

The New York Initiative for Children of Incarcerated Parents

A project of the Osborne Center for Justice Across Generations

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

March 11, 2025

Dear Governor Hochul,

We represent statewide leaders and concerned communities who work in the fields of criminal justice, mental health, social justice, family support, child welfare, aging, housing, faith and healing, and economic mobility. We have direct knowledge of the benefits that maintaining relationships and specifically, in-person visiting, have during incarceration for the children, families, and friends of those incarcerated and for individuals in custody, as well as for corrections staff and the facility environment. While negotiations to end the illegal officer strike may have ended, the challenges facing the families of those in New York prisons that pre-dated the strike and were exacerbated by it remain. We write to you urgently requesting that: 1) visitors' and families' access to their loved ones should not be restricted (it has already been limited in the past years); 2) the DOCCS body scanning Memo dated March 2 be rescinded, and 3) the experiences and perspectives of families be considered and representatives be included in decision-making regarding any policy changes that affect families.

The beatings and deaths of Robert Brooks and Messiah Nantwi, and the eight other reported deaths in DOCCS in the past weeks, are beyond disturbing, and abuse and violence across many facilities is well-documented by CANY and described by so many formerly incarcerated people as routine.¹ This must be addressed, on an individual level for all those involved and on a systemic level, changing the culture that allows this to happen. The timing of the wildcat strike is lost on no one and it

¹ See [HERE](#) for CANY's prison monitoring reports and Anthony Dixon's [Editorial](#).

was adding insult to injury that officers' demands included restrictions on families and ending the HALT law, both of which portray individuals inside and their families as violent and dangerous. If anything, visiting and ensuring people inside remain connected to their outside support systems is a strategy for a calmer correctional environment, and supports the well-being of those incarcerated, which helps make corrections officers' jobs easier.

Effects on Families and Conflating the Issues

The illegal strike that began on February 17 has been devastating for families and children. Without any visits, video visits, and with limited mail and packages reaching people (depending on the particular facility), families have been anxious and worried about their loved ones' safety, and fearing for their lives. Reports of the very basics not being accessible – food and medication – and the deaths of Robert Brooks and Messiah Nantwi have been terrifying. Children have been asking when they can see their mother or father and if they are okay; partners and friends hope for contact through the tablet system or a phone call, hoping to hear their loved ones' voices and to know they are surviving. Families have also not been included around the negotiating table, watching as their loved ones are portrayed with one broad brush as violent and deserving of endless solitary confinement, and as additional limits on their own contact are included among the officers' demands, and DOCCS' concessions.

We share the goal of returning staff to work. People inside literally cannot stay alive without officers opening their cells, providing food and medication, and allowing them access to everything. However, we urge you not to conflate separate issues or acquiesce to demands that distract from the real issues at hand and unfairly target and blame families. We also urge that operational changes with significant consequences not be made in haste and without the input of the affected stakeholders.

Punishing Families with Visit and Access Restrictions

We were alarmed to see striking officers' demands include mandatory use of body scanners on visitors, a "more secure" package vendor system, and photocopying of

legal mail (which has already been challenged in a lawsuit).² None of these requests are accompanied by data or any evidence that further restrictions on visitors and families are needed. On the contrary, these very aspects of DOCCS operations, many of them protected by statute, minimum standard, and/ or law, promote rehabilitation, transformation, institutional adjustment, and a more peaceful environment, while also supporting successful reentry and the well-being of thousands of children and families across the State. Covid provided an unintentional natural experiment when no visits occurred for more than one year, and contraband and drugs were still a problem. A serious look at drug and contraband entry, use, and the availability of drug treatment throughout the entire length of one's incarceration (not as someone nears their release date) is the way to curb this serious problem, not blaming families and severing relationships.

The prison system already limits families' access and already makes it very difficult to maintain relationships, yet families persist and bear the toll – human and economic– because of their love and dedication. Visiting already includes significant measures to identify contraband and stop it from coming in, including optional body scanners (which are optional for officers, too), and the traumatizing practice of strip searching those incarcerated after every visit. All mail is already photocopied meaning that an incarcerated parent cannot have their child's original drawing or card to look at; packages cannot be lovingly put together with homemade cards and food that provides emotional as well as nutritional nourishment.

Protecting In-Person Visits

The benefits of in-person, contact visiting are well-documented, including benefits for children,³ for “institutional adjustment” and the safety of officers,⁴ and for reentry success.⁵ 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

2 See [HERE](#).

3 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.

4 Id.

5 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

the due process clause of the State Constitution.”⁶ And the DOCCS website even states: “Research shows that incarcerated individuals who receive regular visits adjust much better once they are released from prison when the privilege is used to maintain positive relationships. DOCCS wants the visiting experience to be family friendly and positive.”⁷ Non-contact visits are traumatic for children, and depressing for those incarcerated; they serve to further isolate those inside, increasing the desire to use drugs, not participate in programs, and furthering tensions and frustration.

