           key linchpins to reentry and successful

7           rehabilitation is family ties, strong community

8           ties. That's undeniable. So we're going to

9           attack visitation and try to dismantle it or

10          divide it in some way, then what we're saying is

11          that we don't believe in rehabilitation. We

12          don't believe in reentry that's successful. So I

13          really, really would like to encourage the Board

14          to really evaluate that. To have the Department

15          of Corrections investigate family members to come

16          on visits to see what type of criminal background

17          they have -- family members just want to visit

18          their loved ones. They're not applying for a job

19          at Corrections. They just want to visit. If we

20          give them that type of leeway and authority, what

21          we're doing is we're opening up a door that's a

22          real slippery slope. And the communities that's

23          already affected will be more devastated. I'm

24          not going to talk about the contraband because,

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2           again, in my research, Department of Corrections

3           has said in their all statistical data that 79

4           percent of the weapons found come from inside the

5           facility, from their own decaying infrastructure.

6           So, and only, I think what, 20 to 30,000 people

7           per month visit Rikers Island. Out of that

8           number, I think there's only three people get

9           arrested for bringing weapons or contraband. So

10          we are going to allow three people to affect 20

11          to 30,000 people. Norman Seabrook himself always

12          says, we only have a few bad apples. But the few

13          bad apples we don't want, we don't want them to

14          paint a broad picture for all the correction

15          officers. But we're doing that to our families

16          and our loved ones. We doing that to a community

17          who only wants to continue to have meaningful

18          human interaction with they loved ones. This is

19          it. When Candie spoke today, I heard from the

20          trans-community today, many advocates today

21          talking about the effects of solitary

22          confinement. We in the 21st century and we're

23          going into medieval times to address a problem?

24          We're in a technological society where we have

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2           therapeutic models that work and we're not even  
3           going to give those models a chance? We say we  
4           are a progressive city. But we doing  
5           unprogressive things. We have to really -- like  
6           the brothers in the street, we have to check  
7           ourselves because we do believe that people are  
8           redeemable. And if that is a truth, then we have  
9           to find methods and ways to redeem people.

10                   The theme today was we're human beings.  
11           We're -- the theme is that there are people who  
12           are incarcerated. No one was born a criminal.  
13           Sometimes circumstances and conditions and  
14           behavior dictate a mistake that one have to live  
15           with forever and it shouldn't be. Only  
16           communities that affect or apply to is the Black  
17           and Latino community. So that racial paradigm  
18           has to be highlighted and addressed. We can't  
19           minimize that. I looked at a program yesterday  
20           on Fusion TV. They were talking about kids in  
21           prison. There was one place in New Orleans that  
22           had a white warden there. He said his population  
23           is 100 percent Black. He said, it's like white  
24           children don't commit crimes. Do you, do you get

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2           what I'm saying? We have to be honest today  
3           because our communities are suffering. We're  
4           being over policed. We're being over  
5           incarcerated. And if we don't address that, you  
6           have a universal cry for justice in the world  
7           today. Everyone's asking for justice. And if we  
8           don't listen, they'll make a demand behind there.  
9           Thank you.

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

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

15                   MR. BREZENOFF: What'd he say?

16                   MR. COHEN: He's not Victor. Victor  
17           left.

18                   MR. RAKIM: I'm the founder and  
19           secretary of general litigation and organizer  
20           with Resist Rikers. Just last week, we organized  
21           a blockade of [unintelligible] [3:16:57] and we  
22           organized that blockade because the people are  
23           sick and tired of the abuse. They're sick and  
24           tired of the fact that we come to Boards like

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2           this and nothing is happened, nothing is changed.

3           The children are still on the island. People are

4           still being abused. The weight is still being

5           shift. So the people are saying that we want the

6           island shut and we know you don't have the

7           authority to do that. We have the authority to

8           do that. We can shut it down and we will shut it

9           down. Next week we'll be marching out there on

10          the 23rd and we'll shut it down again. And we

11          know you're taking our pictures. Got 'em right

12          here. We know you're taking our pictures, but

13          we're taking your pictures too. That's you.

