

**Testimony before the  
New York City Council  
Committee on Criminal Justice  
Chair Sandy Nurse  
Committee on Oversight and Investigations  
Chair Gale Brewer**

**By  
Lynelle Maginley-Liddie, Commissioner  
NYC Department of Correction**

**December 10, 2025**

Good morning, Chair Nurse and Chair Brewer, and members of the Committees on Criminal Justice and Oversight and Investigations. I am Lynelle Maginley-Liddie, Commissioner of the New York City Department of Correction (“Department” or “DOC”). My colleagues and I are here to discuss visitation, a topic critical to the wellbeing, dignity, and successful reintegration of people in the Department’s care.

**Family Visits**

The impacts of incarceration are not just borne by those in custody; their children, their parents, their siblings, and all those who love them serve that time with them as well. And it is those people—those who love them—who will welcome that person home and be most vital in supporting successful community reintegration upon release and reducing recidivism. Keeping those bonds alive while someone is incarcerated matters, and we know firsthand that visits are a cornerstone to maintaining these important connections. This is why the Department has developed and implemented a number of robust, nationally recognized programs to support

these goals, in consultation with non-profit organizations and other City partners. We are committed to continuing to build on these programs, and to improving the visit experience overall.

I'd like to highlight a few important initiatives aimed at improving access to visits and improving the visit experience. The Department has a long-standing partnership with the Children's Museum of Manhattan ("CMOM"), where individuals in custody have the opportunity to visit with their children and families in the museum. We're excited to announce that we've recently expanded this program to the Brooklyn Children's Museum to provide greater access to this wonderful program to children and families from Brooklyn communities. This is a nationally recognized program that embodies the amazing potential that can be realized when leveraging City partnerships and resources. In addition to off-island CMOM visits, we launched CMOM learning hubs at multiple locations, including the Rose M. Singer Center ("RMSC"), the George R. Vierno Center, the Otis Bantum Correctional Center, and more recently the Benjamin Ward Visiting Center also known as the Central Visits building. These hubs offer interactive, child-friendly play and learning spaces that give families a warm, developmentally supportive environment during their time together. These spaces help reduce some of the unease when visiting within a correctional setting and create opportunities for more meaningful interactions between parents and their children.

In addition to these child-friendly initiatives, the Department is proud of its longstanding partnership with the Administration for Children's Services ("ACS") through the Children of Incarcerated Parents Program ("CHIPP"). This is a unique and deeply meaningful offering designed specifically for children in the child welfare system who have a parent incarcerated in

our facilities. CHIPP visits take place on non-visit days, which allows for a quieter and more supportive environment for these children. Holding these visits outside the hustle of regular visit operations ensures that young people who are navigating the child welfare system and other significant challenges are able to connect with their parent in a space that feels calm, supervised, and centered on their emotional needs. Over the years, ACS has also partnered with us during special events—such as father-daughter dances and holiday celebrations—and has generously donated games, activities, and materials to help us create joyful and supportive environments for children visiting their parents. These efforts demonstrate what is possible when City agencies work together, and they reflect our shared commitment to centering children’s needs in this experience.

Our child-friendly work also extends through the Visiting and Family Assistance Program, supported by the Mayor’s Office of Criminal Justice. Through this initiative, organizations such as Hour Children and the Osborne Association provide mothers at RMSC with counseling, parenting curriculum, support during visits, and connections to essential services. Beginning in January 2026, Hour Children will maintain a daily presence at Central Visits to support caregivers and children as they navigate the visit process and to link families to housing resources, benefits, and community-based services. These supports play an important role in strengthening family networks, reducing the stress of visiting a correctional facility, and improving the overall visit experience for both adults and children.

The Department has also expanded its family-engagement work through grant-funded programs. With this funding, we have been able to strengthen parenting and family-connection programming for individuals in our custody and their visitors. This grant allowed us to offer

evidence-based parenting classes, enhanced family-engagement workshops, and structured supports that help parents maintain meaningful relationships with their children during their incarceration. These services not only improve the visit experience but also provide parents with the tools and confidence they need to sustain healthy family bonds upon release. This grant funding has also enabled us to deepen our partnerships with community-based organizations that specialize in family support and reentry, allowing our approach to be both trauma-informed and grounded in best practices. These efforts reinforce what research has consistently shown: that strong, stable family connections are one of the most powerful predictors of successful reentry. We will continue to pursue opportunities that help us strengthen family bonding and improve outcomes for the people who pass through our system.

Together, our partnerships with ACS, MOCJ, and community-based organizations, the expansion of CMOM learning hubs and off-island museum visits, and other child-focused visit enhancements illustrate our deep commitment to making the visit process more welcoming, more supportive, and more responsive to the needs of families. These efforts would not be possible without strong cross-agency collaboration and a shared understanding that maintaining healthy family bonds is essential not only for the well-being of the individuals in our custody, but for the children who depend on them.

