David Nocenti

From: Hon. Dineen A. Riviezzo
Sent: Tuesday, September 30, 2025 3:00 PM
To: rulecomments
Subject: Judicial Prison Visits

Categories: Prison visits

Good afternoon,

I write in support of the rule changes for increasing the frequency and length of Judicial Prison Visits. I am a member of the Advisory Committee on Criminal Law and Procedure and worked diligently on the subcommittee that visited the prisons and drafted the recommendations. The profound impact that visiting prisons has cannot be overstated. In my almost 20 years on the bench, mostly through my own efforts, I have visited every category of prison or jail for which I could commit a person. When I presided over the youth part before Raise the Age, I organized trips to Crossroads, "Close to Home" facilities and OCFS facilities. As a judge presiding over Article 10 matters, I arranged visits to the OMH facility here in NYC as well as what was then Central New York Psychiatric Facility. I have been to Mid-State and Marcy Correctional Facility, Bedford, Sing Sing, Fishkill, and Rikers Island numerous times- among others. Each visit left a lasting impression reminding me of the magnitude of the responsibility entrusted to judges when sentencing convicted persons or confining convicted sex offenders with a mental abnormality. Only by observing many kinds of facilities can a judge truly appreciate the benefits and drawbacks, strengths and weaknesses, the challenges and successes of each facility and use that knowledge when working out an appropriate outcome in any particular case.

The cost to send judges to prisons and jails and any disruption to court proceedings are minor inconveniences when compared to the tremendous benefits to the integrity of our criminal justice system and the trust such visits build between our communities and the judiciary. The visit protocols our committee drafted will help to ensure that the visits are meaningful and not perfunctory. It was an honor to work with such a wonderful team of judges, defense attorneys, prosecutors, and experts in the field of prison reform on this proposal.

Thank you for the opportunity to give comments. Please feel free to contact me anytime to discuss this important proposal.

Judge Dineen Riviezzo
Kings County Supreme Court, Criminal Term
347-296-1446

David Nocenti

From: janesails@aol.com
Sent: Monday, October 6, 2025 3:53 PM
To: rulecomments
Subject: Judicial Visits

Categories: Prison visits

Recently the subcommittee on Judicial Visits to Prisons and Jails has begun to prepare an update to a Rule of the Chief Judge requiring every New York State judge with responsibility for sentencing to visit carceral facilities. In addition to a review of the history related to judicial visits to these institutions, the subcommittee met with various stakeholders including currently incarcerated men and women. The subcommittee also toured prisons and met with prison administrators. In view of the recent reporting on conditions in NYS prisons, making judicial visits to these facilities might drive the state government to improve conditions under which prisoners are housed.

Human rights violations, cruelty, abuse and mismanagement are widely reported, shameful, and unacceptable. Outside visitation by judicial forces offers an opportunity for real time examination of conditions there. And hopefully leads to a better prepared workforce, physical facilities and general conditions under which prisoners are currently housed.

Sincerely Yours,

Jane A Petro MD FACS
Professor of Surgery, Emerita NYMC

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David Nocenti

From: Martin Horn <mfhorn626@yahoo.com>
Sent: Monday, October 6, 2025 5:41 PM
To: rulecomments
Subject: Amendment to Part 17 of the Rules of the Chief Judge attached
Attachments: Part 17 Amendment.pdf

Categories: Prison visits

Martin Horn

270 Vanderburgh Rd

Canaan, NY 12029

October 6,2025

I write in support of the proposed amendment to Part 17 of the Rules of the Chief Judge to require judges to visit at least one correctional facility, detention facility or juvenile facility annually.

I have served as a New York State Prison Warden, as Commissioner of the New York City Department of Correction, and as Secretary of Corrections of the Commonwealth of Pennsylvania. In my opinion this proposed new requirement would be beneficial to the State, to the administrators and staff of the facilities being visited, and to the people of the State, including those incarcerated, as well.

There are obvious and serious reasons to support this amendment. The first, to my mind is that it would increase transparency. Too often prisons, jails and juvenile detention institutions exist primarily in the public mind as they are, inaccurately, portrayed in the public media. Too often these representations are sensational and misleading. Judges, and legislators I would add, better serve the public interest if they possess and can convey an accurate picture of the reality of confinement.

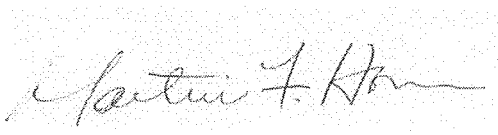
Judges with the responsibility to impose sentences of imprisonment, or to detain persons awaiting trial will be better able to gauge the import of their confinement decisions if they possess an accurate understanding of the reality of life in our state's prisons, jails, and juvenile facilities. In my mind, it is not uncommon for harsh and lengthy sentences to be imposed, far more than what the public interest demands. It is my hope that when judges see for themselves the realities of life in confinement those determinations will be imposed with a better sense of humility and proportionality.

For the persons confined in these institutions, visits by members of the judiciary will give them the belief that they have not been abandoned and forsaken by the larger community of which they are a part, and to which they will be returning. The persons in prisons, jails and detention are the sons and daughters of our communities and need to know that their community has not forgotten them and wishes them to return as productive, law-abiding citizens.

Prisons, jails and juvenile detention facilities struggle to do their best in the face of difficult challenges including staffing challenges, aging infrastructure, and insufficient resources to do the job they know they should be doing. Prisons, jails and juvenile detention facilities have become our communities' primary providers of institutional mental health treatment and the challenges the mentally ill present to these facilities and their staff needs to be recognized. To my mind, if the judiciary were more aware of these challenges it would improve the decisions made both in terms of who gets imprisoned and how challenges to institutional practices are decided.

When correctional administrators, such as I was, seek additional resources or legislative support for institutional reform having members of the judiciary as our allies would be of immeasurable benefit. To that end, I believe an informed judiciary, that has observed the reality of prisons, jails and juvenile detention with their own eyes can be a powerful ally.

I recognize that there may well be challenges to implementing this rule. However, they are not insurmountable and the benefit to be enjoyed by the people of the state if this rule is adopted more than offsets those challenges and makes the adoption of this rule a long-overdue improvement to how we do business in New York State. For that reason, I urgently encourage the Chief Judge to adopt this amendment.



David Nocenti

From: Gershman, Prof. Bennett <bgershman@law.pace.edu>
Sent: Wednesday, October 8, 2025 11:43 AM
To: rulecomments
Subject: Re: Judicial Prison Visits

Categories: Prison visits

Dear Sir/Madam:

I understand that the Subcommittee of the Advisory Committee on Criminal Law of the New York Office of Court Administration has developed a proposal to require every New York State judge with responsibility for sentencing and/or detaining defendants to make an annual, meaningful visit to a penal facility. The Office of Court Administration has released that proposal for public comment.

I am a law professor with significant experience in criminal and correction law, both as a prosecutor and academic. It is my opinion that this rule would represent a significant change by mandating regular substantive visits to prisons and jails each year by New York State judges.

With all respect for the New York State judiciary, I think it is the reality that many judges may not be fully aware of the persons they send to prisons, or the conditions in those prisons. Making regular, substantive visits to prisons—not just ceremonial or superficial tours, is essential for the effective operation of the criminal justice system. Regular judicial visits to prisons per year will help open up the closed prison system. Such visits will connect judges more closely with the criminal justice system they are charged with serving. Regular prison visits will make prison conditions more visible and may improve sentencing and detention determinations. And most importantly, regular visits by judges will signal to the incarcerated persons that they are not utterly forgotten.

I am grateful for your considering my comment.

Most respectfully,

Bennett L. Gershman
Distinguished Professor of Law
Pace University
White Plains, New York
(914) 422-4255

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David Nocenti

From: Daniel Gelb <dgelb49@aol.com>
Sent: Wednesday, October 8, 2025 2:12 PM
To: rulecomments
Subject: Proposal to amend Part 17

Categories: Prison visits

This is my comment on the proposal to amend Part 17 of the Rules of the Chief Judge.

I support this proposal to create a program for judges to regularly visit places of incarceration. It promotes the education of judges, the scrutiny of places of incarceration and increased contact between the judiciary and the incarcerated. These are all worthy goals and worth the costs and inconvenience which may be incurred.

Thank you for considering my comment.

Daniel Gelb
392 Central Park West, Apt 15C
New York NY 10025

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David Nocenti

From: BLANCHE WRIGHT <blanchewright1@aol.com>
Sent: Friday, October 10, 2025 12:27 PM
To: rulecomments
Subject: Supporting Judicial visits to prisons

Categories: Prison visits

I am writing this letter in support of ongoing Judicial visits to all prisons due to lack of prisoners receiving medical treatment, being sexuality abused, and inhumane treatment due to lack of monitoring through out the state and city jails.
I strongly believe if the Judicial regularly visit the prisons and jails it would deter a great amount of these ongoing abuses of power within the prison systems.
Please consider these visits and develop a process to assure the visits are enforced.
Thank you for your consideration around Judicial visits.
Domestic violence, Reentry Advocate, Concerned United States Citizen, Blanche Wright

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David Nocenti

From: Skolnick, Katharine <kskolnick@law.pace.edu>
Sent: Sunday, October 12, 2025 2:30 PM
To: rulecomments
Subject: Public Comment on amendment to Part 17 of the Rules of the Chief Judge

Categories: Prison visits

To Whom it May Concern:

I write in support of the proposed amendments to Part 17. I am currently an Assistant Professor of Law and was, for fourteen years before entering academia, an appellate and postconviction public defender.

During my time in practice, I represented people incarcerated in a variety of correctional settings across New York State, at various stages of their cases. I had occasion to read hundreds of sentencing transcripts. Many themes emerged, but one was that, while judges generally took seriously their obligations to sentence people, there was often a fundamental inability to understand what a prison or even a jail term actually looked like for the person standing before them. There were mitigating and aggravating factors to balance, but rarely did it seem that a judge was stepping back from the churn to understand what punishment would actually look like for any given person. Without that perspective, I believe it's hard for judges to fully appreciate the humanity of those about whom they are making these life-altering decisions.

In fact, this has been a concern of mine now that I have moved into academia, where I write and think about the disconnects between the life experiences of those who are a main subject of the criminal justice system (defendants) and those who are charged with making sentencing decisions (judges), which are profound.

Through this work, I consider ways to bridge some of these epistemic gaps, and this rule change strikes me as one such opportunity. Not only will it provide more texture to judges' understanding of the hardships that someone might face while in prison, but it will also bring judges into contact with people who might have life experiences and backgrounds very different from their own. This augmented understanding of what it means to actually send someone to prison will, ideally, make their sentencing decisions more informed—and, I hope, more humane.

The one caveat/encouragement I'll add is that I hope that these visits can take place in a relatively unvarnished form. I appreciate that the rule provides for access to a variety of spaces within the facility, and I hope that correctional officials do not artificially shape access to individuals within those spaces but rather allow judges to see an unfiltered cross-section of incarcerated persons on their visits.

If you have any questions, please feel free to contact me. Thank you for considering these comments.

Best,
Kate Skolnick

--
Katharine Skolnick

she/her/hers
Assistant Professor of Law
Elisabeth Haub School of Law at Pace University
kskolnick@law.pace.edu
914-422-4257

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David Nocenti

From: Sara Bennett <sarabennettsarabennett@gmail.com>
Sent: Monday, October 13, 2025 10:06 AM
To: rulecomments
Subject: judicial visits to prison

Categories: Prison visits

I am writing to express my support for the proposal that would require every sentencing judge to make one visit annually to a prison.

I have been visiting prisons for over 40 years now, in a variety of capacities, from journalist, to lawyer, to friend, to photographer. Every time I enter a facility I am struck by the conditions and I always wished, when I was an attorney, that every one involved in the system—from the defense attorney to the DA to the sentencing judge—be required to spend just a short amount of time in prison. I'll never forget when I won immediate release for one of my clients on a Friday and I was working as hard as I could to make sure the release happened that day and not on the following Monday. Everyone around me asked me what the big deal was: "what's a few more days." And i thought, you try to spend an hour or two in a cell, and then you'll know what a few more days is. (Ted Koppel of Nightline once spent 24 hours in a cell and his reporting on that was phenomenal. He was so shaken by the experience.)

Truthfully, I've never spent any time in a cell either, but I know of the chaos and the arbitrariness and the food. As a photographer, my work has been exhibited at both Taconic and Bedford and, at both, I was served the same lunch as everyone else. To me it was inedible; to the women, they gladly ate my portion.

I recently went to Bedford for the first time in about 4 years and I was struck by all the differences. The wait time to get in was hours, when in the past, I generally would be on a visit within 45 minutes. There were canines and National Guard and the whole visit was incredibly intimidating.

I could go on and on, but all I can say is, a huge YES to the requirement. It will be eye opening and life changing.

Many thanks,

Sara Bennett
2024 Guggenheim Fellow (photography)
sarabennett.org
718-965-9642

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David Nocenti

From: kvockins2023@gmail.com
Sent: Monday, October 13, 2025 11:46 AM
To: rulecomments
Cc: 'Mushlin, Prof. Michael B.'; Pci19@optimum.net
Subject: PROPOSAL TO REQUIRE NYS JUDES TO MAKE ANNUAL VISITS TO PENAL FACIITY

Categories: Prison visits

New York State
Unified Court System
Office of Court Administration

To Whom It May Concern,
I support the proposal submitted by the subcommittee of the Advisory Committee on Criminal Law of the New York Office of Court Administration requiring every New York State judge with responsibility for sentencing and/or detaining defendants to make an annual, meaningful visit to a penal facility. If adopted, this rule will represent a significant change by mandating hundreds of substantive visits to prisons and jails each year by New York State judges.

The central point to underscore is the importance of judges making regular, substantive visits to prisons—not just ceremonial or superficial tours. Meaningful engagement is essential for the effective operation of the criminal justice system. Regular judicial visits to prisons per year will help open at least more than before the closed prison system, will connect it more closely with the criminal justice system it is charged with serving, will make prison conditions more visible and will improve sentencing and detention determinations. It also will signal to incarcerated persons that they are not utterly forgotten.

I understand the public may comment on this proposal, and with 30 years of experience in the NYS criminal legal system, I fervently hope the Advisory Committee will approve and endorse this important initiative so it can move forward rapidly.

Respectfully submitted,
Katherine Vockins

Katherine Vockins
Founder & Executive Director Emeritus, Rehabilitation Through the Arts (RTA)
Purchase, New York 10577
914-263-6994 kvockins2023@gmail.com

David Nocenti

From: David Nocenti
Sent: Tuesday, October 14, 2025 6:48 PM
To: rulecomments
Subject: Comment on proposed rule regarding judicial visits to penal facilities
Attachments: DOC101425.pdf

Categories: Prison visits

-----Original Message-----
From: OCA Counsel's Office <noreply@nycourts.gov>
Sent: Tuesday, October 14, 2025 5:45 PM
To: David Nocenti <DNOCENTI@nycourts.gov>
Subject: Send data from MFP13914596 10/14/2025 17:45

Scanned from MFP13914596
Date:10/14/2025 17:45
Pages:2
Resolution:300x300 DPI

McLAUGHLIN & STERN, LLP

FOUNDED 1898

John M. Brickman
Partner
jbrickman@mclaughlinstern.com

1122 FRANKLIN AVENUE, SUITE 300
GARDEN CITY, NEW YORK 11530
(516) 829-6900
Fax (516) 829-6966
www.mclaughlinstern.com

New York, NY
Millbrook, NY
Westfield, NJ
Westport, CT
West Palm Beach, FL
Sarasota, FL
Naples, FL

October 8, 2025

David Nocenti, Esq.
Counsel
New York State Office of Court Administration
25 Beaver Street
New York, New York 10004

Dear Mr. Nocenti:

Please accept this letter in response to the request for public comment on the proposal of the subcommittee of the Advisory Committee on Criminal Law of the Office of Court Administration regarding annual visits of judges to penal facilities. I am in strong favor of the proposal.

If adopted the proposal would provide an extraordinary opportunity for judges with direct responsibility for incarcerating people to see, regularly and in a fashion that will make it hard to forget, the real circumstances and consequences of jailing and imprisonment. In an environment where sentencing patterns are often challenged as irrational, whether too short or too long, this should assist the courts in finding equanimity. Moreover, the proposal will serve what to me is a function of at least equal importance, namely, what over the years I have referred to as the application of von Heisenberg's Uncertainty Principle to places of confinement. Von Heisenberg's principle holds that certain subatomic reactions are affected by the very fact that someone is observing them as they take place. Correctional facilities react precisely the same way.

In the history of incarceration in America we see the constant of a closed society. Civilian oversight provides a powerful antidote, much like the sunshine laws that frequently govern the affairs of other public bodies. Judges, no less than legislators and media representatives, are credible messengers who can tell the rest of the world what goes on inside our hidden facilities. Anything we can do to expand their access makes sense, and a lot of it.

I should explain the perspective from which I see these matters. I have been involved with New York prisons and jails for more than 50 years. From 1971 to 1975, I served as Executive Director of the New York City Board of Correction, the agency of city government charged with the responsibility of civilian oversight for the city

Department of Corrections, including the infamous Tombs (the Manhattan House of Detention), as well as Rikers Island. For some 20 years, I sat on the Board of Directors of the Correctional Association of New York, including service as its board chair from 2005 through 2008. The Correctional Association, in existence since 1844, has since the mid-19th century enjoyed the right by legislation to visit New York State prisons, and has a long history of serving as the public's eyes and ears, reporting on affairs and events in closed facilities. Although I am a full-time lawyer, I regularly write, speak, and testify about issues affecting prisons and jails, and have been qualified as an expert witness in state and federal courts.

Sincerely,

John M. Brickman

David Nocenti

From: Jermaine Archer <jermaine.archer@rta-arts.org>
Sent: Tuesday, October 21, 2025 11:56 AM
To: rulecomments
Subject: Support for Judicial Visits to Prison Proposal

Categories: Prison visits

New York State
Unified Court System
Office of Court Administration

To Whom It May Concern,

My name is Jermaine Archer and I am the Executive Director of Rehabilitation Through the Arts (RTA), a non-profit organization. For 29 years, RTA has used the arts to help incarcerated New Yorkers develpo critical life skills and embodied an approach to rehabilitation based on human dignity rather than solely pnishment. I find much alignment between RTA's mission and the current proposal submitted by the subcommittee of the Advisory Committee on Criminal Law of the New York Office of Court Administration requiring all New York State judges responsible for sentencing/detaining defendants to make an annual, meaningful visit to a custodial facility. As such, I am writing this letter to voice my support for the proposal as I believe this rule will bring about tremendous strides toward justice by mandating hundreds of substantive visits to prisons and jails each year by New York State judges.

I cannot stress enough the need for judges to make regular, substantive visits to prisons, not merely announced facility tours during which they only see select areas of a facility. Meaningful engagement by those empowered to fill carceral facilities is essential for the effective operation of the criminal justice system. Regular judicial visits to prisons per year will connect correctional facilities more closely with the criminal justice system they are charged with serving, make prison conditions more visible, provide judges a more accurate sense of the conditions to which they are subjecting those they sentence, and by connection improve sentencing and detention determinations. Notably, it will remind incarcerated persons that those who sent them there remain aware of their conditions.

I understand that the public may comment on this proposal, and as someone who served 22 years in prison due to a wrongful conviction that has been since overturned, I hope the Advisory Committee will endorse and approve this proposal so it can move to the next step and hopefully be implemented.

Thank you for your time and consideration,

Jermaine Archer

How you see people is how you serve them

David Nocenti

From: Marjorie Smith <marjoriemsmith@verizon.net>
Sent: Saturday, October 25, 2025 9:02 PM
To: rulecomments
Subject: Re: Public Comment on a proposal to amend Part 17 of the Rules to improve the UCS's program for judicial visitation

Categories: Prison visits

Dear David Nocenti:

The proposed amendments to Part 17 of the Rules of the Chief Judge, which would add new Sections 17.4 and 17.5, would create a program of meaningful and consistent visits by judges to correctional and other detention facilities that would enhance the important interaction between the UCS and incarcerated individuals.

As an attorney who worked with the Legal Aid Prisoners Rights Project early in my career, and later was the Assistant Director of the Second Look Innocence Program at Brooklyn Law School, I have had occasion to visit prisoners at numerous New York City, State and Federal jails and prisons.

This proposal would integrate into the criminal justice system judges making regular, substantive visits to prisons and jails. In my opinion, a consistent program of annual judicial visits to prisons will help open he closed prison system, will connect the prison system more closely with the criminal justice system it is charged with serving, will make prison conditions more visible and will help to improve sentencing and detention determinations. It also will signal to incarcerated persons that they are not completely "out of sight out of mind."

Thank you for considering my comments.

Respectfully,

Marjorie Smith
Attorney
109 Wolcott Street
Suite 2
Brooklyn, NY 11231
914 772-0047

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David Nocenti

From: Rafael Wolff <rafael.wolff@trf4.jus.br>
Sent: Sunday, October 26, 2025 10:23 PM
To: rulecomments
Subject: Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

Categories: Prison visits

To:
David Nocenti, Esq., Counsel,
Office of Court Administration,
25 Beaver Street, 10th Fl.,
New York, New York, 10004.

Re:
Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

Date: Oct. 26, 2025.

Dear Sir,

I am a Federal Judge in Brazil and I visit regularly prisons as part of an educational initiative from Brazilian Federal Judges Association (AJUFE), in connection with the NGO Instituto Mundo Melhor (IMM), that provides online courses to incarcerated individuals.

I would like to congratulate the State of New York for the mentioned Proposal, as annually visiting facilities would provide meaningful insights to New York Judges that will certainly enhance their capability of sentencing with focus on punishing and preventing crimes.

The term sentencing has its origins on the Latin sentire (feel). Therefore, deeply knowing the prison system it is mandatory for Judges who should impose the correct sentence focusing on retribution, deterrence, incapacitation, but also in rehabilitation.

Respectfully,

Rafael Wolff
Federal Judge
Brazil

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David Nocenti

From: Sonia Ossorio <sonia@nownyc.org>
Sent: Monday, October 27, 2025 11:54 AM
To: rulecomments
Cc: Jayne Bigelsen
Subject: Letter re: amendment to Rule 17
Attachments: _letter re amend. rule 17.docx.pdf

Categories: Prison visits

Please see attached letter. Thank you!

--
Sonia Ossorio
Executive Director
National Organization for Women NYC
Women's Justice NOW
www.nownyc.org
sonia@nownyc.org
212.627.9895

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Sonia Ossorio, Executive Director, Women's Justice NOW

Jayne Bigelsen, Chief Policy and Education Officer, NOW-NYC

150 W. 28th Street, Suite 304
New York, NY 10001
info@nownyc.org

212.627.9895

David Nocenti

OCA Counsel
New York State Unified Court System
25 Beaver Street
New York, NY 10004

Re: Comments in Support of Amendment to Rule 17 – Judicial Visitation to Detention Facilities

On behalf of Women's Justice NOW and the National Organization for Women – New York City (NOW-NYC), I write in strong support of the proposed amendment to Rule 17 of the Rules of the Chief Judge, which aims to improve and expand the Unified Court System's judicial visitation program to detention facilities across New York State.

We are especially appreciative of the amendment's explicit inclusion of women's detention centers as a fundamental aspect of the judicial visitation program. The realities of incarceration for women differ significantly from those of men, and those differences deserve focused attention from the judiciary.

Women in detention face unique challenges that stem not only from biological and health-related needs, such as menstruation and menopause, but also from deep societal inequalities. Incarcerated mothers and grandmothers are far more likely to be the primary caregivers prior to

incarceration, and they are less likely to receive visits from their children and partners once detained. This separation not only contributes to long-term trauma within families but also places added pressure on extended family members, who are most often other women, to maintain family bonds.

What's more, some women enter detention centers and prisons pregnant. Clearly, their medical needs are far greater than the general population. Bedford Hills Correctional Facility is well known for its prison nursery, first established upon the opening of the prisonin 1901. Currently infants can stay with their mothers for 12 months, and can be extended up to 18 months if a release date falls within that period. This allows for bonding which is important in the healthy development of a child and has a lasting effect upon the mother's release from prison. Women can nurse their babies which has a positive health impact on the newborn as well as the mother. Mothers also learn parenting skills, to help them parent from a distance, and once reunited with their child upon completion of their sentence.

Bedford Hills nursery program has served as a model for other prisons across the country and is considered the standard for innovative family-centered programs. This added dynamic of pregnancy, childbirth and child rearing makes the judicial visitation program all the more important.

Additionally, programming and reentry resources in women's facilities lag behind those in men's prisons. While New York should strive to improve job training, education, and rehabilitation services for all incarcerated individuals, these opportunities are even less accessible to women. Such disparities reinforce gender inequities and ultimately undermine public safety and community well-being, as they heighten recidivism rates and complicate reentry for formerly incarcerated women. Although judges may not directly address these issues, understanding them firsthand is essential to ensuring fairness, oversight, and compassion within the judicial process.

We also strongly support Section 17.1(E) of the proposed rule, which lays out the key elements of a meaningful visit. We commend the inclusion of a requirement that visits encompass a tour of the major areas of each facility, including intake and housing areas, medical and mental health units, special housing units, food preparation and service areas, and visiting areas.

We wholeheartedly believe that the requirement to meet with incarcerated people is among the most valuable components of this proposal. These conversations are essential for judges to gain an authentic understanding of the lived experience inside correctional facilities. Without the voices of those directly impacted, there is a risk that visits will become performative, offering only a staff-controlled view of prison conditions.

We urge the Office of Court Administration to adopt this proposal as written, ensuring a lasting commitment to comprehensive and inclusive prison visits, including those to women's facilities. Thank you for your continued leadership and dedication to advancing a justice system that serves all New Yorkers.

David Nocenti

From: Dylan Cole <dylancolebeats@gmail.com>
Sent: Monday, October 27, 2025 12:06 PM
To: rulecomments
Subject: Judicial visits to Prison

Categories: Prison visits

To David Nocenti,

Thank you for the opportunity to provide public comment on the proposed court rule regarding judicial visits to prison. While I've never visited a prison, I've come to know someone who spent 30 years in prison beginning at age 20. She's not one to complain or to exaggerate her experiences. If anything, she downplays what she experienced in prison, but she has opened my eyes to what the reality behind bars is. Another friend of mine is a Corrections Officer and has explained to me the difficulties encountered with long shifts, sub-optimal, and often dangerous work conditions. I realize that judges are already required to visit a prison or jail, but those visits may not reflect the reality of life beyond the prison gate. Meeting with a superintendent who describes programs they purport to offer may be very different from seeing them up close and directly learning of their benefit or deficit from those who are incarcerated. Seeing the food that is served and the domicile where people live is important for the judge's understanding of what they are actually sentencing someone to. As a lifelong New Yorker, I would be proud to see us lead the nation with a judicial prison visiting rule that would bring meaning to the visit. Maybe it sounds a bit Idealistic, but perhaps Prison in New York state can evolve into a more rehabilitative space that is safe for inmates and workers, yet still serves to uphold law, order, and justice. Thank you again for taking my opinion into consideration.

Best,

Dylan Cole

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David Nocenti

From: Bobby Cohen <bobby.bobbycohen@gmail.com>
Sent: Monday, October 27, 2025 12:59 PM
To: rulecomments
Subject: Why Judges should regularly visit the jails
Attachments: judge letter.pdf

Categories: Prison visits

See attached letter. Thank you

--
Robert L. Cohen, MD

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Robert L. Cohen, MD

130 Barrow Street
New York, NY 10014
646-784-4527
bobby.bobbycohen@gmail.Com

October 27, 2025
David Nocenti
OCA Counsel

Dear Mr. Nocenti:

I write to urge you to support the proposal to require regular meaningful visits to prison and jails by all NYS trial judges with responsibility for sentencing or detention decisions.

I have extensive experience working in the NYC jails. I served for five years working daily on Rikers Island as the Director of the Montefiore Medical Center's medical and mental health program for the jails. For the past 16 years, finishing in July 2025, I served on the NYC Board of Correction. Several judges served with me on the Board, and they had not recently the jails. Visiting Rikers Island is a traumatic experience for all those who spend significant time there. For correctional staff, support staff, medical staff, and people in custody, it is traumatic and deforming. But it is not necessary to spend thousands of days on the Island, as I did, to understand the harm to anyone who is kept in the custody of the New York Department of Correction.

State Judges who sentence or detain people on Rikers Island have an obligation to understand the consequences of their decisions. I am certain that regular meaningful visits to the jails by the judges, accompanied by former persons incarcerated in the jails and staff of the Board of Correction will be of great benefit as they decide the difficult and life-changing decisions they make to incarcerate or not to incarcerate men and women to these broken and dangerous institutions. The same would certainly be true for people sentencing people to state time.

Thank you for taking the time to consider my thoughts on this very important question for your office. I am available to support any program you develop to require regular visits to the jails by sitting or about to be sitting judges.

Warm Regards,

Robert L. Cohen, MD

David Nocenti

From: Nicholas Mitchell <nmitchell@independentmonitor.com>
Sent: Tuesday, October 28, 2025 10:43 AM
To: rulecomments
Cc: Michael Mushlin
Subject: Proposed Amendment to Part 17 of Rules of the Chief Judge re Judicial Visits to Detention Facilities

Categories: Prison visits

Dear Mr. Nocenti,

I am writing to express my strong support for the proposed amendments to Rule 17 of the Rules of the Chief Judge regarding judicial visits to detention facilities. I work with detention facilities around the United States to improve conditions of confinement. Having spent decades working directly with correctional executives, it is my view that the lack of engagement by criminal justice stakeholders with the conditions in which inmates/prisoners are confined directly contributes to poor outcomes for detainees.

Jails and prisons are necessarily opaque and difficult to closely oversee (for obvious reasons). Yet often, justice system stakeholders, including judges, have not made meaningful efforts to try. Greater engagement by judicial officers, including regular visits to detention facilities, would send a strong message to jail and prison managers of their duty to provide Constitutionally adequate conditions of confinement. Setting aside the obvious benefits for judicial officers themselves, I believe that such visits would also encourage correctional executives to more closely scrutinize the use of force by officers, ensure adequate medical and mental health care, and provide sufficient recreational or therapeutic out-of-cell time.

Thank you for your work on this proposal. Please don't hesitate to contact me if you have any questions.

Sincerely,

Nicholas E. Mitchell
Independent Monitor
nmitchell@independentmonitor.com

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David Nocenti

From: Julie Blackman <julie.a.blackman@gmail.com>
Sent: Tuesday, October 28, 2025 11:25 AM
To: rulecomments
Subject: Letter in Support of Judicial Visits to Prisons and Jails
Attachments: Letter to Subcomm on Judicial Visits Oct 28 2025.docx

Categories: Prison visits

Attached please find my letter of support.

Julie Blackman

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JULIE BLACKMAN
& ASSOCIATES, LLC
Trial Strategy Consultants

October 28, 2025

To: David Nocenti, Office of Court Administration Counsel

Re: Letter of Support for Meaningful Judicial Visits with Prisoners

I am a social psychologist who has worked at the interface of psychology and the justice system for many years. I was an Assistant Professor at Barnard College from 1978-1987. After that, I have spent my career first as an expert witness at trials of battered women and abused children who killed their abusers and then as a jury and trial strategy consultant for all kinds of complex, criminal and civil cases. I am the author of Intimate Violence: A Study of Injustice published by Columbia University Press in 1989. I have given presentations and published articles about the psychological effects of violence in families. More recently, I have become interested in the effects of the Internet on the courtroom (especially on jurors) and have spoken and written about this as well.

Throughout my career, I have been dedicated to bringing data-based and well-reasoned ideas to bear on fairness. Justice is an abstract concept until it is brought to life by attentive, empathic, truthful conversation. Justice is not meaningful when applied to a single individual. We understand and experience justice (or injustice) by comparing ourselves with others and by talking in information-laden ways with those who are positioned to reward or punish us.

It is hard to imagine a more significant place or opportunity to enliven justice than in prisons, in conversations between judges and incarcerated people. Meaningful conversations there will foster a more positive view of the community beyond the walls of the prison, will improve life within the prison for inmates, and will make positive outcomes more likely for prisoners following their release. Certainly, the recent presidential pardons have heightened the conversation generally about justice, fairness and incarceration, likely more so for judges and incarcerated people. An exchange of experiences, ideas and opinions during this visit could be very interesting and fruitful for all.

For all of these reasons, I write in support of the rule change that would require judges to visit prisons to better understand prisons conditions as well as to engage in meaningful conversation with the people living there.

Sincerely,



Julie Blackman, Ph.D.

David Nocenti

From: Ted Katz <mjkatz.ted@gmail.com>
Sent: Tuesday, October 28, 2025 12:10 PM
To: rulecomments
Subject: Proposed Amendment to Part 17 of the Rules of the Chief Judge

Categories: Prison visits

October 28, 2025

I write in support of the proposed amendments of Part 17 of the Rules of the Chief Judge, addressing the subject of judicial visits to detention facilities.

I served as a United States Magistrate for the Southern District of New York for 21 years. (I am presently retired.) In my role as a magistrate judge, I arraigned newly arrested individuals and made bail/detention decisions with respect to those individuals. In appropriate cases, I ordered the detention of pre-trial detainees and regarded those decisions as a weighty responsibility because defendants who had not been convicted of any crime were being deprived of their liberty. Moreover, that deprivation has been shown to have a negative impact on a pre-trial detainee's ability to mount a defense.

As a result, I concluded that it was important for me to understand the conditions of confinement to which I was sending people. I therefore made it a regular practice to visit federal detention facilities in Manhattan and Brooklyn and found those visits to be of great value. I was able to tour the major areas of the jails, including holding areas, housing units, medical clinics, and recreational and dining facilities. Those visits gave me valuable insight into the conditions under which detainees were being held. Equally important was the opportunity to talk with detainees as well as correctional staff, because it helped me appreciate on a human level the impact of being incarcerated, as well as the concerns and stress of those charged with operating and managing correctional facilities. Time and again I was told how much the detainees and staff appreciated our conversations and my visits because I showed an interest in them as real people, without stigmatizing labels. On the flip side, I believe the visits also gave detainees and prison staff a greater appreciation of our court system and the judiciary.

For these reasons I strongly support the proposed amendment calling for annual judicial visits to detention facilities.

Theodore H. Katz
Retired U.S. Magistrate Judge

David Nocenti

From: Jeffrey Deskovic <jeff@deskovic.org>
Sent: Tuesday, October 28, 2025 8:43 PM
To: rulecomments
Subject: Comment in re Proposed Amendment
Attachments: signed proposed amendment.pdf

Categories: Prison visits

Good Morning OCA Counsel David Nocenti,

I am an exoneree turned attorney. Here is an article written when I graduated law school in 2019: https://www.lohud.com/story/news/local/westchester/2019/05/09/exonerated-murder-jeffrey-deskovic-lawyer/1117072001/

Enclosed please find my comment regarding the proposed amendment. I am happy to communicate further with you or anyone else regarding my input, to further elaborate on anything, etc.

Please confirm receipt of my email.

best,

Jeffrey Deskovic, Esq., M.A.

--

***The Foundation is looking for 25,000 people who believe sacrificing $3 every month via a recurring donation in order to help free innocent people and prevent wrongful convictions. Please see https://www.patreon.com/Deskovic to donate and for details on exactly how the money would be spent. If you feel comfortable, please encourage others to do so via social media and other means. If the company you work for donates to non-profits, we would appreciate if you could suggest that they consider us.

Note: We are a 501(c)(3)***

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Babylon, NY 11702

3148 East Tremont Avenue
Bronx, New York 10461
www.deskovic.org
(888) 228-2815

Oct. 27, 2025

Re: Comments from an exoneree regarding Proposed Amend Part 17 of the Rules of the Chief Judge

Dear David Nocenti, OCA Counsel,

My name is Jeffrey Deskovic and I was exonerated after sixteen years in prison- from age seventeen until thirty- for a murder and rape I didn't commit, until DNA exonerated me while identifying the actual perpetrator, in 2006. Upon my release, I became an individual advocate; five years later I founded The Jeffrey Deskovic Foundation for Justice, which has helped free fifteen wrongfully convicted people and advocated for the passage of nine laws that became law; obtained a Masters Degree in Criminal Justice from the John Jay College of Criminal Justice; and in 2020 I became an attorney.

My body of work includes delivering hundreds of presentations across the country and some internationally; writing hundreds of articles while being published in nine different publications; regularly meeting with elected officials in NY, PA, and CA and testifying at several legislative hearings; and being featured in countless print, radio, television, and new media interviews. My advocacy has always been understood to be about accuracy and seeking justice; not anti-law enforcement. Illustrating that has included co-teaching ethics to police cadets twice a year for ten years; serving on a transition team of an incoming District Attorney; delivering CLE's and other presentations at district attorney offices, prosecutorial groups, and judicial gatherings; and working with current and retired law enforcement while serving on the policy sub-committee of the Peekskill Police Taskforce Reform Group.

My views are shaped by the unique combination of my formal education; informal learning; and my personal experience. Having introduced myself, I would like to turn to the subject of my letter, the Proposed Amendment of Part 17 of the Rules of the Chief Judge, which would require every New York State judge with responsibility for sentencing and/or detaining defendants to make an annual, meaningful visit to a penal facility rather than making one trip every four years after making the initial first visit within one year of taking

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Bronx, New York 10461
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office. Each visit should include an opportunity to spend a meaningful amount of time in, amongst other places: medical areas; kitchen and dining areas including food preparation areas; housing areas;

I know from my wrongful sixteen years in prison:

A) The medical care in prison is horrible. I remember a disturbing incident in Elmira Correctional Facility in which a prisoner walked laboriously past me while sweating, who had just come from sick call. When I asked him if he needed help, he told me he was having pains in his chest but that sick call gave him some over the counter medication and told him to come back in the morning. He said that he felt like he was dying. He died of a heart attack. My pinky finger got injured while playing basketball, and by the time I got to see a doctor (only a nurse was on duty at the time of the injury) many weeks later, the dislocated pinky was fused in place. When I finally him, he said that because I had some limited range of motion, he was not going to authorize an outside medical visit because he didn't want to cost the prison money. My pinky continues to not have the full range of motion.

B) The food was sometimes terrible- breaded fish squares were occasionally not fully cooked, while other food items were burnt. On Sundays, items which had already been served several times throughout the week made a final appearance in the "soup." While working in Food Service, I witnessed the "soup" preparation: leftover food items were dumped in a big vat; a ton of water was added; and then it was heated up. No broth was made nor was any type of modest seasoning added. When assigned to serve soup on the food line, very few people would take it. Sunday dinner consisted of one piece of bologna; two pieces of cheese; an old hot door bun; soup; a .25 cent size bag of chips that was mostly air; and a small portion of peaches in a dish. Beyond that, Food Service was always failing inspections.

C) The shower area on the cell gallery was sometimes dirty, as was the cell blocks. Haphazard cleaning efforts by porters were allowed by correction officers; nobody really cared. But of course, whenever word reached the prisons that an outside visitor was coming, suddenly a big effort was made to clean things. Afterwards, it was business as usual.

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D) I saw many who were over-sentenced. Those sentenced under the Rockefeller Drug Laws, incarcerated for an arbitrary amount of drug possession that made it a felony rather than a misdemeanor, had more time than those incarcerated for violence. I also knew some people incarcerated for the same charge, but with disparate sentences. As an aside, when I was released in 2006, there were still some incarcerated under Rockefeller whom the legislative changes didn't help.

Additionally, long sentence maximums frequently resulted in significantly more time in prison than the sentence minimums. Parole Boards would repeatedly deny parole based on the one thing people could not change: the nature of the crime. Completion of therapeutic programs, vocational trades, college degrees, and good disciplinary records- demonstrably no longer being the same person they were when their crime was committed, ten, fifteen, twenty, or thirty years before that- none of it mattered. Parole was rubber stamp denied over and over again. I experienced it first hand: I was denied parole despite an acknowledgement of a good disciplinary record and a great educational record- because "releasing me would deprecate its seriousness". That resulted in my serving an additional year on top of the fifteen I already wrongfully served. Note: it is hard not to infer that my maintaining my innocence rather than expressing remorse was not another factor.

There was a lot of violence in prison- it didn't seem that any serious effort was made to reduce violence. I was assaulted multiple times while I was prison, and sometimes prison guards told others that I was incarcerated for a sex offense, which put me in danger. I also feared some guards; when they were on an assigned to an area near me, I walked on eggshells: I didn't want to be written a trumped up serious misbehavior report, or be assaulted. While neither of those things ever happened to me, I shouldn't have had to be fearful of same. I was subjected to verbal abuse by the guards multiple times.

Sometimes the prison facilitated violence: people who had just fought would be placed in the same recreational area; enemies would somehow be housed in the same facilities; and sometimes there would be guard abuse of people of prisoners.

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For all of those reasons, I emphatically state that one visit every four years is woefully insufficient. While what judges truly get to observe is limited- based on the dog and pony show and that a prison visit for a few hours in no way substitutes for being in a prison- it is still better than nothing. I would not say that the visits are totally devoid of all value. Infrequent prison visits allow judges to put it out of their mind; to psychologically distance; to sanitize. Being aware of exactly what it is that they are sending defendants to when sentencing is a factor that should be taken into account.

I am not advocating for people to get away with crimes: the actual perpetrator in my case, Steven Cunningham, remained silent while I was wrongfully imprisoned for his crime, in addition to killing two people, including a classmate. I am arguing that the punishment should fit the crime, and that loss of freedom is supposed to be the penalty, not being subjected to inhumane conditions. Greater awareness of prison conditions will go a long way towards fairer sentences and adjudication of prison related claims/prison condition related litigation- the opposite direction of the 'hands off doctrine' and the non-critical acceptance of the defense of "security" even when not legitimate. Given that judges will be able to speak to prisoners as well as have a mechanism for reporting their impressions, it could be a step towards improved prison conditions.

In response to the claim that requiring an annual visit is unnecessary, might create security issues and is logistically difficult, my answer is that the pros outweigh those concerns. The security and logistical issues can be figured out. Based on everything I have laid out above, can it reasonably be concluded that annual visits are unnecessary?

Best,



Jeffrey Deskovic, Esq., M.A.; Exoneree
Jeff@Deskovic.org

David Nocenti

From: Richard F. Buonomo <gemstoner@msn.com>
Sent: Wednesday, October 29, 2025 11:36 AM
To: rulecomments
Subject: Judges prison visit rule revision comments
Attachments: Judge visit prison letter Oct 2025.pdf; image0.jpeg; image1.jpeg; image2.jpeg; image3.jpeg; image4.jpeg

Categories: Prison visits

Please let me know if format is appropriate and how else I can support the rule revision - Richard

Hudson Link alumni (in prison college) celebration at Church of the Heavenly Rest
Richard leading Raising My Voice storytelling training for formerly incarcerated

Celebrate your Children Sing Sing event Portrait by Angela James

Resume Writing & Mock Interviews at Harlem Community Justice Center

Richard Buonomo Ltd

One Rockefeller Plaza Ste. 2412
New York, NY 10020
212-265-2808 office
917-415-1583 mobile
instagram: gemstoner_NYC

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To: David Nocenti, OCA Counsel

In Support of the Revised Rule Requiring Sentencing Judges to Visit Correctional Facilities

Thank you for this opportunity to comment on the proposed rule regarding judicial visits to carceral and detention institutions. For 11 years, I have co-chaired Prison & Re-entry Ministry at the Church of the Heavenly Rest in New York City. Our work is less involved in advocacy and criminal justice reform than it is with providing support to the incarcerated population as they navigate their way back into their post-release communities.

Our program model typically involves partnering with agencies, e.g., Fortune Society, Osborne Associates, Circles of Support, Hudson Link, Rising Hope, IPP, etc. who can meaningfully harness our resources and volunteers to advance their missions to help their "clients" navigate parole, secure housing, find employment, finish education, reconnect with families, and emotionally adjust to the daunting challenges they face. Sometimes we just let them know we care.

One of our ministries, led by parishioner Angela James, goes inside New York Correctional Facilities with a team of volunteers who set up a DOCCS approved portable portrait studio wherein they photograph the glowing smile coinciding with rare moments of joy such as an academic graduation, family celebration, or a Mother's Day celebration with children's events.

These initiatives, carried out on both sides of release, provide us with rare insight into how incarceration affects the sentenced as well as their families.

"Correctional" facilities, intended to hold and rehabilitate the convicted, continue to operate more like historical penal colonies wherein the sentenced are "warehoused" and immersed in a prison culture of violence and bitter separation from the communities the system is ostensibly preparing them to reintegrate as productive, trustworthy citizens.

Opinions aside, New York State's high (43-50%) 3-year recidivism rate is significantly above national and global averages (The Sentencing Project c. 2024). It is hard to argue against high recidivism equaling ineffective "corrections".

So, my position that sentencing judges be required to periodically visit correctional facilities - with a deep, meaningful visit program - is not simply "when they see the inside, they will sentence less". My hope is that they will not only pass down more appropriate sentences, but that they support correctional facility programs: education, career readiness, stronger family connections, fiscal & digital literacy, etc. that measurably reduce recidivism, as well as alternatives to incarceration (ATI) programs that for carefully selected offenders, cautiously replace incarceration with daily supervised rehabilitation within communities.

Mandated annual visits to correctional facilities is impactful only if the visit goes beyond a photo -op of shaking the superintendent's hand and hearing from the administration about their programs. It requires deeper engagement with those serving their sentence and correctional officers and significantly observing the parole hearing process.

Next, for all arraignment judges, it is paramount that the program includes meaningful visits to City Correctional Facilities - namely the dozen jails collectively known as Rikers Island. Pick your poison: rape, suicide, violence, substance abuse, staff corruption, etc., when compared to State Facilities, those horrors are multiplied in City jails.

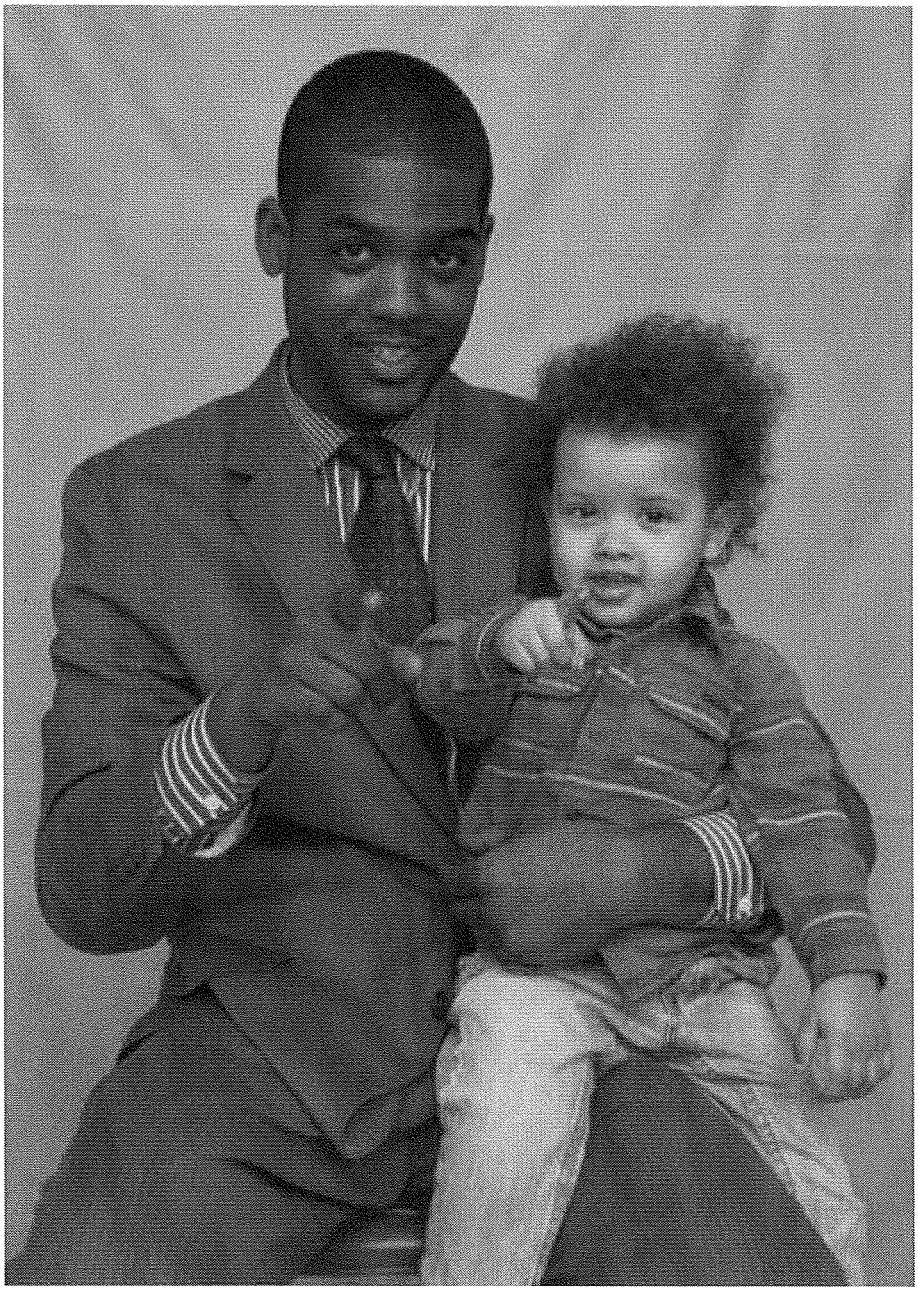
On such a visit, one can be reminded that within a justice system built on the fundamental, constitutional principle of presumed innocence until proven guilty in a court of law, every person sentenced in arraignment to pre-trial jail is an innocent American behind bars.

Justice for All,

Richard Buonomo
Co-chair
Prison & Re-entry Ministry
Church of the Heavenly Rest




Raising My







David Nocenti

From: Stephen Phelps <shphelps7@gmail.com>
Sent: Wednesday, October 29, 2025 1:23 PM
To: rulecomments
Subject: comment on repeal of Part 17.1 and replacement w new rule

Categories: Prison visits

To whom it may concern:

I write in full support of the proposed new rule for 22 NYCRR Section 17.1 which, when adopted, will require that judges who sentence defendants to sentences in prison do themselves have, at least annually,
meaningful visits at prisons across all the hubs of the NYS correctional system.

Twice a month for ten years, I visited with and engaged in extended conversations with incarcerated men at Attica Prison.
At the time, I served as a pastor in Buffalo, N.Y. and engaged in those conversations in conjunction with the CEPHAS program of the Peace Prints organization.
Based on my extensive experience, I affirm that genuine connection with incarcerated persons informs the visitor's humanity, a kind of inward
formation from which all judges can benefit. Certainly, the engagement can also bring light and wisdom to any incarcerated persons involved in the program,
but the proposed amendment of 22 NYCRR Section 17.1 primarily focuses on the benefit to the judges, to increase their knowledge, deepen their
understanding of the sentences they may impose, and enhance the justice of their decisions.

As a resident of New York City, I served nine years on the board of directors of The Correctional Association of New York. In that capacity, I joined many monitoring
visits at prisons in several hubs and had many more, albeit briefer, conversations with incarcerated men and women. My pastoral service concluded with
my service as Interim Senior Minister of The Riverside Church in New York City. On many occasions, my congregations responded with gratitude and compassion
to the portraits from inside which I was able to paint for them because of my many visits to New York prisons.

I hope all our judges may soon join in like experiences.

Yours sincerely,
Rev. Stephen H. Phelps (retired)
25 W 81 St. No. 16B
New York, NY 10024
716 816-5336 m
shphelps@aya.yale.edu

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David Nocenti

From: CHARLOTTE WATSON <cwatson123@aol.com>
Sent: Wednesday, October 29, 2025 5:04 PM
To: Richard F. Buonomo
Cc: rulecomments
Subject: Re: Judges prison visit rule revision comments
Attachments: Buonomo Church of Heavenly Rest.docx; Buonomo Church of Heavenly Rest.pdf

Categories: Prison visits

Hi Richard. The photos are great! Do you have one more, maybe from a Mother's day program? Please the attached document where I added your photos into the revised letter I sent back yesterday. If you have another photo, I can add it. Just thinking about balancing the wonderful photo of the father and child with a mother and child.

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On Oct 29, 2025, at 11:35 AM, Richard F. Buonomo <gemstoner@msn.com> wrote:

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<Judge visit prison letter Oct
2025.pdf><image0.jpeg><image1.jpeg><image2.jpeg><image3.jpeg><image4.jpeg>

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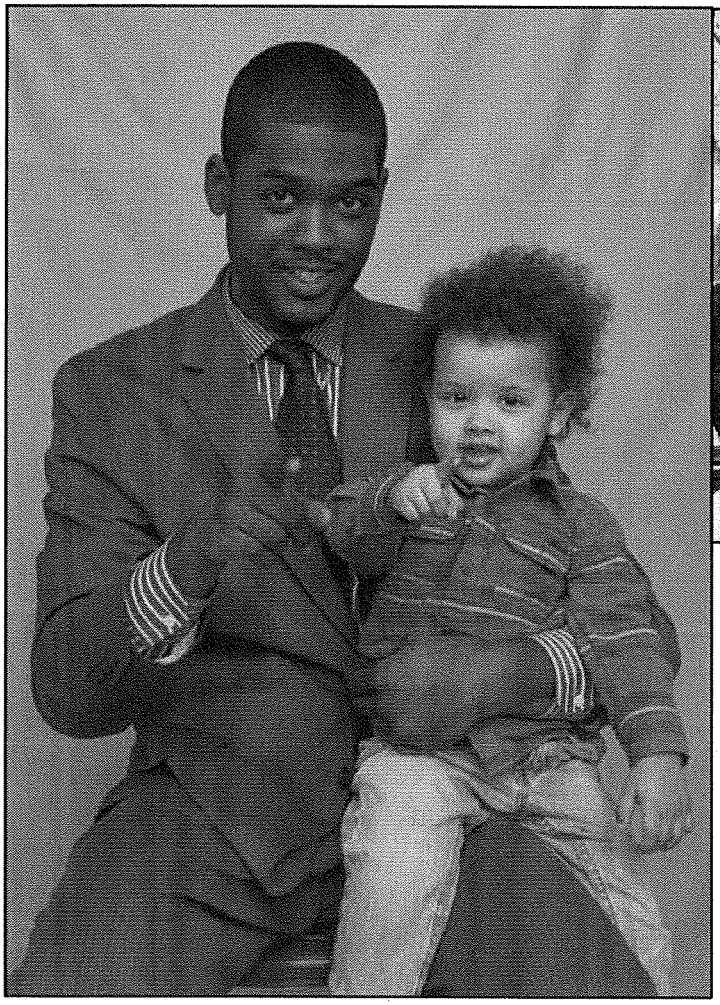
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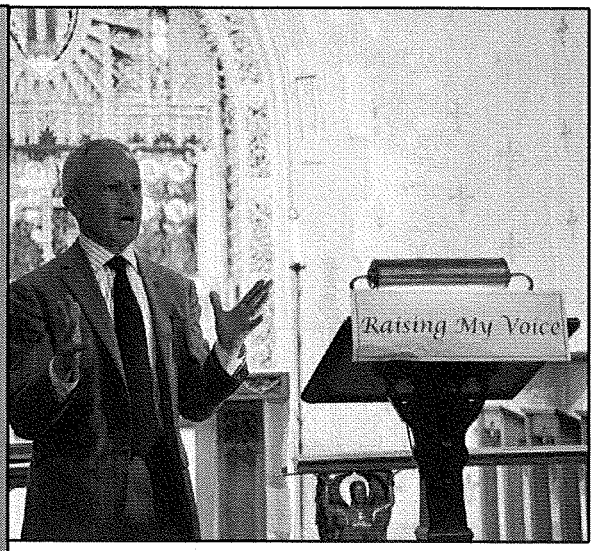
Justice for All,

Richard Buonomo
Co-chair
Prison & Re-entry Ministry
Church of the Heavenly Rest



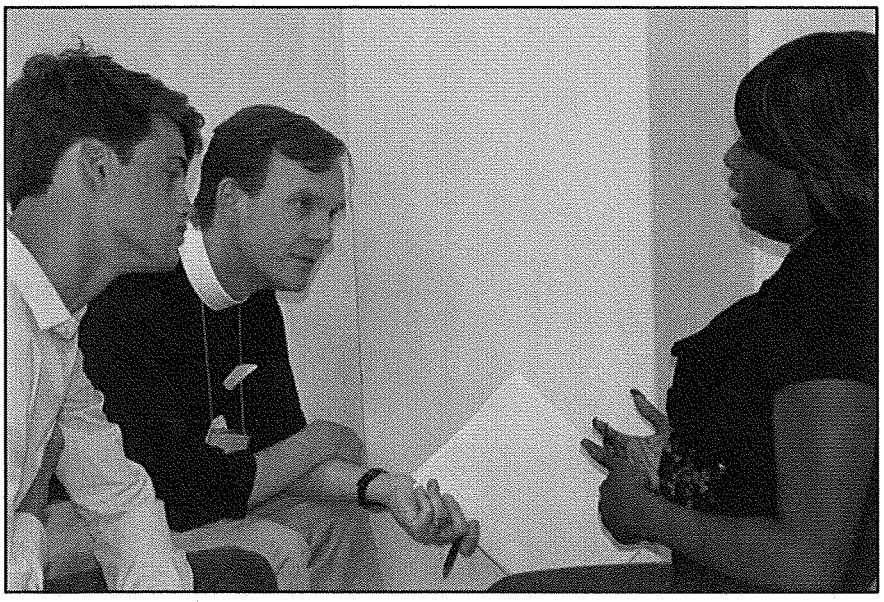
Hudson Link Alumni
(in prison college)





Richard leading Raising My Voice storytelling training for formerly incarcerated celebration at Church of the Heavenly Rest

Celebrate Your Children
Sing Sing Event
Portrait by Angela James



Resume Writing & Mock Interviews at Harlem Community Justice Center

Resume Writing & Mock Interviews at Harlem Community Justice Center



David Nocenti

From: Nancy Erickson <nancysericksON@gmail.com>
Sent: Friday, October 31, 2025 1:03 PM
To: rulecomments
Subject: Proposed Court Rule Re Judicial Visits to Prisons

Categories: Prison visits

I support this proposed rule.

Additionally, I would propose that all Family Court and Matrimonial Court judges should be required to visit one of our overpopulated and understaffed DV shelters in order to see where women and children end up if they do not order abusive spouses out of the house.

Thank you.
Nancy S. Erickson

--
Nancy S. Erickson, Esq.
Brooklyn, NY
718 398 2601

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David Nocenti

From: Akiyah Monae <akiyahmonae@gmail.com>
Sent: Saturday, November 1, 2025 9:40 AM
To: rulecomments
Subject: Judicial Prison Visits

Categories: Prison visits

I think this is a good idea, Judges should go to prisons that they sentenced prisoners for hundreds of years so they can see the human side of their over sentencing.

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David Nocenti

From: Alyssa <bookiealyssa@gmail.com>
Sent: Saturday, November 1, 2025 10:02 AM
To: rulecomments
Subject: Judicial prison visits

Categories: Prison visits

I believe this is a great idea — judges should visit the prisons where they've sentenced people to spend decades or even lifetimes, so they can witness firsthand the human impact of their excessive sentencing.

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David Nocenti

From: Sarah <sarahthomp1213@gmail.com>
Sent: Saturday, November 1, 2025 10:06 AM
To: rulecomments
Subject: Judicial prison visits

Categories: Prison visits

I believe judges should spend time in the very prisons where they've sentenced people to long terms, so they can better understand the human reality behind their often excessive sentences.

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David Nocenti

From: latifah haynes <latifahhaynes12@gmail.com>
Sent: Saturday, November 1, 2025 10:44 AM
To: rulecomments
Subject: Judicial prison visits

Categories: Prison visits

I agree that you guys should pass this amendment, because I believe that judges should visit prisons to have a better have better understanding of the men & women that they sentence to prison .
Sent from my iPhone

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David Nocenti

From: Diamond Smalls <diamondsmalls14@gmail.com>
Sent: Saturday, November 1, 2025 12:28 PM
To: rulecomments
Subject: Juridical Prison visits

Categories: Prison visits

To whom it may concern

The amendments should be passed because New York over sentence and judges should be able to see and explain to the prison population administration and society the effects of such

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David Nocenti

From: Staples Print & Marketing Services <Ccreg12@staplesbusinesscenter.com>
Sent: Monday, November 3, 2025 5:05 PM
To: rulecomments
Subject: amendment to PART 17
Attachments: staples_scan.pdf

Categories: Prison visits

Please find the scanned documents from Staples attached to this email. -Staples Print and Marketing Services

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November 3, 2025

David Nocenti, Esq.
Counsel
New York State Office of Court Administration
25 Beaver Street
New York, N.Y. 10004

By Email: rulecomments@nycourts.gov

Dear Mr. Nocenti:

We write to express our strong support for the proposal to amend Part 17 of the Rules of the Chief Judge to require annual visits to New York State Detention Facilities by judges and other judicial officers who are responsible for the sentencing of persons convicted of crimes in this State (the "Rule").

We are all former members of the Board of Directors of the Correctional Association of New York. The Correctional Association of New York was founded in 1844, and in1846 was granted authority by the New York State Legislature to provide independent monitoring of New York State prisons by visiting those facilities and reporting its findings on prison conditions and the treatment of incarcerated individuals to the Legislature. In 2021 its ability to monitor New York State prisons was further consolidated into New York Correction Law Section 146.

Since 1846 and continuing up and until the present time, the Correctional Association's Board of Directors and staff have been regularly visiting New York State prisons. These visits include every part of the facilities: general housing areas, cell blocks, disciplinary housing, recreation areas, program areas, medical and mental health facilities; and further include in-person meetings with incarcerated individuals, prison administrators and prison staff. After those visits, the findings are reported to the Department of Corrections and Community Supervision, the New York State Legislature and the public.

All of us who are listed below, have served as Board Members of the Correctional Association for many years at various time between the 1980's and the 2020's. During that time period, collectively we, as Board members have visited dozens of prisons throughout the state on literally hundreds of prison visits. Current Board members and staff continue to visit prisons numerous times a year.

We believe strongly in the need for oversight of New York State prisons and detention facilities to further advance the health, wellbeing, safety and rehabilitation of persons who serve time in these facilities, and to help correct the failings and shortcomings of these institutions. We are of the view that New York should be in the forefront of systemic institutional change and should work to continuously shed light on what occurs in our correctional facilities.

We have all found that there is no substitute for visiting New York State prisons and detention facilities; for seeing with our own eyes how institutions are run; how persons in those facilities – both incarcerated persons and staff – are treated and how they treat each other; how facilities seek to help ensure that when incarcerated persons leave those facilities and return to their communities, that they have skills, hopes and desires that foster a fresh opportunity at a new life and can make our communities safer.

Judges play a unique role in our criminal justice system. We know that their jobs are not easy. They have a responsibility for the safety of our communities as well as for being fair and for exercising wisdom in executing their powers of sentencing. The proposed Rule, which would bring Judges to meaningful, not merely ceremonial visits, would, we believe, go far in helping to inform their understanding of the impacts of their sentencing decisions.

We know from our own experiences in visiting prisons throughout the State that there can be logistical challenges and costs attendant to visits. But these are easily addressed and overcome and they are well worth the price for all one gains in a hands-on, in-person visit. There really is no substitute. We also know that a first visit to a prison can be a shocking experience; a prison is a different world in so many ways. But in fact, that is all the more reason that Judges should spend time in these facilities and see what they are like.

Finally, a word about incarcerated persons. We know that for many the opportunity to speak with people from outside the prison system is rare. Incarcerated persons will be returning home and they need to know they are not forgotten; that prison is not merely a storage facility. Judges will bring a useful perspective, especially given the roles they – and only they -- play in connecting incarcerated persons to their prison experience. We believe at the end of the day, if this Rule is adopted, as it should be, that Judges will appreciate the opportunities it provides, as will the incarcerated persons.

We strongly urge adoption of the proposed Rule.

Very truly yours,

Barbara Berg, barbara_berg@msn.com
John Brickman, JBrickman@mclaughlinstern.com
Peter Cobb, petervzcobb@me.com
Clay Hiles, hiles.clay@outlook.com
Seymour James, sjames@barketepstein.com
Sharon Katz, sharon.katz444@gmail.com
Stephen Phelps, shphelps7@gmail.com
James Silbert, jdsilbert@gmail.com
Rena Uviller, ruviller@gmail.com
Katrina vanden Heuvel, kat@thenation.com

David Nocenti

From: Staples Print & Marketing Services <Ccreg10@staplesbusinesscenter.com>
Sent: Monday, November 3, 2025 5:06 PM
To: rulecomments
Subject: amendment to PART 17
Attachments: staples_scan.pdf

Categories: Prison visits

Please find the scanned documents from Staples attached to this email. -Staples Print and Marketing Services

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November 3, 2025

David Nocenti, Esq.
Counsel
New York State Office of Court Administration
25 Beaver Street
New York, N.Y. 10004

By Email: rulecomments@nycourts.gov

Dear Mr. Nocenti:

I write in support of the Proposal of the USC's Advisory Committee in Criminal Law and Procedure ("CPL Committee") to amend Part 17 of the Rules of the Chief Judge to improve the program for judicial visitation to detention facilities in New York State.

The proposed rule appears by all measures to have been carefully and thoughtfully crafted by the CPL Committee in consultation with outside experts and the Subcommittee on Incarcerated Women of the Hon. Betty Weinberg Ellerin Commission on Women in the Courts. As someone who has had many occasions to visit detention facilities in New York State, I applaud the Committee for its work in bringing to public attention the need for shedding more light on our penal system and improving facilities so that they can help incarcerated individuals reenter society in a positive and meaningful way.

The CPL Committee has focused on the important point that these visits should be meaningful and not merely ceremonial. There is, of course, good reason for this and good reasons for judicial officers to bring to bear their standing in the community to interface with the detention facilities to which they commit persons who have been convicted of or pled guilty to crimes.

The proposed rule is an acknowledgement that the sentencing and incarceration of people is not the final step in the criminal justice process; it is just the next step in that process. The proposed rule seeks to shed light on the period of incarceration; to enable judicial officers to understand the impact of their sentences and to enable incarcerated persons to be seen and heard as more than just the "offenders" they are labelled as.

I have visited detention facilities in a number of capacities: as a pro bono attorney assisting mothers with the navigation of a system that does not make it easy for them to remain connected with their children; as a member of the Board of Directors of Hour Children, Inc., which provides programming for mothers at both Bedford Hills and Taconic Correctional Facilities, and as a former member of both the Board of Directors and the Prison Visiting Committee at the Correctional Association of New York, which has a statutory mandate to visit and report on the state of New York State prisons.

In all of these capacities, I had the opportunity to get to meet, hear from, and speak with incarcerated persons. I know that I am a much better person for this. I learned more than I could have ever imagined about resilience, strength, remorse, regret, hope, and forgiveness. I have seen remarkable changes in people. I don't believe I would have had the same depth of understanding had I not seen how people actually struggle, dream and transform when going through incarceration. We need as much transparency as is possible in a world defined by walls. There is no substitute for the experience of walking through those facilities and hearing from the people whose lives are spent there; seeing new mothers with their infant children; seeing parents who find ways to communicate regularly with their children and raise their children from inside; seeing incarcerated men and women get high school diplomas and college degrees and learn their own value. No book nor conversation outside those walls can ever inform understanding in the way that an actual visit to a prison facility will.

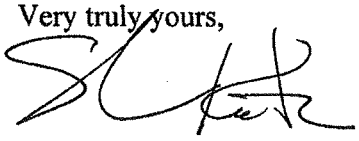
There are of course, some costs and logistical issues that may be implicated in arranging and coordinating such visits; but these are totally addressable. All of the purported costs are grossly outweighed by the benefits of in-person annual visits.

It is essential that we not look at prisons and jails as the end of the road for the persons caught up in the criminal justice system. A detention facility is not just a place to which someone is removed and isolated for some period of time. We must understand the role that a period of incarceration plays in the life of the person living it (to say nothing of the families and the victims they may leave behind). And to best understand it, we must be willing to see it and interact with it.

Prison visits will help judicial officers better understand the impacts of sentences they impose and enable them, where they choose, to speak to the improvement and betterment of a carceral system that impacts all of us.

I urge your approval of the Amendment to Part 17 of the Rules of the Chief Judge to Improve the UCS's Program for Judicial Visitation to Detention Facilities.

Very truly yours,



Sharon Katz
210 Cherry Street
Katonah, NY 10536

David Nocenti

From: Alex Duran <alex@galaxygives.com>
Sent: Wednesday, November 5, 2025 4:17 PM
To: rulecomments
Cc: mmushlin@law.pace.edu
Subject: Support for Judicial Facility Visits, Proposed Rulemaking

Categories: Prison visits

Dear Mr. Nocenti-

My name is Alelur "Alex" Duran, and I serve as Program Director for Criminal Justice Reform at Galaxy Gives, the Novogratz Family philanthropy. My work centers on supporting directly impacted leaders, organizers, artists, and storytellers who challenge the narratives that uphold mass incarceration in this country.

Before I ever stepped into a philanthropic role, I lived the reality that judges rarely see. I spent twelve years in New York's prison system. And I have personally experienced how the distance between courtroom decisions and the conditions inside correctional institutions allows enormous harm to remain invisible.

Amid that distance, people are too often reduced to their worst moments. Judges encounter them only when they are charged, convicted, and vulnerable, not when they are learning, growing, and contributing. But I have seen what is possible when the world gets a fuller picture.

As a student in the Bard Prison Initiative, I earned my degree and debated with the Bard Debate Union in a legacy that has defeated Harvard, Brown, and Morehouse. Those victories were proof of a simple truth: brilliance exists everywhere, including in cages we've chosen not to look at. Our judiciary deserves the same opportunity to see that truth up close.

Today, I continue that work as a board member of Freedom Reads, helping to build beautiful libraries inside prisons nationwide, spaces designed to honor imagination and dignity. And as a co-producer of *The Alabama Solution*, a documentary told by incarcerated people through smuggled cellphones, I've witnessed how extreme it has become for the true conditions of imprisonment to reach the public eye. It should never require contraband or whistleblowing for the legal system to understand the consequences of its own decisions.

That is why I write in emphatic support of the proposal from the Advisory Committee on Criminal Law and Procedure requiring New York judges to conduct meaningful visits to prisons, jails, and youth facilities.

Every sentencing decision is a door someone must walk through. Judges should know what's on the other side.

Facility visits will strengthen the legitimacy of our courts, improve sentencing decisions, and signal to the people inside that the judiciary recognizes their humanity and their capacity for change. This

proposal builds transparency, accountability, and trust without infringing on the oversight responsibilities of others.

Most importantly, it ensures that the state's most powerful decision-makers cannot look away.

I commend the Committee's leadership for advancing this reform, and I urge the Administrative Board to adopt it in full. New York has the chance to set a new national standard, one that aligns justice not only with the law, but with reality.

Best regards,

Alex

Alelur "Alex" Duran (he, him, his)

Program Director, Galaxy Gives

107 Grand Street

New York, NY 10013

C: (201) 675-7344

https://www.galaxygives.com/

"One ought to have one hour in every eight days for receiving mail, and then take a bath."

—Friedrich Nietzsche

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David Nocenti

From: Mushlin, Prof. Michael B. <mmushlin@law.pace.edu>
Sent: Wednesday, November 5, 2025 4:44 PM
To: Alex Duran; rulecomments
Subject: RE: Support for Judicial Facility Visits, Proposed Rulemaking

Categories: Prison visits

Dear Mr. Duran;

Thank you so much for your powerful statement. It will make a difference and I am grateful to you for writing it.

Warmly,

Michael

Michael B. Mushlin
Professor of Law Emeritus
Elisabeth Haub School of Law at Pace University
78 North Broadway
White Plains, NY 10603
tel 917 699-8699

PACE
UNIVERSITY
Elisabeth Haub School of Law

From: Alex Duran <alex@galaxygives.com>
Sent: Wednesday, November 5, 2025 4:17 PM
To: rulecomments@nycourts.gov
Cc: Mushlin, Prof. Michael B. <mmushlin@law.pace.edu>
Subject: Support for Judicial Facility Visits, Proposed Rulemaking

You don't often get email from alex@galaxygives.com. Learn why this is important

Dear Mr. Nocenti-

My name is Alelur "Alex" Duran, and I serve as Program Director for Criminal Justice Reform at Galaxy Gives, the Novogratz Family philanthropy. My work centers on supporting directly impacted leaders, organizers, artists, and storytellers who challenge the narratives that uphold mass incarceration in this country.

