



Testimony of

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We are Natalie Fiorenza and Rachel Sznajderman, Corrections Specialists at New York County Defender Services (NYCDS). NYCDS is an indigent defense office that every year represents tens of thousands of New Yorkers in Manhattan’s Criminal and Supreme Courts. The NYCDS Corrections Specialist Team provides a direct channel of communication with and advocacy for our clients who are incarcerated. This channel provides us with unique insight into the current state of affairs on Rikers Island, which continues to present a chilling reality for anyone forced to spend time there. Due to the many examples of chaos and danger playing out on the island right now, we are fearful of the direction in which Rikers is headed.

**I. Fire in NIC**

On April 6th, just three weeks after the last Board meeting, a fire ravaged through the North Infirmary Command injuring both detainees and DOC staff alike. There are many questions still left unanswered regarding how the fire was able to cause so much damage before it was eventually put out, questions to which the public, families, friends, and advocates of those injured in the fire deserve answers. It is for this reason that the public defender offices in this city joined together in asking the Board to not only publish an independent report on the fire, but also add the fire to today’s agenda. Considering that many people nearly died as a result of this fire, we are shocked and disappointed that the fire is absent from today’s agenda.

Those who were injured and otherwise traumatized by the fire deserve an investigation and clarity on this incomprehensible event. We hope to see the Board's attention to this matter in its ongoing investigation into Department affairs, and, ultimately, we expect to see a full reporting about the failures of management and the negligence that contributed to this terrifying event.

## **II. Change in ESH Rules**

We are also disappointed that the newly published ESH directive is absent from today's agenda. Many details of the ESH directive go against years of precedent guiding the treatment of young adults accused of DOC policy violations.

DOC has now given themselves greater discretion to place children in what is effectively punitive segregation by another name. Individuals aged 18-21 will now be forced to sit with both of their ankles and one arm shackled to a desk chair while they participate in programming. In recent conversations with a client in ESH, we learned that during this programming, people are not permitted to go to the bathroom, as they must be shackled throughout the duration of their programs. Our client described being forced to spread each leg along the chair legs, with each ankle shackled and one arm handcuffed to the table, leaving only one hand free to write. He was locked in this uncomfortable position for hours on end, unable to stretch, stand, or use the bathroom, all while being asked to focus on education and other programming assignments. This punishment is tantamount to torture, and we fear the effect this will have not only on our young adult clients, but on anyone subjected to this treatment for even one day.

## **III. Importance of Public Feedback and Transparency to the Board of Correction's Core Mission**

Amidst this chaotic, nightmarish reality that continues to unfold and present new, horrifying details with each passing day, the Board has imposed new restrictions on testimony at its public meetings that directly contrast with the Board's purpose and mission.

As we have previously testified, Board of Correction meetings are essential to the work that we do at New York County Defender Services. First, they are our chief source of information about Department policies and data that informs our understanding of what is or is not permissible. They allow us to vicariously interrogate Department officials about recent notable events, ongoing patterns of abuse, and routine departures from minimum standards that we observe.

In addition, the Board Meetings provide a rare opportunity to shed light on the experiences of our clients. In restricting the number of speakers permitted to testify at these meetings, the Board

thwarts the ability of those currently detained, the formerly incarcerated, family members, and advocates to engage in this vital transfer of information.

Without these two pillars of Board meetings - a targeted agenda and the robust opportunity for public comment - the Board's oversight value and ability to hold the Department of Correction accountable evaporates. In Rikers' current state of emergency, which continues to be extended week after week, it is inconceivable that this Board would propose any policy that would restrict its ability to oversee and manage the routine violations of its minimum standards.

#### **IV. Asks**

We are therefore requesting the following:

1. A Board investigation into the April 6th NIC fire,
2. That the April 6th fire be placed on next month's agenda so that the Board will have the opportunity to question DOC and relevant parties about the event,
3. That the Board remove its limits on the number of speakers at Board meetings

If you have questions about this testimony, please email [correctionsspecialists@nycds.org](mailto:correctionsspecialists@nycds.org).