In addition, we welcome the Council's support in promoting the free visitor shuttle bus that we offer to all New Yorkers who wish to visit a loved one in our facilities. Since 2018, the Department has offered two free visit buses that run from Harlem – 125<sup>th</sup> Street and Downtown Brooklyn directly to Rikers to help reduce transportation barriers for families. Additional information regarding the bus schedules can be found on our website and our staff have already

shared it with the Council to disseminate to their networks. We know that visits have an immediate impact on people's rehabilitation and behavior while in custody, and whatever we can do to maintain that support is beneficial.

### **The Visit Process**

The family visit process itself begins at the Benjamin Ward Visit Center, sometimes referred to as Central Visits. I should clarify here that DOC recognizes that family has an expansive meaning, and visitors do not have to be related to someone in order to visit. Prior to entering the Visit Center, visitors secure their personal belongings in lockers, including bags, electronic devices, and any food and drinks that they may have on their person, as these items are not permitted within the facilities. Following this, visitors undergo security screening and then register to visit with their loved one. DOC staff are stationed throughout this process to provide information, answer questions, and generally help guide visitors. There is a child-friendly visit space with CMOM installations in the Central Visits waiting area, as well as a Visit Facilitator, to support child visitors. Following registration, families board a Departmental bus to the visit area of the facility where their loved one is housed. Upon arrival, visitors complete a brief secondary screening and then wait in the facility visit waiting area for their loved one to be available. Visits can be delayed if there are incidents in the facility that prevent movement, or if the person in custody chooses to finish a program or appointment, or engage in other activities to prepare for the visit before being escorted into the visit area. Once the person in custody has been escorted to the visit floor, the visitor meets them, and the visit begins. In facilities where there are child-friendly visit spaces, families and people in custody can utilize the space to play and engage with their child. After the visit has been completed, visitors board a Departmental bus and return to

Central Visits, and then leave the island via a city bus or a DOC visitor bus. Though the visit itself lasts an hour, the entire process from arrival to departure can take a long time due to transportation, screening, and other operational factors. Throughout the experience, staff work to keep visitors informed, provide support when needed, and make the process as smooth and respectful as possible. The staff who work here understand that connections to loved ones is priceless, and something to be cherished. They want to support visitation because it's the right and humane thing to do, and because when people are connected to their families, and to their futures, our jails are safer for everyone.

We of course recognize that the visit process has its challenges and can be daunting for visitors and is in need of improvement—improvements we are working diligently to make. In addition to the expansion of child and family-focused programming, DOC has made substantial investments to visit infrastructure over the years, most of it self-funded due to the inability to access capital funds. For the first time in decades, the Department is making meaningful investments in the visit process and operation. DOC is closely analyzing procedures, data, and policies, that have contributed to a complex and difficult operation for staff and visitors alike over the years. This work is underway, but it must be thoughtful and intentional; anything short of that will not result in real or sustainable improvements. As part of this revamp, we have established a new Executive Director role that will serve as a point of contact for all things visits, under the direction of an Associate Commissioner. In collaboration with various stakeholders throughout the Department, the new Executive Director will engage in the analysis and long-term planning work that is needed to address some of these issues we are seeing today, and ensure those solutions are effective and sustainable. As Council is aware, DOC is also in the process of

developing an online visit scheduling platform. This technology will completely change how the Department manages visits, and how visitors experience visits. We're very excited to roll this out in the coming years.

Critical to our goal of improving both the visit process and experience is our uniformed staff—public servants, many of whom are parents themselves, who see the work of ensuring people in our care can be connected to their loved ones as essential to serving the public. They have been active participants in our work to improve visits today, especially when it comes to the child friendly visiting spaces. They make suggestions on how we can do things better, not as officers but as parents.

Staff who frequently engage with visitors are required to participate in a robust annual training that covers topics such as customer service, techniques for working with children, DOC visit and search policies, and more. DOC staff who manage the visit process are encountering people on an what is often an emotional day. Visitors are coming to visit important people in their lives while they are in jail, which means everyone involved in the process is going through a very difficult time. Our staff take great pride in engaging visitors with care, empathy, and respect during this process.

### **Attorney Visits**

Ensuring that individuals can access their legal counsel is no less important. Legal visits are critical to ensuring that individuals in custody are able to participate fully in their defense and resolve their case expeditiously. Attorney visits are afforded every day between 8 a.m. and 8 p.m. and are not time limited. Attorneys begin by checking in at the Samuel L. Perry Center, where DOC staff verify their credentials and issue a pass. From there, they are transported by

Departmental bus to the facility where their client is housed. Attorneys go through the same front gate screening procedures as any other individual entering a DOC facility. Individuals in custody are escorted to the attorney visit booth, which is located near the front gate of each facility. These visits are confidential and, unlike family visits, often last several hours. Attorneys are now permitted to bring laptops and other materials needed to review evidence or discuss case strategy. Similar to family visits, transportation, screening, and other operational factors can delay the start of an attorney visit, and individuals in custody can decline the visit.