Before I ever stepped into a philanthropic role, I lived the reality that judges rarely see. I spent twelve years in New York's prison system. And I have personally experienced how the distance between courtroom decisions and the conditions inside correctional institutions allows enormous harm to remain invisible.

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As a student in the Bard Prison Initiative, I earned my degree and debated with the Bard Debate Union in a legacy that has defeated Harvard, Brown, and Morehouse. Those victories were proof of a simple truth: brilliance exists everywhere, including in cages we've chosen not to look at. Our judiciary deserves the same opportunity to see that truth up close.

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Most importantly, it ensures that the state's most powerful decision-makers cannot look away.

I commend the Committee's leadership for advancing this reform, and I urge the Administrative Board to adopt it in full. New York has the chance to set a new national standard, one that aligns justice not only with the law, but with reality.

Best regards,

Alex

Alelur "Alex" Duran (he, him, his)

Program Director, Galaxy Gives

107 Grand Street

New York, NY 10013

C: (201) 675-7344

https://www.galaxygives.com/

"One ought to have one hour in every eight days for receiving mail, and then take a bath."

—Friedrich Nietzsche

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David Nocenti

From: Jessica Horani <President@nysacdl.org>
Sent: Friday, November 7, 2025 8:11 AM
To: rulecomments
Cc: Kevin Stadelmaier; Jessica Horani; jlvanort@nysacdl.org
Subject: New York State Association of Criminal Defense Lawyers Comment on Proposed Rule Change
Attachments: NYSACDL.DOCCSCommentsNov25.FINAL.pdf

Categories: Prison visits

Good morning,

I am writing in my capacity as NYSACDL President to forward our Association's comment on the proposed rule change to Part 17 regarding Judicial Visits to Detention Facilities.

The text of our comment in support and with suggested additions to the proposed rule change is attached hereto as a PDF.

Thank you for your attention to this matter!

--
Jessica A. Horani
President
New York State Association of Criminal Defense Lawyers
President@nysacdl.org

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EXECUTIVE DIRECTOR
JENNIFER COLLA VAN ORT, ALBANY

NYSACDL
NEW YORK STATE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS
An Affiliate of the National Association of Criminal Defense Lawyers | Founded in 1986

Sent via e-mail to rulecomments@nycourts.gov

Mr. Noscenti:

The New York State Association of Criminal Defense Lawyers (NYSACDL) strongly supports modification of Part 17 of the Rules of the Chief Judge to amend the rules governing judicial visits to correctional facilities by UCS Judges. We agree that the current system is wholly inadequate to ensure that judges are fully familiar with the conditions of facilities where pre-trial and post-sentencing clients are sent. In our view, knowledge of such conditions is essential to ensuring both equitable sentencing and effective rehabilitation.

The recommended changes propose a system which will be substantially better than the one currently in place. However, because of our familiarity with the NYS correctional system, NYSACDL recommends additional changes as outlined below.

ADDITIONAL FACILITIES

Although the proposal seeks to expand the location of visits to achieve a more representative fraction of facilities (including women's facilities) we believe other facilities, including youth facilities and facilities housing those found incompetent, both pre-trial and post-sentencing, should be included.

Mandating visits to local, state and women's facilities will not provide a total picture of the range of incarcerative options available throughout the state. Judges often have the occasion to remand clients to youth and psychiatric facilities. We have observed dangerous overcrowding at some of the juvenile detention facilities which merits attention. A visit to these types of facilities should be included.

ADDITIONAL VISITS

Although the revised rules call for an increase in visits from one every four years to one annually, we believe that too should be expanded. Every UCS Judge should be required to visit each of the following types of facility each year:

- A local facility in their jurisdiction (local jail or holding center housing men, women and non-binary persons).
- A state facility housing men OUTSIDE their judicial district.
- A state facility housing women (closest available facility).
- A youth detention facility in their local jurisdiction.

- A psychiatric facility (closest available).

Requiring five (5) visits per year (one to each type) will give Judges a much broader overview of the state incarcerative complex and broaden understanding of issues related to incarceration in the context of their judicial duties. Additionally, to further broaden the types of "state" facilities to be visited, we recommend that a mix of maximum, medium and minimum-security facilities be incorporated into the list of facilities to be visited each year. Furthermore, the new rules should require that each correctional facility in the state (local, youth, state, psychiatric) be visited each year.

Finally, steps should be taken so that Judges' visits do not overlap, i.e. each Judge does their visits individually. This will allow more coverage across the state and perhaps even ensure more than one visit to a given facility (local facilities).

ADDITIONAL VISIT ACTIVITIES

Although the new rule mandates an expansion of the areas the Judges must visit while on site, we would recommend that a further step be taken to ensure that Judges get as full a picture as possible of life within those facilities. To that end, we would propose that at each site, Judges meet with a focus group of incarcerated persons for a "question-and-answer" session on life in said facilities. If security measures prevent a focus group, having one or two incarcerated persons at each facility accompany the Judges in their tours to answer questions and address concerns from the incarcerated population would suffice. In the event this is added as a requirement, steps should be taken to ensure that the focus group or tour accompaniment are not subject to any retaliation for their participation and candor.

Additionally, one month prior to the Judge's visit, the Judge should be required to communicate with both Prisoners' Legal Service (PLSNY) as well as the institutional providers (Public Defender, Assigned Counsel Program) in the County where the visit is taking place to ascertain whether any issues meriting the Judge's attention have been disclosed to those offices. This will better prepare the Judges for their visits. If this disclosure is handled centrally by UCS, a dossier of concerns should be provided to the Judges prior to their visits.

MANDATORY REPORTING

We would strongly recommend that the visiting Judge file a mandatory report with the Chief Administrative Judge detailing the observations made during the visit, and that following up, corrective action be taken if deficiencies are discovered. We would recommend an amendment to 17.1g as follows:
Each judge shall, within 30 days of the visit, file a report with the Deputy Chief Administrative Judge, detailing the judge's observations obtained during the visit. Said report shall include but not be limited to specific observations of the items set forth in 17.1 e. Said report shall identify areas where deficiencies, if any, are observed or where the judge has concerns, if any, about what has been observed.

The Deputy Chief Administrative judge shall provide a copy of said judicial report to DOCCS, including its Inspector General. Where said report identifies deficiencies or other unsatisfactory concerns of the judge, the Deputy Chief Administrative Judge shall obtain from DOCCS a report detailing how, if at all, DOCCS has addressed such alleged deficiencies and concerns within three months of receipt of the report. A follow up judicial visit, by a different judge, shall occur within 3 months of receipt of the responding report from DOCCS. Should DOCCS fail to provide a report responding to the judge's report within said 3 months, the Deputy Chief Administrative Judge shall forward the original report, and notice of such failure to the Attorney General and the New York State Inspector General. The Deputy Chief Administrative judge shall also authorize a follow up judicial visit to said facility within one month, and every month thereafter by a different judge until such alleged deficiencies or concerns are properly addressed by DOCCS.

Thank you for your consideration of these comments. Should you have further questions or concerns, please contact either NYSACDL President Jessica Horani (president@nysacdl.org) or President-Elect Kevin Stadelmaier (kstadelmaier@assigned.org).

David Nocenti

From: Rhoda Berenson <rb143@nyu.edu>
Sent: Friday, November 7, 2025 5:47 PM
To: rulecomments
Subject: Amending Part 17 of the Rules of the Chief Judge

Categories: Prison visits

To: David Nocenti, OCA Counsel
From: Rhoda Berenson

I am writing to support the proposed amending of Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitations to detention facilities. Regular, meaningful visits to prisons and jails will help judges make more informed sentencing and detention decisions, promote transparency, and signal to those incarcerated that the judiciary recognizes and cares about their living conditions. It is also really important that judges include visits to facilities housing incarcerated women.

Rhoda Berenson
102 Broadview Avenue
Apt. E 124
Purchase, NY 10577

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David Nocenti

From: Rhoda & Mark Berenson <rhodamarkb@yahoo.com>
Sent: Friday, November 7, 2025 5:49 PM
To: rulecomments
Subject: Amending Part 17 of the Rules of the Chief Judge

Categories: Prison visits

I am writing in support of the amending of Part 17 of the Rules of the Chief Judge. In a just society, I believe incarceration should lead to redemption and not solely be for punishment and I am hopeful that judges visiting prisons and understanding what life for those incarcerated is like will be better prepared to dole out proper sentences.

Mark L. Berenson
102 Broadview Avenue
Purchase, NY 10577

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David Nocenti

From: MMLJ <mmlj@mac.com>
Sent: Saturday, November 8, 2025 8:51 AM
To: rulecomments
Subject: ATTN: David Nocenti,, OCA Counsel

Categories: Prison visits

RE: proposal to require every New York State judge with responsibility for sentencing and/or detaining defendants to make an annual, meaningful visit to a penal facility.

COMMENT: This seems like a sensible and necessary proposal to give judges first hand experience and awareness of conditions in prisons and jails. I and my husband, both voters in NY State, support the Office of Court Administration's initiative.

Louise and Melvyn Spain
Purchase, NY

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David Nocenti

From: CAROLE DE BEER <etccdb@aol.com>
Sent: Saturday, November 8, 2025 8:55 AM
To: rulecomments
Subject: Judicial Prison Visits

Categories: Prison visits

Attn: David Nocenti

I approve of this mandate.

Carole Debeer
98 broadview Avenue
Purchase , New York 10577

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David Nocenti

From: Ellen C. Yaroshefsky <yaroshef@hofstra.edu>
Sent: Saturday, November 8, 2025 10:30 AM
To: rulecomments
Subject: Letter Re: CPL Rule 17 Proposal- Judicial Jail and Prison Visits
Attachments: Nocenti.pdf

Categories: Prison visits

Dear Mr. Nocenti:

Attached please find my letter in support of the CPL proposal to amend Rule 17 to require meaningful judicial visits to jails and prisons.

Ellen Yaroshefsky
Howard Lichtenstein Professor of Legal Ethics
Maurice A. Deane School of Law
Hofstra University
121 California Boulevard
Hempstead, New York 11549

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HOFSTRA UNIVERSITY
MAURICE A. DEANE SCHOOL OF LAW

Ellen Yaroshefsky
Howard Lichtenstein Distinguished Professor of Legal Ethics

200 Law School Tel: (516) 463-5882
121 Hofstra University Fax: (516) 463-4800
Hempstead, NY 11549
yaroshef@hofstra.edu

November 8, 2025

David Nocenti, Esq.
Counsel
Office of Court Administration
25 Beaver Street
10th floor
New York , New York 10004

Dear Mr. Nocenti:

I write to offer my unqualified support for the proposal of the UCS's Advisory Committee on Criminal Law and Procedure ("CPL Committee"), to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities. This proposal requires meaningful and regular visits to jails and prisons by trial judges. It would, once again, demonstrate New York State's leadership in criminal justice, respect for the rule of law and for a valuable interpretation of the Code of Judicial Ethics.

Judges often say that sentencing is the most difficult part of their work. Passing judgment upon a person convicted of a crime requires knowledge of and insight into the places where individuals will be incarcerated. For too many years, prosecutors, defenders and judges focused primarily upon trials and plea bargaining with little attention paid to the actual consequences of a guilty verdict or plea. Sentencing was secondary to the criminal justice process. It is only in the last decades that sentencing and its consequences have received necessary attention. Understanding the actual circumstances in jails and prisons is essential to the functioning of a criminal justice system. Not only will meaningful judicial visits enhance judicial insight for the difficult task of sentencing, but it will also provide some measure of confidence to incarcerated people and their families as well as victims and their families that the system operates fairly.

Many years ago, as a clinical professor in Cardozo Law School's criminal justice clinic, I observed how profoundly students, lawyers, and judges were affected by visits to jails and prisons. It inevitably offers experiences out of the ordinary providing perspective and insight that is not possible to gain in any other way. I watched judges communicate effectively with those convicted of

crimes about the consequences of their crimes and the jails and prisons where they were to be sentenced. There was a level of transparency and, in some cases, trust in the court, because of the judge's experience visiting a prison. It affected not only the person to be sentenced, but the victim as well. And certainly, it had a profound effect upon my students.

As a legal ethicist, I am proud that New York is in national leadership in consistently examining and updating our Rules of Professional Conduct and Code of Judicial Conduct to reflect contemporary values. The Code of Judicial Conduct that requires judges to possess the knowledge, skill and ability to perform their job impartially with integrity and independence certainly suggests that judges should be required to have a thorough understanding of the consequences of any sentence before imposing it. New York would, once again, provide leadership to judges in states around the country by enacting the CPL Committee proposal.

Certainly, there will be opposition to this proposal that is like opposition to other important rules that have been adopted over many years. These include cost and logistical difficulties including security issues. Each of these concerns can be addressed reasonably and should not serve as an impediment to a rule that has multiple benefits for the judiciary, to incarcerated individuals, and the entire criminal justice system.

The country faces an unprecedented attack upon the rule of law and respect for the judiciary. New York continues to be a beacon of hope to preserve and enhance respect for our judges, courts and the rule of law. This proposal is a small, but significant step, to ensure public confidence in our justice system.

Respectfully,

Ellen Yaroshefsky

David Nocenti

From: jadomonkos@aol.com
Sent: Saturday, November 8, 2025 11:54 AM
To: rulecomments
Subject: Proposed Amendment to Part 17 of the Rules of the Chief Judge
Attachments: prison visit letter.docx

Categories: Prison visits

Dear Mr. Nocenti:

Please find attached my letter in support of the proposed amendment to Part 17 of the Rules of the Chief Judge concerning judicial visits to detention facilities.

Thank you,

Julie Domonkos

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November 8, 2025

David Nocenti, Esq.
Counsel
New York State Office of Court Administration
25 Beaver Street
New York, NY 10004

By email: rulecomments@nycourts.gov

Dear Mr. Nocenti:

I write in support of the proposal by the UCS's Advisory Committee on Criminal Law and Procedure ("CPL Committee") to amend Part 17 of the Rules of the Chief Judge concerning judges' visits to detention facilities.

I am the former chief executive officer of a prominent New York domestic violence organization. For many years I served as an advocate for victims of domestic violence and trafficking. Through various roles and endeavors in that field, I worked on behalf of incarcerated victims of domestic abuse and in conjunction with organizations devoted to women in prison. I also worked closely with then-Chief Judge Jonathan Lippman to institutionalize a system of specialized domestic violence courts in New York State.

Because of these professional experiences, I appreciate how important it is for judges to understand the consequences of their sentencing decisions. Judicial visits to detention facilities seem essential to this purpose, and the new rule would ensure that such visits be more frequent and far more meaningful.

I am gratified to see that the new rule would make sure that facilities housing women and girls are not bypassed. Women and girls in detention are often there because of acts they committed under pressure or coercion by abusers. It is especially important that judges who send these victimized women and girls into detention understand clearly what their lives in detention will be like and what resources will be available to them. I strongly agree with the view of the CPL Committee that meaningful judicial visits will signal to incarcerated people that judges remain concerned about them after sentence is imposed, which could foster their rehabilitation and reintegration into society. This is likely to have a magnified effect on incarcerated women and girls who were abused, so that they have a better hope of being reintegrated into society *and* safe from further abuse.

For all people in detention, the new rule provides greatly needed enhancements. The rule will ensure that all major areas of a facility are toured; that judges have the opportunity to speak privately with incarcerated persons, facility employees, members of grievance committees, and visiting family members; and that judges have a confidential mechanism to comment about what they observed during their visit.

I urge approval of the proposed amendment to Part 17 of the Rules of the Chief Judge, and I thank you for considering my comments.

Sincerely,

Julie A. Domonkos, Esq.
47 Verdun Avenue
New Rochelle, NY 10804

David Nocenti

From: me too <les_is_god@yahoo.com>
Sent: Saturday, November 8, 2025 12:38 PM
To: rulecomments
Subject: UCS's Program for Judicial Visitation

Categories: Prison visits

David Nocenti,
I have read the memorandum dated September 29, 2025 and am writing in support of the proposal to amend Part 17 of the Rules of the Chief Judge to create a practical program of meaningful and consistent visits by judges to correctional and other detention facilities.
Best wishes,
Dennis Czarneski

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David Nocenti

From: Lena Haber <lena@hileshoffmanlaw.com>
Sent: Monday, November 10, 2025 1:28 PM
To: rulecomments
Cc: Jonathan Hiles; Tom Hoffman
Subject: Hiles Hoffman Amendment Support Letter
Attachments: 2025-11-10 Letter in Support of Proposal (signed).pdf

Categories: Prison visits

Good Afternoon,

On behalf of attorneys Jonathan Hiles and Thomas Hoffman (cc'd), please find attached our letter in support of the proposed amendments to Part 17 of the Rules of the Chief Judge.

Best,

Lena Haber
Hiles Hoffman PLLC
phone: 510-542-4793
lena@hileshoffmanlaw.com
hileshoffmanlaw.com

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HILES HOFFMAN PLLC

37 Elaine Terrace, Yonkers, NY 10701
1 Dock 72 Way, 7th Fl., Brooklyn, NY 11205
contact@hileshoffmanlaw.com | 212-581-1180

Thomas Hoffman, Esq.
Jonathan Hiles, Esq.

Justice Gardner (Legal Assistant)
Lena Haber (Legal Assistant)

November 10, 2025

Via Email
David Nocenti, Esq.
Office of Court Administration
25 Beaver Street, 10th Fl.
New York, New York, 10004
rulecomments@nycourts.gov

Dear Mr. Nocenti:

We are attorneys and legal assistants at Hiles Hoffman PLLC, a small law firm that specializes in representing clients serving decades-long sentences for crimes we believe they did not commit. We are writing in strong support of the proposed amendments to Part 17 of the Rules of the Chief Judge, which would direct every New York judge responsible for sentencing decisions to undertake an annual visit to a State correctional facility.

At present, many of the challenges and dangers associated with incarceration are invisible to the general public. So too is the humanity of those incarcerated and the societal benefits of strong rehabilitative programming. The conditions of prisons, jails, and youth detention facilities, and of the people who live and work inside them, are often unknown not only to the public, but also to those who work in the criminal justice system. This applies to judges as well as to prosecutors and defense attorneys. Judges, with their heavy caseloads, do not often encounter criminal defendants or incarcerated persons outside of the courtroom. The insights judges would gain from annual visits to correctional facilities would be invaluable to their day-to-day work of deciding whether to impose custodial sentences and, if so, for how long and with what recommended programming.

In our practice, we represent clients who are incarcerated for long periods of time, handling their post-conviction claims from initial intake and vetting through reinvestigation, forensic testing, and litigation. Building relationships with our clients–through visits, legal calls, and letters–is an essential part of our job, in addition to providing legal services. This close communication provides us with the opportunity to understand our clients' day-to-day activities

in prison, as well as their struggles to retain their humanity and find purpose, in a way we never could if we limited our interactions strictly to legal issues.

Our hands-on experience informs our support for the proposal that New York judges undertake annual visits to correctional facilities. We believe such visits would provide both judges and the general public more information about correctional facilities and the people inside them. This, in turn, could strengthen rehabilitative programming and efforts to reduce violence and recidivism.

Judges would surely benefit from annual interactions with the types of men and women whose futures are in their hands. Annual visits to correctional facilities would ensure they hear directly from incarcerated individuals and observe their living, working, eating, and sleeping conditions, as well as their access to medical and mental healthcare. Through touring and speaking to inmates, judges could see these conditions and hear how they affect inmates' lives. They would also see that, sadly, at times prisoners are subjected to inhumane conditions. When President Obama visited a federal prison in 2015, he remarked on the crowding of inmates in 9' x 10' double-occupancy cells and stated, "there but for the grace of God."

Equally important, a meaningful number of inmates would have the chance to come into contact with judges during their incarcerations, to listen and perhaps speak to them, and to feel that society beyond prison walls is invested in their rehabilitation.

Visiting and speaking with incarcerated individuals could also help judges better understand the importance of family visits and rehabilitative programs–as well as impediments to them. Our clients apprise us of regular program pauses or cancellations–whether due to violence, officer strikes, resource constraints, or rule violations. These challenges–many avoidable–are not routinely discussed or reported on but have significant impacts on the lives of incarcerated people and their efforts at self-improvement. Access to educational courses, vocational training, prison jobs, mental health services, and family visitation is essential to structuring their lives and maintaining positive relationships and habits. Given the importance of consistent programming, judges could use their stature to advocate for this.

We also find it especially valuable that this proposal requires visits to be made at prisons, jails, and youth detention facilities throughout New York State. We visit clients at many different medium- and maximum-security prisons and have found wide variations in the quality of vocational training, GED and college programs, inmate housing, inmate-staff relations, and healthcare, among other things. We think it would be helpful for judges to see the successes and shortcomings of various prisons so that they can advocate for best practices and, where necessary, additional resources or changes to programs or policies.

The simple experience of traveling to and from far-away correctional facilities can also be instructive for judges, as it is for us. Incarcerated men and women are often sent hours away from their homes, their families, and any connection to the world that they knew prior to their incarceration. To the extent that judges, under this proposal, will sometimes visit more distant correctional facilities, it will give them an opportunity to consider the toll this distance takes on incarcerated individuals and their support systems.

Annual prison visits can also provide perspective on the length of prison sentences by reminding judges of just how long one year is. Roughly half our clients are serving life sentences or effective life sentences (40+ years). Several of them declined plea offers and then later paid a considerable "trial tax." One client declined a four-year plea offer only to receive a 43-year sentence upon conviction; another received a 90-year sentence after declining a plea offer of 5-10 years. We believe that if judges visited prisons and spoke to their inhabitants annually, then they would hesitate to hand down life sentences so disproportionate to the plea offers they had previously approved.

Ultimately, annual visits to correctional facilities would give judges invaluable insight into the impacts of their decisions. It would also enable them to use their unique platform to educate the public and to advocate improvements to our penal system to strengthen rehabilitative services and reduce recidivism.

Sincerely,

Thomas Hoffman

Thomas Hoffman, Esq.

Jonathan Hiles

Jonathan Hiles, Esq.

Lena Haber

Lena Haber, Legal Assistant

David Nocenti

From: Marc Howard <marc@douglassproject.org>
Sent: Monday, November 10, 2025 8:39 PM
To: rulecomments
Subject: comment in support of judicial visits to New York prisons and jails
Attachments: Douglass Project letter of support for NY Judges visiting prisons.pdf

Categories: Prison visits

Dear David Nocenti, OCA Counsel

Please find my letter on behalf of the Frederick Douglass Project for Justice, in support of judicial visits to New York prisons and jails, attached.

Best wishes,
Marc Howard

Marc M. Howard
Founder and President, Frederick Douglass Project for Justice
Professor of Government and Law, Georgetown University
Director, Prisons and Justice Initiative
https://www.marcmhoward.org
https://www.douglassproject.org/



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THE FREDERICK
DOUGLASS
PROJECT
FOR JUSTICE

November 5, 2025

Michael B. Mushlin
Professor of Law Emeritus
Elisabeth Haub School of Law at Pace University
78 North Broadway
White Plains, NY 10603

RE: *JUDICIAL VISITS TO PRISONS PROPOSAL*

Dear Professor Mushlin:

The Frederick Douglass Project for Justice (FDPJ) is a national 501(c)(3) organization whose mission is to bring humanity to the movement for criminal legal system reform by creating proximity between incarcerated and free people.

Active in 24 sites across 14 states, FDPJ's *Prison Visitation Program (PVP)* brings cohorts of inside and outside participants together for facilitated discussions centered on our shared humanity. Inside participants develop pro-social skills—such as effective communication, active listening, cooperation, collaboration, and conflict resolution—that enhance engagement with rehabilitation programs during incarceration and support successful reentry and employment after release. Outside participants gain firsthand insight into the realities and impact of the carceral system and, importantly, the humanity of those directly affected by it.

Across all sites, the PVP has engaged a wide range of outside participants, including judges, attorneys, law enforcement professionals, legislators, community leaders, advocates, and educators. In nearly every case, both inside and outside participants have reported a deeper understanding of one another's experiences, responsibilities, and challenges. Increased empathy, mutual respect, and meaningful dialogue are consistent outcomes of our sessions. The PVP has proven transformative for everyone involved and continues to advance a vision of a more compassionate, equitable, and just criminal legal system.

FDPJ strongly supports the proposed initiative requiring judges to make at least one meaningful visit annually to a correctional facility. We believe the *Prison Visitation Program* offers a proven, structured, and impactful model to fulfill the intent of this

THE FREDERICK
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initiative. Our longstanding partnerships with the New York State Department of Corrections and Community Supervision—and our multi-year program presence at Sing Sing Correctional Facility—underscore our familiarity with New York's correctional landscape and our capacity to successfully implement this effort.

Thank you for your consideration. We would welcome the opportunity to discuss how FDPJ can help bring this initiative to life.

Sincerely,



Marc M. Howard, Ph.D.
Founder and President

David Nocenti

From: Rebecca Brown <rebecca@maatstrategies.com>
Sent: Tuesday, November 11, 2025 9:01 AM
To: rulecomments
Subject: Comment re Proposed Amendment to Rule 17
Attachments: OCA_Rule 17_EPV_Comment.docx

Categories: Prison visits

To Whom it May Concern:

On behalf of the End Prison Violence campaign, please accept our comment on proposed Rule 17 guiding judicial prison visitation.

Many thanks,
Rebecca Brown
End Prison Violence campaign

--

Rebecca Brown | Founder
(917) 539-4624
rebecca@maatstrategies.com
www.maatstrategies.com

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November 10, 2025

Re: Proposal to Amend Part 17 of the Rules of the Chief Judge – Judicial Visitation to Detention Facilities

End Prison Violence strongly supports the proposal to amend Part 17 of the Rules of the Chief Judge to strengthen and modernize the Unified Court System's program for judicial visitation to jails, prisons, and other detention facilities across New York State.

Regular, meaningful judicial visitation is a critical safeguard for transparency, accountability, and the protection of human rights within correctional institutions. When judges have firsthand access to the conditions in which individuals are detained, it reinforces the integrity of our justice system and ensures that courts remain aware of the real-world impact of their decisions.

We particularly commend the proposal's attention to expanding the scope and consistency of visits, and ensuring that visits include dialogue with both staff and incarcerated individuals. These measures will help identify and address issues related to safety, health care, overcrowding, and access to programs—areas too often hidden from public view until they reach crisis levels.

End Prison Violence urges the Office of Court Administration to adopt the proposal and to continue engaging with advocates, system-impacted people, and facility oversight bodies to strengthen the implementation process. Enhanced judicial visitation can serve as a vital tool in preventing abuse, reducing violence, and promoting dignity and justice in all places of confinement.

Respectfully submitted,

Rebecca Brown
Campaign Coordinator, End Prison Violence

David Nocenti

From:	Hon. Valerie Livingston
Sent:	Wednesday, November 12, 2025 10:58 AM
To:	rulecomments
Subject:	Letter regarding Proposed Changes to Part 17
Attachments:	Objection Letter - Final on Letterhead PDF version.pdf
Categories:	Prison visits

Dear Mr. Nocenti,
Please see the attached letter indicating the position that the NYS Association of City Court Judges is taking on the proposed changes to Part 17 of the Rules of the Chief Judge.
Thank you,

Honorable Valerie A. Livingston
President, NYS Association of City Court Judges
c/o Rye City Court
21 McCullough Place
Rye, New York 10580

NEW YORK STATE ASSOCIATION OF CITY COURT JUDGES

President
HON. VALERIE A. LIVINGSTON
Judge - Rye City Court
21 McCullough Place
Rye, NY 10580

Immediate Past President
HON. JOHN P. COLLINS, JR.
Judge – White Plains City Court
77 S. Lexington Ave.
White Plains, NY 10601

Secretary/Treasurer
HON. ROBERT A. GOULDIN
Judge – Oneonta City Court
81 Main Street
Oneonta, NY 13820

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HON. DERREK T. THOMAS
Judge – Syracuse City Court
505 South State Street
Syracuse, NY 13202

Liaison Judicial Section
HON. JOHN P. COLLINS, JR.
Judge – White Plains City Court
77 S. Lexington Ave.
White Plains, NY 10601

Vice President for Legislative Affairs
Hon. SHAWN NICKERSON
Judge - North Tonawanda City Court
216 Payne Ave.
North Tonawanda, NY 14120

Vice President
HON. ANIKA C. MOHAMMED
Judge - Newburgh City Court
300 Broadway
Newburgh, NY 12550

Vice President for Legislative Affairs
HON. JOANNE M. FORBES
Judge - Newburgh City Court
300 Broadway
Newburgh, NY 12550

November 12, 2025

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 10th Floor
New York, New York 10004

Dear Mr. Nocenti:

As President of the New York State Association of City Court Judges (NYSACCJ), I am submitting this letter on behalf of our membership in opposition to certain proposed changes to Part 17 of the Rules of the Chief Judge. The NYSACCJ represents City Court judges outside of New York City, specifically those in the 3rd, 4th, 5th, 6th, 7th, 8th, 9th and 10th Judicial Districts. Our City Court judges sit in parts ranging from Long Island to the St. Lawrence River at the Canadian border to the westernmost part of New York State as well as the upstate counties in between those points. We oppose and object to the following proposed changes to Part 17 of the Rules of the Chief Judge: the suggestion that judges have "conversations" with incarcerated persons and/or their families while visiting a correctional facility, the requirement that judges visit prison facilities once per year, and the suggestion that judges visit 13 areas within the facility.

First, and foremost, we oppose the suggestion in Section 17.1(f) that judges have "conversations with incarcerated persons" and/or their families. We hope that the Chief Judge and the justices on the Administrative Board of Courts will remember their times as judges on the "front lines" when pronouncing prison sentences and reject this proposal. Sentencing decisions are not easy to make and are often fraught with violent reactions. We are all aware of the recent attacks on judges around the country and we are all aware of the measures our security officers take to keep us safe in our courtrooms. Thus, even to suggest having judges interact with individuals they or their colleagues have incarcerated is utterly inconsistent with the aims of keeping judges safe. If individual judges wish to speak with incarcerated persons and/or their families, there is nothing in the current rule stopping them from making such arrangements. Making it a suggestion in writing is sending the absolute wrong message to the judges we represent, namely that our safety is secondary.

Moreover, even as a suggestion, pressure may be exerted upon judges who do not wish to have any interactions with indivduals they have put in jail. Indeed, an article recently appeared in the online publication, "THE CITY," wherein the writer erroneously stated that the proposed change would *require* that judges meet with incarcerated persons, exactly supports our position that "suggestions," when put in writing, somehow take on the force of a "requirement." In other words, even if suggested, judges who do not agree with this requirement and who rightfully opt out will nevertheless be viewed as noncompliant. Lastly, this suggestion puts judges in an ethical dilemma as having conversations with incarcerated persons and/or their families will undoubtedly involve their cases which may or may not have been resolved. Judges should not have to be put in that position.

Next, we strongly oppose requiring yearly visits to facilities. As stated above, our Association has most of its members sitting in rural counties and consequently do not have correctional facilities anywhere near their home courts. For example, in Ogdensburg City Court, which is a multi-bench court, the judge there reports that she must travel a half a day or more to reach the closest youth detention facility. Other judges have reported the same travel time and others say it takes two hours to get to the facilities. Accordingly, requiring *yearly* visits to various correctional facilities unduly burdens their already taxed resources.

Also, requiring yearly visits suggests to the bench that they are somehow incapable of retaining memories from their last visit. In a typical ten-year term, under the current rule, each judge will have visited an appropriate facility at least three times. Moreover, many judges have experiences visiting incarcerated clients from their prior legal practices. Thus, under the current rule, judges are very well informed about the conditions in the facilities and do not need yearly reminders. If there is a concern that some judges have not complied with the current rule (although we see no evidence of that from our experiences), the solution should not be requiring annual visits. That solution strikes us as punitive. Rather, we propose that a better solution is to provide judges with a structure of planned visits making compliance with the current rule easier.

As for the goal of "notify[ing] incarcerated persons that judges are aware of confinement conditions," that too is already achieved by the current rule. Given the sheer numbers of judges who are required to visit every four years as well as new judges being required to visit within one year of ascension to the bench, incarcerated persons are no doubt already aware of these judicial visits. In short, requiring yearly visits is unnecessary and adds little to the goal of educating judges.

Furthermore, the current rule requiring judges to "become familiar with the facilities" gives us sufficient autonomy to make the visit meaningful without overburdening the facility itself. The proposed rule suggesting that we visit 13 various sections of the facility assumes great cooperation on the part of the corrections staff. I am informed that the short staffing at many of the upstate facilities puts a tremendous burden on the staff to facilitate visits even under the four-year requirement. Of course, the new Chief Judge's rule would have no authority over the corrections system yet if judges feel that they must start demanding to see 13 separate areas to comply with the suggestions as set forth in the proposed changes, the pressure has the potential of putting us at odds with the corrections staff. Furthermore, having judges walk through areas such as shower areas, outdoor recreational areas, or areas where incarcerated individuals are being held for disciplinary infractions in facilities with inadequate staffing is fraught with danger.

In sum, we submit this letter in opposition to certain of the changes proposed to Part 17. As detailed above, the current rule already achieves the objectives of the proposed new Part 17. Judges are aware of the conditions of prisons in their regions from visits already taken under the current rule. Judges have sufficient memories and do not need yearly reminders. Judges concerned for their safety may not wish to converse with those they have sent to prison and do not appreciate a subcommittee (wherein they have no representation) making suggestions that may jeopardize their safety. Further, the suggestion that judges spend meaningful time is already achieved by the current rule. Lastly, visiting 13 different areas of the facility puts pressure on already overburdened facilities and could lead to dangerous situations for judges.

Our suggestion for the Administrative Board of Courts is to make *no* changes as the current rule more than adequately achieves the objectives of the proposed changes while at the same time minimizes the risks to our judges' collective safety.

Thank you for taking the time to consider this letter.

Very truly yours,

Valerie A. Livingston

Hon. Valerie A. Livingston
Rye City Court Judge
President,
New York State Association of City Court Judges

David Nocenti

From: Karen Murtagh <kmurtagh@plsny.org>
Sent: Wednesday, November 12, 2025 5:15 PM
To: rulecomments
Subject: PLS' comments on Proposal to Amend Part 17 of the Rules of The Chief Judge
Attachments: PLS Comments on Proposal To Amend Part 17 of The Rules of The Chief Judge.pdf

Categories: Prison visits

Dear Mr. Nocenti,

Attached please find Prisoners' Legal Services of New York's comments on the proposal to amend Part 17 of The Rules of The Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

Please advise if you have any questions or concerns.

Best,

Karen L. Murtagh, Esq.

Karen L. Murtagh, Executive Director
Prisoners' Legal Services of New York
50 Beaver Street
Albany, NY 12207
Work: (518) 445-6052
Fax: (518) 445-6053
Cell: (518) 651-5091
www.plsny.org

Social Media:

PLS
Prisoners'
Legal Services
of New York

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PLS Prisoners' Legal Services of New York

Central Office | 41 State St., Ste. M112, Albany, NY 12207 | P: 518.445.6050 F: 518.445.6053

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Clarence Smith, Jr., Esq.
Victoria Smith, Esq.
Prof. Steven Zeidman

November 12, 2025

Sent via electronic mail to: rulecomments@nycourts.gov

David Nocenti, Esq., Counsel
Office of Court Administration
25 Beaver Street, 10th FL
New York, New York, 10004.

RE: Proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities

Dear Mr. Nocenti,

Prisoners' Legal Services of New York (PLS) submits these comments on the proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities submitted by the Unified Court System's Advisory Committee on Criminal Law and Procedure ("CPL Committee").[1]

PLS is uniquely situated to comment on this proposed rule because of our relevant long history and mission. PLS was founded in 1976 under the sponsorship of the New York State Bar Association in response to the devastating 1971 Attica uprising. The founders of PLS sought to address one of the principal causes of that tragedy – the lack of prisoners' access to the courts and the near total absence of attorneys to present their complaints in a legal forum. Our mission is "to provide high quality, effective legal representation and assistance to indigent prisoners, to help prisoners secure their civil and human rights, and to advocate for more humane prisons and for a more humane criminal justice system."

Since its inception, PLS has provided civil legal services to low-income individuals confined in New York State prisons, focusing on issues related to their conditions of confinement. In that capacity, PLS attorneys and staff have worked in nearly every correctional facility in New York State, giving us unparalleled insight into the lived realities of incarceration, the challenges of reentry, and the profound need for better understanding and oversight of prison and jail conditions.

As Executive Director of PLS and an advocate for the incarcerated population for over four decades, I can state unequivocally that **PLS strongly supports the proposal to amend Part 17 of the Rules of the Chief Judge** for the following reasons:

[1] Nocenti, David "*Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities*", September 29, 2025, available at: https://www.nycourts.gov/LegacyPDFS/rules/comments/pdffoot/RequestForPublicComment-JudicialPrisonVisits-092925.pdf

1. **Judges Should Better Appreciate The Full Consequences of Their Sentencing Decisions**

The sentencing decision is one of the most consequential a judge makes and sending a person into incarceration impacts the physical, psychological, and social health of defendants as well as communities to which the vast majority will someday return. The concern that Judges make sentencing decisions across a large variety of contexts often without knowledge of or access to correctional information is not a new one. As early as 1977, a Task Force On Criminal Justice Goals and Objections formed by the Virginia Council on Criminal Justice and the Virginia State Crime Commission recommended that when judges impose a confinement term, "the judge should seek to learn as much as possible about the nature of each sentencing alternative."[2] A failure to appreciate the lived reality of pardon, probation, drug court, mental health court and all other deterrent/rehabilitative options versus prison, or differing facility conditions, undermines informed sentencing.

A 2022 poll by the National Judicial College of judges regarding prison and jail visits provided significant insight as to why judges believe such visits are important and what they have learned during such visits regarding prison conditions. Commenting on why he visited prisons in the first place, one judge noted, "When I am forced to put someone in the rabbit hole, I think it is very important to know what is on the other side." Another judge reported that, "In one county the jail was so bad I called the local judge and told him I would order it closed if he wanted me to do so. It was horrible. I would not have let my dog be housed there."[3]

As noted in a recent op ed in the New York Law Journal, penned by authors of this proposed regulation, "The goal of our proposal is to give judges firsthand knowledge of the institutions on which they rely – knowledge which will hopefully improve sentencing and detention decisions, increase transparency and show incarcerated individuals that judges are aware of and concerned about their living conditions and the rehabilitative services and programming they receive."[4]

A structured rule requiring facility visits helps ensure that judges are grounded in *what incarceration means in practice* – the infrastructure, programs, lack thereof, and the conditions in which people live when sentence is imposed.

2. **First-hand knowledge of prisons and jails helps judges evaluate rehabilitation possibilities, risks, and the realities of incarceration.**

One major justification for requiring prison visits is that without such knowledge a judge may over-estimate the rehabilitation potential of a facility, or fail to appreciate how certain conditions (e.g., solitary confinement, chronic overcrowding, insufficient programming, or institutional culture) may worsen rather than improve an individual. For example, the Yale Law Journal in an article entitled "*The Eyes-On Doctrine*" explains that nineteenth-century judges often inspected prisons, reviewed internal practices,

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[2] Virginia Council on Criminal Justice and the Virginia State Crime Commission, "*Goals for Virginia's Criminal Justice System – Report of the Task Force on Criminal Justice Goals and Objectives*", March 1977, available at: https://www.ojp.gov/pdffiles1/Digitization/69243NCJRS.pdf?utm_source

[3] Cohen, Ed, The National Judicial College, "*Polls Suggest That Judges Know What Life Is Like in Their Jails and Prisons*", May 16, 2022, available at: https://www.judges.org/news-and-info/poll-suggests-that-judges-know-what-life-is-like-in-their-jails-and-prisons/

[4] Mushlin, Michael B., Conviser, Hon. Daniel P., McDonell, Hon. Paul, Rajeswari, Hon. Raja, Riviezzo, Hon. Dineen, Yavinsky, Hon. Michael J., Cohen, David J., Fischer, Brian, Deitch, Michele, "*What Kennedy Saw, And What Judges Should See*", New York Law Journal, November 5, 2025.

and oversaw conditions."[5]

That historical precedent underscores the value of judicial oversight through observation and inspection rather than only through adversarial litigation. According to the model: "The eyes-on doctrine is that body of law lending force to the view that supervision of prison government is consistent with . . . a separated judicial power and its exercise."[6]

Another article on prison facility visits states plainly that: "in many countries members of the judicial system (judges, prosecutors) have been entrusted by law to proactively oversee whether laws governing detention and guaranteeing the human rights of detainees are abided by in places closed to the rest of society. This function is fulfilled *inter alia* by way of carrying out visits to places of detention."[7]

These authorities support the proposition that meaningful visits are not merely symbolic, but contribute to better-informed decision-making by judges regarding confinement and its attendant consequences.

3. **Judicial visits promote transparency, legitimacy, and a stronger connection between the bench and the corrections system – and thereby the public.**

The justification advanced by the CPL Committee is well-founded: The proposed rule would "help to dismantle existing barriers and increase transparency."[8]

This transparency is critical if the public is to maintain trust in sentencing outcomes, correctional institutions, and the fairness of the system overall. The public impression of "out of sight, out of mind" corrections fosters alienation. Having judges who have actually *seen* and *heard* from individuals in confinement helps to ensure that sentencing decisions can be grounded in reality and *perceived* as grounded in reality.

Moreover, research indicates that outsiders entering correctional settings – including judges – can serve as informal monitors: "Visits by the public to correctional facilities . . . provide an opportunity for corrections staff and prisoners to discuss their concerns, and they bring an independent eye into closed institutions."[9]

While the above-referenced article is not specifically about judges, the analogy is clear: judicial visits carry even more weight when the person visiting is one who imposes sentences and holds accountability for them. Thus, the recommendation of the CPL Committee to require annual visits is well-aligned with best practices for transparency and oversight.

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[5] Pollock, Ryan Francis, "*The Eyes-On Doctrine*", October 31, 2024, available at: https://yalelawjournal.org/note/the-eyes-on-doctrine

[6] Id.

[7] Ramcharan, Bertrand, "*Visiting Places of Detention – Lessons Learned and Practices of Selected Domestic Institutions – Report on Expert Seminar*" Geneva July 2003, available at: https://www.files.ethz.ch/isn/103019/Visiting_Places_Detention_eng.pdf

[8] Nocenti, David "*Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities*", *supra* note 1.

[9] John J. Gibbons, and Katzenbach, Nicholas de B., "*Confronting Confinement – A Report of The Commission on Safety and Abuse in America's Prisons*", June 2006, available at: https://journals.library.wustl.edu/lawpolicy/article/829/galley/17664/view/

4. **The incarcerated persons themselves can benefit from judicial engagement.**

In addition to the importance of ensuring judges have realistic insight and perspective regarding New York's prisons and jails, there is strong policy rationale for the effect on the incarcerated. When a sitting judge visits a facility, meets with incarcerated persons, listens to their stories – not just complaints about conditions, but their lived experiences, challenges and insights – it sends a powerful message: *the judiciary has not forgotten you*. That in turn fosters respect for the justice system, enhances prospects for rehabilitation, and gives someone who has restricted personal agency a meaningful point of connection.

5. **Annual visits help judges appreciate variability across facilities and make more nuanced sentencing and detention decisions.**

Not all prisons and jails are alike: they vary greatly in terms of programming, mental-health services, solitary confinement use, reintegration supports, physical conditions, staffing ratios, and facility culture. Without visiting, a judge may operate under assumptions – some inaccurate – about the facility to which the defendant is being sent. The proposed rule's emphasis on **"meaningful" visits** and protocols helps ensure that judges see a range of facilities, talk with both staff and incarcerated persons, and thereby develop a more contextualized understanding of the correctional environment.

As note earlier, the idea of regular visits to penal institutions is not new. In examining this country's judicial oversight history, this Harvard Law Review article notes:

> "Every few months in the early 1790s, more than a dozen people showed up at the Walnut Street Jail, where America's first penitentiary had just been established. They were there to ensure that the penitentiary was operating in accordance with its design, which was meant to create a humane, rehabilitative environment for those detained within. Among the regular visitors were the Governor of Pennsylvania and the Mayor of Philadelphia, as well as a Board of Inspectors. But many of the visitors fell into a category rarely seen in prisons today: judges. At least quarterly, "Judges of the Supreme Court" of Pennsylvania and "all the Judges of the several Courts of th[e] City and County" of Philadelphia personally examined the conditions at Walnut Street."[10] (citations omitted).

But the judiciary of Pennsylvania was not unique. "In fact, from the late eighteenth century through much of the nineteenth century, state and local judges across a young America regularly visited prisons and jails."[11]

The implication: such visits enabled better supervision and better sentencing outcomes because the judges could appreciate how the prison they were sentencing someone to functioned and, accordingly, tailor sentencing, or at least understand the practical implications of confinement to that particular prison.[12]

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[10] Graham, Wynne Muscatine, "*The Forgotten History of Prison Law: Judicial Oversight of Detention Facilities in The Nation's Early Years*", May 2025, available at: 138-Harv.-L.-Rev.-1715.pdf

[11] Id.

[12] Reference to the practice of members of the judiciary visiting prisons in the late 18th and 19th centuries is made here to highlight the point that regular judicial visits to prisons and jails is not a new concept, not to ignore the fact that those prisons were generally harsh, characterized by poor sanitation, overcrowding, and brutal conditions.

The proposed rule permits the bench to better calibrate sentencing decisions, engage with detention conditions, and appreciate both the challenges and successes of particular facilities.

6. **The costs and disruptions of the visits are modest compared to the benefits to judicial integrity, sentencing quality, and system trust.**

While the rule will require commitment of time, protocol development, and logistical coordination, these are modest compared to the importance of informed sentencing, public trust, correctional oversight, and better reacquainting of the judiciary with the consequences of its decisions. The survey of judges by the National Judicial College noted herein, found that judges believed visiting facilities affected how they thought about sentencing: "The overwhelming sentiment . . .was that judges need to visit their jails and prisons so they understand the conditions that await the people they incarcerate."[13]

Given that recognition, the modest cost of institutionalizing a rule requiring annual visits is dwarfed by the benefits: more informed sentencing, greater transparency, stronger institutional legitimacy, and improved awareness of incarceration realities.

The CPL Committee's Proposal For Implementation

Based on the foregoing reasons, PLS wholeheartedly supports the adoption of the CPL Committee's general proposal to mandate annual prison visits by the judiciary. But the specific protocol and process that has been proposed the CPL Committee also warrant comment as it is thoughtful, practical and purposeful.

The CPL Committee's proposal to require *every* New York State judge with responsibility for sentencing or detaining defendants to make an annual, meaningful visit to a penal facility is both ambitious and, for the reasons laid out above, wholly warranted.

The Committee's protocol-oriented approach (i.e., laying out guidelines to ensure the visits are meaningful rather than perfunctory) deserves strong support. A rule without structure could degenerate into a box-checking exercise. The Committee's emphasis on "meaningful" visits (i.e., visits with discussions of incarcerated persons, staff, programs, conditions, reintegration efforts, solitary confinement practices, etc.) helps ensure that the visits genuinely enrich judicial understanding.

The built-in lead time (effect date January 1, 2027) is reasonable, allowing for planning, coordination with corrections facilities, development of logistical protocols, training for judges on visit expectations, and budgeting.

As so eloquently set forth in the Request for Public Comment:

> "The CPL Committee believes the benefits to the Judiciary, to incarcerated individuals, and to the entire criminal justice system of adopting these reforms far outweigh any costs. Visits to jails and prisons allow judges to gain direct insight into the experiences of incarcerated persons and those charged with securing and administering the

[13] Cohen, Ed, The National Judicial College, "*Polls Suggest That Judges Know What Life Is Like in Their Jails and Prisons*" *supra* note 3.

> facilities in which they are held. Moreover, annual judicial visits will strengthen the connection between the public-facing judiciary and the corrections system, helping to dismantle existing barriers, and increasing transparency. Finally, these visits signal to incarcerated individuals that judges are aware of and concerned about them even after sentence is imposed, which may foster rehabilitation and eventual reintegration into society."[14]

This statement captures precisely the multi-fold benefits: for the bench, for incarcerated persons, for corrections institutions, and for the public at large. PLS concurs wholeheartedly.

Recommendations / Suggestions for Monitoring After Implementation

In light of PLS' decades of experience with prisons, the prison system and the incarcerated population, PLS recommends the following protocols be established for monitoring once the proposed rule is adopted:

- Ensure that visiting **judges take advantage of the rule's visit protocols** which allow for interaction with incarcerated persons (in small group or individual conversations), frontline correctional staff, and case-management/rehabilitation staff – and not just tour the facility.
- Encourage judges to **visit a variety of facility types** (e.g., maximum security prison, medium security, county jail, and perhaps a facility with strong reentry programming) so they acquire comparative facility knowledge.
- Incorporate a **short reflection or report** by the judge post-visit (for internal use or sharing with the Office of Court Administration [OCA]) summarizing impressions – what surprised them, what challenged assumptions, and what they learned about the strengths/weaknesses of the facility and programs.
- Consider requiring the **sharing** of such a report, or **a summary** thereof, **with the Executive, Legislature and** even possibly **the facilities involved**.
- Consider **expanding this rule to Appellate Division justices** who, in particular, regularly review sentencing decisions.
- Leverage the visits to strengthen **collaboration between the judiciary and corrections** agencies – perhaps turning the visits into regular forums for communication on recidivism, program capacity, or improvement needs.
- **Monitor and evaluate the impact of the rule** (after its implementation) on sentencing practices, judicial awareness of correctional conditions, and possibly on outcomes related to reintegration.
- Ensure that scheduling and logistics **minimize disruption to court operations** by building them into the annual court-calendar planning.
- **Provide education/training for judges on what to look for during the visits** (e.g., program offerings, solitary confinement usage, healthcare/mental-health services, reentry planning, staff-inmate ratios, transitional services, facility culture) so the visits are targeted and productive.

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[14] Nocenti, David "*Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities*", *supra* note 1.

Conclusion

In summary, the proposed rule by the CPL Committee represents a thoughtful and evidence-informed step toward strengthening the judiciary's connection to the correctional realities it helps create through sentencing and detention decisions. The authority – both historical and contemporary – supports the proposition that judges benefit from and indeed should have direct access to correctional institutions to better appreciate what incarceration means, how conditions affect individuals, and what reintegration challenges they will face. The benefits – to judges, to incarcerated persons, to the corrections system, and to public trust – are substantial, while the costs are modest and manageable.

On behalf of Prisoners' Legal Services of New York, I urge the Administrative Board of the Courts, the judiciary, and all stakeholders to support this rule, ensure its robust and meaningful implementation, and view it as a key component of a just, transparent, and humane criminal justice system in New York State.

I appreciate the opportunity to submit these comments and look forward to seeing the rule adopted and operationalized.

Respectfully submitted,

Karen L. Murtagh

Karen L. Murtagh, Esq.
Executive Director, PLS

David Nocenti

From: Nadia Bernstein <bernstein.nj@gmail.com>
Sent: Wednesday, November 12, 2025 9:32 PM
To: rulecomments
Subject: Request for Public "Comment on a proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities

Categories: Prison visits

I am a retired member of the New York bar. I am submitting this comment to add my name to the supporters of the proposal.

I respectfully refer to the article submitted by Professor Michael B. Mushlin, et al., printed in the November 11, 2025 *NYLJ*, regarding this proposed rule change, entitled "What Justice Kennedy Saw, and What Judges Should See." I concur with its conclusions, and cannot improve on the authors' excellent articulation of the reasons for adopting the proposed amendment.

Respectfully,

Nadia J. Bernstein, JD
(Admitted 1st Dept. 1973, Ret. 2024)
101 Beechwood Rd.
Purchase, NY 10577

Please be CAREFUL when clicking links or opening attachments from external senders.

David Nocenti

From: Shelley Mayer <smayer@nysenate.gov>
Sent: Thursday, November 13, 2025 11:19 AM
To: rulecomments
Cc: Tricia Gorman
Subject: Letter of support
Attachments: Mayer_Part 17 judge visits.pdf

Categories: Prison visits

Dear Mr. Nocenti,

Please find attached my letter of support of the proposed amendments to Part 17 of the Rules of the Chief Judge.

Sincerely,

Shelley B. Mayer

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THE SENATE
STATE OF NEW YORK

SHELLEY B. MAYER
SENATOR, 37TH DISTRICT
DEPUTY MAJORITY LEADER FOR
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❑ Albany Office:
Room 509
Legislative Office Building
Albany, New York 12247
(518) 455-2031 Office
(518) 426-6860 Fax

❑ District Office:
235 Mamaroneck Ave., Suite 400
White Plains, NY 10605
(914) 934-5250 Office
(914) 934-5256 Fax

smayer@nysenate.gov

November 12, 2025

David Nocenti, Esq.
Counsel
New York State Office of Court Administration
25 Beaver St.
New York, NY 10004
By email: rulecomments@nycourts.gov

Re: Support for Proposed Amendments to Part 17 of the Rules of the Chief Judge

Dear Mr Nocenti:

I write in strong support of the proposed amendments to Part 17 of the Rules of the Chief Judge, which would strengthen and modernize the Unified Court System's program of judicial visitation to correctional and detention facilities. These changes represent an important step toward ensuring that members of the judiciary maintain a meaningful understanding of the realities of incarceration in New York State.

As a legislator who has visited correctional facilities across the state, including Sing Sing, Taconic, and Bedford Hills, I have seen firsthand the profound value of these visits. Speaking directly with incarcerated individuals is a transforming and humanizing experience every time. I have witnessed both rich meaningful programming that gives incarcerated people hope and purpose, and facilities where programming is scarce, where trauma, frustration, and despair simmer with little opportunity for growth or change. These visits have shown me how essential it is for judges to witness, firsthand, both the humanity and the hardship within these facilities.

The proposed rule's emphasis on annual visits, comprehensive orientation, and engagement with a diverse range of facilities—including those housing women and youth—will promote transparency, accountability, and a shared commitment to fairness. By expanding both the scope and substance of the program, these amendments ensure that visits are not merely procedural, but substantive experiences designed to deepen judicial awareness. They will also help dispel impressions formed during prior visits or from past experiences. Correctional facilities evolve over time, and it is vital for judges—whose decisions profoundly shape people's lives—to see these institutions as they are today. A current understanding of the conditions,

climate, rules, and tensions within these facilities will strengthen the fairness and humanity of judicial decision-making. This robust framework reflects a meaningful evolution from prior requirements, embedding direct engagement and reflection into the practice of judicial service. It will also reaffirm the judiciary's leadership in advancing humane and informed administration of justice throughout our state.

Finally, these visits have the added indispensable benefit of maintaining faith in the justice system. Those being sentenced and those observing the justice system should have confidence that judges understand the carceral system, its limits and possibilities.

For these reasons, I strongly urge the prompt approval and adoption of this proposed rule.

Sincerely,

Shelley B. Mayer

Shelley B. Mayer
37th State Senate District

David Nocenti

From: Michael Brenner <mbrenner0430@gmail.com>
Sent: Thursday, November 13, 2025 11:24 AM
To: rulecomments
Subject: Support for Judges required to visit Jails
Attachments: LtrReJudgesVisitToJail.docx; Untitled attachment 00022.htm

Categories: Prison visits

Attached is my letter in support of your idea. It is an excellent new procedure. Best. Mike Brenner

UNITE AGAINST HATE

Michael Brenner
98 Broadview Ave Apt W204
Purchase, NY 10577
(917)612-6060
mbrenner0430@gmail.com

Michael Brenner
98 Broadview Ave. Apt W204
Purchase NY. 10577

November 13, 2025

Attention David Nocenti, Counsel OCA

Please note my support for the new procedure which would require Judges to visit
a prison annually. Here are my reasons:

- Incarceration has an unfair racial element.
- Treatment of prisoners is sometimes unnecessarily harsh.
- The visits would put the staff at the prison on good behavior at least for the day of the visit.
- For a judge to have a mental picture of the place to which someone to be sentenced will be sent will add a human element to the judges thinking.

To let you understand me as a source of this comment, here are some facts about me: I have a Doctorate in engineering from Johns Hopkins University, I have been active in a non-profit orgabization that spports people with barriers to employment including previously incarcerated, I am 90m years old and fortunate to still have an active life.

David Nocenti

From:	Eden Kinlock <ekinlock@famm.org>
Sent:	Thursday, November 13, 2025 12:41 PM
To:	rulecomments
Subject:	ATTN: David Nocenti, OCA Counsel - Comment on Proposal to Amend Rules of the Chief Judge
Attachments:	FAMM Support NY Judicial Prison Visits.pdf
Categories:	Prison visits

Good afternoon,

Please find attached FAMM's statement in support of the proposal to amend Part 17 of the Rules of the Chief Judge. We appreciate your consideration of our views on this important issue.

Thank you,

Eden Kinlock
she/her
State Legislative Affairs Associate
(202) 999-4273 | www.famm.org
1100 13th St NW, Suite 201, Washington, DC 20005
linkedin.com/in/eden-kinlock-6233321b3

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Written Statement of Eden Kinlock
State Legislative Affairs Associate, FAMM
New York State Unified Court System, Administrative Board of the Court
In Support of Amendment to Part 17 of the Rules of the Chief Judge
November 13, 2025

Thank you to the Unified Court System (UCS) and the Administrative Board of the Courts for the opportunity to submit public comment on the proposed amendments to Part 17 of the Rules of the Chief Judge. I write on behalf of FAMM, a national sentencing and corrections reform organization, in support of the amendments to mandate annual judicial visits to New York's correctional facilities. **FAMM supports the amendments and urges the UCS to adopt the proposal.**

For more than 30 years, FAMM has advocated for sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Among the policies we advocate is the increase of transparency and accountability in our nation's prisons. Judicial visits to Department of Corrections and Community Supervision (DOCCS) facilities are a mechanism for bringing the judiciary into contact with the realities of incarceration and creating a prison system that is accountable, transparent, and has our trust. The proposed amendments would help achieve this goal.

FAMM believes that "you can't know if you don't go" – that is elected policy makers who construct sentencing laws and judges who sentence individuals prison should have deep familiarity with the people and conditions in our nation's prisons. By requiring that justices and judges undertake a cycle of judicial visits every four years, the current Rules of the Chief Judge already recognize that firsthand exposure to prisons helps judges make more informed sentencing and detention decisions. These revisions simply go a step further to ensure transparency by increasing the frequency of judicial visits and laying out the ingredients for a meaningful visit.

FAMM also believes that public officials who do take the time to visit prisons will see that there are significant problems that need to be addressed. Specifically:

- **We lock up too many people for too long**. Our prison population is getting older, with more sick and elderly people serving extreme sentences. Many of these people have been rehabilitated and could be released safely back into the community if we had mechanisms for reviewing lengthy sentences. We encourage all public officials who visit prisons to speak with incarcerated people and ask them how they have changed and how releasing them would benefit their families and communities.

- **Too many prisons are unsafe for both incarcerated people and correctional officers**. Overcrowding, understaffing, lack of programming, and other factors can make prisons extremely dangerous. Yet these facilities receive very little or no oversight, and when they do, inspections are announced far in advance so that problems can be hidden during the visits. We encourage policymakers who visit prisons to speak with correctional staff and incarcerated people alike and ask them how facilities should be improved.
- **Families face enormous challenges while trying to maintain bonds with their incarcerated loved ones**. Visiting can require traveling long distances; prisons do not share basic information regarding the wellbeing and health of people in prison, even during emergencies; and regular communication between families and incarcerated loved ones is often limited and expensive. We encourage public officials to visit a prison during visiting hours and spend time in the visiting room asking family members about the challenges of maintaining relationships with their incarcerated loved ones.

Prisons operate 24 hours a day, 365 days a year, with the lives and well-being of tens of thousands of staff and incarcerated people hanging in the balance. As of February 2025, DOCCS houses over 33,000 incarcerated individuals and employs 14,095 correction officers.[1] This proposal represents an essential step toward dismantling the mystique surrounding what happens after a sentence is imposed and a person leaves the courtroom. Equally important, the proposed amendments promote transparency and strengthen public trust in New York State corrections.

If adopted, this proposal will make New York the first state in the nation to require meaningful visits by all trial judges responsible for sentencing or detention decisions. FAMM commends the UCS for considering this important proposal and hopes this powerful idea will mark the beginning of a broader trend adopted by court systems across the country.

Respectfully Submitted,

Eden Kinlock
State Legislative Affairs Associate
ekinlock@famm.org

[1] New York State Department of Corrections and Community Supervision, DOCCS Fact Sheet. (Feb 2025). doccs-fact-sheet-february-2025_0.pdf

David Nocenti

From: Michael Brenner <mbrenner0430@gmail.com>
Sent: Thursday, November 13, 2025 1:41 PM
To: rulecomments
Subject: Proposal to require Judges to visit a Jail annually
Attachments: LtrReJudgesVisitToJail.docx; Untitled attachment 00034.htm

Categories: Prison visits

Attached is a note from me in support of you proposal.

An excellent idea. Best. Mike Brenner

UNITE AGAINST HATE

Michael Brenner
98 Broadview Ave Apt W204
Purchase, NY 10577
(917)612-6060
mbrenner0430@gmail.com

Michael Brenner
98 Broadview Ave. Apt W204
Purchase NY. 10577

November 13, 2025

Attention David Nocenti, Counsel OCA

Please note my support for the new procedure which would require Judges to visit
a prison annually. Here are my reasons:

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David Nocenti

From: Habiba Alcindor <sparkle.plenty@icloud.com>
Sent: Friday, November 14, 2025 8:25 AM
To: rulecomments
Subject: in support of judicial visitation to detention facilities

Categories: Prison visits

To Whom It May Concern:

I'd like to voice my enthusiastic support for the initiative that would mandate visits to prisons and other detention facilities in New York State for judges in criminal court. At the very least, judges should be fully aware of where they send people, sometimes for decades or the rest of their lives, when they sentence them for crimes. To understand the punishment they mete out seems fundamental to performing their duties in a conscionable manner.

I'd also be in favor of requiring prosecutors to visit prison facilities. In general, there needs to be more oversight of what happens in prisons; committing a crime does not necessarily strip an individual of their humanity, nor does it excuse treating that person as if they no longer deserve human rights.

Thank you for soliciting comments from the public about this initiative.

Kind regards,
Habiba Alcindor
2485 Devoe Terrace
Bronx, 10468

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David Nocenti

From: Kevin Cuenca <kevincuenca@gmail.com>
Sent: Friday, November 14, 2025 12:19 PM
To: rulecomments
Subject: Comment in Support of Proposal to Part 17 – Judicial Visits to Detention Facilities

Categories: Prison visits

To whom it may concern,

I'm writing as a New York City resident who strongly supports the proposal requiring judges who sentence or remand individuals to make an annual, meaningful visit to a state or local detention facility.

Judges make decisions that directly determine whether someone enters these environments. First-hand, regularly updated familiarity with actual conditions—intake, housing, health services, and day-to-day operations—creates better-informed judicial discretion and strengthens public confidence.

This rule imposes minimal administrative burden but offers significant value: more grounded sentencing, greater transparency, and a judiciary better connected to the consequences of its decisions. I encourage the Chief Judge to adopt the amendment and implement clear standards to ensure the visits are substantive.

Thank you for considering this comment.

Sincerely,
Kevin Cuenca
Harlem, NYC

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David Nocenti

From: Amy R. Paulin <paulina@nyassembly.gov>
Sent: Friday, November 14, 2025 12:51 PM
To: rulecomments
Subject: RE: Comments on Proposed Rule Requiring Annual Judicial Visits to Prisons and Jails
Attachments: Paulin_Judicial Visits Letter.pdf

Categories: Prison visits

Good Morning,

Please see the attached **comment in support** of the proposed court rule regarding judicial visits to prisons. Let me know if you need any additional information.

Thank you,

Amy Paulin
Member of Assembly

Please be CAREFUL when clicking links or opening attachments from external senders.

AMY R. PAULIN
Assemblywoman 88th District
Westchester County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Health

COMMITTEES
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TASK FORCES
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Asian Pacific American

Office of Court Administration
Attn: Advisory Committee on Criminal Law – Public Comment
25 Beaver St
New York, NY 10004

November 14, 2025

RE: Comments on Proposed Rule Requiring Annual Judicial Visits to Prisons and Jails

Dear Members of the Advisory Committee on Criminal Law:

I am writing in support of the proposal which would require every New York State Judge involved in sentencing or detention decisions to complete at least one meaningful visit to a penal facility each year.

It is a great responsibility for our judiciary to determine sentences for convicted individuals, including incarceration. To ensure that our judges are fully informed as to the conditions and impacts of New York detention facilities, they should be required to visit a facility at minimum one time per year. It has been shown that judicial visits deepen understanding of facility conditions and operations, foster transparency, and signal to incarcerated individuals that they are recognized by the judiciary for their humanity and potential for rehabilitation. Incarcerated New Yorkers value being seen and heard by judges during these visits. Indeed, for many incarcerated persons, it is the only time that they are able to speak to judges while in prison. Furthermore, these visits can benefit our judges as well as incarcerated individuals. Former U.S. federal judge Mark W. Bennett stated in an interview that "[i]t is never an easy task — nor should it be — to deprive someone of their liberty." According to Judge Bennett, he was able to deal with his feelings by visiting prisoners that he has sentenced.

An Article by Harvard Law Review affirmed that America's "[f]ounding generation established an expansive system of judicial oversight over prisons and jails that lasted through much of the nineteenth century." This system included inspection of detention facilities by state and local judges, with the goal of ensuring the respect of rules and remediation of abuses. Today, courts "have diverged from their early predecessors, especially at the state and local levels," and we do not

see the same level of involvement in the prison system that the judiciary once had. It is tremendously important that we ensure that our judges, especially those making determinations regarding incarceration and detention, are fully informed and invested in the status of our state and local detention faculties.

This proposal is a thoughtful, measured reform which will improve judicial decision-making, enhance transparency, and humanize incarcerated New Yorkers. With the right implementation, the rule will realize the Committee's intent that visits be meaningful and benefits the judiciary, incarcerated individuals, and the broader public. I respectfully support the adoption of this rule.

Thank you.

Sincerely,



Amy Paulin

Chair, Assembly Committee on Health

David Nocenti

From: Laurie Spear <spear.lauriesydney@gmail.com>
Sent: Friday, November 14, 2025 3:14 PM
To: rulecomments
Subject: Amend Part 17 of the Rules of the Chief Judge

Categories: Prison visits

I support the proposed Amendment to Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

I believe that it is necessary for judges who have the power and responsibility of sentencing people to jail and prison to truly know the conditions that these individuals will be experiencing.

Thank you for considering my opinion in making your decision to support this amendment.

Laurie Spear
142 West End Avenue, 6P
New York, NY 10023

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David Nocenti

From: Sarah Chu <sarah.chu@yu.edu>
Sent: Friday, November 14, 2025 8:52 PM
To: rulecomments
Cc: Derrick Hamilton; Joshua Dubin
Subject: Public /Comment on a proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities
Attachments: OCA Public Comment on Section 17.1 Revision_PCLJ_2025.11.14.pdf

Categories: Prison visits

Dear Mr. Nocenti,
Please find attached a letter from Deputy Director Derrick Hamilton on behalf of the Perlmutter Center for Legal Justice in response to the public comment request regarding the proposed Part 17 revisions.

Respectfully,
Sarah Chu

Sarah P. Chu, Ph.D.
Director of Policy and Reform
sarah.chu@yu.edu | (646) 942-9274 | Cardozo.yu.edu/PCLJ

Perlmutter
Center for Legal Justice
at Cardozo Law
SEEKING JUSTICE FOR THE UNJUSTLY INCARCERATED

Perlmutter
Center for Legal Justice
at Cardozo Law

SEEKING JUSTICE FOR THE UNJUSTLY INCARCERATED

Perlmutter
Freedom Clinic
at Cardozo Law

Perlmutter
Forensic Science Education Program
at Cardozo Law

November 14, 2025

David Nocenti, Esq.,
Counsel, Office of Court Administration
25 Beaver Street, 10th Floor
New York, New York, 10004

Re: Part 17 Revision Public Comment

Dear Mr. Nocenti,

On behalf of the Perlmutter Center for Legal Justice at Cardozo Law, I write in strong support of the proposed revision to Part 17 of the Rules of the Chief Judge, establishing a process for judicial visits to correctional facilities. This rule represents a long-overdue step toward transparency and accountability within New York's carceral system. Judges cannot meaningfully oversee justice from behind chambers' doors; they must see the realities their sentences create. Direct engagement with incarcerated people allows judges to assess conditions, hear firsthand experiences, and affirm the judiciary's responsibility to uphold the dignity of every person under its authority.

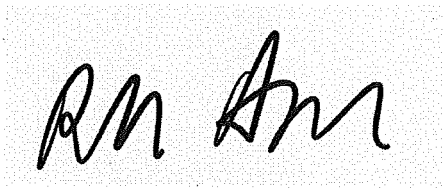
As someone who spent more than twenty years wrongfully imprisoned in New York State facilities — including nearly a decade in solitary confinement — I know the cost of invisibility. When people are hidden from public view, neglect and abuse thrive. Too often, the prevailing attitude is that those inside deserve whatever happens to them. They are not criminals to be discarded or animals to be tormented. They are human beings, deserving of dignity and of a justice system that remembers their humanity. The real tragedy is not only the ongoing abuse inside New York's prisons, but the silence that allows it to continue unchecked.

The data make that silence impossible to ignore. In 2024, 143 incarcerated people died in the custody of the Department of Corrections and Community Supervision — an alarming increase from 107 deaths in 2023. Not one of those deaths was a corrections officer. Who, then, is truly unsafe? Regular, structured judicial visits will bring visibility to these hidden conditions and create a direct line of accountability between the courts and the correctional system. When judges walk the tiers, enter dorms, and speak to those living inside, the walls that conceal truth begin to crack.

At the Perlmutter Center, we see daily how invisibility harms our clients—many of whom are innocent, all of whom struggle to be believed. Sentencing a person to prison is one of the gravest acts of state power. Judges who see the institutions to which they commit people will sentence with fuller understanding, humility, and responsibility. Implementing this rule will not only humanize the process; it will help align our justice system with its highest ideals.

I urge the Administrative Board of the Courts and the Chief Judge to adopt the Part 17 revisions promptly and to ensure robust oversight of their implementation. This rule is a vital step toward restoring integrity, transparency, and humanity within New York's system of justice.

Respectfully,



Derrick Hamilton
Deputy Director
Perlmutter Center for Legal Justice
Benjamin N. Cardozo School of Law

David Nocenti

From: Rochelle Friedlich <rochellefriedlich@gmail.com>
Sent: Saturday, November 15, 2025 8:32 AM
To: rulecomments
Subject: Proposal to Amend the Rules of Part 17 of Chief Justice to improve UCS's Program for Judicial visitation to detention centers

Categories: Prison visits

To Whom it May Concern,

I am writing in support of the proposal to amend the Rules of Part 17 of the Rules of Chief Justice to improve the USC's program for judicial visitation to detention facilities.

I am an attorney and social worker and I strongly believe that requiring judges to have meaningful visits to detention facilities will bring positive results to our criminal justice system. Our detention centers are too far afield from public view, leaving them exposed to substandard conditions for all who are exposed to them. My visits as a volunteer were eye-opening, and led me to write to you today.

Sincerely,
Rochelle Friedlich, Esq, LMSW, LP

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David Nocenti

From: Jane W. <jane.v.white@gmail.com>
Sent: Saturday, November 15, 2025 10:23 AM
To: rulecomments
Subject: Comment on Part 17 - Rules on Judicial Visitation to Detention Facilities

Categories: Prison visits

Good morning, Mr. Nocenti,

I'm writing to support this proposed amendment. And as a separate but related matter, it should also be a requirement imposed upon prosecutors. As a public defender who's represented over 2,000 clients in criminal court in Manhattan, the Bronx and now in federal court on criminal cases in the Southern District of New York for over 10 years, the horrors of the jails where my clients are kept are not to be understated. As a defense attorney, I frequently visit jails and have gained a better understanding of what it means to be incarcerated that nothing else could give me. Visiting jails has given me a great deal of insight into the fuller, bigger picture of the work we do and the people who are the most directly affected by the decisions we make.

Judges should absolutely do the same. They should understand from firsthand experience what incarceration is like in New York City, because each and every time they choose to set unaffordable bail or incarcerate someone when a non-jail sentence is available, they should know what that really means for the person and their loved ones. They wield immense power and for the most part, have no real understanding of what jails are like. This would be a meaningful change that could inspire more alternative options to incarceration that would serve everyone in our communities better and help achieve better conditions in the jails that actually foster rehabilitation.

Thank you for taking these comments.

Sincerely,
Jane White, Esq.

