

City of New York Board of Correction
51 Chambers St. Room 923
New York, New York 10007

Re: Comment on Proposed Amendments to the Minimum Standards
for New York City Correctional Facilities

July 18, 2007

Dear City of New York Board of Correction:

We write to you representing family and community members, advocates for children's and women's rights organizations and formerly incarcerated persons to urge you not to adopt your proposed amendments to the minimum standards. Instead, we recommend that you offer humane amendments that recognize and begin to reverse the devastating effect that jails have on our communities.

Though a small percentage of the total population, women account for a large number of persons incarcerated in the New York City Department of Corrections ("DOCS"). On June 4, 2007, DOCS housed 14,140 persons.¹ Of this number, 8.1% or 1,145 were female, representing 8.8% of the total admissions in 2007.² On June 4, 2007, 4.1% of females were 19 or under, representing 8.8% of the total female admissions in 2007. Finally, as of June 4, 2007, there were 3 inmates in the Rose M. Singer ("RMSC") nursery and from July 2006 through June 4, 2007 there had been 18 individual women in nursery housing. For the past five years, the RMSC nursery has housed an average of 32 mothers with newborns per year.

Women incarcerated in NYC jails have particular health, mental health and social needs that go unaddressed by the current standards, despite policies in place to address their specific needs. These deficiencies in the standard of care in custody will be exacerbated by changes to the current unacceptable overcrowding, §1-04(c)(4), and hygiene policies, §1-03(b)(2). Therefore, we strongly urge you to maintain 50 or less detainees per dorm and not use denial of shower access as a punitive remedy. On the other hand, we support the provision in §1-03(f)(2) whereby DOCS supplies feminine hygiene products for females, but propose that (1) products be made available to women not only upon admission but throughout the jail stay, if needed; (2) you insert a provision overseeing the maintenance of adequate supplies.

In addition, we oppose §1-03(g), the amendment to put all detainees in prison uniforms because of the dehumanizing effect it will have on women and the probability that DOCS will not be able to maintain basic standards of hygiene in dispensing uniforms. The dehumanizing effects of the uniforms affect families as much as children. A youth ambassador from Osborne, representing NYC's Initiative for Children of

¹ Office of Public Information, NYC Department of Corrections. Data as of June 4, 2007.

² For statistical purposes, DOCS calculates years by fiscal, not calendar, cycles.

Incarcerated Parents, explained how distressing it was to see his father in an oversized jail uniform and flip-flops: “We are used to seeing our parents in ordinary clothes; seeing our parents the way we are used to seeing them, makes us feel more comfortable and means that when we leave them and the visit, we do not have to carry the burden of being worried about them, nor have nightmares of them in these jumpsuits and being mistreated or becoming people we do not recognize.”³

While DOCS statistics demonstrate that a comparatively small percentage of the NYC jail population is female, the number of women and children affected by NYC correctional policies is exponentially greater. A visit to Rikers Island on any visiting day attests to the high numbers of women and children regularly visiting detainees and inmates. Of course, a great number of children who have incarcerated parents are never able to make a prison or jail visit because of the time commitment and scheduling obstacles that visits present as well as isolation from parents due to placement in foster care during a mother’s incarceration.⁴ The reality of the visiting program at Rikers Island is that the actual procedures are much worse than your standards state. Testimony from a child with an incarcerated parent explains:

The standard says, “Visits shall last at least one hour. This time period shall not begin until the prisoner and visitor meet in the visiting room.” [1-10] 1-09(c)(4) This isn’t true at all. Every time I visited my father at Rikers Island I never had a full hour visit. My visiting card was stamped when I arrived and my visit started at that time and ended an hour after that time, not when my father and I came together. Most of the time it took my father 15 minutes to get downstairs to start the visit. Also, it is a hassle getting to the houses where the actual visit is. The average time I spent visiting my father was between 5 and 6 hours. That is a very long time to wait, with an average of two hours before and two hours after the visit. Some people have babies going through these visits which makes it even more difficult and unfair to the baby. The visiting standards that are in place need to be implemented so that youth and their families can have a good comfortable visit. Almost every young person I have met who has been to Rikers Island has told me that they hate going because of all the nonsense that goes on there.⁵