14          We're taking your pictures too. So it don't

15          really matter. I'm letting you know that's what

16          we're doing and we're going to shut it down and

17          we're going to remove the children from the

18          island. But the only thing I think that exists

19          in your authority as the Board is to actually do

20          what you can do. Perhaps you can't shut the

21          island down. That's the job of the people. And

22          we'll be doing that. However, we have demanded

23          the immediate and unconditional removal of all

24          children in compliance with international law

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2           from the island without delay, without condition

3           and that the man continues. However, you've

4           allowed Ponte to use all kinds of mechanisms to

5           retain the children on the island. He's, he's

6           used the advocate organizations to actually

7           fabricate boards to delay and extend the children

8           being on the island to justify them being there.

9           These child advisory boards are unacceptable to

10          us because all they're doing is delaying the

11          process. And so we're making the demand for the

12          immediate removal of the children. And we will

13          be too, we will be back on that bridge to Rikers

14          Island shutting it down and all roads will lead

15          to Rikers Island because it's a symbol of

16          oppression and you're not going to change it, you

17          know. He didn't even have to come here, Ponte

18          didn't have to come here. Why you do think he

19          didn't come here? Y'all going to rub his neck

20          whatever he say, you know? The international

21          community has condemned you. The United States

22          is under universal periodic review for torture

23          and you're still not moving. You have the

24          opportunity to change it. You safers should be

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2           ashamed of yourself 'cause of your history and

3           background. What do you do always voting in

4           favor of what Ponte's setting up? I don't

5           understand you. What is the problem? This is

6           repression. This is state direct uncut

7           repression. You heard what Candie said. This is

8           what happens every day. This is what I went

9           through as a child prisoner, what I went through

10          in those cells. You're hearing it over and over.

11          Why did I have to be a violent person? I had to

12          be a violent person to, because I had to defend

13          myself. I wasn't allowing myself to be raped.

14          That wasn't happening. So what did I do? I got

15          violent. And you can better believe, right, none

16          of those pigs gave me any of those nice little

17          weapons that they're giving to the gangs to

18          create power, power bases. Nah. And I had to do

19          my thing. If I had to, I would have tore it out

20          the wall. Nobody was abusing me as a child, but

21          you still have the children there. The children

22          are violent because they have to defend

23          themselves. They have to do that. If you remove

24          them from the island, reintegrate them, give them

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2           the means of transforming themselves, educating

3           themselves, advancing themselves, treat them as

4           children, then you'll see that they're capable of

5           actually transforming. But I don't think that's

6           the intended purpose in this society, to be

7           frank. I mean, it would take higher social

8           changes to actually transform this. But within

9           your capacity, within your purview as members of

10          a Board that have oversight of this system, we

11          make the demand without compromise that the

12          children be removed. And we ask you to be in

13          compliance, Judge, with international law. You

14          know the law. Apply it. No person under 18 can

15          be confined to an adult facility under the

16          conventions of the rights of the child. Why are

17          you allowing it to continue? And so, this is

18          what I'm asking and this is a very simple request

19          and the City Council agrees; you agree; the

20          advocates here agree. Remove the children

21          immediately. That's my only request and my only

22          demand and we'll be back to shut down Rikers

23          every chance. And I will be, I will be asking

24          every organization that's upset with the

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2           injustices that we suffer to target the island.  
3           If, If Joe Police Officer blows out some poor  
4           guy's head in the street, we're going to say, all  
5           roads lead to Rikers. Shut it down 'cause those  
6           are the institutions of repression. That's where  
7           it's responsible. Do you read me? They're  
8           responsible for that repression so we going to  
9           shut it down. But right now, in your authority,  
10          in your capacity, remove those children. That's  
11          all I got to say.

12                   MR. BREZENOFF: Thank you very much.

13          Richard Degan?

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

16                   MR. BREZENOFF: Thank you.

17                   MR. DEGAN: And we will be shutting it  
18          down. I did some research on Rikers Island. Who  
19          was it named after? I think the Board members  
20          should know. It's named after a very racist old  
21          mecca who only came into the government to  
22          purposely build prisons. The name should be  
23          removed. Out of respect for the African-American  
24          community. You should research who it's named

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2           after. He was a violent racist. You probably

3           don't even know that and you say you're Board of

4           Corrections. One, you should change the name,

5           call it the Board of Incorrections. There's no

6           government agency that's correcting anything.

7           Just like you celebrate Christopher Columbus to

8           this day, this so-called Christopher Columbus Day

9           we say we're celebrating the Italian heritage.

