



NEW YORK STATE  
Unified Court System

OFFICE OF COURT ADMINISTRATION

HON. JOSEPH A. ZAYAS  
CHIEF ADMINISTRATIVE JUDGE

HON. NORMAN ST. GEORGE  
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI  
COUNSEL

MEMORANDUM

To: All Interested Persons

From: David Nocenti

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: September 29, 2025

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The Administrative Board of the Courts is seeking 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. This proposal was developed by UCS's Advisory Committee on Criminal Law and Procedure ("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.

The proposed amendments (the "Proposal") would amend Part 17 of the Rules of the Chief Judge by repealing and replacing Section 17.1, renumbering Section 17.4 as Section 17.6, and adding new Sections 17.4 and 17.5. The changes create a practical program of meaningful and consistent visits by judges to correctional and other detention facilities that would reimagine and modernize this critical interaction between the UCS and incarcerated individuals.

Under the current Rules of the Chief Judge, justices and judges who regularly exercise criminal or family court jurisdiction must undertake a cycle of judicial visits within one year of assuming office, and then complete that same cycle once every four years thereafter. *See* N.Y. R. Chief J. § 17.1(a)(2), (3), (4). The types of facilities that must be visited by these justices and judges is delineated according to the judicial office occupied. *Id.* § 17.1(d). For example, a superior court justice or judge is presently required to visit a facility operated by the New York State Department of Corrections and Community Supervision ("DOCCS") at least once every four years, as well as a local jail where defendants may be detained while awaiting trial.

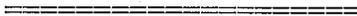
Among other revisions, the Proposal includes the following significant changes:

- **Revised section 17.1(c)** would require that each judge covered by the rule visit at least one prison or jail or other detention facility, as applicable, annually.

- **Revised section 17.1(e)** would lay out the key elements of a meaningful visit, which would include:
  - a tour of the major areas of any facility – including intake, housing areas, work education and recreation areas, dedicated housing (such as honors housing), medical and mental health facilities, special housing units, food preparation and service areas, visiting areas and special housing units; and
  - a meeting with incarcerated persons.
  
- **Revised Section 17.1(i)** would seek to ensure that visits occur at facilities in various parts of the state on a representative basis, and include facilities housing incarcerated women.

If adopted, the new rules would be effective January 1, 2027, to allow adequate time for implementation.

The proposed amendments are attached as Exhibit 1. The CPL Committee believes that the benefits to the Judiciary, to incarcerated individuals, and the entire criminal justice system of adopting these reforms far outweighs 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 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 their rehabilitation and eventual reintegration into society.



Persons wishing to comment on the proposal should e-mail their submissions to [rulecomments@nycourts.gov](mailto:rulecomments@nycourts.gov) or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10<sup>th</sup> Fl., New York, New York, 10004. Comments must be received no later than Friday, November 21, 2025.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

# **EXHIBIT 1**

## Proposed Amendments

*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) 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) 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
  - (b) 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 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:

- (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 or

served 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. 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 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.

(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.

(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.