The Department has worked with defender organizations over the years to address issues that they have raised regarding access and visits, and continues to make improvements to the attorney visit experience. In 2024, we updated policy to more easily allow attorneys to bring laptops into facilities for legal visits. We are in the process of upgrading our video-visit systems platform for professional visits, which will provide more reliable remote communication options for video conferencing. Additionally, the Department is modernizing the way in which people in custody can access and review discovery materials through the procurement of innovative technology that will be available on the tablets in the coming year. These technology initiatives should help reduce the burden of attorney visits and facilitate better and speedier case processing.

We are also actively reviewing the concerns raised by defender organizations about visit wait times and facility-specific delays. These issues often stem from dated procedures, the physical constraints of older buildings, or the operational demands of safely moving people throughout the complex, but we remain committed to addressing them. We continue to expand



confidential spaces, reinforce escort procedures, and improve internal communication so that attorneys can meet with their clients in a timely and consistent manner.

## **Conclusion**

Visits of all kinds create immediate, positive impacts on the well-being of people in custody and are closely connected to improved behavior, stronger family bonds, speedier case processing, and better outcomes upon release. We remain committed to finding every opportunity to expand access, strengthen programming, implement creative technology solutions, and create safe and supportive environments where families can remain connected. Thank you for the opportunity to share about the Department's work in these areas.



## TESTIMONY OF:

**Michael Klinger, Jail Services Attorney**

**BROOKLYN DEFENDER SERVICES**

**Presented before**

**The New York City Council**

**Committees on Criminal Justice and Oversight & Investigation**

**Oversight Hearing on Visiting Rikers Island**

**December 10, 2025**

My name is Michael Klinger, and I am a Senior Jail Services Attorney at Brooklyn Defender Services. BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. We want to thank the Committees on Criminal Justice and Oversight and Investigation, Chairs Nurse and Brewer, for inviting us to testify today about the process of visiting a person in custody on Rikers Island.

For nearly 30 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. After 29 years of serving Brooklyn, we recently expanded our criminal defense services to Queens. We represent close to 40,000 people each year who are accused of a crime, facing the removal of their children, or deportation. Our staff consists of attorneys, social workers, investigators, paralegals and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

### **Background**

As advocates for people held in the custody of the Department of Correction (“the Department”), we recognize that maintaining personal connections with social and family networks and support systems is critical to improving outcomes both during confinement and upon reentry.<sup>1</sup> Visits with friends and family members play an instrumental role in an incarcerated person’s ability to

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<sup>1</sup> See generally, Leah Wang, Prison Pol’y Initiative, Research Roundup: The Positive Impacts of Family Contact for Incarcerated People and their Families, (2021), [https://www.prisonpolicy.org/blog/2021/12/21/family\\_contact/](https://www.prisonpolicy.org/blog/2021/12/21/family_contact/) (finding, among other things, that in-person visitation reduces recidivism and improves health and behavior while incarcerated).

maintain these connections and should therefore be encouraged and facilitated by the Department<sup>2</sup>. There is no dispute as to this position; it is essentially identical to the statement of purpose included in the Department’s own Directive governing “Visit Procedures for Incarcerated Individuals.”<sup>3</sup>

Yet we are aware of the many ways in which the Department’s practices undermine its policy objectives as contained in the Visit Procedures Directive. Through our testimony we seek to highlight the experiences of the people we represent and those of their families and loved ones. We additionally aim to inform the Council of a very promising project that the Department previously supported, and that we believe can once again provide a path toward improved outcomes for people in custody, their families, and their communities. We await the Department’s responses to our recommendations and those of the Council.

## **The Current Status of Family Visits<sup>4</sup>**

We thank Committee staff and the staff of the Council’s Oversight and Investigations Division (OID) for their careful work to describe both the policy and practice for family members and loved ones visiting someone in Department custody on Rikers Island. While the OID report illuminates so many of the ways in which improvements both large and small will have meaningful impacts on the people in the Department’s custody and their families, we seek to add a few details from the perspective of the people we represent.

### In-Person Visits on Rikers Island

We are aware that family members and loved ones who plan to visit someone on Rikers Island most often expect to dedicate an entire day to the process.<sup>5</sup> While the visit itself will in most instances be limited to one hour’s duration, the process to register and clear security, to be

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<sup>2</sup> *Id.*

<sup>3</sup> N.Y.C. Dep’t of Corr., Visit Procedures for Incarcerated Individuals, Directive 2007R-E (Mar. 1, 2021), [https://www.nyc.gov/assets/doc/downloads/directives/Directive\\_2007R\\_E-Visit\\_Procedures.pdf](https://www.nyc.gov/assets/doc/downloads/directives/Directive_2007R_E-Visit_Procedures.pdf), [hereinafter Visit Procedures Directive] (“The purpose of this Directive is to outline New York City Department of Correction [] policy, guidelines, and procedures for incarcerated individual [sic] visits. Maintaining personal connections with social and family networks and support systems is critical to improving outcomes both during confinement and upon reentry. Visitation with friends and family plays an instrumental role in an incarcerated individual’s ability to maintain these connections and should therefore be encouraged and facilitated by the Department.”). Moreover, the Directive restates the binding language of the New York City Board of Correction’s Minimum Standard Section 1-09. See N.Y.C. Rules, tit.40, §1-09(a).