Body Scanning

Commissioner Martuscello’s Memo dated March 2, 2025 requiring body scanning of visitors states, “The presence of contraband challenges the institutional safety and operations of correctional facilities.” We agree, and we and families are also concerned about contraband. However, increasing the use of non-contact visits is not the answer. This Memo – issued quickly during an emergency situation, but changing the Visitor Program Directive #4403 without a process, without input, and not time-bound but possibly permanently – will have dire consequences for visitors and in particular, for families and children.

This Memo requires all visitors to pass through the body scanner and directs that anyone not clearing the body scanner or refusing to undergo a body scan be given a non-contact visit, which is a shorter visit (limited to 2 hours), prohibits any physical contact (children cannot hug their parent, wives cannot embrace their husbands, mothers cannot hug their daughters), and limits the visit to 2 people per visit. Put into place hastily (the Memo directs that this is “effective immediately” although not all facilities have the training nor capacity to comply) and with no information about this on the DOCCS website, this will cause confusion and devastation to families who have been without any visits (or video visits) since the illegal strike began on February 17. **We ask that this Memo be immediately rescinded and that an advisory committee be formed to discuss contraband, examine data, incidents, and patterns involving contraband, and next steps be determined as a result of this process.** This committee should include representatives for

⁶ *Cooper v. Morin*, 49 N.Y.2d 69, 76 (1979).

⁷ DOCCS [website](#)

families/visitors and formerly incarcerated individuals, as well as providers who assist with visiting, and examine all sources of contraband (the latest publicized instance of contraband coming in was from a Corrections Officer at Eastern Correctional Facility).⁸

Requested Action to Protect Relationships and Support NY's Families

We urge you to see this moment not as an opportunity to "resume business as usual," but to examine how our prisons function, and redesign and improve them. This includes ensuring that maintaining relationships with the outside world is a right and priority for those in custody. We urge you to:

- establish an advisory committee to meet with DOCCS leadership and the Governor's office to ensure families are included in decision making, just as other stakeholders are, and to identify solutions and next steps. This advisory committee should be involved in responding to any demand for further restrictions on families' access to their incarcerated loved ones (which must be accompanied by data and evidence, and weigh the harms of further isolating people and cutting them off from their families).
- rescind the March 2 DOCCS body scanning memo and consider effective mechanisms to stop contraband from entering with any changes rolled out thoughtfully, with a communication, training, and monitoring plan;
- reinstate visiting as a priority – as of the writing of this letter, limited visiting has been restored at 9 prisons and only on the weekends. Maximum security prisons should have 7 days/week visiting restored as quickly as possible. While the National Guard is deployed, they can assist in ensuring visits happen, including reinstating video visits in the 21 prisons where this exists;
- no further restrictions should be made to the current package vendor system, and ways to allow children's cards and drawings, as well as personalized, more affordable packages to resume should be implemented; ensure timely delivery of packages;

⁸ <https://ulstercountyny.gov/news/district-attorney/bronx-man-charged-promoting-prison-contraband>

- require DOCCS to collect and submit data on non-contact visits to ensure there is no rise in utilization of these as a result or as retaliation from the wildcat strike;
- monitor the implementation of the Proximity to Children and HALT laws, making no changes to either law;
- NY State should pass the [Protect In-Person Visiting bill](#) (S5037/ A4603) to ensure video visits cannot replace in-person visits.

Thank you for your consideration and commitment to all of New York's families.

Sincerely,

Alliance of Families for Justice
 Brooklyn Defender Services
 Bronx Connect
 BNC Alumni Association, Inc.
 CASES
 Center for Community Alternatives
 Church of Gethsemane
 Children's Defense Fund- New York
 Community Connections for Youth
 EAC Network
 Echoes of Incarceration
 Families of NYS Incarcerated Individuals
 Fortune Society
 Graham Windham
 Greater Hudson Promise
 Neighborhood, Inc.
 #HALTsolitary Campaign
 Hour Children
 Hudson Link for Higher Education
 in Prison, Inc.
 JCCA
 Justice for Families
 Legal Action Center
 Long Island Progressive Coalition
 Long Island Social Justice
 Action Network
 Mott Haven Reformed Church
 NAACP New York State Conference
 NAMI Huntington

New Hour for Women and Children LI
 NY Communities for Change
 NY Initiative for Children of
 Incarcerated Parents
 NY Women's Foundation
 NYC Jericho Movement
 NYS Prison Support Group
 NYS Prison Wives
 Osborne Association
 Parole Preparation Project
 Partnership for the Public Good
 Path to Hope
 People's Police Academy
 Prison Families Anonymous
 Release Aging People in Prison
 Sing Sing Family Collective
 Survivors of the System
 Speak Your Truth/ Speak Ya Truth
 Survivors Justice Project
 The Ladies of Hope Ministries
 Unchained
 V-Day
 VOCAL-NY
 We Got Us Now
 Women's Community Justice Association
 Worth Rises