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David Nocenti

From: Jonathan Spear <jonathan.spear@gmail.com>
Sent: Saturday, November 15, 2025 5:41 PM
To: rulecomments
Subject: In support of proposed changes to Part 17

Categories: Prison visits

I support the proposed Amendment to Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

I believe that it is necessary for judges who have the power and responsibility of sentencing people to jail and prison to truly know the conditions that these individuals will be experiencing.

Years ago, I visited Rikers Island, as part of an effort to ensure those held access to their vote, and I was deeply affected by the experience. I met men who were being held pretrial. They were in packed dorms, with no privacy, or activites tonkeep them socially engaged. I was amazed that an older, weak deaf man was incarcerated without an interpreter or assistance. I could not imagine how disorienting and scarry that must have been to be that man, alone, unable to communicate with prisoners or guards. I am sure that if judges considered the conditions he would not have subjected this man to these conditions.

Thank you for considering my opinion in making your decision to support this amendment.

Sincerely,
Jonathan Spear
Brooklyn, NY 11238

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David Nocenti

From: Jeremy Travis <jtravis.nyc@gmail.com>
Sent: Saturday, November 15, 2025 6:13 PM
To: rulecomments
Subject: Comment on Proposed Amendment to Rules of Chief Judge
Attachments: NYS COURT_NOCENTI.pdf

Categories: Prison visits

Attached please find my comments on the proposed amendment regarding judicial visits to jails and prisons.

Jeremy Travis

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November 15, 2025

David Nocenti, Esq.

Counsel

Office of Court Administration

25 Beaver Street, 10th Floor

New York, New York 1004

Dear Mr. Nocenti:

I am writing to provide my strong support for the proposed amendments to the Rules of the Chief Judge that would require regular and meaningful visits to jails and prisons by New York State trial judges. I base my support on a combination of professional responsibility, criminological research, and personal experience.

In my view, all officials in the criminal justice system, especially judges, have a professional obligation to understand the realities of the loss of freedom experienced by those held in our society's jails and prisons. This obligation was stated most eloquently by Associate Justice Anthony Kennedy in his historic keynote address to the annual meeting of the American Bar Association on August 9, 2003. Kennedy called upon members of the legal profession, and the American people, to accept responsibility for "what happens after a prisoner is taken away," and to remember that "the prisoner is a person; [a] part of the family of mankind." If we looked at this "hidden world of punishment," he asserted, "we should be startled by what we see."

Justice Kennedy's call to action resonated on a personal level for me. I quoted those words in the opening paragraph of my book, *But They All Come Back: Facing the Challenges of Prisoner Reentry,* which I sent to Justice Kennedy. A short time later, Justice Kennedy, following his own exhortation, called a meeting of judges, scholars, government officials, and reform advocates, to confront this "hidden world" by undertaking the hard task of rethinking sentencing policy. It was an honor of a lifetime when he asked me to facilitate this meeting. His example should inspire all officials in the criminal justice system, particularly those who sentence people to prison terms, to enter this "hidden world." The proposed amendment would represent an important step toward greater transparency.

A well-informed judiciary will also have a salutary effect on the development of criminal justice policy for our state. Not every judge will follow the example of Justice Kennedy, but we have many other examples of judges who have been inspired to act upon the insights they have gained by taking a close look at the consequences of their decisions. The late Robert Katzmann, Chief Judge of the Second Circuit Court of Appeals, undertook a deep examination of the way immigration

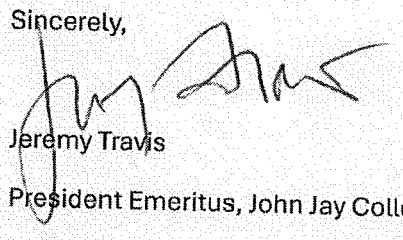
cases are handled in the federal courts. The late Chief Judge Judith Kaye overhauled the way that jurors are treated in our courts. Former Chief Judge Jonathan Lippman led an effort to address the lack of legal representation in our civil courts. Bryan Stephenson, author of *Just Mercy* and founder of the Equal Justice Initiative, urges us to get "proximate" to the people who are affected by our justice system. Only then, he argues, can we bring our full humanity to the task of addressing that system's shortcomings. By requiring engagement with the people who are held in our prisons and jails, the proposed amendment will allow judges to gain insights and motivations that will inevitably inform their decisions and lead to policy innovations.

These visits will also conform to one of the key findings in the criminological literature, namely, that people change over time. This area of research, called life course criminology, is often captured by the simple phrase that people "age out of crime." But human evolution is about more than desisting from anti-social behavior. People in prison also become leaders, develop artistic talents, acquire skills, work on their educational journey, reconnect with family in meaningful ways, find religion and are ready to return to free society long before their sentences are complete. This realization – that the person a judge meets during one of these visits is most often not the same person another judge sentenced years ago – will undoubtedly inform the visiting judge's future sentencing decisions. The result would be a close approximation of justice.

Years ago, I was fortunate to clerk for Judge Ruth Bader Ginsburg when she sat in the Court of Appeals for the D.C. Circuit. I vividly recall the time when she left her chambers to spend a day visiting a nearby federal prison. Yes, she was fulfilling a requirement of her position, but she took this responsibility seriously as a member of the judiciary. She sat on an appellate court and never sentenced anyone to prison. But for her, simply being present --- proximate – was fulfilling an ethical obligation to her fellow citizens behind bars. Upon returning to her chambers, she simply told us how much is meant to the men she met that she had seen them. There is great power to bearing witness.

I applaud those who crafted the proposed amendment because it will allow judges to understand the institutions of confinement and interact meaningfully with the men and women who work there or are incarcerated there.

Sincerely,



Jeremy Travis

President Emeritus, John Jay College of Criminal Justice

Jtravis.nyc@gmail.com

917.577.5163

David Nocenti

From:	Bruce Toman <toman.bruce@icloud.com>
Sent:	Saturday, November 15, 2025 7:44 PM
To:	rulecomments
Subject:	Proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities
Categories:	Prison visits

I read about this proposed rule in Gothamist
https://gothamist.com/news/proposal-would-send-new-york-judges-to-prison-for-a-day

I strongly support this amendment.

Everyone should be aware of what it is actually like in prisons and jails, especially judges, who send people there. Bail reform went a good way towards making our system more intentional about who we hold in jail before trial, and making sure that we aren't discriminating against people because they are poor.

This amendment would add another layer of intentionality - judges should be aware of the conditions in which people will be held before and during trials, and after they are sentenced. It will make them better judges.

New York State has a chance to lead the nation here - I do hope we take that chance.

Please pass the amendment.

Thank you!

Bruce Toman
1150 2nd Ave Apt B2
New York, NY 10065

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David Nocenti

From: Eileen Farbman <eileen.farbman@gmail.com>
Sent: Sunday, November 16, 2025 8:09 PM
To: rulecomments
Subject: Amendment to Section 17 of the Rules of the Chief Judge
Attachments: judicial letter .docx

Categories: Prison visits

Nov. 16, 2025E

David Nocenti, Esq

Email: rulecomments@nycourts.gov

Dear Mr. Nocenti,

I write to strongly support the proposal of the U.S.C's Advisory Committee in Criminal Law and Procedure (CPL committee) to amend Section 17 of The Rules of the Chief Judge. In essence, the proposed amendments would require judges to visit men's and women's correctional and detention facilities annually (in contrast to the current requirement of visits every 4 years), to make meaningful visits or tours of major areas of the facility including mental health units and special housing units, and to meet with incarcerated persons.

I am writing as a longtime volunteer who has worked inside the New York State women's prisons. In this role, I can attest to the tremendous value of the proposed amendment, for annual judicial visits. It is rare to have the chance to help shift the course of history and to improve our system of justice with a single action, but this proposal offers exactly that opportunity. I hope that by adding my experience and voice to the chorus of support, we can help ensure that the women I work with are meaningful advocated for.

As a volunteer at Bedford Hills Correctional Facility and Taconic Correctional Facility, I have seen firsthand the realities of living life behind the prison walls. I will never forget the profound impact of my first visits - the way the experience reshaped my understanding of what incarnation looks and feels like. it is an understanding that simply cannot be conveyed through secondhand account or report. It requires witnessing.

Judicial visits that are consistent, substantive, and grounded in real observation would offer judges this invaluable perspective. This, in turn, can only strengthen the fairness and humanity and integrity of our justice system.

I strongly urge the adoption of this proposal.

Eileen Farbman

27 West 72 Street NY, NY 10023

David Nocenti

From: Kate Eves <kateleves@gmail.com>
Sent: Monday, November 17, 2025 12:11 PM
To: rulecomments
Subject: FAO: David Nocenti, OCA Counsel
Attachments: Office of Court Administration_Section 17_Rules of Chief Judge_Kate_Eves.pdf

Categories: Prison visits

Dear Sir

Please find attached a letter in support of the proposed amendments to Section 17 of The Rules of the Chief Judge, repealing and replacing Section 17.1, renumbering Section 17.4 as Section 17.6, and adding new Sections 17.4 and 17.5.

Kind regards

Kate Eves OBE
UK Mobile: (+44) 7703 652020
Email: *kateleves@gmail.com*

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Office of Court Administration

New York, New York

I write in response to the proposed Amendments to Section 17 of The Rules of the Chief Judge, repealing and replacing Section 17.1, renumbering Section 17.4 as Section 17.6, and adding new Sections 17.4 and 17.5.

I have worked in prisons and jails in the both the United States and the United Kingdom for over 25 years. I am a former head of violence reduction strategy for His Majesty's Prison Service and have held investigative and research position for the Prisons & Probation Ombudsman of England & Wales and His Majesty's Chief Inspector of Prisons. I have also chaired the UK's first statutory public inquiry into abuse at an immigration detention centre and am a member of the UK government's Independent Advisory Panel on Deaths in Custody. In 2024 I was awarded the Order of the British Empire (OBE) for public service in this field.

I have also worked extensively in the United States on matters relating to prison and jail conditions, including as a senior advisor to the Prison Rape Elimination Act Research Center and as a consultant to New York City Board of Correction and the New York Department of Corrections & Community Supervision.

Throughout my career I have specialized in effective scrutiny of what happens in confined settings to prevent violence and other forms of harm. My career has therefore enabled me to speak to many hundreds of incarcerated people and members of staff in many different types of facilities. I strongly believe that the effects of incarceration – and the risks of harm – can only be understood through the perspectives of those who experience it.

In my view, the Amendments to Section 17 of the Rules of the Chief Judge proposed by the CPL Committee can contribute to greater scrutiny, transparency and accountability of the part of the criminal justice system that is so often hidden from sight. Judges of course cannot be expected to offer external scrutiny in the same way that a formal

oversight agency can, but frequent, meaningful visits provide an opportunity for them to understand the realities of imprisonment.

In addition to the importance of judges understanding the impact of custody, their presence in facilities can form part of the 'preventative' function of greater transparency and accountability. In many European countries there are multiple ways in which independent individuals act as 'the eyes and ears' of the community to understand what happens in custodial spaces and act as a form of safeguard against mistreatment of the most vulnerable in society. In my experience, the act of outsiders accessing facilities changes the mindset of all of those incarcerated there – it appropriately elevates the expectations that they have of being treated humanely.

I believe that the proposed amendments to Section 17 of The Rules of the Chief Judge as an opportunity to offer an important blueprint for how jurisdictions in the United States could utilize the unique skills and insights of judges to improve accountability and transparency. I wholeheartedly support the amendments.

David Nocenti

From: Michele Deitch <michele.deitch@austin.utexas.edu>
Sent: Monday, November 17, 2025 4:10 PM
To: rulecomments
Subject: Public comments re: Amendment to Part 17 of the Rules of the Chief Judge (judicial visits to prisons)
Attachments: Michele Deitch--Public comment in support of judicial visits to prisons.pdf

Categories: Prison visits

Dear Mr. Nocenti,

Please accept the attached public comments in support of the proposed Amendment to Part 17 of the Rules of the Chief Judge (judicial visits to prisons). I appreciate the opportunity to submit these comments.

Sincerely,
Michele Deitch

****

Michele Deitch, Distinguished Senior Lecturer
Director, Prison and Jail Innovation Lab
LBJ School of Public Affairs
UT School of Law
The University of Texas at Austin
(512) 296-7212
Michele.Deitch@austin.utexas.edu
www.PJIL.org

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The University of Texas at Austin
Prison and Jail Innovation Lab
Lyndon B. Johnson School of Public Affairs

P. O. Box Y · Austin, Texas 78713-8925 • (512) 471-3200 • FAX (512) 471-1835

Michele Deitch • (512) 296-7212 • michele.deitch@austin.utexas.edu

November 17, 2025

David Nocenti, Esq., Counsel
New York Office of Court Administration
(*sent via electronic mail to* rulecomments@nycourts.gov)

Re: Public comments in support of proposed Amendment to Part 17 of the Rules of the Chief Judge

Dear Mr. Nocenti:

I write to offer my strong and enthusiastic support for the proposed Amendment to Part 17 of the Rules of the Chief Judge, requiring judges to make meaningful annual visits to corrections and detention facilities in the state. This groundbreaking proposal, which is being watched with great interest by corrections experts and criminal justice system stakeholders across the country, is a critical step in increasing the transparency of a very closed world. Prisons and jails are among the most opaque institutions in our society, yet they are a dominant feature of our criminal legal system. Because of the potential for harm in settings that are out-of-sight and out-of-mind, they demand the attention and concern of all citizens. Judges have a particularly important need to be informed about what happens behind bars, since the judiciary plays such a critical role in determining how these institutions are used.

I had the great honor of serving as a member of the Subcommittee of the Unified Court System's Advisory Committee on Criminal Law and Procedure ("Subcommittee") that developed this proposal, although my role was more as a resource than as a decision-maker. By way of background, I teach criminal justice policy and law at the University of Texas at Austin, where I direct the Prison and Jail Innovation Lab (PJIL). PJIL is a national policy resource center focused on the safe and humane treatment of people in custody. We serve as a bridge between academic research, public policy, and practice to help policy makers, corrections leaders, and justice system officials improve conditions behind bars and enhance correctional oversight. I have 38 years of experience working on prison-related issues, including service as a federal court-appointed monitor of conditions in the Texas prison system, as General Counsel to the Texas Senate Criminal Justice Committee, and as the Policy Director of Texas's sentencing commission. I was the original Reporter for the American Bar Association's *Standards for the Treatment of Prisoners*, and for many years I co-chaired the ABA's Subcommittee on Correctional Oversight. I also currently serve as Chair of the International Experts Network on External Oversight and Human Rights for the International Corrections and Prisons Association (ICPA), a network of 250 experts from around the world who provide oversight of prisons in their home countries. I offer the comments in this letter on behalf of both the Prison and Jail Innovation Lab and the ICPA Prison Oversight Network.

As the American Bar Association (ABA) wrote when its House of Delegates approved a Resolution on prison oversight in 2008: "While the inner workings and conditions of correctional and detention facilities largely are insulated from the public eye, they need not be. ... [T]he operations of correctional and detention facilities can be transparent and accountable to the public they serve. And, for a number of reasons, they should be."[1] The provisions of the proposal before you are consistent with the ABA's desire to see prisons and jails more open to public scrutiny and routine visits by public officials.

Indeed, the ABA's *Standards for Criminal Justice*, approved by the ABA in 2011, strongly endorses judicial visits to prisons and jails.[2] In the Commentary on this Standard, the ABA explains that:

> Prison visits can and should inform decision making by governmental authorities. They can help judges . . . understand the impact of sentencing laws and sentencing decisions, the challenges prisoners face in adapting to life inside and then outside the prison, the difficulties confronting correctional authorities performing their jobs, and how additional resources would help them do so.[3]

To be clear, if this proposal is adopted, judges will NOT be playing a formal oversight role with regard to New York's prisons and jails. They will not be sanctioning the corrections agencies for any shortcomings, developing a set of findings or recommendations, or formally reporting their observations. What judges WILL do by making annual visits is to break down some imagined barrier between the outside and inside worlds. Judges will bring the outside world into these dark institutions, along with their understanding of how the criminal justice system operates and their heavy sense of responsibility for ensuring fairness and justice. They will bring an outsider's eye and values to what they see inside the institutions, and their questions of corrections officials during visits may cause officials to rethink certain practices that "have always been done this way." Their routine presence inside the facilities will act as a form of informal social control over the behavior of staff, who realize they can be observed at any time. Their presence alone will help bring a measure of dignity to those who are incarcerated and let them know that they are not forgotten.

At the same time, these visits to prisons and jails will benefit the judiciary. Judges will be able to make more informed detention and sentencing decisions knowing the conditions faced by those who are incarcerated. They will learn about the rehabilitative programs that are available—and that are not available—to people in custody, and will be less likely to detain or sentence based on unchecked assumptions that a person will be able to obtain treatment for substance use or mental health disorders, for example. Judges' conversations with incarcerated individuals during their visits will help judges better understand them as multi-dimensional people and not just as cases before them in a courtroom, and will provide judges with insights into what works and doesn't work to stem criminal behavior and how individuals can change over the course of a sentence.

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[1] American Bar Association, Criminal Justice Section, Key Requirements for the Effective Monitoring of Correctional and Detention Facilities 1 (Aug. 2008), available at https://utexas.app.box.com/v/ABAResolution [hereinafter ABA Resolution].
[2] American Bar Association, *Standards for Criminal Justice, §23-11.2 (e) (3rd Ed. 2011).*
[3] Id. *Commentary at 351.*

During our Subcommittee's meetings about this proposal, I was deeply struck by the extent to which every judge on the committee found their prison visits—and especially their conversations with incarcerated people—transformational in their thinking about criminal sentencing and the purpose of prisons. If every judge in the state who visits a prison has even a fraction of this response, it will make a world of difference to the administration of justice in New York.

It is worth noting that, although this proposal may seem novel in some respects, there is actually historical precedence for much more extensive involvement of judges in prison operations. A recent article by Wynne Muscatine Graham in the Harvard Law Review, *The Forgotten History of Prison Law: Judicial Oversight of Detention Facilities on Our Nation's Early Years,* details the extent to which judges in the late 18th and early 19th centuries had an active role to play in ensuring the humane treatment of people detained in prisons and jails.[4] Not only were judges authorized or required to visit prisons, they were also expected to take steps to remedy the problems they found. Among the examples cited in the article:

> Beginning in 1785, Massachusetts mandated that, each term, county courts "inquire into . . . the condition and accommodation of the prisoners" in their county jails. Over a decade later, Massachusetts reaffirmed the investigative role of the courts, directing them, "at every term, [to] inquire into the state of the house of correction, and examine the register and accounts of the Overseers and Masters, and make such further regulations and alterations in the treatment and government of the prisoners, as they shall judge necessary or proper." New Hampshire similarly required county courts to look into the conditions of people detained in its county jails and tasked judges with monitoring the state prison to "see that all laws and resolutions, by-laws and regulations made for the government and upholding of [the] prison [were] duly observed and executed." An Arkansas statute declared it "the duty of the several county [circuit] courts within this territory to see that all prisoners, civil and criminal are humanely treated." In Illinois, circuit courts were also required, "at each term, to enquire and see that all prisoners, civil and criminal, are humanely treated." And a Kentucky statute required the county court to "inspect the [county] jail at least once a month." *[internal citations omitted]*[5]

These roles imposed on judges in the early late 18th and early 19th centuries, of course, go well beyond anything envisioned by the proposal before you today. But the history is indicative of the fact that, from the founding of this country, judges were seen as playing a critical role in bringing transparency to conditions behind bars. Indeed, the article highlights that in several states, judges were required to make visits to local jails:

> [A] New Hampshire statute required judges to visit the state prison "annually, and as much oftener as they th[ought] proper." In 1794, Caleb Lownes, an inspector of the Walnut Street Jail in Philadelphia, wrote that "Judges of the [Pennsylvania] Supreme Court, and . . . all the Judges of the several Courts of this City and County, as well as the

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[4] *See* Wynne Muscatine Graham, *The Forgotten History of Prison Law: Judicial Oversight of Detention Facilities in Our Nation's Early Years*, 138 Harv. L. Rev. 1715, 1742-50 (2025).
[5] Id. at 1745-46.

> Grand Juries," visited the Walnut Street Jail four times per year. **And in the early 1800s, judges in New York conducted "semi-annual visits" to their state prison.** *[internal citations omitted and emphasis added]*[6]

Today, New York's prisons and jails together confine roughly 52,000 people on any given day.[7] That is 52,000 people who are incarcerated pursuant to decisions by judges, whose daily lives are kept secret from the public, who are vulnerable to having their rights violated, who have few avenues to share their personal stories, and almost all of whom will be our neighbors again in the future. By having judges enter the prisons and jails that hold these individuals, judges are recognizing the humanity of those they have sentenced to incarceration and are sending a powerful message that what happens behind bars matters. That message will resonate with incarcerated people, with corrections staff and administrators, and with the public.

Human rights lawyer Bryan Stevenson has famously argued that we need to "get proximate" with marginalized and suffering people in our society in order to understand their experiences and challenges. He believes that direct engagement is essential for effective problem-solving and for developing the empathy needed to build a more just society. The proposal under consideration here will ensure that judges in New York State "get proximate" with people in custody. One predictable outcome is that these visits will enhance judges' knowledge and empathy, which in turn will lead to a better quality of justice in the courtroom.

For all the reasons discussed above, and on behalf of the Prison and Jail Innovation Lab and the ICPA's Experts Network on External Prison Oversight and Human Rights, I urge your support for the proposed Amendment requiring judges to make meaningful, annual visits to prisons and jails.

Thank you for your consideration.

Respectfully submitted,



Michele Deitch, Distinguished Senior Lecturer
Director, Prison and Jail Innovation Lab
LBJ School of Public Affairs/ UT School of Law
The University of Texas at Austin
(512) 296-7212
Michele.Deitch@austin.utexas.edu

Chair, International Experts Network on External Prison Oversight and Human Rights,
International Corrections and Prisons Association (ICPA)

---

[6] Id. at 1747.

[7] Emily Widra, "States of Incarceration: The Global Context 2024," Appendix 1, State Data, Prison Policy Initiative June 2024, available at https://www.prisonpolicy.org/global/appendix_states_2024.html.

David Nocenti

From: CHARLOTTE WATSON <cwatson123@aol.com>
Sent: Monday, November 17, 2025 9:23 PM
To: rulecomments
Subject: Public Comment on Proposed Part 17 Rule on Judicial Visits to Prisons
Attachments: C Watson Comment.pdf

Categories: Prison visits

Dear Mr. Nocenti,

Thank you for the opportunity to comment on the proposed rule to update Part 17, Rule 17.1 of the Rules of the Chief Judge. My public comment is attached as a pdf of my letter to this email.

Thank you for your kind consideration.

Charlotte A. Watson

Please be CAREFUL when clicking links or opening attachments from external senders.

Charlotte A. Watson

Mount Kisco, New York 10549

Cwatson123@aol.com

November 17, 2025

David Nocenti, Esq.
Counsel
Office of Court Administration
25 Beaver Street, Floor 10
New York, New York 10004

Dear Mr. Nocenti and Administrative Board of the Courts,

Thank you for the opportunity to comment on the proposed amendment to Part 17 of the Rules of the Chief Judge which falls under Judicial Education and Training. I enthusiastically support the amendment proposed by the UCS Advisory Committee on Criminal Law and Procedure which would require annual visits to carceral or detention facilities by trial judges and clarifies what the visit should entail at a minimum to make it meaningful rather than performative.

Having served in the past as the executive director of My Sisters' Place, Inc., the NYS Office for the Prevention of Domestic Violence, and the NYS Judicial Committee on Women in the Courts, as well as, special projects coordinator for the Judicial Institute and the OCA Office of Policy and Planning, I believe it's significant that this requirement falls under judicial education and requires a visitation frequency that will enhance and maintain judges' understanding and knowledge of prison conditions where their sentences are carried out. I commend the Committee for proposing a rule that would be the first in the nation and would add a deeper level of understanding and dignity for all involved in incarceration.

I've spent the last four decades working voluntarily in and visiting two of New York's three state prisons for women from the least secure to maximum security. I've also sat in courtrooms and observed sentencing. I'm always struck by how incarceration is the modern-day term for banishment. As the defendant stands before the judge for the verdict or the sentencing with their family and friends and sometimes the family and friends impacted by the actions of the defendant, and onlookers, the word guilty cuts like sword. It slices through the ties that have bound the defendant with everyone else, with society. The court officer swiftly steps forward to place the defendant in handcuffs and to lead them from the room into the outer edges of the land of the forgotten, the banished.

In the deep recesses of this land, identity, dignity, and agency are swept away. As they are placed in drab green prison clothes, all creative expression is removed. They lose the label "person" to become the "inmate". Today, the label inmate has been changed to the acronym IP (incarcerated person). So, we have reduced human beings to "IPs".

The ability of anyone on the outside to peer in is severely limited or nonexistent. Prisons are often located at distances from family members that make visiting prohibitive. When friends and

family are able to visit, they often go through a process at entry that many report leaves them feeling more like suspects than caring family. It can take hours of standing in line out in the elements at some prisons before being searched and directed to a seat at a table where the person's loved one will eventually appear. As time moves on, visits often become less frequent and eventually, may not happen at all. The closed nature of these institutions seals out that great disinfectant – sunlight, and allows for undesirable, at times inhumane, treatment of those who have been forgotten.

I was fortunate to be very involved with Bedford Hills Correctional Facility when Elaine Lord was the Superintendent. She oversaw the development of the first in the country Family Violence Program which was truly a lifesaving, life redeeming model.

Superintendent Lord had worked for many years in corrections before her appointment to lead Bedford Hills. She jumped at the opportunity to bring all of this experience and to combine it with a philosophy of bringing the outside in, to build bridges, to let the sunshine in.

She worked with Sister Elaine Roulet to open the first nursery inside a prison where pregnant women could give birth and keep their baby with them for the first year of life to allow for critical mother/child bonding. She recruited neighbors in Bedford to open their homes for a couple of weeks in the summer to allow for children to stay in while they attended a program inside with their mothers. She worked with someone on the outside to create the very successful Puppies Behind Bars program.

Superintendent Lord treated correction's officers with the same level of concern and care. Her door was always open to hearing new ideas and finding solutions to daunting problems. When AIDS hit across the country, it came to prisons too. She responded to a request from some of the incarcerated women to form a group that educated themselves and the other women at Bedford and provided end of life support for their sisters inside. Outside organizations came in to learn from the program. She opened the doors to a college program and helped to find support for it when government grants ended.

In other words, she supported the dignity and growth of everyone inside Bedford and enriched the lives of those on the outside who came in to support this once forgotten community. The result was truly astounding in hindsight. The incarcerated women I met there went on to become community leaders who created re-entry programs once they were released.

After Superintendent Lord retired, slowly but surely, the walls began to pull back in, the sunlight began to dim. I learned how what I had experienced was very unusual. The culture began to return to one more focused on survival than growth. As the sunlight diminished, the prison returned to a closed society where unhealthy dynamics can grow and flourish, one where the banished are left to fend for themselves.

Many prisoners come from challenging life histories, often from intergenerationally poor families and historically marginalized communities. It's reported that as many as 80 – 90% of incarcerated women have significant trauma histories including family violence and sexual assault. Incarcerated people often land in prison as a result of a plea bargain their assigned attorney encouraged them to accept to avoid facing a longer sentence if they lost at trial. They were represented often by an overburdened legal aid attorney or under resourced attorneys

who didn't have adequate tools at their disposal. It's not often that you see someone from an upper working-class family in a state prison.

Conditions in New York state prisons can be inhumane and brutal. In addition to the beatings, sometimes killings, and sexual assaults we read about, daily living can be very challenging. Our prisons are in century or more old brick or concrete buildings with inadequate infrastructure. As the climate has been heating up, it's reported to be taking a more severe toll on prisons in the Northeast. Our prisons have no air-conditioning and windows that do not open more than four inches for ventilation. A prisoner can purchase an 8-inch fan from commissary at the cost of approximately one month of fulltime salary at their prison job. If the ice machine is working, they may be granted a cup of ice. Basically, there is no relief from the heat. The food is unappetizing and questionably healthy. These are just a few examples that contradict what we often see on television or in the movies.

Judges are neutral, impartial arbiters of fact. This is what we rely upon as a society when determining guilt or innocence. However, at sentencing, they become decisionmakers which requires a more rounded, nuanced examination in the interest of justice. Judges at sentencing have the power of banishment. It's imperative they know the conditions to which they are banishing the human being who stands in front of them. The public assumes they do.

As for concerns about the expense or inconvenience of visiting a carceral facility once a year, imagine what it's like to visit as a family member. The gift of the judge's visit to the prisoner is invaluable. For the first time, they can see the humanity of the judge and the judge can see the humanity of the prisoner. This simple interaction works to restore the credibility afforded to the term "justice". The simple act of being seen and being heard builds restorative bridges so that no one is forgotten, and the daylight can make its way in.

Thank you again for the opportunity to share with you my opinion as to why this simple rule update before you can restore a bit of faith in the system upon which we all rely. I respectfully urge you to approve it.

Charlotte A. Watson

David Nocenti

From: Mushlin, Prof. Michael B. <mmushlin@law.pace.edu>
Sent: Monday, November 17, 2025 10:23 PM
To: CHARLOTTE WATSON; rulecomments
Subject: RE: Public Comment on Proposed Part 17 Rule on Judicial Visits to Prisons

Categories: Prison visits

Dear Charlotte,

Thank you for this moving and beautiful statement. I was genuinely touched by it. Your final paragraph, describing the difference a simple visit by a judge can make in the life of someone behind bars, is especially powerful. I am deeply grateful for all your remarkable work on this project and for this eloquent testament to its importance.

Warmly,

Michael
-----Original Message-----
From: CHARLOTTE WATSON <cwatson123@aol.com>
Sent: Monday, November 17, 2025 9:23 PM
To: rulecomments@nycourts.gov
Subject: Public Comment on Proposed Part 17 Rule on Judicial Visits to Prisons

Dear Mr. Nocenti,

Thank you for the opportunity to comment on the proposed rule to update Part 17, Rule 17.1 of the Rules of the Chief Judge. My public comment is attached as a pdf of my letter to this email.

Thank you for your kind consideration.

Charlotte A. Watson

Please be CAREFUL when clicking links or opening attachments from external senders.

David Nocenti

From: cwatson123@aol.com
Sent: Monday, November 17, 2025 10:53 PM
To: Mushlin, Prof. Michael B.; rulecomments
Subject: Re: Public Comment on Proposed Part 17 Rule on Judicial Visits to Prisons

Categories: Prison visits

Michael, thank you for your very kind remarks. All the gratitude goes to you. You have spent years getting us all to this place. It's so very important.

In my last email blast to invite people to comment, I said that it's not often that one can change the course of history by writing a simple letter, but this is just such a time. Whenever this rule is approved, whether now or later, it will make such a change. I know from decades of work on violence against women, that simply answering a hotline call in the middle of the night or sitting quietly with a victim in a courtroom changes reality for generations.

We will never be able to fully comprehend the magnitude of the difference that will be made across generations from the simple human interaction between a prisoner and a judge within the confines of razor wire and armed turrets. You as the leader of this effort and every member of the committee and subcommittee should be proud of your diligent, hard work and going the distance over these years to get to this point in the process.

We don't yet know the outcome of the decision, but we can rest well at night knowing we have given our all. We may not know the date, but we know that failure is impossible.

Thank you for allowing me the opportunity to participate. I'm truly grateful.

Charlotte

On Monday, November 17, 2025, 10:23 PM, Mushlin, Prof. Michael B. <mmushlin@law.pace.edu> wrote:

> Dear Charlotte,
>
> Thank you for this moving and beautiful statement. I was genuinely touched by it. Your final paragraph, describing the difference a simple visit by a judge can make in the life of someone behind bars, is especially powerful. I am deeply grateful for all your remarkable work on this project and for this eloquent testament to its importance.
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Thank you for your kind consideration.

Charlotte A. Watson

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David Nocenti

From: Kabila Lawrence <lawrencekabila23@gmail.com>
Sent: Tuesday, November 18, 2025 1:38 AM
To: rulecomments
Subject: PUBLIC COMMENT FOR JUDICIAL VISITATION TO DETENTION FACILITIES.
Attachments: Justice_Beyond_Conviction_Kabala_Lawrence copy.pdf

Categories: Prison visits

Following a Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities, attached below is a story justifying the need and in support of the cause.

Sincerely,
Kabila Lawrence.

Bar Course Student at the Law Development Center,
Kampala,
Uganda.

Please be CAREFUL when clicking links or opening attachments from external senders.

To: David Nocenti,

OCA Counsel.

From: Kabila Lawrence.

Date: November 18, 2025.

RE:Justice Beyond Conviction: Why Judges Should Visit Correctional Facilities.

The pursuit and process of rendering justice in the criminal justice system have long been seen as a means of upholding fairness and accountability. Yet, behind every court ruling lies a deeper human reality– one often overlooked once the gavel falls.

At the end of a criminal trial, as the sound of the gavel echoes through the courtroom, the convict' s face often turns blank– a sign of shattered hopes and lost dreams, but also an expression of deep, unspoken sorrow that never saw the light of day because, as many believe, " no one would understand."

As the convict leaves the courtroom, the prosecutor is satisfied that justice has been served for the victim, and the judge is convinced that the offender is headed for rehabilitation under the Department of Correction. Ideally, the case file is closed. In reality, however, a person is being locked away between four walls for a considerable period of time.

Many inmates feel forgotten– or rather, failed– by the justice system, as they struggle with the physical, emotional, and psychological challenges of incarceration.

To illustrate this, two cases from Uganda shed light on the silent suffering within correctional facilities.

The first is the case of Susan Kigula, a death row inmate convicted of murdering her husband. Beyond the core legal issues before the Supreme Court of Uganda, Susan challenged the torturous nature of being on death row– the constant anxiety of thinking that the next day might be " execution day," and the profound trauma that accompanied such uncertainty. In her statement, she said:

" I felt betrayed by my own justice system. I felt abandoned by my own country. I felt judged. I felt so demeaned and humiliated." https://deathpenaltyproject.org/story/susan-kigula/

The second case is that of Alfred Byamukama, who spent 28 years at Luzira Maximum Prison without ever appearing before a court for trial. His plight came to light only when legislators visited Uganda' s opposition leader, Dr. Kizza Besigye, who was then on remand over treason charges. https://www.independent.co.ug/parliament-committee-names-man-who-has-spent-28-years-in-luzira-prison-without-trial/

Coincidentally, the period Alfred spent on remand was equal to the lifetime of the Kampala Declaration on Prison Conditions in Africa and its Plan of Action. This declaration recommends that prisoners should be kept in remand detention for the shortest possible period– a principle clearly violated in his case.

These are just two among hundreds of similar scenarios where individuals have endured– or continue to endure– the same ordeal.

It is therefore essential that justice systems around the world take deliberate steps to engage directly with inmates. Such interactions would allow judges to interface with individuals awaiting trial and those already convicted, to listen to their experiences behind bars, and to better understand the human impact of judicial decisions. Moreover, these visits would expose systemic shortcomings that often infringe upon the right to a speedy and fair trial.

I strongly believe that a judge' s visit to a correctional facility can restore trust and confidence in the justice system, not only among inmates but also within the wider community.

Kabala Lawrence
Bar Course Student
Law Development Centre
Kampala, Uganda
+256 772 963 741

lawrencekabila23@gmail.com

David Nocenti

From: Sarah Francis <sarahdm101@yahoo.com>
Sent: Tuesday, November 18, 2025 8:12 AM
To: rulecomments
Subject: Michael Newmark

Categories: Prison visits

Attention: Mr. David Nocenti, Esq.

This is from my husband, Michael Newmark, who is in Shawangunk Correctional Facility.

Dear Mr. Nocenti,

My name is Michael Newmark and I was sentenced to 25 years in prison for robbery. Next month makes fourteen years that I have been incarcerated. I have used those fourteen years to my advantage by working on, and changing the thought process and behaviors that led me to prison. I know that if I did not change and I continued to do the same things when I go home, that I would either come back to prison, or die.

When I read that comments were being accepted, I jumped at the opportunity. I am a member of Strategic Alumni Voices Inside (S.A.V.I.). Having attended college classes and obtaining a degree has taught me that the best way to help improve your situation is to be proactive. One must ask questions and have conversations in order for progress to be made. I am about positive progress, not negative regression.

I fully support Judges being able to visit correctional facilities. I encourage it. I think it should be mandatory. The way a supervisor makes 'site visits' because they are responsible for employees and production, Judges are responsible for incarcerated individuals and the culture of correctional facilities. They are the ones that decide who goes to prison, and for how long they will be there.

Judges should have full access to all correctional facilities and to all of their records. From incarcerated individual records, to staff records, program, attendance, provisions, even food records. They should be allowed to visit and inspect at any time, unannounced. They should be able to have an uncut, unedited look at what prison really is, how it is ran, and how at any given time, it doesn't run.

I believe that Judges visiting correctional facilities is paramount not only for their sentencing after convictions, but also when it pertains to The Second Look Bill. I fully support and believe that most Judges would also support The Second Look Bill if they took the opportunity to come into facilities and get to know the incarcerated individuals as people. It would give them the ability to see how incarcerated individuals have taken advantage of the resources and committed to changing their lives. If a Judge sentences somebody to 25 years, but has the opportunity to see them at some point to see how they have spent their time, and that person has taken the proper programs, earned an education and changed their lives, then the Judge should have the power to revisit the sentence and give the incarcerated individual the opportunity to account and be released. Why keep somebody in prison that is ready to go home? Why spend taxpayer dollars on them instead of them contributing their tax dollars to the community?

See, if a Judge were to come here to Shawangunk and talk with us, they would be able to see what programs we have, which ones work and what we need. They would see firsthand the resources, and/or lack-there-of, and be able to make recommendations to DOCCS. The concept of prison is to rehabilitate a person that has committed a crime and help transform them into a productive member of society. I would think that a Judge would want the proper programs in

place to help with this process. A person that has access to, and has taken advantage of programs and resources that makes them a better person, isn't that who you would want being released from prison?

Respectfully submitted,

Michael Newmark

Sent from my iPhone

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David Nocenti

From: Bill Bastuk <itcouldhappen@rochester.rr.com>
Sent: Tuesday, November 18, 2025 10:49 AM
To: rulecomments
Cc: 'STEPHEN DOWNS'
Subject: It Could Happen To You Support for Amending Rules of the Chief Justice.- ATT: David Nocenti
Attachments: ITCHY-NY_Downs_1111.pdf

Categories: Prison visits

Good Morning.
Attached is a memo of support for Amending Part 17 of the Rules of the Chief Justice to require improved prison visits by NY Judges.
Regards
Bill Bastuk
Chair
It Could Happen To You
585-503-6826

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IT COULD HAPPEN TO YOU!

1900 Empire Blvd., #337
Rochester, NY 14580
585-503-6826
itcouldhappen@rochester.rr.com
www.ItCouldHappen2You.org

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Exoneree, President, The Jeffrey Deskovic Foundation for Justice
Marvin Schechter, Esq.,
New York, NY

November 10, 2025

David Nocenti Esq.
Counsel to the New York State Office of Court Administration
25 Beaver Street, 10th Floor
New York, New York 10004

Re: Support For Amending Part 17 Of The Rules Of The Chief Justice To Require Improved Prison Visits By NY Judges

Dear Mr. Nocenti:

I am a former Chief Attorney for the NY State Commission on Judicial Conduct from 1979 to 2003. I am also a Board Member of the justice reform coalition, It Could Happen To You. By this letter, I, along with It Could Happen To You, support the proposed amendment to part 17 of the Rules of the Chief Justice, requiring improved visits by New York Judges to the prisons in their jurisdictions.

The proposed amendment would close a gap in the present system of justice. How can judges provide justice for the prisoners they sentence, unless they know about the conditions of the facilities, and understand the experience that prisoners will receive when they are sentenced there? The present rule requires only that a judge perform a type of "ceremonial" visit to an incarceration facility, periodically, without requiring a more in-depth experience by judges. The new rule proposes just such an in-depth experience, in an analogy perhaps to the requirement for continuing legal education. Just as judges must continually update themselves on changes in the law, so, under the proposed amendment, would judges be required to continually update their knowledge of the facilities to which they sentence prisoners.

The proposed rule change could impact sentencing in critical situations – for example, if a new pandemic should infect the facility, or the legislature should fail to fund programs, or a facility adopts policies preventing lawyers from communicating with their clients, or other such changes that could deeply affect the incarceration experience. But judges also need to know in general the quality of food served to prisoners,; how restricted are visiting and recreational facilities; the type of work or training that prisoners can receive; the level of violence prisoners may expect; the procedures for discipline and potential abuse of special housing or solitary confinement; the medical care that is available, especially for prisoners with special needs; and how the special needs of women prisoners are being met. If judges base their sentences on the belief that the prisoner can be rehabilitated, it is important for the judge to know if there are programs and support available for actual rehabilitation. Or if prisoners are sentenced to long, potentially life sentences, how will the prisoners be treated as they age, and how can they find meaning even in this extremely confined life? The knowledge judges learn from these visits will diminish the possibility that the prisoners will be sentenced based on a judge's false expectations of what the incarceration facility can provide. The proposed rule wisely includes opportunities for judges to interview prisoners.

IT COULD HAPPEN TO YOU!

1900 Empire Blvd., #337
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Marvin Schechter, Esq.,
New York, NY

Opening prisons to judicial visits will also have a positive effect on the prisoners and the public at large, in the same way that all public institutions benefit from public scrutiny. The criminal penal system needs reminding that prisoners have not been incarcerated in order to be forgotten, but so that they can receive justice for their crimes. Justice, in this context, requires an openness to the prisoner's families, their victims, their community, and ultimately the public, all of whom are impacted in various ways by a judge's sentence. When judges visit prisons, they are, in a sense, representing the public aspect of justice and can help ensure that prisons do not become a black hole that crushes the human spirit or a place that defies community expectations.

Based on these considerations, I strongly recommend the adoption of the proposed rule for improved judicial visits to prisons.

Sincerely,
Stephen F. Downs
Stephen F. Downs, Esq. swdowns68@aol.com, 518 767 0102

CC: Bill Bastuk, National Chair, It Could Happen To You

David Nocenti

From: Howard Brown <hmb02446@gmail.com>
Sent: Tuesday, November 18, 2025 11:26 AM
To: rulecomments
Subject: Comment on proposed amendment to Part 17 of the Rules of the Chief Judge

Categories: Prison visits

Dear Reader:

I support the proposed Amendment to Part **17** of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

I believe that it is necessary for judges who have the power and responsibility of sentencing people to jail and prison to truly know the conditions that these individuals will be experiencing.

Thank you for considering my opinion in making your decision to support this amendment.

Sincerely,

Howard Brown
118 Riverside Drive, Apt. 14B
New York, NY 10024

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David Nocenti

From: Machi Oliva, Courtney <courtney.oliva@law.nyu.edu>
Sent: Tuesday, November 18, 2025 1:29 PM
To: rulecomments
Subject: Fw: Comments on Judicial Proposal
Attachments: 11.17.25 Zimroth Judicial Comment Draft [FINAL].pdf

Categories: Prison visits

To Whom it May Concern:

Attached please find public comments on proposed amendments to Part 17 of the Rules of the Chief Judge.

Sincerely,

Courtney Oliva
Executive Director
Peter L. Zimroth Center on the Administration of Criminal Law, NYU School of Law

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The Peter L.
Zimroth Center
on the Administration
of Criminal Law
NYU SCHOOL OF LAW

November 18, 2025

David Nocenti, Esq.
Office of Court Administration
25 Beaver Street, 10th Fl.
New York, NY 10004
rulecomments@nycourts.gov

RE: Comment in Support of Proposed Amendments to the Rules of the Chief Judge

Dear Office of Court Administration:

The Peter L. Zimroth Center on the Administration of Criminal Law (the "Zimroth Center") respectfully submits the following comments urging the New York State Unified Court System ("UCS") to adopt the proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.[1] The Zimroth Center, based at New York University School of Law, is dedicated to defining and promoting good government practices in the administration of criminal law and punishment through, among other things, academic research and participation in the formulation of public policy. In pursuit of these goals, the Zimroth Center regularly comments on issues of importance to the administration of criminal justice.[2] Judicial visits to detention facilities are such an issue. The proposed amendments (the "Proposal") will (1) enable New York State judges to make better-informed pretrial detention and sentencing decisions; and (2) promote transparency and an increase in much-needed oversight of detention facilities. For these reasons, we write in support of the Proposal.

I. Judicial Visits to Detention Facilities Will Improve Judicial Decision Making.

Judges regularly make decisions regarding pretrial detention and sentencing that affect criminal defendants in life-altering ways.[3] Studies show that the decision to send an individual to pretrial detention and/or prison can have criminogenic effects.[4] This is unsurprising given that

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[1] These comments are submitted in response to the UCS's Request for Public Comment, dated September 29, 2025.
[2] For example, the Zimroth Center filed an amicus brief in the Supreme Court in *Brown v. Plata*, 563 U.S. 493 (2011), on behalf of leading criminologists about whether California could release people without a negative effect on crime rates. In 2013, we also submitted a public comment urging the Federal Communications Commission to take action to lower the rates charged to incarcerated individuals for interstate calling services. Furthermore, one of the Zimroth Center's past scholars in-residence has written extensively on the effect of prison conditions on incarcerated individuals.
[3] *See* Jeffrey Bellin, *Can Judges Help Ease Mass Incarceration?*, 107 JUDICATURE 74, 75–79 (outlining the various judicial decisions that contribute to mass incarceration, including decisions regarding sentencing, approving guilty pleas, pretrial detention, evidentiary rulings, and legal interpretation).
[4] Justine Olderman, *No More Pretrial Punishment*, INQUEST (Jan. 15, 2025), https://inquest.org/no-more-pretrial-punishment; ALISON SIEGLER, FREEDOM DENIED: HOW THE CULTURE OF DETENTION CREATED A FEDERAL JAILING

incarceration leads to "job loss, housing insecurity, and fractured family ties as well as disrupted education, health and mental health treatment—which are all drivers of criminal entanglement."[5] Given these high stakes, to better inform these decisions, judges can and should make meaningful visits to detention facilities, so that they can enhance their collective understanding of the experiences of individuals held in these facilities, with the goal of improving their pretrial detention and sentencing decisions.

As an example of how detention conditions can and should influence judicial decision making, judges in the Southern and Eastern Districts of New York have increasingly referenced the conditions in federal detention centers when explaining their decisions to release or detain federal criminal defendants.[6] For example, in *United States v. Chavez*, Judge Jesse Furman held that "the conditions in the MDC qualif[ied] as 'exceptional reasons' justifying Chavez's continuing release" prior to sentencing.[7] Judge Furman cited (1) the inordinate amount of time spent on lockdown; (2) the detention center's egregious delay in providing necessary medical and mental health treatment to those held there; and (3) the dreadful physical conditions at the detention center. These factors supported his finding that detention pending sentencing would not be appropriate for most defendants, including Chavez, who do not pose a risk of flight or danger to the community.[8] Similarly, in *United States v. Colucci*, Judge Gary Brown explained that his decision of whether or not to impose a sentence of incarceration was "further complicated by an extrinsic factor that looms large in nearly every bail and sentencing determination made in this judicial district: the dangerous, barbaric conditions that have existed for some time at the Metropolitan Detention Center ("MDC") in Brooklyn."[9] Indeed, judges in both the Southern and Eastern Districts of New York have also given reduced sentences to defendants based on the conditions of confinement in the MDC.[10] All judges should make decisions informed by the conditions in detention facilities, and that knowledge comes from regular, meaningful visits.

It is worth drawing attention to the realities of lockdowns in detention facilities and the ways judges have factored them into their decisions. For instance, in *Chavez*, the first "dreadful" condition that Judge Furman emphasized was the "inordinate amount of time [people spent] on

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CRISIS 26–27 (2022); Damon M. Petrich et al., *Custodial Sanctions and Reoffending: A Meta-Analytic Review*, 50 CRIME AND JUSTICE (2021), https://perma.cc/4ATJ-KY7Y.

[5] Olderman, *supra* note 4.

[6] *See, e.g.*, Plea Tr. at 33, *United States v. Arias*, No. 22-CR-495 (PAE), ECF No. 34 (S.D.N.Y. May 5, 2023) (continuing defendant's bail pursuant to § 3145(c) in light of the MDC's "unacceptable," "inhospitable, [and] terrible" conditions); *United States v. Griffin*, No. 22-CR-408 (EK), 2024 WL 2891686 (E.D.N.Y. June 10, 2024) (granting a motion for compassionate release based primarily on the conditions at the MDC).

[7] 710 F. Supp. 3d 227, 230 (S.D.N.Y. 2024).

[8] *Id.* at 232–36.

[9] 743 F. Supp. 3d 452, 453 (E.D.N.Y. 2024).

[10] *Chavez*, 710 F. Supp. 3d at 229; *See also* Sent'g Tr. at 19–21, *United States v. Days*, No. 19-CR-619 (CM) (S.D.N.Y. Apr. 29, 2021), ECF No. 35 ("It is the finding of this Court that the conditions to which [the defendant] was subjected are as disgusting, inhuman as anything I've heard about any Colombian prison, but more so because we're supposed to be better than that. . . . I think you've suffered triply as a result. . . . I am convinced that no good would be served by keeping you incarcerated for one minute more than I am required to do by law."); Sent'g Tr. at 37, *United States v. Morgan*, No. 19-CR-209 (RMB) (S.D.N.Y. May, 5, 2020), ECF No. 90 (imposing a below-Guidelines sentence on account of "the conditions of the MDC," among other things).

'lockdown' — that is, locked in their cells, prohibited from leaving for visits, calls, showers, classes, or exercise."[11] Judge Furman explained that confining people to their cells is, for at least some, tantamount to solitary or near-solitary confinement, a practice that is increasingly viewed as inhumane.[12] As United States Supreme Court Justice Anthony Kennedy wrote in *Davis v. Ayala*, solitary confinement exacts a "human toll wrought by extended terms of isolation," thus prompting his view that the legal community, as well as the public at large, must consider the conditions in which prisoners are kept.[13]

Consideration of lockdown conditions is especially critical in in New York, where last year's unauthorized strike of correctional officers and the subsequent firing of over 2,000 correctional staff resulted in pervasive understaffing across facilities statewide.[14] To compensate for staffing shortages, several facilities still require National Guard Soldiers to supplement their workforce and many reportedly keep the general population in near-constant lockdown.[15] These conditions more closely resemble those of solitary confinement, with most programming eliminated and out of cell time limited to two hours a day.

To the extent that judges are contemplating imposing pretrial detention and/or sentences of incarceration, they should have a concrete understanding of the conditions of confinement facing criminal defendants, including the experience and frequency of lockdowns at a given detention facility. Thus, when judges visit detention facilities, we urge the UCS to ensure that these visits provide *meaningful* opportunities to view the spaces where people are kept during lockdowns, as well as to speak directly with incarcerated individuals about their experiences during these lockdowns.[16] Accurate information regarding the conditions across detention facilities can allow judges to ask better-informed questions during pretrial and sentencing proceedings, including, but not limited to, (1) whether it is safe to sentence someone there for a period of incarceration or pretrial detention, and (2) whether a sentence of incarceration will lessen or increase the likelihood of recidivism.[17] This is especially important given that facility conditions vary across the state.[18]

II. Judicial Visits to Detention Facilities Provide Oversight and Increase

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[11] *Chavez*, 710 F. Supp. 3d at 233.
[12] *Id.* at 233–34.
[13] 576 U.S. 257, 287 (2015) (Kennedy, J., concurring).
[14] Chris Gelardi, *This Place is a Circus: Eight Months Since a Guard Strike, State Prisons Remain in Crisis*, NEW YORK FOCUS (Oct. 30, 2025), https://nysfocus.com/2025/10/30/new-york-prison-strike-lockdowns.
[15] *Id.*; *see also* Transcript of Oral Argument at 20, *Smalls v. Martuscello*, 2025 WL 2993877, N.Y. Sup. (July 2, 2025) (Art. 78).
[16] We note that the purpose of the Proposal would be thwarted if increased judicial visits actually led to increased time spent on lockdown. That is, detention facilities should not lock down in preparation for judicial visits, both (1) because that would skew the judges' impressions of the facilities and (2) because that would substantially decrease quality of life for those in custody. In order for the Proposal to be practicable, detention facilities must come up with ways to maintain security during judicial visits that do not involve locking down.
[17] Michele Deitch, *But Who Oversees the Overseers?: The Status of Prison and Jail Oversight in the United States*, 47 AM. J. CRIM. L. 207, 221–22 (2020).
[18] Gelardi, *supra* note 14.

Transparency.

In addition to informing judicial decision making, judicial visits to detention facilities provide an oversight function, which can increase transparency and identify safety issues.[19] The proposed addition of Section 17.1(e) is essential in allowing judges to perform this oversight function. It is critical that judges have access to areas such as restricted housing, medical areas, and mental health living areas, where particularly vulnerable and/or isolated individuals reside. This oversight is especially important given that issues of solitary confinement and medical care are frequent issues of post-conviction litigation.[20] Additionally, Section 17.1(f), which allows judges to interview and interact with the incarcerated population, is important in ensuring that the conditions the judges observe on their visit are representative of the typical daily operations within the facility. Interviews can inform the judicial visit by directing judges' attention to certain areas or issues they may have been unaware of prior to the visit and present an opportunity to promptly address these issues.[21]

Further, the Proposal's oversight and transparency goals will be enhanced if judges are empowered to pool their findings and share them with each other. In practice, months can pass before a given facility is visited by another judge, and years could pass before any individual judge visits every facility within their purview. Therefore, we recommend that Section 17.1(g) be amended to include a mechanism for judges to share their findings with other members of the judiciary to create a database for judges to rely on when making detention decisions.

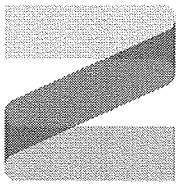
Lastly, it is important that judges are permitted to speak publicly about their visits and the information they learn. It is difficult for the media, and by extension the public, to learn about conditions across detention facilities.[22] Judicial reporting is one of the few resources that can generate objective and reliable information regarding these conditions, which can in turn increase transparency and provide information to the public.[23] As Judge Jed Rakoff of the Southern District of New York wrote in 2015, what is called for in these circumstances is for judges to speak publicly about the inhumanity of mass incarceration.[24] Accordingly, the UCS should develop guidelines that allow findings from judicial visits to be centralized and accessible to the public, while ensuring that any information shared is redacted to protect the safety and security of both the detention facilities and the individuals detained there.

III. Conclusion

The Proposal has two distinct provisions. The first is to increase the frequency of judicial visits, as well as the span of facilities visited. The second is to make each judicial visit more

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[19] Michele Deitch, *Special Populations and the Importance of Prison Oversight*, 37 AM. J. CRIM. L. 101, 104–05, 108 (2010).
[20] *Id.* at 107–08, 111.
[21] *Id.* at 108–09.
[22] *Id.* at 223.
[23] *Id.*
[24] Jed S. Rakoff, *Mass Incarceration: The Silence of the Judges*, NEW YORK REVIEW OF BOOKS (May 21, 2015), https://www.nybooks.com/articles/2015/05/21/mass-incarceration-silence-judges/?lp_txn_id=1646577.



The Peter L.
Zimroth Center
on the Administration
of Criminal Law
NYU SCHOOL OF LAW

comprehensive. These provisions remedy two distinct concerns: judicial indifference and barriers to transparency. By mandating more frequent visitation and diversity of facilities visited, the Proposal pushes judges to carefully consider conditions of detention—which might otherwise be overlooked—when exercising their judicial discretion. And in providing an opportunity to spend meaningful time in various areas of the facility and to speak with incarcerated individuals, the Proposal enables judges to shine a light on the conditions of detention that will inform not only their own decision making, but also that of prosecutors, legislators, and the public.

Respectfully Submitted,

The Peter L. Zimroth Center on the Administration of Criminal Law
NYU School of Law
prosecutioncenter@nyu.edu
(212) 998-6612

David Nocenti

From: Sobie, Prof. Merril <msobie@law.pace.edu>
Sent: Tuesday, November 18, 2025 1:33 PM
To: rulecomments
Subject: Fwd: Letter
Attachments: David Nocenti, Esq. Letter.pdf

Categories: Prison visits

Begin forwarded message:

From: "Della Ruffa, Susanna" <sdellaruffa@law.pace.edu>
Subject: Letter
Date: November 17, 2025 at 3:58:04 PM EST
To: "Sobie, Prof. Merril" <msobie@law.pace.edu>

Hi Merril,

Please see attached.

Thanks,

S/

Susie Della Ruffa
Faculty Assistant
Elisabeth Haub School of Law
Pace University
78 North Broadway
White Plains, NY 10603
914-422-4259 (tel)
914-422-4168 (fax)

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PACE UNIVERSITY
Elisabeth Haub School of Law

MERRIL SOBIE
PROFESSOR OF LAW
MSOBIE@LAW.PACE.EDU

78 NORTH BROADWAY
WHITE PLAINS, NY 10603
PHONE (914) 422-4251

November 17, 2025

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004

RE: Proposal to amend or replace Sections 17.1, 17.4 and 17.5 of the Rules of the Chief Judge

Dear Mr. Nocenti,

I am writing this letter in support of the above proposal which would require judicial visits to facilities which house children or adults placed by New York's Family or Criminal courts. My expertise is largely related to the Family Court, with which I have a lengthy history. Hence my comments will focus on Family Court placements. For your information I am the former chair of the New York State Bar Association Committee on Children and the Law, the former Executive Officer of the New York Family Court, and the McKinney Commentator for the Family Court.

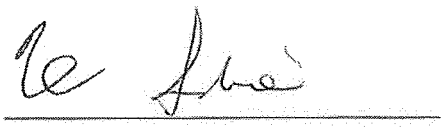
Since the 1962 establishment of the Family Court, Section 142 of the Family Court Act has authorized the court's judges to officially visit any school or institution where any person within the jurisdiction of the court, whether a child or an adult, may be placed or remanded. To their credit, most Family Court judges have historically conducted visits pursuant to the statute. However, Section 142 does not delineate the scope of the authorized visits or provide a visitation procedural framework. Further, the statues does not mandate visitation.

The proposed rules builds cogently and logically on Section 142. If promulgated, they will greatly enhance judicial visits, to the benefit of the judges, institutional personnel, and individuals, including children, who have been placed. The visitation rules are needed and will

enhance the knowledge and understanding of a system that for valid reason includes the placement or commitment of vulnerable members of society.

I assume that similar thoughts could be articulated for criminal court judges visits, but for lack of expertise, leave that thought to criminal law experts. Last, I would be happy to provide any additional input which may be requested.

Very truly yours,



Merril Sobie

David Nocenti

From: Chitra Raghavan <craghavan@jjay.cuny.edu>
Sent: Tuesday, November 18, 2025 2:40 PM
To: rulecomments
Subject: letter of support
Attachments: JUDICIAL COMMITTEE 11-18-25.pdf

Categories: Prison visits

Dear Mr. Nocenti and Administrative Board of the Courts,

Thank you for the opportunity to comment on the proposal to revise Part 17 of the Rules of the Chief Judge.

Best,
Chitra

Chitra Raghavan, Acting Chair Fall 2025
Director, MA Program in Forensic Mental Health Counseling,
Coordinator, Advanced Certificate in Victimology
Professor
John Jay College Of Criminal Justice
524 West 59th Street, New York, NY 10019
www.jjay.cuny.edu/faculty/chitra-raghavan
Books: Domestic Violence: Methodologies in Dialogue (Commentary and Co-edited with Shuki J. Cohen)
http://www.upne.com/1555538293.html

New Office: 10th Floor, Room 65:05
Tel: Please e-mail first

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November 18, 2025

David Nocenti, Esq.
Counsel
Office of Court Administration
25 Beaver Street, Floor 10
New York, New York 10004

Dear Mr. Nocenti and Administrative Board of the Courts,

Thank you for the opportunity to comment on this important proposal to revise Part 17 of the Rules of the Chief Judge, which would increase the frequency of visits from every four years to at least annually and includes a list of items to guide the visit to make it more meaningful and less performative. I write in my role as a private citizen, psychologist, and expert on carceral populations. I wholeheartedly support this proposal put forth by the UCS Advisory Committee on Criminal Law and Procedure.

I conduct research on power dynamics—that is, coercive control—in intimate partner abuse, sexual assault, sex trafficking, and cult contexts, with a particular interest in conceptual development and ecologically valid assessments in forensic contexts. A second area of research and clinical interest is how captive abuse leads to particular expressions of trauma and dissociation, including posttraumatic stress disorder, Complex PTSD, and trauma bonds.

I have written over fifty scientific articles and authored two books: Raghavan, C. & Levine, J. (Eds.). (2012). *Self Determination and Women's Rights in the Muslim World* (HBI Series on Gender, Culture, Religion, and Law, Brandeis University Press) and Raghavan C. & Cohen, S.J. (Eds.) (2013). *Domestic Violence: Methodologies in Dialogue* (Northeastern Series on Gender, Crime, and Law, Northeastern University Press). I am currently working on a third book with Oxford University Press that intends to render coercive control assessments accessible to law enforcement, legal personnel, and mental health professionals.

I am a practicing psychologist and deemed an expert by the courts in intimate partner violence, sexual coercion, sex trafficking, coercive control, trauma, and trauma bonding. My research and testimony has created case law in New York State (https://law.justia.com/cases/new-york/other-courts/2018/2018-ny-slip-op-28161.html).

In conducting this work—both as part of my research and clinical practice—I have regularly visited correctional centers throughout the U.S. and New York State. I have been to over 15 jails and prisons in this work and made dozens of visits to sites in New York State. I am struck by the vast differences in humanity and dignity across these sites, differences that depend on luck—how well trained the officers are, who is in charge, and whether there is accountability. Despite my professional credentials, I have been roughly strip-searched and questioned aggressively before entering the premises. Sometimes I have waited hours without any prisoner being produced, reducing the time and effort I can devote to aiding the lawyers. Other times, officers have been wonderful, pleased to welcome me, and enthusiastic about my work. Inmates have repeatedly told

me about officers who care and officers they watch out for—those who seek transgressions and take pleasure in punishment. Such variability should not exist.

Beyond staffing issues, inmates have described conditions that do not promote rehabilitation: unsafe living conditions, no or limited access to education, unreliable access to mental health care, insensitive psychiatric care, and limited access to spiritual care. In one instance, six prisoners shared a single iPad for program participation, and the most dominant prisoner typically controlled access. The inmate I was evaluating stopped taking her course because attempting to access the iPad resulted in verbal altercations with another inmate, and she feared disciplinary action. These are precisely the barriers to rehabilitation and successful reentry that go unnoticed without regular, structured oversight.

Regular judicial visits are essential because judges need to witness firsthand how punitive, unreliable, and sometimes counterproductive prison sentences can be, particularly when few services are offered. While the prison might indicate services and programs are available on paper, in reality, they may not be operational or accessible by all who could benefit from a given program or service. Judges who sentence individuals to these facilities have an obligation to understand the realities of confinement. Annual visits with substantive guidelines will ensure that the judiciary remains connected to the consequences of their decisions and can advocate for necessary reforms. Without such accountability, the gap between sentencing intent and correctional reality will continue to undermine justice and rehabilitation.

In conclusion, thank you again for this opportunity to share my experience with you in support of this proposed rule. I strongly urge you to approve it. The dignity and rehabilitation of incarcerated individuals—and the integrity of our justice system—depend on consistent, meaningful oversight.

Sincerely,



Chitra Raghavan, Ph.D.

David Nocenti

From: Griffin, Prof. Lissa <lgriffin@law.pace.edu>
Sent: Wednesday, November 19, 2025 8:41 AM
To: rulecomments
Subject: Comment on Proposal for Judicial Prison Visits

Categories: Prison visits

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street
10th Floor
New York, NY 10004

Dear Mr. Nocenti:

I am taking the opportunity to write to you in support of your Subcommittee proposal for judicial prison visits. I am a Professor of Law at the Elisabeth Haub School of Law at Pace University, where I teach Criminal Procedure (US and comparative), Professional Responsibility and Evidence. I have written extensively on criminal procedure issues. Before joining the faculty in 1985, I practiced with the Appeals Bureau of the Legal Aid Society and in civil litigation. I have tremendous respect for the New York judiciary and for the leadership role in criminal procedure it has played during my professional life.

There are several reasons why I support the proposal. First, it is obvious that the legitimacy of judges in the United States is currently under severe attack. This is unprecedented, and has a very serious impact on the legitimacy of law itself. To me, having New York judges who are responsible for sentencing convicted defendants actually visit the prisons and see the reality of sentencing will add to the public's view of the judiciary's legitimacy and respectability at a critical time. Second, sentencing is a uniquely judicial act that rests in the broad discretion of judges. A wide array of mitigating and aggravating factors can be considered by a sentencing judge. Broadening the knowledge underlying the exercise of sentencing discretion would be consistent with this history of sentencing. Third, given the current legislative consideration of a re-sentencing scheme for long-serving prisoners in New York, judges may find themselves faced with many more sentencing decisions than in the past. In addition, these re-sentencing decisions will necessarily take into consideration the history of a defendant's imprisonment since the original sentence. A perspective informed by an understanding of what serving a prison sentence entails and what possibilities it presents would surely enhance the judge's sentencing role.

Finally, I have read and heard about the transformative impact that judicial visits have already had both on the judges who visit and on the prisoners. While certainly New York judges are busy, the important impact of these visits really cannot be experienced in any other way.

I have spent my legal career as a lawyer and scholar focused on the criminal justice process. I have studied other criminal justice systems and, having made comparisons, know the jewels and the warts of our own system well. The extent of mass incarceration and its racial and social impact is uniquely a US phenomenon. We have tried and will continue to try legislative and other ways to improve the system, but I

would suggest that something beyond law and legislation, like judicial prison visits, may be a special way to improve the safety of the public and the integrity of the process.

Thank you for the opportunity to comment on this important proposal.

Respectfully submitted,

Lissa Griffin
Professor of Law
Elisabeth Haub School of Law at Pace University
lgriffin@law.pace.edu
914-422-4231
SSRN scholarship
Pace Digital Commons scholarship

"Knowledge is knowing a tomato is a fruit. Wisdom is not putting it in a fruit salad."

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David Nocenti

From: Craig Rothfeld <craig@insideoutsideltd.com>
Sent: Wednesday, November 19, 2025 1:43 PM
To: rulecomments
Subject: Public Comments for NY Judicial Visiting Proposal
Attachments: Public Comment for Judicial Visits 2.0 (Nov 2025).pdf

Categories: Prison visits

Dear David Nocenti, OCA Counsel,

Please find my public comment to be published. If it is not in the proper form, please let me know and I will correct. If you could confirm receipt of this I would be grateful.

Warm regards,
Craig

Craig A. Rothfeld
M.A. Criminal Justice
PG Cert., CSSA, MBA
Founder, Inside Outside®
Main: (212) 202-5556
Fax: (212) 898-1275
Web: www.insideoutsideltd.com

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MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

November 19, 2025

Mr. David Nocenti, OCA Counsel
Office of Court Administration's Advisory Committee
25 Beaver Street
New York, NY 10004

RE: NEW YORK PROPOSAL FOR JUDICIAL VISITS TO STATE PRISONS AND LOCAL JAILS

Dearn Mr. Nocenti,

My name is Craig Rothfeld, and I am a criminologist and founded and run a prison consulting business. I possess a Master of Arts in Criminal Justice (M.A. Criminal Justice), a Post Graduate Certification in Criminal Sentencing & Sentencing advocacy (PG Cert., CSSA), and a Masters in Business Administration (MBA). I myself am a formerly incarcerated individual having spent time incarcerated from December 15, 2025, until June 8, 2017 (18-months) commencing at Rikers Island and weaving through various NYS prisons (see addendum included herein).

I submit this letter in strong support of the proposal requiring regular, substantive judicial visits to prisons and jails across New York State, and I urge that the program be strengthened, formalized, and integrated meaningfully into the NYS criminal-justice system. I am frequently quoted as saying the NYS prison is a "byzantine black hole" that unless you have been in it yourself or work in it daily you have no idea what the real reality is. Prison is the punishment. The punishment should not be prison topped off with some of the most dangerous and inhumane conditions one could imagine.

For almost twelve years, either personally, or professionally, I have worked on

the front lines of New York's correctional system. I am the founder of Inside Outside Ltd., a criminal-justice consulting firm where I currently represent more than 100 incarcerated individuals and have represented hundreds of others throughout the NYS Department of Correction & Community Supervision (DOCCS). I interact with the Central Office of DOCCS daily, and I am known personally to every Deputy Commissioner as well as the Commissioner himself.

To date, I have written or submitted 37 parole reports, handled countless administrative appeals, and regularly advocate for my clients' medical care, mental-health access, disciplinary fairness, and civil rights. My professional work is shaped not only by deep system expertise—but by personal experience. I was once an incarcerated individual (II) in the New York State prison system myself and served my time inside the facilities whose conditions I now see every day from the other side. I have lived and witnessed the stark reality of these environments, and it is precisely this combination—lived experience and professional advocacy—that compels me to support this proposal.

The Disconnect Between Sentencing and Reality

Today, the vast majority of judges have no meaningful understanding of the system into which they are sentencing people. Their knowledge of incarceration ends at the courtroom door. A judge may understand the legal factors of sentencing, but very few understand:

- the daily dangers incarcerated individuals face.
- the deplorable and unsanitary physical conditions of most facilities
- the pervasive medical mental health neglect, including for individuals with life-threatening chronic conditions.
- the psychological damage of isolation, threat, and instability

- the civil-rights violations that occur regularly in housing units, infirmaries, and disciplinary processes.
- the lack of actual "Corrections" looking no further than the astronomical recidivism rate in NYS; if there were proper programming and corrections, we would not have the recidivism rate we have.
- the total disconnects between what the law requires and what actually happens.

This disconnect has serious consequences. Take one simple example: When a judge sentences an individual with clinically diagnosed sleep apnea who has used a CPAP machine every night for ten years—does the court understand what that sentence truly means? Does the judge know whether DOCCS will permit the CPAP? How often will it actually be available? Whether the individual will go weeks without it? Whether the facility even has replacement parts or a functioning electrical outlet near the bed? What happens with the corrections officers purposely breaking it while in transit?

Most judges do not—and cannot—know. But they should. And the only way for them to know is to see it for themselves.

Why Judicial Visits Must Be Substantive, Not Ceremonial

A statewide program of uniform, annual judicial visits—if done correctly—would reconnect sentencing with reality, improve judicial decision-making, enhance transparency, and help restore humanity to a system that has lost too much of it. To accomplish this, judicial visits must be real, not symbolic.

I recommend that each judicial visit be required to include:

1. **Sampling of Meals.** Judges should eat the same three daily meals served to incarcerated individuals. There is no better way to understand the lived experience than to experience it directly.
2. **Structured Meetings with Incarcerated Individuals in Key Categories.** Judges should be required to meet individuals who:
    - have severe pre-existing medical conditions.
    - were victims of assault, whether by another incarcerated individual or by staff?
    - are in solitary confinement (SHU), if the facility has one.
    - reside in a Residential Reentry Unit (RRU)
3. **Review of Facility Repair Logs.** Judges should be provided with the current open work-order list, a document that often reveals years of deferred maintenance, safety hazards, and dangerous facility conditions.
4. **Review of Grievances.** Judges should be given a sampling of grievances submitted by incarcerated individuals to understand the issues raised repeatedly and often ignored.

This framework will prevent visits from becoming superficial or choreographed tours.

What Judicial Presence Means Inside the Walls?

For incarcerated New Yorkers, the regular presence of judges would send a powerful message: "You are not invisible. You are not forgotten. Someone responsible for your fate sees you."

This alone has value—moral, psychological, and societal. It also encourages DOC staff to maintain standards, because oversight changes behavior. Darkness breeds abuse: visibility helps deter it.

Disclaimer: Inside Outside Ltd. is a consulting and advisory services company. We are not attorneys, and we do not provide legal advice or legal services.

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Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

Conclusion

New York State now has an opportunity to create a permanent, structured program of judicial engagement with incarceration. I strongly support this proposal and urge the State to adopt it with the enhancements described above.
Judges should not sentence a person to an environment they have never experienced, never understood, and never thought about again or can even talk about with a level of credibility. Judicial visits will reintroduce accountability, realism, and humanity into a system desperately in need of all three.

Respectfully,
CA Rothfeld

Inside Outside Ltd.
Craig Rothfeld
M.A. Criminal Justice
PG. Cert, CSSA, MBA

Enc (1)

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Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

Craig Rothfeld
MACJ, PG Cert., CSSA, MBA
Inside Outside Ltd.

