

Prisoners' Rights Advocacy at Cardozo (PRAC)  
Benjamin N. Cardozo School of Law  
55 Fifth Avenue  
New York, New York 10003

June 20, 2007

Mr. Richard Wolf, Esq., Executive Director  
New York City Board of Correction  
51 Chambers Street, Room 923  
New York, New York 10007

JUL 12 '07 am 1:03

Dear Mr. Wolf,

We, the undersigned, members of the Benjamin N. Cardozo School of Law community write to express our views on the proposed amendments to the Minimum Standards for New York City Correctional Facilities ("Proposed Amendments") regarding library access. Specifically, we oppose the amendment of §108(f)(2) that deletes the requirement that the library be "open...during lock out hours." While the stated purpose of this amendment is to provide additional library time for detainees and inmates in close custody, the text does not ensure that the *general population* will be allocated adequate library time.

Furthermore, we are troubled by the elimination of § 108(f)(7) in the Proposed Amendments, which requires that, "The Department shall periodically report to the Board detailing the resources available at the law library at each institution, including a list of titles and dates of all law books and periodicals and the number, qualifications and hours of English and Spanish-speaking legal assistants." The omission of this standard would leave the Minimum Standards with no guidelines related to establishing or safeguarding the minimum level of general library services and materials that should be made available to all inmates and detainees pursuant to their internationally recognized human rights.

The reduction of the general population's access to the law library is an inappropriate method for achieving the § 108(f) goal of providing expanded law library access to inmates and detainees in special housing areas. The language of the new standard fails to guarantee that general population inmates and detainees will retain the current eight hours of library time, or that specially housed inmates and detainees will actually be escorted to the law library while the general population is locked in. The changes do little more than curtail the guarantee of library access to all inmates.

The demand for access to legal research facilities is heightened in jail settings where inmates and detainees take advantage of their constitutional right to prepare their legal defense.<sup>1</sup> Several

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<sup>1</sup> See U.S. CONST. amend. VI [i]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

former inmates interviewed by Cardozo students expressed the opinion that they had insufficient time in the law library to work on their cases.<sup>2</sup> Reducing the number of hours that the law library is open to the jail's general population will only exacerbate this problem. This amendment requires an explicit provision guaranteeing a minimum number of access hours for the general population during lock out.

Since inmates and detainees in special housing units should also have the opportunity to prepare a defense through legal research, we support the portion of the amendment that provides special law library access for these individuals during "lock in" periods. We also encourage the Board to consider adding language to §108(f) to bolster the ability of inmates and detainees in punitive segregation units and contagious disease units to conduct legal research. Specifically, §108(f)(5) states that "[l]aw library hours for prisoners in punitive segregation may be reduced or eliminated, provided that an alternative method of access to legal materials is instituted to permit effective legal research." Similarly, proposed amendment §108(f)(4-a) provides that "[p]risoners housed for medical reasons in the contagious disease units may be denied access to the law library. An alternative method of access to legal materials shall be instituted to permit effective legal research." We urge the Board to specify what an "alternative method of access" for effective legal research entails. At minimum, individuals in special housing units should have access to a print or electronic catalog of the law library's resources, and the ability to regularly request resources from the law library's main collection.<sup>3</sup> The stipulation of clear guidelines related to inmates and detainees who are segregated from the general population is necessary to ensure meaningful access to legal materials.

Finally, we urge the Board to follow the lead of the international community by promulgating an amendment related to the minimum standards for general libraries – as distinct from law libraries – in New York City jails. Rule 40 of the *United Nations Standard Minimal Rules for the Treatment of Prisoners* holds that "[e]very institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it."<sup>4</sup> The International Federation of Library Associations and Institutions ("IFLA"), the organization charged with establishing guidelines for prisoner library services, recommends that "written policies for the provision of library services should be developed by national and/or local prison authorities."<sup>5</sup> Since the Board has the authority to adopt rules related to the "care, custody, correction, treatment, supervision, and discipline" of individuals detained within the jurisdiction of the Department of Correction,<sup>6</sup> it is squarely within the Board's authority to adopt amendments that reflect a more "humane and

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<sup>2</sup> On March 29, 2007, Cardozo students interviewed 17 young men who had been recently incarcerated at Rikers Island and were participating in an alternative to incarceration program at the Fortune Society.