10          Now, that is a death camp that place. That is an

11          island that is decimated with the stories you

12          just heard. Nobody should ever be in there. But

13          every year, you go through the budget and it gets

14          larger and larger. You ask where I head these

15          names here. We've been heard these names

16          criminals. I think Christopher Columbus was a

17          pretty big criminal, but you still have a holiday

18          named after him. The only criminals I see in

19          this room are Board members that will not shut

20          this place down and are probably getting nice

21          salaries to keep it open. And an MD, if it is a

22          real MD, should be shutting this down today. You

23          should go out when you leave this room and

24          dedicate the rest of your life to shut that place

1           October 16, 2015

2           down. If you're a real MD, know what they do in

3           these prisons. I work with political prisoners.

4           I work with Mumia Abu-Jamal, who they're trying

5           to kill. What they're doing to these people in

6           Rikers Island, what they do to political

7           prisoners around the world, but your government

8           says we have no political prisoners. If people

9           survive Rikers Island is because they now

10          eventually are going to become revolutionaries

11          because they see what this dump is really about.

12          It's rotten to the core. I never heard one Board

13          member apologize to any of these people. I've

14          not even seen a tear, not a genuine tear, but you

15          gave yourself also mortar. That's how much you

16          care. I have been through the system too. I've

17          been a political prisoner. I write letters to

18          political prisoners. I write letters to Leonard

19          Peltier. I've been doing this work for 30 years

20          and I'm endorsing the shutdown. I'll mark it

21          with a shutdown October, I will be there to shut

22          it down. And other members of families will be

23          there to shut it down. I give you a challenge.

24          Go there in front of Rikers Island and get

1           October 16, 2015

2           arrested with people too. If you think this is

3           so bad that's going on, you would be like

4           everybody else, show up with the people who are

5           going to get arrested and get arrested with e

6           everybody else and see in your own world what

7           that place is like. Not from this table with

8           your nice titles. How did you get this job in

9           the first place? Some politician, a Democrat or

10          a Republican. And you conned poor people to keep

11          voting for these clown politicians who know this

12          is going on. They know this is going on.

13          There's been articles in Village Voice about the

14          guards bringing in weapons and letting gangs take

15          knives and slash each other's faces. Where is

16          the watchdogs over this? The only guards, the

17          criminals I see in this room, are the police

18          unions right over here 'cause I'm doing -- we're

19          bringing 100 families that have been killed by

20          police. We shutting this City down for three

21          days, but we're also going to shut down Rikers

22          Island. I give you the challenge to come to the

23          shut down in Washington Square on October 24th

24          and demand you shut Rikers Island down. I want

1           October 16, 2015

2           you to say, before I leave when my time's up, to

3           say you're going to commit right on the record,

4           right now in front of these people, are you going

5           to defund and shut down Rikers Island? If you

6           say you're not going to, this is all a scam.

7           This is a sham. This is wasting our tax dollars.

8           It's not about one or two kids getting out of

9           there. No one belongs in there. But you know

10          who wants this to keep going? The police unions.

11          It's about dollar bills. It's about this. If

12          that place stays open, they get another bonus,

13          the police unions. It should be shut down. It

14          should not be open one more day. Take everybody

15          out of there. And you want to meet some social

16          workers? Go up to Leonard Peltier. Go talk to

17          people that are holistic healers for Native

18          American nations. I was just at the Million Man

19          March and we told people about the shutdown. I

20          challenge you to stop being part of the

21          Democratic Party or Republican Party. Become

22          human beings again. Stop telling poor people to

23          vote against their interests. Let's see, I've

24          got one minute. So I state and I ask you to

1           October 16, 2015  
2           remember these people's names. See if they will  
3           show up and shut down Rikers Island. See if they  
4           want to change the name and then get rid of the  
5           place and put the tax dollars somewhere else.  
6           They're not going to do it. This is all a show.  
7           If they do it, I'll apologize to you personally.  
8           And if I see you there any of those three days, I  
9           will come and apologize to your face and say,  
10          maybe you are for real. If I don't see you  
11          there, this is all a dog and pony show. This is  
12          just an insult to all these people that testified  
13          what's going on. And I hope you're going to be  
14          there.