A criminologist, criminal justice advisor, and advocate who represents individuals incarcerated within the custody of the NYC Department of Correction (NYCDOC), the NYS Department of Corrections & Community Supervision (NYSDOCCS), Federal Bureau of Prisons (BOP), various additional State Departments of Corrections and numerous individuals and families that are either on parole or no longer incarcerated. His practice is focused on advising and advocating for individuals, their families, and their legal defense teams on pre -and post- criminal sentencing mitigation strategies and life during incarceration. In addition to his primary practice, Mr. Rothfeld has consulted for a variety of organizations including The Justice Advocacy Group and the Fortune Society, the largest NYS 501(c)(3) whose mission is to support successful reentry from incarceration & promote alternatives to incarceration.

Education and Previous Experience

Mr. Rothfeld holds a Bachelor of Science from The State University of NY at Albany where he majored in accounting, and Master of Business Administration from the Leonard N. Stern School of Business at NYU with a dual concentration in Finance & International Business. Mr. Rothfeld previously held a Certified Public Accounting license for approximately ten years and worked in the financial services industry for approximately 20 years. In addition, Mr. Rothfeld holds a Post Graduate Certification in Criminal Sentencing & Sentencing Advocacy and Master of Arts in Criminal Justice, both from Arizona State University's School of Criminology and Criminal Justice.

Mr. Rothfeld teaches Continuing Legal Education Classes (CLE) to the various NYS bar associations such as the BBA, KCBA, NYCBA, and NYSACDL, is an 18-B approved mitigation specialist, and has been retained as a NYS expert on a dual jurisdiction death penalty case.

Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

Mr. Rothfeld's Custody Timeline within the NYC &NYS DOCCS

December 15, 2015 (Sentenced to 1 ½ to 4 ½ years)

- Three days in "The Tombs" at the Manhattan Detention Center.
- Five weeks and 4 days at Rikers Island.

Jan 25, 2016 (Transferred to Ulster CF Reception)

- 8 weeks at Ulster CF (Medium Security reception).

March 22, 2016 (Transferred to Ogdensburg CF)

- 5.5 months at Ogdensburg CF (Medium Security Facility).

April 2016: (Screened for Work Release at Ogdensburg CF)

- Denied and appealed.

June 2016 (Decision on Work Release Appeal)

- The Division of Temporary Release upheld the facilities denial of work release however was "strongly encouraged to apply for the Industrial Training Program".

August 2016 (Approved for the Industrial Training Program)

September 2016 (Transferred to Hudson CF)

- Began the 6-month Industrial Training Program.

January 2017

- Received my Certificate of Earned Eligibility and approved for Overnight Furlough

February 2017 (Approved for Full Weekend Furlough

- After successfully completing two-over-night furloughs, approved for weekend Furloughs (Friday, 3pm – Sunday, 7pm) every other weekend.

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Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

April 10, 2017 (Approved for Parole)

April 30, 2017 (Transferred to Work Release at Lincoln CF)

May 12, 2017 (Returned to work on work-release)

June 8, 2017 (Released to the Division of Parole)

June 8, 2018: (Released FROM Parole having earned Merit Parole)

Late June 2018 (Received Certificate of Relief from Disabilities)

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David Nocenti

From: Jed Horowitz <gershonmoshe@gmail.com>
Sent: Wednesday, November 19, 2025 1:46 PM
To: rulecomments
Subject: Part 17 Rules Amendment

Categories: Prison visits

I support the CPL committee's proposed amendment to Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

I believe that it is necessary for judges who have the power and responsibility of remanding and sentencing people (to prison *and* to jail) to first-hand observe the various conditions that these individuals will be experiencing.

Thank you for considering my opinion and support of this amendment.

Sincerely,

Jed Horowitz
685 West End Ave.
New York, NY 10025

--
Jed Horowitz
Managing Editor, AdvisorHub
jhorowitz@advisorhub.com
646-457-4450 (office)

David Nocenti

From: Zachary Katznelson <zachary@morejustnyc.org>
Sent: Wednesday, November 19, 2025 2:09 PM
To: rulecomments
Subject: Comments in support of proposed Part 17 amendments
Attachments: Independent Rikers Commission Chair Jonathan Lippman comments supporting rule amendments re judicial visits to jails and prisons.docx

Categories: Prison visits

Dear Mr. Nocenti,

Please find attached comments from the Independent Rikers Commission and its chair, former Chief Judge Jonathan Lippman, in support of the proposed amendments to Part 17 of the Rules of the Chief Judge. Thank you.

Best, Zachary

--

Zachary Katznelson
Executive Director
Independent Rikers Commission
347-761-4486
www.morejustnyc.org
Pronouns: he/him/his

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A MORE JUST NYC
Independent Rikers Commission

Comments by Commission Chair, former Chief Judge Jonathan Lippman

re: Support for amendments to Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities

November 19, 2025

I write on behalf of the Independent Rikers Commission, which I chair, in strong support of the proposal to amend Part 17 of the Rules of the Chief Judge to require judges to more regularly and meaningfully visit jails and prisons.

As the former Chief Judge of New York State, I understand well the many responsibilities of my former colleagues, and the great seriousness with which they adhere to them. Clearly, one of the most grave of those duties is deciding whether to incarcerate someone, and for how long. The more information judges can have related to such critical decisions the better.

The proposed amendments would help provide judges a deeper understanding of the inner workings and realities of jails and prisons. Not only would they see conditions and operations with their own eyes, in a variety of settings, but they would more regularly have opportunity to speak directly with incarcerated people, staff, and family members of incarcerated people.

While these visits will take time and require travel, the input from them will be invaluable as judges determine how to best balance the various concerns at stake in detention and sentencing decisions.

The proposal to provide judges a mechanism to report their impressions and observations to OCA, and in turn for the Chief Administrative Judge, as appropriate, to share those with correctional authorities, is a welcome advance.

Our Commission offers one possible amendment to further strengthen the rule. Section 17.1(f) could be expanded to state that judges should have the opportunity to have conversations with healthcare staff and service providers who work regularly in the jails, but who may not be "employees" of the facilities themselves. For instance, in New York City, healthcare is provided by employees of NYC Health + Hospitals, rather than the Department of Correction, and many programs are run by outside non-profits.

Thank you for consideration of these comments. Please feel free to reach out with any questions.

David Nocenti

From: Patricia Trainor <patriciatrainorphd@gmail.com>
Sent: Wednesday, November 19, 2025 2:53 PM
To: rulecomments
Subject: Letter of Support for the Proposal by the CPL Commitee
Attachments: Judicial Visitation Letter .pdf

Categories: Prison visits

Dear Mr. Nocenti,

Attached please find my letter of support for the Proposal of the USC's Advisory Committee in Criminal Law and Procedure to amend Part 17 of the Rules of the Chief Judge to improve the program for judicial visitation to detention facilities in New York State.

Respectfully,

Patricia Trainor

Patricia Trainor, PhD, PC
101 S Bedford Rd Ste 202B
Mt Kisco, N Y 10549
914-672-3366 http://drpatriciatrainor.com
patriciatrainorphd@gmail.com

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November 19, 2025

David Nocenti, Esq.
Counsel
New York State Office of Court Administration
25 Beaver Street
New York, N.Y. 10004

By Email: rulecomments@nycourts.gov

Dear Mr. Nocenti:

I am writing in support of the Proposal of the USC's Advisory Committee in Criminal Law and Procedure (CPL Committee) to amend Part 17 of the Rules of the Chief Judge to improve the program for judicial visitation to detention facilities in New York State.

The proposed rule seems thoughtfully crafted by the CPL Committee in consultation with outside experts and the Subcommittee on Incarcerated Women of the Hon. Betty Weinberg Ellerin Commission on Women in the Courts. I support the Committee's efforts to highlight the need for expanding awareness regarding our penal system and improving facilities so that they can help incarcerated individuals reenter society in a positive and meaningful way.

The CPL Committee emphasizes that judicial officers' visits can be meaningful and not merely ceremonial. In depth touring of the facility and speaking with incarcerated people will provide a deeper appreciation of the ongoing physical and psychological impact of incarceration. The ongoing interest communicated via these visits will demonstrate to incarcerated people that they have not been forgotten by the judicial system. They may recognize that they are valued and will eventually return to their communities with a renewed commitment to contribute meaningfully.

I am a psychologist, now working in a small independent practice. However, most of my career experience was gained in the public sector and not for profit agencies. Psychology is a second career for me. I started out in nursing, working at Kings County Hospital Center. In 1994, after graduating from NYU with my PhD, my first task was to find a placement for a year of post-doctoral supervised clinical experience. I applied far and wide. Such positions were not easy to find. I applied for an entry level psychologist position at Riker's Island. I was 45 years old and accustomed, I thought, to rugged environments.

The day of my interview I arrived early and waited outside the gate. The quantity of razor wire was intimidating. After entering the premises and checking my personal belongings, I boarded a bus along with several other passengers to travel to the building where my interview was conducted. The bus' seat coverings were scarred and torn with the occasional spring escaping. The aged bus swerved and veered to avoid potholes in the road. I, and the others onboard, clung to seat backs to accommodate the sudden jolts. Eventually, I was deposited at my destination and ascended the stairs of a building that was poorly lit and dank. The interview was superficial and brief. I am ashamed to admit that even before I left that room, I decided Rikers was not a good fit for me. That was merely a two-hour experience. Thirty years later, I still remember that day. I know that I can only imagine how deeply dehumanizing one might feel being incarcerated in that facility. Over the course of my career, I have also had some limited experience visiting Sing Sing and Bedford Hills Correctional Facility. These brief encounters have deepened my compassion for those whose life choices have led to unwanted consequences.

The proposed rule acknowledges that sentencing and incarcerating people is the beginning of the criminal justice process. The proposed rule seeks to illuminate the experience of incarceration thereby assisting judicial officers to understand the impact of their sentences and to enable incarcerated persons to be seen and heard as more than just offenders. Prison visits will help judicial officers better understand the impacts of sentences they impose and enable them, where they choose, to speak to the improvement and betterment of a carceral system that impacts all of us.

A detention facility is not just a place to isolate people who have made unwise choices for some period of time. We must appreciate the impact that incarceration plays in a human life. To best understand it, we must be willing to see it and interact with it.

I urge your approval of the Amendment to Part 17 of the Rules of the Chief Judge to Improve the UCS's Program for Judicial Visitation to Detention Facilities.

Respectfully,

Patricia Trainor, PhD
101 Hawthorn Place
Briarcliff Manor, New York 10510
914-672-3366

David Nocenti

From: Bernadette Rabuy <BRabuy@nyclu.org>
Sent: Wednesday, November 19, 2025 5:15 PM
To: rulecomments
Cc: David Fathi; Corene Kendrick; Naila Awan; Molly Biklen; Lisa Laplace
Subject: NYCLU ACLU comment: Improving Judicial Visits to Correctional Facilities
Attachments: NYCLU ACLU comment judicial prison visits 11.19.25.pdf

Categories: Prison visits

Dear Mr. Nocenti and Members of the Administrative Board of the Courts:

Please find the American Civil Liberties Union and the New York Civil Liberties Union's comments in strong support of the proposed amendment to Part 17 of the Rules of the Chief Judge that enhances the program for judicial visitation to correctional or detention facilities attached.

Respectfully submitted,

Bernadette Rabuy
Pronouns: she/her/hers
Senior Policy Counsel
New York Civil Liberties Union
125 Broad St., Fl. 19, New York, NY 10004
o. 212.607.3300 | d. 212.607.3351

NYCLU
ACLU of New York

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NYCLU ACLU

November 19, 2025

VIA ELECTRONIC MAIL (rulecomments@nycourts.gov)
New York State Office of Court Administration
David Nocenti, Esq., Counsel
Members of the Administrative Board of the Courts

Re: Comments of the American Civil Liberties Union and the New York Civil Liberties Union: Improving Judicial Visits to Correctional or Detention Facilities (Proposed Amendment to Part 17 of the Rules of the Chief Judge)

Dear Mr. Nocenti and Members of the Administrative Board of the Courts:

The American Civil Liberties Union (the "ACLU") and the New York Civil Liberties Union (the "NYCLU") are grateful for the opportunity to submit the following comments regarding the proposed amendment to Part 17 of the Rules of the Chief Judge (the "Proposal") that enhances the Unified Court System's program for judicial visitation to correctional or detention facilities. We strongly encourage the Administrative Board of the Courts to recommend to Chief Judge Rowan Wilson that he adopt and implement this important Proposal, with the suggestions identified below.

The ACLU is a nationwide, not-for-profit, nonpartisan organization with over 1.3 million members that since 1920 has sought to protect the civil liberties and civil rights of all Americans. In furtherance of this mission, the ACLU created the National Prison Project ("NPP") in 1972 in the wake of the Attica prison uprising, to ensure that our nation's prisons, jails, and other detention facilities comply with the U.S. Constitution, domestic law, and international human rights principles. NPP's priorities include reducing overcrowding, improving health care for incarcerated people, eliminating violence and maltreatment, and increasing oversight and accountability in carceral settings.

Founded in 1951 as the New York State affiliate of the ACLU, the NYCLU is a non-profit, non-partisan organization with more than 90,000 members and supporters that advances civil rights and civil liberties so that all New Yorkers can live with dignity, liberty, justice, and equality. This includes advocating for and defending the rights of individuals in government custody to humane and constitutional conditions, the right of the public to information about the government's treatment of those in its custody, and criminal legal system reforms to advance public safety and reduce New York's reliance on arrest and incarceration. *See, e.g., Butler v. Suffolk County*, 11-cv-02602 (counsel in class action challenge to unconstitutional conditions in county jail resulting in consent decree for $18 million in damages and injunctive relief); *Peoples v. Annucci,* 180 F.Supp.3d 294 (S.D.N.Y. 2016) (approving settlement agreement in NYCLU class action challenge to unconstitutional use of solitary confinement in state prison system).

The ACLU and the NYCLU have commented on proposed legislation, regulations, and rules concerning the civil rights and civil liberties of those convicted or accused of crimes such as calls to

limit the use of solitary confinement and encourage pathways home from incarceration by increasing the use of work release and release on parole.

I. Requiring Annual, Meaningful Visits to Correctional Facilities Can Lead to Fairer Sentencing and a More Just Criminal Legal System.

The ACLU and the NYCLU strongly support the Proposal, which calls for mandated annual judicial visits to correctional or detention facilities within the State of New York and suggest further amendments to strengthen it. Sentencing people to such facilities is one of the most significant decisions judges must make. And visiting those facilities annually is a meaningful way for judges to understand the disturbing implications of overincarceration that Chief Judge Wilson addressed in "The State of the Judiciary 2025" on February 10, 2025.

Importantly, the Proposal mandates that each judge who presides over a criminal or family court annually visit correctional or detention facilities where those they sentence will serve their incarceration. We fully support the conclusion reached by the Unified Court System's Advisory Committee on Criminal Law and Procedure (the "Committee") that more frequent and consistent judicial visits to these facilities are an essential part of judges' training and continued education.[1] These visits will provide a more complete picture of the potential outcomes for people who are being sentenced and can ultimately lead to fairer and more just sentencing. By showing a commitment to understanding the full scope of a sentence, including its aftermath, judges demonstrate that they are not detached figures but are actively engaged with all parts of the system in which they operate.

We are especially encouraged that the Proposal extends beyond simply mandating a "visit." The proposed Section 17.1(e) identifies standards that allow for a meaningful visit rather than a perfunctory oversight tour or a brief and highly managed walk-through of a facility. The Proposal indicates that judges should visit "as many major areas ... as practicable," including special housing units, medical and mental health housing, work areas, and visitation areas. The proposed Section 17.1(f) further encourages judges to meet and speak with individuals who are incarcerated or detained. The adoption of these sections are likely to provide increased visibility into facilities and a fuller understanding of the perspective of individuals who are incarcerated or detained, including those subject to more restrictive or special conditions.[2] Visits to special housing units and other restrictive settings are particularly valuable because they would allow judges to see firsthand the isolation that individuals in such settings must endure.[3] More in-depth visits should have a positive impact on the Proposal's important purpose – to inform judges about conditions of confinement and signal to those incarcerated that judges are aware of their experience after sentencing.

II. Amendments to the Proposal Could Better Increase Transparency and Advance Public Safety by Dismantling Systemic Barriers to Rehabilitation.

We applaud the Committee's Proposal but also believe that it can be strengthened to further its

[1] Under the current Rules of the Chief Judge, New York's judges are only required to visit a correctional or detention facility once every four years.

[2] Letter from the HALT Solitary Campaign to Dr. Alice Jill Edwards, Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment & Morris Tidball-Binz, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Office of the High Commissioner for Human Rights, https://nycaic.org/wp-content/uploads/2025/10/HALT-Solitary-Complaint-to-UN-Special-Rapp.-on-Torture-Extra-judicial-Killing-re-NYS-Prisons-and-Jails.pdf.

[3] Chris Gelardi, *Prison Agency Seeks to Dramatically Narrow Solitary Confinement Law*, N.Y. Focus (Nov. 13, 2025).

laudable goals. Accordingly, we respectfully submit that the Board should recommend to Chief Judge Wilson the adoption and implementation of the amendments suggested below. They would further optimize the value of annual judicial visits – helping to increase transparency and advance public safety by dismantling systemic barriers to the rehabilitation of people who are incarcerated or detained.

Unannounced Judicial Visits: The Proposal should expressly state in Section 17.1(c) that all judicial visits should take place unannounced with no advance notice to the correctional or detention facility so that judges can get a clear understanding of the realities of life in that facility. To that end, the word "unannounced" should be added after the word "one" and before the word "visit" in the first sentence of Section 17.1(c).[4]

Annually Published Compliance Reports: We ask that the Board closely examine how it will accomplish compliance with the Proposal's mandates, address the lack of transparency, and require public reporting about judicial visits. We strongly suggest that Section 17.1(j) mandate that the Deputy Chief Administrative Judges for the Courts outside the City of New York and within the City of New York produce an annual written report to be published on the Office of Court Administration's website regarding compliance with the Proposal. Such reports should identify the:

- Visiting judge or the specific court;
- Name of the correctional and/or detention facilities that each judge visited that year;
- Date and starting and end times of each judicial visit;
- Description of all areas and/or units, including those listed within Section 17.1(e), visited and length of time the judge spent in those areas and/or units;
- Identify whether the judge visited correctional or detention facility officials and employees, individuals who are incarcerated, and/or family members of those incarcerated, and the time spent with these individuals; and
- Judges who have not met their visitation requirements.

Judicial Post-Visit Feedback: We fully support the Board's thoughtful consideration of a reporting mechanism for judges who wish to provide feedback regarding their visit. Effective criminal legal system reform certainly depends in part on judges' contributions. They have a significant and unique experience with the flaws in the legal systems over which they preside; and reform is difficult to achieve without the support of the bench. Given that, we urge that feedback after judicial visits be encouraged and reported to the Committee and relevant oversight bodies, including independent oversight bodies, via means designed to ensure their consideration in developing sentencing policies and guidelines for humane conditions and care.

Ensuring Diverse Judicial Visits: Importantly, Section 17.1(c) broadens mandated judicial visits to several categories of facilities set forth in Section 17.1(d). To further extend the breadth of judicial visits, Section 17.1(c) should mandate that if a judge has completed a round of visits of all the required categories, then they must next visit facilities never previously visited.

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[4] Under state law, the "governor and lieutenant-governor, commissioner of general services, secretary of state, comptroller and attorney-general, members of the commission of correction, members of the legislature and their accompanying staff" are permitted to visit Department of Corrections and Community Supervision facilities without notice. N.Y. Corr. L. § 146(1); *see also* Department of Corrections and Community Supervision, Dir. 0415, Part VI (Dec. 12, 2024). Judges are similarly situated and should be given the same right to unannounced visits.

Section 17.1(i) wisely advances the geographic diversity of judicial visits by requiring that the Deputy Chief Administrative Judges for the Courts outside the City of New York and within the City of New York create a schedule that, to the extent practicable, seeks to ensure that judges visit New York State Department of Corrections and Community Supervision facilities they have not previously visited within the past five years. However, it should be strengthened to require that no judges visit facilities they have previously visited within the past five years. Such an amendment would require the deletion of the phrase "to the extent practicable" in the second sentence of Section 17.1(i).

While the ACLU and the NYCLU appreciate that the Proposal requires judges to visit facilities housing incarcerated women and children, Section 17.1(i)'s provision that judges "periodically" visit those facilities is insufficient. We strongly recommend that 17.1(i) be amended to clarify and provide that judges rotate among facilities housing men, women, and juveniles at least once in a three-year period.

Effecting Meaningful Visits: Observing meal preparation and service is important to assess whether conditions are safe and humane, whether the dignity of those incarcerated or detained is maintained, and whether food is nutritional or used as a form of punishment. Accordingly, when judges visit the kitchen and dining areas as required in Section 17.1(e)(5), we urge that they be required to view both meal preparation *and* the service of meals. Accordingly, we ask that the conjunction "or" be replaced with "and" in Section 17.1(e)(5).

Option to Bring Criminal Legal System Experts on Judicial Visits: Section 17.1(f) should be amended to provide that judges can bring criminal legal system experts on their visits to help orient them and point out strengths and concerns specific to the particular facility.

III. Conclusion

The ACLU and the NYCLU strongly support the Proposal and urge the Board to incorporate the above suggested amendments in its recommendations to Chief Judge Wilson. We thank the Board for the opportunity to provide our comments. We stand ready to work with its members, and all appropriate partners, to help advance meaningful changes that will train and educate New York's judiciary, address overincarceration, and further rehabilitation and positive reintegration into society. We look forward to the swift adoption and implementation of the Proposal along with our suggested amendments, to ensure meaningful annual judicial visits to correctional and detention facilities.

Respectfully submitted,

Bernadette Rabuy, Senior Policy Counsel
New York Civil Liberties Union
125 Broad St., Fl. 19
New York, NY 10004
212.607.3351
brabuy@nyclu.org

David C. Fathi, Director
Corene T. Kendrick, Deputy Director
ACLU National Prison Project
915 15th St., N.W.
Washington, DC 20005
202.393.4930
dfathi@aclu.org
ckendrick@aclu.org

David Nocenti

From: Victoria A. Frye <vaf5@columbia.edu>
Sent: Wednesday, November 19, 2025 5:32 PM
To: rulecomments
Subject: letter in support of rule change
Attachments: P17 Rules Chief Judge FRYE LOS 11192025.pdf

Categories: Prison visits

Please find attached my letter of support for the proposed rule change.
Best,
Victoria

Victoria Frye, MPH, DrPH
Professor | Co-Director, Social Intervention Group (SIG)
Social Intervention Group: https://sig.columbia.edu/
pronouns: she/her/they

Columbia University | School of Social Work
1255 Amsterdam Avenue, Room 810 | New York, NY 10027

We at CSSW condemn anti-Black racism in all its forms and are committed not just to making statements, but to taking action.

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Victoria Frye, MPH, DrPH
720 Fort Washington Avenue
NYC 10040

The Hon. David Nocenti
Office of Court Administration
25 Beaver Street
New York, NY

Dear Mr. Nocenti,

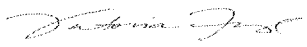
I write in support of the proposed rule change to the Rule of the Chief Judge requiring every New York State judge with responsibility for sentencing to visit carceral facilities. I am currently a tenured professor at the Columbia School of Social Work. My current research includes NIH-funded studies set in jails. I am an expert in femicide, having mapped the epidemiology of it in New York City in the late 1990s and have been an anti-violence advocate for decades. In addition, I design and test stigma prevention interventions, including those that use contact and perspective taking as mechanisms of behavior change, which is relevant to the purpose of my letter. (As you may recall, you and I submitted a couple of NIH proposals together when you led Union Settlement and I was at the New York Academy of Medicine.)

The proposed rule change is the result of a thoughtful, rigorous and thorough process. As you know, the Office of Court Administration's Advisory Committee on Criminal Law is chaired by Hon. Daniel Conviser and the Subcommittee on Judicial Visits to Prisons and Jails is chaired by Professor Michael Mushlin, the Elizabeth Haub School of Law at Pace University. The subcommittee members include Hon. Raja Rajeswari; Hon. Michael Yavinsky; Hon. Dineen A. Riviezzo; Hon. Jill Konviser; Hon. Paul McDonnell; Hon. Daniel Conviser; David Cohen; Professor Michele Deitch; and Former DOCCS Commissioner Brian Fischer. The work of the proposed rue change was assisted by the Subcommittee on Incarcerated Women of the Hon. Betty Weinberg Ellerin Commission on Women in the Courts. Further, the proposed new rule was vetted and drafted by the Subcommittee on Judicial Visits to Prisons and Jails. In addition to a review of the history related to judicial visits to these institutions, the subcommittee met with various stakeholders including currently incarcerated men and women. The subcommittee also toured prisons and met with prison administrators. The proposed rule change is the result of this comprehensive and inclusive research and is out for public comment.

Please consider this letter my public comment in favor of the new rule. The increased (annual) contact between judges and inmates will support deeper understanding of the experiences and perspectives of each. Including more areas of the prisons in the tours will support a more detailed and thorough appreciation of the context that people who are imprisoned experience. Finally, required contact with someone imprisoned will further the chance that judicial perspective-taking will occur and empathy will grow. These are all important goals for those who are charged with the duty of assigning sentences to people sentenced to prison in New York state.

In closing, the increased understanding, transparency and knowledge that these revised visit rules would yield are well worth whatever costs may be associated. I urge you accept this rule change.

Sincerely yours,



Victoria Frye, MPH, DrPH
Professor and Advocate

David Nocenti

From: Jane Treuhold <treujane@gmail.com>
Sent: Wednesday, November 19, 2025 10:29 PM
To: rulecomments
Subject: Amendment to Part 17 of Rules of the Chief Judge

Categories: Prison visits

November 19, 2025

David Nocenti, Esq.
Counsel
Office of Court Administration
25 Beaver Street, Floor 10
New York, New York 10004

Dear Mr. Nocenti,

Thank you for the opportunity to comment on the proposed amendment to Part 17 of the Rules of the Chief Judge which falls under Judicial Education and Training. I completely support the amendment proposed by the UCS Advisory Committee on Criminal Law and Procedure which would require annual visits to carceral or detention facilities by trial judges and clarifies what the visit should entail at a minimum to make it meaningful rather than performative.

As an attorney I represented pro bono over the course of ten or more years the appeal for clemency for a woman incarcerated at Bedford Hills. She spoke of how meaningful to her it was when officials paid a visit to the prison and bothered to engage in conversation with the women. She felt that it gave their experience some reality to be considered when granting parole or clemency. That would also be true for judges: Seeing in person the inmates, their living conditions, listening to their personal experiences while incarcerated. Judges could be much better informed in their decisions when in the process of sentencing. What are they really sentencing the people before them to: Hopefully, seeing those people as human beings entitled to be treated with at least a modicum of respect and dignity whatever the crime they have been convicted of.

Thank you again for this opportunity. I urge the passage of Part 17 of the proposed amendment.

Yours truly,

Jane Treuhold, Esq., Retired

treujane@gmail.com

New York, NY 10023

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David Nocenti

From: Mary Lynch <bigtoadmary@yahoo.com>
Sent: Wednesday, November 19, 2025 10:49 PM
To: rulecomments
Subject: Proposed Amendments to Rule 17 of the Rules of the Chief Judge
Attachments: Comment on Rule 17 Proposed Amendments. Lynch.docx

Categories: Prison visits

To Whom it May Concern,
Please accept my comment attached belowl

Sincerely
Mary A. Lynch, Esq.
Distinguished Professor of Law, Emerita Albany Law School

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David Nocenti, Esq.
Counsel to the NYS Office of Court Administration
Sent by Email: rulecomments@nycourts.gov

RE: Proposed Amendments to Section 17 of the Rules of the Chief Judge

November 19, 2025

Dear Counsel Nocenti:

I applaud the careful work of the Subcommittee of the Advisory Committee on Criminal Law within the NYS Office of Court Administration and urge adoption of the proposed requirement that every New York State judge involved in sentencing or detention decisions make at least one *meaningful* visit annually to a penal facility. I write as a former prosecutor, a former director of a law school clinic representing women incarcerated at Bedford and Albion, and a retired law school professor who taught students to prosecute sexual assault and domestic violence crimes for over 25 years.

Particularly compelling is the principle that those who have the task of rendering carceral sentences daily take a moment each year to see what incarceration looks and feels like and meet with those serving sentences. It also appears highly sensible that such important decisionmakers know the landscape of what mental health and special housing units exist so that they see concretely the landscape to which defendants are sent.

Subcommittee member Judge Dineen Riviezzo's comments about the lasting impression her prison visit left struck me as especially relevant focusing on the "magnitude of the responsibility entrusted to judges when sentencing convicted persons or confining convicted sex offenders with a mental abnormality" and how "[o]nly by observing many kinds of facilities can a judge truly appreciate the benefits and drawbacks, strengths and weaknesses, the challenges and successes of each facility and use that knowledge when working out an appropriate outcome in any particular case."

At a time when public trust in government and systems is at an historic low point, the protocol of these transparent visits should add to the perceived integrity of the criminal justice system and its connection to the general community.

Sincerely,

Mary A. Lynch, Esq.
Faculty Emerita, Albany Law School

David Nocenti

From: Ann Jacobs <ajacobs1094@gmail.com>
Sent: Wednesday, November 19, 2025 11:20 PM
To: rulecomments
Cc: cwatson123@aol.com; mmushlin@law.pace.edu; Deborah Fitzgerald
Subject: In Support of Proposed Rule on Judicial Visits to Prisons

Categories: Prison visits

25110 Town Green Drive
Elmsford, NY 10523
347/209-8591

November 21, 2025

David Nocenti, Esq.
Counsel, Office of Court Administration
New York State Unified Court System
25 Beaver Street, 10th Fl.
New York, NY 10004

Dear Mr. Nocenti:

I write in strong support of the proposed rule requiring New York State judges with responsibility for sentencing or detention decisions to conduct at least one meaningful annual visit to a prison, jail, or youth detention facility.

For more than fifty years, my work has focused on improving the criminal justice system and advancing approaches to public safety that recognize the potential of people with conviction histories and in our prisons to contribute to strong, healthy communities. I served for two decades as Executive Director of the Women's Prison Association (WPA) and for twelve years as Executive Director of the John Jay Institute for Justice and Opportunity. Throughout that time, I witnessed repeatedly how direct exposure to correctional facilities deepens public understanding, challenges assumptions, and has the potential to strengthen the fairness and compassion of our justice system.

At WPA, we led a successful effort to bring 2,000 members of the public into prisons by the year 2000—an initiative that profoundly shifted participants' perceptions. Many entered imagining prisons and prisoners the way they saw them in movies. They left with a more complex view: one that recognized the humanity, aspirations, and daily realities of the people living and working inside. That direct experience is urgently needed for members of the judiciary whose decisions profoundly shape those lives and the larger public experience of justice.

Judges rarely have the opportunity to see the reality conditions their sentences create or to meet people in custody at moments other than the most fraught, vulnerable points of their legal cases. Annual visits, structured to include meaningful engagement with incarcerated people, will help close this gap. That can improve sentencing decisions, promote transparency, and contribute to a justice system anchored in reality rather than abstraction.

This rule does not impose oversight responsibilities on judges; rather, it equips them with firsthand knowledge essential to their core role. It also signals to incarcerated New Yorkers that the judiciary recognizes their dignity and their capacity for growth—an important foundation for rehabilitation and reintegration.

New York has the opportunity to lead the nation by adopting this thoughtful, pragmatic, and much-needed reform. I respectfully urge the Administrative Board to approve the proposal in full.

Sincerely,
Ann Jacobs

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David Nocenti

From: Tanya Krupat <tkrupat@osborneny.org>
Sent: Thursday, November 20, 2025 9:02 AM
To: rulecomments
Subject: Public Comment on Proposed Amendments to Part 17 of the Rules of the Chief Judge
Attachments: Osborne.Judicial.Visits.Comment_11.2025.pdf

Categories: Prison visits

Good morning,
Attached please find the Osborne Association's comments on proposed amendments to Part 17 of the Rules of the Chief Judge.

Thank you,
Tanya

--
Tanya Krupat
she/ her/ hers
Vice President, Policy & Advocacy
Osborne Center for Justice Across Generations
The Osborne Association
Phone: 646-964-2160

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www.osborneny.org
info@osborneny.org

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 4th Floor
New York, NY 10004

November 20, 2025

RE: Public Comment on Proposed Amendments to Part 17 of the Rules of the Chief Judge

The Osborne Association appreciates the opportunity to comment on the proposed amendments to Part 17 of the Rules of the Chief Judge. Founded in 1933 to honor the legacy of prison reformer Thomas Mott Osborne, the Osborne Association serves individuals, families, and communities affected by the criminal legal system. Our services reach 16,000 people each year, spanning 39 of New York's 42 state correctional facilities, all jails on Rikers Island, criminal courts in all boroughs of New York City and in Westchester, Albany, Columbia, Greene, Rensselaer, Schoharie, and Schenectady Counties, and communities across New York City, Newburgh, and Buffalo. Through our programs, we offer opportunities for people to heal from and repair harm, restore their lives, and thrive. We challenge systems rooted in racism and retribution, and fight for policies and practices that promote true safety, justice, and liberation.

Osborne respectfully submits this comment in strong support of the proposed amendments to Section 17.1 of the Rules of the Chief Judge, which would require New York State judges who impose sentences or order detention to conduct at least one substantive visit to a correctional or detention facility annually. We believe this rule is a critical step toward more equitable and informed sentencing, improved conditions of confinement, and a more transparent, accountable judicial system. We commend the Office of Court Administration and the Advisory Committee on Criminal Law and Procedure for advancing this essential reform.

Osborne views this proposal as a practical, balanced reform that strengthens judicial accountability. Meaningful judicial engagement with conditions of confinement is critical to ensuring fair, informed, and human-centered decision-making across New York's courts. It reaffirms the responsibility of the judiciary to understand the full set of consequences of its sentencing mandates—and, in doing so, represents a vital step toward dismantling the racial disparities that exist at each decision-making point in the system.[1]

Prior to Covid, Osborne arranged annual site visits into Sing Sing and Bedford Hills Correctional Facilities where we saw firsthand the importance of bringing decision-makers inside to speak with people serving time and better understand their circumstances, as well as the consequences

[1] National Conference of State Legislatures, *Racial and Ethnic Disparities in the Criminal Justice System*, last modified May 24 2022, Racial and Ethnic Disparities in the Criminal Justice System.

for their children and families. Among diverse professionals, we brought Family Court Judges inside both prisons to speak with individuals and parents there. This was a mutually transformative experience that demonstrated the importance of proximity, and was well worth the time and advanced calendaring necessary for Judges.

I. Importance of Judicial Facility Visits

Judicial decisions profoundly shape the lives of incarcerated people—yet too often, those decisions are made without firsthand understanding of the conditions in which those sentences will be served. This disconnect obscures the full human cost of confinement, and in turn, the ways in which lengthy sentences are counterproductive to public safety, and family and community well-being.

Facility conditions—whether in a local jail or state prison—carry profound legal, rehabilitative, and public health implications. Overcrowding, solitary confinement, inadequate mental health care, and limited access to programming and visiting deepen trauma and obstruct recovery. Because these harmful conditions are largely invisible in courtrooms, judges may unknowingly issue sentences that undermine goals of justice, rehabilitation, and public safety.[2]

Despite the gravity of sentencing decisions, judges often issue them without direct knowledge of where or how those sentences will be served. In New York, independent oversight has consistently documented systemic problems in state prisons, including inadequate medical care, prolonged periods of lockdown, unsanitary living conditions, and lack of access to rehabilitative programs.[3] These are not new developments; they reflect long-standing structural deficiencies that predate the 2025 illegal work stoppage by correction officers.[4] Judicial visits bridge this knowledge gap, allowing judges to ground sentencing decisions in the lived realities of confinement rather than in assumptions or abstractions.

We support the proposed rule's mandate that judges would be required to observe intake, housing areas, medical and mental health areas, solitary confinement units, food preparation and dining spaces, rooms for education and exercise, and visiting rooms, as well as speak directly with incarcerated people. The requirement that judicial visits would also rotate among various types of facilities—including those housing women, youth, and individuals with behavioral health needs—ensures exposure to both jails and

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[2] Prison Policy Initiative, "Research Roundup: Incarceration Can Cause Lasting Damage to Mental Health," last modified April 14, 2020, Research Roundup: Incarceration can cause lasting damage to mental health | Prison Policy Initiative.

[3] Correctional Association of New York, *Post-Visit Briefing: Monitoring Visit to Taconic Correctional Facility*, December 7, 2023, https://www.correctionalassociation.org/postvisit-briefing-recommendations/taconic-correctional-facility-08222024-skewd. See especially sections on "Healthcare Access," "Mental Health Services," "Environmental Conditions," and "Programmatic Access."

[4] Chris Gelardi, "After a strike slashed staffing by up to 60 percent, prisoners report 21-hour lockdowns in overheated cells," *New York Focus*, August 8, 2025, 'You're Just Sitting in a Cell, Baking': N.Y. Prisons Struggle With Heat and Staff Shortages

prisons, and to populations facing distinct challenges and vulnerabilities, as consistently documented in oversight reports on the conditions within New York facilities.[5]

We propose an addition to Section 6 for Judges of the Family Court: Family Court Judges rule on child best interest determinations for children in foster care and private custody and visitation cases. In these cases, they may be ruling on whether a child should go see a parent who is incarcerated. For this reason, it is critical that Family Court Judges visit adult prisons and speak with parents there, and see the visiting rooms.

II. Impact on Specific Populations

Visiting facilities that house women and girls allows judges to witness populations with distinct and often unmet needs, who also often have histories of severe trauma, and face or are at risk of distinct discrimination, retaliation, and sexual violence inside. Reproductive care, trauma-informed programming, and parenting accommodations are essential for rehabilitation. Without these supports, individuals face re-traumatization, worsened mental health, and diminished reentry outcomes.[6] Women are also more likely than men to be caregivers of young children prior to incarceration, and their children tend to be in more precarious living situations which can cause enormous stress and anxiety for them inside.

Similarly, youth/ adolescent facilities warrant close judicial attention. Confinement conditions rarely reflect the developmental needs of emerging adults, including naming and treating trauma, and the need for consistent, caring relationships, and often prioritize punishment over healing and rehabilitation. Excessive control and restriction in youth settings have been shown to increase long-term harm, including developmental disruption, future instability, and risk of recidivism.[7]

Judicial exposure is equally important when considering the needs of LGBTQIA+ individuals, who face elevated risks in carceral settings. LGBTQIA+ people are incarcerated at approximately three times the rate of the total adult population.[8] Transgender and gender-nonconforming individuals, in particular, are significantly more likely to experience assault or segregation in custody.[9] A 2023 report by the New York Civil Liberties Union found that all trans women surveyed in New York State were housed in men's

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[5] Correctional Association of New York, "List of Other Reports, Fact Sheets, Issue Briefs, & Policy Papers," accessed October 30, 2025, List of Other Reports, Fact Sheets, Issue Briefs, & Policy Papers — Correctional Association of New York

[6] Correctional Association of New York, "Fact Sheet on Women's Incarceration," 2019, accessed October 30, 2025,2019_FactSheet-WomensIncarceration.pdf

[7] Richard Mendel, "Why Youth Incarceration Fails: An Updated Review of the Evidence" (Washington, D.C.: The Sentencing Project, 2023),Why Youth Incarceration Fails: An Updated Review of the Evidence – The Sentencing Project.

[8] The Sentencing Project, *Incarcerated LGBTQ+ Adults and Youth* (Washington, DC: The Sentencing Project, October 2022), Incarcerated-LGBTQ-Youth-and-Adults.pdf

[9] New York Civil Liberties Union, "Protect the Rights of Trans New Yorkers in the Criminal Justice System," February 2023, Protect the rights of trans New Yorkers in the criminal justice system - NYCLU

prisons, and a majority reported experiencing physical assault.[10] Judicial awareness of these realities is essential to ensuring that vulnerable individuals are not placed in unsafe or unsupported environments.

Judges should also use these visits as opportunities to inquire about how facilities are meeting the needs of other vulnerable populations. This includes the aforementioned emerging adults under age 25, older people over 65, and individuals with cognitive or mobility impairments, autism, vision or hearing limitations, or chronic illnesses. These groups often face unique risks in confinement—ranging from inadequate accommodations to increased vulnerability to violence or neglect—and are frequently underserved in carceral settings. Understanding how these needs are (or are not) addressed is critical to sentencing decisions that are both just and humane.

III. Behavioral Health and Structural Barriers in Confinement

Throughout New York, a disproportionate number of incarcerated people live with mental health conditions, yet correctional facilities are ill-equipped to provide appropriate treatment or therapeutic environments.[11] Judicial awareness of these deficiencies—such as long wait times for psychiatric care, isolation of individuals in crisis, and gaps in substance use disorder treatment as well as lapses in access to psychiatric medication—is essential. Without knowledge of these treatment gaps, judges may unintentionally impose sentences that place individuals in environments ill-equipped to support recovery.[12] This lack of alignment can lead to avoidable decompensation in mental or physical health, increased risk of recidivism, and unnecessary strain on public systems, including local hospital systems.[13]

By directly informing judges of the rehabilitative limitations of specific facilities, these visits support public safety by encouraging sentencing that prioritizes stability, rehabilitation, and recovery. Conditions such as lack of access to adequate nutrition, educational opportunities, or quality healthcare—along with operational issues like overcrowding and inadequate staffing—can severely hinder a person's ability to recover and succeed post-release. Additionally, poor food quality and nutritional deficiencies—such as limited access to fresh produce and reliance on highly processed meals—have been linked to deteriorating health outcomes and reduced dignity for incarcerated individuals.[14] Judicial visits allow decision-makers

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[10] New York Civil Liberties Union, "Protect Trans New Yorkers in Prisons and Jails," 2023, https://www.nyclu.org/uploads/2023/02/2023-nyclu-protecttransppljailsprisons-onepager.pdf

[11] Patricia Warth, "Unjust Punishment: The Impact of Incarceration on Mental Health," *NYSBA Journal*, New York State Bar Association, accessed October 30, 2025,Unjust Punishment: The Impact of Incarceration on Mental Health - New York State Bar Association

[12] Correctional Association of New York, "CANY Releases Reports from Monitoring at Four New York State Prisons: Great Meadow, Clinton, Downstate & Bedford Hills," Report, 2024, accessed October 30, 2025,CANY Releases Reports from Monitoring at Four New York State Prisons: Great Meadow, Clinton, Downstate & Bedford Hills — Correctional Association of New York

[13] "Does in-prison physical and mental health impact recidivism?," *BMC Psychology*, 2023, Does in-prison physical and mental health impact recidivism?

[14] Correctional Association of New York, *Food and Nutrition in New York State Prisons* (New York: Correctional Association of New York, November 2024), CANY_Food+and+Nutrition+in+NY_Nov2024.pdf

to observe how such facility-level conditions either support or obstruct a person's potential for recovery and reentry.

Judicial visits also offer critical insight into whether facility operations support meaningful family engagement—a well-documented factor in successful reentry. Evidence shows that regular family visits significantly lowers rates of felony reconviction and parole violations.[15] Barriers such as restrictive visiting policies, inaccessible facility locations, or poor visiting infrastructure can prevent families from maintaining contact during incarceration. Judicial presence allows judges to witness how these obstacles manifest in practice. This link between family engagement and public safety underscores why it matters for judges to witness, firsthand, whether visiting policies, infrastructure, and practices meaningfully support connection.

IV. Judicial Perspectives and Precedent

According to an informal alumni poll by the National Judicial College (NJC) in 2022, more than 96 percent of responding judges reported that they have visited a jail or prison. Many of these judges commented that the experience informed their decision-making and emphasized the value of such visits in judicial education.[16]

V. Structural Reform and Equity Implications

New York currently has no statewide requirement for routine judicial exposure to carceral environments. This rule fills that gap and ensures consistent judicial education across all regions. It also positions New York as a national leader in aligning sentencing practices with systemic understanding and public confidence.

This rule goes beyond procedural refinement; it constitutes a structural reform that would shift how judicial engagement informs sentencing. By requiring judges to observe conditions of confinement firsthand, the rule enhances transparency, reduces detachment, and fosters a more accountable judicial culture.

The impact is particularly urgent given the racial disparities that continue to define incarceration in the state. Although Black people make up just 15 percent of New York's population, they account for 48 percent of the state's prison population — and are imprisoned at more than five times the rate of white New Yorkers, making facility conditions and sentencing awareness central issues of racial justice.[17]

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[15] Evelyn F. McCoy and Breanna Boppre, *"Making Jail and Prison Visits Easier Makes Communities Safer,"* Urban Institute, March 13, 2024, Making Jail and Prison Visits Easier Makes Communities Safer | Urban Institute

[16] Ed Cohen, "Poll suggests that judges know what life is like in their jails and prisons," *The National Judicial College*, May 16, 2022, Poll suggests that judges know what life is like in their jails and prisons - The National Judicial College

[17] Vera Institute of Justice. *New York Criminal Legal System Data Hub: Prison*. December 2023.

Indigenous people—who are incarcerated at a rate of 763 per 100,000 compared to 181 per 100,000 for white people—are also overrepresented in many rural jails. They frequently encounter facilities that fail to accommodate their cultural or spiritual needs, which raises serious equity concerns in facility conditions and sentencing outcomes.[18]

What's more, the aftermath of the unsanctioned 2025 illegal work stoppage is still affecting conditions inside NYS prisons: programming has been suspended or delayed; visiting remains limited and very difficult with the sudden mandate that visitors pass through body scanners; and yard time, educational, and vocational activities, and sometimes even access to showers and commissary are reported as irregular or severely limited.[19] Under these conditions, it would be deeply concerning to send someone into confinement when alternatives may exist, and without the judge having direct knowledge of how these circumstances affect rehabilitation and humane treatment.

VI. Endorsement of the Proposed Rule and Recommended Additions

The Osborne Association supports the proposed rule as written. It provides a practical and equitable framework for statewide implementation. We especially endorse the required rotation across diverse facility types, which ensures that judicial visits reflect the full range of conditions within New York's correctional system, and the specificity of the locations within a facility judges should visit and that they speak with those incarcerated during their visit.

We also commend the inclusion of orientation and periodic training to contextualize these visits, and the clear oversight mechanisms assigned to the Deputy Chief Administrative Judges. These provisions will help ensure the rule's consistent, meaningful application across the state. Over time, the insights gained from such visits could be incorporated into judicial education curricula, helping to build institutional knowledge and improve sentencing practices.

To further strengthen the proposal, we recommend:

1) *An addition to Section 6 for Judges of the Family Court:* Family Court Judges rule on child best interest determinations for children in foster care and private custody and visitation cases. In these cases, they may be ruling on whether a child should go see a parent who is incarcerated. For this reason, it is critical that Family Court Judges visit adult prisons and speak with parents there, and see the visiting rooms.
2) To preserve the authenticity of these visits, we recommend that correctional facilities receive no more than 48 hours advance notice of a judge's visit. Limited notice increases the likelihood that

[18]Prison Policy Initiative, "Native Incarceration in the U.S. Profile," February 14, 2023, Introducing our profile of Native incarceration in the U.S. | Prison Policy Initiative

[19] Chris Gelardi, "Four Months After Guard Strike, Prison Staffing Crisis Persists," *New York Focus*, July 22, 2025,Four Months After Guard Strike, Prison Staffing... | New York Focus

judges observe conditions as they are routinely experienced by incarcerated individuals—not conditions temporarily altered to accommodate a visit.

3) We urge OCA to permit judges, at their discretion, to invite relevant/ knowledgeable advocates or service providers to accompany them during facility visits. These participants can provide valuable context, assist in identifying systemic barriers, and help facilitate dialogue between the courts and impacted communities.
4) OCA should collect and publish annually anonymized, aggregate data on judicial visits to track compliance, identify gaps, and support ongoing improvements.

Understanding that Judges' calendars are very busy and not wanting these visits to cause any case delays, Judges should be supported administratively in the scheduling and logistical arrangements for these visits. To support consistent implementation, logistical and funding considerations, particularly for judges in rural or resource-limited jurisdictions, should be addressed through clear guidance.

VII. Conclusion

We commend the Office of Court Administration and the Advisory Committee on Criminal Law and Procedure for this forward-looking rule proposal. We urge prompt adoption of the proposed amendments to Part 17 and welcome opportunities to support implementation that reflects the dignity, humanity, and rights of all people affected by incarceration.

The individuals, families, and communities affected by incarceration—and the broader public—deserve a judiciary that understands the lived realities of confinement and thus is equipped to incorporate that understanding into sentencing decisions, and- for Family Court Judges- into child's best interest determinations and visitation rulings.

David Nocenti

From: Cronin, Elizabeth <cronine@musc.edu>
Sent: Thursday, November 20, 2025 10:56 AM
To: rulecomments
Subject: Letter Supporting Proposal for Judicial Visits to Correctional Facilities
Attachments: OCA Letter 2025.docx

Categories: Prison visits

Elizabeth Cronin, Esq
Associate Academic Program Director
National Mass Violence Center
Department of Psychiatry and Behavioral Sciences
Medical University of South Carolina
67 President Street, MSC 863
Charleston, SC 29425
(O) 843-792-7018
(F) 843-792-3388
cronine@musc.edu
https://nmvvrc.org

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To: Office of Court Administration

I am writing in support of the proposal advanced by the Advisory Committee on Criminal Law, Subcommittee on Judicial Visits to Prisons and Jails of the New York Office of Court Administration to require every New York State judge involved in sentencing or detention decisions to make at least one meaningful annual visit to a penal facility in New York.

As a former prosecutor in Westchester County for over 14 years, I visited the county jail on several occasions to interview witnesses, and it gave me a unique perspective on conditions therein and the lives of those incarcerated there. Moreover, as the Director of Legal Affairs at the US Court of Appeals for the Second Circuit, I would take the law clerk/staff attorneys to visit the Metropolitan Correctional Center in New York City to get a better understanding of their work on habeas corpus petitions and prisoner rights litigation. They found these visits incredibly valuable and insightful.

Judges have a tremendous responsibility in making sentencing decisions. Often, they rely on external resources for information such as probation reports. Having the opportunity to see these facilities in person can provide an important perspective they would not otherwise have. Speaking with incarcerated individuals and facility staff can bridge relationships and expand understanding. It is important to the public and those involved in the criminal justice system to know that judges care about and have knowledge of all aspects of the system including corrections.

I found my visits to correctional facilities incredibly informative and beneficial to my work. This proposal will enhance trust in the system both from within and without the correctional system.

Elizabeth Cronin

elizc1021@gmail.com

David Nocenti

From: Jane Maher <jane.maher@mville.edu>
Sent: Thursday, November 20, 2025 11:06 AM
Cc: rulecomments
Attachments: [Untitled].pdf

Categories: Prison visits

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Jane Maher, Ph.D.
299 Overlook Drive,
Greenwich, CT 06830
2032 543 1277 jmaher@mmm.edu janemaher@aol.com

November 20, 2025

Attention: Mr. David Nocenti, Counsel
New York State Office of Court Administration

Dear Sir,

I have been teaching in the college program at Bedford Hills Correctional Facility for 28 years, and I have been teaching in the college program at Taconic Correctional Facility for seven years.

In that time, I have met hundreds of incarcerated individuals who want to learn and improve themselves, who work hard and are dedicated to their studies, and who have realized that a college education may very well be the most important endeavor they can undertake to improve their lives. The students talk to me about how their college education is changing them, is affecting their children and other family members positively, and is helping them to understand the relationship between education and success on "the outside."

I have also met scores of corrections officers and administrators, and I have seen the way prisons operate. It is as simple as this: The more open and transparent a prison is, the more likely it is that everyone, incarcerated individuals and corrections officers alike, will be able to function in a safe and secure environment.

Judges are respected members of society, and they hold great power. If they were required to visit a prison at least once a year, they would more deeply understand the conditions, circumstances, and issues facing both incarcerated individuals and corrections officers. They would have the opportunity to see the difference between rehabilitation and punishment.

Five minutes speaking with an incarcerated individual or a corrections officer would provide a judge with more information and insight than five days of reading or research about "carceral settings." Judges would have the same opportunities I have three times a week when I enter to teach my courses: I get to talk to officers and incarcerated individuals; I learn so much just by walking to the school building: are the lines running on time, is the prison short-staffed, have programs been canceled, are the incarcerated individuals and officers communicating in a way that reflects cooperation and respect for each other?

As I think about the purpose of this letter, I cannot help but be astounded that I must write it! How can a judge make life-altering decisions about sentencing and imprisonment without having visited the prison where people will spend, in some instances, more than half of their lives? In fact, I am a bit taken back that the proposal only calls for one visit per year. And let me guess: The visit would have been planned and announced in advance, yes?

Here's what must happen: Judges must visit regularly, unannounced, to get to know the administrators, officers, and incarcerated individuals. Then and only then will they be able to understand the impact of their sentencing decisions. And may I add that these judges, whom I know are very busy, should sit in on our college classes and other volunteer-staffed programs to see the transformations that occur every day.

I am sorry if my tone seems impatient or even disrespectful, but after all my years of work in two prisons, it pains me to think that I know more about the prison environment than the people who decide who will go to prison.

Thank you for considering my opinion. I would be happy to provide more information if needed or desired.

Sincerely,

Jane Maher

Jane Maher, Ph.D.
Adjunct Professor, Marymount Manhattan College
Professor Emerita, Nassau Community College, SUNY

Elaine A. Lord, Superintendent (Ret)
299 Overlook Drive
Greenwich, CT 06830

November 19, 2025

RE: Support of Proposed Court Rule
To Improve Judicial Visits to Prisons

David Nocenti, Counsel
NYS Office of Court Administration
25 Beaver Street
New York, New York 10004

Dear Mr. Nocenti:

I am writing to support the proposed requirement for any NYS Judges involved in sentencing or detention decisions to make at least one meaningful visit each year to a penal facility. From 1984 to 2004, I was the Superintendent of the Bedford Hills Correctional Facility, New York State's maximum security correctional facility for women, as well as its reception center for women sentenced to the state penal system. Prior to that appointment, I was Deputy Superintendent for Program Services from 1982 until 1984. I began working in the Department's Central Office in Albany in 1975 after completing graduate work at the State University of New York at Albany. During that time, Bedford Hills was recognized as a leader in creating and providing relevant programs to women in its custody in ways which involved the incarcerated women themselves, along with professionals, in the design and delivery of numerous programs. These programs included family violence and trauma programs, aids counseling and education, creating a model to bring back college programs to prisons, and a wide variety of parenting and children's programs, as well as hosting the first Puppies Behind Program in the state. These programs were viewed as models for female penal institutions.

Prisons need to be and should be more open to the community, in every sense of that word. I used to have a college professor who suggested that prison walls and fences are not so much meant to keep people in but to keep people out, so that the community does not to have

to think about what goes on inside. That community should involve all citizens, including those who make decisions about sentencing, our judges. In short, we should all know what goes on behind the walls and fences, know what is available for rehabilitation, know that we have professional staff who balance their mandate for care, custody and control seriously and are proud of their jobs. During my tenure, we also worked in conjunction with local churches to bring everyday citizens into the facility to meet and talk with incarcerated women in an informal setting and also receive a tour of major areas by staff who were clearly proud of their difficult jobs. This created a lot of openness and a wide range of volunteers who were interested in being a part of our efforts toward rehabilitation. I think similar meaningful interactions with judges, staff and incarcerated people would also be similarly valuable, and for that reason, I support the proposed rule change.

During the time I was at Bedford Hills, we met and hosted a number of judges who reported their visits to Bedford Hills to be informative and eye-opening, especially in regard to the different needs of incarcerated women as compared to the needs of incarcerated males. For a few years, we hosted an annual visit from the Women's Judges' Association since their president had voiced their particular interest in the issues of women in prison and jails. These visits allowed time for the Judges to meet staff and incarcerated individuals and to discuss issues of relevance to them. They allow judges and incarcerated persons to see the complexity of each other and their humanity. Judges will have increased awareness of the impacts of incarceration, while incarcerated persons will gain or share a deeper understanding of society and the impacts of their transgressions.

For the above reasons, I support the rule changes being recommended to improve the program for judicial visitation to correctional facilities.

Sincerely,

Elaine A. Lord

Elaine A. Lord, Superintendent (ret)
Bedford Hills Correctional Facility

David Nocenti

From: Chris Burdick <burdickc@nyassembly.gov>
Sent: Thursday, November 20, 2025 11:46 AM
To: rulecomments
Cc: Heather Lackey; Katherine Fennell
Subject: From the Office of AM Burdick: Judicial Visits
Attachments: CB - Judicial Visits - Letter.pdf

Categories: Prison visits

Hello,

Please find attached my letter in support of the proposed rule for judicial visits to prisons.

Thank you for your consideration.

Best,
Chris Burdick

Assemblymember Chris Burdick (AD-93)
Representing Bedford, Harrison, Lewisboro, Mt. Kisco, New Castle,
North Castle, North Salem, Pound Ridge and White Plains

Albany Office:
LOB 417 Albany, NY 12248
518-455-5397

District Office:
333 North Bedford Road, Ste 131
Mt. Kisco, NY 10549
914-244-4450
burdickc@nyassembly.gov

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MEMBER
Puerto Rican/Hispanic Task
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Asian Pacific American Task
Force

18 November 2025

Dear Office of Court Administration,

I write in strong support of the proposal released by the Advisory Committee on Criminal Law in Office of Court Administration to require judges who make sentencing and detention decisions to conduct at least one substantive visit each year to a correctional facility.

I represent the district that includes Bedford Hills Correctional Facility and Taconic Correctional Facility, and I have toured both facilities. In doing so, I have met with staff and spoken directly with incarcerated individuals. These visits have significantly informed my understanding of the consequences of incarceration for individuals, their children and families, and the broader community. It is exceedingly difficult to appreciate the full impact of sentencing decisions without observing the environments in which those sentences are carried out.

For example, Bedford Hills' nursery program is often referenced in policy discussions. Yet the significance of the program becomes clear only when one is physically in the nursery, seeing mothers care for their infants and hearing how critical that continuity is for bonding and emotional stability. That is an understanding no br˜iefing paper can convey.

The proposal before the Office of Court Administration recognizes this. The structured, meaningful visits will enhance judicial insight, promote transparency, and strengthen public confidence in the fairness and grounding of sentencing decisions. I strongly support the adoption of the proposal.

Sincerely,

Chris Burdick

DISTRICT OFFICE: 333 North Bedford Road, Suite 131, Mount Kisco, New York 10549 □ 914-244-4450, FAX: 914-244-4453
EMAIL: burdickc@nyassembly.gov

David Nocenti

From: Braner, Kate <katherine.braner@yale.edu>
Sent: Thursday, November 20, 2025 12:25 PM
To: rulecomments
Subject: Comments in Support of OCA Proposal on Visiting New York Prisons
Attachments: Comments submitted in Support of the OCA Proposal on Visiting New York Prisons final November 20 2025 .pdf

Categories: Prison visits

David Nocenti, Counsel:

Attached please find Comments in support of the proposal to amend Part 17 of the Rules of the Chief Judge to improve the USC's program for judicial visitation to detention facilities.

Thank you for your consideration.

Sincerely,

Kate Braner | Yale Law School
Executive Director, Arthur Liman Center for Public Interest Law
Email: Katherine.Braner@Yale.edu

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November 20, 2025

David Nocenti, Counsel
Office of Court Administration
New York State
25 Beaver Street, 10th Floor
New York, NY 10004

Re: Administrative Court's Proposed Rule that Judges Visit New York Prisons

We write in support of the New York Office of Court Administration's proposal to expand judicial access to incarcerated individuals through visits to prisons. Each of us comes to this topic based on our work as law professors who teach and write about courts and prisons; we have also worked with prison administrators and, as lawyers, represented people involved in the criminal legal system. Furthermore, we are affiliated with the Arthur Liman Center at Yale Law School which, since its inception, has sought to contribute to understanding the impact of detention on people inside and outside of prisons.

One of our methods has been research. In 2012, we sought to learn about how people around the country can visit those in detention. The result was *Prison Visitation Policies: A Fifty-State Survey*, authored by Chesa Boudin, Trevor Stutz, and Aaron Littman, and subsequently published in the *Yale Law & Policy Review*.[1] That survey was conducted with help from what was then called the Association of State Correctional Administrators and is now the Correctional Leaders Association. The results showed a good deal of variety, with some states facilitating family and community contact while others had imposed many limits on the frequency and duration of and the eligibility for visits. Research discussed there and elsewhere documented that when people inside have more opportunities for contact with those outside, their behavior improves inside, and they have opportunities to build relationships to help them in transitions when they leave prisons. When the study was published, commentators (including A.T. Wall, then Rhode Island Director of Corrections) reflected on the survey's results; they discussed the challenges that prison visiting rules pose for people seeking to see incarcerated people, for people in detention, and for staff.[2]

That analysis is part of why we are enthusiastic about the proposed New York State Rule for judges to have regular, meaningful visits to the facilities to which they sentence individuals. We think the proposed program will be an invaluable contribution to judicial education. In our own experience, going inside prisons—to visit, to teach, to meet with clients—has informed our understanding of the range of decisions made about the rules governing prisons and thus, about what prison "is." We know that, even when visits are curated, details about daily life emerge that cannot be known from the outside.

We also know that concerns arise when proposals are made to mandate that judges learn about specific issues. Indeed, in the 1950s, as judiciaries were exploring educational programs for judges, some argued that judicial education was an oxymoron and that proposals for "schools for judges" would be ridiculed.[3] Their view was that judges were selected because they were wise and that judges needed nothing other than their background to inform them. As is clear from the creation in 1963 of the National Judicial College in Reno, Nevada; the National Center on State Courts, begun in 1971; and the Federal Judicial Center, chartered by Congress in the late 1960s, as well as state bars' obligations for continuing education, all professionals—lawyers and judges included—need opportunities to update their knowledge and understanding.[4]

In addition to benefiting judges, having visits is a benefit to incarcerated people and to correctional systems. At the founding of this country, before the profession known as "corrections" had developed and states had chartered their own Departments of Corrections, judges were often involved in visiting and managing prisons.[5] Indeed, Jeremy Bentham's famed proposal for a panopticon prison (which was never built) included an observation tower, where outsiders were to be able to see the burdens of imprisonment and thus, he thought, be deterred. In addition, his aim was that outsiders would monitor staff treatment of prisoners.[6] Bentham's view was that the more people (judges included) were watched, the better they behaved.

The Prison Association of New York, founded in 1844, is one way in which Bentham's idea that prisons ought not be closed off was implemented. Renamed the Correctional Association of New York, this body is one of the oldest organizations in the United States that has statutory authority to enter prisons.[7] Its reports have provided important insights into conditions, healthcare, and more.[8] In many other countries, independent entities monitor and report on conditions.[9] Calls for doing more in the United States have emerged regularly. For example, the 2006 report, *Confronting Confinement*, led by the Hon. John Gibbons and Nicholas D. Katzenbach, concluded that a multi-layered system of oversight, combining independent inspections, better internal complaint mechanisms, and stronger public engagement, was needed to hold prisons accountable and improve safety and conditions.[10]

One discussion of the importance of judges visiting prisoners comes from federal district court judge Mark W. Bennett, who described his meetings with more than 400 individuals whom he had sentenced. Judge Bennett commented that he had a different understanding of individuals' capacity to change, the dedication of prison staff, and the vital role of hope and personal responsibility.[11] Other judges have explained in their opinions the importance of prison visits. For example, in one decision, the court's visits to Alabama prisons made plain that segregation units for HIV prisoners, which had been described as orderly, imposed degrading treatment that resulted in a sense of abandonment and humiliation.[12] Similarly, the court's tour of Tutwiler Prison revealed "depression in that room, so thick it felt possible to reach out and touch it."[13] In another instance, the court's tour with the parties uncovered that logs had not been accurate and conditions were unsafe. The court noted that such failures of monitoring and transparency were visible only through direct inspection.[14]

A May 2022 poll of some 600 judges, conducted by the National Judicial College, found that over 96% of respondents had visited a jail or prison facility to which they had sentenced individuals. According to judges' comments, these visits exposed them to a wide range of institutional conditions—from seeing programs aimed at helping individuals gain skills to finding crowded conditions and unsanitary medical facilities. Many judges emphasized that these firsthand experiences are critical for understanding the lived environment of incarceration and for making informed sentencing decisions.[15]

The proposed New York State Rule will help to ensure that all judges have these experiences. The proposal wisely brings judges in routinely to visit and therefore makes facilities more open. Further, visits underscore the respect owed to people in detention, and the commitment that confinement must be structured to reflect respect for imprisoned people's dignity, rights, and the rule of law. We do suggest that, when issued, the Rule includes mechanisms to gather information, with confidentiality protected, from the visits and to make available those insights to many audiences, including imprisoned individuals, prison administrators, the courts, and the public.

In sum, we endorse the proposal and appreciate the opportunity to comment.

Chesa Boudin, Executive Director, Criminal Law & Justice Center, UC Berkeley School of Law*
Kate Braner, Visiting Lecturer in Law and Executive Director of the Arthur Liman Center for Public Interest Law, Yale Law School*
Dennis Curtis, Clinical Professor Emeritus, Yale Law School*
Fiona Doherty, Nathan Baker Clinical Professor of Law, Yale Law School*
Aaron Littman, Assistant Professor of Law, UCLA School of Law*
Judith Resnik, Arthur Liman Professor of Law, Yale Law School *

*Our affiliations are provided for identification purposes only; all views are of the individuals submitting comments.

---

[1] Chesa Boudin, Trevor Stutz & Aaron Littman, *Prison Visitation Policies: A Fifty-State Survey*, 32 YALE L. & POL'Y REV. 149 (2013).

[2] Ashbel T. Wall II, *Why Do They Do It That Way?: A Response to Prison Visitation Policies: A Fifty-State Survey*, 32 YALE L. & POL'Y REV. 199 (2013); *see also* Giovanna Shay, *Visiting Room: A Response to Prison Visitation Policies: A Fifty-State Survey*, 32 YALE L. & POL'Y REV. 191 (2013); David Fathi, *An Endangered Necessity: A Response to "Prison Visitation Policies: A Fifty-State Survey,"* 32 YALE L. & POL'Y REV. 205 (2013); Philip M. Genty, *Taking Stock and Moving Forward to Improve Prison Visitation Practices: A Response to "Prison Visitation Policies: A Fifty-State Survey,"* 32 YALE L. & POL'Y REV. 211 (2013).

[3] *See, e.g., Report of the Joint Committee for the Effective Administration of Justice*, 1963 ANNUAL MEETING OF THE ABA 625, 625. The report stated that "the use of the word 'education' in connection with the judiciary brought raised eyebrows."

[4] *History*, NAT'L JUDICIAL COLLEGE, https://www.judges.org/about/njc-history; *About us*, NAT'L CTR. FOR STATE COURTS, https://www.ncsc.org/about-us; *Home Page*, FED. JUDICIAL CTR., https://www.fjc.gov.

[5] *See, e.g.*, Wynne Muscatine Graham, *The Forgotten History of Prison Law: Judicial Oversight of Detention Facilities in the Nation's Early Years*, 138 HARV. L. REV. 1715 (2025).

[6] *See* JUDITH RESNIK, IMPERMISSIBLE PUNISHMENTS: HOW PRISON BECAME A PROBLEM FOR DEMOCRACY 31-36 (2025).

[7] N.Y. CORRECT. LAW § 146 (McKinney 2022).

[8] *See, e.g.*, CORR. ASS'N N.Y., 180 YEARS OF INDEPENDENT PRISON OVERSIGHT: ANNUAL REPORT (Nov. 2024); CORR. ASS'N N.Y., FOOD AND NUTRITION IN NEW YORK STATE CORRECTIONAL FACILITIES (Jan. 2025); CORR. ASS'N N.Y., "MY GREATEST FEAR IS TO BE A LAB RAT FOR THE STATE": COVID-19 AND VACCINE HESITANCY IN NEW YORK STATE PRISONS (June 2021).

[9] *See, e.g.*, Chief Inspector, HM Chief Inspector of Prisons for England and Wales, Annual Report 2024–25, No. H.C. 1030 (2025), https://assets.publishing.service.gov.uk/media/68678d4fd520affe4e581cc3/hmcip-annual_report-2024-2025.pdf; Observatoire International Des Prisons, *Rapport D'Enquête—Au Coeur de la Prison: La Machine Disciplinaire* (Jan. 2024), https://oip.org/wp-content/uploads/2024/02/au-coeur-de-la-prison-la-machine-disciplinaire-rapport-denquete-de-loip-bd.pdf.

[10] John J. Gibbons & Nicholas deBelleville Katzenbach, *Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons*, 22 WASH. U. J. L. & POL'Y 385, 494-521 (2006).

[11] *See* Mark W. Bennett, *Hard Time: Reflections on Visiting Federal Inmates*, 94 JUDICATURE 304 (2011), https://northerndistrictpracticeprogram.org/wp-content/uploads/2020/10/Hardtime.pdf.

[12] *Henderson v. Thomas*, 913 F. Supp. 2d 1267, 1295 (M.D. Ala. 2012).

[13] *Henderson*, at 1308.

[14] *Braggs v. Dunn*, 257 F. Supp. 3d 1171 (M.D. Ala. 2017).

[15] Ed Cohen, *Poll Suggests That Judges Know What Life Is Like in Their Jails and Prisons*, NAT'L JUD. COLL. (May 16, 2022), https://www.judges.org/news-and-info/poll-suggests-that-judges-know-what-life-is-like-in-their-jails-and-prisons.

David Nocenti

From: Peggy Healy <peggyhealy1234@gmail.com>
Sent: Thursday, November 20, 2025 12:32 PM
To: rulecomments
Subject: Comments on the Proposed Rule for Judicial Visits

Categories: Prison visits

Margaret Healy RN, PNP, JD
82 Clove Road
New Rochelle, NY 10801

David Nocenti

OCA Counsel

Dear Mr. Nocenti

I am writing to support the USC's Advisory Committee's proposal to amend Part 17 of the Rules of the Chief Judge which aims to improve judicial visitation programs in New York State detention facilities.

As an attorney, it is clear to me that sentencing is not the final step in the criminal justice process. The conditions in the jails for convicted individuals are a very important part of the penal system and therefore transparency in the system is critical. The only effective way that judges can evaluate conditions is having a firsthand experience through facility visits, rather than relying on external conversations or literature. Therefore, judicial visits should be meaningful, and not merely ceremonial, to enhance understanding of the incarceration process and conditions.

As an attorney, and as a health care professional who has made many visits to jailed individuals over four decades of practice, it is clear that detention facilities should not be merely places of punishment or isolation but in fact play a significant role in individuals' lives and in their futures. It is vital that judicial officers understand the impact of their sentences on incarcerated individuals and their families in order to truly dispense justice, which is what they are required to do.

Therefore I fully support approval of the amendment to improve the UCS's program for judicial visitation to detention facilities.

Sincerely,

Margaret Healy Esq.

David Nocenti

From:	Anthony Dixon <adixon@paroleprepny.org>
Sent:	Thursday, November 20, 2025 12:37 PM
To:	rulecomments
Subject:	Comments on Judicial Site Visits Proposal
Attachments:	Closing the distance between courtrooms and cells.pdf
Categories:	Prison visits

Attached are comments related to judges visiting prisons in NYS, submitted by the Parole Preparation Project.

CLOSING THE DISTANCE BETWEEN COURTROOMS AND CELLS

New York is standing at a profound inflection point. It has the chance to correct a long-overlooked weakness and blindside in its legal system by requiring judges who sentence or detain people to enter the very institutions where their decisions take root. Courtrooms move in the realm of transcripts, polished arguments, controlled clocks, and the familiar call for "order in the court." Prisons move in the realm of real bodies, real ages, real sickness, and real consequences that stretch across decades, where every day begins and ends with the command "on the count." The distance between those two worlds has produced a system that often understands crime but rarely understands the people who carry the weight of its punishment.

A judge who has never walked a maximum-security tier, never watched an eighty-year-old man in a walker line up for count, never visit a prison hospital ward or never spoken with someone who built a life from antisocial to prosocial conduct and service to others in prison, is a judge who is working with only half the truth. It is easy to believe punishment is working when you have never stepped into a dorm of aging men packed into bunks, never seen a mental health crisis unfold in an understaffed unit, and never witnessed the way excessive sentences continue to punish long after the goals of accountability or public safety have been met. It becomes a moral echo chamber, a place where abstractions guide decisions that reshape real human lives.