<sup>3</sup> Vibeke Lehmann & Joanne Locke, *Guidelines for Library Services to Prisoners*, International Federation of Library Associations and Institutions Professional Reports No. 92 §3.5 (2005) [hereinafter IFLA Report], available at <http://www.ifla.org.sg/VII/s9/nd1/iflapr-92.pdf>.

<sup>4</sup> IFLA Report, *supra* note 3, at 3.

<sup>5</sup> *Id.* at §2.1.

<sup>6</sup> See Proposed Amendments, *supra* note 4, at 27.

enlightened practice of criminal justice in accordance with the United Nations Declaration of Human Rights.”<sup>7</sup>

As law students and former volunteers inside the New York City jail and New York State prison system, we deplore the lack of general library materials that would promote inmates' and detainees' self-education, recreation, and preparation to reintegrate back into society, and pursuit of life-long learning. We encourage the Board to develop a policy that allocates separate funding for a general library to provide: (1) appropriate print and other materials to all inmates and detainees, regardless of their segregated status, physical or mental disability, or native language; (2) a permanent collection in each housing unit of at least 100 current and popular books, or two books per inmate or detainee, whichever is greater; (3) an automated catalog and circulation system; and (4) supervised access to current information technology.<sup>8</sup>

Moreover, it is crucial that the Board devise a collection management policy, taking into account the demographic makeup, interests, and language skills present within the jail population. Under IFLA guidelines, a balanced general collection would minimally include:

- general reference titles;
- fiction;
- biographies;
- non-fiction;
- poetry;
- comics and graphic novels;
- self-study materials (to support distance learning/correspondence classes and life-long learning);
- easy-to-read materials (for persons with reading problems and non-native language speakers);
- large-print books (for persons with visual problems);
- audiobooks (for all persons and those with visual and reading problems);
- audio and visual materials, multimedia and computer software;
- community information (for pre-release planning and job search);
- literacy and numeracy materials (for improving reading, writing, and math skills);
- puzzles and games (for education and entertainment);
- magazines (general interest and subject specific);
- newspapers.<sup>9</sup>

We understand that amending the Minimum Standards related to general library access would entail significant work by the Board. However, we are confident that enhanced emphasis on

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<sup>7</sup> IFLA Report, *supra* note 3, at 3.

<sup>8</sup> See generally, *id.* §8 (recommendations related to acquisition of library materials).

<sup>9</sup> *Id.* at §8.9.

learning and self-improvement within New York City's jails will alleviate tension during a person's jail stay as well as contribute to successful re-integration upon an inmate or detainee's release, thereby reducing recidivism. We, as concerned and committed students, would like to offer our assistance in researching such a general library policy, and fundraising and collecting materials to support its implementation. Please contact Prisoners' Rights Advocacy at Cardozo at [cardozoprac@gmail.com](mailto:cardozoprac@gmail.com) to discuss how we can assist you, if you are interested.

We urge the Board to consider implementing specific library access provisions for the general, as well as special housing populations. Maintaining adequate access to law libraries for all inmates and detainees is essential. Additionally, we ask that the Board retain its authority to be periodically informed about the status of law library services and materials to the Board, such as in § 108(f)(7). This safeguard will help to ensure that inmates have access to current materials that are in good repair, and meaningful legal assistance for both English and Spanish-speaking inmates.

We appreciate the Board's consideration of our suggestions on the Proposed Amendments and look forward to the possibility of working with the Board on developing a general library to supplement the legal materials now available inside New York City's jails.