15                 MR. BREZENOFF: Thank you. Alex Lesman,  
16                 to be followed by Chanel Roper and Brunilda  
17                 Rivera. Alex Lesman? Oh. Maybe he'll show up.  
18                 He may have gone out for a moment. Chanel Roper?  
19                 Brunilda Rivera? Charlotte Pope? Ah, thank you.

20                 MS. CHARLOTTE POPE: My name is  
21                 Charlotte Pope. I'm here from the Children's  
22                 Defense Fund New York. I'll try to be brief and  
23                 support some of the other advocates who have  
24                 spoken today. So in January when the rule for

1           October 16, 2015

2           ESH was drafted by the Board, specific provisions  
3           were removed, including that those in ESH could  
4           only have booth visits, have visits with a pre-  
5           approved list of visitors and receive packages if  
6           they were brought directly from the seller. For  
7           many months, we've heard testimony that the  
8           current visiting process is demeaning and  
9           discourages visitors from returning. And many  
10          have asked that the Department instead create  
11          rules recognizing that visits help sustain family  
12          and community ties. We hope that the Board will  
13          again reject these restrictions.

14                 To address punitive segregation. In the  
15          Department's request letter, the justification  
16          for a higher maximum sentence for assaults on  
17          staff was "to send a clear message to staff that  
18          the Department supports them." There are  
19          alternative ways to make sure staff feel  
20          supported that do not rely on retaliation or  
21          practices that have been shown to cause harm.  
22          Subjecting people to additional days of punitive  
23          segregation is not a policy which aligns with an  
24          anti-violence agenda. In November of last year,

1           October 16, 2015  
2           while introducing ESH, the Commissioner said,  
3           "Enhanced housing allows the continuation of  
4           enhanced supervision for those inmates that are  
5           truly dangerous." The Department's more recent  
6           descriptions of ESH have been inconsistent with  
7           that public conversation. The seven-day release  
8           from punitive segregation was implemented to  
9           reduce the devastating impact of 23-hour  
10          isolation. We ask that the Board reject this  
11          proposal as alternatives to punitive segregation  
12          are possible and the Department has not disclosed  
13          what has been done to integrate people leaving  
14          punitive segregation.

15                 Lastly, the proposed rule change to  
16          reduce certain due process requirements for ESH  
17          remains unclear. During the July meeting, when  
18          the Board mentioned that this rule might allow  
19          for a revolving door for ESH, the Commissioner  
20          responded, "I think there are probably other  
21          options that we could work on that would be  
22          equally effective." This response raises  
23          questions as to the necessity to this rule,  
24          especially when considered alongside reports

1           October 16, 2015  
2           depicting problems with existing ESH due process  
3           procedures. Those reports show that there needs  
4           to be a greater supervision and monitoring of due  
5           process rather than a reduction in the  
6           requirements. We have also submitted detailed  
7           testimony so I'll stop here. Thank you.

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

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

18                   MR. BREZENOFF: Okay.

19                   MR. SMITH: Thank you. My name is Terry  
20          Hubbard and I'm a member of the Jails Action  
21          Coalition. I'm here today because I'm a human's  
22          right activist and what we are talking about  
23          today is a human rights issue. I'm also a mother  
24          who has a son who has special needs who is

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2           incarcerated in New York. When my son was on

3           Rikers Island, I tried to visit as often as I

4           could, but the wait, it is horrendous. It can be

5           pretty grueling to have to wait four hours for a

6           one hour visit and then those inmates with

7           special needs have to wait for an escort so the

8           wait for the family can be even longer. One time

9           when I arrived at the facility after all the

10          initial lines and waiting, what usually takes an

11          hour to locate my son took four or five hours.

12          And I, I and the officer on the floor knew

13          something was wrong. It shouldn't take four

14          hours to bring someone down for a visit. I never

15          had a problem with searches, but I know for a

16          fact that there are those who are mistreated who

17          go to visit. My families did not visit because

18          of the -- many families do not visit because of

19          the long wait and searches, plus the very long

20          trip to get to the island. But not being able to

21          see their loved ones creates an emotional

22          detachment and hurts everyone. When my son went

23          upstate, I went through a 30-day background check

24          to visit him in Central New York Psychiatric

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2           Center. In that time, while they wanted to see

3           if I had a criminal record, I could not see him

4           at all and it was -- and in that time anything

5           could happen. After applying, you have to wait

6           for a letter of approval. Sitting and waiting

7           for 30 days, you don't know what the outcome will

8           be after. The fear, the fear I felt in that time

9           waiting, I felt violated. I was in despair not

10          knowing what the outcome was going to be. I felt

11          that I didn't have a voice. I was at the bid of

12          the Department of Corrections and the OMH as I

13          waited patiently to be able to see my own child.