Judicial visits will not fix every structural flaw in our system, but they will pull legal decision making out of its clean distance and into contact with lived experience. Sight changes judgment. Encounter changes understanding. When judges see conditions, constraints, and the full humanity of people inside, often sentencing becomes more informed, more careful, and more just. For that reason, visits must extend beyond conveniently located facilities. They must include maximum and medium security prisons throughout the northern regions of the state, not only sites close to metropolitan courts. Anything less repeats the very distortion this proposal seeks to correct.

My name is Anthony Dixon. I served thirty-two years in New York State prisons and have been home for nearly ten years. I now work with the Parole Preparation Project, an organization committed to justice grounded in truth and humanity. I welcome further discussion at **adixon@paroleprepny.org** or **(917) 517 4972**.

Yours Sincerely,

Anthony Dixon
Deputy Director, Parole Preparation Project

Office: (347) 620-5906 | Mobile (917) 715-4972

Website Link:

www.paroleprepny.org/ | Email: adixon@paroleprepny.org | NLG Scholar

135 West 20th Street, Suite 302 New York, NY 10011

We are asking that you use people-centered language (people incarcerated, people on parole, people in prison) to refer to people impacted by the legal system and abandon the use of language like inmates, prisoners, convicts, felons, offenders, parolees, etc., (cf. **An Open Letter to Our Friends on the Question of Language**)

We cannot walk alone, so we march on—together.

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PAROLE PREPARATION PROJECT

A PROJECT OF
THE NATIONAL LAWYERS GUILD
NEW YORK CITY CHAPTER
Anthony Dixon, Deputy Director
135 WEST 20TH STREET, SUITE, 401
NEW YORK, NY 10011
(917) 715-4972 /adixon@paroleprepny.org

Nov. 19, 2025

CLOSING THE DISTANCE BETWEEN COURTROOMS AND CELLS

New York is standing at a profound inflection point. It has the chance to correct a long-overlooked weakness and blindside in its legal system by requiring judges who sentence or detain people to enter the very institutions where their decisions take root. Courtrooms move in the realm of transcripts, polished arguments, controlled clocks, and the familiar call for "order in the court." Prisons move in the realm of real bodies, real ages, real sickness, and real consequences that stretch across decades, where every day begins and ends with the command "on the count." The distance between those two worlds has produced a system that often understands crime but rarely understands the people who carry the weight of its punishment.

A judge who has never walked a maximum-security tier, never watched an eighty-year-old man in a walker line up for count, or never spoken with someone who built a life from antisocial to prosocial conduct and service after decades in prison, is a judge who is working with only half the truth. It is easy to believe punishment is working when you have never stepped into a dorm of aging men packed into bunks, never seen a mental health crisis unfold in an understaffed unit, and never witnessed the way excessive sentences continue to punish long after the goals of accountability or public safety have been met. It becomes a moral echo chamber, a place where abstractions guide decisions that reshape real human lives.

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My name is Anthony Dixon. I served thirty-two years in New York State prisons and have been home for nearly ten years. I now work with the Parole Preparation Project, an organization committed to justice grounded in truth and humanity. I welcome further discussion at **adixon@paroleprepny.org** or **(917) 517 4972**.

Anthony Dixon,

Deputy Director,
Parole Preparation Project

David Nocenti

From: Sandra Miller <amaizeinggrace@gmail.com>
Sent: Thursday, November 20, 2025 3:15 PM
To: rulecomments
Subject: RE: Request for Public Comment-JudicialPrisonVisits - 092925

Categories: Prison visits

I am not a New York resident, however I am a person to whom the carceral justice system across the United State is of immense importance, and so I take the opportunity to register my comment as invited.

As a person who has maintained pen pal friendships with incarcerated persons of many kinds over many decades and states, I have second hand experience of the conditions in which they "reside". In most cases those conditions are deplorable, do nothing in terms of rehabilitation, and certainly do not provide the recognition that those incarcerated are fully human beings with reasons for being the person that committed a crime, while also having the potential for rehabilitation.

It seems to me that the judicial system in New York, and again across the country, has an obligation to see and monitor first hand the situations to which they are sending those they sentence. The purpose would be to take the responsibility they hold as justices to insure that all who are imprisoned are treated as people worthy of care. It is a matter of do unto others as you would have them do unto you.

Please consider the positive impact on the criminal justice system across these United States if New York took these actions and provided a positive model to all.

Respectfully,
Sandra Miller
Greenbelt, MD

"Between stimulus and response there is a space. In that space is our power to choose our response.
In our response lies our growth and freedom." —Viktor Frankl

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David Nocenti

From: Waminc1 <waminc1@aol.com>
Sent: Thursday, November 20, 2025 3:17 PM
To: rulecomments
Subject: Comment on Proposed Rule on Judicial Visits to Prisons
Attachments: Rev Bovian Comment on Proposed Rule.pdf

Categories: Prison visits

Please find my comment attached.

Thank you.

Rev. Annie M. Bovian

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November 20, 2025

David Nocenti, Esq.
Counsel
Office of Court Administration
25 Beaver Street, Floor 10
New York, New York 10004

Dear Mr. Nocenti,

I appreciate this opportunity to comment on the proposed amendment to Part 17 of the Rules of the Chief Judge. I wholeheartedly support the amendment proposed by the UCS Advisory Committee on Criminal Law and Procedure requiring annual visits to prisons, jails, or detention facilities by sentencing judges. The proposed rule would make the visits of judges meaningful by allowing them to see for themselves the conditions of confinement.

A bit about my background: I am an Ordained United Church of Christ Minister, a graduate of Harvard University School of Divinity. I also attended Harvard Law School. In 1993, I became the executive director of Women's Advocate Ministry, Inc. (WAM), a crisis intervention program for incarcerated women. I went to court with women to offer them support, and I initiated the bilingual Hispanic Mother/Child program for incarcerated mothers. My work has centered around women in the Rose M. Singer Correctional Facility at Rikers Island and Westchester County Jail and various other state prisons for women. When I discovered from speaking with women being held at Rikers that they were forced to give birth while in shackles, I carried their experiences with me to advocate in Albany for this inhumane treatment to be banned. While the proposed legislation died in the state senate, the state implemented policy stating that this practice of shackling while in custody was forbidden. I joined Sr. Helen Prejean, author of "Dead Man Walking" in being honored with the prestigious "Lives of Commitment Award" at Auburn Theological Seminary.

I think this rule is necessary and quite important for judges to see where they are sending people they're sentencing. Everyone should be a part of it. Judges are putting away human beings and should know where human beings are going. In the courtroom, they only hear part of a person's life experience. When I was going to Rikers, Taconic Correctional Facility, and Bedford Hills Correctional Facility as part of my ministry, I would make sure to visit with the women where they lived inside.

It's important for those who have the power to take away a person's freedom with the stroke of a pen to see firsthand the inside conditions where people eat, sleep, bathe, work, shop, recreate, and visit with family including children. A judge sitting down with a group of incarcerated people for a dialogue could change the incarcerated person's view of their worth and enhance the judge's view as well. It might also increase the community's confidence in the justice system.

As a society, we put people, human beings, away as nothing more than meat. They're more than just meat! In fact, they are God's children with their own story to tell, their own life that matters. It can only help for everyone involved to see the humanity in the other person whether that person is a defendant, correction's officer, administrator, or judge. This in no way takes away from the person who was harmed who is also a child of God. By seeing the other person as a human being, we can restore a healing sense of humanity which will go a long way in how

the incarcerated person serves their time and re-enters the community. Whenever we are able to meet each other on a human level, there is hope for deeper understanding and a better future.

Thank you for the opportunity to comment on this critically important rule that has been proposed. I urge your swift adoption. I know this will become a model for the nation. It makes me proud as a New Yorker and hopeful for a better world in these troubled times.

Respectfully,

Rev. Annie M. Bovian

Greenburgh, NY
wamc1@aol.com

David Nocenti

From: Davis, Evan A. <edavis@cgsh.com>
Sent: Thursday, November 20, 2025 3:39 PM
To: rulecomments
Subject: Proposed Rule on Judicial Visits to Prisons

Categories: Prison visits

Judge Harold Leventhal was a judge of the US Circuit Court for the District of Columbia Circuit when I served as one of his law clerks in 1969-70. One day he told his clerks that he had just spent some time in Lorton Prison while assuming the role of a prisoner. The deception lasted about two days until he couldn't resist the temptation to acknowledge that he had presided over the appeal of several of their cases. These inmates were eager to reargue. Judge Leventhal was proud of what he had done. He said it caused him be more thoughtful in ruling on federal habeas applications. In 2001 Lorton Prison, which had a reputation for violence, was closed.

Evan A. Davis | Senior Counsel
Cleary Gottlieb Steen & Hamilton LLP
Assistant: dmeola@cgsh.com
One Liberty Plaza, New York NY 10006
T: +1 212 225 2850
edavis@cgsh.com | clearygottlieb.com

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David Nocenti

From: Margo Schlanger <mschlan@umich.edu>
Sent: Thursday, November 20, 2025 4:29 PM
To: rulecomments
Subject: Comment on Proposed 22 NYCRR § 17.1
Attachments: Comment on NYS Visiting.pdf

Categories: Prison visits

Please see attached.

Margo Schlanger
Wade H. and Dores M. McCree Collegiate Professor of Law
Director, Civil Rights Litigation Clearinghouse
University of Michigan Law School
625 So. State Street
Ann Arbor, MI 48109
mschlan@umich.edu
www.margoschlanger.net
734-615-2618
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Michigan Law
University of Michigan Law School

Margo Schlanger
Wade H. and Dores M. McCree Collegiate Professor of Law
Phone: 734-615-2618
Email: mschlan@umich.edu

625 South State Street
910 Legal Research Building
Ann Arbor, Michigan 48109-1215

November 20, 2025

Via email: rulecomments@nycourts.gov

David Nocenti, Esq., Counsel
Office of Court Administration
25 Beaver Street, 10th Fl.
New York, NY 10004

Re: Proposed 22 NYCRR § 17.1

To whom it may concern:

I write to express my support for this proposed rule governing visits by judges to correctional and other detention facilities.

For decades I have worked on issues relating to regulation of prisons and jails. I began my career at the U.S. Department of Justice, where I worked to implement the Civil Rights of Institutionalized Persons Act, investigating and litigating remediation of systemic problems in incarcerative facilities. In the years since, I have been the reporter for the American Bar Association's Criminal Justice Standards on the Treatment of Prisoners, and the author of dozens of scholarly articles relating to conditions of confinement and their regulation. I am the lead author for the leading law school casebook on the topic (Incarceration and the Law: Cases and Materials, West Academic). And I have been both an expert witness and a court-appointed monitor in large-scale prisoner civil rights litigation. I have done dozens of site visits to jails and prisons across the country.

I want to share two insights gained from all this experience. First, for anyone who wishes to understand how prisons and jails work, and the experience of incarceration, there is no substitute for spending time visiting facilities, looking (hearing, smelling) around, and talking with both the people incarcerated there and the staff. Second, each visit to each facility is productive and enlightening; different facilities are very very different.

There is no group more in need of understanding about incarceration than judges, who are its gatekeepers. The proposed rule is carefully constructed to maximize the benefit from visits. As a member of the New York Bar, I hope very much that it is adopted, and that it proves a model for other states as well.

Yours,

Margo Schlanger

Margo Schlanger

NOTE: Institutional affiliation provided for information only; all views are personal.

David Nocenti

From: Octavia Carson <ocarson@fairandjustprosecution.org>
Sent: Thursday, November 20, 2025 4:57 PM
To: rulecomments
Cc: Preston Shipp; Estela Dimas
Subject: Submission of FJP Comment for proposal for judicial visits and Inquiry Regarding Public Posting
Attachments: FJP Comment.pdf

Categories: Prison visits

Dear David Nocenti, OCA Counsel,

I hope you are well. On behalf of Fair and Just Prosecution, I am writing to submit our comment regarding the proposed judicial visitation policy. The final version is attached for your review.

Could you please advise when the submitted comments will be publicly posted? We would also appreciate guidance on how and where we will be able to access the full set of comments once they are live.

Thank you in advance for your assistance. Please feel free to contact me if you need anything further.

Best regards,

Octavia Carson

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We write on behalf of Fair and Just Prosecution ("FJP"), to express our support for the proposal of the UCS's Advisory Committee on Criminal Procedure ("CPL committee"), to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities. FJP, a project of the Tides Center, is a national organization that brings together elected prosecutors around the nation as part of a nonpartisan network of leaders committed to improving public safety and promoting a justice system grounded in compassion, fiscal responsibility, fairness, and equity. FJP works with elected prosecutors who hail from more than 60 jurisdictions - urban and rural areas alike - and they collectively represent nearly 20 percent of our nation's population.

FJP believes that sentencing decisions should be grounded in both accountability and rehabilitation. Judges must be able to evaluate whether a given sentence will further the goals of public safety, support personal transformation, and align with the seriousness of the offense. That evaluation is impossible without a real understanding of the correctional context. Therefore, judicial officers should possess an accurate, firsthand understanding of the conditions in the very facilities to which they sentence people. Annual visits, modeled after a successful pilot program involving four facilities, provides the insight that judges need to make informed sentencing determinations. The committee overseeing the pilot program concluded that the benefits of these visits far outweighed the administrative and financial costs, and FJP agrees.

Regular, direct observation of the prison environment, programming availability, staffing culture, safety issues, and barriers to reentry that individuals experience allows judges to fully understand the impact of their decision-making and encourages transparency within prisons. Despite their inextricable link to the criminal justice system, the spaces inside prison walls are often disconnected to the daily lives of judges, prosecutors, and others who work in the criminal justice system.

In addition, prisons are often located in remote areas that also serve to disconnect the people inside from their friends, family, and the larger community. This disconnection can facilitate conditions that are dehumanizing, unsafe, and offer few opportunities for rehabilitation. Given that 95% of the people who enter correctional facilities will be released back into the community, the conditions inside prisons have broad public safety implications. Regular visits by judges can illuminate the realities that too often go unseen: correctional facilities are frequently violent, unhealthy environments that can exacerbate harm rather than promote rehabilitation. When judges understand the conditions of prisons, they will better understand what a prison sentence means and the consequences of their decision-making.

Regular visits to correctional facilities by actors within the justice system are not unique. For example, in 2024, 65 elected prosecutors from 28 states committed to visiting correctional facilities and having their staff do the same. Those who fulfilled their pledge to visit correctional facilities found the experience to be transformative and important to their work of serving the

public and improving the justice system. FJP believes that a similar rule for New York's judges could be similarly transformative.

A consistent, statewide policy ensuring that all judges gain comparable, meaningful exposure to the facilities they reference daily in their work promotes fairness in sentencing because every judge will have had the same exposure to prisons and their conditions. Without a consistent policy for all judges, sentencing practices risk being shaped by uneven or outdated knowledge, contributing to disparities and undermining public confidence in the fairness and legitimacy of the criminal justice system.

A statewide rule requiring judges to visit prisons more generally promotes the legitimacy of the justice system because it demonstrates that the judiciary as a whole understands and is concerned with all members of the community that they serve, including the people that they sentence. This policy would complement existing professional obligations that provide structured guidance for the judiciary.

Judges operate within a system that routinely sets statewide standards for training, ethics, courtroom procedure, and judicial conduct. A requirement to maintain experiential knowledge of correctional conditions should be part of these reasonable professional expectations. The proposed rule will show the public that the judiciary is not unaware of the realities of the places they send community members, but instead it is part of their professional obligations to directly observe them.

Furthermore, correctional facilities already host visits for legislatures, visiting officials, oversight bodies, and countless educational, vocational, and religious volunteers. Moreover, the pilot program demonstrated that visits can be safe, structured, and manageable. Also, the modest costs associated with this policy are more than justified by the immense benefit of a better-informed judiciary, and pale in comparison to the financial and societal costs of sentences in institutions that fail to promote rehabilitation.

Ultimately, FJP believes that all actors in the criminal justice system, including judges, prosecutors, defense attorneys, corrections officials, and policymakers, share a common responsibility: to ensure that the system promotes dignity, fairness, safety, and humanity. Annual visits help equip judges with the practical knowledge needed to issue sentences that advance these values and serve the long-term interests of public safety.

For these reasons, FJP urges you to adopt this policy and promote an informed, transparent, and accountable judiciary.

Respectfully submitted,

Fair and Just Prosecution

David Nocenti

From: Shannon Wong <SWong@nyscadv.org>
Sent: Thursday, November 20, 2025 4:59 PM
To: rulecomments
Cc: jgerhardt@nyscadv.org; Connie Neal
Subject: NYSCADV Comments on Rule Change Regarding Judge Jail Visits
Attachments: NYSCADV Comments Judge Jail Visits 112025.pdf

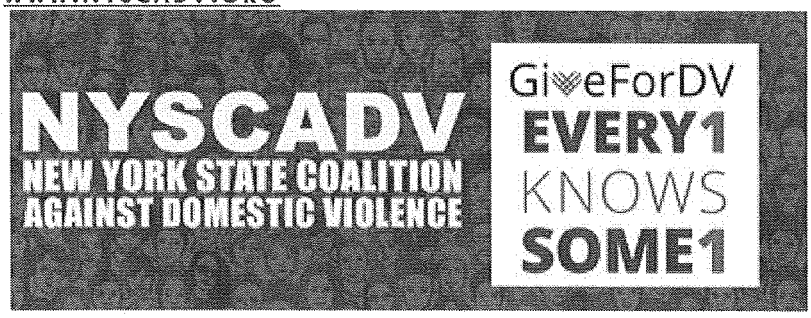
Categories: Prison visits

Dear Mr. Nocenti,

Please see the attached comments by the New York State Coalition Against Domestic Violence (NYSCADV) regarding the proposed amendment to Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

Respectfully submitted,
Shannon Wong

SHANNON WONG (SHE/HER) LEARN MORE ABOUT PRONOUNS.
PUBLIC POLICY MANAGER
NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE
119 WASHINGTON AVENUE, STE. 305
ALBANY, NY 12210
518-482-5465 X 224(P)
SWONG@NYSCADV.ORG
WWW.NYSCADV.ORG



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NYSCADV
NEW YORK STATE COALITION
AGAINST DOMESTIC VIOLENCE

119 WASHINGTON AVENUE
ALBANY, NY 12210
518-482-5465

WWW.NYSCADV.ORG

November 20, 2025

David Nocenti, Esq.
Counsel
Office of Court Administration
25 Beaver St., 10th Floor
New York, NY 10004

Submitted via e-mail at: rulecomments@nycourts.gov

RE: Request for public comment on the proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities

Dear Mr. Nocenti,

The New York State Coalition Against Domestic Violence (NYSCADV) is writing to provide comments regarding the proposed amendment to Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

NYSCADV was established more than 45 years ago as a statewide non-profit membership organization comprised of local domestic violence service providers and allied organizations that are committed to preventing and ending domestic violence. In New York, there are nearly 100 residential and non-residential domestic violence programs which operate at approximately 250 locations around the State.

Victims of domestic violence end up incarcerated for several reasons. Some have been criminalized as a direct result of their abuse, often through coerced crimes, self-defense, or survival-related offenses such as property crimes or substance use. Tragically, issues of abuse or coercion are rarely considered during the judicial process resulting in harsh sentences and lengthy incarcerations.

Increased visits by members of the Judiciary will allow judges to witness firsthand the conditions survivors face behind bars, including re-traumatization, inadequate mental health care, and the impact of being separated from their support system and especially their children. It is our hope that visiting jails and prisons will foster empathy, promote fairer outcomes, and help ensure that survivors are seen and not forgotten while they are incarcerated.

Additionally, when judges see overcrowding, inadequate medical care, or the lack of rehabilitative programming, they gain insight that can inform fairer and more humane sentencing decisions. Visiting jails and prisons may also help improve access to alternatives to incarceration, such as treatment programs, diversion initiatives, or community-based supervision. For victims of domestic violence these programs often serve as useful tools for growth and provide the support needed to live a life free of violence and abuse.

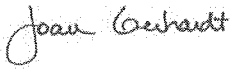
When judges visit jails and prisons, the impact on incarcerated individuals, especially survivors of domestic violence, can be profound. These visits signal that the people in positions of power care about the conditions and experiences of those behind bars. For many inmates, a judicial visit

communicates that they are seen, heard, and not forgotten. It can restore a sense of dignity and humanity in an environment that often strips those away. Seeing judges take the time to understand their circumstances can also build trust in the fairness of the legal system and offer hope that future decisions will be more compassionate and informed. Such visits help humanize incarcerated people, reminding everyone that justice should include understanding, accountability, and the possibility of redemption.

The proposed rule change has the potential to improve the criminal justice system response to survivors of domestic violence who are at risk of being incarcerated or who have already been criminalized. NYSCADV supports this rule change with the hope that our criminal justice system will be more trauma informed and understanding of the impact of incarceration on victims of domestic violence.

Thank you for your consideration of these comments.

Sincerely,



Joan Gerhardt
Director of Public Policy and Advocacy

David Nocenti

From: Brigid Riedy <Briedy@sffny.org>
Sent: Thursday, November 20, 2025 5:10 PM
To: rulecomments
Cc: Ross Kramer; Isabelle Demenge
Subject: IGVSI Support for Proposal to Amend Part 17 of the Rules of the Chief Judge
Attachments: IGVSI_Letter of Support for Proposal to Amend Rules of the Chief Judge.pdf

Categories: Prison visits

Hello,

I am respectfully submitting a letter on behalf of Sanctuary for Families' Incarcerated Gender Violence Survivor's Initiative, in support of the proposed amendment to Part 17 of the Rules of the Chief Judge. Please see the said letter attached.

Thank you,
Brigid Riedy

Brigid Riedy
Project Assistant
Incarcerated Gender Violence Survivors Initiative
Pronouns: She/Her/Hers

Sanctuary for Families
PO Box 1406
Wall Street Station
New York, NY 10268

T: 646-357-3499 x 1412
F: 332-895-7435

Facebook | Twitter | Instagram
sanctuaryforfamilies.org

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Sanctuary for Families

IGVSI
INCARCERATED GENDER VIOLENCE SURVIVORS INITIATIVE

November 20, 2025

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004

Re: **Support for Proposal to Amend Part 17 of the Rules of the Chief Judge**

Dear Mr. Nocenti:

I am writing on behalf of the Incarcerated Gender Violence Survivors Initiative ("IGVSI") to express our strong support for the Proposal to Amend Part 17 of the Rules of the Chief Judge.[1]

In particular, we are deeply supportive of the proposed revision to Section 17.1(i), which would ensure that judicial visits include facilities housing incarcerated women.

We represent survivors of gender-based violence who are incarcerated at women's prisons throughout New York State. We try to visit clients in the women's prisons at Bedford Hills, Taconic and Albion nearly every week. Through our work, we have learned that incarcerated women face unique challenges. Most incarcerated women have experienced gender-based violence either as children or adults. Many arrive with deep pre-existing trauma. They are hypervigilant and highly vulnerable to re-traumatization. They are particularly affected by the lack of privacy in showers and living quarters, invasive strip searches, and the prevalence of male corrections officers. Sexual assault and sexual harassment are constant concerns. They have distinct healthcare needs that are difficult to address in prison, including the need for trauma-informed mental healthcare. They struggle to maintain connections with their family and community. They struggle to mother their children by telephone.

Regular and meaningful judicial visits to women's prisons would allow sentencing judges to see first-hand the unique challenges that incarcerated women face. We respectfully submit that such perspective is essential to the fair and equitable administration of justice. Therefore, we strongly support the Proposal to Amend Part 17.

Respectfully submitted,

Ross Kramer, Director
Richard Rothman and Dorchen Leidholdt, Co-Founders

---

[1] IGVSI is a collaboration among legal and social services organizations, law firms, advocacy groups, retired judges, formerly incarcerated survivors, and other individuals committed to assisting survivors of gender violence who are currently serving prison time in New York State. IGVSI is housed at Sanctuary for Families, which is one of New York State's leading service providers for survivors of domestic abuse, sex trafficking, and other forms of gender-based violence.

David Nocenti

From: Elizabeth Gaynes <egaynes1@gmail.com>
Sent: Thursday, November 20, 2025 5:38 PM
To: rulecomments
Subject: Fwd: Public Comment on Proposed Amendments
Attachments: Comment on Amendment to Part 17.docx

Categories: Prison visits

Attached please find my letter submitted in response to proposed amendments to Part 17 of the Rules of the Chief Judge.
I appreciate the opportunity to comment, and am in strong support of the proposed amendments that would require New York State judges who impose sentences or order detention to conduct at least one substantive visit to a correctional or detention facility annually, and I commend OCA and the Advisory Committee on Criminal Law and Procedure for advancing this valuable reform.

Elizabeth Gaynes, Esq.
646-996-3969
egaynes1@gmail.com

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Elizabeth Gaynes
65 Burnside Drive
Hastings-on-Hudson, NY 10706
Egaynes1@gmail.com

November 20, 2025

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 4th floor
New York, NY 10004
(by email to rulescomments@nycourts.gov)

RE: Public Comment on Proposed Amendments to Part 17 of the Rules of the Chief Judge

Colleagues:

I was admitted to the practice of law in New York State (Fourth Department) in 1973 and am currently retired from the practice of law. My experience as a defense attorney, a Prisoners' Legal Services staff attorney, and as President and CEO of the Osborne Association for 38 years until 2022, I appreciate the opportunity to comment. Although I am currently a commissioner for the NYS Commission of Correction, my comments and opinions are my own, and do not in any way represent the position of any agency or organization.

I recall clearly that as a newly minted criminal defense lawyer more than 50 years ago, making a bail application in state Supreme Court on behalf of a client, the judge set cash bail with the comment that perhaps it would be good to give the defendant "a taste of jail" to deter him from further illegal behavior that might lead to incarceration. We know now that this experience, even for a short time, is more likely to have the opposite effect than intended. First, the defendant learns that he or she can survive jail, and the interruption of employment, family connection, housing, or ongoing treatment creates further trauma and disconnection that might well lead to further illicit activity. I doubt that the judge had actually visited a jail or observed the experience of incarcerated people, from invasive body searches to having your children see you looking like a clown, in the visiting room wearing an orange jumpsuit – if the jail even has visiting outside of school hours.

It was a relief when, a few years after I left the practice of law to lead a nonprofit organization serving people involved in the criminal legal system, I was able to work with colleagues in the creation of the Bronx Treatment Court and the Midtown Community Court, both early efforts that have since grown into a variety of specialty courts that recognize the various issues and behavioral health challenges affecting defendants and those convicted of crimes and sentenced to incarceration.

In my work at Osborne, where our Assigned Counsel Services program provided forensic social workers who would present pre-plea and pre-sentence reports to the court on behalf of defendants represented by 18-B or indigent defense services, we often saw efforts by judges who were sentencing people to prison to recommend placing them in particular prisons or specific programs. But it doesn't work that way. When defendants are sentenced to state prison, it is entirely up to NYS Department of Corrections and Community Supervision (DOCCS) as to placement. If judges were required to visit some of these facilities, they would learn more about what is (and is NOT) available for people with a variety of medical, behavioral health, and disability challenges, including sensorial disability and a neuro-diverse conditions.

At the same time, when a person in state prison is coming up for parole release, DOCCS typically reaches out to the prosecutor and sentencing judge for feedback. These judges rarely know what incarcerated people accomplished while serving their time, or what was (and was NOT) available to them. While prosecutors typically oppose release based on the original crime, if judges understood how prisons operated and what was available during incarceration, they might be better able to judge whether someone was release-ready years or decades later. To the degree that New York adopts "second-look sentencing," or merely asks judges to weigh in on discretionary release or clemency, it will be of greater value if judges understand what we can reasonably expect of incarcerated people as they serve time.

I have visited dozens of jails and prisons in 6 states and 6 countries on 3 continents and the Caribbean. While each facility is different in terms of their safety and humanity (as we say, "if you've seen one jail, you've seen...one jail"), we take away someone's freedom AS punishment, not FOR punishment. Without visiting and learning what it really means to deprive a person of freedom, and without understanding how incarceration can lead to rehabilitation or debilitation, it seems unfair to expect the court to choose a just sentence.

The founder of the organization I led for nearly 4 decades, Thomas Mott Osborne, was a successful businessman and the Mayor of Auburn in the early 1900's and in 1912 he spent a week as a voluntary prisoner in Auburn Prison (today the oldest continually operating prison in the country). Later he served as warden of Sing Sing, and asked "Shall our prisons be scrap heaps or repair shops?" If Judges are regularly visiting them, the chance of them being repair shops increases, both because the incarcerated will know they have not been forgotten and will be more motivated toward rehabilitation, and because those who run our prisons and jails will feel a greater obligation to provide opportunities for transformation.

I hope the proposed amendments are adopted, and that we all take seriously our obligation to see what our society has decided to do in response to lawbreaking, and consider whether locking people in cages is the only or best response.

Sincerely,

Elizabeth Gaynes

David Nocenti

From: Waminc1 <waminc1@aol.com>
Sent: Thursday, November 20, 2025 7:29 PM
To: rulecomments
Subject: Proposed Rule in Judicial Visits to Prisons
Attachments: Rev Bovian Comment on Proposed Rule.pdf

Categories: Prison visits

Please see the attached document.

Thank you,

Rev. Annie Bovian

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November 20, 2025

David Nocenti, Esq.
Counsel
Office of Court Administration
25 Beaver Street, Floor 10
New York, New York 10004

Dear Mr. Nocenti,

I appreciate this opportunity to comment on the proposed amendment to Part 17 of the Rules of the Chief Judge. I wholeheartedly support the amendment proposed by the UCS Advisory Committee on Criminal Law and Procedure requiring annual visits to prisons, jails, or detention facilities by sentencing judges. The proposed rule would make the visits of judges meaningful by allowing them to see for themselves the conditions of confinement.

A bit about my background: I am an Ordained United Church of Christ Minister, a graduate of Harvard University School of Divinity. I also attended Harvard Law School. In 1993, I became the executive director of Women's Advocate Ministry, Inc. (WAM), a crisis intervention program for incarcerated women. I went to court with women to offer them support, and I initiated the bilingual Hispanic Mother/Child program for incarcerated mothers. My work has centered around women in the Rose M. Singer Correctional Facility at Rikers Island and Westchester County Jail and various other state prisons for women. When I discovered from speaking with women being held at Rikers that they were forced to give birth while in shackles, I carried their experiences with me to advocate in Albany for this inhumane treatment to be banned. While the proposed legislation died in the state senate, the state implemented policy stating that this practice of shackling while in custody was forbidden. I joined Sr. Helen Prejean, author of "Dead Man Walking" in being honored with the prestigious "Lives of Commitment Award" at Auburn Theological Seminary.

I think this rule is necessary and quite important for judges to see where they are sending people they're sentencing. Everyone should be a part of it. Judges are putting away human beings and should know where human beings are going. In the courtroom, they only hear part of a person's life experience. When I was going to Rikers, Taconic Correctional Facility, and Bedford Hills Correctional Facility as part of my ministry, I would make sure to visit with the women where they lived inside.

It's important for those who have the power to take away a person's freedom with the stroke of a pen to see firsthand the inside conditions where people eat, sleep, bathe, work, shop, recreate, and visit with family including children. A judge sitting down with a group of incarcerated people for a dialogue could change the incarcerated person's view of their worth and enhance the judge's view as well. It might also increase the community's confidence in the justice system.

As a society, we put people, human beings, away as nothing more than meat. They're more than just meat! In fact, they are God's children with their own story to tell, their own life that matters. It can only help for everyone involved to see the humanity in the other person whether that person is a defendant, correction's officer, administrator, or judge. This in no way takes away from the person who was harmed who is also a child of God. By seeing the other person as a human being, we can restore a healing sense of humanity which will go a long way in how

the incarcerated person serves their time and re-enters the community. Whenever we are able to meet each other on a human level, there is hope for deeper understanding and a better future.

Thank you for the opportunity to comment on this critically important rule that has been proposed. I urge your swift adoption. I know this will become a model for the nation. It makes me proud as a New Yorker and hopeful for a better world in these troubled times.

Respectfully,

Rev. Annie M. Bovian

Greenburgh, NY
wamc1@aol.com

David Nocenti

From: Barry, Prof. Carol <cbarry@law.pace.edu>
Sent: Thursday, November 20, 2025 8:13 PM
To: rulecomments
Subject: Comment on Proposal to Amend Rule 17 of the Rules of the Chief Judge
Attachments: Comment Regarding Amendment of Rule 17 (Carol Barry).pdf

Categories: Prison visits

Good evening,

Please see my attached letter in support of the proposal to amend Rule 17 to improve the UCS's program for judicial visitation to detention facilities.

Thank you for your consideration.

Sincerely,
Carol Barry
Professor of Practice
Elisabeth Haub School of Law at Pace University
cbarry@law.pace.edu
914-422-4331

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PACE
UNIVERSITY
Elisabeth Haub School of Law

CAROL BARRY
PROFESSOR OF PRACTICE
DIRECTOR, PACE CRIMINAL JUSTICE INSTITUTE

78 NORTH BROADWAY
WHITE PLAINS, NY 10603
OFFICE #: (914) 422-4331
FAX #: (914) 422-4391
CBARRY@LAW.PACE.EDU

Dear Mr. Nocenti:

I write to strongly support the proposal of the Unified Court System's Advisory Committee on Criminal Law and Procedure to amend Rule 17 of the Rules of the Chief Judge that would require meaningful and regular visits to jails and prisons by trial judges in New York State. Such a requirement would not only strengthen the integrity of the criminal justice system in New York but also enhance the fairness and humanity with which these judges administer justice. I am a former prosecutor at the New York County District Attorney's Office and have been teaching at the Elisabeth Haub School of Law (formerly Pace Law School) for almost thirty years. I supervise both the Prosecution Externship and the Honors Prosecution Externship programs, and I also teach Legal Skills and a Prosecutorial Best Practices class. As a former prosecutor, a professor who teaches students about being fair and ethical prosecutors, and the director of the Pace Criminal Justice Institute, I urge the adoption of this vitally important proposal.

New York can and should be a leader on this issue, and by adopting this proposal, New York will serve as a model for the rest of the country. It is imperative that judges who have the power to detain or sentence someone to a jail or prison know firsthand what this truly means. Judges need to see what the conditions are like in these facilities and to interact with the people who are serving time there as well as those who work there. The requirement of annual meaningful visits by judges would ensure that they have a critical and current understanding of the true impact of their decisions.

Thinking about the significance of this proposal reminded me of a quote from Bryan Stevenson's book, *Just Mercy,* in which he recalls his grandmother telling him that "you can't understand most of the important things from a distance … You have to get close." This proposal will ensure that our New York State judges will get close to the prisons and jails, the people detained there and the people who work there, and as a result, these judges will truly understand the impact of their decisions to detain or to sentence someone to a period of incarceration.

Additionally, the criticism or praise regarding these facilities that judges may express after these annual visits will carry that much more weight because this will be based on their firsthand observations about these institutions and conversations with the people who are housed there and the people who work there. When judges witness conditions firsthand, they are better positioned to recognize when the system is functioning properly and when it is failing. Their informed oversight increases transparency, encourages institutional improvement, and helps ensure that constitutional and statutory standards for humane treatment are not violated in practice.

Furthermore, the substantial benefits of this rule requiring judges to make meaningful annual visits to jails and prisons far outweigh any financial costs of the visits and any burden on the system itself. The fair and humane treatment of those who spend any amount of time in our jails and prisons is a cost we should all be willing to bear.

For these reasons, the proposal to require meaningful annual visits to correctional facilities is a thoughtful and necessary step to ensure that New York's judges administer justice in a fair and humane way, and it is a step that should be taken now.

Sincerely,

Carol Barry

Carol Barry

David Nocenti

From: martyalb@gmail.com
Sent: Thursday, November 20, 2025 8:20 PM
To: rulecomments
Subject: Comment on Part 17 - Rules of the Chief Judge - Judicial Visits to Detention Facilities
Attachments: Part17-comment-rosenbaum-112025-1.pdf

Categories: Prison visits

Annexed for filing and consideration is my three-page letter with comments on the proposed revisions to Part 17 of the Rules of the Chief Judge, concerning judicial visits to detention facilities.

The original letter-document was mailed today, November 20, 2021.

Thank you for your consideration.

Please be CAREFUL when clicking links or opening attachments from external senders.

Marty I. Rosenbaum
Attorney at Law
1971 Western Avenue, #105
Albany, New York 12203
(518) 542-1961

November 20, 2025

VIA E-MAIL *(sent 11/20/25)*
CONFIRMATION BY MAIL *(postmarked and mailed 11/20/25)*

Hon. David Nocenti
Counsel
NYS Unified Court System
Office of Court Administration
25 Beaver Street, 10th Floor
New York, New York 10004

re: Public Comment: Judicial Visitation at Detention Facilities
(Proposed Amendment to Part 17, Rules of the Chief Judge)

Dear Mr. Nocenti:

I am pleased to respectfully offer the following comments in ***strong support*** of the proposal to amend Part 17 of the Rules of the Chief Judge, as set forth in your memo to "interested persons" dated 9/29/25, concerning judicial visits to correctional facilities.

By way of background, I have been a public defender in New York and Florida and served more than eight years as a staff attorney and Director of Judicial and Legislative Services for the Public Defense Backup Center of the NYS Defenders Association. I was an Assistant Attorney General in the State of New York. I worked for nearly twenty-seven years as a counsel to the Standing Committee on Codes (and other committees) of the NYS Assembly.

I have visited state prisons and local jails dozens of times for hearings and to meet with individual clients. In addition, I have had the privilege of participating with elected officials in tours and fact-finding visits to state prisons, jails and local detention facilities.

All judges of the Unified Court System, including Town and Village Justices, have the authority to conduct arraignments, issue securing orders, impose jail sentences and incarcerate individuals for contempt. Officials having these powerful responsibilities should be fully informed of the conditions of confinement at facilities to which they may send members of the public. Moreover, staff at these facilities (both security and civilian staff) have important and, frequently, challenging duties. These staff members have a responsibility to partner with the courts, prosecution and defense in the rehabilitative process. Regular judicial visits to correctional facilities can help enhance this partnership.

Wisely, the proposal requires annual, rather than occasional, visits. The requirement of an in-depth experience, rather than, for example, a simple lecture or meeting in the superintendent's office, is well-reasoned. Limited meetings, in "showroom" facilities, should not satisfy the rule.

To help assure that the intent of the proposed rule is achieved, I urge that unnecessary, imprecise and, in some instances, nettlesome language be revised. "As practicable" and "to the extent practicable," for example, should be removed throughout. These phrases may result in the evasion of important provisions. "Shall" should generally be substituted for "should."

Further, in proposed 17.1 (c), "combined without duplication" seems unclear. Here, also, the phrase "shall not revisit a facility" should be modified to make clear that the sequencing provisions in (c) do not limit a judge's authority -- inherent and statutory -- to visit correctional institutions. See, e.g., Correction Law 146 (2) (Court of Appeals, Supreme Court and County Court judges). Since many incarcerated persons sleep in cells, particularly in maximum security facilities, proposed 17.1 (e) (2) should be amended to state that housing "cells" should be visited, in addition to "one general population area."

Proposed 17.1 (d) (4) would require that judges travel to facilities "located in the county where the judge or justice is sitting." Thus, the proposal recognizes the importance of judges visiting, and learning the existing conditions at, facilities to which they may potentially confine persons *in the actual cases before them.* The quoted language should be clarified and assured throughout the rule text.

For more than 175 years, the Correctional Association of New York ("CANY") has had a special responsibility, established by law, for visiting and monitoring state and local correctional facilities. See, e.g., Correction Law section 146 (3). I respectfully urge that the Chief Judge consult with CANY and amend the proposed rule to specify a prominent role for CANY in planning, facilitating and accompanying judges on visits to state and local correctional facilities. Subject to any "*reasonable and individually identified*" security concern, proposed 17.1 (f) should also state that CANY shall be asked to participate in the identification of incarcerated persons, family members and employees who wish to meet with judges during facility visits. Proposed 17.1 (f) should be amended as well to provide that conversations among judges and such individuals "*shall*" be as private as possible consistent with "*reasonable and individually identified*" security concerns.

Finally, a significant omission in the proposed rule should be corrected. The rule should **require** each judge, for each annual visit, to certify: the facility name, date and beginning and ending time of the visit. Compare proposed 17.1 (g) ("allow[s] judges who wish to report …"). Other government workers must certify attendance at, for example, anti-sexual harassment training and worker safety programs. Attorneys, of course, must certify and maintain records concerning completion of continuing legal education hours. See, e.g., Joint Rules of the Appellate Divisions, 22 NYCRR section 1500.23 ("Reporting Requirements"). It is neither burdensome nor offensive to require judges to contemporaneously confirm annual compliance with this rule.

Thank you for the opportunity to comment on this important proposal.

Sincerely,



Marty I. Rosenbaum
martyath@gmail.com

David Nocenti

From: Mushlin, Prof. Michael B. <mmushlin@law.pace.edu>
Sent: Thursday, November 20, 2025 10:05 PM
To: Margo Schlanger; rulecomments
Subject: RE: Comment on Proposed 22 NYCRR § 17.1

Categories: Prison visits

Dear Margo,

I can't thank you enough for taking the time—especially during what I know is an exceptionally busy period for you—to lend your wisdom and insight to the deliberations on this proposal. I have no doubt that your letter will make a real difference, and I am truly grateful. We have received a wide range of comments from many people and perspectives in support of regular, meaningful judicial visits. I am now cautiously optimistic, with my fingers firmly crossed. Thank you again for stepping up to the plate.

Warmly,

Michael

From: Margo Schlanger <mschlan@umich.edu>
Sent: Thursday, November 20, 2025 4:29 PM
To: rulecomments@nycourts.gov
Subject: Comment on Proposed 22 NYCRR § 17.1

Please see attached.

Margo Schlanger
Wade H. and Dores M. McCree Collegiate Professor of Law
Director, Civil Rights Litigation Clearinghouse
University of Michigan Law School
625 So. State Street
Ann Arbor, MI 48109
mschlan@umich.edu
www.margoschlanger.net
734-615-2618
Now available: Incarceration and the Law: Cases and Materials
(faculty inspection here, and non-faculty purchase here)
http://incarcerationlaw.com

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David Nocenti

From:	lnoroian@wbasny.org
Sent:	Thursday, November 20, 2025 10:33 PM
To:	rulecomments
Cc:	lchiaverini@wbasny.org
Subject:	Response to Requests for Public Comment
Attachments:	OCA Nov 2025 comments.pdf
Categories:	Prison visits, ADR confidentiality

Dear Mr. Nocenti,

Please see attached comments.

Sincerely,

Lisa Noroian
WBASNY President

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Women's Bar Association

OF THE STATE WBASNY OF NEW YORK

November 20, 2025

PRESIDENT
Lisa Noroian

Post Office Box 936
Planetarium Station
New York, NY 10024-0546

(212) 362-4445
(212) 721-1620 (FAX)
info@wbasny.org
www.wbasny.org

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Anna S. McCarthy

EXECUTIVE DIRECTOR
Linda A. Chiaverini

David Nocenti
Counsel
NYS Office of Court Administration
25 Beaver Street, 10th Floor
New York, New York 10004

Sent by email to: rulecomments@nycourts.gov

RE: Response to Request for Public Comment to the UCS Advisory Committee's proposal to (i) amend 22 NYCRR §17; and the ADR advisory committee's proposal to (ii) amend 22 NYCRR §§ 160.1(f), 160.2(a), 160.3(a) & 160.5

Dear Mr. David Nocenti:

For the reasons set forth herein, the Women's Bar Association of the State of New York ("WBASNY") supports the Unified Court System ("UCS") Advisory Committee's proposal to amend and partially repeal 22 NYCRR §17 (aka "Section 17"). WBASNY also supports the Statewide Advisory Committee on Alternative Dispute Resolution's ("ADR") proposal to amend 22 NYCRR §§ 160.1(f), 160.2(a), 160.3(a) & 160.5.

i. Proposal to Amend and Partially Repeal 22 NYCRR §17

The UCS Advisory Committee's proposal would repeal and replace 22 NYCRR §17.1. Under the new Section 17.1, judges would be required to "visit" jails and/or other detention facilities located throughout the state annually, as opposed to once every four years. The proposed revisions to Section 17 would also redefine what constitutes a meaningful "visit" to a jail and/or other detention facility. Additionally, new sections 17.4 and 17.5 would require Judges and Justices of the Town and Village Courts, within one year of assuming office, to attend a training/orientation program in support of visiting the facilities.

WBASNY supports the proposed changes to Section 17. WBASNY believes that the proposed modifications would offer judges beneficial opportunities to interface with persons confined or detained, and staff of corrections and detention facilities. Such interactions, including the proposed enhanced criteria of the visits, as well as mandatory judges' training programs provide opportunities that may assist judges in the courtroom and in perspectives they bring to disposition and sentencing. Additionally, WBASNY also believes that the proposed

amendments and revisions would better inform our judges of conditions in detention centers and correctional facilities and provide an enhanced view of them in a true "brick and mortar" sense. WBASNY agrees that the proposed amendments could strengthen the connection between the public-facing judiciary and the corrections and detention systems, promote dismantling of existing barriers, and raise awareness and transparency.

ii. Proposed Amendment to 22 NYCRR §§ 160.1(f), 160.2(a), 160.3(a) & 160.5 relating to the confidentiality of ADR activities, and updating the name of the Division of Alternative Dispute Resolution

WBASNY also supports the ADR Advisory Committee's proposal to amend 22 NYCRR §§ 160.1(f), 160.2(a), 160.3(a) & 160.5, and to rename ADR activities to Division of Alternative Dispute Resolution. The ADR Advisory Committee's proposed amendment to 22 NYCRR 160.3 (a) is intended to eliminate any potential confusion regarding the applicability of confidentiality provisions in ADR and/or other mediation processes.

WBASNY is in support of the ADR Advisory Committee's proposed amendments. The new proposed language makes clear that the confidentiality provisions shall apply to a "mediation or neutral evaluation" as opposed to being limited to the ADR process.

The proposed language makes clear that there shall be confidentiality with all mediators and neutral evaluations to whom a dispute is referred. WBASNY believes that the proposed modifications will help eliminate any potential confusion regarding the applicability of confidentiality in mediated settings. The proposed change will also help ensure that all ADR efforts are kept confidential.

WBASNY also supports the ADR Advisory Committee's recommendation to the change the phrase "statewide ADR office" to "Division of ADR" in sections 22 NYCRR §§160.1(f), 160.2(a) and 160.5.

Very Truly Yours,

Lisa Noroian

Lisa Noroian
President, WBASNY

David Nocenti

From: Juval Scott <JScott@bronxdefenders.org>
Sent: Friday, November 21, 2025 8:00 AM
To: rulecomments
Subject: Comments re: proposed amendments to Part 17
Attachments: 2025.11.21 BxD Comments_OCA Rule Change_Part 17.pdf

Categories: Prison visits

Good morning, Mr. Nocenti.

I have attached comments regarding the proposed amendments to Part 17. Please let me know if there are issues with the attachment or if you have additional questions.

Best regards,

Juval O. Scott (she/her)
Executive Director
The Bronx Defenders
360 E. 161 Street
Bronx, NY 10451
(347) 842-1274
https://www.bronxdefenders.org/

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THE BRONX DEFENDERS

November 21, 2025

Via email: rulecomments@nycourts.gov

David Nocenti, Esq.
Counsel
Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004

Dear Mr. Nocenti:

I am writing in support of the proposed amendments to Part 17 of the Rules of the Chief Judge made by the UCS's Advisory Committee on Criminal Law and Procedure ("CPL Committee"). The proposal is a first-of-its-kind rule that requires trial judges to engage in annual visits to jails and prisons and is beneficial to people who receive custodial sentences, their families, and the community at large.

As the head of a Bronx-based, New York City public defender office, I know firsthand that tens of thousands of people are imprisoned every year for reasons that could be addressed outside of prison walls. And whether they are being held in pretrial custody or receive a sentence of imprisonment at the conclusion of their case, confinement has dire and often life-changing consequences for the people we represent. Their experience in custody often compounds the trauma they endured before they entered. While in custody, there's often overcrowding, limited programming, decreased access to physical and mental health treatment, and detachment from meaningful familial connections, which often means that people experience more harm than rehabilitation while waiting for cases to resolve or serving a sentence.

Judges often lament their role in sentencing—noting that sentencing is one of the toughest, if not the toughest, decisions they are required to make on a day-to-day

The Bronx Defenders | 360 East 161st Street, Bronx, NY 10451 | t: 718.838.7878 | f: 718.665.0100 | www.bronxdefenders.org

basis. But even though sentencing can be heart wrenching, judges continue to send people who would be better served in the community with educational programming, mental health treatment, stable housing, and other resources to jails and prisons without a clear understanding of what lies behind the prison walls. It is imperative that the people who send people into custody have meaningful and direct insight into the impact their decisions have and what can and cannot be achieved by handing down a prison sentence. This is why regular visits to carceral institutions are important.

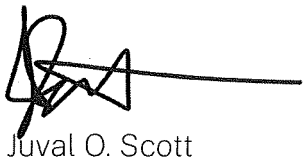
When dignitaries such as judges visit jails and prisons, they are provided with a mere glimpse into the inner workings of the facility. They are shielded from the many things that make many carceral facilities awful, and, in some instances, deadly. But even without the full scope of exposure, there is tremendous value to judges visiting jails and prisons annually. *First*, regular judicial presence in jails and prisons will improve accountability and, hopefully, cause prison leadership to maintain more humane spaces to accommodate the mass incarceration problem that has been created by increasingly punitive statutes and sentencing practices. *Second*, people who have been sentenced to live in custody will have continual opportunities to engage with judicial decision-makers and provide feedback about the impact of their sentencing practices. *Third*, it builds community trust because judges will have taken time to see (in some capacity) the places where they are sentencing people to spend years of their lives. *Fourth*, judicial decision-making will be more informed, thus reducing overly punitive sentencing practices.

Those in opposition are likely to ask for this rule not to be adopted because of difficulty with the staffing and/or implementation of this rule. I urge you to reject those reasons, as the challenges presented by the proposed amendments are not insurmountable. What's more, there is a year to navigate and troubleshoot anticipated issues, and that is enough time to ensure a safe and efficient process for judicial access to these facilities. Also, concerns about increased workload should not be permitted to stymie passage of this transformative amendment.

For the reasons discussed above, I fully support the CPL Committee's recommendation. Though not for consideration at present, it is worth noting that unless and until we find solutions that divert people from jails and prisons to meaningful programming that addresses the root causes of their problems, we will never achieve broad and meaningful systemic changes that make our communities safer and treat our fellow humans with dignity. That said, the amendment to Part 17

is a marked improvement within our criminal legal system and a significant step towards creating a more decent, moral, and just system.

Respectfully submitted,



Juval O. Scott
Executive Director

The Bronx Defenders | 360 East 161st Street, Bronx, NY 10451 | t: 718.838.7878 | f: 718.665.0100 | www.bronxdefenders.org

David Nocenti

From: Sarita Daftary <SDaftary@urbanjustice.org>
Sent: Friday, November 21, 2025 8:00 AM
To: rulecomments
Subject: Comments on proposal to amend Part 17 of the Rules of the Chief Judge
Attachments: 11.21.25 Comments re OCA proposal - jail and prison visits.pdf

Categories: Prison visits

Dear Mr. Nocenti and members of the Administrative Board of the Courts,

Please find attached comments submitted on behalf of Freedom Agenda in response to the proposal to amend Part 17 of the Rules of the Chief Judge.

Sincerely,

Sarita Daftary (she/her)
Co-Director, Freedom Agenda
Office: 646-677-8696
Cell: 347-927-0236
Follow us on Twitter, IG, and Facebook

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URBAN JUSTICE CENTER | Freedom Agenda

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 10th FL
New York, NY, 10004
Delivered by email

Public Comment re: Proposal to amend Part 17 of the Rules of the Chief Judge

Dear Mr. Nocenti and members of the Administrative Board of the Courts,

We are pleased to write in strong support of the proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS' program for judicial visitation to detention facilities.

Freedom Agenda is a member-led project of the Urban Justice Center, organizing with people who have been incarcerated, and whose loved ones are or have been incarcerated. While our advocacy work focuses heavily on closing Rikers Island, our members have lived experience with jails and prisons across the state.

Our members were happy to learn about this proposal, and are eager to see it implemented. They were pleased to see that the proposal not only requires annual visits, but also lays out guidelines to make those visits meaningful, including the requirements to tour all major areas of the facility and meet with incarcerated people. In discussing this proposal, our members expressed their belief that judges absolutely should see the conditions of the facilities that people are detained in by their orders, and that judges must better understanding the experience of incarceration for the people whose freedom they control.

Our members had some recommendations to strength the proposal as well, including:

- Judges should be required to make their visits unannounced (without prior notification to DOCCS or the entity managing any county jail)
- Judges should also be required to visit court pens and vehicles used to transport incarcerated people from jail or prison to court. This recommendation came particularly from a strong sentiment among our members that judges need to see what people go through to attend court when they are incarcerated at Rikers Island.

- Judges' reports on their visits should be mandatory rather than optional, for the purposes of both informing the public and a measure of accountability to ensure that each judge does in fact complete at least one meaningful visit annually.
- Judges should also meet with formerly incarcerated people ahead of and after their visits, to gain insight about what to look for and how to interpret what they see on their visits with people who have more freedom to speak honestly than people who are in custody.
- A mechanism should be put in place to ensure that each prison and jail facility in the state receives a visit from a judge at least once per year.

While our members are supportive of this proposal, they also wish to caution about the limits of this initiative. They expressed concern that judges must be mindful that these visits may help them gain important insight into the experiences of incarcerated people, but they cannot provide judges with a full understanding the experience of being incarcerated, or the abuses incarcerated people may be subject to. Even when making unannounced visits with extraordinary efforts to make the visit meaningful, judges occupy a position of power and are unlikely to witness the worst treatment incarcerated people may experience. Furthermore, incarcerated people may be hesitant to share honestly about their experiences when it remains unclear how they would be protected from retaliation once the judges leave the facility.

We thank the Administrative Board of the Courts for putting forth this proposal, and for your consideration of our comments. We look forward to seeing this program implemented in its strongest possible version, and would be happy to be in communication as that happens.

Sincerely,

Sarita Daftary
Co-Director, Freedom Agenda
sdaftary@urbanjustice.org

David Nocenti

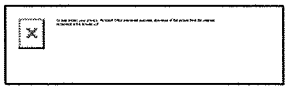
From:	Linsky, Lisa <llinsky@mwe.com>
Sent:	Friday, November 21, 2025 8:19 AM
To:	rulecomments
Cc:	Linsky, Lisa
Subject:	Letter in Support of the OCA Advisory Committee in Criminal Law and Procedure to Amend Part 17 of the Rules of the Chief Judge Regarding Judicial Visitation to New York State Detention Facilities
Attachments:	Letter to David Nocenti, Esq..docx
Categories:	Prison visits

Good morning.
Please see the attached letter in support of the above-referenced proposal.
Thank you for your consideration.

Best,
Lisa A. Linsky

Lisa A. Linsky
Partner, Litigation Group

T: +1 212 547 5587 | **F:** +1 212 547 5444
llinsky@mwe.com | LinkedIn
McDermott Will & Schulte LLP | mwe.com
One Vanderbilt Avenue, New York, NY 10017



****
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LISA A. LINSKY
SLEEPY HOLLOW, NEW YORK 10591
LLINSKY@MWE.COM

November 21, 2025

David Nocenti, Esq.
Counsel
New York State Office of Court Administration
25 Beaver Street
New York, NY 10004

Via Email: rulecomments@nycourts.gov

Re: OCA Advisory Committee in Criminal Law and Procedure ("CPL Committee") to amend Part 17 of the Rules of the Chief Judge Regarding Judicial Visitation to New York State Detention Facilities

> *Keep on loving one another as brothers and sisters.*
>
> *Be not forgetful to entertain strangers for thereby some have entertained angels unaware.*
>
> *Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering.*
>
> -Hebrews 13:1-3

Dear Mr. Nocenti:

In my capacity as a former Westchester County, New York prosecutor and current civil defense attorney, I write to express my support for the Proposal of the OCA Advisory Committee on Criminal Law and Procedure (the "Committee") to amend Part 17 of the Rules of the Chief Judge to improve the program for judicial visitation to detention facilities in New York State (the "Proposal").

While a state prosecutor, I co-led the Special Prosecutions Division of the Westchester County District Attorney's Office. It was an honor and a privilege to serve the residents of Westchester County for over sixteen (16) years. In this role, I worked with hundreds, if not thousands, of family members- women, children, and men- who were victims of domestic violence, child physical and sexual abuse, and elder abuse. As a criminal prosecutor and

advocate dedicated to making impactful changes in our society, I came to understand some of the social and cultural factors that often contribute to the circumstances leading to the commission of such crimes of violence and tragedy, and to examine the ways in which those involved in the criminal justice system try to implement justice by punishing individuals who commit such crimes.

As a young and zealous prosecutor, I felt that many of the offenders I prosecuted deserved to have the proverbial book thrown at them. In my youthful passion for justice, I argued at the sentencing stage that the maximum period of incarceration should be imposed on those who, in my view, were some of the worst criminal offenders; after all, their acts of violence and sexual abuse were perpetrated upon some of our society's most vulnerable. And while I might take the same sentencing position today for many of the offenders I previously prosecuted, time, experience, and maturity have shown me that each individual defendant is worthy of an independent evaluation of his/her/their circumstances, history, and family background when facing the Courts for sentencing determinations. These same factors, in addition to the incarcerated person's post-sentencing rehabilitation efforts, are critical. The power wielded by judges in our criminal justice system, particularly at the time of sentence, is tremendous. It has been said through the ages in various contexts, including in the gospels of Matthew, Mark and Luke[1] that with great power comes great responsibility. Said another way, "much will be required of the person to whom much is given. Privilege brings responsibility, and responsibility entails accountability."[2]

Given the profundity of sentencing decisions made by trial judges on the lives of those criminal defendants who come before them, the time has come for New York State to mandate **annual visits** to prisons, jails and/or youth detention facilities for our trial judges so they may all see, first-hand, what it means to order a person to be locked away from society, family and the possibility of a normal life. The Proposal not only requires such annual visits by judges with sentencing responsibilities to show up at these carceral facilities but also imposes the moral obligation that judges make such visits "meaningful."

What constitutes a "meaningful visit" in connection with the Committee's Proposal? I submit that one such example would be conversations with incarcerated persons, so that these people are reminded that they are still human beings and still matter. We are responsible to our fellow travelers to be messengers of hope and opportunity, holding for them the possibility of redemption and transformation. There is no more impactful human interaction than when one is present to another, to see and hear that other. "Meaningful visits" as contemplated by the Committee means that judges tour these facilities, so they come to understand what life is like for incarcerated persons by witnessing the way they live, eat, receive medical attention, and visit with loved ones.

In my 40-year career as an attorney, I have heard many stories of people who have turned around their lives, given the opportunities they received while incarcerated. But the provision of those opportunities, in addition to the basic life necessities that such incarcerated persons require and deserve, must be monitored. There must be transparency in our carceral facilities lest we risk further abuse and denial of the basic necessities of life to this vulnerable population. Annual visits by the state's trial judges will help to ensure accountability within a complex system where incarcerated people may get lost and forgotten. And what a gift for a judge to sit with an incarcerated person, look them in the eyes, deeply listen to their story, and

---

[1] Matthew 24:42-51, Mark 13:35-37, and Luke 12:35-48 (Jesus' Parable of the Faithful Servant).
[2] J. Dwight Pentecost, *The Parables of Jesus: Lessons in Life from the Master Teacher*

offer hope and compassion. "There but for the grace of God go I."[3] This phrase reminds us of our humility and connectedness to all others, and for the blessing of compassion to be shown whenever and wherever we are.

As attorneys and judges, we take an oath to seek justice and to uphold the Constitution of our country in doing so. But justice is so much more than punishment. Before we can implement widespread, and meaningful changes in our detention systems, we must start by remembering those in prison as if we ourselves are suffering along with them. The Proposal memorializes these obligations and serves as a critical reminder of our shared humanity.

Sincerely yours,

Lisa A. Linsky

Lisa A. Linsky

DM_US 215899942-1.PG0110.0010

[3] Attributed to John Bradford, an English reformer who reportedly said this when witnessing criminals being led to execution. See, There But For The Grace Of God, Go I - Meaning & Origin Of The Phrase

David Nocenti

From: Greta Winograd <winograg@newpaltz.edu>
Sent: Friday, November 21, 2025 8:44 AM
To: rulecomments
Subject: Comment on UCS CPL committee's proposed amendment of Part 17 of Rules of Chief Judge to improve UCS's program for judicial visitation to detention facilities
Attachments: greta winograd comment on UCS CPL committee proposal.pdf

Categories: Prison visits

Please find attached my comment on UCS CPL's proposed amendment of Part 17 of Rules of Chief Judge to improve UCS's program for judicial visitation to detention facilities.

Please confirm that you received and you are able to open the attached document.

Thank you and have a good day.

Sincerely,

Greta Winograd, PhD
Associate Professor
Psychology Department
SUNY New Paltz
x2248

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New Paltz
STATE UNIVERSITY OF NEW YORK

November 20, 2025

My name is Greta Winograd, and I am an Associate Professor of Psychology at the State University of New York (SUNY), New Paltz. This fall 2025 semester, I am teaching a seminar in which undergraduate Psychology majors learn about architectural and design features that enhance and detract from the way people function and relate to one another. Last week, after reading Engstrom and von Ginneken's (2023) paper about ethical prison architecture and the *United Nation's Standard Minimum Rules for the Treatment of Prisoners*, we discussed relationships between prison design, staff/prisoner relationships, and recidivism rates in the United States and in Norway.

During our discussion, I learned that some of my students have close relationships with individuals who have been incarcerated, while others have family members who work as New York State corrections officers and members of the police force. My students disagreed vehemently about whether or not prisons in the United States should resemble Halden Prison in Norway, yet they were all concerned about the effects of conditions like unpredictable noise, extreme temperatures, and overcrowding on safety, health, and interactions among prisoners and staff.

Thank you for seriously considering the Advisory Committee on Criminal Law of the New York Office of Court Administration's proposal to amend Part 17 of the Rules of the Chief Judge to improve the New York State Unified Court System (UCS)'s program for judicial visitation to detention facilities. Meaningful, thorough, and regular visits by judges to facilities in their jurisdiction would draw attention to concerning conditions, especially as the proposal offers prisoners and corrections officers the opportunity to speak with judges confidentially.

My students are about to embark on training for careers in which communication has the potential to improve lives and communities. Prison visits like those outlined in the proposal can highlight conditions in need of reform while improving morale and building trust. If approved, your good faith engagement in this program as leaders of the judiciary in New York State would make a meaningful difference. Thank you for your consideration.

Sincerely,

Greta Winograd, PhD
Associate Professor, Psychology, SUNY New Paltz
winograg@newpaltz.edu, 845-257-2248

David Nocenti

From: Victoria Doody <doody@nysenate.gov>
Sent: Friday, November 21, 2025 10:23 AM
To: rulecomments
Subject: ATTN: David Nocenti / Comments from Senator Harckham re: Proposed Amendments to Judicial Visitation to Detention Facilities
Attachments: _Harckham, Support of UCS Judicial Visitation Amendment.docx.pdf

Categories: Prison visits

Good morning,

Please find attached a letter from State Senator Pete Harckham in support of the proposed amendments to require annual visits by judges to detention facilities.

Should you have any questions, please do not hesitate to reach out.

Sincerely,

Victoria Doody, *(she/they)*
Deputy Chief of Staff & District Director
Office of New York State Senator Pete Harckham, *Senate District 40*
1 Park Pl., Suite 302 Peekskill, NY 10566
T: (914) 241-4600 x1655
doody@nysenate.gov

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THE SENATE
STATE OF NEW YORK

PETER B. HARCKHAM
SENATOR, 40TH DISTRICT

CHAIR
ENVIRONMENTAL CONSERVATION

COMMITTEES
ALCOHOLISM AND SUBSTANCE USE DISORDERS
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ALBANY OFFICE
ROOM 315
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2340

DISTRICT OFFICE
1 PARK PLACE
SUITE 302
PEEKSKILL, NEW YORK 10566
(914) 241-4600

November 19, 2025

David Nocenti. Esq.
Counsel for the Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004

Re: Support of the Proposed Amendment to Improve the Unified Court System Program for Judicial Visitation to Detention Facilities

Dear Mr. Nocenti:

I write to express my support for the New York State Unified Court System's Office of Administration Advisory Committee on Criminal Law & Procedures' proposed amendment to Part 17 of the Rules of the Chief Judge to improve the program for judicial visitation to detention facilities by requiring every New York State judge involved in sentencing or detention decisions to make at least one meaningful visit annually to a penal facility.

Increased visitation by judges to jails, prisons and detention facilities will not only allow judges to gain direct insight into the experiences of incarcerated individuals and those charged with securing and administering the facilities in which they are held, it would also provide unique opportunities for those incarcerated to engage with judges outside of the judicial and sentencing process.

Annual visits will serve as meaningful, trust building exercises to strengthen the connection between the judiciary, incarcerated individuals and the corrections system, helping to dismantle existing barriers and foster increased transparency. These visits will demonstrate the New York State judicial system's commitment to the rehabilitation of our incarcerated populations by signaling to incarcerated individuals that judges are aware of and concerned about their progress even after a sentence is imposed, which may foster rehabilitation and eventual reintegration into society.

This proposed amendment to the judicial visitation program is an important step in ensuring that New York State remains a national leader in the treatment and rehabilitation of incarcerated individuals and therefore I offer my full support.

Sincerely,

Peter B Harckham

State Senator Pete Harckham
New York Senate District 40

David Nocenti

From: Jennifer Vollen-Katz <jvollen@thejha.org>
Sent: Friday, November 21, 2025 10:24 AM
To: rulecomments
Subject: Public Comment on Proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities
Attachments: JHA Public Comment on NY Judge proposal 2025.FNL.pdf

Categories: Prison visits

To Mr. Nocenti and the Office of New York Court Administration,

Attached please find public comment from the John Howard Association of Illinois regarding the proposal referenced above.

I can be reached by return email or at the number below if you have any questions.

My best,
Jenny

Jennifer Vollen-Katz
Executive Director
John Howard Association
www.thejha.org
(331) 264-4081

Defying Injustice. Defending Humanity.

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John Howard Association

70 E. Lake St., Ste 410
Chicago, IL 60601
(312) 291-9183
thejha.org

November 21, 2025
Sent via electronic mail to: rulecomments@nycourts.gov

David Nocenti, Esq., Counsel
Office of Court Administration
25 Beaver Street, 10th FL
New York, New York, 10004.

RE: Proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities

To Mr. Nocenti, the Office of New York Court Administration and prison system stakeholders in New York:

The John Howard Association of Illinois (JHA) submits this public comment in support of proposed Amendments to Section 17 of The Rules of the Chief Judge, repealing and replacing Section 17.1, renumbering Section 17.4 as Section 17.6, and adding new Sections 17.4 and 17.5.

JHA is an independent citizen correctional oversight organization in Illinois that monitors the state-run prisons in order to advance oversight and the transparency of carceral systems and to promote humane treatment of the people who are incarcerated. For over 124 years JHA has gone into prisons to observe conditions, speak with and survey people who are incarcerated, speak with corrections staff and administrators, collect data and information, and document our key findings and recommendations in order to inform and educate the public about the Illinois Department of Corrections (IDOC) policies and practices and hold the Agency accountable for the treatment and wellbeing of people who are incarcerated.

It is our understanding that the proposed amendments would require judges to visit men's and women's correctional and detention facilities annually (in contrast to the current requirement of visits every 4 years), to make meaningful visits or tours of major areas of the facility including mental health units and special housing units, and to meet with incarcerated persons. It is critical that these visits are authentic and multifaceted not superficial; judges should see living units and other areas of the prisons where incarcerated individuals spend much of their time not just public spaces and should be able to speak with people in custody confidentially in ways that promote openness and are not impeded by orchestration, involvement or cut short by correctional staff or administrators.

Conducting visits on an ongoing basis will provide judges insight into variations in treatment, conditions, culture, programs and other prison practices and policies across place and time. A consistent program of annual judicial visits to prisons will increase transparency into this closed

system, which is critical to understanding the way prisons actually function and impact they have on people in custody, and the community. For example: is programming available and if so which programs and how long are the waitlists; what is the availability of education including for those who are determined to have not achieved even a middle school level of academic attainment or for those with literacy challenges or learning disabilities; is mental health, substance use disorder, or other medical treatment available. Too often judges order this kind of treatment without the knowledge that it is highly unlikely the individual will have access to it during their incarceration, understanding the prioritization of limited resources including that people in certain statuses may be entirely restricted from access, or how certain conditions, such as use of solitary confinement, chronic overcrowding, understaffing, and physical plant deterioration effect people.

It is often the thinking of judicial officers that they are helping someone by sentencing them to prison because there they will receive needed treatment or that they will get an education or learn skills that will help with employment opportunities upon release, only to learn that these things are often not available to individuals in need of such services and support.

Another area where in-person visits can increase understanding of system impact is whether people who are incarcerated are able to access the courts as they have a right to do, and the barriers that exist to doing so such as access to information, use of mail, law library, technology, access to writing implements, illiteracy, and the costs of filing and sending legal documents. Commonly people inside prisons lack outside supports, have limited resources, and are not able to effectively self-advocate.

Knowing what the system can actually do, if it actually does those things, and the impact this has on the people who are incarcerated is critical information for those with the power to determine custodial sentences to consider.

Annual judicial visits also serve as an indicator to incarcerated people that they are not forgotten or invisible, which is important for judicial officers to exemplify and communicate. It is also important for judges to bear in mind that the vast majority of people who go into prison leave prison, and what happens to them while they are incarcerated has an enormous impact on individual outcomes and success post-release as well as on public safety. Judges having insight into what happens to people after they have been sentenced to prison should inform realistic expectations of wellness and pro-social behavior upon release.

If this proposal is approved in New York, it will be the first state to require regular meaningful visits to prisons and jails by all its trial judges with responsibility for sentencing or detention decisions; this proposal will not only benefit New York, it will also be a model for the nation. JHA and other stakeholders in Illinois are hopeful that if New York adopts such a policy it will spur interest and implementation of it in our jurisdiction.

Corrections is a hierarchical system in which one group has total control over another group; this has serious ramifications on the health, safety and wellbeing of the people who are incarcerated and without power, as well as for public knowledge of what happens to these people inside prisons. People who are incarcerated have little recourse if their rights are violated or they are

abused by those who control them, the complexity and administrative difficulty in accessing help or assistance outside of prison walls often serves to preserve the power structure and render those in custody unprotected and voiceless. The complete authority wielded by correctional staff and administrators also fuels opacity, protecting those who abuse or prey on the vulnerable, and fundamentally acting as a barrier to system transparency and accountability. The more system stakeholders who go into prisons to observe the realities, talk to those impacted by incarceration, and understand if and what opportunities for care, treatment, education, skill acquisition and rehabilitation exist, the better situated all stakeholders are to understand the ramifications of incarceration and to make informed decisions about using it.

For all of the reasons articulated herein, JHA strongly supports this proposal and urges the State of New York to adopt a policy and practice of having judges who render sentencing decisions conduct meaningful, thorough visits of prisons on an annual basis.

Sincerely,



Jennifer Vollen-Katz, Executive Director
John Howard Association, www.thejha.org
jvollen@thejha.org
(331)264-4081

David Nocenti

From: Djuna Schamus <djuna@nyu.edu>
Sent: Friday, November 21, 2025 10:37 AM
To: rulecomments
Subject: Public Comment, Part 17 of the Rules of the Chief Judge
Attachments: Center on Race, Inequality, and the Law Comment in Support of Rule Change.pdf

Categories: Prison visits

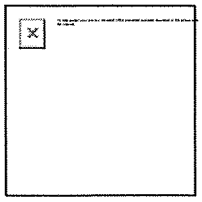
To the New York State Office of Court Administration:

Enclosed is the Center on Race, Inequality, and the Law's public comment on the proposed amendments to Part 17 of the Rules of the Chief Judge. We have also included a redlined version of the proposed rule change containing our suggested edits in the same document.

We appreciate your time and consideration.

Sincerely,
Djuna Schamus

--
Djuna Schamus (she/her)
Legal Fellow
Center on Race, Inequality & the Law
NYU School of Law
646-413-5870
djuna@nyu.edu



Please be CAREFUL when clicking links or opening attachments from external senders.