<sup>4</sup> While today’s hearing also examines the related but distinct process for counsel visits with people in custody, BDS -- along with other public defense organizations -- prepared a memo for the Board of Correction earlier this year covering that topic. We attach that memo for the Council’s reference as an Appendix to this document.

<sup>5</sup> This expectation is confirmed in today’s report from the Council’s Oversight and Investigations Division (*Still Waiting: An Investigation into the Visiting Process at Rikers Island*, December 2025, at 9 [hereinafter, “*Still Waiting*”]).

transported to the correct facility on the island, and then to clear any facility security before proceeding to the actual visit space takes anywhere from four to six hours. It often takes as much as an additional hour or two to leave the facility and finally the island after the visit is concluded.

### *Limitations and denials on visitors*

In or around October 2023, the spouse of a person we represent made three attempts to visit her husband at Rikers Island, and despite waiting between four and six hours each time, was ultimately not permitted to see him any of those three times.<sup>6</sup> In each instance, Department staff did not explain its reasons for denying the visit, and she was not given any notification in writing to indicate the basis for the denial. On the third attempted visit, after once again waiting multiple hours before being informed that her visit would not take place, she described becoming frustrated and expressing her frustration to the Department staff in the waiting area. It was at that point that staff informed her that she was being placed on a 45-day visit ban. She was given no explanation or documentation.<sup>7</sup>

In a separate incident earlier this year the partner of one of the people we represent was informed by an officer—without explanation or documentation—that she was “banned” from visits for more than a month. Without documentation or any basis to appeal, she discovered on a subsequent visit that the officer was either “bluffing” or that the ban had never been made official, and she was able to continue conducting visits.

These two stories, separated from one another by approximately a year, suggest that at least some of the time, Department staff fail to follow policies and procedures with respect to visits for incarcerated individuals as provided in the Visit Procedures Directive. At the very least, these failures suggest that additional training on visiting policies and procedures is warranted, as well as competent supervision and consistent accountability for all staff. But more than that, we believe that the situations described above reflect an urgent need for cultural change in the Department. We address this further below.

### *Limitations and denials on people in custody*

In the spring of 2024, another person we represented—a father with a wife and young children—was preparing to resolve his criminal case and to be transferred to a state prison to serve a multi-year sentence. He was eager to see his wife and children as much as possible before being transferred farther from his family. He was concerned because he had been informed by staff that

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<sup>6</sup> She described as “frustrating” her interactions with staff, including when, after waiting more than four hours, she inquired as to whether there was a problem, and was told by a Captain, “He’ll be here when he gets here.” When she asked again later, the Captain seemed to ignore her and spoke, instead, to another officer, saying “She don’t want a visit today, she can get back on the bus.” (Quote relayed from memory to BDS staff.)

<sup>7</sup> In particular, she was not provided with Departmental Form 143R, “Notice to Incarcerated Individual/Visitor of Cancellation/Limitation/Denial of Visiting Access,” which would have contained any reason(s) for the denial or limitation, and information about the process by which she could appeal the Department’s determination.

he would be limited to non-contact, or “booth” visits for a period of 180 days. In this instance, the person we represented was never given any ticket or notice of infraction, and it was only upon his production to a visit with his wife that he was provided with a written notice of his limitation to booth visits.<sup>8</sup> His wife, who had been waiting more than four hours expecting to see him in the main visit space, to which they were accustomed, also was not informed of their limitation to non-contact visits until she was brought to the visit booth.

In May 2024, he challenged this limitation to booth visits. He filed an Article 78 Petition and prevailed. The court issued an order restoring his contact visit status in late May. In late June, nearly a month after the court’s order issued, his wife attempted to visit him and brought a copy of the order with her in the hopes that it would clear up any confusion about whether her husband was still limited to booth visits. It did not.

Instead, Department staff refused to accept the order and required her to place the copy of the order in a locker (rather than accept it from her and read it themselves, as she had intended). They told her she would have a no-contact visit or no visit at all, in violation of the court order. Ultimately, she was not permitted to have a visit with her husband that day.

The attorneys representing our client in the Article 78 returned to court to seek information about why the Department appeared unable or unwilling to implement the court’s order, and the Department assured the court that it had, at least as of early August, lifted any limitation to booth visits. We were not able to confirm this, possibly because our client’s family stopped attempting to visit him in person.