14          It's difficult because not only, because not only

15          the wait at that point in time, in those 30 days

16          my son was stripped of his medication that he

17          needed to survive and he couldn't let me know

18          what he was suffering. When my older son and I

19          were approved to visit Central New York, at

20          Central New York we traveled all the way to the

21          facility. When we got there, they said that they

22          didn't have any record or computer documentation

23          of our approval. Luckily, I had a physical copy

24          of the letter I had received in the mail

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2           otherwise, I would not have gotten in at all.  
3           The information should have been in the database,  
4           but it wasn't. My older son also had a copy of a  
5           letter we had received in the mail, but even with  
6           that, they would not allow him to enter to see  
7           his brother. They gave no answer for his, for  
8           this, no response at all.

9                        People need visits and human contact,  
10           especially those with disabilities, whether it be  
11           physical, mental or cognitive impairments, they  
12           may have substantial limitations and depression  
13           can come in even more so. I feel emotional about  
14           this. From my point of view, not being able to  
15           touch or hug my son, I don't know who to put it  
16           into words, a mother's touch. In one of the  
17           facilities I went to visit my son, there was a  
18           barrier between us. It was difficult to hug  
19           because of the barrier and the hug was very  
20           brief. When we said goodbye, he wasn't allowed  
21           to touch me or hug me to say goodbye. He could  
22           only wave his hand. From his point of view, he  
23           missed this rare opportunity for a caring human  
24           touch. He was frightened and lonely. I know he

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2           felt that he would never be able to hug or kiss  
3           his mom again. How could there be anything  
4           positive that comes out of denying someone that  
5           touch, that love?

6                        The package thing I went through when my  
7           son was at Oster County and it's very heinous.  
8           There you have to order food or any clothing,  
9           anything through a catalog. It is more  
10          expensive. We had to pay shipping and handling  
11          and taxes. Many incarcerated people's families  
12          have limited funds and aren't able to afford  
13          these prices. I could only afford one package.  
14          That was it. Even to put money on an inmate's  
15          account, you have to use a debit or credit card  
16          and pay a fee. That is not economically sound  
17          for families. Imagine if someone doesn't have a  
18          credit or a debit card. Their loved ones won't  
19          be able to receive packages. When my son did get  
20          the package, he felt loved. He felt love from  
21          home and not alone. My son always asks me to  
22          send him books so he can learn to read even  
23          though he has dysgraphia and dyslexia. He loves  
24          to read. One thing he wishes he could get is, is

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2           his GED, but he always has had difficulty in  
3           school. An incarcerated person may feel the love  
4           of their family through this package. Don't pass  
5           this rule to limit packages to be approved  
6           through approved vendors because it will create  
7           an economic barrier for both the incarcerated  
8           individual and their families and it will further  
9           target families who are economically  
10          disadvantages and their loved ones inside.

11                        Lastly, I've testified before. Solitary  
12          confinement is torture and it destroys the  
13          individual emotionally, physically and mentally,  
14          which can bring on post-traumatic stress  
15          disorder, as well as other mental deficiencies.  
16          I speak from the heart, please take a moment to  
17          empathetically put yourself in our shoes, the  
18          shoes of the family members who go through  
19          visiting their loved ones, worrying about their  
20          loved ones, saving up to pay for transportation  
21          or packages. My son is doing okay, but he hasn't  
22          spoken to his counselor in two months. I travel  
23          all the way upstate once a month to take him some  
24          food and books. These visits and small things I

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2           can bring him are what sustain him. Don't stop  
3           people in Rikers from having these basic rights.  
4           Thank you.

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

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

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

14                  UNIDENTIFIED FEMALE 1: Okay. Great.

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

20                   [OFF THE RECORD]

21                   [ON THE RECORD]

22                  MR. BREZENOFF: So I think some, some  
23          people who have signed up are now here. I'm  
24          going to read the names of individuals who have

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2           been registered and were not here when their  
3           names were called or not available. Is Alex  
4           Lesman here? Chanel Roper?