Sincerely,

Alison Brill  
PRAC Co-Chair  
Cardozo School of Law  
Class of 2009

Darcy Hirsh  
PRAC Co-Chair  
Cardozo School of Law  
Class of 2009




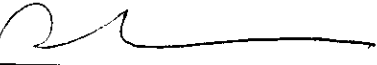

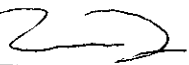





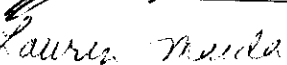


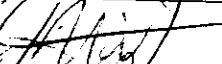



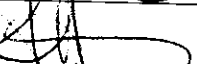
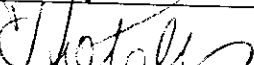
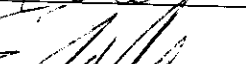
Sarah O'Leary  
PRAC Secretary  
Cardozo School of Law  
Class of 2009

Christina Holder  
PRAC Education Outreach Coordinator  
Cardozo School of Law  
Class of 2008

Lauren Connelly  
PRAC Treasurer  
Cardozo School of Law  
Class of 2009

Jason Yoder  
PRAC Board Member  
Cardozo School of Law  
Class of 2009

Address	Signature	Name
038 Clauson St SUNY		Christopher Perez
154 E 29th Street 11C NY NY 10016		Shreya Ghoshal
490 9th Ave NY, NY 10018		Adyo Sampson
80 Nassau St. # 204 NY NY 10038		Michael Akeng
15 E. 11th Street #47 NY, NY 10003		Matthew Schmidt
48 E 35th St, 1st Fl. Bayside, NJ 07002		Wynne D-Janis
15 E. 11th St # 4B NY, NY 10003		Shira Hemberger
15 E 31st St New York, NY 10016		Lindsay Pfeffer
509 W. 121st St. #410 New York, NY 10027		Michael Berger
467 W 51 Ave NY, NY 10019		Jeffrey Eng
524 Fifth St Apt 2L Brooklyn, NY 11215		Lauren H Mswain
155 E 181st St Apt 7k Brooklyn, NY 11216		Aaron Shapiro
736 Locust St Apt 2R Brooklyn, NY 11222		Cory Messon
117 N 4th St, Apt 3L Brooklyn, NY 11211		Michael A. Garcia
25 W 13 St NY NY 10011		Lynn S. Eglys
55 W 14 St NY NY 10011		David Estrich
1324 Ave L Brooklyn, NY 11230		Jerry Guss
58 22nd Ave Brooklyn, NY 11211		Matthew Dismant
120 Broadway Pl Apt 3H Brooklyn, NY 11201		Dya Ghosh
41 Broome St, Apt 2 Brooklyn, NY 11222		Victoria Elmer

Name	Signature	Address
DANIEL FORMAN		265 HENRY ST APT 2F Brooklyn NY 11201
Sabrina Khawiwalla		5 Stuyvesant Oval Apt 4F NY, NY 10009
Tanaya APTK		235 E 45th St. APT. 19C NY, NY 10013
Caroline P. Eric-Cohen		122 2nd St Brooklyn NY 11201
Sohun Lee		80 E 13th St APT 4L Brooklyn 11230
Kristin Finley		211 E. 33rd St Apt 24 NY, NY 10016
Michael Decker		112 So. Portland Ave #3C Brooklyn, NY 11217
Jason Lowe		263 W 11th St Apt 2A New York, NY 10014
SCOTT COHEN		43 W 16th St -56 NEW YORK, NY 10011
Mike Mandel		110 E 12th St New York, NY 10003
Aryd Schneider		102-30 17th Ave Apt 4N Forest Hills NY 11375
Lauren Maida		44 St George Rd Staten Island, NY 10306
Ashley Antler		19 Jorickman St Brooklyn, NY 11201
Srinavathra, Srinidhi		178 E 58th St NYC 10021
Jonathan W.H		21 Ave P St NY, NY 10003
Eric G. G.		44 E 20th St 3A New York, NY 10009
Athen Fyros		222 Broadway NY, NY 10007
Sarah O'Leary		324 West 11th St #2 Brooklyn, NY 11238
Joshua Hunter		126 E 5th St #2E NY, NY 10022
Christina Halder		446 West Ave Brooklyn NY 11211
Eun Park		15 E 11th St NY, NY 10003