### *Families Eventually Stop Trying to Visit*

The Department is officially committed to a policy that encourages and facilitates visits between people in custody and their loved ones.<sup>9</sup> This policy is undermined directly by the Department’s own failures, as discussed above. But it is also undermined secondarily when families and loved ones make the reasonable determination that it is not worth their time, money, or emotional investment to subject themselves to the arbitrariness, unpredictability, and hostility that so often inheres in the Department’s routine execution of its obligations in providing visits to people in its custody.<sup>10</sup>

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<sup>8</sup> See Visit Procedures Directive at 6 7 (“An incarcerated individual’s right to contact visits may be denied, revoked, or limited only when it is determined that such visits constitute a serious threat to the safety or security of a facility. ... Prior to any determination, the incarcerated individual shall be provided with written notification of the specific charges, the names of the charging parties, and their statements. This determination shall be made via Form 143R.”).

<sup>9</sup> See Note 3, *supra*, and accompanying text.

<sup>10</sup> As cited in today’s report (“*Still Waiting*” at 1), this trend is observable in data produced by the Department. See Compare N.Y.C. Dep’t of Corr., Visitation Q. Rep., Q1 of Fiscal Year 2025 (showing 19,612 total visitors to Rikers over the three months), [https://www.nyc.gov/assets/doc/downloads/pdf/Visitation\\_Report\\_FY25\\_Q1.pdf](https://www.nyc.gov/assets/doc/downloads/pdf/Visitation_Report_FY25_Q1.pdf), with Visitation Q. Rep., Q2 of Fiscal Year 2020 (showing a drop from 27,489 quarterly visitors to 19,612) <https://www.nyc.gov/assets/doc/downloads/security-indicators/LL90%20FY20%20Q1.pdf>.

As discussed above, the wife whose husband was held subject to a no-contact-visit limitation in violation of a court order may have given up on the hope of visiting her husband in person.

An elderly relative of a person we represent recently decided never to visit their loved one after being exposed to chemical agent spray during a visit, which itself raises concerns of a possible violation of a separate Departmental policy.<sup>11</sup>

A young mother, frustrated by the process of requesting video visit times with the incarcerated father of their 6-year-old child, brought their child to Rikers Island for an in-person visit once. She determined, after that, never to bring the child again.

The pattern is unmistakable: far from encouraging and facilitating visits, the Department's failures are actively discouraging them. The implications for the city are frustrating, because without visits, people are less likely to retain the strong connections that help them to successfully transition back to the community and stay there. The implications for the jails are counterproductive, because they likely impact the social and emotional wellness of people in custody, exacerbate mental illness, and lead to increases in tensions in the facilities. And the implications for families and loved ones are tragic, as family bonds are needlessly and avoidably strained and broken.

## Televisits with people in custody

Many if not most of the people we represent and their families rely on the Department's "televisit" system, which provides a mechanism whereby families can request an appointment for a video visit with their loved one. This system allows people to meet using video visit technology, and especially for family members who may be geographically distant, it is a valuable way to stay in contact, but it is also a source of tremendous frustration.

## *Scheduling is very difficult*

To begin with, video visits are available only on Fridays, and only between the hours of 8am and 1:30pm. The process for requesting a time slot during that narrow window is fraught: family members must navigate the Department's website to find instructions under the "Family Visit" tab on the "Person in Custody" section of the website. Then there are the rules. "To make sure equal access is afforded to everyone, you are only able to fill out a request for the upcoming week. Requests for dates beyond the following week will not be fulfilled."<sup>12</sup> Once a request is submitted, users are advised that web forms "will not be processed on Mondays and Tuesdays

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<sup>11</sup> Directive 4510R-E ("Chemical Agents") directs the use of chemical agents by Department staff. It holds that the "[r]andom and arbitrary use of chemical agents is strictly forbidden," and further states: "Chemical agents can be extremely dangerous to persons (staff and inmates) known to have heart or respiratory ailments. Every effort shall be made to safeguard these individuals from being exposed to chemical agents."

<sup>12</sup> The Department may not enforce this provision; a search for available times on November 18 revealed that times were available on November 28 (the upcoming week) and December 5 (the following week). It appeared possible to request the December 5 date, notwithstanding this rule.

and no confirmation emails will be sent out on those days,” but also that “a visit is not confirmed until you receive a confirmation email with an assigned date and time and a link,” and that if you do not receive a confirmation “within 24 hours of the last requested visit date,” your requests have been denied and you should submit another request form with new dates and times.

The current system generally requires families to wait until the eve of the last requested date to learn whether or not they have been scheduled, and to accept no response at all as indicative of their having been denied a time slot. However, in some instances, family members have informed us that they did receive an email from the Department, although in these instances it is to advise them that their application was not going to be processed at all, and that they should submit a new application and request different dates.<sup>13</sup>

### *Visits are plagued by problems with production and technology*

Even if a family does receive a confirmation email with a date and time and a link to the visit, the Department says “there are many different reasons why a visit may be cancelled or delayed,” including that the “individual in custody refus[es] the visit, the individual in custody [is] participating in treatment or programming at the time of the visit, medical reasons that make the individual unable to attend the visit[,], and technological issues on both the Department’s and the visitor’s devices.”

