

Save Visiting in NYS Prisons: An Urgent Collective Call

February 15, 2017

Dear Governor Cuomo,

We write to oppose your proposal to eliminate 7 day a week visiting at New York's maximum security prisons. We are advocates, service providers, and faith leaders for children and families, and for individuals in New York State prisons. We represent statewide leaders and concerned communities who work in the fields of criminal justice, mental health, child welfare, legal representation, social justice, family support, and economic mobility. We have direct knowledge of the benefits that in-person visiting provides for the children, families, and friends of those incarcerated and for individuals in custody. The important benefits of contact visits are well-documented:

- Visiting is critical to the lives and well-being of children with incarcerated parents. There are more than 80,000 children in NY State with a parent in prison. Visiting can reduce the trauma of separation from a parent, and maintains or strengthens the critical parent-child attachment.¹
- Visiting promotes the "institutional adjustment" of individuals to prison, reduces disciplinary infractions, and thus, increases the safety of officers;²
- Visiting promotes responsibility and transformation; encourages program participation, and supports successful reentry. Research demonstrates that individuals who remain connected to family during incarceration are more likely to succeed upon reentry and less likely to recidivate.³

Contact (in-person) visiting is protected in the NY State Constitution: *Cooper v Morin* found that "[c]ontact visit[ing] of reasonable duration is required by the due process clause of the State Constitution."⁴ The DOCCS website recognizes this right to contact visits and its importance to

1 Poehlmann, Julie, Danielle Dallaire, Ann Booker Loper and Leslie D. Shear. 2010. Children's contact with their incarcerated parents: Research findings and recommendations. *American Psychologist*, 65(6): 575-598.

2 Id.

3 Minnesota Department of Corrections, "Key Findings: The Effects of Prison Visitation on Offender Recidivism," 2.; Holt & Miller (1972); Visher, C., V. Kachnowski, N. G. La Vigne, & J. Travis (2004). *Prisoners' Experiences Returning Home*. Washington DC: Urban Institute. Accessed February 5, 2011. http://www.urban.org/UploadedPDF/310946_BaltimorePrisoners.pdf.

4 *Cooper v. Morin*, 49 N.Y.2d 69, 76 (1979).

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the individuals in its care stating in its guide to families:⁵

- ▶ “Visitation by family and friends is encouraged and can be a positive influence during an offender’s time in prison, as well as after the offender’s release.”
- ▶ “Research has shown that an offender who receives regular visitation adjusts much better once he or she is released from prison when the privilege is used to maintain a positive relationship.”

New York has been a national leader in its singularly enlightened understanding of the value—especially for maximum security prisoners—of being able to maintain contact visits.

Frequent and humane visiting opportunities were established in all New York prisons following the 1971 Attica prison rebellion, with a clear understanding that visiting was –and will always be – the most valuable “program” any corrections system can offer. During a period of extreme overcrowding two decades ago, visiting was cut back to weekends and holidays in the medium security facilities. There is no population crisis now in the State’s prisons, so visiting seven days a week should be reinstated at the medium security prisons, and certainly, cutbacks should not be imposed at maximum security prisons.

Given the remote location of most of the State’s prisons, the flexibility to visit any day of the week is vital. Visiting supports relationships between families and incarcerated loved ones and these relationships are critical emotionally for the children and other family members, as well as those incarcerated. The increased difficulty in sustaining these relationships through fewer visiting opportunities will have a negative effect on the well-being of children and family members, as well as on the morale of the people in prison.

In addition, given the distance traveled, the cost of travel, and the increasingly limited weekend visiting opportunities (typically visitors may visit Saturday OR Sunday), visiting less frequently but for two or more days in a row is often more practical. The proposed reduction will eliminate that opportunity altogether.

New York should not be moving away from this distinction as a leader in the recognition of the importance of maintaining family and community contacts through humane visit practices.

5 See, <http://www.doccs.ny.gov/FamilyGuide/FamilyHandbook.html#visi>.

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Weekend visiting is already overcrowded in many facilities and is made tolerable because families who are able to avoid weekend visiting do so by visiting during the week. DOCCS' own guide for families states: "Many visiting rooms become very crowded and often visitors are told they must leave because there are others waiting to get in." ⁶

Reducing visiting days will only increase overcrowding and significantly diminish the number of people who can and do visit, with negative ripple effects. This is punitive and short-sighted. This burden falls on some of our most vulnerable (and resilient) families since incarceration disproportionately affects poor families and families of color. As a point of reference, in the year following DOCC's 2010 elimination of the bus program that had been provided since 1973 – also justified for cost-savings purposes though the program only cost \$1.5 million out of the Department's billion-dollar budget- the number of visitors dropped by 13,000.⁷

Families with a loved one in a maximum security prison are managing long-term incarceration which is extremely taxing financially and emotionally. They need and deserve the flexibility to visit during the weekdays, and limiting visits to 3 days/ week –which in practice for a given family gives only two possible visiting days because many maximum security prisons allow only one of the two weekend visiting days regulated by letter of the alphabet-- simply cannot accommodate the current number of visitors. This proposed change means children and families will have less in-person access to their loved ones. Video visiting and email communication are no replacement for in-person visits, and video visiting is not likely to be widely available in maximum security prisons in the near term. Furthermore, video visiting is not cost-free; expanding this option – would offset at least some of the savings purported to accompany the proposed reduction in visiting days.