5                     MS. CHANEL ROPER: Yes.

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

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

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

18                    MS. ROPER: On? Good evening, everyone.  
19          My name is Chanel Roper. My sibling, Dominique  
20          Roper, is at Rikers. I'm going to read you her  
21          story and what she went [unintelligible]  
22          [3:42:44].

23                    I receive visits every week from my  
24          mother. Visits are important because when you

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2           actually see a loved one or a friend come to see  
3           you, it provides a feeling of home, even though  
4           you are in this secluded place. When you are in  
5           jail, you are forced to find people in jail who  
6           share your feelings and views to serve as some  
7           kind of family. So when someone from the outside  
8           comes to visit you, you know there is actually  
9           someone on the outside world, out in the outside  
10          world who is thinking of you and that your world  
11          is still there for you when you get out. In my  
12          opinion, a phone call is not as impactful as a  
13          visit. It's not as physical.

14                 The first time I got a visit from my  
15          mom, my sister and aunt, I was able to hug them  
16          and my mom held me. If you take that away, you  
17          just feel like an animal in a cage. Some people  
18          make mistakes and I, everyone is a criminal. If  
19          you take away visits, you take away one's hope  
20          for freedom. Having visits also let's our  
21          families feel connected to us. It is as much for  
22          them as it is for us. When I say family, I mean  
23          family and the way we all experience family. The  
24          people we consider family are not always related

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2           to us by blood. One of my best friends since I

3           was young has been my brother since we were 12

4           years old. It's common sense that these people

5           become family over time. It comes down to people

6           abusing their power. My experience is that when

7           people in jail have power, they do abuse it.

8           Staff take care -- staff take advantage of

9           people's insecurities and make some people a lot

10          worse when they leave here than when they came

11          in. If there were barriers at the visiting

12          table, it would take away any sense of comfort

13          and closeness. A barrier enforces a face that

14          I'm in here away from them. I worry about my mom

15          feeling that her baby really has been taken away

16          from her. There are punishments -- they are

17          punishing the visitors as much as they are

18          punishing us. The people who come to see you go

19          through so much to see you -- taking off their

20          shoes, their bra, showing their underwear,

21          changing their hair. If they go through all

22          that, they want the visit to be worth it and not

23          to be closed. Being held by mom reminds me that

24          I am not alone in there, that there is someone

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2           out there. A hug can speak in many ways. Being  
3           close throughout a visit means a lot. I can  
4           smell my mom. I love the way she smells. She  
5           makes me feel safe. The first time I saw my  
6           mother, she was able to wipe the tears away from  
7           my face. When I went back to the unit, I was  
8           happy. That touch can last for weeks.

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

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2           it. Thank you.

3                       MR. BREZENOFF: Thank you very much.

4           I'm just going to continue to read the name.

5           Brunilda Rivera? I think we were informed she

6           might be here after 5:00. Stacy Erickson? Noah

7           Harris? Joseph Tanzi? I think that's, those are

8           the names. So we'll just hold things in a, in

9           abeyance and see if anybody shows up. They may

10          be coming from work and it's Friday night in New

11          York so it takes a long time to get places. And

12          we'll see if anybody else shows up to sign up

13          too. So still an hour and 20 minutes to go.

14                       [OFF THE RECORD]

15                       [ON THE RECORD]

16                       MR. JOSEPH TANZI: My name is Joseph

17          Tanzi.

18                       MR. BREZENOFF: Okay. You're on the list

19          for sure.

20                       MR. TANZI: And I'm a veteran. I have

21          worked for the City, the Department of Social

22          Services for approximately 14 and a half years.

23          And I started out in the Division of AIDS

24          Services. And when people didn't really even use

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2           the word, AIDS. I, in fact, I didn't tell my

3           family until about a year after I started working

4           there what I was doing. I just said I worked for

5           the Department of Social Services. Even though I

6           did a lot of work with people coming out of

7           incarceration and Rikers Island was, of course,

8           the main place. I'm, I heard a lot of testimony

9           when people, I was sitting there listening for my

10          turn and it, I found it extremely disturbing

11          'cause I remember what clients, I remember my

12          clients who came out of Rikers and I had no

13          problems with any of them, for the most part.