Families we have spoken with have expressed frustration with the reservation system, many to the point of giving up on it entirely. But when families do receive a visit time, there are additional frustrations. When the time and date arrive, families who log in are occasionally faced with an empty booth. There is no easy way for the family to contact the facility to confirm whether or not their loved one is on their way, or has refused, or is otherwise occupied.

On at least one occasion, we are aware that the person in custody was placed in the incorrect booth, while the family called into the assigned booth. The person in custody tried, without success, to get the attention of any staff in the area to alert them that he was not able to see his family. The family, on screen in a nearby booth, had no way to contact the Department for the full duration of their scheduled visit. They were able to speak by telephone with their family member later that day and pieced together the situation – a wasted televisit that took weeks to secure and that both parties were eagerly anticipating.

Relatedly, televisits are plagued by technological failures. When there is a problem with the audio or video on the Department’s side, there is often no way to address it during the call because family members do not have a reliable way of contacting the staff in the visit area.<sup>14</sup>

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<sup>13</sup> The message one family shared with us stated: “Due to high volumes [sic] your application was not processed. Please resubmit application and select new visit dates. <DO NOT REPLY TO THIS EMAIL>”

<sup>14</sup> When a visit is organized through the Administration for Children's Services' (ACS) Children of Incarcerated Parents Program (CHIPP) -- which we understand generally and appropriately gets priority treatment during the reservation process -- the Department does not currently devote any additional resources to facilitate these vital family visits. When technological issues arise in the context of these calls, the Department should ensure they are



## **Re-Establishing the Collaborative Working Group on Visits to Rikers Island to Improve the Visit Experience**

As our colleagues with the Osborne Center for Justice Across Generations testified at today's hearing, a collaborative working group focused on addressing problems with family visits on Rikers Island operated to great effect between 2016 and 2020, before being derailed by the pandemic. The group, which included uniform and non-uniform Department personnel as well as representatives from various advocacy groups and defense organizations, met regularly and through its work, established several meaningful improvements for families and loved ones who sought visits on Rikers Island.<sup>15</sup>

In 2019, the group successfully produced a series of training sessions for all Department staff assigned to visit posts. Over the course of each day-long training, facilitators sought the advice of participating officers, whose experiences offered a wealth of information and knowledge about the process's strengths and, critically, its weaknesses. observed a change in the attitude of the participating officers: by the end of each day, officers whose demeanor was skeptical or disengaged in the morning were often energized and enthusiastic. Participants viewed the daylong trainings as a meaningful first step. Unfortunately, perhaps owing to the pandemic and changes in Department leadership, there was no follow-through.

The Department's long-promised hiring of a full-time non-uniformed staffer to coordinate all issues around visits appears to present an ideal opportunity to recommit the Department to the processes of meaningful reform through the reinstantiation of this collaborative working group, specifically to address concerns around family visits. One key piece of this working group's efforts should be another round of off-site trainings for all visit staff, in addition to any annual trainings the Department already provides. The Department, in partnership with participants in the working group, should plan a robust program to include meaningful follow-up after the trainings, and a way to capitalize on the kind of engagement that staff demonstrated after the 2019 trainings.

The Council's role here is critical. To the extent the working group will meet regularly, it should be commissioned by the Council to produce an annual report on its efforts. The Council should also draft and pass reporting requirements to give the Department the full opportunity to demonstrate its measurable successes in decreasing wait times, increasing visitation for families with children, increasing visits to people in the women's facilities, decreasing the number of

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addressed immediately so that the calls can proceed. This is critical because of the particular challenges in making arrangements for children in the foster system, and the vital importance of these visits for children separated not only from their parent, but their entire communities.

<sup>15</sup> According to Tanya Krupat, vice president of policy and advocacy at Osborne Center for Justice Across Generations, in comments made during today's hearing, some of the successes of this group include the establishment of a greeters/facilitators at the Central Visits building and the free shuttle service to Rikers Island from two points in New York City.

people turned away from visits for any reason, decreasing instances of alleged refusals to attend visits by people in custody, successful production of any such refusals on video recording, and any other metrics that the Council may deem appropriate.

## Recommendations

We support each of the recommendations suggested by the Council in this week's report, "Still Waiting"<sup>16</sup>. In light of the Department's announcement of the imminent appointment of an executive director for visits to the jails, and its assertion that this incoming person's office will be responsible for operationalizing a wide range of improvements, we urge the Council to consider taking two steps to confirm the Department's commitment to its recommendations.