Name	Signature	Address
Lauren Connolly	Lauren Connolly	353 Ocean Ave, Apt 4J Brooklyn NY 11220
Michelle Haddock	Michelle Haddock	101 W 12th St apt 6B New York NY 10011
Elizabeth Pitman	Elizabeth Pitman	23 33rd Ave, D11 Astoria, NY 1102
Karl Egan	Karl Egan	2776 Kennedy Blvd. Jersey City, NJ 07306
Abigail Penzell	Abigail Penzell	202 35th St NY NY 10014
Tracy McNeil	Tracy McNeil	434 W 102nd St. NYC 10032
Justin Braun	Justin Braun	50 S. 6th St #1 Brooklyn, NY 11211
Darcy Hirsh	Darcy Hirsh	172 Bergen St. #2R Brooklyn, NY 11217
Monica Populescu	Monica Populescu	15 E 11th St New York NY 10003
Scott Hollander	Scott Hollander	15 E 11th Street Apt 7B New York NY 10003
Jaimie Reinhart	Jaimie Reinhart	101 West 90th Street New York, NY 10024
Pedram Tahibi	Pedram Tahibi	15 E 12th St Apt 10B New York, NY 10003
Julie Bergant	Julie Bergant	170 W 83rd St Apt 11 New York, NY 10024
Alex Kishin	Alex Kishin	84 West 37th St Brooklyn NY 11222
Jamene Podesta	Jamene Podesta	15 E 12th St Apt 15 NY NY 10003
Ben Friedman	Ben Friedman	15 East 11th St NY NY 10003
Matthew Walden	Matthew Walden	15 E 11th St NY NY 10003
Jenny Ferguson	Jenny Ferguson	115 E 15th St Brooklyn, NY 11211
Cindy Abramson	Cindy Abramson	650 W 42nd St Apt 1502 NY NY 10036
Chris Feiler	Chris Feiler	490 7th Ave Brooklyn NY 11215
Thomas Abrams	Thomas Abrams	15 E 11th St NY NY 10003

Name	Signature	Address
Candice Weatherly		210 Barclay St NYC BK 11205
Brian L. Johnson		500 6th Ave Apt 522 NY NY 10011
Laura Pardo		55 5th Ave NY NY 10003
ITAI MARTEL		117-90 Queens Blvd Forest Hills, NY 11375
Eric Forman		230... NY #3 Brooklyn, NY
ALFIA MUZIL		NY NY 10011
PETRA GOODMAN		55 11th Ave NYC
Robert Herald		2523 Ave A Brooklyn, NY 11210
Amy Kaper		170... Apt 2 Brooklyn, NY 11222
ALISHA WILLIAMS		116 Madison Ave, Apt 323 New York, NY 10035
Sean McConnell		15... St. NY, NY, 10003
Sara Cross		186 E 2nd St Apt 1 NY, NY 10009
JANA FEREN		179 28th St, 3rd floor Brooklyn, NY 11232
Amy Carol Brerman		4614 Vernon Blvd Apt 3L Long Island City NY 11101
Niklas Herriger		New York, NY 10003
Rachel		86 5th Brooklyn, NY 11211
Dinelle Gribble		Queens, NY
Jason Koenig		503... St New York, NY 10011
Mohammad Faisal		454... St Brooklyn, NY
Alice Newman		30... St Brooklyn, NY
Brette Meyers		157... St Brooklyn, NY 11211

