

November 21, 2025

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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 frequency² with which justices and judges³ 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

⁵Nazish 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.”).

⁶Jake Horowitz et al., *Americans Favor Expedited 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.)

⁷Anna 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 summonses 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

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

People of color make up roughly 90% of those incarcerated at Rikers Island.

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

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.

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-scurge-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,

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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.