First, we urge the Council to plan a hearing early in the next legislative session for updates on the work of the incoming executive director for visits. We additionally ask that the Council include the Administration for Children's Services in any such hearing specifically to address any concerns around coordination with CHIPP visits.

Second, we urge the Council to prioritize legislative services requests and any existing introductions proposing reasonable reporting requirements based on the Council's specific recommendations. For example, the Council's recommendations to "accelerate improvements to visiting"<sup>17</sup>, "improve visitor communication," and "stop turning visitors away," are each appropriate for reporting on any implementation steps taken and any completion of those implementations.

In addition to the Council's own recommendations, we offer the following:

1. Council Support Establishment of Collaborative Working Group on Visits with People in Custody
  - a) Designate Council Staff to Represent Council Interests
  - b) Legislatively Require Periodic Reporting
  - c) Include updates from this working group as an agenda item in future hearings of the Criminal Justice Committee or any other relevant committee
2. Council Support Efforts to Effectuate Cultural Change Among Department Staff and Visitors

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<sup>16</sup> See Note 5, *supra*, "Still Waiting," at 15-17.

<sup>17</sup> This recommendation asks for the Department to "accelerate its analysis of visiting, publish its findings, and immediately take steps to improve the process. Additionally, it should implement an online scheduling system as soon as possible." In implementing these recommendations, the Department should create a published report of its findings and should be required to create a periodic report on any implementation steps and, with respect to any online scheduling system, the numbers of visits scheduled, number of scheduled visits successfully completed, number of visits that could not be completed and any rationale for that failure, as well as any other data that the Council deems to be relevant.



- a) Efforts to include full-day off-site trainings for visit staff every two years, to be led by expert facilitators with a specific goal of addressing a need for empathy and understanding toward visiting family members
- b) Require periodic reporting from Department in collaboration with working group to confirm attendance rates at any trainings, number of staff trained in most period since most recent reporting period, percentage of staff trained in period since prior reporting period

### **Conclusion**

BDS is grateful to New York City Council's Committees on Oversight and Investigations and Criminal Justice, to Chairs Brewer and Nurse, their staffs, the Committees' staffs, and the staff of the Council's Oversight and Investigations Division for the thoughtful attention they have devoted to questions around visits with people held in the Department's custody. We look forward to working with the Council and Administration to continue this vital work. If you have any additional questions, please contact Michael Klinger at [mklinger@bds.org](mailto:mklinger@bds.org).

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# About this document

On June 12, 2025, representatives from several New York City public defense organizations met with Board of Correction Member Hon. Barry A. Cozier (Ret.) and Board of Correction staff members including Executive Director Jasmine Georges-Yilla, Deputy Executive Director and General Counsel Melissa Cintron Hernandez, and Assistant Executive Director of Intergovernmental Affairs and Communications Jemarley McFarlane. The purpose of the call was to share observations and concerns around access to counsel for people held in the custody of the Department of Correction on Rikers Island.

Following the call, and in light of Judge Cozier's role as chair of a Board committee examining the Board's Minimum Standards, Board of Correction staff asked the defenders who participated in the call to submit a written product detailing the concerns raised on the June 12 call for review by that committee. This document was prepared jointly by representatives from Brooklyn Defenders, New York County Defender Services, Bronx Defenders, and The Legal Aid Society.

## I. Defense Team Visit Process

### A. Perry Building

Visitors<sup>1</sup> take the Q100 to Rikers Island and check in at the Perry Building<sup>2</sup>, where they present their ID and fill out a yellow card with their name and the name, B&C number, and facility of the person they're visiting. DOC staff add the visitor's information to a paper logbook, issue a visit tag, stamp the yellow card with the date and time, and apply a clear ink stamp to the visitor's left hand.

DOC staff manning the Perry Building may, at their discretion, call the facility to relay the information and initiate the escort process. Even when they do so it is rare for facility staff to have begun the escort by the time the visitor arrives.

### B. Shuttles to Facilities

Visitors pass through the Perry Building and proceed to the shuttle bays, where signs indicate which facilities are served by each of the various bus routes. These signs are not reliable

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<sup>1</sup> For purposes of this document, and unless specifically indicated otherwise, "visitors" refers to members of a defense team making a legal visit to DOC facilities. The process for non-legal visits such as by family and friends is different and not covered herein.

<sup>2</sup> Visitors who seek to drive onto the island to park in the East/West lots must check in prior to crossing the bridge, where they provide identification, license, registration and proof of insurance, and indicate at least one facility they intend to visit. They are issued a dashboard placard and then proceed across the bridge by car, before entering through the Perry Building.

because routes change in small ways from one day to the next. Visitors must confirm with the driver every time.

### **C. Arrival at Facilities**

At the facility, visitors exchange their ID and visit tag for a facility tag, then proceed to Special Operations Division (“SOD”) screening, where they receive one visit form per person they plan to visit. If visiting additional people, they may be given blue cards—though DOC staff differ on when these are required. Some DOC staff say blue cards are only needed for visits to other facilities; others that one is needed per additional person, even within the same facility. Some claim blue cards must be picked up at the Perry Building, while DOC staff manning the Perry Building say they’re issued only at the facilities. Facilities often lack a consistent supply.