THE CENTER ON RACE INEQUALITY & THE LAW
NYU SCHOOL OF LAW

November 21, 2025
David Nocenti, Esq.
Office of Court Administration
25 Beaver Street, 10th Floor
New York, New York 10004
By email to: rulecomments@nycourts.gov

Re: Public Comment on Proposal to Amend Part 17 of the Rules of the Chief Judge

To the New York State Office of Court Administration:

The Center on Race, Inequality, and the Law at NYU School of Law uses research, advocacy, litigation, and public education to advance racial and social justice for all.[1] A significant portion of the Center's work is devoted to confronting systemic injustice within the criminal legal system. In service of our mission, we respectfully submit this comment in support of the proposal to amend Part 17 of the Rules of the Chief Judge to improve the Unified Court System's program for judicial visits to detention facilities. We also write to offer a few suggestions that we believe would significantly strengthen the positive impact of this rule change.

Far too often, our systems operate in ways that render incarcerated people invisible, creating a sense that they have been forgotten. By increasing the frequency[2] with which justices and judges[3] who exercise criminal and family court jurisdiction visit these facilities, and the depth of these visits, this proposed rule is an important step toward greater transparency behind facility walls and a clear recognition that the lives of people residing inside correctional and detention facilities matter. For these reasons, we support the adoption of this rule and urge the

[1] This comment has been prepared by the Center on Race, Inequality, and the Law at NYU School of Law, but does not purport to present the school's institutional views, if any.
[2] Currently, justices and judges are only required to visit these facilities once every four years. N.Y. Ct. R. § 17.1(a)(3) (2025). This rule significantly increases the frequency of judicial visits by requiring that they take place annually.
[3] The term "judge" will be used for readability throughout this comment, but should be understood to include both judges and justices, where applicable.

Rules Committee to consider the addition of a few targeted drafting amendments that would help ensure it operates effectively and in furtherance of its stated goals.

I. This rule change would help ensure judges have the knowledge necessary to make lawful determinations and to promote the fair and efficient administration of justice.

By requiring annual visits, the proposed rule would allow judges who set terms of confinement to appreciate the day-to-day conditions of the sanctions that they are imposing on people. Furthermore, because it is neither realistic nor efficient for counsel to convey the realities of these conditions at every bail or sentencing hearing, firsthand observation by judges of these facilities is a more reliable and efficient means of informing judicial decision-making. This knowledge is necessary for lawful, informed, and just determinations. For instance, New York Law mandates that, when deciding whether restrictive placement is appropriate after a finding that a youth committed a designated act or felony, judges must consider "the needs and best interests" of the youth. N.Y. CLS Family Ct Act §355.5(2)(a) (2025). It is not possible for judges to adequately ascertain what is in a youth's best interest without understanding the realities of the conditions within restrictive placements.

Similarly, judges who make bail and other pretrial determinations must understand the realities of jail conditions; without knowledge of the realities of detention, they cannot make informed decisions about what restrictions—if any—they should impose on individuals. New York's bail law mandates that courts must "consider the kind and degree of control or restriction necessary to reasonably assure the principal's return to court." N.Y. C.P.L. § 510.10[1] (2023). As the Court explained in *People v. Ayala,* "[a]nalyzing the 'kind and degree' of 'control or restriction' requires courts to consider the jail conditions to which securing orders expose people. Worse jail conditions are a more restrictive kind of control." 173 N.Y.S.3d 923 (N.Y .Crim. Ct. 2022) (quoting C.P.L. § 510.30[1] (2023)).

Furthermore, under the Due Process Clause, a pre-trial detainee may not be subjected to punishment prior to an adjudication of guilt; accordingly, the conditions and restrictions within a jail cannot constitutionally amount to "punishment." *Bell v. Wolfish,* 441 U.S. 520, 539 (1979).The Supreme Court has held that "a court permissibly may infer that the purpose of a governmental action is punishment that may not constitutionally be inflicted upon detainees" when "a restriction or condition is not reasonably related to a legitimate goal." *Id.* It is therefore imperative that judges be able to assess the conditions in a jail to determine whether they effectively amount to unconstitutional punishment. Judges must be aware of the constitutional implications of ordering pretrial detention to ensure that their decisions comply with the requirements of the Due Process Clause.

It is also important to recognize that because conditions in jails are so severe and dangerous,[4] many people plead guilty to charges against them in order to either secure release or

[4] Erica Bryant, *[It's] a Torture Chamber: Stories from Riker's Island,* Vera Institute of Justice (February 2022)

to move from the brutality of pretrial detention to the state prison system.[5] As a result, pretrial detention undermines and, in practice, supplants, our adjudicative system. Judges should be fully cognizant of these coercive mechanisms, and should endeavor to understand firsthand about how pretrial incarceration erodes people's faith in the legal system writ large.[6]

When it comes to sentencing, courts in New York are "allocate[d] wide latitude as they are recognized to be in a superior position to dispense *proportionate* and *fair* punishment" *People v. Day*, 73 N.Y.2d 208, 212 (1989) (emphasis added). With increased insight into the realities of incarceration, judges could make more informed decisions and more readily identify possible disproportionality or unfairness in sentencing. Additionally, one of the very purposes of the Penal Law in New York itself is to "insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, *the rehabilitation of those convicted*, the *promotion of their successful and productive reentry and reintegration into society*, and their confinement when required in the interests of public protection." Penal Law § 1.05(6) (emphasis added). Accordingly, it is imperative that judges have a full understanding of what determinations could best lead to the "rehabilitation of those convicted" as well as the "promotion of their successful and productive reentry and reintegration into society." Without meaningful visitation and an understanding what programming and other rehabilitative resources do or do not exist within these facilities, judges cannot fully align their decisions to the purposes of the Penal Law.

In conclusion, this richer understanding and perspective should allow judges to make more informed and just sentencing and sanction decisions.

II. Judges must be fully aware of the pervasiveness of racial injustice in the criminal legal system and allow that consciousness to guide their informed decision-making.

It is crucial that judges understand all aspects of life within carceral settings, and in particular, it is essential that they are fully cognizant of the enduring racial disparities within these institutions. Racial disparities persist throughout every stage of the criminal legal system in New York.[7] Although Black New Yorkers make up only 14% of the state's population, they

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[5]Nazish Dholakia, *How The Criminal Legal System Coerces People into Pleading Guilty: Plea agreements are a dangerous yet pervasive cornerstone of the U.S. criminal legal system*, The Vera Institute of Justice (April 2024), https://www.vera.org/news/how-the-criminal-legal-system-coerces-people-into-pleading-guilty (Finding that individuals detained pretrial in jail are more likely to plead guilty, especially in cases in which prosecutors make "exploding offers.").

[6] Jake Horowitz et al., *Americans Favor Expended Pretrial Release, Limited Use of Jail*, The Pew Charitable Trusts (Nov 2018) (80% of Americans do not approve of the way pretrial detention is currently applied to indicted individuals.)

[7] Anna Stenjamp & Michael Rempel, *Racial and Neighborhood Disparities in New York City Criminal Summons Practices*, Data Collaborative for Justice at John Jay College (2024) (finding NYPD issued summonses at a rate 11.4 times higher in 2022 and issued summons at a rate 6.8 times higher for Hispanic people than white people in 2022); Center on Race, Inequality and the Law, *Freedom Delayed, Justice Denied: Increasing Racial Disparities in New York State's Parole Release Decisions*, NYU School of Law (2024) (finding that from 2022 to 2024, the Parole Board was 32.28% less likely to release a person of color than a white person).

accounted for half of all misdemeanor prosecutions in 2019 and 2020,[8] and approximately 40% of all misdemeanor and felony convictions between 2002-2019.[9] In Manhattan specifically, Black people were convicted of misdemeanors and felonies at 21 times the rate of white New Yorkers during this time period.[10]

The racial disparities present during the pre-trial stage of the criminal process–a point at which judges exercise tremendous discretion–are similarly stark. In 2021, Black people made up 58% of those who were admitted to New York City jails on bail, and 55% of those admitted to jail pursuant to a remand order, whereas white people comprised only 6% and 9% of those groups, respectively.[11] The rate of admission to NYC jails was 11.6 times higher for Black people than white people when measured relative to their relative representation in the city's population.[12] Data from that same year reflects that people of color make up about 90% of the jail population at Rikers Island.[13]

People of color make up roughly 90% of those incarcerated at Rikers Island.

Racial disparities remain pronounced in the post-conviction phase, as reflected in the demographic data from New York's prisons. On the statewide level, according to 2023 Department of Corrections and Community Supervision ("DOCCS") data, Black people make up 49% of New York's prison population and Hispanic people comprise 24% of those in DOCCS custody.[14] While judges are likely aware of these numbers, witnessing the human impact of racial injustice within the criminal legal system—and more specifically, within carceral settings—makes these inequities more tangible and harder to ignore.

Furthermore, racism persists within the facilities themselves, where people of color continue to face unequal treatment compared to their white peers. For instance, a 2022 report from the New York State Inspector General's Office found significant racial disparities within internal DOCCS disciplinary systems, wherein Black incarcerated individuals were 22% more likely to be issued a "Misbehavior Report" than their white counterparts.[15] At certain facilities, the racial gap in likelihood of being issued a Misbehavior Report was even starker; for instance, at Downstate Correctional Facility, non-white individuals were 85% more likely to be issued a

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[8] Krystal Rodriguez, Michael Rempel & Fred Butcher, *Advancing Racial Equity: Shrinking Misdemeanor Prosecution in New York*, Center for Justice Innovation (2022).
[9] Simon McCormack & Jesse Barber, *A Racial Disparity Across New York that is Truly Jarring*, NYCLU (Nov. 29, 2022), https://www.nyclu.org/commentary/racial-disparity-across-new-york-truly-jarring.
[10] *Id.*
[11] Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City 2016-2021*, Data Collaborative for Justice at John Jay College at 16 (Feb. 2023)
[12] *Id. at 6*
[13] *Id.*
[14] *New York Criminal Legal System Data Hub*, Vera (last accessed Nov. 16, 2025), https://www.vera.org/ny-data-hub/prison.
[15] Lucy Lang, *Racial Disparities in the Administration of Discipline in New York State Prisons*, State of N.Y. Office of the Inspector General, at 3 (2022), https://ig.ny.gov/system/files/documents/2022/12/oig-doccs-racial-disparities-report-12.1.22.pdf.

Misbehavior Report.[16] Notably, among DOCCS employees who filed 50 or more Misbehavior Reports, 226 of them issued them exclusively against non-white individuals, pointing to the role that individual officers play in maintaining racial hierarchy.[17]

This differential treatment in the prison disciplinary system is just one reflection of the racism that incarcerated individuals navigate within the facilities and at the hands of correctional officers.[18] It is crucial that judges understand how racism shapes the treatment of those incarcerated within these institutions, as this level of consciousness could encourage judges to make decisions with deeper sensitivity to racial justice.

III. People who are incarcerated have the right to have their lives witnessed and voices heard; meaningful and regular judicial visits advance these rights.

In addition to providing judges with more firsthand information about the correctional facilities that they send people to, the adoption of this rule would send the vital message to incarcerated people that they are not forgotten, that they have the right to have their lives witnessed and their voices heard. The physical and psychological isolation from the outside world that incarcerated people experience is severe, and can take a serious toll on individuals' well-being.[19] The harm caused by this form of social separation is inhumane and, additionally, it undermines any purported goal of supporting personal growth, healing, or transformation.

This proposed rule change would offer a break from the manifold policies that isolate people in penal facilities from meaningful interactions with the outside world. By increasing the number of visits that judges will make to these facilities—and, importantly, by encouraging judges to meet and speak directly with people incarcerated within them—this rule could help counter the erasure, separation, and dehumanization associated with imprisonment.

Furthermore, by reducing the barriers that typically prevent meaningful interaction between judges and incarcerated people, this rule also advances the essential goals of expanding political participation and safeguarding democratic processes. Protecting democratic processes requires more than the preservation of formal voting rights; it also involves guaranteeing access to the governmental actors responsible for making consequential decisions about people's lives and liberty. The decisions that judges make impact not only the individuals directly before the court, but also the families and communities from which they are being stripped away. It is essential that those most directly affected by government decisions have an opportunity to have their voices heard by the decision-makers responsible for yielding that significant authority.

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[16] Lucy Lang, State of New York Office of the Inspector General, *Racial Disparities in the Administration of Discipline in New York State Prisons*, (Nov. 2022)

[17] *Id.*

[18] Jeff Simmons, *The scourge of racial bias in New York State's prisons,* The Fortune Society, https://fortunesociety.org/media_center/the-scourge-of-racial-bias-in-new-york-states-prisons/

[19] Mika'il DeVeaux, The Trauma of the Incarceration Experience, 48 Harv. Civil Rights-Civil Liberties L. Rev. 259, 277 (2013) (DeVeaux describes his experiences with incarceration and explains why these inherently degrading experiences have had a lasting negative psychological impact on him and other formerly incarcerated individuals.)

IV. The goals of this proposed rule could be more fully realized with a few crucial amendments.

A. Amending § 17.1(e) to ensure consistent and meaningful judicial access to all major areas of facilities

Currently, the proposed rule change includes the following provision: "Each visit *should* include an opportunity to spend a meaningful amount of time in as many major areas of the facility *as practicable* including but not limited to the following…" 22 NYCRR § 17.1(e)(2005)(emphasis added). This provision is then followed by a comprehensive list of various areas within penal facilities. While the list of areas to be visited is extensive, absent mandatory language in the provision, there is a significant risk that few of these areas will be regularly visited in practice. Similarly, the qualifier "as practicable" provides facilities undue discretion to withhold certain areas from view during judicial visits. Accordingly, it would be advisable to amend the proposed rule to read as follows: "Each visit *shall* include an opportunity to spend a meaningful amount of time in as many major areas of the facility, including but not limited to the following, *except where such visitation would pose a threat to health, safety, or security. A facility may impose such a limitation only upon providing a specific written explanation of the health, safety, or security concern that necessitates the exclusion of the particular area at that time*." This revision would strengthen the provision's enforceability and ensure that judges do gain meaningful access to all areas of a facility, thereby more fully advancing the goals of the proposed rule.

In addition to visiting various areas within a given facility, judges would gain a more realistic and holistic understanding of actual conditions if visits were required to occur at different times and on different days. Accordingly, the following language should be added: *"the rotation of judicial visits to facilities shall include weekend visits and evening visits, in addition to daytime weekday visits."*

B. Revising § 17.1(f) to guarantee communication between judges and incarcerated individuals

The proposed text reads, "During the visit, upon request, judges *should* have the opportunity to have conversations with incarcerated persons…" 22 NYCRR § 17.1(f)(2005)(emphasis added). If judges were to visit these facilities only to observe—rather than meaningfully engage with—those incarcerated there, the very process of dehumanization that this rule seeks to disrupt could, in practice, be reinforced. It is vital that judges and incarcerated people have the opportunity to speak with one another, both to allow judges to gain firsthand, accurate insight into the experience of imprisonment and to ensure that incarcerated people have their voices meaningfully heard. Accordingly, § 17.1(f) should be revised to make direct communication between judges and incarcerated individuals mandatory, rather than

suggested and discretionary. In addition to mandating meaningful interactions between judges and incarcerated individuals, the rule should specify the method by which those individuals are selected to meet with judges. For instance, the rule should read, "*the facility shall provide all incarcerated persons with the opportunity to volunteer to participate in the judicial visit program. No individual shall be excluded from volunteering absent a health, safety, or security concern documented in writing. Participants shall then be selected from the group of volunteers through a transparent, random-selection process. No individual shall be excluded from the final group of participants absent a health, safety, or security concern documented in writing, or if the individual voluntarily declines to participate.*" Finally, the rule should specify that interactions between judges and incarcerated individuals must take place in different formats. Specifically, the rule should mandate, "*judges shall engage with incarcerated individuals in a variety of settings, including one-on-one conversations, small-group meetings, and larger group discussions.*"

C. Strengthening § 17.1(g) to ensure that judges can provide meaningful and transmissible feedback after facility visits

While this rule's purpose is not centrally about oversight, it is still important that judges be given a meaningful opportunity to provide feedback about their observations of their visits, and have this feedback provided to the agencies. The relevant proposed language of § 17.1(g) currently reads, "The mechanism *should* include an on-line form that allows for confidential reporting. The Chief Administrative Judge shall determine a method through which feedback from judges arising from such visits is provided to correctional and other appropriate agencies *or* otherwise determine the extent to which such information shall be used or further disseminated" (emphasis added). To ensure that feedback can be readily given by judges and received by agencies, § 17.1(g) should be revised to mandate the availability of an anonymous on-line form for judges to utilize, and should require the Chief Administrative Judge to provide the information received to the appropriate agencies.

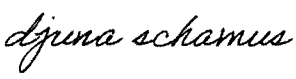
D. Amending § 17.4 to specify the kind of training that judges should receive prior to visiting with incarcerated individuals

The Orientation Program described in the new *§ 17.4* should provide for more comprehensive training on how to conduct conversations with incarcerated individuals. Therefore, the following text should be added: "*As part of this orientation program, judges participating in facility visits shall undergo training on appropriate methods for conducting trauma-informed and culturally competent conversations with incarcerated individuals.*"

V. The proposal to amend Part 17 should be adopted with the recommended revisions.

In conclusion, the proposal to amend Part 17 of the Rules of the Chief Judge should be adopted with the above revisions included in order to strengthen the rule's commitment to advancing transparency and humanity in New York's criminal legal system. Deeper understanding of the lived realities of incarceration could foster more just sentencing outcomes, and reducing the barriers between incarcerated individuals and the outside world helps affirm the fundamental humanity of those incarcerated and recognize the value in what they have to teach and share.

Respectfully submitted,



Djuna Schamus
Legal Fellow
Center on Race, Inequality, and the Law
New York University School of Law
djuna@nyu.edu

Enclosures: Redlined comparison showing proposed revisions to the rule

Section 17.1 of the Rules of the Chief Judge is hereby REPEALED and a new 22 NYCRR § 17.1 is added to read as follows:

Section 17.1 Visitation of facilities for detention, treatment, examination, and confinement, and visitation of residential facilities for children detained and placed under the Family Court Act

(a) Judicial visits to facilities listed below inform judges about the conditions in the criminal and juvenile justice facilities to which they confine persons, give more visibility to these facilities generating greater public awareness, and notify incarcerated persons that judges are aware of confinement conditions.

(b) In order to ensure that the purposes set out in section (a) are achieved the following program of judicial visits shall be implemented.

(c) All judges or justices shall conduct at least one visit of a facility as described in this section per year. A judge or justice shall not revisit a facility of the same category, as detailed in paragraph (d) of this section, until each category of facility applicable to that judge or justice has been visited for the first time. For judges or justices covered simultaneously by multiple subdivisions of paragraph (d) of this section, the categories of facilities to be visited shall be combined without duplication.

(d) The following categories of facilities shall be visited:
    1) For justices and acting justices of the Supreme Court, judges and acting judges of the County Court, regularly sitting in a superior court criminal term or in a superior court term with criminal as well as civil jurisdiction:
        i. a facility operated by the New York State Department of Correctional Services for the confinement of persons convicted of a felony:
        ii. a facility operated by (a) the City of New York or (b) a county or municipality outside the City of New York for the confinement of persons convicted of a misdemeanor or violation; and
        iii. a facility operated by (a) the City of New York or (b) a county or municipality outside the City of New York for the detention of persons accused of an offense.
    2) For judges primarily presiding in the New York City Criminal Court:
        i. a facility operated by the New York City Department of Correction for the confinement of persons convicted of a misdemeanor or violation;
        ii. a facility operated by the New York City Department of Correction for the detention of persons accused of an offense;
        iii. a specialized secure detention facility certified by the New York State Office of Children and Family Services and the State Commission of Correction for the detention of youth charged as adolescent offenders; and

iv. a secure detention and, if any, a non-secure detention facility certified by the New York State Office of Children and Family Services for the detention of youth charged as juvenile offenders or accused of acts of juvenile delinquency.

3) (3) For all judges designated as "accessible magistrates" by the presiding justices of the appellate divisions pursuant to section 722.10(2) of the Criminal Procedure Law:
   i. a secure and, if any, a non-secure detention facility certified by the New York State Office of Children and Family Services for the detention of youth charged as juvenile offenders or accused of acts of juvenile delinquency; and
   ii. a specialized secure detention facility certified by the New York State Office of Children and Family Services and the State Commission of Correction for the detention of youth charged as adolescent offenders.
4) For judges primarily presiding in the District Courts and City Courts, in a criminal term or in a term with criminal as well as civil jurisdiction, if located in the county where the judge or justice is sitting:
   i. a facility operated by a county or municipality for the confinement of persons convicted of a misdemeanor or violation:
   ii. a facility operated by a county or municipality for the detention of persons accused of an offense:
   iii. a specialized secure detention facility certified by the New York State Office of Children and Family Services and the State Commission of Correction for the detention of youth charged as adolescent offenders; and
   iv. a secure and, if any, a non-secure detention facility certified by the New York State Office of Children and Family Services for the detention of youth charged as juvenile offenders or accused of acts of juvenile delinquency.
5) For judges who are designated youth part judges or back-up youth part judges sitting in superior court:
   i. a specialized secure detention facility certified by the New York State Office of Children and Family Services and the State Commission of Correction for the detention of youth charged as adolescent offenders:
   ii. a secure and, if any, a non-secure detention facility certified by the New York State Office of Children and Family Services for the detention of youth charged as juvenile offenders or accused of acts of juvenile delinquency; and
   iii. a secure facility operated by the New York State Office of Children and Family Services for sentenced adolescent offenders and youths who are

adjudicated for a juvenile delinquency offense for a designated felony act under the Family Court Act.

6) For judges of the Family Court, regularly sitting in Family Court:
   i. a secure and, if any, a non-secure detention facility certified by the New York State Office of Children and Family Services for the detention of youth accused of acts of juvenile delinquency;
   ii. a secure, limited secure and, if any, non-secure facility operated by (a) the New York State Office of Children and Family Services or (b) an authorized agency or facility under contract with either the New York State Office of Children and Family Services or the New York City Administration for Children Services for youths who are adjudicated for a juvenile delinquency offense;
   iii. a congregate foster care facility for youth who are adjudicated for a juvenile delinquency offense, who are in a facility for youth at risk of human trafficking or who are alleged or adjudicated as Persons In Need of Supervision or who are the subjects of child protective, voluntary foster care or permanency proceedings; and
   iv. either (a) or (b): (a) (b) a children's psychiatric center or children's unit of a psychiatric center operated by the New York State Office of Mental Health, or a developmental center or intermediate care facility operated by the New York State Office of People with Developmental Disabilities for the evaluation and treatment of children; or a facility of a county or municipality, or a private institution, to which the Family Court refers children for evaluation or in which the Family Court places children for treatment of mental illness or developmental disabilities.

(e) "Each visit ~~should~~ *shall* include an opportunity to spend a meaningful amount of time in as many major areas of the facility, including but not limited to the following, *except where such visitation would pose a threat to health, safety, or security. A facility may impose such a limitation only upon providing a specific written explanation of the health, safety, or security concern that necessitates the exclusion of the particular area at that time. The rotation of judicial visits to facilities shall include weekend visits and evening visits, in addition to daytime weekday visits.*

1) intake areas;
2) housing areas including at least one general population area and, for each housing area visited, the living areas, shower areas, indoor and outdoor recreation areas, and dayrooms, and any dedicated housing areas, such as honors programs:
3) restricted housing areas where persons are held for disciplinary infractions, administrative segregation, and protective custody;

4) program areas including classrooms, computer labs, chapels or other religious areas, educational areas, vocational training programs, and other rehabilitation or reentry program spaces:
5) kitchen and dining areas including an opportunity to view any meal prepared observed during the period of the visit:
6) visiting areas of the prison detention or juvenile facility including contact and non-contact visiting areas and areas for visits with children and areas where visitors are processed into the visiting area;
7) medical areas;
8) mental health living areas, if any;
9) library areas including the general library and the law library;
10) work areas including areas where incarcerated persons work to maintain the facility such as laundry areas or mess halls, or in juvenile facilities where youth are provided with vocational training:
11) the commissary; and,
12) when visiting a facility housing incarcerated women, any nursery and any program area or other location which does not exist in an equivalent form in facilities housing men.

(f) During the visit, upon request, judges should have the opportunity to have conversations with incarcerated persons, employees of all facilities described herein, members of any grievance committee within the facility and, if available, family members visiting the facility. *The facility shall provide all incarcerated persons with the opportunity to volunteer to participate in the judicial visit program. No individual shall be excluded from volunteering absent a health, safety, or security concern documented in writing. Participants shall then be selected from the group of volunteers through a transparent, random-selection process. No individual shall be excluded from the final group of participants absent a health, safety, or security concern documented in writing, or if the individual voluntarily declines to participate. Judges shall engage with incarcerated individuals in a variety of settings, including one-on-one conversations, small-group meetings, and larger group discussions.* Such conversations should be as private as possible consistent with security concerns.

(g) A mechanism shall be established to allow judges who wish to report their impressions of the visit, including specific comments about what they observed during the visit, to the Deputy Chief Administrative Judge for Courts within the City of New York or outside the City of New York, whichever is applicable. The mechanism *shall* include an on-line form that allows for confidential reporting. The Chief Administrative Judge shall determine a method through which feedback from judges arising from such visits is provided to correctional ~~and other appropriate agencies or otherwise determine the extent to which such information shall be used or further disseminated.~~

(h) Orientation of judges and justices for these visits shall be provided as specified in 22 NYCRR § 17.4.

(i) To ensure that visits take place at these designated facilities located throughout the State of New York, the Deputy Chief Administrative Judges for the Courts outside the City of New York and within the City of New York will put in place a schedule of visits which will ensure that the places visited are representative of the places listed in subsection (d). With respect to facilities operated by the New York State Department of Corrections and Community Supervision such schedule shall, to the extent practicable, seek to ensure that judges visit facilities they have not previously visited within the past 5 years. Such schedule shall also ensure that judges periodically visit facilities housing incarcerated women and ensure that with respect to any facility housing children such schedule shall also ensure that judges periodically visit facilities that house girls whether incarcerated in separate facilities or in facilities with both girls and boys.

(j) The Deputy Chief Administrative Judges for the Courts outside the City of New York and within the City of New York shall be responsible for ensuring compliance with these provisions by the judiciary and shall report to the Chief Administrative Judge as to the implementation of the provisions thereof at such times and in such form as the Chief Administrative Judge shall require.

Section 17.4 of the Rules of the Chief Judge is renumbered Section 17.6, and a new Section 17.4 is added to read as follows:

Section 17.4 Orientation Program for Judicial Visits to Facilities Described in 17.1

(a) Each judge or justice in a court required to visit a facility specified in section 17.1 shall attend within one year after assuming office or within one year of the enactment of this section, and periodically thereafter, a program approved by the Chief Administrator of the Courts describing the facilities designated in 17.1, orienting judges and justices to prepare them for visits to such facilities. *As part of this orientation program, judges participating in facility visits shall undergo training on appropriate methods for conducting trauma-informed and culturally competent conversations with incarcerated individuals.*

(b) Attendance at such program shall be counted toward fulfillment of the training and education requirements for justices and judges subject to section 17.3 of this Part.

The Rules of the Chief Judge are amended by adding a new Section 17.5 to read as follows:

Section 17.5 Program for Judicial Visits for the Justices of the Town and Village Courts

(a) Justices of the Town and Village Courts regularly sitting in a criminal term or in a term with criminal as well as civil jurisdiction, to the extent practicable, are to follow the

visitation requirements of judges of the District Courts and City Courts as detailed in 22 NYCRR 17.3(c), (d)(4), (e), and (f).

(b) The Justice Court Support Office is to include in its trainings, to the extent practicable, an appropriate orientation program in support of and encouraging such visitations by Justices of the Town and Village Courts.

The annual visitation requirements for judges and justices detailed herein shall be deemed to be in effect as of January 1, 2027.

David Nocenti

From: Hayley Heath <hayley_heath@pfm.org>
Sent: Friday, November 21, 2025 11:22 AM
To: rulecomments
Cc: Scott Peyton
Subject: Prison Fellowship - Public Comment Submission on Proposal to amend Part 17 of the Rules of the Chief Judge
Attachments: NYS Prison Visits_Public Comments_PF Final.pdf

Categories: Prison visits

Good morning,

I am reaching out on behalf of Prison Fellowship, the nation's largest Christian nonprofit equipping the Church to serve currently and formerly incarcerated people and their families, to submit the attached public comments for consideration regarding the proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

Thank you for your time and consideration.

HAYLEY HEATH
Policy Analyst

mobile: 586.996.6996
email: hayley_heath@pfm.org
web: www.prisonfellowship.org

PRISON FELLOWSHIP

Seek justice. Love mercy. Restore hope.

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PRISON FELLOWSHIP

Seek justice. Love mercy. Restore hope.

November 20, 2025

David Nocenti, Esq.
Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004

Dear Mr. Nocenti,

Prison Fellowship is the nation's largest Christian nonprofit serving prisoners, former prisoners, and their families, as well as a leading advocate for criminal justice reform. For nearly 50 years, we have worked inside correctional facilities to support personal transformation and successful reintegration. Our founder, Chuck Colson, who served time in Federal prison, once wrote, *"In Matthew 25, Jesus says, 'I was in prison, and you visited me.' He calls upon His followers to minister to those who are behind bars. In other words, we will be judged in part by the way we treat those who are in prison. The fact that a man has committed a crime and is paying the price does not mean that he forfeits his God-given dignity."*

Guided by this conviction, Prison Fellowship encounters Jesus with men and women behind bars in more than 1,100 prisons across the United States, carrying forward Chuck Colson's conviction that every person bears God's image and deserves to be treated with dignity. Our staff and volunteers regularly visit prisons and jails to offer evidence-based programming and build meaningful relationships with incarcerated individuals. We provide a range of programs, including The Academy, Prison Fellowship Grow, Prison Fellowship Lead, The Warden Exchange, and Angel Tree. Our work gives us a unique understanding of the challenges in correctional environments, and we appreciate the opportunity to comment on the proposed amendments to Part 17 of the Rules of the Chief Judge.

The proposed amendments would strengthen existing judicial visitation requirements by requiring judges who regularly handle criminal or family court cases to visit at least one correctional facility annually. The amendments also establish a standard for what a "meaningful visit" should include, such as touring key areas of the facility and meeting with incarcerated individuals. Finally, it ensures that visits take place across various facility types and regions, including those that house women.

Prison Fellowship supports these amendments and the positive changes they encourage. Regular, firsthand exposure to correctional environments is crucial for informed judicial decision-making. Judges make decisions that directly impact the lives and futures of people in these facilities, and understanding the realities of incarceration helps ensure that those decisions are grounded in clarity, context, and real-world awareness. We especially support the focus on meaningful engagement, including direct contact with prisoners. These interactions affirm the dignity of prisoners and offer insight into the complex challenges they face. We also appreciate the

44180 Riverside Parkway • Lansdowne, VA 20176
877-478-4483
prisonfellowship.org

emphasis on visiting different types of facilities, which will give judges a broader view of correctional settings across the state.

Every human being is created in God's image, with inherent dignity and value, and we commend the effort to foster a deeper understanding of correctional environments. By strengthening firsthand awareness of the realities of incarceration, these amendments will enhance judicial insight in ways that support both public safety and human dignity. Judges who understand the conditions and challenges within correctional facilities are better equipped to make decisions that are fair, proportionate, and aligned with the responsibilities of their office, contributing to safer communities and a more just, humane system.

Sincerely,

Scott E. Peyton
Director of Government Affairs
Prison Fellowship

David Nocenti

From: Ashley <ashbaizas@gmail.com>
Sent: Friday, November 21, 2025 11:43 AM
To: rulecomments
Subject: Public Comment to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

Categories: Prison visits

Dear Mr. Nocenti,

I am writing to express my opinion on the proposal for judicial visits to prisons and jails.

As a public defender in the Bronx, I believe that imposing a requirement for judges to visit prisons and jails would only make our justice system more justiciable. I believe judges are removed from the actual conditions they are sentencing people to endure.

My clients in Rikers Island have reported inhumane conditions including but not limited to: roach infestations, moldy bathrooms, extreme heat during the summer, extreme cold during the winter, unbearable odors from general uncleanliness, and inmates requests for medical attention being ignored.

I am confident that if judges were required to observe — in person— the conditions of prisons and how those conditions affect human beings, they not only would be more sympathetic toward my clients during sentencing, but would also advocate for better maintenance of prison facilities.

I strongly support this proposal and feel that it would improve the integrity of the criminal justice system, making New York a model of criminal justice reform.

Best,
Ashley Baizas

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David Nocenti

From: Howerton-Fox, Amanda <afox@law.pace.edu>
Sent: Friday, November 21, 2025 11:54 AM
To: rulecomments
Subject: Proposed Amendment to Part 17 of the Rules of the Chief Judge
Attachments: Comment - NLG-Pace.pdf

Categories: Prison visits

Dear Mr. Noncenti,

Please see attached our public comment submitted in support of the Proposed Amendment to Part 17 of the Rules of the Chief Judge.

Sincerely,
Amanda Howerton-Fox
Executive Board, National Lawyers Guild - Pace Student Chapter

Amanda Howerton-Fox, PhD (she/her)
JD Candidate, Elisabeth Haub School of Law at Pace University (2027)
Junior Associate, *Pace Law Review*
Research Assistant, *Professors Michael Mushlin & Camila Bustos*
Vice President, *Public Interest Law Students Organization (PILSO)*
Adjunct Professor / IACD Co-Director, Iona University

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National Lawyers Guild (NLG)
Pace Law School Chapter
Elisabeth Haub School of Law
78 North Broadway
White Plains, New York 10603

November 21, 2025

VIA ELECTRONIC MAIL (rulecomments@nycourts.gov)
New York State Office of Court Administration
David Nocenti, Esq., Counsel
Members of the Administrative Board of the Courts

Re: Proposed Amendment to Part 17 of the Rules of the Chief Judge

Dear Mr. Nocenti,

We are writing to express our strong support for the proposed rule requiring every New York State judge with responsibility for sentencing and/or detaining defendants to make an annual, meaningful visit to a penal facility. This policy change has the potential to bring significant benefits to incarcerated individuals and to our justice system as a whole.

Daily prison conditions are invisible to the outside world, even to many in positions of authority. When judges visit facilities personally, it allows them to witness firsthand the realities faced by incarcerated individuals: their living conditions, access to programs, and the overall environment of the facility. This direct contact is crucial for ensuring that the justice system treats incarcerated people with fairness, dignity, and humanity.

Such visits can serve as a powerful reminder that there is no justice without a focus on rehabilitation and humane treatment. This policy would inspire more thoughtful and compassionate sentencing decisions that prioritize dignity and the possibility of successful reintegration into society. It would also encourage the correctional system to improve conditions and provide meaningful opportunities for rehabilitation and mental health support.

Ultimately, these visits demonstrate respect for the humanity of incarcerated individuals and affirm that their lives and experiences matter within the justice process. When judges are more informed about the realities of incarceration, they can make decisions that better serve justice, fairness, and the well-being of those affected.

Supporting this policy is a step toward a more equitable and humane criminal justice system—one that recognizes the importance of direct engagement with those impacted by its decisions. We strongly advocate for its adoption and believe it will lead to meaningful and positive change for incarcerated individuals.

Sincerely,

Anabel Rigio
Amanda Howerton-Fox
Jasmine Whitfield
Members of the NLG-Pace Executive Board

David Nocenti

From: Howerton-Fox, Amanda <afox@law.pace.edu>
Sent: Friday, November 21, 2025 11:58 AM
To: rulecomments
Subject: PILSO Comment - Proposed Part 17 Amendment
Attachments: Comment - Pace PILSO.pdf

Categories: Prison visits

Dear Mr. Nocenti,

Please see attached our public comment submitted in support of the Proposed Amendment to Part 17 of the Rules of the Chief Judge.

Sincerely,
Amanda Howerton-Fox
Vice President, Public Interest Law Students Organization

Amanda Howerton-Fox, PhD (she/her)
JD Candidate, Elisabeth Haub School of Law at Pace University (2027)
Junior Associate, *Pace Law Review*
Research Assistant, *Professors Michael Mushlin & Camila Bustos*
Vice President, *Public Interest Law Students Organization (PILSO)*
Adjunct Professor / IACD Co-Director, Iona University

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Public Interest Law Students
Organization (PILSO),
Pace Law School Chapter
Elisabeth Haub School of Law
78 North Broadway
White Plains, New York 10603

November 21, 2025

VIA ELECTRONIC MAIL (rulecomments@nycourts.gov)
New York State Office of Court Administration
David Nocenti, Esq., Counsel
Members of the Administrative Board of the Courts

Re: Proposed Amendment to Part 17 of the Rules of the Chief Judge

Dear Mr. Nocenti,

We are writing to express our strong support for the proposed rule requiring every New York State judge with responsibility for sentencing and/or detaining defendants to make an annual, meaningful visit to a penal facility. This initiative is an essential step toward ensuring that our judiciary remains connected to the realities of the criminal justice system and the conditions in which justice is administered.

Regular visits to penal facilities would provide judges with firsthand insights into the actual conditions, challenges, and human experiences within these institutions. Such exposure can foster more informed decision-making, promote fairness, and encourage systemic improvements.

Furthermore, these visits would underscore our judiciary's commitment to transparency and accountability, demonstrating to the public and individuals who are incarcerated that justice is rooted in understanding and compassion. They can also serve as an educational tool, reminding judges of the human impact of their rulings and helping to shape sentencing policies that prioritize rehabilitation and dignity.

Implementing a mandatory annual visit policy aligns with our shared goal of a more humane and effective criminal justice system. It can also facilitate constructive dialogue with facility staff and incarcerated individuals, leading to better policies and practices for rehabilitation and reintegration.

We urge the responsible authorities to support this rule, recognizing its potential to improve judicial awareness, promote fairness, and strengthen the integrity of our justice system.

Thank you for your consideration.

Sincerely,

Amanda Howerton-Fox
Essence Latifah
Jasmine Whitfield
Members of the PILSO Executive Board

David Nocenti

From: Pauline Syrnik <psyrnik@nycds.org>
Sent: Friday, November 21, 2025 12:53 PM
To: rulecomments
Subject: NYCDS Public Comments on UCS's program for judicial visitation to detention facilities
Attachments: NYCDS Judicial Visits Public Comments.pdf

Categories: Prison visits

Good afternoon,

Please find attached New York County Defender Services' (NYCDS) comments on the proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities.

Please confirm receipt if you can.

Have a nice weekend.

Best,
Pauline Syrnik

--
Pauline Syrnik
Special Litigation & Policy Attorney
New York County Defender Services
100 William Street | 20th floor | New York, NY 10038
917.522.8234 ext.234| psyrnik@nycds.org | nycds.org
Pronouns: she/her

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NYCDS Executive Director
Stan Germán

NYCDS Director
Carolyn Wilson

David Nocenti, Esq., Counsel
Office of Court Administration
25 Beaver Street, 10th Fl.
New York, New York 10004
rulecomments@nycourts.gov

November 21, 2025

Re: Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge

Submitted via email

Dear Mr. Nocenti:

New York County Defender Services ("NYCDS") supports the proposed changes to amend Part 17 of the Rules of the Chief Judge to improve judicial visitation to detention facilities, and require every judge in New York State who has responsibility for sentencing or detaining individuals to annually visit a New York penal institution in a "meaningful" way. NYCDS is a public defender office serving indigent clients in the borough of Manhattan since 1997. NYCDS provides comprehensive legal advocacy for its clients facing all manner of criminal charges. We represent and work for thousands of New Yorkers who are incarcerated in jails, prisons, and other detention facilities, including those that youth are placed in. Every day we see how the conditions in these facilities shape our client's safety, health, and ability to participate in their cases. These conditions of confinement are central to the court's decision-making. We, therefore, support the proposed changes so that judges can see the lived realities of those incarcerated more frequently and meaningfully.

We strongly support the proposed amendments to Part 17 of the Rules of the Chief Judge, but offer three recommendations: 1) requiring visits to psychiatric facilities, 2) ensuring distinct judicial visits to secure, limited-secure, and non-secure youth facilities, and 3) encouraging unannounced judicial visits.

We believe this proposed rule presents a valuable opportunity to strengthen the accountability of our courts, by requiring them to see the lived experience of persons incarcerated. For our clients, the consequences of pretrial detention or a custodial sentence are not abstract. They involve immediate exposure to conditions that can be dangerous, degrading, and life-threatening. A year ago, Robert Brooks was brutally beaten to death while handcuffed in DOCCS custody. Months later, in March 2025, our client, Messiah Nantwi, was killed by the very correction officers tasked with his safety. At least 12 individuals have died while in the custody of the New York City Department of Correction this year alone, more than double the prior year's total.[1]

[1] See "*First Report and Recommendations on 2025 Deaths in New York City Department of Correction Custody*" published November 5th, 2025, by Director of Special Investigations Rahzeem Gray as appointed by the NYC Board of Corrections. Available at https://www.nyc.gov/assets/boc/downloads/pdf/First-Report-and-Recommendations-on-2025-Deaths-in-NYC-DOC-Custody-with-DOC-and-CHS-responses.pdf

Such conditions and violence cannot hide behind closed walls, but instead must be witnessed. Judges should not be ignorant or shielded from witnessing the inhumane conditions of confinement that their decisions subject individuals to. Routinely, public defenders are the only actors in the system who consistently see the day-to-day realities inside of New York's detention centers. Meanwhile, decision-makers whose rulings determine whether a person is sent into these facilities, and for how long, often have limited or outdated understandings of what confinement actually looks like. The current rules for judicial visits are inadequate, and the proposed amendment helps address this gap.

Requiring our state's criminal judges to visit these facilities will not only bring important perspectives to future sentencing decisions, it will pull back the curtain on the widespread abuse that abound in these notoriously opaque institutions. Routine visits by judges and court personnel will bring daylight to these facilities, and hopefully encourage DOCCS staff to maintain more humane conditions and more functional operations.

We support the proposed regulations changing the requirement of judicial visits from a four-year cycle to an annual facility visit for judges who make detention or sentencing decisions. The rule additionally lays out what constitutes a "meaningful" visit and includes: touring intake, housing, recreation, medical/mental health-units, special housing, and food-service operations. We strongly support the requirement that visit areas outside of the designated visiting area must be visited. This will allow judges to have more intimate knowledge of the environments that they are ordering individuals into, including environments that are overcrowded, experience persistent staffage shortages and lockdowns, have delays in medical and mental-health treatment, and are unsafe or unsanitary. More meaningful and regular visits give judges more direct exposure of these realities. Additionally, the explicit requirement to speak directly with those who are incarcerated, makes these visits more substantive, and allows judges to better understand the realities of those whom they sentence.

We additionally fully support the proposed guidance to visit the medical and mental health and punitive segregation areas. Our organization routinely represents individuals with a mental health diagnosis. These individuals are often locked away with no meaningful support or reentry plan. Judges being able to witness the effects of their decisions on those with mental health needs, may increase their knowledge regarding the real need for treatment courts that go beyond confinement and punishment but instead offer true mental health support to individuals. Judges will also be able to first-hand see how those with a mental health diagnosis are often subject to solitary or restricted housing, which can exacerbate mental health problems.

Even though we strongly support the proposed amendments we have three proposed changes to them:

1) **<u>Requiring Visits to Psychiatric Facilities</u>**

Judges make critical decisions that determine whether individuals are involuntarily hospitalized or subjected to other restrictive interventions in psychiatric settings. Yet, many members of the judiciary have never stepped inside forensic psychiatric facilities. Routine judicial visits to psychiatric hospitals where individuals are detained would allow judges to better understand these critical decisions. First-hand exposure would allow judges to understand the physical environment, staffing realities, safety protocols, and therapeutic offerings being given to individuals placed in them. Judicial visits are also critical for uncovering the hidden consequences of institutional care. Similarly to jails and prisons, psychiatric hospitals vary widely in quality, safety, and resources. Direct observation gives judges a fuller understanding of how facility conditions interact with mental illness, disability and trauma, and can inform more nuanced decisions.

Therefore, we propose that psychiatric facilities be included in any categories that a judge may order an individual to be confined to one. Notably, the proposed amendments already require judges in Family Court to visit children psychiatric units under Section (d)(6)(iv) and we believe this should be extended to all other categories. Mandating judicial visits to psychiatric facilities promotes transparency, strengthens oversight, and ensures that their rulings are informed by firsthand knowledge rather than assumptions.

2) **Ensuring Distinct Judicial Visits to Secure, Limited-Secure, and Non-Secure Youth Facilities**

We strongly support the proposed amendment requiring judicial visitations for facilities that house youth. However, the proposed amendments lump secure, limited, and non-secure detention facilities together under Sections (d)(3)(i); (d)(5)(ii); (d)(6)(i); and (d)(6)(ii). These sections conflate multiple types of facilities by permitting a single visit to satisfy multiple categories. These facilities operate with fundamentally different levels of restriction, programming, and youth experience. For this reason, judges should be required to visit each facility type separately, when available, rather than treating them as a single interchangeable group.

Judges who make critical decisions about a young person's liberty must understand the distinct conditions and constraints that exist across secure, limit-secure, and non-secure placements. These facilities can vary greatly in their physical restrictions, physical environments, access to education, and availability and types of therapeutic support. These different levels of confinement directly shape the young person's life, mental health, and opportunities for rehabilitation. Judges need to be able to see these different types of facilities, so that they are better positioned to weigh which facility is most appropriate for the young person being detained, so that they are not subjected to unduly restrictive settings when lesser restrictive settings may be more developmentally appropriate. Without directly observing life in each facility, judges cannot fully comprehend the consequences of their placement decisions.

Therefore, we propose amending these sections so that secure, limited-secure, and non-secure facilities are not conflated, but instead are distinguished and visited as separate categories whenever such facilities exist.

3) **Encouraging Unannounced Judicial Visits**

Unannounced judicial visits are essential to ensuring that judges have an accurate, unfiltered understanding of the conditions in which people in custody are actually living in. Announced visits often trigger temporary clean-ups, or other temporary preparations that create an inaccurate picture of daily operations. Judges need to understand real conditions of confinement, not the cleaned-up version. Unannounced visits allow judges to observe the normal rhythms of a facility and witness potential concerns, such as medical neglect, excessive isolation, or unsafe housing conditions. Unannounced visits may also promote safer and more accountable correctional practices. Knowing that a judge may arrive at any time encourages facilities to maintain appropriate standards consistently rather than intermittently. Ultimately, encouraging unannounced visits enhances transparency, and helps protect the rights and dignity of the people in custody.

Other than our recommendation to include these three proposed changes, we strongly support the Office of Court Administration's proposal to amend Part 17 of the Rules and we offer our deep gratitude to the committee who marshalled this thoughtful and essential proposal.

Thank you for taking the time to consider our additional recommendations.

Sincerely,



Stan Germán
Executive Director
New York County Defender Services

David Nocenti

From: Victoria Cafarelli <cafarelliv@nyassembly.gov>
Sent: Friday, November 21, 2025 1:04 PM
To: rulecomments
Subject: Comments from AM Levenberg re: Proposed Rule on Judicial Visits to Prisons
Attachments: Comments on Judicial Visits Nov 2025.pdf

Categories: Prison visits

Good afternoon,

Please see attached.

Victoria

Victoria Cafarelli (she/her/hers)
Chief of Staff
Assemblywoman Dana Levenberg, 95th District
(914) 941-1111 (office)
(914) 826-0062 (cell)
cafarelliv@nyassembly.gov
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THE ASSEMBLY
STATE OF NEW YORK
ALBANY

DANA LEVENBERG
Assemblywoman 95th District

COMMITTEES
Corrections
Environmental Conservation
Housing
Libraries and Education Technology
Local Governments

November 21, 2025

To Whom It May Concern:

I write in strong support of the proposal released by the Advisory Committee on Criminal Law in Office of Court Administration to require judges who make sentencing and detention decisions to conduct at least one substantive visit each year to a correctional facility.

I represent the district that includes Sing Sing Correctional Facility, and I have toured this facility on a number of occasions. In doing so, I have met with staff and spoken directly with incarcerated individuals. These visits have significantly informed my understanding of the consequences of incarceration for individuals, their children and families, and the broader community. It is exceedingly difficult to appreciate the full impact of sentencing decisions without observing the environments in which those sentences are carried out.

For example, programs like Hudson Link for Higher Education and Beyond the Block are often highlighted in policy discussions and in the media. However, the significance of these programs become only clear when one engages with these meaningful programs. Experiencing these programs firsthand, in the facility setting, is profound. No briefing can fully convey what those with lived experience can share.

The proposal before the Office of Court Administration recognizes this. The structured, meaningful visits will enhance judicial insight, promote transparency, and strengthen public confidence in the fairness and grounding of sentencing decisions. I strongly support the adoption of the proposal.

Sincerely,

Dana Levenberg
Member of Assembly, 95th District

ALBANY OFFICE: 325 Legislative Office Building, Albany, New York 12248 (518) 455-5348 FAX (518) 455-5728
DISTRICT OFFICE: 8 Revolutionary Road, Ossining, New York 10562 (914) 941-1111 FAX (914) 941-9132
E-MAIL: levenbergd@nyassembly.gov WEBSITE: www.nyassembly.gov

David Nocenti

From: Elizabeth Bender <ebender@ndsny.org>
Sent: Friday, November 21, 2025 1:46 PM
To: rulecomments
Subject: Neighborhood Defender Service of Harlem comment on Proposed Amendment to Rule 17 regarding judicial visitation
Attachments: NDS_OCA Judicial Visitation Rule_11.21.25.pdf

Categories: Prison visits

Good afternoon,

I am respectfully submitting the attached comment on OCA's proposed amendment to Rule 17 on behalf of the Neighborhood Defender Service of Harlem.

Thank you,
Liz

Elizabeth Bender
Senior Policy Counsel| Neighborhood Defender Service of Harlem
317 Lenox Avenue, 10th Floor | New York, NY 10027
cell: (917) 826-8834 | office: (212) 876-5500
ebender@ndsny.org
she/her

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COMMENT BY THE NEIGHBORHOOD DEFENDER SERVICE OF HARLEM

On the Proposal to Amend Part 17 of the Rules of the Chief Judge to Improve the UCS's Program for Judicial Visitation to Detention Facilities

by

Elizabeth Bender, Senior Policy Counsel, Criminal Defense Practice

November 21, 2025

Dear Mr. Nocenti:

I am Elizabeth Bender, Senior Policy Counsel with the Criminal Defense Practice at the Neighborhood Defender Service of Harlem (NDS). NDS is a community-based public defender office in New York City that provides high-quality legal services to residents of Northern Manhattan. Each year, our attorneys represent nearly 8,000 clients in New York County's criminal, housing, and family court systems, as well as in federal immigration court. Our social workers and advocates support clients by providing referrals to services, connections to benefits, and support throughout their legal cases.

I write in support of the proposed amendment to Part 17 of the Rules of the Chief Judge to require more judicial visits to detention facilities. We agree that it is imperative for judges to know more about the conditions inside New York's jails and prisons.

I also propose additions that will help achieve the rule's goal. First, all judges who may preside over young litigants must visit an OCFS facility—this includes, in New York City, any judge who sits in Criminal Court arraignment parts. Second, the rule should create a means for detained people and their loved ones to submit feedback directly to OCA, to truly facilitate "critical interaction" between the judiciary and incarcerated New Yorkers. Finally, I propose a requirement that judges visit facilities where people are detained while awaiting arraignment, and that they do so in addition to the annual visit schedule contained in this amendment.

There Is a Humanitarian Crisis in Our Jails and Prisons

This proposed change could not have come at a more urgent time. The worsening humanitarian crisis inside our states' detention facilities is undeniable. The conditions at Rikers Island have deteriorated so completely that a federal judge has appointed an independent "remediation manager" to attempt to address the rampant dysfunction, abuse, and violence inside. Statewide, the prison system's inability to adequately staff its facilities after a correctional officers' strike has created life-threatening conditions for New Yorkers detained in our prisons, which were already sites of shocking incidents of deadly violence.

As public defenders, our clients share with us their stories of horrific abuses, cruel neglect, and a systemic lack of basic care—not just medical and mental health care, but the kind of care and respect we owe each other as human beings. We hear these reports from people in city, state, and OCFS facilities. We hear them from our clients' loved ones. We see the psychological and physical impact of systemic violence and neglect on our clients, especially those who live with mental illness or substance use disorders. We applaud OCA for encouraging judges to bear witness to the same, and respectfully submit the following suggestion for strengthening the proposed amendment.

1. **All Judges Who May Preside Over Cases Against People Under 18 Must Visit an OCFS Facility**

The rule rightly requires judges who are "designated youth part judges or back-up youth part judges", New York City Criminal Court judges, and judges sitting in Family Court to visit OCFS facilities. We suggest extending this requirement to all Supreme Court judges and Accessible Magistrates designated under CPL 722.10(2). In New York City, Supreme Court judges often preside over criminal court arraignment proceedings, especially on nights and weekends. Because the youth parts are not open then, these judges will preside over the arraignment of young people as CPL 722.10(2) Accessible Magistrates. These judges would benefit from having visited OCFS facilities where detained youth are held.

We agree with the suggestion that judges visit classrooms, educational areas, and other program areas. In particular, we encourage judges to seek information about educational services at OCFS facilities—to ask staff and invite feedback from detained young people (in accordance with our second suggestion, below) about how often classes are held, the content of those classes, whether students are restrained during classes, and whether the facility keeps records of classes being cancelled or missed. We routinely hear from our clients that, due to overcrowding and understaffing, clients at youth detention facilities often miss mandatory instruction time. We have also heard reports that special education supports are insufficient or nonexistent. These conditions are unacceptable, and we look forward to the positive impact of increased judicial visitation to youth detention facilities.

2. **OCA Must Create a Confidential Mechanism for Detained and Imprisoned People to Submit Statements to Visiting Judges**

We agree that feedback from incarcerated people is crucial to building better judicial understanding of the conditions in our jails and prisons. However, it is not enough to encourage judges to talk to people in custody during their visits, as the amendment suggests. People in custody are deprived almost entirely of all privacy and confidentiality. Even attorney visits are easily, and sometimes routinely, overheard or monitored by correctional staff. People in custody simply do not have the ability to share honest feedback with visiting judges without fear of retribution and punishment by correctional staff. Therefore, OCA should create a mechanism for incarcerated people, their advocates, and their loved ones to submit comments to visiting judges and/or OCA. OCA should collaborate with public defender offices, assigned counsel panel leadership, local bar associations, and other defense groups to develop channels for sending this feedback. People who provide comments should be able to do so anonymously.

On the topic of the lack of confidentiality in jails and prisons, visiting judges should be sure to visit areas where counsel visits take place. This includes in-person, phone, and video visits. Judges ought to ask correctional staff to demonstrate how the visits work: where do clients sit? Where are correctional officers during the visits? Judges can ask for a test of the audio on phone and video equipment. Is it loud enough for a client to hear? So loud that a nearby correctional officer can hear it, too? Is the setting conducive to confidentiality? Or are incarcerated people

forced to choose between protecting their own privacy and obtaining robust legal counsel? In our experience, our clients face this dilemma all too frequently.

Moreover, judges should feel empowered to ask for information about how our most vulnerable incarcerated New Yorkers are treated. For example, nearly a quarter of the people in New York state prisons are aged 50 and older, a figure that has more than doubled since 2007. As the prison population ages, the need for medical and hospice services is also increasing. We encourage judges to learn more about hospice care in prisons, and to ask for feedback from people in custody who volunteer as hospice workers.[1] Caring for dying New Yorkers in prison will continue to be a growing part of our carceral system as long as our sentencing and parole laws force people to remain incarcerated long past the point where they can be safely released.

3. OCA Should Require Judges to Visit Arraignment Detention Areas

In addition to the proposed visit schedule, we suggest that any judge who presides over criminal court arraignments visit the areas where accused people are detained pre-arraignment. Accused people can spend hours, even days in these areas. Tragically, two New Yorkers died this year while awaiting arraignment in Kings County Criminal Court.

In our experience, conditions in these areas—"the pens", as they are morosely known—are abhorrent. Ventilation is poor, so they are uncomfortably hot in the summer and can be freezing in winter. Dozens of people are held in one large cell, with one shared toilet, devoid of any privacy. People who are sick, injured, experiencing withdrawal, and in crisis lie on the floor or on metal benches, their calls for aid often unanswered by the police officers who control the area. The attorney interview booths are cramped, hot, often malodorous, and completely antithetical to confidentiality. We are separated from our clients by plexiglass, so both parties are forced to shout to hear each other. Our conversations are audible to other detainees and any personnel who are present, which often includes police officers.

In New York County, these areas are below and behind the courtroom and are maintained by the New York City Police Department and the Department of Correction, respectively. Visits to these areas should take significantly less time and planning than the required visits in Rule 17. Therefore, we propose that these visits happen in addition to the required jail and prison visits, and that they be mandated in addition to the annual Rule 17 visit requirement.

Thank you for focusing on this important issue. I am happy to answer any questions you may have about our suggestions.

Sincerely,

Elizabeth Bender
Senior Policy Counsel
Neighborhood Defender Service of Harlem

---

[1] Martez Johnson, a hospice volunteer and person incarcerated in a New York prison, told his story in this 2023 article: *What It's Like Watching My Friends Die in Prison*, Dec. 7, 2023, https://www.vera.org/news/what-its-like-watching-my-friends-die-in-prison

David Nocenti

From: frankhleone@gmail.com
Sent: Friday, November 21, 2025 2:03 PM
To: rulecomments
Subject: Comments on the New York Proposal for Judicial Visits to New Prisons and Jails

Categories: Prison visits

Attention: David Nocenti, OCA Counsel

It is my privilege to offer comments on the pending New York State proposal for Judicial Visits to New Prisons and Jails.

Although I am neither an attorney nor reside in New York, I am a native New Yorker with consider interest in addressing the inadequacies of our prison system.

Providing context, I am the father of an only child who passed away three years ago at age 36. As he battled drug addiction for the last 20 years of his life he was incarcerated for a cumulative eight years at the local, state, and federal levels solely for simple possession. My wife and I visited him over 80 times and become acutely aware of the injustices inherent in our system. Although his death was officially cardiac arrest, he was undoubtedly affected by PTSD and other adverse psychological conditions because of his many years of incarceration. During his final years he was an outspoken advocate of prison reform; I feel it is my duty to carry on this cause on behalf of his legacy.

The proposal seems entirely reasonable and long overdue. Adoption of the proposal would assuredly result in more proportionate sentencing, more inhabitable living conditions, and improvements in inmate life. In my opinion, the residual effects of this proposed plan would go well beyond its immediate tangible benefits:

1. It would likely result in more humane conditions as prison staff would feel compelled to make conditions more hospitable in anticipation of judicial visits and review.

2. It would provide inmates with a sense that their voice was being heard.

3. Over time, judges would likely be an aggressive mouthpiece for more reasonable sentences and the necessary to make the entire system more humane.

4. Although a New York State initiative I believe that other states would move to adopt such a policy, resulting in improvement in prison care throughout the country.

Our only child, a sweet and talented young man, had a disease (addiction) and paid far too harsh a price being incarcerated for eight years. The horror of that experience undoubtedly contributed to his early death. And there are surely millions of families with a similar story.

I urge you to approve this measure.

Frank H. Leone

Frank H. Leone
Member, Board of Directors
The Council on Alcoholism and Drug Abuse (CADA)
222 East Canon Perdido
Santa Barbara, CA 93101

805-453-1934
frankhleone@gmail.com
https://cadasb.org/

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David Nocenti

From: Dolovich, Sharon <Dolovich@law.ucla.edu>
Sent: Friday, November 21, 2025 2:38 PM
To: rulecomments
Cc: MARIA ABRAHAM - DIYA
Subject: Public comment on proposal to amend part 17 of the rules of the chief judge
Attachments: Dolovich Abraham NY Proposal Judicial Visits 11.21.25.pdf

Categories: Prison visits

Dear Mr. Nocenti,

Attached please find comments on the proposal to amend part 17 of the rules of the chief judge, concerning judicial visits to carceral facilities. These comments are joint submission from me and Dia Maria Abraham, a current LLM student at UCLA school of Law.

Thank you for the opportunity to weigh in on this important matter.

Please do not hesitate to let me know if I can be of any further assistance,

Sharon Dolovich

Sharon Dolovich
Professor of Law
Director, UCLA Prison Law and Policy Program
Director, UCLA Law Behind Bars Data Project
UCLA School of Law
385 Charles E. Young Drive East
Los Angeles, CA 90095-1476
dolovich@law.ucla.edu

ssrn page: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=95087
The New Criminal Justice Thinking
https://uclaprisondata.org/

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UCLA School of Law

SHARON DOLOVICH
PROFESSOR OF LAW
FACULTY DIRECTOR, UCLA PRISON LAW AND POLICY PROGRAM
FACULTY DIRECTOR, UCLA LAW BEHIND BARS DATA PROJECT

SCHOOL OF LAW
BOX 951476
LOS ANGELES, CALIFORNIA 90095-1476
Phone: (310) 206-5568
Email: dolovich@law.ucla.edu

November 21, 2025

David Nocenti, Esq.
Counsel
Office of Court Administration
25 Beaver Street, 10th Floor
New York, New York 10004

Dear Mr Nocenti,

My name is Sharon Dolovich. I am a Professor of Law at the UCLA School of Law and a leading national scholar of prisons and prison law. My research and teaching focuses primarily on the law and policy governing prison conditions. Among other things, I have written extensively about the Eighth Amendment, both as it applies to prison conditions and the use of force against incarcerated people. In 2020, I founded the UCLA Behind Bars Data Project, which I continue to direct. I'm also the Director of the UCLA Prison Law and Policy Program, which recently celebrated its 10th anniversary. I am joined in submitting these comments by Diya Maria Abraham, a LLM student at UCLA Law, who is currently a student in my Prison Law and Policy class.

We write to offer our unqualified support for the proposal of the UCS's Advisory Committee on Criminal Law and Procedure ("CPL Committee") to amend Part 17 of the Rules of the Chief Judge. We support this initiative for the following reasons:

1. **Positive psychological impact.**

For incarcerated persons who often feel that their side of the story has gone unheard by the courts and society, an opportunity to meet a judge and speak about their experiences would be deeply meaningful. It would not only help restore confidence and belief in the criminal justice system, but it would also instill hope and dignity of personhood during incarceration. In addition to having the salutary effect of bringing judges in direct contact with daily experience of the people they sentenced to incarceration, the proposal would send a message to the incarcerated that people in authority are paying attention to what they are experiencing.

2. Positive practical impact

Prisons are black boxes. Although they are supposed to be public institutions carrying out the will of the people, they tend to be forgotten places about which people in society know very little. And as I have described at length elsewhere,[1] all three branches of government often fail to provide anything like adequate oversight and regulation of what goes on in carceral facilities. This welcome proposal would offer judges a direct channel to see for themselves the reality prisoners face on the ground in the prisons. Creating this additional pathway for judicial oversight is especially valuable given that prisoners face many obstacles to getting judicial hearing when seeking to challenge the conditions of their confinement— and that, unfortunately, internal prison administrative grievance systems are often ineffective at addressing and resolving even meritorious grievances. In a context where state actors wield enormous power and the oversight mechanisms are woefully lacking, it is especially important to create new channels for shedding light on what happens in carceral facilities.

3. Allowing Judges to Factor in the Effects of Incarceration During Sentencing

For judges who decide to incarcerate people and determine the length of their sentences, it is crucial that they get to see conditions of confinement and speak to people behind bars. One judge noted that *"it was unforgettable. Like climbing into a submarine with no extra headroom, privacy or activity space. I could only imagine that working there was almost as bad as being confined there."*[2] These visits can be transformational for many who have never visited correctional facilities, and instrumental in dispelling popular misconceptions about such spaces. After spending two full days visiting correctional facilities, Texas District 8 Judge Eddie Northcutt reported that *"the experience was incredible and informs many of my decisions I take on the bench in sentencing."*[3] Annual visits to correctional facilities will allow judges to take stock of prisons in their jurisdiction and contend with the enormous responsibility they are faced with while sentencing people to be locked up. This is especially so given that, under the current proposal, judges would have broad access to observe all aspects of prison operations. The Proposed Amendment's emphasis on facilitating a 'meaningful visit' will ensure that judges can develop a more comprehensive understanding of the correctional environment and make nuanced sentencing decisions.

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[1] See Sharon Dolovich, The Failed Regulation and Oversight of the American Prison, 5 Ann. Rev. Criminol. 153 (2022).
[2] Ed Cohen, *Poll Suggests That Judges Know What Life Is like in Their Jails and Prisons*, THE NATIONAL JUDICIAL COLLEGE (May 16, 2022), https://www.judges.org/news-and-info/poll-suggests-that-judges-know-what-life-is-like-in-their-jails-and-prisons/.
[3] *Id.*

4. Judicial Oversight and Feedback

The dominant jurisprudence on prison law dictates that the judicial branch accord ample deference to the expertise and specialized knowledge of prison officials in the administration of correctional facilities. However, historical narratives suggest that there existed an expansive system of judicial oversight over prisons and jails in the nineteenth century, including the regular inspection of detention facilities by state and local judges.[4] Adoption of the Proposed Amendment would empower judges to provide feedback based on what they've seen during their visits, thereby maintaining the delicate balance of power between courts and prisons. These interventions would allow judges to serve as an additional external independent oversight body, and to provide a valuable source of insight and feedback for policymakers. In a national poll on prison oversight, 82% of respondents said they believe that states and the federal government should have a system of independent oversight for their prisons.[5] The benefits of oversight that come with judicial visits to detention facilities may help in improving conditions, not only for those who live in prisons but also for those who work in them. Additionally, the Amendments are also geographically expansive and seek to cover all kinds of detention facilities across the state, bringing to the fore issues specific to such remote locations that often escape public and executive oversight.

5. Better Transparency and Accountability

Annual visits will allow correctional facilities to strive to be transparent and up to date with their reporting and publishing of data. Correctional agencies operate within a tradition of opaqueness and lack of transparency. Federal and state reporting mandates are poorly enforced, and the existing data is scattered, inaccessible, infrequently collected, and released after long delays.[6] Greater transparency and reporting of facility-wise data will improve public perception of the agency's management of the state's correctional facilities and aid in crafting well-researched and evidence-backed prison policies.

6. Inclusion of vulnerable prison populations

The Proposed Amendments expands the scope to include the conditions of confinement experienced by women and children, vulnerable populations whose experiences tend to receive

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[4] Wynne Muscatine Graham, *The Forgotten History of Prison Law: Judicial Oversight of Detention Facilities in the Nation's Early Years*, HARVARD LAW REVIEW (May 12, 2025), https://harvardlawreview.org/print/vol-138/the-forgotten-history-of-prison-law-judicial-oversight-of-detention-facilities-in-the-nations-early-years/.
[5] FAMILIES FOR JUSTICE REFORM, IMPROVING TRANSPARENCY AND ACCOUNTABILITY IN PRISONS THROUGH INDEPENDENT OVERSIGHT (2024), https://famm.org/wp-content/uploads/2024/03/Benefits-of-prison-oversight.pdf.
[6] Liz DeWolf, Poornima Rajeshwar & Erica Tyagi, *Missing the Mark: Data Reporting & Quality Scorecard*, (Mar. 17, 2021), https://uclacovidbehindbars.org/blog/scorecard.

less attention from mainstream news coverage and policy deliberations. Because the majority of incarcerated people are men, the primary focus of much prison policy, programming, and rehabilitative services tends to be on the experience of men.[7] We welcome the inclusion of facilities for women and juveniles into the scope of this provision.

7. Benefits Greatly Outweigh Institutional Concerns and Costs

We recognize that some constituencies may raise objections to this proposal, most notably along the lines of security, logistical difficulties and potential additional costs. However, we do not find these concerns persuasive. On the matter of security, the goal of this proposal is to ensure that judges see the reality on the ground in the prisons. Although occasionally, some emergency may arise that leads to a facility being locked down, in the ordinary course, the fact that some security concerns might exist should not prevent judicial visits. To the contrary, this situation would only strengthen the imperative to have judges with oversight authority entering the prisons; if conditions are unsafe and unstable as a regular matter, it is even more important to have meaningful channels for ongoing external monitoring.

As far as logistics go, there should be no additional burden on officials to operationalize judicial visits, as correctional facilities already see the influx of many people on a daily basis. Moreover, because the Proposed Amendments seek to showcase conditions of confinement as they are, no advance preparations by the agency would be necessary. (Indeed, advance preparations would defeat the purpose of getting judges to see how prisons generally operate.) Although there may be some additional costs associated with judicial visits, these should be minimal, and the price of creating an additional channel for external oversight of otherwise closed facilities would be well worth it. We note that Committee has also proposed sufficient time for the implementation of this proposal, allowing for planning, development, and coordination — time that could be used to address and alleviate any logistical concerns.

In sum, we unreservedly support the adoption of the Proposed Amendments.

Additional Recommendations

As noted, wholeheartedly support the adoption of the above Proposed Amendments. At the same time, we note some opportunities for strengthening the proposal in modest ways along the lines sketched out below. We emphasize that our support of the proposal is undiminished regardless of whether these suggestions are adopted. For ease of reference, we place our proposals in context of the current language and italicize our suggestions.

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[7] ELIZABETH SWAVOLA, KRISTINE RILEY & RAM SUBRAMANIAN, OVERLOOKED: WOMEN AND JAILS IN AN ERA OF REFORM (2016), https://vera-institute.files.svdcdn.com/production/downloads/publications/overlooked-women-and-jails-report-updated.pdf?dm=1568746265.

I. Section 17.1(f) - During the visit, upon request, judges should have the opportunity to have conversations with incarcerated persons *from all housing units, including special and restricted housing units*, employees of all facilities described herein, members of any grievance committee within the facility and, if available, family members visiting the facility. Such conversations should be as private as possible consistent with security concerns (text in italics added).

The additional text has been added so as to further the emphasis on "meaningful" visits and ensure that judges see the full range of facilities and talk to both incarcerated people and staff in all areas of the prison. This will facilitate judicial visitors in understanding incarceration as is experienced in various housing units, including solitary confinement, and provide a rounded and contextualized view of the correctional environment.

II. Section 17.1(g) - A mechanism shall be established to allow judges who wish to report their impressions of the visit, including specific comments about what they observed during the visit, to the Deputy Chief Administrative Judge for Courts within the City of New York or outside the City of New York, whichever is applicable. The mechanism should include an on-line form that allows for confidential reporting. The Chief Administrative Judge shall determine a method through which feedback from judges arising from such visits is provided to correctional and other appropriate agencies or otherwise determine the extent to which such information shall be used or further disseminated. *The correctional and other appropriate agencies shall be required to submit a written report in reply to the feedback provided by the Chief Administrative Judge in a timely manner.* (text in italics added).

To ensure that the feedback of the judges is meaningfully considered by the agency it may be useful to have corrections administrators draft a short reply addressing the concerns that have been raised. The reply may contain future plans of improvement or justification for maintenance of the status quo, and would at a minimum confirm receipt by the Department of any issues that may be flagged by the visiting judge. Documentation also will aid in building accountability and in monitoring the impact of the Proposed Amendments at a later stage.

III. Section 17.1(i) - To ensure that visits take place at these designated facilities located throughout the State of New York, the Deputy Chief Administrative Judges for the Courts outside the City of New York and within the City of New York will put in place a schedule of visits which will ensure that the places visited are representative of the places listed in subsection (d). With respect to facilities operated by the New York State Department of Corrections and Community Supervision such schedule shall, to the extent practicable, seek to ensure that judges visit facilities they have not

> previously visited within the past 5 years. Such schedule shall also ensure that judges periodically visit facilities housing incarcerated women and ensure that with respect to any facility housing children such schedule shall also ensure that judges periodically visit facilities that house girls whether incarcerated in separate facilities or in facilities with both girls and boys. *Judges visiting facilities housing incarcerated women and/or girls shall, where possible, be accompanied by a female social worker/trauma specialist/psychologist* (text in italics added).

Prisoners as a whole are disproportionately likely to have experienced adverse childhood experiences (ACEs) including serious abuse and neglect.[8] This is especially the case with women and children. To facilitate honest conversation, it is recommended that judges be accompanied by female social workers or persons trained in dealing with trauma and abuse. Alternatively, judges could be given trauma training as part of their orientation under Section 17.4. The differential circumstances of women who enter correctional facilities and their perceived deviance and transgression from institutional and socio-cultural norms can often result in re-traumatization during incarceration. The above-mentioned additions to the Proposed Amendments seek to avoid or mitigate such re-traumatization.

In sum, we wholeheartedly support the Proposed Amendments as a valuable step towards increasing transparency and access to closed off correctional environments. We offer modest suggestions for modification, simply in the spirit of strengthening already excellent proposal.

