



NEW YORK
CITY BAR

**COMMITTEE ON
CORRECTIONS AND
COMMUNITY REENTRY**

May 14, 2024

ALEXIS FLYER
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STEPHANIE HOLMES
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Honorable Eric Adams
Mayor of the City of New York
City Hall
New York, NY 10007

Honorable Dianne T. Renwick
Presiding Justice
New York State Supreme Court,
Appellate Division, First Department
27 Madison Avenue
New York, NY 10010

Honorable Adrienne E. Adams
Speaker
New York City Council
City Hall
New York, NY 10007

Honorable Hector D. LaSalle
Presiding Justice
New York State Supreme Court,
Appellate Division, Second Department
45 Monroe Place
Brooklyn, NY 11201

Re: Increasing Transparency in the New York City Board of Correction Nominating Process

Dear Mayor Adams, Speaker Adams, Presiding Justice LaSalle, and Presiding Justice Renwick:

The New York City Bar Association's Corrections and Community Reentry Committee addresses a wide range of criminal justice and reentry issues including conditions affecting people in jails, prisons, and other detention facilities. Our committee membership is comprised of attorneys and professionals with experience spanning decades of New York trial and appellate work in state and federal courts.¹

¹ Jeremy Whiteman, a member of the committee, did not review or approve this letter.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 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.

We are writing to you in connection with the important obligation the City Charter imposes on you to nominate members for appointment to the New York City Board of Correction (the “Board”) (Section 626a.).² As you know, the Board is an independent body responsible for establishing “minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of the Department of Correction (the “Department”).” Given the continuing, severe crisis in the City’s jails,³ the Board’s responsibility and independence remains vital to protecting the lives of those in the City’s custody.⁴

Your role in identifying and nominating qualified individuals to serve as members of the Board is integral to maintaining the independence of the Board and supporting its oversight responsibilities. Consequently, as a part of good governance, we would hope and expect that there are documented, robust and accessible processes in place to identify qualified individuals who can vigorously oversee the Department’s activities. Moreover, diversity of backgrounds and perspectives is critical to assuring the Board’s effectiveness, as recognized by the City Charter. By dividing nominating and appointing authority for different seats among the City Council, the Mayor, and the courts, the City Charter recognizes that each entity will have a different, and important, voice in promoting the Board’s mission. Oversight is essential to good government and maintaining trust in those who govern. Trust in that oversight is strengthened when there is transparency into what processes are used to conduct outreach and identify the candidates who you nominate to serve on the Board.⁵

We respectfully offer to help and welcome the opportunity to meet with you or a member of your staff to discuss the process of selecting nominees and how greater transparency with respect to those selections might be accomplished.

Respectfully submitted,

Alexis Flyer, Co-Chair
Stephanie Holmes, Co-Chair
Corrections and Community Reentry Committee

² “...Three members shall be appointed by the mayor, three by the council, and three by the mayor on the nomination jointly by the presiding justices of the appellate division of the supreme court for the first and second judicial departments...”

³ See “Status Report by the Nunez Independent Monitor,” *available at* <https://www.nyc.gov/assets/doc/downloads/Nunez/2024-04-18%20--%20Monitor's%20Report.pdf> (All websites last accessed on May 9, 2024) (published April 18, 2024).

⁴ See “First Report and Recommendations on 2024 Deaths in New York City Department of Correction Custody,” *available at* <https://www.nyc.gov/assets/boc/downloads/pdf/News/first-report-and-recommendations-on-doc-2024-deaths-in-custody-final.pdf> (published May 3, 2024).

⁵ See generally, February 28, 2022 letter submitted by several organizations including the New York City Bar Association, which discusses best practices and the need for transparency regarding the selection process for candidates for the New York State Commission on Ethics and Lobbying in Government (COELIG), <https://reinventalbany.org/wp-content/uploads/2022/02/Watchdog-Letter-on-Need-for-Independent-Ethics-Commission-Feb-8-2022.pdf>.

Cc: Philip Banks, Deputy Mayor for Public Safety
Office of the Mayor

Jasmine Georges-Yilla, Executive Director
Board of Correction

Dwayne C. Sampson, Chair
Board of Correction