

**STATEMENT
By**

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THE OSBORNE ASSOCIATION

to

**NEW YORK CITY
BOARD OF CORRECTION**

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*SUBJECT: PROPOSED REVISIONS TO MINIMUM STANDARDS FOR
NEW YORK CITY JAILS*

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Good Morning. My name is Makeba Lavan. I am a Youth Ambassador at The Osborne Association. I co-facilitate a Saturday Arts Workshop for children of incarcerated parents, I provide mentorship to children impacted by their parent's incarceration, and I also spend my Sundays working in the Children's Center at Sing Sing Correctional Facility. Here, I interact with the families of incarcerated men, including many children. Seeing their anguish when they are separated gives me the passion to advocate for children's rights. I can relate to their feelings because my greatest experience with this issue is my own experience of my mother's incarceration. The foundation of my advocacy today and every day is the *Bill of Rights for Children of Incarcerated Parents* which I believe can be a tool towards developing not only minimum standards, but *best practice* standards.

When policies are developed or revised, their impact on children should be considered. However, unless the policy or standards are directly child-related, this rarely happens; although every policy in some ways affects children's lives. Additionally, standards are only as good as their implementation. In addition to the standards complying with the *Children's Bill of Rights*, monitoring that the Standards are upheld is critical. For example, the Standard may require that the visiting area be clean and supplied with adequate items, but children and their escorts may find that when they go to the visiting room bathroom, floor tiles are missing, broken toilet paper holders and toilet paper rolls strewn across the floor, the walls are dirty, the sinks don't work, and stall doors don't close. While this may seem trivial, it sends a powerful and damaging message to children—"This is what you deserve, and really, you don't matter." Children walk out of the visit feeling that they do not deserve to be in a clean and safe

environment. They have done nothing wrong, but their experience feels and looks like punishment.

As we address the Board of Corrections' proposed minimum standards today, we would like to recommend a new approach: that these standards be checked against the *Children of Incarcerated Parents Bill of Rights*. If the Standards do not violate these rights and do not send damaging messages to children about the kind of world they live in—then the standard can remain. If it violates these rights or conveys to children that their lives and feelings and well-being do not matter, the standard should be revised. These rights, as they were originally developed by the San Francisco Children of Incarcerated Parents Partnership, are:

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

These rights are basic human rights, but they are not currently being upheld. Of the almost 14,000 people who are incarcerated on Rikers Island, most are parents. Many of the close to 1,600 visitors a day are children. Acknowledging the well-being of children

through criminal justice policies does not mean being “soft on crime” or discipline. It means teaching and modeling that there are consequences for actions, but that these are appropriate, clear, and not randomly and unfairly inflicted on the children and family of those in custody. The difference between punishment and discipline is the root of the word DISCIPLINE—its Latin root *disciplina* means **teaching**. The Board of Corrections and DOC OC have an opportunity to be part of teaching accountability and responsibility; yet, currently what is more often taught is that punishment is cruel and unnecessary, disrespectful, mean and unfair. These are the more common messages that children walk away from a DOC facility having learned—that the *system, laws and policies* are mean and unfair, that people in uniforms are the “bad guys,” and that their parents are the victims.

Among the youth that I work with, I have never heard a positive story about a visit to Rikers Island, or any jail or prison for that matter. Children already have a lot to face if their parent is incarcerated, negative visiting experiences should not be added to their pain. My personal memories of visiting my mother in prison are not any better. When my mom was first incarcerated, I wasn’t even notified. I don’t even know if anyone took the time to find out if my mother had children. Prior to my visit, I had not seen her in three years. I didn’t even know if she were alive or dead. Because of this, I couldn’t help wondering what she would look like when I finally saw her. After hours of travel (including a plane trip and an overnight stay upstate, free courtesy of The Osborne Association), I finally got the chance to find out. My mother has always been a very feminine woman. When I finally saw her, she was barely recognizable. My mother’s hair was cornrowed straight back like a man’s! It was very unflattering to her round, youthful

face. It was also very disturbing to me. She was also wearing construction boots and a dark green shirt/pants set. The way she looked did not correspond with the mental picture I had of my mother. As she sat down and began to talk, my eyes continually wandered back to the guards because their scornful gazes practically burned holes into my mother and me. They were clearly judging us. Their eyes asked mom how she could have gotten herself locked up. They asked me how I could visit my guilty mother in jail. What they never figured out was that I had done nothing wrong. Also, I love my mom and I have the right to maintain our mother/daughter bond, even through incarceration.

I feel that a lot of people just judge prisoners, saying “They should have thought about that while they were committing a crime.” I cannot disagree, however, every situation is different. Why should the family, particularly children, be sentenced for a family member’s crime? This does not have to be this way. If the BOC required minimum standards that upheld the *Children’s Bill of Rights*, they could ensure that DOC’s policies taught children lessons about responsibility and accountability, actions and consequences rather than punishing them for their parents behavior. They could be part of a positive message that safeguarded children’s well-being and promoted children fulfilling their potential, rather than filling the next generation of jail cells.

It *is* possible to take security concerns seriously and to implement policies that reduce the likelihood of contraband and violence, while also being mindful of the children and families who care deeply about the people in DOC’s custody. The current policies and practices of the criminal justice system, including NYC DOC, convey that sacrificing children’s well-being is the acceptable collateral damage of incarceration; that this is the unavoidable cost of protecting society. In revising the minimum standards, the

Board of Correction's has an opportunity to take a stand that this will no longer be so—we will not sacrifice children's well-being and bright futures in exchange for holding their parents accountable; we will no longer accept that negative and damaging messages, inconsiderate treatment, and painful experiences for children whose parents are in DOC custody are an inevitable side effect of carrying out the mandate of Corrections.

Speaking as children of incarcerated parents and as Youth Ambassadors who have worked with many children whose parents are or were incarcerated, we recommend an audit of the proposed minimum standards that checks each item against the *Children's Bill of Rights*. We recognize the importance of maintaining security and agree that people should be held accountable for their actions. Yet, we also believe there is a way to develop correctional policies that consider a child's perspective and achieve penal goals while also safeguarding the next generation. We owe it to the 2.4 million children in this country who on any given day have a parent who is in jail or prison. The BOC must consider the well-being of children as within its purview – the numbers of children affected are too great and children are too important not to.

To demonstrate that this is possible, we have written what we consider to be a **model minimum standard for visiting**; this proposed standard follows the format of the current BOC minimum standard, but is revised so as to comply with the *Children's Bill of Rights*. We recommend that BOC put all of its proposed minimum standards to this same test and offer our assistance in this process.

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