Sincerely,



Sharon Dolovich
Professor of Law, UCLA School of Law
Director, UCLA Law Behind Bars Data Project
Director UCLA Prison Law and Policy Program

Diya Maria Abraham, BA, LLB
UCLA LLM Class of 2026

[8] https://www.cdc.gov/aces/about/index.html

David Nocenti

From: autura <autura@yahoo.com>
Sent: Friday, November 21, 2025 2:40 PM
To: rulecomments
Subject: Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge to to improve the UCS's program for judicial visitation to detention facilities.

Categories: Prison visits

Dear Mr. Nocenti, Esq.
Counsel, Office of Administration

I am in agreement that every criminal court judge should be required to visit a jail, prison or detention center at least once a year.

I firmly believe that if you are going to detain persons, than you should know where and what type of facility you are detaining them to.

It is my hope that these visits will help facilitate the promotion of ATI programs, mental health programs, etc.

Thank you.

Tammy Reed
115-37 204th Street
St. Albans, NY 11412
917-692-6159
Sent from my Verizon, Samsung Galaxy smartphone

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David Nocenti

From: John Feerick <jfeerick@fordham.edu>
Sent: Friday, November 21, 2025 2:46 PM
To: rulecomments
Cc: galacatos@law.fordham.edu
Subject: Feerick Center's Letter in Support of Proposal to amend Part 17 of the Rules of the Chief Judge.
Attachments: Feerick Center's Letter in Support of Proposal to amend Part 17 of the Rules of the Chief Judge..pdf

Categories: Prison visits

Dear Mr. Nocenti,

I write on behalf of Fordham Law School's Feerick Center for Social Justice in support of the Proposal of the New York State Unified Court System's Advisory Committee on Criminal Law and Procedure ("CPL Committee") to amend Part 17 of the Rules of the Chief Judge to improve the program for judicial visitation to detention facilities in New York State.

Please see attached our letter in support.

Best,

Dean Emeritus John D. Feerick and Dora Galacatos

--
John D. Feerick
Norris Professor of Law
Founder and Senior Co-Counsel
Feerick Center for Social Justice
Fordham University School of Law | Lincoln Center Campus
150 West 62nd Street | New York, NY 10023

P +1 212-636-6873 | E jfeerick@fordham.edu

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FORDHAM UNIVERSITY
THE SCHOOL OF LAW

FEERICK CENTER FOR SOCIAL JUSTICE

November 21, 2025

David Nocenti, Esq.
Counsel, New York State Office of Court Administration
25 Beaver Street
New York, New York 10004

Via email: rulecomments@nycourts.gov

Dear Mr. Nocenti:

I write on behalf of Fordham Law School's Feerick Center for Social Justice in support of the Proposal of the New York State Unified Court System's Advisory Committee on Criminal Law and Procedure ("CPL Committee") to amend Part 17 of the Rules of the Chief Judge to improve the program for judicial visitation to detention facilities in New York State.

A Subcommittee of the CPL Committee comprehensively examined the program and engaged in extensive fact-finding to develop the current Proposal. The impact of meaningful dialogue and interaction between judges and incarcerated individuals can be consequential and life-changing for both members of the judiciary and also people who have been convicted and sentenced to serve terms of incarceration. The judicial visitation program has the potential to promote confidence in the judicial system and also to enhance the knowledge of members of the judiciary in connection with sentencing decisions. Members of the judiciary benefit, and equally important, incarcerated persons, their loved ones, and their communities will also benefit.

The CPL Committee carefully developed the Proposal with input from stakeholders and experts. It builds in ample time to allow for considered and thoughtful implementation.

I urge approval of the Amendment to Part 17 of the Rules of the Chief Judge to Improve the Program for Judicial Visitation to Detention Facilities.

Thank you in advance for your consideration.

Sincerely,

Dean Emeritus John D. Feerick
Founder and Senior Co-Counsel

Dora Galacatos
Senior Program Advisor

Feerick Center for Social Justice
Fordham Law School
150 West 62nd Street, Room 7-144
New York, New York 10023

David Nocenti

From:	Lily Shapiro <lshapiro@fortunesociety.org>
Sent:	Friday, November 21, 2025 2:49 PM
To:	rulecomments
Subject:	The Fortune Society public comment re proposal to amend Part 17
Attachments:	The Fortune Society public comment on OCA proposed rule.pdf
Categories:	Prison visits

Please see our public comment attached, and please do not hesitate to reach out if you have any questions.

Best,

Lily J. Shapiro, she/her | Policy Counsel, The David Rothenberg Center for Public Policy
The Fortune Society
Long Island City service center | 29-76 Northern Boulevard | Long Island City, NY 11101
Office: 718-906-9477 | Mobile: 929-599-7000
fortunesociety.org

"Hope is a discipline." - Mariame Kaba



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November 21, 2025

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 4th Floor
New York, NY 10004

RE: Public Comment on Proposed Amendments to Part 17 of the Rules of the Chief Judge

The Fortune Society appreciates the opportunity to comment on the proposed amendments to Part 17 of the Rules of the Chief Judge. The Fortune Society (Fortune) is a 58-year-old organization in New York City that supports successful reentry from incarceration and promotes alternatives to incarceration, thus strengthening the fabric of our communities. We do this by believing in the power of people to change; building lives through service programs shaped by the experiences of our participants; and changing minds through education and advocacy to promote the creation of a fair, humane, and truly rehabilitative justice system. In Fiscal Year 2025, we served over 18,000 people across our wide range of programs, including over 1,000 people in our transitional, emergency, and permanent supportive housing programs.

Fortune respectfully submits this comment in strong support of the proposed amendments to Section 17.1 of the Rules of the Chief Judge, which would require New York State judges who impose sentences or order detention to conduct at least one substantive visit to a correctional or detention facility annually. We believe this rule is a critical step toward more equitable and informed sentencing, improved conditions of confinement, and a more transparent, accountable judicial system. We commend the Office of Court Administration and the Advisory Committee on Criminal Law and Procedure for advancing this essential reform.

Fortune views this proposal as a practical, balanced reform that strengthens judicial accountability. Embedding meaningful judicial engagement with conditions of confinement is critical to ensuring fair, informed, and human-centered decision-making across New York's courts. It reaffirms the responsibility of the judiciary to understand the full set of consequences of its sentencing mandates—and, in doing so, represents a vital step toward dismantling the racial disparities that exist at each decision-making point in the system.[1]

Nearly half of Fortune's staff have been impacted by the criminal legal system and/or are in recovery; many of this group has also been incarcerated, including our President and CEO, our Deputy CEO, our Chief Operating Officer, and many other members of our Executive Team. Fortune's organizational standing in providing direct services and advocating for reforms through our David Rothenberg Center for Public Policy has its firm foundation in the collective experience of our leadership and staff. While visiting carceral facilities is not by any means a true substitute for being detained, such visits –

[1] National Conference of State Legislatures, *Racial and Ethnic Disparities in the Criminal Justice System*, last modified May 24 2022, Racial and Ethnic Disparities in the Criminal Justice System.

particularly if they include conversations with incarcerated people - would provide a measure of information and perspective that simply cannot be gleaned in any other way.

I. Importance of Judicial Facility Visits

Judicial decisions profoundly shape the lives of incarcerated people—yet too often, those decisions are made without firsthand understanding of the conditions in which those sentences will be served. This disconnect obscures the full human cost of confinement, and in turn, the ways in which lengthy sentences are counterproductive to public safety and community well-being.

Facility conditions—whether in a local jail or state prison—carry profound legal, rehabilitative, and public health implications. Overcrowding, solitary confinement, inadequate mental health care, and limited access to programming and visiting deepen trauma and obstruct recovery. Because these harmful conditions are largely invisible in courtrooms, judges may unknowingly issue sentences that undermine goals of justice, rehabilitation, and public safety.[2]

Yet, despite the gravity of sentencing decisions, judges often issue them without direct knowledge of where or how those sentences will be served. In New York, independent oversight has consistently documented systemic problems in state prisons, including inadequate medical care, prolonged periods of lockdown, unsanitary living conditions, and lack of access to rehabilitative programs.[3] These are not new developments; they reflect long-standing structural deficiencies that predate the 2025 illegal work stoppage by correction officers.[4] Judicial visits bridge this knowledge gap, allowing judges to ground sentencing decisions in the lived realities of confinement rather than in assumptions or abstractions.

The rule's mandate that judges rotate among various types of facilities—including those housing women, youth, and individuals with behavioral health needs—ensures exposure to populations facing distinct challenges and vulnerabilities, as consistently documented in oversight reports on the conditions within New York facilities.[5] This rotation also reduces the risk that visits become routine or symbolic.

II. Impact on Specific Populations

Visiting facilities that house women and girls allows judges to witness populations with distinct and often unmet needs. Reproductive care, trauma-informed programming, and parenting accommodations are

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[2] Prison Policy Initiative, "Research Roundup: Incarceration Can Cause Lasting Damage to Mental Health," last modified April 14, 2020, Research Roundup: Incarceration can cause lasting damage to mental health | Prison Policy Initiative.

[3] Correctional Association of New York, *Post-Visit Briefing: Monitoring Visit to Taconic Correctional Facility*, December 7, 2023, https://www.correctionalassociation.org/postvisit-briefing-recommendations/taconic-correctional-facility-08222024-skewd. See especially sections on "Healthcare Access," "Mental Health Services," "Environmental Conditions," and "Programmatic Access."

[4] Chris Gelardi, "After a strike slashed staffing by up to 60 percent, prisoners report 21-hour lockdowns in overheated cells," *New York Focus*, August 8, 2025, 'You're Just Sitting in a Cell, Baking': N.Y. Prisons Struggle With Heat and Staff Shortages

[5] Correctional Association of New York, "List of Other Reports, Fact Sheets, Issue Briefs, & Policy Papers," accessed October 30, 2025, List of Other Reports, Fact Sheets, Issue Briefs, & Policy Papers — Correctional Association of New York

essential for rehabilitation. Without these supports, individuals face re-traumatization, worsened mental health, and diminished reentry outcomes.[6] Similarly, juvenile and adolescent facilities warrant close judicial attention. Confinement conditions must reflect developmental needs and prioritize rehabilitation over punishment, as excessive control and restriction in youth settings have been shown to increase long-term harm, including developmental disruption, future instability, and risk of recidivism.[7]

Judicial exposure is equally important when considering the needs of LGBTQIA+ individuals, who face elevated risks in carceral settings. LGBTQIA+ people are incarcerated at approximately three times the rate of the total adult population.[8] Transgender and gender-nonconforming individuals, in particular, are significantly more likely to experience assault or segregation in custody.[9] A 2023 report by the New York Civil Liberties Union found that all trans women surveyed in New York State were housed in men's prisons, and a majority reported experiencing physical assault.[10] Judicial awareness of these realities is essential to ensuring that vulnerable individuals are not placed in unsafe or unsupported environments. Judges should also use these visits as opportunities to inquire about how facilities are meeting the needs of other vulnerable populations. This includes the aforementioned emerging adults under age 25, older people over 65, and individuals with cognitive or mobility impairments, autism, or chronic illnesses. These groups often face unique risks in confinement—ranging from inadequate accommodations to increased vulnerability to violence or neglect—and are frequently underserved in carceral settings. Understanding how these needs are (or are not) addressed is critical to sentencing decisions that are both just and humane.

III. Behavioral Health and Structural Barriers in Confinement

Throughout New York, a disproportionate number of incarcerated people live with mental health conditions, yet correctional facilities are ill-equipped to provide appropriate treatment or therapeutic environments.[11] For example, on Rikers Island in New York City, nearly 21% of the population has a serious mental illness.[12] Judicial awareness of these deficiencies—such as long wait times for psychiatric care, isolation of individuals in crisis, and gaps in substance use disorder treatment as well as lapses in access to psychiatric medication—is essential. Without knowledge of these treatment gaps, judges may unintentionally impose sentences that place individuals in environments ill-equipped to support

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[6] Correctional Association of New York, "Fact Sheet on Women's Incarceration," 2019, accessed October 30, 2025,2019_FactSheet-WomensIncarceration.pdf

[7] Richard Mendel, "Why Youth Incarceration Fails: An Updated Review of the Evidence" (Washington, D.C.: The Sentencing Project, 2023),Why Youth Incarceration Fails: An Updated Review of the Evidence – The Sentencing Project.

[8] The Sentencing Project, *Incarcerated LGBTQ+ Adults and Youth* (Washington, DC: The Sentencing Project, October 2022), Incarcerated-LGBTQ-Youth-and-Adults.pdf

[9] New York Civil Liberties Union, "Protect the Rights of Trans New Yorkers in the Criminal Justice System," February 2023, Protect the rights of trans New Yorkers in the criminal justice system - NYCLU

[10] New York Civil Liberties Union, "Protect Trans New Yorkers in Prisons and Jails," 2023, https://www.nyclu.org/uploads/2023/02/2023-nyclu-protecttransppljailsprisons-onepager.pdf

[11] Patricia Warth, "Unjust Punishment: The Impact of Incarceration on Mental Health," *NYSBA Journal*, New York State Bar Association, accessed October 30, 2025,Unjust Punishment: The Impact of Incarceration on Mental Health - New York State Bar Association

[12] Correctional Health Services, *CHS Patient Profile for Individuals in the New York City Jail System*, February 2025, accessed November 20, 2025, correctional-health-services-patient-profile-metrics-february-2025.pdf.

recovery.[13] This lack of alignment can lead to avoidable decompensation in mental or physical health, increased risk of recidivism, and unnecessary strain on public systems, including local hospital systems.[14]

By directly informing judges of the rehabilitative limitations of specific facilities, these visits support public safety by encouraging sentencing that prioritizes stability, rehabilitation, and recovery. Conditions such as lack of access to adequate nutrition, educational opportunities, or quality healthcare—along with operational issues like overcrowding and inadequate staffing—can severely hinder a person's ability to recover and succeed post-release. Additionally, poor food quality and nutritional deficiencies—such as limited access to fresh produce and reliance on highly processed meals—have been linked to deteriorating health outcomes and reduced dignity for incarcerated individuals.[15] Judicial visits allow decision-makers to observe how such facility-level conditions either support or obstruct a person's potential for recovery and reentry.

Judicial visits also offer critical insight into whether facility operations support meaningful family engagement—a well-documented factor in successful reentry. Evidence shows that regular family visitation significantly lowers rates of felony reconviction and parole violations.[16] Barriers such as restrictive visitation policies, inconvenient facility locations, or poor visiting infrastructure can prevent families from maintaining contact during incarceration. Judicial presence allows judges to witness how these obstacles manifest in practice. This link between family engagement and public safety underscores why it matters for judges to witness, firsthand, whether visiting policies, infrastructure, and practices that meaningfully support familial connections.

IV. Judicial Perspectives and Precedent

According to an informal alumni poll by the National Judicial College (NJC) in 2022, more than 96 percent of responding judges reported that they have visited a jail or prison. Many of these judges commented that the experience informed their decision-making and emphasized the value of such visits in judicial education.[17]

New York Supreme Court Justice Dineen Riviezzo, a member of the subcommittee that helped develop this proposed rule, stated: "Each visit left a lasting impression, reminding me of the magnitude of the responsibility entrusted to judges when sentencing convicted persons or confining convicted sex offenders

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[13] Correctional Association of New York, "CANY Releases Reports from Monitoring at Four New York State Prisons: Great Meadow, Clinton, Downstate & Bedford Hills," Report, 2024, accessed October 30, 2025,CANY Releases Reports from Monitoring at Four New York State Prisons: Great Meadow, Clinton, Downstate & Bedford Hills — Correctional Association of New York

[14] "Does in-prison physical and mental health impact recidivism?," *BMC Psychology*, 2023, Does in-prison physical and mental health impact recidivism?

[15] Correctional Association of New York, *Food and Nutrition in New York State Prisons* (New York: Correctional Association of New York, November 2024), CANY_Food+and+Nutrition+in+NY_Nov2024.pdf

[16] Evelyn F. McCoy and Breanna Boppre, *"Making Jail and Prison Visits Easier Makes Communities Safer,"* Urban Institute, March 13, 2024, Making Jail and Prison Visits Easier Makes Communities Safer | Urban Institute

[17] Ed Cohen, "Poll suggests that judges know what life is like in their jails and prisons," *The National Judicial College*, May 16, 2022, Poll suggests that judges know what life is like in their jails and prisons - The National Judicial College

with a mental abnormality."[18] She emphasized the importance of rotating across facility types to understand their differing capacities, limitations, and impacts.

V. Structural Reform and Equity Implications

New York currently has no statewide requirement for routine judicial exposure to carceral environments. This rule fills that gap and ensures consistent judicial education across all regions. It also positions New York as a national leader in aligning sentencing practices with systemic understanding and public confidence.

This rule goes beyond procedural refinement; it constitutes a structural reform that would shift how judicial engagement informs sentencing. By requiring judges to observe conditions of confinement firsthand, the rule enhances transparency, reduces detachment, and fosters a more accountable judicial culture.

The impact is particularly urgent given the racial and geographic disparities that continue to define incarceration in the state. Although Black people make up just 15 percent of New York's population, they account for 48 percent of the state's prison population — and are imprisoned at more than five times the rate of white New Yorkers, making facility conditions and sentencing awareness central issues of racial justice.[19] Indigenous people—who are incarcerated at a rate of 763 per 100,000 compared to 181 per 100,000 for white people—are also overrepresented in many rural jails. They frequently encounter facilities that fail to accommodate their cultural or spiritual needs, which raises serious equity concerns in facility conditions and sentencing outcomes.[20]

What's more, in the aftermath of the unsanctioned 2025 illegal work stoppage by prison officers, the New York State Department of Corrections and Community Supervision (DOCCS) remains plagued by severe staffing and operational disruptions: tens of thousands of corrections positions are vacant; others are being filled by rehiring corrections staff who were fired during the official work stoppage; the National Guard continues to maintain a presence in multiple facilities; programming has been suspended or delayed; yard time, family visits, educational, and vocational activities are reported as irregular or severely limited.[21] Under those conditions, it would be deeply concerning to send someone into confinement when alternatives may exist, and without the judge having direct knowledge of how these disruptions affect rehabilitation and humane treatment.

VI. Endorsement of the Proposed Rule

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[18] Hon. Dineen Riviezzo, quoted in Michael B. Mushlin, *Memo Regarding Judicial Visits to Prisons Proposal* (September 2025), on file with the Office of Court Administration and the Advisory Committee on Criminal Law.

[19] Vera Institute of Justice, *New York Criminal Legal System Data Hub: Prison*, December 2023.

[20] Prison Policy Initiative, "Native Incarceration in the U.S. Profile," February 14, 2023, Introducing our profile of Native incarceration in the U.S. | Prison Policy Initiative

[21] Chris Gelardi, "Four Months After Guard Strike, Prison Staffing Crisis Persists," *New York Focus*, July 22, 2025,Four Months After Guard Strike, Prison Staffing... | New York Focus

Fortune supports the proposed rule as written. It provides a practical and equitable framework for statewide implementation. We especially endorse the required rotation across diverse facility types, which ensures that visits reflect the full range of conditions and needs within New York's correctional system.

We also commend the inclusion of orientation and periodic training to contextualize these visits, and the clear oversight mechanisms assigned to the Deputy Chief Administrative Judges. These provisions will help ensure the rule's consistent, meaningful application across the state. Over time, the insights gained from such visits could be incorporated into judicial education curricula, helping to build institutional knowledge and improve sentencing practices.

To preserve the authenticity of these visits, we recommend that correctional facilities receive no more than 48 hours advance notice of a judge's visit. Limited notice increases the likelihood that judges observe conditions as they are routinely experienced by incarcerated individuals—not conditions temporarily altered to accommodate a visit.

We further urge OCA to permit judges, at their discretion, to invite qualified advocates or service providers to accompany them during facility visits. These participants can provide valuable context, assist in identifying systemic barriers, and help facilitate dialogue between the courts and impacted communities.

To support consistent implementation, logistical and funding considerations, particularly for judges in rural or resource-limited jurisdictions, should be addressed through clear guidance.

Additionally, OCA should collect and publish anonymized, aggregate data on judicial visitations to track compliance, identify gaps, and support ongoing improvements.

VII. Conclusion

Fortune commends the Office of Court Administration and the Advisory Committee on Criminal Law and Procedure for this forward-looking rule proposal. We urge prompt adoption of the proposed amendments to Part 17 and welcome opportunities to support implementation that reflects the dignity, humanity, and rights of all people affected by incarceration.

The communities most affected by incarceration—and the broader public—deserve a judiciary that understands the lived realities of confinement and thus is equipped to incorporate that understanding into sentencing decisions. As Brian Fischer, former Commissioner of the New York State Department of Corrections and Community Supervision, has observed, "incarcerated individuals consistently express the desire to be seen—not merely as defendants, but as people with histories, perspectives, and the potential for change."[22]

[22] Brian Fischer, quoted in Michael B. Mushlin, *Memo Regarding Judicial Visits to Prisons Proposal* (September 2025), on file with the Office of Court Administration and the Advisory Committee on Criminal Law.

David Nocenti

From: Grace Li <gyli9807@gmail.com>
Sent: Friday, November 21, 2025 2:50 PM
To: rulecomments
Subject: Proposal for prison and jail visits
Attachments: public comment rule 17.pdf

Categories: Prison visits

Dear Mr. Nocenti,

Attached is my comment for the proposal for the amendment to Rule 17.

Sincerely,
Grace Li

Please be CAREFUL when clicking links or opening attachments from external senders.

November 21, 2025

Re: Proposal for Judicial Visits to Prisons and Jails

Dear Mr. Nocenti,

I am writing in support of the proposal to amend Part 17 of the Rules of the Chief Judge to improve the UCS's program for judicial visitation to detention facilities. I am writing in my individual capacity and not on behalf of my workplace.

I am an assistant professor of criminal law and I have a longstanding commitment to supporting people in prisons and jails. Beginning in 2011, I visited prisons and jails as a volunteer on a weekly basis. These visits transformed my worldview and shaped my personal and professional trajectory. I worked for a non-profit organizing running prison-visiting programming, went to law school, taught legal research in prisons, and became an advocate for incarcerated people. Through these experiences, I have worked with incarcerated people in New York, New Jersey, Colorado, Alabama, and Ohio; in state, local, and federal facilities; and in prisons and jails.

I believe regular visits to prisons and jails will help broaden and deepen judges' understanding of our system of criminal law and would serve as necessary professional development for them. I could not do my own work without the understanding I have of our criminal system that I have gained from spending time in prisons and jails and talking directly with people incarcerated in them. One of the incarcerated students I volunteered with at a federal detention center suggested that it was profoundly difficult for anyone who had not been incarcerated to understand what incarceration really was for those who had to experience it. He said that he thought every judge should spend a year in prison before sentencing anyone. An annual visit would be one step toward bridging that gap of understanding.

I also believe the change would benefit incarcerated people, and by extension, everyone their lives touch, including their loved ones, and especially their children. Social connection is a crucial aspect of being human, and meaningful contact with people on the outside is a lifeline for people in prisons and jails. It is important for all of us, and for the state as our representative, to recognize the dignity and promote their wellbeing of people we incarcerate. These visits would strengthen the state's commitment to those important values.

For these reasons and others, I support the proposed amendments.

Sincerely,

Grace Li

David Nocenti

From: Justice <justice@notabene.com>
Sent: Friday, November 21, 2025 3:19 PM
To: rulecomments
Subject: Comments on Part 17 of the Rules of Chief Judge

Categories: Prison visits

To whom it may concern:

As chairperson of the NYCD16/15 Indivisible Criminal Justice Committee, I am writing to express our strong support for the proposed amendment to Part 17 of the Rules of the Chief Judge, requiring "meaningful and consistent [annual]" visits by justices and judges to correctional and other detention facilities.

The one point which we would like to make at this time is to emphasize point (f), detailing the "opportunity to have conversations with incarcerated persons" in a mode that "should be as private as possible consistent with security concerns." It's absolutely vital that this clause be taken seriously, and that the "consistent with security concerns" qualification not become an excuse to prevent direct encounter of justices and judges with incarcerated individuals. While requiring annual visits is a significant improvement over the current visit schedule, even that requirement will make no significant differences unless justices and judges are able to have visits not under the direct control and/or observation of the prison staff. Even with such encounters, it's very likely that the true reality may not be known, but having them is at the very least essential in order to understand the reality of incarceration in NY state, some of the realities of which are itemized in the notes that follow this comment below.

Steven Siebert
NYCD16/15 Indivisible
(the Indivisible chapter in Senate Majority Leader Andrea Stewart-Cousin's district; she often attends)
(917) 612-2150

What follows is a short summary of the reality – as best those who care about such matters can determine from the outside – of NY's carceral state. There are a handful of bills — the two very modest parole reform bills (Fair and Timely, and Elder, both extremely modest, neither granting automatic release to anyone), Second Look (strongly supported by Chief Justice Rowan Wilson), Earned Time Credit, and the Marvin Mayfield (End Mandatory Minimums) Act — that would begin to address the dark legacy above, making NY not only more just, but safer, since only justice can bring safety. The proposed changes to visitation by justices and judges on which we are commenting now are another important step, and we strongly urge its passage.

Our New York Comfort with Mass Incarceration

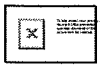
For as long as we can remember, America has been the world's most incarcerating nation (technically now eclipsed by El Salvador). There's no culture anywhere that so fundamentally believes in incarcerating bodies — mostly non-white ones — as America does.

As New Yorkers, we imagine we're different. Be the data shows a very different story:
* We're proud that unlike Alabama, we don't have capital punishment. And we find ourselves appalled that Florida continues to practice it (executing 16 so far this year, and counting). But it's actually much more lethal to live in NY's prisons, where we *do* have death by incarceration — more people have died behind bars in the last 10 years than in the

entire 364 years we did, someone dying inside once every three days — 168 last year, ten times the number Florida has put to death.
* In a year when the Democratic governor of NY (Cuomo) gave 12 clemencies, the Republican governor of Missouri gave over 500
* In red Nebraska, you can earn half your time back for good behavior; in NY it's only 15%.
* In NY, those inside earn less than $1.60 an hour to make all those fancy white license plates we all rush out to buy, NY seemingly taking advantage of the allowance the 13th Amendment makes for slavery and involuntary servitude for those "duly convicted..."; Alabama, Tennessee, and Nebraska ("red states" all), are among a handful that outlaw this exception, while NY does not

When you know the data, it's hard not to think that NY has a very long way to go if justice matters:
* In NY, you can no longer take fresh fruits or vegetables — or a homemade cake — to your loved one inside
* Up to over 85% of the women inside Bedford Hills Women's Correctional Facility are victims of domestic abuse — victims being further victimized by very long sentences
* In our supposedly progressive Westchester, which you represent, over 90% — a much higher percentage than upstate — of those convicted in our county and serving time in NY state prisons are people of color (see full data on the other side)

And all this is extremely costly. We're going to be spending six million dollars keeping Dino Caroselli incarcerated until he's 99. According to the Columbia Center for Justice, simple parole reform would save us $500 million a year. Meanwhile, we are failing our children — one of my daughters taught kindergarten in Harlem last year, in a classroom where — because of IEP's — there were supposed to be five adults. Not infrequently, she would the only one. All this in the richest city in the history of the world, in a society where monies are diverted to endless war and mass incarceration.

 Virus-free.www.avg.com

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David Nocenti

From: Bryanne Hamill <bryannehamill@gmail.com>
Sent: Friday, November 21, 2025 4:00 PM
To: rulecomments
Subject: Judge Bryanne Hamill's comments to the proposed Amendments to Section 17 of the Rules of the Chief Judge
Attachments: Hon. Bryanne Hamill.pdf

Categories: Prison visits

Good afternoon, Mr. Nocenti,

Attached please my comments to the proposed Amendments to Section 17 of The Rules of the Chief Judge.

Please be CAREFUL when clicking links or opening attachments from external senders.

Thank you for this opportunity and your consideration of my comments.

Best regards,

Hon. Bryanne Hamill (FCJ ret.)
bryannehamill@gmail.com

November 21, 2025

Dear Mr. Nocenti,

I write to offer comment and strong support for the proposed Amendments to Section 17 of The Rules of the Chief Judge. These proposed amendments would require judges to visit men's and women's correctional and detention facilities annually (in contrast to the current requirement of visits every 4 years), to make meaningful visits or tours of major areas of the facility including mental health units and special housing units, and to meet with incarcerated persons.

As to my relevant background for context for my comments, I served as a New York City Family Court judge for nearly 10 years until I retired in 2010. Previously I had served as an Assistant District Attorney in Bronx County for nearly 7 years in the1990s, and as a principal law clerk to Supreme Court, Criminal Term, Justice Joseph Fisch for 3 years immediately prior to my appointment as a Judge. Prior to becoming a lawyer, I worked as a psychiatric registered nurse in acute care psychiatric facilities in New York and New Orleans.

Late 2013, I was honored to accept Mayor Bloomberg's appointment to serve as a NYC public officer as a member of the NYC Board of Correction. The NYC Board of Correction, established by the New York City Charter, is an independent nine-member volunteer board that oversees conditions in the City jails and promulgates standards on various issues that affect the lives of people who are incarcerated and work in the jails. During my tenure serving on the Board, I was very active in promulgating rules most notably in mandating the end of solitary confinement for young adults under the age of 23, improvements to the new enhanced supervision unit, and compliance with the federal Prison Rape Elimination Act.

My 6-year service on the NYC Board of Correction provided me unlimited, unannounced access to visit the jails, frequent observations of the conditions of confinement, and opportunities under various circumstances to speak with incarcerated persons and custodial and health staff. I had not had much opportunity to do so as a Family Court judge nor as an Assistant District Attorney. On these frequent visits, my eyes were truly opened to the horrific conditions of the City jails. I must say that nothing prepared me to witness and process such inhumane conditions incarcerated people and correctional and health staff had to endure. These deeply disturbing observations and candid conversations were critical for me to truly understand the culture and failing conditions of these facilities.

This proposed rule and the required visits and conversations would be an important step in assuring that the judges who make decisions about detention and sentencing do so with a fuller understanding of what their decisions mean for the men and women who appear before them. It will also demonstrate that judges, who are all too often seen as detached and distant from the people who appear before them, understand the seriousness and the real human and community impact of the decisions they make about detention and incarceration.

And, equally important, an increased understanding of the reality and effects of incarceration on people who live in New York will be a direct benefit that will help move us as a society to a more humane and compassionate justice system. Knowing how my eyes were truly opened by these visits, whereupon I could use my authority to assist those suffering, I trust that the same will be true for many other judges.

I commend the Committee for its careful and hard work and hope that these rules will be passed in the form they are presented. I would be happy to address any questions that may arise. Thank you for your consideration of my comments.

Best regards,

Hon. Bryanne Hamill (FCJ ret.)

bryannehamill@gmail.com

David Nocenti

From: Sara Alpert <salpert@hudsonlink.org>
Sent: Friday, November 21, 2025 4:02 PM
To: rulecomments
Subject: Comment on Proposal to Amend Part 17 – Judicial Visits to Detention Facilities
Attachments: Public Comment on Proposal to Amend Part 17 – Judicial Visits to Detention Facilities.pdf

Categories: Prison visits

Sara Alpert
Director of Strategic Initiatives
Hudson Link for Higher Education in Prison
(332) 219-2563

Please be CAREFUL when clicking links or opening attachments from external senders.

Hudson Link
for Higher Education in Prison

hudsonlink.org

To: rulecomments@nycourts.gov

Attn: David Nocenti, OCA Counsel

Subject: Comment on Proposal to Amend Part 17 – Judicial Visits to Detention Facilities

Dear Mr. Nocenti:

I am writing on behalf of Hudson Link for Higher Education in Prison to strongly support the proposal to amend Part 17 of the Rules of the Chief Judge, requiring all trial judges with sentencing or detention responsibilities to conduct annual, meaningful visits to New York State correctional facilities.

For nearly 30 years, Hudson Link has provided college education, life skills, and reentry support to incarcerated people. Our holistic program structure follows each student through their academic journey. We've helped award over 1,000 degrees to students by partnering with seven colleges. In addition to our college program, Hudson Link provides nearly 2,000 alumni who have returned home to their families and communities with ongoing reentry services, as well as transitional housing through our New Beginnings program.

Through this work, we witness daily the perseverance and transformation of our students and alumni individuals who are striving to better themselves and their communities through education. At the same time, our staff, alumni, and currently enrolled students see firsthand the deep disconnect between the legal system that imposes a sentence and the lived reality of the correctional environment that follows.

The proposed amendment to replace sporadic or ceremonial tours with consistent, substantive visits is a vital step toward a more informed and humane criminal justice system. As the proposal notes, this practice will help ensure that the people inside these walls are not "utterly forgotten" once a sentence is pronounced.

This issue is deeply personal to our community. Five of our current students, members of the Strategic Alumni Voices Inside (S.A.V.I.) committee, recently shared their perspective on why these judicial visits matter. We wish to amplify their voices here, as they are the ones most directly impacted by the distance between the bench and the cell:

"If the proposed amendment is accepted and regulated into law, the amendment could, in-effect, humanize the law and the system of justice by illuminating the humanistic qualities of the law, that is, the law's capacity to both be empathetic or disingenuous, fallible or grounded in integrity and wisdom." — Christopher Martinez, Shawangunk Correctional Facility

P.O. Box 862 Ossining, NY 10562 Office (914) 941-0794 I Fax (914) 487-1101 info@hudsonlink.org

" Once a sentence is handed down, the judiciary branch does not follow up on whether their role in delivering justice is being carried out... Judges' responsibility of administering justice should not conclude with sentencing." — Marvin Osorio, Shawangunk Correctional Facility

"By visiting facilities judges will be able to witness for themselves the steps that are being taken towards rehabilitation that the incarcerated are, and, have taken with no existing incentives."— LaMarr W. Knox, Shawangunk Correctional Facility

" Something is clearly wrong with the prison system... If the Judges are allowed inside then maybe they can help change the narrative."— Franklin McPherson, Shawangunk Correctional Facility

"I fully support Judges being able to visit correctional facilities. I encourage it. I think it should be mandatory. The way a supervisor makes 'site visits' because they are responsible for employees and production, Judges are responsible for incarcerated individuals and the culture of correctional facilities. They are the ones that decide who goes to prison, and for how long they will be there."— Michael Newmark, Shawangunk Correctional Facility

We believe that when judges see the environment to which they are sentencing individuals not just as a concept, but as lived realities it leads to more informed sentencing. This proposal represents a meaningful opportunity to foster a system where accountability is balanced with an understanding of human dignity.

Hudson Link respectfully urges the Office of Court Administration to adopt this amendment. It will benefit the judiciary, the correctional system, and, most importantly, the thousands of human beings striving for growth and change within it.

Sincerely,
Hudson Link for Higher Education in Prison

P.O. Box 862 Ossining, NY 10562 Office (914) 941-0794 I Fax (914) 487-1101 info@hudsonlink.org

David Nocenti

From: Anna Matuszewski <AMatuszewski@nycbar.org>
Sent: Friday, November 21, 2025 4:19 PM
To: rulecomments
Cc: Raabia Qasim; Mary Margulis-Ohnuma
Subject: Public Comment on Judicial Visitation to Detention Facilities
Attachments: 20221537-Public Comment On Judicial Prison Visits.pdf

Categories: Prison visits

Hello,

We are writing in response to the Office of Court Administration's recent request for public comment. https://www.nycourts.gov/LegacyPDFS/rules/comments/pdf/RequestForPublicComment-JudicialPrisonVisits-092925.pdf

Attached, is a public comment from the New York City Bar Association's Corrections and Community Reentry Committee. Thank you for your time.

Anna Matuszewski (she/her/hers)
Administrative Assistant
New York City Bar Association | 42 W 44 Street, New York, NY 10036
212.382.4754 | amatuszewski@nycbar.org | www.nycbar.org
Space Rental info | www.42west44.com

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NEW YORK CITY BAR

November 21, 2025

By Email
David Nocenti, Esq.
Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004
rulecomments@nycourts.gov

RE: Public Comment on Proposal to Amend Part 17 of the Rules of the Chief Judge to Improve the UCS's Program for Judicial Visitation to Detention Facilities

I. BACKGROUND

The New York City Bar Association's Corrections and Community Reentry Committee ("CCRC") is in favor of the proposed rule change. The current rule requires all judges to make one visit to a jail or prison. Because criminal and carceral consequences reach every corner of the court system (through civil contempt, involuntary confinement and otherwise), every jurist sitting within the State of New York should be encouraged to make consistent, frequent visits to jails and prisons throughout their tenure on the bench. But only a judge who "regularly sits in a criminal term or in a term with criminal as well as civil jurisdiction" is required to make more than one visit, and then, visits are only required once every four years. *See* Rule 17.1(a)(3) (current version). By contrast, the proposed rule would require at least one annual visit by a judge to a detention facility in which people are confined. The new rule would provide greater insight to the judiciary on changing conditions and include judges who–while they may not sentence people to prisons–nevertheless interface with people in their courtroom whose lives have been or will be impacted by confinement.

Given the substantial number and variety of correctional institutions in New York State, increasing the jail visit requirement only makes sense. When the first judicial jail visit rule was enacted in 1974, the state's first Chief Administrative Judge, Richard Bartlett, emphasized that it would "strengthen the understanding judges have of facilities and institutions to which they send individuals as well as to aid them in their sentencing responsibilities."[1] But one visit every four years can only provide a judge with the barest understanding of how a detention facility operates and the vast implications of being confined. One visit in a judicial career is plainly inadequate.

[1] *See* New York Times, June 5, 1974 at 47, https://www.nytimes.com/1974/06/05/archives/rule-bids-state-judges-visit-jails-and-prisons.html. (All websites last accessed Nov. 2025)

About the Association
The mission of the New York City Bar Association, which was founded in 1870 and has over 20,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

The judicial visit rule was innovative in its day; the proposed change will build on New York's tradition of maintaining an informed judiciary.

An informed judiciary is all the more critical given the state of New York's prisons. Just this year, the State Inspector General announced that New York is "epically failing" its incarcerated population, after visiting every DOCCS facility. According to the Inspector General, who was reviewing compliance with the HALT Act, because of the "outdated tracking systems" in most prisons, it was "difficult to judge based on paper log books" whether or not people were being provided the seven hours outside their cells that the law requires.[2]

If the Inspector General has found that paper reports prove inadequate to measure a prison's compliance with the law, judges are unlikely to have greater insight absent in-person visits. And if those visits are infrequent–as the current regulation allows–judges will not be aware of changing conditions. For example, a judge who visits a prison once in the fall will not be aware that the summer heat has posed particularly acute problems for incarcerated people as temperatures increase.[3]

The recent crisis spurned on by the wildcat strike in response to the prosecution of the officers who killed Robert Brooks is also telling. Nearly a year after Brooks's death, the state prison system still struggles to resume normal operations such as visitation, programming, and recreation, and continues to fall short of fully implementing the HALT Act.[4]

II. RECOMMENDATIONS

The breadth of detention facilities to be visited is important–while the crises in state prisons and Rikers are significant, it is critical that judges whose work relates to smaller facilities, youth facilities, and psychiatric facilities understand the real conditions that people live under there. Rule 17.1(d) (proposed) identifies the types of facilities each judge must visit–including visits not only to prisons and jails, but facilities run by the Office of Children and Family Services, and for Family Court judges, group homes. Moreover, the proposed visit schedule makes sense. Each judge must visit one facility each year, and cannot return to the same type of facility until they have visited each type of facility in their portfolio. This will prevent judges from returning to the same facility repeatedly, at least initially. However, CCRC suggests that the proposed rule could be improved by strengthening the diversity requirements of the schedule outlined in subsection (i). With respect to facilities operated by DOCCS, Rule 17.1(i) (proposed) only requires that the schedule created by the Deputy Chief Administrative Judges "shall, to the extent practicable, seek to ensure that judges visit facilities they have not previously visited within the past five years." Instead, judges should be prohibited from revisiting a DOCCS facility they have already visited within the past five years. With ample options among the 42 facilities currently operated by DOCCS, plus a

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[2] *See* Tom Eschen, CBS6 Albany, "We are epically failing -NYS IG on prison conditions, discusses HALT report" March 10, 2025, https://cbs6albany.com/news/local/we-are-epically-failing-nys-ig-on-prison-conditions-discusses-halt-report.

[3] *See* Chris Gelardi, "Summers are Brutal in New York State Prisons. This Year is Worse than Ever," *New York Focus*, August 4, 2025, https://nysfocus.com/2025/08/04/summer-heat-prisons-doccs-new-york-climate-change.

[4] *See* Chris Gelardi, "Four Months after Guard Strike, Prison Staffing Crisis Persists," *New York Focus*, July 22, 2025, https://nysfocus.com/2025/07/22/new-york-doccs-prison-staffing-crisis-guard-strike.

minimum of two other categories of facilities under subsection (d) to visit, a strict prohibition against repeat visits within five years is more appropriate to fulfill the stated purpose of ensuring the diversity of sites visited.

CCRC also recommends implementing two additional changes to better serve the proposed rule's intended purpose. First, public reporting requirements would greatly enhance the likelihood of full compliance with the program. Rule 17.1(j) (proposed) would already require the Deputy Chief Administrative Judges to monitor compliance; rates of participation in scheduled visits should then be made publicly available, both for accountability and as relevant experience for voters to consider when judges are up for reelection. Compliance should also include a reporting requirement for judges to notify the Deputy Chief Administrative Judges whenever a facility denies a request to see certain areas, such as solitary housing units, or to speak to incarcerated people, family members, or employees (*See* 17.1[f] [proposed]). This requirement will help foster compliance and accountability. Second, to ensure that the visits are truly "meaningful", the rule could limit advance notice provided to facilities or permit judges to visit a facility with advocates or volunteers familiar with that facility's ordinary operations. Otherwise, judges' visits may not be truly representative of the facility on a typical day.

III. CONCLUSION

Having a deeper and more timely sense of the conditions inside the facilities to which people are sentenced will allow judges to do their jobs more effectively. Deciding whether to set bail pre-trial, imposing a sentence post-trial, or considering the outcome for a youthful offender are not decisions that should be made in the abstract. A judge who has seen and understands a jail may be more thoughtful when sentencing someone to incarceration. And as recent scholarship points out, judges are not without tools to address problems they may find on their visits.[5]

For the reasons stated above, CCRC supports the proposed rule change.

Respectfully,

Karen J. Adelman, Co-Chair
Corrections & Community Reentry Committee

Paul A. Montuori, Co-Chair
Corrections & Community Reentry Committee

Contact
Raabia Qasim, Associate Policy Counsel | 212.382.6655 | rqasim@nycbar.org

[5] *See* Carissa Byrne Hessick, *Judges and Mass Incarceration*, 31 Wm. & Mary Bill Rts. J. 461 (2022), https://scholarship.law.wm.edu/wmborj/vol31/iss2/5.

David Nocenti

From: Sumeet Sharma <ssharma@correctionalassociation.org>
Sent: Friday, November 21, 2025 4:22 PM
To: rulecomments
Cc: Tee Ramdeo
Subject: Correctional Association of New York (CANY) - Public Comment in Support of amending Part 17 of the Rules of the Chief Judge to improve the Unified Court System's (UCS) program for judicial visitation to detention facilities.
Attachments: CANY - Public Comment in Support of amending Part 17 of the Rules of the Chief Judge to improve the Unified Court System's (UCS) program for judicial visitation to detention facilities.pdf

Categories: Prison visits

Dear David Nocenti,

Please find attached the formal public comment from the Correctional Association of New York (CANY) regarding the Judicial Task Force's proposal that all judges handling criminal matters conduct annual visits to correctional facilities.

Thank you for the opportunity to submit our comment.

Sincerely,

Sumeet Sharma
Director
Correctional Association of New York
646-591-9483
ssharma@correctionalassociation.org
www.correctionalassociation.org

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Public Comment in Support of amending Part 17 of the Rules of the Chief Judge to improve the Unified Court System's (UCS) program for judicial visitation to detention facilities.

Correctional Association of New York (CANY), November 21, 2025

Background: The Historical Link between Prisons, the Correctional Association of New York, and the Judiciary

The Correctional Association of New York (CANY) is an independent, non-profit organization with a legal mandate to monitor and report on conditions in New York State prisons. Founded as the Prison Association of New York in 1844 and deputized by the state to provide monitoring and oversight of the state's prisons in 1846, it was one of the first organizations in the country designated with the responsibility to administer civilian oversight of prisons. Under current law, New York Correction Law §146, CANY continues to inform policymakers and the public about living and working conditions in prisons through onsite monitoring, reporting, and recommendations for improvements.

During CANY's long history, a number of judges have served as members of the association; William T. McCoun, John Edmonds, and John Duer were early founding members. Judge Edmonds took on a role as Chairman of the Executive Committee and Judge McCoun served as President of the association for several years. In the Prison Association of New York's annual report of 1846, Judge Edmonds reflected on the critical importance of external scrutiny of prisons and other places of detention, reporting that through the activities of the Association, "the evils of prisons of detention have been searched and exposed, so that the innocent and the novice may not be hopelessly corrupted by contamination. With this view, our prisons for punishment have been carefully examined and their government closely scanned, so that the reformation may not be interrupted by cruelty, and the convict may not by unnecessary harshness be rendered desperate and more wicked."

The Value of Direct Observation

CANY, through its oversight, affirms the importance of on-site monitoring to accurately assess conditions of confinement and serve as an early warning system for abuse and neglect. CANY's visit to Marcy Correctional Facility in October 2022 uncovered a disturbing culture of brutality that ultimately presaged the murder of Robert Brooks at the facility in December 2024. During CANY's visit, 80% of interview respondents reported exposure to physical or verbal abuse and nearly 70% cited racial bias. During a recent monitoring visit to Green Haven Correctional Facility, CANY observed the aftereffects of the illegal strike staged by Correction Officers (CO). At Green Haven, monitors observed how limited staffing has resulted in severe cutbacks in program availability and access for incarcerated individuals, including therapeutic programs like Alcohol and Substance Use Treatment (ASAT) and Aggression Replacement Training (ART).

At a systemic level, monitoring visits during the past two years have informed CANY's comprehensive report on the HALT law, *Two Years of HALT: Use of Segregated Confinement, Implementation of Core Requirements, and Perceptions Across the System.* Direct oversight was crucial for understanding the law's complexities, allowing CANY to capture information that statistics alone could not. For example, the report documented a troubling "upside-down" system where system-wide understaffing forced facilities to redirect resources away from the general population in order to comply with requirements in the Residential Rehabilitation Unit (RRU). This unintended consequence has led to widespread program cutbacks as well as reports of noncompliance with the law.

Public Comment in Support of amending Part 17 of the Rules of the Chief Judge to improve the Unified Court System's (UCS) program for judicial visitation to detention facilities.

Correctional Association of New York (CANY), November 21, 2025

Judicial Visits: The Enormous Potential for Benefit

The principle of separation of powers dictates that the judiciary imposes sentences, while the executive branch, through prisons, administers them. This functional division has created both necessary insulation and a profound gap in awareness: judges in New York State routinely preside over civil cases originating from prisons and jails and sentence individuals to institutions they have never personally visited.

Adopting a new rule requiring judges to visit correctional facilities would add a powerful layer of oversight above and beyond that which is carried out by CANY and the state agencies charged with inspecting prisons and jails. Annual visits by judges who are responsible for sentencing would promote additional transparency and accountability within a historically opaque system. These visits would yield transformative benefits for the staff working within correctional facilities, the individuals incarcerated within them, and the judges themselves.

The annual presence of judges in correctional facilities would generate a vital feedback loop for institutional health. Additional routine external observation would promote integrity, providing opportunities for judges to understand the realities and perspectives of people living in and working in correctional facilities. Judicial visits would signal to incarcerated individuals that they remain constituent members of the community, thereby fostering self-worth and growth. This connection is essential for developing civic-mindedness and preparing individuals to return to society as contributing citizens. Judicial visits have the potential to serve as a powerful signal to incarcerated individuals that are not permanently marginalized. They can help to inspire an environment where individuals are incentivized to develop transferable skills and develop a constructive mindset. Incarcerated leaders, in turn, can leverage this external validation to encourage self-empowerment among the population, demonstrating that self-improvement is both expected and recognized, thereby paving the way for a more successful and safer re-entry into society.

Crucially, while judges are unable to pass legislation, they can enact reforms through case law. Engagement with incarcerated individuals and staff would provide them with a direct, visceral comprehension of the living and working conditions in prisons, helping to "open up" a system that thrives in opacity. By intimately connecting the judiciary to the realities of conditions within jails and prisons, judges will be better equipped for making sentencing and detention determinations.

Conclusion

Understanding the importance and potential positive influence of judicial visits, CANY urges the Office of Court Administration to amend Part 17 of the Rules of the Chief Judge to improve UCS's program for judicial visitation to detention facilities.

David Nocenti

From: Maddy deLone <madelinedelone@gmail.com>
Sent: Friday, November 21, 2025 4:22 PM
To: rulecomments
Subject: Comments on Rule 17 revisions
Attachments: Comment of Maddy deLone to Section 17 amendments.docx (1).pdf

Categories: Prison visits

Dear Mr. Nocenti,

Please accept my comments on Rule 17 revisions. They are attached.

Have a good weekend.

Maddy deLone
(she/her)
madelinedelone@gmail.com
917-439-9447

Please be CAREFUL when clicking links or opening attachments from external senders.

Maddy deLone, Esq.

130 Barrow St., NY, NY

November 21, 2025

Mr. David Nocenti

OCA Counsel

Dear Mr. Nocenti,

I write to offer comment and strong support of the proposed amendments to Section 17 of The Rules of the Chief Judge. These changes are important because they will provide for judicial visits in all of the facilities in NY state and will facilitate meaningful conversations between the judges and the people who are confined in and work in the facilities. These visits will provide regular and updated context for the judges when they consider detention and sentencing decisions and will make the Courts and the judges themselves less mysterious and distant for the men and women who have been incarcerated and their families.

I am a lawyer with a masters in public health who has spent most of the last 40 years working in and around the jails and prisons of New York City, New York state and across the country. I first came to New York City in 1984 after graduating from the Harvard School of Public Health to work at Spofford Detention Center overseeing health care for children in detention. From there, I went to work for Montefiore Rikers Island Health Service as a clinic administrator on Rikers Island where I met hundreds of incarcerated men and women in a very violent and increasingly overcrowded time in the NYC jails. I worked as the Deputy Executive Director of the NYC Board of Correction, where I oversaw the drafting, funding and early implementation of the NYC BOC Health Care Minimum Standards and worked with a number of former judges who served on the Board as judicial appointees. I went to law school at NYU to become a prisoners rights lawyer and spent six years as a staff attorney at the Prisoners' Rights Project of the Legal Aid Society. My last full time job, as the Executive Director of the Innocence Project, where I was for 16 years until 2020, gave me the opportunity to talk with men and women incarcerated in prisons across the country.

It is because of the experiences I have had over 40 years that I wholeheartedly support the amendments proposed here. It is unimaginable to most people who have not been incarcerated or had close family members who served time in jails or prisons to comprehend what it means to be locked in these institutions. Even as a person who has

worked in and around these facilities for 40 years and talked with hundreds of people who are or have been incarcerated, I am sure I do not fully understand what the deprivation of being locked up means. I do know that many criminal defendants and their families do not believe judges have any real idea what it means when they make rulings that send people to pre-trial detention or the full gravity of the decision to sentence a person to months, years, or decades behind bars.

The visits outlined in the proposed amendment to the rule are important in several respects. First, they detail the areas in a facility that judges must tour. The specific areas listed importantly include special housing units (administrative, protective custody and punitive segregation units), medical and mental health facilities, intake areas (where incarcerated people enter and leave the facilities), and visiting areas (where family members come to see their loved ones). Specifying these areas will allow for more meaningful visits that will give judges a better sense of where defendants will live than the often more superficial tours that "civilian visitors" are sometimes given. Traditional tours have too often not included special housing units and mental health units. These are important and often the most violent housing areas of most facilities.

It is also a great idea that judges be asked to make these visits annually. It is easy to forget the conditions that meet people charged with or convicted of crimes when they are sent to facilities. Annual visits will ensure that judges have that context and that it is fresh and current.

The final requirement that judges have opportunities to have private conversations with incarcerated people, staff, and family visiting facilities will provide important information for the judges. I would underscore that these conversations be allowed to be as private as possible. This will provide judges with an opportunity to interact with incarcerated people in a fuller and more meaningful way than they are able in the course of a criminal hearing or trial, where the opportunities to hear from the defendant are limited by design. These conversations will also serve the important benefit of having people who live in, work in, and visit these facilities meet judges and will help judges feel less far removed from the real people whose lives their decisions affect.

I believe that my work in the criminal justice system at all times was better, richer and more informed because of the regular visits I made to correctional facilities and conversations I had with the people who live and work in them. I have no doubt the same will be true for judges of the NY courts. I hope that once implemented, the courts, with experience under their belts, will encourage other jurisdictions to require similar

practices. The system of justice in this country and the people and families whose lives or profoundly affected by it, will be better served.

Thank you so much to the Committee for all the important work that went into these proposed revisions. I am glad to have an opportunity to comment and hope that these proposed amendments are adopted.

Sincerely,



Maddy deLone

David Nocenti

From: Mark Mishler <mishler@nysenate.gov>
Sent: Friday, November 21, 2025 4:25 PM
To: rulecomments
Cc: Julia Salazar; Andrew Block
Subject: Sen. Salazar comments on proposed rule change re prison/jail visits by judges
Attachments: Sen. Salazar -public comments re UCS proposed amendments re prison and jail visits by judges - 11-21-25.pdf

Categories: Prison visits

Dear Mr. Nocenti -

Attached please find comments by Senator Salazar relating to the proposed amendments to Part 17 of the Rules of the Chief Judge relating to judicial visitation to prisons, jails, and other facilities.

Please let us know if there are any questions.

Thank you.

Mark

Mark S. Mishler, Esq. (he/him/his)
Counsel & Legislative Director
Office of Senator Julia Salazar, Senate District 18

NYS Capitol, Room 514
Albany, NY 12224
c: 518-466-9762
o: 518-455-2179

See our Bio Site for resources, Op-Eds, and more about our work!

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18TH SENATORIAL DISTRICT
STATE OF NEW YORK

ALBANY OFFICE:
514 STATE CAPITOL
ALBANY, NY 12247
PHONE: 518-455-2177

DISTRICT OFFICE:
212 EVERGREEN AVENUE
BROOKLYN, NY 11221
PHONE: 718-573-1726

WEBSITE:
SALAZAR.NYSENATE.GOV

November 21, 2025

E-mailed to rulecomments@nycourts.gov

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004

Re: Support for proposed amendments to Part 17 of the Rules of the Chief Judge to improve the Unified Court System's program for judicial visitation to detention facilities

Dear Mr. Nocenti:

I write, as Chair of the NYS Senate Committee on Crime Victims, Crime & Correction, to express my strong support for the proposed amendments to Part 17 which would mandate regular visits by judges to visit at least one prison, jail, or other detention facility each year and would also provide greater specificity as to the details of such visits. These requirements would apply to all judges who regularly preside over courts in which individuals can be detained in a detention facility and/or sentenced to periods of incarceration as well as to youth detention facilities.

I understand the existing rules require visits once every four years and do not specifically outline the key elements of a meaningful judicial visit, such as the locations within the facility and the opportunity to speak directly with incarcerated individuals.

These proposed changes are necessary and will have a positive impact on conditions within New York's jails and prisons. In addition, the changes will provide judges with significantly more knowledge of the impacts of their sentencing decisions, with the result that our court system will likely be more finely tuned to the realities of how the entire criminal legal system functions. The impact will be a more humane, informed and just system.

I have made dozens of visits in my legislative capacity to jails and prisons in New York State. When I visit, I typically follow a protocol like what is specified in the proposed amendments, spending time in multiple housing units, meeting with incarcerated individuals, visiting program areas and visiting medical or mental health areas. I have also visited libraries, mess halls and nursery areas. In addition, I meet with administrators and staff.

These visits and the opportunities they present for me to speak directly with people who are detained or incarcerated have been of invaluable assistance to me as I work on developing and advocating for legislation. I have considered these visits to be essential in my work as a legislator and in my carrying out my responsibilities as the Committee Chair. I have the responsibility to vote on legislation impacting sentencing rules, pre-trial services, re-entry programs, and conditions of confinement. It would be irresponsible if I voted on or drafted bills in these areas without having regular and direct opportunities to meet with people who are incarcerated and people who work in New York's correctional or detention facilities or without witnessing the conditions in our jails and prisons first-hand.

I fully support these proposed amendments to the rules of the Chief Judge as they demonstrate a similar commitment and understanding on the part of the Unified Court System. Judges who have the power to order a person to be detained or incarcerated must exercise such authority based on real knowledge as to what the conditions are in the detention facilities, jails, or prisons where such individuals will be held. Such exposure will be of enormous benefit to judges as they make these difficult decisions and will result in improvements to our criminal legal system.

I am in full support of these proposed changes.

Thank you.

Sincerely,



Julia Salazar, New York State Senator
Chair, Senate Committee on Crime Victims, Crime and Correction
18th Senate District
District Office: 212 Evergreen Ave., Brooklyn, NY 11221
Albany Office: Room 514, State Capitol Building, Albany, NY 12247
(518) 455-2177
Salazar@nysenate.gov

David Nocenti

From: Stan German <sgerman@nycds.org>
Sent: Friday, November 21, 2025 4:32 PM
To: rulecomments
Subject: Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge.
Attachments: CDANY-Ltr-OCARule17Change.pdf

Categories: Prison visits

Attached please find a statement on behalf of the Chief Defenders Association of New York.

Best, Stan Germán
President, Chief Defenders Association of New York

Regards, Stan Germán
Executive Director
New York County Defender Services
100 William Street, 20th Floor
New York, NY 10038
(212) 803-5158
(212) 571-6035 / Fax
SGerman@NYCDS.org
Pronouns: He/Him/His

Sometimes I choose to send emails during evenings or weekends. Please do not feel that you need to respond to me outside of normal working hours.

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David Nocenti, Esq., Counsel
Office of Court Administration
25 Beaver Street, 10th Fl.
New York, New York 10004
rulecomments@nycourts.gov

Re: Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge.

November 21, 2025

Dear Mr. Nocenti:

We appreciate the opportunity to comment on the Office of Court Administration's proposal to amend Part 17 of the Rules of the Chief Judge and we offer our support for the proposed rule.

The Chief Defender Association of New York ("CDANY") advocates for those who lead organizations providing mandated legal representation in an effort to bring positive changes to the criminal justice system. CDANY applauds the proposed amendment to Part 17 of the Rules of the Chief Judge ("Part 17") which would ensure that sitting judges presiding over cases in our varied criminal courts regularly visit jails and prisons across New York state. We agree that this proposal will "reimagine and modernize this critical interaction between the UCS and incarcerated individuals."

This rule change feels markedly providential given the ongoing crisis in both our county jails and our state prison system, the latter of which was brought to the fore by the gruesome December 2025 death of Robert Brooks followed by the March death of Messiah Nantwi at the hands of corrections officers. This, coupled with the ensuing correction officer strike and the continued lack of meaningful sentencing reform, has meant the shuttering

of programming, restriction of visits and a continued culture of violence and impunity reigns in our state prisons. This violence thrives when it is hidden behind prison walls. Creating a clear structure and requirement for members of the Unified Court System to go behind those walls is a critical component of the transparency needed to transform the system.

CDANY agrees that judges should be required to visit the listed facilities annually. We also applaud the consideration for the depth and quality of the visit judges must undertake. We join OCA in encouraging visiting judges to seek the input of the New Yorkers who are held there pre-trial or while serving a sentence. We know that it will be impossible for judges to speak privately with detained and incarcerated people–and because we know, based on prior experiences, that being seen speaking critical of a facility with a judge (or public official) invites retaliation–we propose that OCA create a mechanism for detained people, their advocates, and their loved ones to send feedback to visiting judges. This would allow detained people to share their lived experience with the judiciary without fear of reprisal for speaking out.

We further applaud the proposal's clear directive to visit areas outside of the designated visiting area. It is essential for judges to see how and where New Yorkers are confined day in and day out. We applaud the inclusion of the areas designated for programming, education, and recreation. It is particularly important for judges to visit areas where young people receive classroom instruction, and to ask for details about their access to education. In our experience, young detained people routinely miss out on classroom time for various reasons. This information is vital for judges who preside over young people's cases, who understandably expect that the children before them will receive some educational instruction while detained. All too often, that is not the case.

In adult facilities, there is a similar lack of programming across the state. Judges who visit jails and prisons should ask about available services and programs, and who is eligible for them. We expect that many will be surprised by just how little we offer people in custody, and we hope that learning about this will inform judges' decisions when considering alternatives to incarceration. The opportunity to meet with or receive feedback from people who do have access to programming and have used it as a steppingstone to transformation will remind judges that all people are capable of change., These stories of transformation demonstrate that our current system of mandatory minimum sentencing, in facilities with limited programming, coupled with scarce opportunities for a second look at sentence lengths, serve only to punish rather than rehabilitate, and must be relegated to our shameful past.

Likewise, we fully support the proposed guidance to include visits to the medical, mental health and punitive segregation units. As public defenders, we confront the daily reality that far too many New Yorkers we represent across the state are living with mental health diagnoses and are isolated without meaningful support or a viable reentry plan. We believe these visits will deepen judicial understanding of the urgent need to expand treatment courts; an approach centered on building

stability and strengthening communities, rather than confining people far from their families and consistent medical and behavioral care. Additionally, given the fact that many people confined in our prisons with a mental health diagnosis often languish in solitary or restricted housing, visits to the areas of punitive segregation are essential. This is particularly true as the Department of Corrections and Community Supervision continues its refusal[1] to fully implement the ban on punitive segregation. Studies have clearly shownthat prolonged isolation exacerbates mental illness, increases the risk of self-harm and suicide and leads to higher rates of death after release[2]. Regular visits by sitting judges will serve to not only enrich their individual understanding of the fundamental cruelty of the system, but will also result in regular oversight of the conditions inside, bringing much needed transparency to a system in crisis.

We further agree with the proposed rule's requirement that judges visit jails and youth detention facilities. The local jails across our state have resulted in too many senseless and preventable deaths. Bail-setting judges must understand and consider that jails are simply unable to care for people in their custody.. The NY Bail Reform Act of 2019 was a much-needed overhaul of a system that used pre-trial detention as punishment rather than as a method to ensure return to court. However, the yearly rollbacks to that reform have caused a dangerous backslide. People accused of misdemeanor charges are vulnerable to pre-trial incarceration simply because they cannot afford to pay their way to freedom. This year in New York City, twelve people have died[3] while in custody at Rikers Island. The majority of those people were held pre-trial because a judge set bail they could not afford. They must understand that it is no exaggeration when a defense attorney implores a judge to consider that unaffordable bail might result in a death sentence. This proposed rule will help judges understand this horrible reality, and hopefully result in more just bail decisions.

Further, the proposal to create a mechanism for judges to provide confidential feedback on what they experienced in these visits is of paramount importance. While the rule proposal stops short of requiring a public reporting of any such confidential reports, we encourage the Unified Court System to consider sharing annual summaries of what Judges have seen and experienced on these visits. We believe that such a report would be an essential contribution to the problem-solving

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[1] See *Prison Agency Seeks to Dramatically Narrow Solitary Confinement Law* by Chris Gelardi, published by NY Focus on November 13th, 2025 available online at https://nysfocus.com/2025/11/13/new-york-prison-lockdown-doccs-emergency-guard-strike-halt-lawsuit

Association of Restrictive Housing During Incarceration With Mortality After Release, Lauren Brinkley-Rubinstein, PhD; Josie Sivaraman, MSPH; David L. Rosen, PhD, MD, Published Online: October 4, 2019, available at https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2752350

[3] See "*First Report and Recommendations on 2025 Deaths in New York City Department of Correction Custody*" published November 5th, 2025, by Director of Special Investigations Rahzeem Gray as appointed by the NYC Board of Corrections. Available at https://www.nyc.gov/assets/boc/downloads/pdf/First-Report-and-Recommendations-on-2025-Deaths-in-NYC-DOC-Custody-with-DOC-and-CHS-responses.pdf

discourse of reform and undoubtedly bring transparency to a state-wide system that is hidden behind seemingly impenetrable walls.

Finally, we urge the judiciary to recognize the importance of unannounced visits to our jails and prisons.They ensure that officials see the sites as they really are, not cleaned up in anticipation of public scrutiny. We recommend that you modify the rule to encourage judges to make such unannounced visits, as is already permitted under Correction Law Section 146 (1). New York City Council members also have this authority under NY City Charter, Chapter 25, Section 627.
We unreservedly endorse the Office of Court Administration's proposal to amend Part 17 of the Rules of the Chief Judge and we offer our gratitude to the committee who marshalled this thoughtful and essential proposal.

Thank you for taking the time to consider our observations and additional recommendations.

Stan Germán
President
Chief Defenders Association of New York

David Nocenti

From: Erin Poll <epoll964@gmail.com>
Sent: Friday, November 21, 2025 4:47 PM
To: rulecomments
Subject: Amendment to Part 17 of the Rules of the Chief Judge

Categories: Prison visits

I'm writing to urge, in the strongest possible terms, an amendment to Part 17 of the Rules of the Chief Judge.

For the past four and a half years, I have worked directly with individuals involved in the criminal legal system, both inside and outside city, state, and federal facilities. For the last six months, I have worked full-time inside a correctional facility. I am also speaking as someone who has survived an attempted rape, a digital rape, and an attempted robbery. I firmly believe in justice and accountability, and those beliefs are exactly why I want judges to actually understand the realities of the sentences they impose in the name of those two principles.

New York State cannot credibly claim to have a just criminal legal system if it does not require judges to have as accurate an understanding as possible of what they are actually sentencing people to. The only way to achieve that is through meaningful visits to carceral institutions—including areas like the SHU, the infirmary, and the bathhouse—and through conversations with incarcerated people and staff that are not controlled by the facility.

The argument that taking judges out of commission for a couple of days would put too much strain onto a short-staffed system is extraordinarily weak. Yes, waiting a few day to go to see a judge can have a negative impact on the individuals in criminal cases. However, those impacts pale in comparison to the impact of serving an unjust sentence handed down by a judge who was never required to understand what they are sentencing people to in the first place.

Best,
Erin Poll, NYS resident

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David Nocenti

From: Leslie Morioka <lesliemorio@outlook.com>
Sent: Friday, November 21, 2025 4:50 PM
To: rulecomments
Subject: In favor of the propose rule on judicial visits to prisons

Categories: Prison visits

Dear Mr. Nocenti, OCA Counsel,

I am now actively identifying and supporting various projects and positions in favor of justice and the rule of law after having retired as a partner from the global law firm White & Case LLP, headquartered in NYC. Before law, I was a Program Administrator at the Westchester County for Women, where I established and managed a coalition of family violence agencies in the county and worked with Charlotte Watson. At White & Case, I have represented many pro bono clients, including an inmate in Elmira Correctional Facility, who was in the SHU for an excessive number of days and whose right to due process had been denied.

I write in favor of the Advisory Committee on Criminal Law proposal to require every NYS judge involved in sentencing or detention decisions to make at least one meaningful visit annually to a penal facility. Also, as a restorative justice advocate and a Board Member of the Restorative Justice Initiative in NYC, I strongly concur with Professor Emeritus Mushlin, whom I had for Evidence at Pace U. Law School, that the benefits to the Judiciary, the incarcerated individuals, and, indeed, the entire criminal justice system and our society would be immeasurable!

I look forward to OCA's further support for the proposed rule so that it will, in fact, go into effect on January 1, 2027.

Respectfully submitted,

Leslie Morioka, Esq.

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David Nocenti

From: Rachel Marshall <rmarshall@jjay.cuny.edu>
Sent: Friday, November 21, 2025 4:58 PM
To: rulecomments
Subject: Rule Comment Submission
Attachments: IIP Letter in Support of Amendment to Section 17 final.docxmb.pdf

Categories: Prison visits

Dear OCA Counsel,

My rule comment submission is attached to this email.

Thank you so much,

Rachel

--

Rachel Marshall
Executive Director
Institute for Innovation in Prosecution
John Jay College of Criminal Justice
555 W. 57th St.
Room 602
New York, NY 10019
Office: (212) 887-6252

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Institute for Innovation in Prosecution
at JOHN JAY COLLEGE

David Nocenti
Counsel
Office of Court Administration
25 Beaver Street, 10th Floor
New York, NY 10004

November 21, 2025

Dear Mr. Nocenti,

I write in my capacity as the Executive Director of the Institute for Innovation in Prosecution at John Jay College, a national prosecutorial reform center, in strong support of the proposed amendments to Section 17 of the Rules of the Chief Judge by the Advisory Committee on Criminal Law and Procedure. These amendments would mandate meaningful, annual visits by trial judges to prison, jail, and detention facilities; would require these visits to include tours of key areas of the facilities; and would allow judges to engage directly with incarcerated persons. The proposed amendments would advance justice in our state by narrowing the gap between sentencing decisions and sentencing outcomes—providing judges with a deeper understanding of the conditions facing people they are sentencing, and enabling more informed, transparent, and equitable sentencing and pretrial detention decisions. These amendments would strengthen public trust in the judiciary, which would benefit prosecutors, criminal justice stakeholders, and communities across New York.

Jail and prison facilities are, by design, walled off from the public. Even among criminal justice professionals, few have firsthand exposure to the conditions of incarceration. Yet it is difficult to fully grasp the realities and consequences of incarceration when it remains an abstract concept. Meaningful judicial visits would remedy this disconnect by grounding judicial decisions in a more accurate, nuanced understanding of the realities of incarceration.

These benefits are not theoretical. They mirror what I have seen repeatedly in my work with prosecutors and in my own experience as a former criminal trial lawyer. When prosecutors visit jails and prisons in a substantive way, they routinely report a deeper understanding of the impact of incarceration. I have seen how this changed perspective informs and enhances their decision-making. Prosecutors become more deliberate about whether to seek pretrial detention, more thoughtful about what sentences to pursue, better able to explain the rationale behind their recommendations, and more confident that the outcomes they pursue serve both public safety and justice.

Judicial visits would produce similar benefits—benefits that directly support prosecutors in their work. Prosecutors function most effectively when they appear before judges who understand the realities of incarceration. When judges have firsthand, current knowledge of the conditions inside jails and prisons, prosecutors—as well as other stakeholders— can trust that critical decisions about someone's liberty are being made by someone who appreciates the true weight of

524 W. 59th Street New York, NY 10019
iip_johnjay@prosecution.org
prosecution.org

incarceration. This strengthens all stakeholders' confidence in the fairness of the legal process.

Prosecutors and defenders alike benefit from greater transparency around sentencing and pretrial detention decisions. Judges who regularly observe conditions of incarceration are in a stronger position to tailor sentences that reflect realities, rather than assumptions. This means prosecutors can present sentencing recommendations knowing that the bench has a comprehensive understanding of what various options entail. What's more, judges who have seen these facilities firsthand are better equipped to support alternatives to incarceration, and better understand what programming or alternative supervision options are available. This leads to improved sentencing practices and plea negotiation discussions, which are critical to the effective functioning of prosecutors' offices.

Finally, judicial visits also improve prosecutors' relationship with the communities they serve. When the public sees judges demonstrating accountability and showing humanity—by stepping off the bench and engaging with the consequences of their decisions and the real people impacted by them—it increases confidence in the entire criminal legal system. Prosecutors benefit directly from this enhanced legitimacy. Community trust is foundational to effective prosecution: it promotes witness cooperation and victim engagement, informed juror attitudes, and public perceptions of fairness. At a time when skepticism of the criminal justice system is high, demonstrating that judges are invested in communities can reduce the barriers prosecutors routinely face in carrying out their work. Additionally, crime victims and survivors are more likely to trust court outcomes when they know judges are invested in the people impacted by a case even after the case has been closed.

For all these reasons, I strongly urge the Administrative Board to adopt these proposals in full.

Thank you for your consideration.

Rachel Marshall

Rachel Marshall
Executive Director
The Institute for Innovation in Prosecution at John Jay College

David Nocenti

From: Howerton-Fox, Amanda <ahowertonfox@law.pace.edu>
Sent: Friday, November 21, 2025 5:01 PM
To: rulecomments
Subject: PILSO Comment - Proposed Part 17 Amendment
Attachments: Comment - Pace PILSO.pdf

Categories: Prison visits

Dear Mr. Nocenti,

Please see attached our public comment submitted in support of the Proposed Amendment to Part 17 of the Rules of the Chief Judge.