Your proposed amendments to the minimum standards do not address, and certainly fail to mitigate, the trauma that incarceration inflicts on a family. Another Osborne Youth Ambassador reminded you of the needs and rights of children, citing the *Children of Incarcerated Parents’ Bill of Rights*:

³ Testimony of Kareem Sharperson. Available online at www.nycjailreform.com

⁴ For a study of the link between child placement in foster care and a mother’s incarceration, see Ehrensaft, Miriam et al. “Patterns of Criminal Conviction and Incarceration Among Mothers of Children in Foster Care in New York City.” (Vera Institute of Justice and Administration for Children’s Services, December 2003). Available online at http://www.vera.org/publication_pdf/210_408.pdf.

⁵ Testimony of Kareem Sharperson. Available online at www.nycjailreform.com

1. I have the right to be kept safe and informed at the time of my parent's arrest.
2. I have the right to be heard when decisions are made about me.
3. I have the right to be considered when decisions are made about my parent.
4. I have the right to be well cared for in my parent's absence.
5. I have the right to speak with, see and touch my parent.
6. I have the right to support as I face my parent's incarceration.
7. I have the right not to be judged, blamed or labeled because of my parent's incarceration.
8. I have the right to a lifelong relationship with my parent.⁶

We submit that the current minimum standards of DOCS, as well as the proposed amendments, neglect the needs of children drawn into the system by their parent's incarceration.

Because of the staggering impact that correctional policies have on children and families, we urge the Board of Correction to consider making positive changes that will both benefit and be responsive to women and children impacted by New York City jails. For example, implementing procedures to reduce the amount of time visitors spend waiting to see a loved one will help maintain the family unit and reduce some of the stress that detainees, inmates and family members experience during incarceration. By contrast, the Board's proposed amendment to §1-09, to restrict visits in the initial 24-hour period to no contact visits, can be devastating to families that actually try to make visits during this vulnerable time. We would urge you not to pass this proposed modification.

In addition, the programs that are currently available to jail detainees are woefully inadequate and do not address the real problems that bring many women into the criminal justice system. For example, while the 91% increase in the number of females sentenced to prison in New York from 1986 to 1995 was because of crimes related to drugs,⁷ there are almost no drug programs offered to women, or men, incarcerated in NYC jails.⁸ We

⁶ Testimony of Makeba Lavan. Available online at www.nycjailreform.com. The *Children's Bill of Rights for Incarcerated Children* was originally developed by the San Francisco Children of Incarcerated Parents Partnership. For more information, see http://www.centerforce.org/families/bill_of_rights.pdf.

⁷ Mauer, Marc, Cathy Potler and Richard Wolf. "Gender and Justice: Women, Drugs and Sentencing Policy." (The Sentencing Project, November 1999). Available online at www.sentencingproject.org/Admin/Documents/publications/dp_genderandjustice.pdf.

⁸ Fortin, Prince, Nicholas Freudenberg, Sandro Galea and Juliana Van Olphen. "Community Reentry: Perceptions of People with Substance Use Problems Returning Home from New York City Jails" *Journal of Urban Health*, Volume 83, Number 3 / May, 2006 (finding that of the 100,000 people that return to New York City communities from jail each year, approximately 80% report drug or alcohol problems and almost none received drug treatment during incarceration).

invite the Board, instead of emulating correctional models in crisis, that are poorly managed and notoriously inhumane, to look to treatment models in other jurisdictions that have helped reduce recidivism and correctional spending and have meaningfully addressed the major causes of crime and incarceration: drug and alcohol abuse.

We believe that the minimum standards for the New York City Department of Corrections should promote humane, effective and therapeutic policies, instead of punitive confinement, to adequately address the needs of incarcerated women. Thus, we urge you to abandon your proposed amendments to the minimum standards, and instead implement practices that address the health, education, rehabilitative and family unification needs of incarcerated women. Only humane amendments to the minimum standards can truly address the negative impact that correctional policies have on our communities and youth.

Sincerely,

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