14          There was one person and he, he took it upon

15          himself, I knew he was an active drug user, but

16          he took it upon himself to pick up a chair, a

17          rotating swivel chair, and throw it across the

18          room and knock me, it landed right on my face.

19          But do you know, after listening to all these

20          people today on the hours that I was here -- he

21          came up to me years later and apologized for what

22          he had done. And, you know, I didn't really

23          forgive him. I'm, I nodded my head and I said,

24          thank you. But tonight, today, I really have to

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2           say it's like I have no problem with what he did  
3           to me. I really honestly don't because after  
4           hearing person after person telling their story  
5           about their experience at -- it says up there at  
6           the Board of Correction, I don't think that  
7           Rikers really fosters correction. I mean,  
8           granted, there are people who come out and are  
9           not repeated offenders, but the police now have a  
10          system where if they use force, they have to  
11          document the use of force. Now people are, some  
12          people are happy with it, some people aren't.  
13          But I don't know if the Department of Corrections  
14          has a system like that. It just seems as though  
15          people throw people in an ungodly--

16                   UNIDENTIFIED MALE: Solitary.

17                  MR. TANZI: Solitary, thank you. Thank  
18          you, sir. Thank you very much. And I can't  
19          imagine anyone coming out of solitary being  
20          corrected. It doesn't seem humane. I, myself, I  
21          don't think I could, I could really hack it. You  
22          know? I don't think anybody in this audience or  
23          about younger people who are still, like, you  
24          know, when you were 20, when you're 20 you're an

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2           adult, but are you really an adult? I wasn't an

3           adult. I was in college, but I wasn't an adult.

4           You know? It's really things to really think

5           about. I hope that the Department of Corrections

6           probably is the toughest jobs that anybody could

7           possibly ever think of. I couldn't do it.

8           There's no way I could do it. I mean, when I

9           work for Department of Social Services, I had bad

10          days when I came in. Everybody has bad days.

11          You, there's not one person here that doesn't

12          have a bad day sometime when they get to work.

13          But this is a job that they're dealing with human

14          lives and I guess maybe sometimes it comes to be

15          like routine what they do or -- it seems like

16          they have, from all the people who testified who

17          were, you know, actual former, who were

18          incarcerated formerly. It says Department of

19          Correction. I really wonder how many people have

20          been corrected. I mean, I went recently to a

21          forum and Fortune Society had represented it and

22          a person -- I happen to be, I'm gay and I've been

23          out for decades. But people who come into

24          Rikers, some of them are not even capable of -- I

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2           don't know if you can even really understand

3           this, maybe, I'm not saying you have to be gay or

4           transgender or anything like that. But if you

5           can understand, I went through so much. I grew

6           up in a very, very orthodox Catholic family,

7           orthodox. I mean, I came, no one uses the term

8           orthodox with Catholicism, but it was, it was

9           just very, very rigid, extremely rigid, rigid

10          where you would just, like, and I couldn't even

11          think about being gay. It was not on the, on the

12          above. There was just no [unintelligible]

13          [3:54:41]. And imagine, like, there's a lot of

14          people who grew up in that kind of environment of

15          some sort, you know, and they're incarcerated

16          now. And who knows who's in charge really

17          understands something like that? And especially

18          transgender people, I mean, I'm gay and there's

19          times I'm like, I, I feel for them and everything

20          like that, but I don't know what it's really like

21          to be a transgender person. I have friends who

22          are transgender persons. I have people who are,

23          hate to say it, that are Black that are like my

24          best friends from college, but I don't know what

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2           it's like to be a Black person. So I don't want  
3           to drag this on anymore. I know you've been  
4           hearing testimony for hours and hours and hours  
5           and I appreciate that you had this open forum and  
6           that people were here to listen. And I hope you  
7           do something, some type of reformation within  
8           the, you know, Department of Corrections will,  
9           you know, be about, be more sensitive to people's  
10          needs.

11                   MR. BREZENOFF: Thank you very much.

12                   MR. TANZI: Thank you very much.

13                   JUDGE HAMILL: Is anyone else waiting to  
14          speak?

15                           (The public board meeting concluded at  
16          7:00.)

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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

A handwritten signature in cursive script, appearing to read 'AS', is positioned above a horizontal line.

Date: October 23, 2015

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