Sincerely,
Amanda Howerton-Fox
Vice President, Public Interest Law Students Organization
Elisabeth Haub School of Law, Pace University

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PILSO Chapter Members
Elisabeth Haub School of Law
78 North Broadway
White Plains, New York 10603

November 21, 2025

VIA ELECTRONIC MAIL (rulecomments@nycourts.gov)
New York State Office of Court Administration
David Nocenti, Esq., Counsel
Members of the Administrative Board of the Courts

Re: Proposed Amendment to Part 17 of the Rules of the Chief Judge

Dear Mr. Nocenti,

We are writing to express our strong support for the proposed rule requiring every New York State judge with responsibility for sentencing and/or detaining defendants to make an annual, meaningful visit to a penal facility. This initiative is an essential step toward ensuring that our judiciary remains connected to the realities of the criminal justice system and the conditions in which justice is administered.

Regular visits to penal facilities would provide judges with firsthand insights into the actual conditions, challenges, and human experiences within these institutions. Such exposure can foster more informed decision-making, promote fairness, and encourage systemic improvements.

Furthermore, these visits would underscore our judiciary's commitment to transparency and accountability, demonstrating to the public and individuals who are incarcerated that justice is rooted in understanding and compassion. They can also serve as an educational tool, reminding judges of the human impact of their rulings and helping to shape sentencing policies that prioritize rehabilitation and dignity.

Implementing a mandatory annual visit policy aligns with our shared goal of a more humane and effective criminal justice system. It can also facilitate constructive dialogue with facility staff and incarcerated individuals, leading to better policies and practices for rehabilitation and reintegration.

We urge the responsible authorities to support this rule, recognizing its potential to improve judicial awareness, promote fairness, and strengthen the integrity of our justice system.

Thank you for your consideration.

Sincerely,

Alexis Friedman
Bianca Hayles
Amanda Howerton-Fox
Essence Latifah
Vanessa Pasos
Jasmine Whitfield
Members of the PILSO Executive Board

David Nocenti

From: Cameron McEllhiney <mcellhiney@nacole.org>
Sent: Friday, November 21, 2025 5:02 PM
To: rulecomments
Subject: Comment - Proposed Amendments to Part 17 of the Rules of the Chief Judge
Attachments: NYS UCS Proposed Amendments Part 17_Support_20251121.pdf

Categories: Prison visits

Dear Mr. Nocenti,

Please find attached comments regarding the proposed amendments to Part 17 of the Rules of the Chief Judge. Please do not hesitate to contact us if you have any questions or require additional information from us.

Best,

Cameron McEllhiney
Executive Director | NACOLE
p: 317.697.0695 | she.her.hers

NACOLE depends on the support of its members and the generosity of the broader community. Please consider a donation today to help us continue our work: DONATE.

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November 21, 2025

Mr. David Nocenti
New York State Office of Court Administration
25 Beaver St., Ste. 8
New York, NY 10004

Re: Proposed Amendments to Part 17 of the Rules of the Chief Judge

Dear Mr. Nocenti,

The National Association for Civilian Oversight of Law Enforcement (NACOLE) believes the amendments proposed to Part 17 of the Rules of the Chief Judge would significantly improve the Unified Court System's program for judicial visitation to detention facilities. As noted by members of the subcommittee whose work led to the proposal, the education and awareness that comes from meaningful, substantive contact with the realities of incarceration will "help judges make more informed sentencing and detention decisions, promote transparency, and signal to those incarcerated that the judiciary recognizes and cares about their living conditions."

NACOLE feels that these amendments will promote regular, ongoing, and meaningful access to facilities and foster constructive engagement between the judiciary and incarcerated individuals. By establishing clear expectations for frequency, scope, and reporting of visits, the amendments advance accountability and encourage systems that are both responsive and continually improving.

NACOLE works to create a community of support for independent civilian oversight entities to make their local law enforcement agencies, jails, and prisons more transparent, accountable, and responsive to the communities they serve. We are always available and willing to discuss the principles of effective oversight of law enforcement, jails, and prisons and the path that leads to better systems. If we can be of any assistance in the future in your efforts, please let us know.

Sincerely,

Anthony Finnell
Board President

Cameron L. McEllhiney
Executive Director

P. O. Box 20851 • Indianapolis, Indiana 46220 • (317)721-8133
info@nacole.org • www.nacole.org

David Nocenti

From:	Jackie Gosdigian <jgosdigian@bds.org>
Sent:	Friday, November 21, 2025 5:22 PM
To:	rulecomments
Cc:	amukarjiconnolly@bds.org
Subject:	EDITED version_PLEASE USE BDS Comment to Proposed Amendment to Part 17 of the Rules of the Chief Judge
Attachments:	Brooklyn Defenders_Rule Comment_Amend Part 17 of Rules of Chief Judge_FINAL.pdf
Categories:	Prison visits

Resending edited version, due to formatting errors. Please see attached edited version of Brooklyn Defender Services Comment to Proposed Amendment to Part 17 of the Rules of the Chief Judge. Please use this edited version for the comment from BDS.

Thank you,

Jacqueline Gosdigian (she/hers)
Senior Supervising Policy Counsel, Policy Team
Brooklyn Defender Services

177 Livingston St, 7th Floor
Brooklyn, NY 11201
M: 347-585-4626
jgosdigian@bds.org
www.bds.org



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Brooklyn Defenders (BDS)

Brooklyn Defender Services
177 Livingston St, 7th Fl
Brooklyn, NY 11201

Tel (718) 254-0700
Fax (718) 254-0897
info@bds.org

November 21, 2025

David Nocenti, Esq., Counsel
Office of Court Administration
25 Beaver Street, 10th Fl.
New York, New York 10004
rulecomments@nycourts.gov

Re: Request for Public Comment on a proposal to amend Part 17 of the Rules of the Chief Judge.

Dear Mr. Nocenti:

My name is Yung-Mi Lee, and I am the Director of Law and Appeals at Brooklyn Defender Services (BDS). BDS appreciates the opportunity to comment on the Office of Court Administration's proposal to amend Part 17 of the Rules of the Chief Judge and we offer our support for the proposed rule, especially given the urgency underlying the proposal due to the current conditions in the facilities throughout the state that are operated by the Department of Corrections and Community Supervision (DOCCS).

BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For nearly 30 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. After 29 years of serving Brooklyn, we expanded our criminal defense services in Queens. We are proud to bring the same dedication and excellence to Queens.

The people represented by BDS, if and when they are sentenced to prison terms in New York State, make up a significant portion of the city residents held in state prisons.[1] Staffing in the state's prisons, long a matter of grave concern, reached a dangerous level in early 2025, when DOCCS Commissioner Martuscello issued a memo announcing a policy calling for facilities to

[1] A 2022 report by the Prison Policy Initiative showed that a relatively small number of neighborhoods, including several in both Brooklyn and Queens, accounted for most of the 42% of people in New York prisons from New York City. *See* Emily Widra and Nick Encalada-Malinowski, *Where people in prison come from: The geography of mass incarceration in New York*. Prison Policy Initiative, June 2022. *Available at* https://www.prisonpolicy.org/origin/ny/2020/report.html.

Brooklyn Defenders (BDS)

Brooklyn Defender Services
177 Livingston St, 7th Fl
Brooklyn, NY 11201

Tel (718) 254-0700
Fax (718) 254-0897
info@bds.org

contemplate a 30% staffing reduction.[2] Shortly after the issuance of that memorandum, and following the indictment of nine DOCCS correctional officers in the December 2024 beating death of Robert Brooks at the state's Marcy Correctional Facility,[3] New York State correctional officers began a series of unauthorized strikes that lasted 22 days, grinding operations in facilities across the state to a halt[4] and creating critical impacts on safety and security in state prison facilities that persist to the present day.[5, 6]

While the impacts of the strike were immediately felt by people in state custody, including by the suspension of critical services such as medical treatment and meal services,[7] solutions proposed by DOCCS to address the labor conflict have involved scaling back certain provisions of the

---

[2] Department of Corrections and Community Supervision, Security Staffing Review, February 10, 2025. *Available at* https://www.wwnytv.com/2025/02/13/memo-70-staffing-ny-prisons-is-new-100/. *See also* Garrett Domblewski, "Memo: 70% staffing in NY prisons is the new 100%." WWNY News, Feb. 13, 2025. *Available at* https://www.wwnytv.com/2025/02/13/memo-70-staffing-ny-prisons-is-new-100/.

[3] *See* Jamiles Lartey, "How a Guards' Strike Plunged New York Prisons Into Turmoil and Why the Timing is Curious." The Marshall Project, February 22, 2025. *Available at* https://www.themarshallproject.org/2025/02/22/new-york-corrections-officer-strike.

[4] *See* Chris Gelardi, "Four Months After Guard Strike, Prison Staffing Crisis Persists." New York Focus, July 22, 2025. *Available at* https://nysfocus.com/2025/07/22/new-york-doccs-prison-staffing-crisis-guard-strike. *See also*, Rebecca McCray, "New York's Prison Guard Strike Ended Months Ago. For Some, Life-Threatening Effects Persist." The Marshall Project, July 26, 2025. *Available at* https://www.themarshallproject.org/2025/07/26/new-york-prison-guard-strike-effects.

[5] *See* Jimmy Vielkind, "NY prison staffing and morale are low 6 months after strike." Gothamist, Sept. 24, 2025, *Available at* https://gothamist.com/news/ny-prison-staffing-and-morale-are-low-6-months-after-strike.

[6] The impact of the unauthorized strike at the state level inevitably had cascading effects on local jails, and especially on the population in New York City jails on Rikers Island. The surge in the population of people awaiting transfer to state custody amounted to an eight-fold increase, from 101 people in February to nearly 900 in June. According to a brief from the Data Collaborative for Justice, the "state-ready" population "accounted for 11% of the total jail population" at the end of June 2025. *See* Kellyann Bock & Michael Rempel, "Incarceration on Rikers Island in the Aftermath of the New York State Corrections Officers Strike." Data Collaborative for Justice, July 2025. *Available at* https://datacollaborativeforjustice.org/work/jail-populations/incarceration-on-rikers-island-in-the-aftermath-of-the-new-york-state-corrections-officers-strike/.

[7] *See, e.g.*, Larty, *supra* n. 3 ("[One person in state custody] said that prison life started to slow on Monday [Feb. 17, 2025], with all educational programming, recreation and mail delivery halted, alongside visitation. For others behind bars in New York, the strike is more dire. One person incarcerated at Auburn Correctional Facility told The Auburn Citizen that he hasn't received treatment for an infection due to the strike. Others have reported that their facility has skipped serving some meals since the strike began, and some incarcerated people have expressed concerns over timely access to medication.").

Brooklyn Defenders (BDS)

Brooklyn Defender Services
177 Livingston St, 7th Fl
Brooklyn, NY 11201

Tel (718) 254-0700
Fax (718) 254-0897
info@bds.org

Human Alternatives to Long-Term Solitary Confinement Law ("HALT Act").[8] Litigation brought by The Legal Aid Society around violations of the HALT Act led to an Order preventing any suspension of the law, but plaintiffs state they "spent roughly 21 to 24 hours a day in their cells, with minimal time for meals, recreation and programming."[9]

The conditions in state prisons even before the unauthorized strike included sometimes-lethally violent acts by officers against people in custody, as seen in officers' body-worn camera recordings of the murder of Robert Brooks. Following Brooks's death and following the alleged beating death of state prisoner Messiah Nantwi at Mid-State prison (not captured on body-worn camera video), reporters at The Marshall Project "identified 46 allegations that corrections officers assaulted prisoners in medical wings of New York prisons since 2010."[10]

After the strike, with persistent staffing concerns and continuing opposition to the HALT Act, we are aware that conditions in the prisons are dangerous for people who are sentenced to any period of incarceration.[11]

BDS has received information from people we currently or previously represented, from as recently as last week, that after arriving at a facility placement they were put immediately into solitary confinement housing instead of general population housing. In at least one instance, we are informed that DOCCS officers told these people being held in solitary that their placement there was only because of a lack of space in the general population housing areas, and that they

---

[8] *See, e.g.*, Genevieve Bombard, "Explaining the New York State Prison Strike and the HALT Act." Albany Law Government Law Center, Mar. 6, 2025. *Available at* https://www.albanylaw.edu/government-law-center/explaining-the-halt-act.

[9] *Smalls v. Martuscello*, Decision and Order (Motion 3) at 3. Supreme Court, Albany County, Index. No. 903926-25, filed July 2, 2025). *Available at* https://iapps.courts.state.ny.us/fbem/DocumentDisplayServlet?documentId=Fa_PLUS_4Vus6/kaeo2bC58ZAhw==&system=prod. *See also*, Jeongyoon Han, "Court temporarily reverses suspension of solitary confinement law in NY prisons." Gothamist, Jul. 4, 2025. *Available at* https://gothamist.com/news/court-temporarily-reverses-suspension-of-solitary-confinement-law-in-ny-prisons.

[10] Alysia Santo and Joseph Neff, "In Some New York Prisons, Infirmaries Are Dens of Hidden Violence." The Marshall Project, Apr. 30, 2025. *Available at* https://www.themarshallproject.org/2025/04/30/new-york-prisons-abuse-infirmaries.

[11] *See, e.g.*, Chris Gelardi, "Prison Agency Seeks to Dramatically Narrow Solitary Confinement Law." New York Focus, Nov. 13, 2025. *Available at https://nysfocus.com/2025/11/13/new-york-prison-lockdown-doccs-emergency-guard-strike-halt-lawsuit* ("Affidavits from three dozen incarcerated people, as well as 10 sources who spoke to New York Focus last month, indicate that [DOCCS claims that all but seven of its 42 facilities are in compliance with the HALT Act are] false. Some say they're locked in their cells for upwards of 23 hours a day. One said he's been let out of his cel only twice in two months.").

Brooklyn Defenders (BDS)

Brooklyn Defender Services
177 Livingston St, 7th Fl
Brooklyn, NY 11201

Tel (718) 254-0700
Fax (718) 254-0897
info@bds.org

would be relocated as soon as space became available. In the meantime, they were told they would be treated as if they were in general population. We are further informed that these individuals were held in their cells for approximately 23 hours per day, denied any opportunity to shower or participate in any programming, including daily recreation. In short, they were held in apparent violation of the HALT Law, and also in contravention of the department's own stated intention to treat them as if they were in general population housing.

While there is admittedly political and ideological debate over whether the conditions in state prison facilities are rehabilitative, restorative, healthy, safe, or humane, most people involved in the criminal legal process do not have the opportunity or obligation to bear witness to those conditions. The fact that DOCCS often moves people to facilities far from their family and community further reduces the ability of people on the outside to be well-apprised of conditions on the inside.

The current Rules of the Chief Judge, specifically including the requirement for justices and judges who regularly exercise criminal or family court jurisdiction to visit facilities within one year of assuming office and then at least once every four years thereafter, offer a possibility for greater awareness of conditions in state prisons. Although the revised rules call for an increase in visits from one every four years to one annually, we believe that should be expanded. Every UCS Judge should be required to visit each of the following types of facility each year:

- A local facility in their jurisdiction (local jail or holding center housing men, women and non-binary persons).
- A state facility housing men outside their judicial district.
- A state facility housing women (closest available facility).
- A youth detention facility in their local jurisdiction.
- A psychiatric facility (closest available).

These additional visits will assist judges in having a greater understanding of the state-wide system of incarceration.

The Advisory Committee that proposes the current modifications and additions to the rules does so because a stronger rule will guarantee that more judges and stakeholders have more information about life in state prisons, and because those people with the grave responsibility for sentencing will thus better appreciate both the strengths and weaknesses of the New York State prison system. Judges will also see first-hand how dire the conditions are in these facilities.

Brooklyn Defenders (BDS)

Brooklyn Defender Services
177 Livingston St, 7th Fl
Brooklyn, NY 11201

Tel (718) 254-0700
Fax (718) 254-0897
info@bds.org

Judges can not only help to shed light on these conditions, we hope they will pause and be mindful of those conditions when they set bail or sentence someone to a period of incarceration in the future. Furthermore, we see an additional, if incidental, benefit: as reported by The City, one man incarcerated at Sing Sing Correctional Facility who met with judges during a visit called the opportunity "to have a real conversation" with judges "life-changing."[12]

We write in strong support of the Proposal and urge Unified Court System to accept, adopt, and implement the proposed changes, with suggested additions, to Part 17 of the Rules of the Chief Judge.

Thank you for the opportunity to share our observations and recommendations. If you have any questions, please reach out at Ylee@bds.org.

/s Yung-Mi Lee
Yung-Mi Lee
Director, Law and Appeals
Brooklyn Defender Services

[12] Reuven Blau, "Bringing the Bench Behind Bars: Plan Would Require Yearly Prison Visits by Judges." The City, Nov. 4, 2025. *Available at* https://www.thecity.nyc/2025/11/04/bringing-the-bench-behind-bars-plan-would-require-yearly-prison-visits-by-judges/.

David Nocenti

From: Lisa Freeman <LAFreeman@legal-aid.org>
Sent: Friday, November 21, 2025 5:46 PM
To: rulecomments
Cc: Tina Luongo; Dawne Mitchell; Mary Lynne Werlwas
Subject: Part 17 - Rules of the Chief Judge -Prison Visit Comments
Attachments: LAS Reg Comments on Judicial Prison Visits.11.21.25.pdf

Categories: Prison visits

Attached please find the comments of The Legal Aid Society regarding the proposed rule regarding judicial visits pursuant to Part 17 of Rules of the Chief Judge. Thank you for your consideration.

Lisa Freeman
Attorney-in-Charge, Special Litigation and Law Reform Unit
Juvenile Rights Practice
Legal Aid Society
49 Thomas Street, 10th Floor
New York, NY 10013
(914) 400-7429 (Cell)
lafreeman@legal-aid.org
www.legal-aid.org
Pronouns: she/her/hers

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LEGAL AID
SOCIETY

199 WATER STREET NEW YORK, NY
10038 TEL: 212-577-3300
http://www.legalaidnyc.org

Alan Levine
President

Twyla Carter
Attorney-in-Chief

Zachary W. Carter
Chair of the Board of Directors

November 21, 2025

Via email and first-class mail

David Nocenti, Esq.
Counsel, Office of Court Administration
25 Beaver Street, 10th Floor
New York, New York 10004
rulecomments@nycourts.gov

Re: Comments on Proposed Amendments to Part 17 of the Rules of the Chief Judge

Dear Mr. Nocenti,

The Legal Aid Society submits these comments in full support of the Office of Court Administration's Proposal to amend Part 17 of the Rules of the Chief Judge to require every New York State judge involved in sentencing or detention decisions to make at least one meaningful visit annually to a prison, jail, or other detention facility.

The Legal Aid Society is New York City's oldest and largest public defender organization. Every year, our direct representation of thousands of individuals informs our impact litigation efforts and policy advocacy, providing us with a powerful perspective from which to begin dismantling the systemic barriers that keep our clients from thriving.

Since its inception over 50 years ago, our Prisoners' Rights Project has investigated and remedied unconstitutional and unlawful conditions in the New York City jails and New York state prisons. We represent thousands of incarcerated New Yorkers facing violence, threats to their safety, prolonged cell confinement, denials of medical and mental health care, and lack of access to education services and programming in New York's jails and prisons. The Legal Aid Society's Juvenile Rights Practice represents the majority of children who are prosecuted in Family Court Our Special Litigation and Law Reform Unit has brought class action lawsuits addressing conditions in NYS juvenile detention and placement facilities on behalf of thousands of youth. Many of our adult and juvenile clients and other incarcerated people have shared that they feel forgotten and isolated from those on the outside. It is imperative that judges who wield the power

to sentence individuals gain a better understanding of the issues plaguing facilities across the state and use that knowledge to inform their decision-making in court proceedings.

This proposed rule would send a message of transparency and accountability, provide a holistic view of the criminal and juvenile legal systems to judges, and foster important dialogue about the experiences of incarcerated people and the state of New York's jails, prisons and juvenile facilities. Judges, incarcerated people, and society as a whole stand to benefit.

I. The Proposed Rule Would Improve the Public Understanding of Conditions in Jails, Prisons, And Juvenile Facilities and Send a Message That Incarcerated People Are Not Forgotten.

Regular judicial visits are key to ensuring that judges understand the conditions they are subjecting people to when they decide to detain or sentence them. Absent this understanding, judges are effectively operating without a full picture of the options before them and the ensuing effect on the person subject to their decision.

Judges are not alone. The conditions in these facilities are intentionally hidden from view and remain opaque to the public. Many New York prisons and juvenile facilities are located in remote, rural areas in upstate New York, meaning that incarcerated people are held far from their families, communities, and advocates. Even Rikers Island, located in New York City, is isolated from public view because of its remote location on an island with only a restricted access bridge connecting it to the city. Also, the majority of incarcerated people in New York come from impoverished and disenfranchised communities, without access to resources to highlight the problematic conditions of confinement they often face. Young people, in particular, lack access to such resources or even an understanding of how to gain access.

Bringing these facilities into public view is important for bringing awareness and attention to the problems and too-often the horrors that people are subjected to while detained and incarcerated. For example, the now-closed Metropolitan Detention Center (MDC), a federal prison that was located in a heavily trafficked section of New York City, was more easily accessible than other facilities. In 2019, when NYC was experiencing a historic cold snap and the MDC's heat broke for days, the community converged on the parking lot outside of the prison and held light-and-noise vigils throughout the days and nights.[1] Community members would beat pots and pans and flash lights at the people inside, who would then respond by flashing lights in their cells.[2] The visibility of the attention to these inhumane conditions prompted responses from concerned legislators and led the Honorable Analisa Torres, a federal district judge, to order that she be permitted inside the facility to talk to impacted people.[3]

---

[1] *See No Heat for Days at a Jail in Brooklyn Where Hundreds of Inmates Are Sick and 'Frantic,'* The New York Times, February 1, 2019, https://www.nytimes.com/2019/02/01/nyregion/mdc-brooklyn-jail-heat.html; *Outrage Grows Over Reports of Brooklyn Prison with Little Heat, Electricity during Frigid Week*, NBC News, February 2, 2019, https://www.nbcnews.com/news/us-news/outrage-grows-over-reports-brooklyn-prison-little-heat-electricity-during-n966186.

[2] *See id.*

[3] *The Power is Back On at Brooklyn Jail, But A Visiting Judge Found Untreated Gunshot Wound, "Black Blotchy Mold," and Ongoing Crisis*, February 6, 2019, https://theintercept.com/2019/02/06/mdc-brooklyn-metropolitan-detention-center-federal-judge-tour/.

As long as jails and prisons remain out of the public view, it is important to bring key stakeholders to these facilities to encourage transparency and accountability. The proposed rule requires that visits occur at facilities in various parts of the state on a representative basis, ensuring that even the more remote facilities are brought more into public view.

In addition, adoption of this proposal would signal to incarcerated New Yorkers that judges are aware of and concerned about them even after a sentence is imposed. Without this proposed rule, the only time judges would usually encounter people locked up in jails and prisons is when they are standing before the court, at times in handcuffs or shackles, to defend themselves in criminal proceedings. Requiring that judges visit people after they have been detained or sentenced will more fully educate the judiciary as to the conditions and efficacy of detention and imprisonment as well as the opportunities for transformation via limited programming inside of prison walls. Even a glimpse through a keyhole provides insights that cannot be gained from outside a closed door.

II. The Proposed Rule's In Person and Meaningful Visit Requirement Is Necessary to Provide Direct Insight into the Experiences of Incarcerated People.

In person facility visits allow for first-hand observation, authentic and direct communication, and trust and credibility with incarcerated people. Often, we find incarcerated people will be open to conversations when they see that a judge has taken the time to be present and learn from their experience. Our staff, professionals who work with incarcerated people every day and are well versed in the issues in jails, prisons and juvenile facilities, benefit greatly from visiting our clients in person.

The proposed rule provides that each visit must include a tour of major areas of the facility and a meeting with incarcerated people. This requirement is critical because "brief walk-throughs or stops in visiting rooms" or "brief, highly managed tours"[4] of these facilities are not sufficient to learn about the conditions of confinement for incarcerated New Yorkers. Touring areas where people are confined throughout the day, like areas for recreation, programming, medical and mental health care, or general population and restricted housing, would provide a glimpse into the daily obstacles incarcerated people face in New York. For example, spending time in restricted housing areas and speaking to people held there can provide important perspective on the harmful psychological and physical effects of prolonged isolation. Only by getting a realistic tour of the facility and speaking directly with incarcerated people can a judge appreciate and weigh the considerations for each facility and use that knowledge when determining appropriate outcomes in their cases.

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[4] *Bringing the Bench Behind Bars: Plan Would Require Yearly Prison Visits by Judges*, The City, November 4, 2025, https://www.thecity.nyc/2025/11/04/bringing-the-bench-behind-bars-plan-would-require-yearly-prison-visits-by-judges/.

III. Jails and Prisons Are Equipped to Handle Judicial Visits Because They Already Must Allow Visits from Oversight Bodies and Policymakers

Prison officials have experience managing routine visits from non-uniform staff, like program staff and building contractors, as well as oversight bodies and local and state legislators. Judicial visits will build on the existing regime of facility visits and, therefore, will not create significant security or logistical issues.

Currently, oversight bodies and policymakers make announced and unannounced visits to jails, prisons and juvenile facilities in New York. New York City Council Members and the New York City Board of Correction, an independent oversight body for the New York City jail system, are able to conduct unannounced tours of facilities.[5] Additionally, the Correctional Association of New York (CANY), an independent organization with a state mandate to monitor and oversee New York's state prisons, conducts monitoring visits with 72-hours notice to the Department of Corrections and Community Supervision (DOCCS).[6] State legislators can make unannounced visits to prisons to gather information about what is occurring within the state's prisons.[7] During these visits, state legislators are able to visit Special Housing Units (SHU), Residential Rehabilitation Units (RRU), and "all other areas of the facility," as well as speak with incarcerated people.[8]

With facility visits already a part of the regular operation of New York jails, prisons and juvenile facilities, any inconvenience resulting from annual judicial visits would be minor when compared to their many benefits.

***

For these reasons, the Legal Aid Society supports the proposed rule. Thank you for your time and consideration.

Sincerely,

Mary Lynne Werlwas
Director, Prisoners Rights Project
Criminal Defense Practice

Lisa Freeman
Attorney in Charge,
Special Litigation and Law Reform Unit
Juvenile Rights Practice

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[5] New York City Charter § 626(c)(1) (The Board of Correction's powers and duties include "[t]he inspection and visitation at any time of all institutions and facilities under the jurisdiction of the department."); *id.* at § 627 ("Any council member is authorized to inspect and visit at any time the institutions and facilities under the jurisdiction of the department").

[6] Correction Law § 146(3)(a) ("[T]he correctional association shall be permitted to access, visit, insect, and examine all correctional facilities with seventy-two hours advance notice to the department.").

[7] Correction Law § 146(1) (State legislators are "authorized to visit at pleasure all correctional facilities").

[8] DOCCS Directive No. 415 (VI)(H)-(I), https://doccs.ny.gov/system/files/documents/2024/12/0415.pdf.

David Nocenti

From: Amy Echelman <amy.echelman@gmail.com>
Sent: Friday, November 21, 2025 5:57 PM
To: rulecomments
Subject: Public Comment in Support of Proposed Rule on Judicial Visits
Attachments: Judicial Visitation.pdf

Categories: Prison visits

Please see attached letter

Amy Echelman

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November 21, 2025

David Nocenti, Esq.
Counsel
New York State Office of Court Administration
25 Beaver Street
New York, NY 10004

By Email: rulecomments@nycourts.gov

Dear Mr. Nocenti:

I am writing to express my strong support for the Proposal of the USC's Advisory Committee in Criminal Law and Procedure to amend Part 17 of the Rules of the Chief Judge to improve the program for judicial visitation to detention facilities in New York State. Although I am not involved in the criminal justice system in any professional capacity at this time, I am a former practicing attorney and, more importantly, a concerned citizen who has long believed in the essential role of rehabilitation within our system of justice.

Prisons are not, and should not be, places where individuals are merely isolated and removed from society. They should be institutions that actively foster rehabilitation, personal growth, and meaningful reentry into our communities. Ensuring that judges—whose decisions shape the lives of those who enter these facilities—have firsthand exposure to the conditions within them is a crucial step toward a more informed, humane, and effective justice system.

This proposed rule has the potential to strengthen accountability, increase transparency, and deepen judicial understanding of the real-world consequences of sentencing decisions. By encouraging regular visits, the rule promotes a justice system in which rehabilitation is not just an abstract ideal, but a lived, observable priority.

For these reasons, I fully support the adoption of this rule and believe it will contribute significantly to a more just and constructive correctional environment.

Thank you for considering my comments.

Respectfully,

Amy Echelman

Amy Echelman
100 Old Corner Road
Bedford, NY 10506

David Nocenti

From: Betty Levinson <bettylevinson@gmail.com>
Sent: Friday, November 21, 2025 8:08 PM
To: rulecomments
Subject: Yes on Rule 17 amendment

Categories: Prison visits

BETTY LEVINSON

54 Riverside Drive

New York, NY 10024

November 21, 2025

Via rulecomments@nycourts.gov

David Nocenti, Esq.
NYS Office of Court Administration
25 Beaver Street
New York. NY 10004

Dear Mr. Nocenti:

I am a retired attorney. By way of background, several aspects of my work life have included familiarity with prisons. I request that you add my name to those urging passage of the proposed amendment to Part 17 of the Rules of the Chief Judge, requiring sentencing judges to visit prisons annually.

In 1969, while in my 20s, I worked in the editorial department of Random House, helping to edit a book written by a defendant in the infamous trial of the Chicago Seven. In the courtroom, I witnessed an eighth defendant, the sole Afro-American in the group, shackled to a chair by the order of the presiding judge. His case was severed and tried separately, thus reducing the number of those accused to seven. Although all eight defendants were ultimately exonerated and their attorneys'contempt citations were voided, the exercise of evil power by that judge is stored in permanent memory and I left publishing for a life in the law.

I enrolled at Brooklyn Law School in 1970. In my third year, pursuant to the newly enacted Student Practice Rule, under the auspices of Legal Aid Society lawyers, I visited our clients in the Brooklyn House of Detention. The reception of students by inmates was one of gratitude but the conditions under which the detainees lived were appalling.

I additionally visited a defendant in the Tombs Seven case, both at the detention facility on Centre Street and at Clinton Correctional Facility, Dannemora, NY, under the supervision of an attorney advising her *pro se* client. All seven defendants, indicted for riot at the Tombs, were acquitted. Trial witnesses described the inhumane conditions there, which were believed by many to be a precursor of the 1971 Attica tragedy. My husband was on the legal team following that uprising and I was thus familiar with many details of what had occurred in Wyoming County, NY.

On a lighter note, at my 1974 appearance before a member of the Committee on Character and Fitness, I was noticeably pregnant. I was questioned by a man of mature vintage. After satisfying himself that I was an ethically upstanding person, he had one last question. He inquired, "Please explain to me, how can you be a practicing attorney and a mother?" I felt a bit rattled but, thinking that honey would be a better response than vinegar, I replied, "I'm so lucky to have a supportive husband."

I've thought about that diplomatic but somewhat wimpy rejoinder over the years, wondering if the interview would have concluded less cordially if I'd spoken from my personal truth. Yes, my husband was supportive, but I somehow felt I'd missed an opportunity to speak more directly about women aspiring to become full citizens in the legal workplace.

Here's the seque to the proposed amendment to Rule 17. Perhaps you and your colleagues are familiar with the career of Judge (later Justice) Ernst Rosenberger. When I became a Legal Aid Society attorney in 1974, he was the aspirational lode star in efforts to reform prisons. Attorneys knew it was his practice to visit these facilities, including staying overnight. His dedication to their humanization informed his compassionate treatment of the defendants who were fortunate enough to have appeared before him.

The current efforts to amend Part 17 are highly commendable. I truly hope they will pave the way to further amelioration, which is so urgently needed.

Sincerely,

BETTY LEVINSON

P.S. After working at the Legal Aid Society I became a solo private practitioner, then a partner in my own small firms, eventually specializing in representing survivors of domestic violence, matrimonial law, and LGBTQ rights, including adoption law. I lectured at NYU, Fordham, Cardozo, Brooklyn and Harvard law schools, the Bar Association of the City of New York, NYS "judge camp," and PLI. I contributed to editions of the First Department's Lawyer's Manual on Domestic Violence and one on Non-Traditional Families., as well as PLI publications and the Rutgers Law School Women's Rights Law Review. I co-taught Women's Rights to undergraduates at Old Westbury College and co-hosted a Women's Rights radio program at WBAI. The NYLJ has published several of my book reviews.



--

From bettylevinson@gmail.com

Please be CAREFUL when clicking links or opening attachments from external senders.

David Nocenti

From: Deirdre Cole <dearhumans@aol.com>
Sent: Friday, November 21, 2025 9:33 PM
To: rulecomments
Subject: Comment in support of Proposed Rule 17
Attachments: David Nocenti, Esq. letter.pdf

Categories: Prison visits

Please find my comments attached.

Thank you,

Deirdre A. Cole

Deirdre A. Cole, LCSW, BCD
42 Smith Avenue
Mount Kisco, NY 10549
914-980-4804
www.psychologytoday.com
www.goodtherapy.org

Please be CAREFUL when clicking links or opening attachments from external senders.

November 21, 2025

David Nocenti, Esq.
Counsel
Office of Court Administration
25 Beaver Street, Floor 10
New York, New York 10004

Dear Mr. Nocenti,

I appreciate this opportunity to comment on the proposed amendment to Part 17 of the Rules of the Chief Judge. I am in complete support of this amendment proposed by the UCS Advisory Committee on Criminal Law and Procedure which would require annual visits to carceral or detention facilities by trial judges. As well, through providing judges with a specific set of guidelines aimed at clarifying what visits should entail could well result in more meaningful interactions between judges and incarcerated individuals.

I am a trauma specialist and advanced Clinical Social Worker in private practice for 35 years. As such I have encountered and worked with severely traumatized individuals, where the trauma originated in childhood. It is a statistical fact, that large portions of the prison system house such individuals who were robbed of basic safety, their bodies often violated, their sense of agency or control over their lives taken from them, their sense of belonging, of connection, and tragically of any sense of meaning to their lives deeply damaged.

I believe that annual, vs. 4-year interval, visits could help judges to see the actual living conditions that those they sentence exist within and could increase authentic contact and dialogue between judges and incarcerated people, supporting and restoring these people's dignity and humanity, their feeling of personal value, and connection with the larger community and society. Who knows, but that such visits could also be meaningful for the judges themselves. In the end this could increase the public's confidence in the judicial system and ultimately enhance justice.

I urge you to adopt this forward looking rule.

Sincere thanks,

Deirdre A. Cole, LCSW, BCD

Mount Kisco, NY 10549

David Nocenti

From:	Susan M. Sullivan Bisceglia
Sent:	Friday, November 21, 2025 10:41 PM
To:	rulecomments
Subject:	NYSMA RESPONSE TO REQUEST FOR PUBLIC COMMENTS
Attachments:	REQUEST FOR PUBLIC COMMENT.pdf
Categories:	Prison visits

Please see attached letter.

Thank you.

Hon. Susan Sullivan-Bisceglia, Esq.
Town Justice | Town of LaGrange
President | New York State Magistrates Association
120 Stringham Road | LaGrangeville, NY 12540
Cell: 914-755-0504 | Office: 845-452-1830, Ext 106 | 845-473-7079
Email : smsullivan@nycourts.gov

NEW YORK STATE MAGISTRATES ASSOCIATION

163 DELAWARE AVENUE * SUITE 108 * DELMAR, NY 12054 * TELEPHONE (518) 439-1087 * TOLL FREE 1(800) 669-6247 * FAX (518) 439-1204
E-MAIL: NYSMA1@GMAIL.COM

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Town Justice, Tusten

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Town Justice, Catskill

HON. ALBERT E. RAYMOND, III
Town Justice, Berne

HON. CHRISTINE H. SEPPELER
Town Justice, Webster

Immediate Past President
HON. THOMAS J. SHEERAN
Town Justice, Lewiston

Dear Counsel Nocenti, November 21, 2025

This letter is in response to the Request for Public Comment, dated September 29, 2025, regarding proposed rule changes to Part 17 of the Rules of the Chief Judge to improve the UCS program for judicial visitation to detention facilities ("Proposal").

The New York State Magistrates Association has concerns with certain provisions of this Proposal.

Specifically:

(1) Revised Section 17.1(d)(3) requiring judges to meet with incarcerated persons exposes judges to prohibited ex-parte conversations with incarcerated persons and conversations without their attorneys present, which would violate well known canons of judicial ethics. The Proposal, if approved, should include certain boundaries of communications between judges and incarcerated individuals including but not limited to refraining from discussing a particular case or providing legal advice.

(2) Revised Section 17.1(i) seeks to ensure that visits occur at facilities in various parts of the state on a representative basis and revised Section 17.1(c) would require such visits to occur annually rather than the present requirement of once per term. As many of such facilities are located in remote sections across the state, it would require the town and village courts to travel significant distances outside of their respective counties and increase the present frequency from once per elected/appointed term to annually. Most town and village judges, unlike others in the State, serve four- year terms (and associate village judges one-year terms). Thus, we already visit more often than judges at other levels. As such, what additional insight would be gained to visit the same facility more frequently? The Proposal, if approved, should include mandatory reimbursement of the individual town and village judge's travel costs, as otherwise the Proposal may cause financial and logistical hardships on the town and village judges to comply. Further, as town and village judges cannot sentence defendants to state prison, no cognizable purpose is served if the intention is to require to visit state facilities.

(3) The intended meaningful oversight of the Proposal might be better served as an executive function, meriting judicial review only in the instances of lawsuits attempting to address particular oversight failures or personal or systemic wrongdoings.

Respectfully,

Hon. Susan Sullivan-Bisceglia, Esq.
President

David Nocenti

From: Hon. Fernando Camacho
Sent: Friday, November 21, 2025 11:23 PM
To: rulecomments
Subject: Proposed Rule on Judicial Visits to Prisons

Categories: Prison visits

As a Judge who has been sitting on the bench for almost 30 years, and a former prosecutor in the Manhattan District Attorney's Office, I am writing to support the CPL Committee's Proposed Rule of Judicial Visits to Prisons.

Judges are tasked with the incredible responsibility of sentencing the men and women who appear before them to prison. With that responsibility comes a moral obligation to fully understand and appreciate what that sentence entails. I do not believe we can meet that responsibility without seeing and experiencing, firsthand, the facilities where they are being committed to.

I fully support the proposed rule.

Respectfully Submitted,

Fernando Camacho
Judge of the Court of Claims
Acting Supreme Court Judge

David Nocenti

From: Fran Geteles <frangs@rcn.com>
Sent: Friday, November 21, 2025 11:25 PM
To: rulecomments
Subject: comments on suggested rules for judicial visits to prisons and jails
Attachments: Commwnts on judges visits to prisons and jails.docx

Categories: Prison visits

Hello Mr. Nocenti,

My comments are attached, Thank you for this opportunity.

Dr. Frances Geteles

Please be CAREFUL when clicking links or opening attachments from external senders.

Frances Geteles, Ph.D.

382 Central Park West, New York, New York 10025 212-663-8048

11/21/25

David Nocenti, Esq.,
Council, Office of Court Administration

Re: Proposed Amendment to Part 17 of the rules regarding judicial visitations to detention facilities

My name is Frances Geteles and I am a Clinical Psychologist. I am also a member of several advocacy groups who are working to reform New York's prisons and jails to make them more humane: the HALT solitary campaign; the Jails Action Coalition (JAC); and Mental Health Alternatives to Solitary Confinement (MHASC). As part of this work, I have visited some prisons and interviewed a few incarcerated people. And, because many of my colleagues in this advocacy work are men and women who were formerly incarcerated, I have learned about their experiences also.

I am writing in response to your memorandum of September 29, 2025 about an amendment proposed by the Chief Judge requiring judges to visit our prisons and jails somewhat more frequently. I wish to express support for that idea. In fact, I would like to see more frequent visits in the hope that the facts learned would increase our chances of greatly improving the entire criminal justice system.

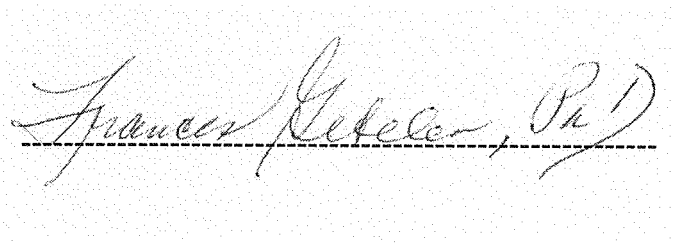
I certainly hope that when our judges are on such a visit, that they would not just walk around and talk to the staff, but would interview many of the people who are detained there. They should ask about how well they are being treated, whether they are well cared for both medically and psychologically, whether the programs provided have actually been focused on helping them understand their behavior and their problems so they can find more helpful ways to approach their lives, etc.

Right now, our prisons and jails are in crisis and the people in custody are suffering. Many of them report frequent brutal mistreatment, the extended use of solitary confinement or other forms of the torture of isolation, refusal of the services of medical staff when needed, denial of prescribed medication, insufficient food, and the lack of adequate programming for relaxation, socialization and/or treatment. But, although I mentioned these mistreatments in the context of the current crisis, they are said by formerly incarcerated people as "nothing new." They too, years ago, were brutalized and damaged. This is just the opposite of what "correctional facilities" are supposed to be doing. We should not be sending people back to their communities with more pain and more anger or the possible capacity to create more danger.

I am supporting your recommended changes to the visiting requirements for judges in the hope that with more visits and more conversations with incarcerated people the judges

will improve their understanding of the consequences of their decisions and act more wisely and with more caring

Thank you for this important effort.



Trevor Anderson # 12A0186
Eastern NY Correctional Facility
30 Institution Road; Box 338
Napanoch, New York State 12458

Dated: November 10, 2025

Office of Court Administration
Attn.: David Nocenti, Esq. ~~Counsel~~ (To)
25 Beaver Street
New York, NY 10004

RECEIVED
2025 NOV 24 A 7:34
COUNSEL'S OFFICE
OFFICE OF
COURT ADMINISTRATION

Re.: Public comment for proposed regulation amending 22 NYCRR 17.1

Dear Mr. Nocenti:

I am offering this letter as public comment on the proposed amendment to 22 NYCRR 17, which requires certain judges to visit correctional facilities every two years. Many of the decision makers in the criminal justice system do not know what the inside of a prison looks like and are not aware of the complex challenges faced by both the individual to be sentenced and staff working in these facilities. I believe this amendment should be adopted for the following reasons.

First, in order for sentencing judges to make an informed decision on the length of sentence to impose on an offender, it is important they know whether the department can effectively carry out the goals of a sentence of imprisonment. Increased visitation to prisons by judges provide a sentencing court with information on what it would take for an individual convicted of a crime to be punished, incapacitated, and rehabilitated. This will in turn allow the judge to impose a sentence that accomplishes those goals.

For some individuals, a sentence closer to the minimum may accomplish rehabilitation goals. For others, a sentence imprisonment that includes specific direction for an individual to accomplish certain programing objectives may be just as effective. In order to know what options are available, judges must visit the places they are sending people who have been convicted of crimes.

Secondly, more frequent and meaningful visits correctional institutions would provide judges with information that relates to other prison related issues litigated in our courts. For example, during a visit, a judge may see for themselves some of the issues that frequently appear in article 78 petitions. A visiting judge may be able to observe a disciplinary hearing or grievance hearing to acquire first hand information on how processes in prisons work. This may result in a better understanding of issues that are often times obscure to an outsider because petitions are often penned by individuals who have problems expressing themselves in writing

In the same way Chief Judge Wilson sees the need for courts having the authority to reduce the sentence of an individual for whom imprisonment is no longer necessary, a visiting judge may see the need to recommend a different sentence. One that is more likely to accomplish the goals of imprisonment. New York's prison system has changed drastically and it may not be in the best position to carry out its mission to ensure that individuals return to the community less likely to revert to criminal behavior without some changes.

In the end, the proposed amendment is step in the right direction towards a more efficient, effective, and equitable criminal justice system. I support the proposed amendments and hope the judiciary seeks to go further in reforming the system.

Sincerely,

Trevor Anderson

David Nocenti

From:	Sara Alpert <salpert@hudsonlink.org>
Sent:	Wednesday, November 19, 2025 4:53 PM
To:	rulecomments
Subject:	PROPOSAL FOR JUDICIAL VISITS TO NEW PRISONS AND JAILS
Attachments:	SHudson Lin25111916350.pdf
Categories:	Prison visits

Dear Mr. Nocenti,

I am attaching (5) letters on behalf of five people currently incarcerated at Shawangunk Correctional Facility from:

- Christopher Martinez
- Franklin McPherson
- Marvin Osorio
- LaMarr Knox
- Micheal Newmark

Thank you,

Sara Alpert
Director of Strategic Initiatives
Hudson Link for Higher Education in Prison
(332) 219-2563

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Christopher Martinez, 04-B-0818

Shawangunk Correctional Facility*P.O.Box 700*Wallkill, New York 12589

November 15, 2025

David Nocenti, Esq
Office of Court Administrator
25 Beaver Street, 10th Floor
New York, New York 10004

Re: Proposed regulation amending 22 NYCRR Part 17: Judicial Education and Training

Please accept this letter of support of proposed regulation amending 22 NYCRR Part 17: Judicial Education and Training. Support thereof is grounded on two principled beliefs. The proposed amendment could improve the legal system and the administration of justice, by simply engaging and providing an opportunity to have meaningful discussions that the current adversarial paradigm does not promote, effectively humanizing a dehumanizing system of justice.

If the proposed amendment is accepted and regulated into law, the amendment could, in-effect, *humanize the law* and the *system of justice* by illuminating the humanistic qualities of the law, that is, the law's capacity to both be empathetic or disingenuous, fallible or grounded in integrity and wisdom.

For example, for 2 ½ semesters, the late Mount Saint Mary professor Ross D. London shared his five decades of experience as a private attorney, public defender, prosecutor and Municipal Court judge. Professor London's wisdom can't be quantified. His teaching grounded in me an understanding that education is not just about self but about time, experience and purpose. In his class, through his wealth of experience, I learned that time, experience and purpose is truly about the service to others and that as an incarcerated college student and prospective citizen I shouldn't allow a devastating decision to stall efforts towards a commitment to improve self and others. For me, it very well may have been the first time I realized the troubling disconnect between a judge as an adjudicator and a judge as a problem solver. His experience and teaching took care to understand the human beings enmeshed in the system of justice by equipping me through education and his experience with the tools, relationships and opportunities to view justice and public safety as complementary rather than conflicting goals.

While the proposed amendment may not provide the same time and space to engage in the same educative endeavors, I am of the opinion that one visit can nonetheless promote the stewardship of judicial education and training, subsequently improving the legal system and the administration of justice.

Respectfully submitted,

Christopher Martinez, Strategic Alumni Voices Inside (SAVI)

Franklin McPherson
08A6326
200 Quick Road
Wallkill, N.Y. 12589

November 14, 2025

David Nocenti ESQ
Counsel office of Administration
25 Beaver Street, 10th Floor
New York, N.Y. 10004

My name is Franklin McPherson, and I am 38 years old. I have been incarcerated since the age of 20, I'm currently serving a sentence of 25 years to life in the State of New York. My sentence of imprisonment is a direct result of my actions, and my actions resulted in the tragic loss of Mr. Leslie Burgess. There is no question concerning the fact that I was intoxicated when this incident took place. There is also no doubt that I should not have been driving under such condition. My poor judgement cost Mr. Leslie Burgess his life. I fully understand the consequences of my actions. Not only is Leslie Burgess dead, but his family, friends and loved ones have a void where he should be. Additionally, my family, friends and loved ones are burdened with the consequences of my actions, as well as suffering from my absences, again as a result of my own decisions. No one ask for this suffering. Nothing can undo it. It is my understanding of this truth which drives the man I currently am so that I might always demonstrate the behaviors which characterize who I have become, as opposed to what my criminal conviction might say about me.

As a member of the Strategic Alumni Voices Inside (S.A.V.I.), I support the proposed regulation to make it mandatory for New York State Judges to be able to visit correctional facilities at any time and without advance notice and I strongly believe that the Judges should be able to have access to certain records and information of correctional facilities; for example:

- *Programming, education, vocation and work assignments are all outdated which really makes it hard and almost impossible for an incarcerated individual to be rehabilitated.*
- *The department staffing levels, staffing shortage, long term leave, workers compensation leave, and the average of daily closed posts for each quarter. This will show the reasons why the facilities are inhumane and the lack of programs.*

The reason for my support is because the Judge is usually the one that decides how much time a person receives. The judges should see and have some form of understanding that most if not all of the New York State Correctional Facilities are inhumane and underneath the surface it's not what it seems to be.

Look at the most recent event inside Marcy Correctional Facility, a Chaplain walk inside the prison and killed himself. The message that I received from that is that he himself was tired of the New York State Prison system along with so many other civilians and security staff. How safe, humane and rehabilitated can a prisoner feel, when you have civilians and security staff that feels unsafe, inhumane as if they can't live a productive, normal life either by themselves or with their significant other and kids? If the people that are deemed to be role model citizens are expected to keep the prison system running smooth, keep us prisoners on the right track and restore us back to our natural state are going through these issues; what chances do we have? Something is clearly wrong with the prison system and sentencing people extensively would only be out of revenge and not rehabilitation. If the Judges are allowed inside then maybe they can help change the narrative.

Marvin Osorio #04A2653
Shawangunk Correctional Facility

November 17, 2025

David Nocenti, Esq.
Office of Court Administrator
25 Beaver St., 10th Fl
New York, NY 10004

Dear Mr. Nocenti,

After reading the invitation to give comments on the proposed amendment to 22 NYCRR Part 17, I want to provide my voice to this very important and consequential debate. I have been directly impacted by the sentences handed down by the judiciary branch, as such I am positive my voice can add valuable contribution to this matter. I was sentenced to 25 years to life for my conviction of murder in the second degree, an offense which I committed as an 18 year young man. I have served 24 years out of my sentence and in my journey I have achieved many milestones on my path to rehabilitation. However, my accomplishments were of my own volition as I constantly found myself wrestling opposing forces within facilities of the department of corrections; concerted forces serving as interrupters to a rehabilitative environment.

I want to highlight that I am proud of my 20 years of volunteerism in many peer-run advocacy and educational organizations. Additionally, I have acquired an Associate degree from SUNY-Ulster and a Bachelor degree from Mount Saint Mary College, capping this journey with a conscious and directed effort to follow the rules and regulation governing corrections resulting in zero incidences of violence or drug use while serving my sentence. None of this accomplishments are recognized nor acknowledge by the judiciary branch nor sentencing judge as it is the case that once a sentence is handed down, the judiciary branch does not follow up on whether their role in delivering justice is being carried out in the next phase of the "justice' process. I used the term recognition and acknowledgement in the prior sentence not to highlight individual accomplishments, but to highlight the potential of every man and woman in front of judge before sentence and to be considered as part of the sentencing process. But it cannot accomplished unless the mentioned amendment goes into effect. Judges responsibility of administering justice should not conclude with sentencing; said approach is too simplistic and absolves the administrator of justice from failed rehabilitative practice within the penal system which is a continuation of the sentence handed down as delivering justice.

Here at Shawangunk Correctional Facility we have formed S.A.V.I., a collective of alumni from Hudson Link for Higher Education who has taken control of our circumstances and work tirelessly in advocating for further education and rehabilitation of men while incarcerated. We stand ready to welcome a delegation from your committee to further explore the conversation and provide lived experiences to assist in the process of tailoring this amendment.

Thank you for your consideration.

My name is LaMarr W. Knox and I am currently incarcerated in New York's Department of Corrections and Community Services. In 1995, I was arrested at the age of 20 and convicted for murder, attempted murder, illegal use of a firearm, and assault, resulting in a 62-and-a-half-years-to-life sentence. During sentencing the Assistant District Attorney requested that I receive the maximum sentence because she believed that I couldn't be rehabilitated. Since that day I am 3 credits shy of earning my Associates Degree,

As a member of the Strategic Alumni Voices Inside (S.A.V.I.), here at Shawangunk Correctional Facility I am writing to add my support towards Judges visiting Correctional Facilities. I believe that this practice will give the judges firsthand experience and knowledge about incarcerated individuals who have been invested for years with their rehabilitation and can now reintegrate into society living a productive life under supervision.

Resources are very limited inside of the prison system, but, when there are opportunities to make steps towards growth with short and long term goals there are incarcerated individuals who've willingly taken those steps on their own. Each facility differs with programs that are offered and voluntary classes that have been created by prisoner ran organization geared towards rehabilitation. These voluntary classes are not common knowledge to the public, nor judges, and by visiting facilities judges will be able to witness for themselves the steps that are being taken towards rehabilitation that the incarcerated are, and, have taken with no existing incentives.

Such a trip, "unannounced" by the judges, will enlighten them on the lack of updated therapeutic programs that need to be introduced to the prison system and also allow them to see just how the prisons are being ran. I believe this will show that prisoners who are doing the right things stand out because we have to seek what we believe is needed and set ourselves away from the masses to achieve our goals.

I hope my words have an effect on such a decision in the future because something of this magnitude would possibly alter the maximum sentences that people are receiving in the courtrooms.

I thank you for your time in this matter.

Sincerely;

LaMarr W. Knox

Dear Mr. Nocenti, November 17, 2025

My name is Michael Newmark and I was sentenced to twenty five years in prison for robbery. Next month makes fourteen years that I have been incarcerated. I have used those fourteen years to my advantage by working on and changing the thought process and behaviors that led me to prison. I know that if I did not change and I continued to do the same things when I go home, that I would either come back to prison, or die.

When I read that comments were being accepted, I jumped at the opportunity. I am a member of Strategic Alumni Voices Inside (S.A.V.I.) Having attended college classes and obtaining a degree has taught me that the best way to help improve your situation is to be proactive. One must ask questions and have conversations in order for progress to be made. I am about positive progress, not negative regression.

I fully support Judges being able to visit correctional facilities. I encourage it. I think it should be mandatory. The way a supervisor makes 'site visits' because they are responsible for employees and production, Judges are responsible for incarcerated individuals and the culture of correctional facilities. They are the ones that decide who goes to prison, and for how long they will be there.

Judges should have full access to all correctional facilities and to all of their records. From incarcerated individual records, to staff records, program, attendance, provisions, even food records. They should be allowed to visit and inspect at any time, unannounced. They should be able to have an uncut, unedited look at what prison really is, how it is ran, and how at any given time, it *doesn't* run.

I believe that Judges visiting correctional facilities is paramount not only for their sentencing after convictions, but also when it pertains to The Second Look Bill. I fully support and believe that most Judges would also support The Second Look Bill if they took the opportunity to come into facilities and get to know the incarcerated individuals as people. It would give them the ability to see how incarcerated individuals have taken advantage of the resources and committed to changing their lives. If a Judge sentences somebody to 25 years, but has the opportunity to see them at some point to see how they have spent their time, and that person has taken the proper programs, earned an education and changed their lives, then the Judge should have the power to revisit the sentence and give the incarcerated individual the opportunity to account and be released. Why keep somebody in prison that is ready to go home? Why spend taxpayer dollars on them instead of *them* contributing *their* tax dollars to the community?

See, if a Judge were to come here to Shawangunk and talk with us, they would be able to see what programs we have, which ones work and what we need. They would see first-hand the resources, and/or, lack-there-of and be able to make recommendations to DOCCS. The concept of prison is to rehabilitate a person that has committed a crime and help transform them into a productive member of society. I would think that a Judge would want the proper programs in place to help with this process. A person that has access to, and has taken advantage of programs and resources that makes them a better person, isn't that who you would want being released from prison?

Respectfully submitted,

Michael Newmark

Andre Scott # 10B3297
Wende Correctional Facility
P.O. Box 1187
Alden, New York 14004

RECEIVED
2025 NOV 24 A 7:34
COUNSEL'S OFFICE
OFFICE OF
COURT ADMINISTRATION

November 11, 2025

Office of Court Administration
25 Beaver Street
New York, New York 10004

Re: Public Comment on Proposed Amendmen to Judicial Education; 22 NYCRR Part 17
Visitation of facilities and institutions for detention and confinement.

I strongly urge that the proposed amendments on Judicial Education be adopted and enforced. For far too long DOCCS credo has been "The law doesn't Matter. We do what we want." Today Wende CF is on lockdown as CO's engage in a coordinated work slow down in support of their colleagues charged with murdering people entrusted to their care. They boldly burned buses and showed their disregard for the rule of law by defying judicial orders and executive commands. Judges should see first hand how NY prisons are criminogenic. How CO's encourage anti-social behavior, how supervisors condone it and civilians are indifferent. Any judge concerned about their workload due to prison litigation should take a long look at the grievance program. Judges should speak with grievants & not the "elected" grievance Representatives who are the holden to staff. Each judge should also speak with individuals in SHU & RRU to see how HALT is Routinely violated, and the horrible conditions within segregation. Facility Administrators will give judges a tour and distract them with puppies, as is done in Collins, but judges should review the body worn cameras of the week prior to see how facilities truly operate. Prisoners are treated as irredeemable, with the exception of a few facilities such as Sing-Sing. Ultimately judges should convey to DOCCS personnel that its the judiciary's job to punish, and DOCCS responsibility to rehabilitate.

Andre L. Scott

Robert J. Mulvenhill, Jr.
22B3548
Clinton Correctional Fcty.
P.O. Box 2000, Dannemora, NY
12929/B-12 cell

November 10, 2025

To: David Nocenti, Esq., Counsel,
Office of Court Administration,
25 Beaver Street, 10th Floor,
New York, NY 10004.

RECEIVED
2025 NOV 19 A 11:14
COUNSEL'S OFFICE
OFFICE OF
COURT ADMINISTRATION

Re: 22 NYCRR Part 17 - "Judicial Education and Training"

To Whom this Concern(s):

Thank You for allowing me to Comment on the recent proposed regulation mandating N.Y.S. Judges to make "meaningful" visits.

I am all for this proposal, as it may serve as a shield for us "I.I.'s", and possibly w/ some Program Consistency. If Docs knows that Judges are required to do more than "show-up"; then (we) may be able to Act - ually Learn rehabilitation, and useful skills to become productive members in the Community.

I personally believe that much more outside connections are necessary to truly move forward and get away from the old prison culture that destroys many chances of success.

The Commissioner speaks/writes about "transparency" a lot. This too will provide more of that! So many of us want to be able to show that change is possible. We want to show that our past does not define us. How can we do this w/out first solving the problems that led to incarceration? If the Judges are mandated to meaningfully visit these prisons. They will see first hand exactly why recidivism is not as low as (we) all would like.

Again . . . thank you to all that actually take the time to read, and possibly consider my comments/opinions.

Respectfully Submitted,

Robert J. Mulvenhill, Jr.
#228346

Cc: file

Derrick Moore #22B3139

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

RECEIVED
2025 NOV 19 A 11:14
COUNSEL'S OFFICE
OFFICE OF
COURT ADMINISTRATION

Re: SUPPORT FOR JUDICIAL PRISON VISITS

Dear Counsel Nocenti, Esq.:

PLEASE TAKE NOTICE: that this correspondence expresses my SUPPORT of the proposed amendment of **"22 NYCRR Part 17 Judicial Education and Training."** I think the amendment is long overdue, and I support a requirement that ALL New York State Judges with responsibility for "sentencing and/or detaining defendants" in the State prisons and jails, make an annual, **"meaningful visit"** to a prison or jail. I add that the proposed amendment should be written with clear mandated language that fully defines, what exactly accounts for a **"meaningful visit."** I propose that the finalized **'Judicial Visit Protocols'** be made available to ALL incarcerated Persons in whole part.

I appreciate your time and attention given this comment.

Sincerely, Derrick Moore

rulecomments@nycourts.gov

Reginald Brown 17A4662

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

RECEIVED
2025 NOV 19 A 11: 14
COUNSEL'S OFFICE
OFFICE OF
COURT ADMINISTRATION

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I appreciate your time and attention given this comment.

Sincerely,

R. B.

rulecomments@nycourts.gov

Reginald Brown 11A4664

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

RECEIVED
2025 NOV 19 A 11:14
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OFFICE OF
COURT ADMINISTRATION

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I appreciate your time and attention given this comment.

Sincerely,

R. B.

rulecomments@nycourts.gov

Nicholas Higgins

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

RECEIVED
2025 NOV 19 A 11:14
COUNSEL'S OFFICE
OFFICE OF
COURT ADMINISTRATION

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I appreciate your time and attention given this comment.

Sincerely,

Nicholas Higgins

rulecomments@nycourts.gov

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

Re: SUPPORT FOR JUDICIAL PRISON VISITS

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I appreciate your time and attention given this comment.

Sincerely,
Bernard White
14A1112

rulecomments@nycourts.gov

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

EDDIE PATTERSON 25B3041

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

Re: SUPPORT FOR JUDICIAL PRISON VISITS

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I appreciate your time and attention given this comment.

Sincerely,

rulecomments@nycourts.gov

Rolex Jean Pierre 25B0997

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely,

Rolex

rts.gov

Rufus Spears #98A6300

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely, Rufus Spears

rulecomments@nycourts.gov

D. Cordellos
10B1133
D-7-37

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely, D Cordellos
10B1133

rulecomments@nycourts.gov

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25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely,

rulecomments@nycourts.gov

Anton Alexander
23R1884

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely,

rulecomments@nycourts.gov

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely,

Lemuel Jackson
20B0344

rulecomments@nycourts.gov

Isaiah Blake 25B2084

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

Re: SUPPORT FOR JUDICIAL PRISON VISITS

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I appreciate your time and attention given this comment.

Sincerely,
I. Blake

rulecomments@nycourts.gov

Derrick Wilson 24B1117
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely,

rulecomments@nycourts.gov

Kevin Hawsa 22B2636
Auburn Facility

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely,

Kevin Hawsa
22B2636

rulecomments@nycourts.gov

SEAN PEARL 17A4878

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

Re: SUPPORT FOR JUDICIAL PRISON VISITS

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I appreciate your time and attention given this comment.

Sincerely,
Sean Pearl

rulecomments@nycourts.gov

Travis Jordan #18A2405

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

Re: SUPPORT FOR JUDICIAL PRISON VISITS

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I appreciate your time and attention given this comment.

Sincerely, Travis Jordan

rulecomments@nycourts.gov

Andrew Gayot #16A3173
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely,

Andrew Gayot #16A3173

rulecomments@nycourts.gov

Sharriet Powell 22B5279

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

Re: SUPPORT FOR JUDICIAL PRISON VISITS

Dear Counsel Nocenti, Esq.:

PLEASE TAKE NOTICE: that this correspondence expresses my SUPPORT of the proposed amendment of **"22 NYCRR Part 17 Judicial Education and Training."** I think the amendment is long overdue, and I support a requirement that ALL New York State Judges with responsibility for "sentencing and/or detaining defendants" in the State prisons and jails, make an annual, **"meaningful visit"** to a prison or jail. I add that the proposed amendment should be written with clear mandated language that fully defines, what exactly accounts for a **"meaningful visit."** I propose that the finalized **'Judicial Visit Protocols'** be made available to ALL incarcerated Persons in whole part.

I appreciate your time and attention given this comment.

Sincerely, Sharriet Powell

rulecomments@nycourts.gov

Bernard Alexander 25B1978

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely,

BA

rulecomments@nycourts.gov

Richard Bailey

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

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New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely, Richard Bailey
09A3918

rulecomments@nycourts.gov

SHAQUILLE DANIELS, 22B4213

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

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New York State
Office of Court Administration
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rulecomments@nycourts.gov

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

Romaine McRae #25B0158

November 7, 2025

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New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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Sincerely,

rulecomments@nycourts.gov

Shawn Pereira 25-B0849

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

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New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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Sincerely,

Shawn Pereira

rulecomments@nycourts.gov

Randy Wright 23B0258
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

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New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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Sincerely,

R Wright
23B0258

rulecomments@nycourts.gov

RayQuan Graham Sr. 15B0609

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely,

R. Y. Gr.

rulecomments@nycourts.gov

Courtney Burton 17B3514

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

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I appreciate your time and attention given this comment.

Sincerely,

Courtney Burton
17B3514

rulecomments@nycourts.gov

Equan Ware DIN: 23B1868

Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13024

November 7, 2025

ATTN: Counsel David Nocenti, Esq.
New York State
Office of Court Administration
25 Beaver Street
10th, Floor
N.Y., N.Y. 10004

RECEIVED
2025 NOV 19 A 11:14
COUNSEL'S BUREAU
OFFICE OF
COURT ADMINISTRATION

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I appreciate your time and attention given this comment.

Sincerely, E. Ware

rulecomments@nycourts.gov

Marty I. Rosenbaum
Attorney at Law
1971 Western Avenue, #105
Albany, New York 12203
(518) 542-1961

November 20, 2025

VIA E-MAIL *(sent 11/20/25)*
CONFIRMATION BY MAIL *(postmarked and mailed 11/20/25)*

Hon. David Nocenti
Counsel
NYS Unified Court System
Office of Court Administration
25 Beaver Street, 10th Floor
New York, New York 10004

re: Public Comment: Judicial Visitation at Detention Facilities
(Proposed Amendment to Part 17, Rules of the Chief Judge)

Dear Mr. Nocenti:

I am pleased to respectfully offer the following comments in ***strong support*** of the proposal to amend Part 17 of the Rules of the Chief Judge, as set forth in your memo to "interested persons" dated 9/29/25, concerning judicial visits to correctional facilities.

By way of background, I have been a public defender in New York and Florida and served more than eight years as a staff attorney and Director of Judicial and Legislative Services for the Public Defense Backup Center of the NYS Defenders Association. I was an Assistant Attorney General in the State of New York. I worked for nearly twenty-seven years as a counsel to the Standing Committee on Codes (and other committees) of the NYS Assembly.

I have visited state prisons and local jails dozens of times for hearings and to meet with individual clients. In addition, I have had the privilege of participating with elected officials in tours and fact-finding visits to state prisons, jails and local detention facilities.

All judges of the Unified Court System, including Town and Village Justices, have the authority to conduct arraignments, issue securing orders, impose jail sentences and incarcerate individuals for contempt. Officials having these powerful responsibilities should be fully informed of the conditions of confinement at facilities to which they may send members of the public. Moreover, staff at these facilities (both security and civilian staff) have important and, frequently, challenging duties. These staff members have a responsibility to partner with the courts, prosecution and defense in the rehabilitative process. Regular judicial visits to correctional facilities can help enhance this partnership.

Wisely, the proposal requires annual, rather than occasional, visits. The requirement of an in-depth experience, rather than, for example, a simple lecture or meeting in the super-intendent's office, is well-reasoned. Limited meetings, in "showroom" facilities, should not satisfy the rule.

To help assure that the intent of the proposed rule is achieved, I urge that unnecessary, imprecise and, in some instances, nettlesome language be revised. "As practicable" and "to the extent practicable," for example, should be removed throughout. These phrases may result in the evasion of important provisions. "Shall" should generally be substituted for "should."

Further, in proposed 17.1 (c), "combined without duplication" seems unclear. Here, also, the phrase "shall not revisit a facility" should be modified to make clear that the sequencing provisions in (c) do not limit a judge's authority -- inherent and statutory -- to visit correctional institutions. See, e.g., Correction Law 146 (2) (Court of Appeals, Supreme Court and County Court judges). Since many incarcerated persons sleep in cells, particularly in maximum security facilities, proposed 17.1 (e) (2) should be amended to state that housing "cells" should be visited, in addition to "one general population area."

Proposed 17.1 (d) (4) would require that judges travel to facilities "located in the county where the judge or justice is sitting." Thus, the proposal recognizes the importance of judges visiting, and learning the existing conditions at, facilities to which they may potentially confine persons *in the actual cases before them*. The quoted language should be clarified and assured throughout the rule text.

For more than 175 years, the Correctional Association of New York ("CANY") has had a special responsibility, established by law, for visiting and monitoring state and local correctional facilities. See, e.g., Correction Law section 146 (3). I respectfully urge that the Chief Judge consult with CANY and amend the proposed rule to specify a prominent role for CANY in planning, facilitating and accompanying judges on visits to state and local correctional facilities. Subject to any "*reasonable and individually identified*" security concern, proposed 17.1 (f) should also state that CANY shall be asked to participate in the identification of incarcerated persons, family members and employees who wish to meet with judges during facility visits. Proposed 17.1 (f) should be amended as well to provide that conversations among judges and such individuals "*shall*" be as private as possible consistent with "*reasonable and individually identified*" security concerns.

Finally, a significant omission in the proposed rule should be corrected. The rule should **require** each judge, for each annual visit, to certify: the facility name, date and beginning and ending time of the visit. Compare proposed 17.1 (g) ("allow[s] judges who wish to report …"). Other government workers must certify attendance at, for example, anti-sexual harassment training and worker safety programs. Attorneys, of course, must certify and maintain records concerning completion of continuing legal education hours. See, e.g., Joint Rules of the Appellate Divisions, 22 NYCRR section 1500.23 ("Reporting Requirements"). It is neither burdensome nor offensive to require judges to contemporaneously confirm annual compliance with this rule.

Thank you for the opportunity to comment on this important proposal.

Sincerely,



Marty I. Rosenbaum
martyalb@gmail.com

David Nocenti

From: sschwane1@gmail.com
Sent: Friday, November 28, 2025 4:08 PM
To: rulecomments
Subject: resending comment to Proposal for Amendment to Part 17 of Rules of Chief Judge
Attachments: Amendment to Part 17 Rules of Chief Judge.pdf

Dear Mr. Nocenti,

I had sent this comment to the Proposal for Amendment to Part 17 of the Rules of the Chief Judge on 11/20/2025 and it was just returned to me. I am resending it for consideration by OCA.

Thank you very much,
Sheila Schwanekamp, Esq.
sschwane1@gmail.com

Please be CAREFUL when clicking links or opening attachments from external senders.

SHEILA W. SCHWANEKAMP, ESQ.

5528 Pine Loch Lane, Williamsville, N.Y. 14221

(716) 984-5274 Email: sschwane1@gmail.com

David Noceti, Esq. November 20, 2025

Counsel, NYS Office of Court Administration

25 Beaver Street

New York, N.Y. 10004

Dear Mr. Noceti,

I am writing to you in support of the Proposal of the UCS Advisory Committee on Criminal Law and Procedure to amend Part 17 of the Rules of the Chief Judge to improve the program for judicial visitation to detention facilities in New York State. I am a retired N.Y.S. Court Attorney Referee having worked in the New York Unified Court System for forty years where I worked in the Criminal Courts, Domestic Violence Courts and Integrated Domestic Violence Courts.

Over the years of my employment in the court system, I worked with many criminal court judges who had conducted their required yearly judicial visits to detention facilities. I recall that the judges found their visits to the detention facilities to be beneficial in providing insight into the impact of their sentencing of criminal offenders. However, beyond viewing the facilities there is not an itinerary to Part 17 to make these visits truly meaningful for both the judiciary and those who are incarcerated.

A primary goal of incarceration is for the incarcerated individuals to reenter society in a positive and meaningful manner. More recently, we have learned of the evidence-based impact of trauma, not only on those exposed to violence but also how a history of trauma impacts the behavior of offenders. The NYS Problem-Solving Courts recognize the trauma that both crime victims experience and the trauma of criminal offenders. Sentencing of criminal offenders also recognizes the trauma that they may likely have experienced prior to entering the criminal justice system. Unaddressed trauma continues during the period of incarceration, and it is important that trauma is addressed by the criminal justice system, not only by the counselors and staff at the detention facilities but by anyone with the ability to impact the conditions at the facility, including judges. Allowing incarcerated individuals to meet with judges during facility visits and hearings can support their successful reentry into society. Meaningful visits by judges to detention facilities, to include the ability to interface with incarcerated individuals as well as facility administration and staff, can provide important insights for judges to truly understand the impact of their sentencing.

Finally, while judges do not have direct oversight over detention facilities, it is important for judges to be aware of the conditions of the detention facilities in their communities and the experience of criminal offenders at those facilities. Significant problems in several government-run detention facilities have worsened over time, impacting the safety and welfare of incarcerated individuals and staffing at these facilities. Visits to detention facilities can help judges better understand the impact of sentences they impose and enable judges, where they choose, to speak to the improvement and betterment of the detention facilities as part of the criminal justice system.

I urge your support of the Amendment to Part 17 of the Rules of the Chief Judge to Improve the UCS for Program for Judicial Visitation to Detention Facilities. Thank you for your consideration of this request.

Very truly yours,

Sheila Schwanekamp

Sheila Schwanekamp, Esq.