Most importantly, as the state explores expanding video visiting and implementing email communication, neither of these *supplements* to in person visiting should be seen as replacements of essential contact visits. New York should not follow the example of correctional facilities across the country that have followed for-profit companies into contracts that led them to eliminate in-person visiting, replacing human contact with video visits. In several places, this practice has been challenged legally and overturned, and legislation has been introduced to ensure in-person visiting is not replaced by video visiting.⁸ Of note, one

6 Per the DOCCS website: <http://www.doccs.ny.gov/FamilyGuide/FamilyHandbook.html#visi>

7 Virtanen, Michael (August 6, 2012). Advocates want free NY prison visitor bus back, *Troy Record*. Retrieved from <http://www.troyrecord.com/article/TR/20120806/NEWS/308069977>

8 Texas passed HB 549 requiring county jails to offer in person visits. In 2016, California Governor vetoed a similar bill. Federal Bill H.R.6441, Video Visitation in Prisons Act of 2016, would prohibit companies from restricting visiting. Law suits were filed against Securus, a video visiting company, for including no in-person visiting clauses in its contracts. See Prison Policy Initiative for more information <https://www.prisonpolicy.org/visitation/>

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study found that assaults and infractions increased at one Texas jail when in-person visits were eliminated.⁹

Cutting back on the availability of contact between incarcerated individuals and their loved ones and children is misguided and not worth the stated savings. If, among the current 17 maximum security prisons, there are some (the most remote and inaccessible ones) that do not receive many visits during the weekdays, then other staffing plans and assignments can be explored to avoid staff spending their post watching an empty visiting room. However, several prisons – notably those in the downstate and midstate area – are very busy during the week, especially during school holidays and vacations, and would never be able to accommodate these visitors on the weekends without imposing longer lines, long waits, shorter hours, empty vending machines, and unnecessary tension. This translates into significantly fewer visits for children and families, and those incarcerated. Visiting remains a lifeline for children, families, and those incarcerated, and an absolutely critical tool to promote peace and transformation within prisons.

Instead of reducing the visit schedule, **the state should expand visiting days at medium security facilities, reinstate transportation for visitors, and consider proximity to children and families in the prison assignment algorithm**, making visiting and the transfer and transportation of those incarcerated much less costly for both families and DOCCS.¹⁰ At the very least, New York should maintain its current visiting schedule in the maximum security facilities. New York has been able to close prisons and bring down crime, at least in part because of successful correctional strategies. Families from downstate urban areas already took the brunt of these successes when most prisons that closed were in and around New York City. Given the size of the DOCCS budget, and relatively small savings that is realized (especially compared to the negative impact on families), this seems like a largely symbolic cost-cutting measure that is anything but symbolic to those whose visits will be curtailed.

9 Video Visitation: How Private Companies Push for Visits by Video and Families Pay the Price. Grassroots Leadership (October 2014). Retrieved from <http://grassrootsleadership.org/video-visitation-how-private-companies-push-visits-video-and-families-pay-price>

10 NY Senate Bill 1096 would require DOCCS to pilot placing 100 incarcerated parents in prisons closest to their children and evaluate the effects on parents' institutional adjustment and recidivism, and children's well-being.

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We oppose the plan to reduce visiting days at maximum security prisons.

Thank you for your thoughtful consideration.

Sincerely,

*Alliance of Families for Justice
Bronx Clergy Criminal Justice Roundtable
Bronx Defenders
Bronx Freedom Fund
Brooklyn Defender Services
Buffalo Anti-Racism Coalition
Buffalo Save the Kids
Campaign for Alternatives to Isolated
Confinement
Center for Alternative Sentencing
and Employment Services (CASES)
Center for Community Alternatives
Center for Constitutional Rights
Center for Employment Opportunities (CEO)
Center for Family Representation
Challenging Incarceration
Child and Family Services of Western New York
Child Center of New York
Children's Village
Citizens' Committee for Children of New York, Inc.
CONNECT
The Council of Family and Child Caring Agencies
(COFCCA)
Echoes of Incarceration
Exodus Transitional Community
Faith in New York
The First Presbyterian Church of Brooklyn
The Fortune Society
Graham Windham
Greenburger Center for Social and Criminal
Justice
Highbridge Community Church
Hour Children
Hudson Link for Higher Education
Jails Action Coalition
Jewish Child Care Association
Labor-Religion Coalition of NYS
Lawyers For Children*

*Legal Action Center
Legal Aid Society
Mental Health Association of NYC
MercyFirst
Mott Haven Reformed Church
National Association of Social Workers (NASW) –
NYC Chapter
National Lawyers Guild – New York City Chapter
New York State Prisoner Justice Network
Northern Rivers Family of Services
Not On My Watch! Safe Haven Network
International
NY Divinity School
NYC Clergy Roundtable
NYU Family Defense Clinic
Office of the Appellate Defender
The Osborne Association
Parole Justice New York
The Presbytery of New York City
Prison Families of New York, Inc.
Prisoner Reentry Institute at John Jay College
Rabbi Uri L'Tzedek, Awaken to Justice
Reformed Church in America
Rehabilitation Through the Arts
Rev. Gloria McCanna Poughkeepsie, NY
SCO Family of Services
Sheltering Arms Children & Family Services
The Sills Family Foundation
Treatment Alternatives for Safer Communities
(TASC) of the Capital District, Inc.
The Villa of Hope Youth & Family Services
UAW Local 2325 – Association of Legal Aid
Attorneys (AFL-CIO)
Urban Justice Center
Westchester Peace Action Committee Foundation
Women & Justice Project
Women's Prison Association
WORTH (Women on the Rise Telling Herstory)*