



NEW YORK CITY DEPARTMENT OF CORRECTION

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**The
City
of
New York**

January 8, 2016

NYC Board of Correction
51 Chambers Street, Room 923
New York, NY 10007

Dear Chair Brezenoff and Ms. King,

This letter is written as a follow-up to our letter of November 13, 2015, to provide the Board of Correction with information regarding the Department of Correction's recent findings related to our ongoing audit of non-contact visits. We chose to use the list of inmates receiving non-contact visits as issued on November 17, 2015 and then December 29, 2015 in order to conduct a full audit of the process as it is currently conducted. In addition, the Department has taken steps to address the concerns voiced by the Board, and will continue to closely monitor the process in order to ensure that the changes have the intended results.

First, the Department issued a formal request to all facilities to provide all paperwork required in order to place an inmate on non-contact visits, which differs depending on the circumstances of the placement. The facilities have since provided Headquarters with all the paperwork they were able to retrieve; however, there were a small number of packages that cannot be retrieved. We will further investigate the circumstances of the original designation of these inmates whose non-contact visit packages were not found. These inmates will be removed from the list of inmates receiving non-contact visits. In the meantime, the Department will provide all of the retrieved packages to the Board in electronic format during the week of January 11, 2016. Unfortunately, the Department is unable to provide the past 18 months' worth of paperwork because of the logistics of retrieving this information, but beginning in mid-January, copies of all the "Notice to Inmate/Visitor of Limitation/Denial of Visiting Privileges" will be forwarded to the Board by the Department within 24 hours of the designation.

As a result of this ongoing audit, we requested all inmate notices and supporting documentation from the facilities. We then documented the circumstances of the issuance of the non-contact visit decisions in the new spreadsheet format.

The results of that audit demonstrate some key findings:

- Many of the non-contact visit determinations are the result of incidents that occur with a direct and immediate nexus to a visit, usually the discovery of passing of contraband.
- Another large group of non-contact visit designations were determined following the discovery of non-facility-contrived weapons such as scalpels, razors, or hobby blades in the inmates' possession.
- Other non-contact visit determinations are the result of inmates engaging in slashings and stabbings which were determined to have involved non-facility-contrived weapons, after an investigation.

- A small portion of the non-contact visit determinations require a more detailed review to determine whether the decision is in compliance with the Department's current policy.

Using this information, the Department has developed a more comprehensive spreadsheet by which to track all inmates designated as receiving non-contact visits. The spreadsheet includes specific information about the reasons for the designation, the duration of the designation, and whether there is a direct nexus to an incident that took place during a visit. Beginning mid-January, this spreadsheet will be provided to the Board daily, in lieu of the version which is currently provided, in order to provide more detailed information. The spreadsheet can be sorted and filtered in order to view ongoing trends in the application of our current policy.

Currently, the Department is developing additional capacity to ensure appropriate visit compliance and notification. Through the Chief of the Department and his visit compliance captain, designated staff members will maintain dedicated electronic and hardcopy files of all non-contact visit inmate restrictions and supporting paperwork; update and maintain the more comprehensive non-contact visit list described above; track and notify the facility to conduct their six-month reviews of inmates restricted to non-contact visits for longer than 180 days; and maintain files of the reviews. The compliance captain, or his/her designee, will send electronic copies of the notices to the BOC within 24 hours of the designation. As the visit compliance process evolves, the Chief of the Department will meet with the Assistant Chief of Field Operations and responsible members of staff to make any necessary recommendations to improve Department practices.

Over the coming months, the Department will continue to review its non-contact visit policy to ensure the policy appropriately balances the safety and security of its facilities with the importance of contact visits for the inmates. The Department will review the "Notice to Inmate/Visitor of Limitation/Denial of Visiting Privileges" to ensure that the form communicates all the necessary information to the inmate and/or visitor to whom it is being served. Finally, the Department will also review its mechanism for incorporating the Board's appeal decisions for reinstating contact visits or maintaining inmates' non-contact status.

Thank you again for your attention to this topic, and we look forward to continuing to work collaboratively to bring about better compliance on non-contact visits.

Sincerely,



Joseph Ponte