In general, DOC staff at the entrance of the facilities are unfamiliar with Departmental processes around counsel visits. Our offices frequently encounter DOC staff confusion as to the basic logistics of legal visits.

### **D. Visiting with People in Facilities**

The Board of Correction Minimum Standards require that people in custody be informed of a prospective visitor’s identity.<sup>3</sup> Visitors must provide ID and any organizational affiliation at multiple points (e.g., at the main gate if driving, the Perry Building, the facility entrance, and the counsel visit area). Despite this, people in custody are generally not told who is requesting the visit. When they ask the DOC escort staff who is visiting them, they’re frequently told the escort doesn’t know and are offered the option to refuse the visit—something some choose to do. These refusals might be avoided if the Department consistently shared the visitor’s identity.

## **II. Chilling Access to Counsel**

Taken together, the various concerns detailed here often impede the access of defense teams making in-person visits to the people they represent, including the number of clients seen per visit, compared to if the process were consistent, professional, and efficient.

### **A. Confidentiality of legal visiting areas**

- EMTC: The legal visit area has two booths separated from the CO station by plexiglass that doesn’t reach the ceiling, allowing conversations to be easily overheard.
- GRVC, RMSC: The Correctional Officer station is directly outside the booths, and officers can hear the visitor’s side of the conversation.
- West Facility: Booths require phone handsets for communication, but not every booth has handsets in place. In addition, the handset format thwarts communication where

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<sup>3</sup> “Prior to a visit, a person in custody shall be informed of the identity of the prospective visitor.” See Board of Correction Minimum Standards § 1-09(e)(1)(i).

more than one individual is present for the counsel visit. For example, our offices routinely bring several members of the legal team (e.g., social workers, investigators, co-counsel) to meet with clients, so that meetings can be collaborative and efficient. The handset structure inhibits conversation among all parties.

## **B. Phone call limits are sometimes applied to defense team phone numbers**

- RESH 1 now limits people to one 6-minute call per day, though this does not consistently apply to those with tablets.<sup>4</sup> DOC Legal states the limit should not affect calls to 311, CHS triage, or defense teams. However, we are aware of multiple instances where calls to confirmed “Private” legal numbers, registered in the “Do No Record” database, have been blocked.
- The limitation to one call per day has also been instituted in certain GP housing units (e.g., OBCC 3W). In addition to impacting access to counsel in some cases, we believe this to be inconsistent with Department policies and its Handbook.<sup>5</sup>

## **C. Improper recording of legal calls**

- Phone conversations between incarcerated defendants and their legal teams are privileged and entitled to complete confidentiality. However, [the Department and its subcontractors have failed to ensure such privacy](#). In fact, in recent years, our offices discovered that DOC, through its communications vendor Securus, routinely illegally recorded attorney-client phone calls. The Department then disclosed these confidential attorney-client recordings to the District Attorneys’ offices, violating these individuals’ constitutional rights. This breach has led to a chilling effect in attorney-client communications for individuals incarcerated at Rikers Island.<sup>6</sup>

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<sup>4</sup> Access to tablets is not covered by the Minimum Standards. On March 7, 2025, the Department testified before the City Council’s Committee on Criminal Justice: “At this time, 86% of our population have access to a tablet or *have had a tablet ... assigned*.” (See [https://citymeetings.nyc/meetings/new-york-city-council/2025-01-30-1000-am-committee-on-criminal-justice/chapter/council-member-asks-about-tablet-assignment-statistics-in-doc-facilities/?utm\\_source=chatgpt.com](https://citymeetings.nyc/meetings/new-york-city-council/2025-01-30-1000-am-committee-on-criminal-justice/chapter/council-member-asks-about-tablet-assignment-statistics-in-doc-facilities/?utm_source=chatgpt.com)) (emphasis added). At the Board of Correction June 10, 2025, meeting the Department stated that there were not enough tablets “for every single person in custody.” (See [video](#) at 2:37:03). People who do not have access to a tablet must rely on access to wall phones for legal calls, calls to family, calls to 311, and calls to the CHS Health Triage Line.

<sup>5</sup> The Department of Correction’s “Handbook for Incarcerated Individuals,” as revised in June 2024, states: “All incarcerated individuals shall be permitted at the Department’s expense, a total of 21 minutes of calling time, every three hours during lock-out periods while in custody. Once you have exhausted all 21 minutes of calling time, the three-hour clock shall commence temporarily prohibiting telephone usage. All calls to 311 receive a six (6) minute calling time.” See “Handbook for Incarcerated Individuals,” at 46. Available at [https://www.google.com/url?q=https://www.nyc.gov/assets/doc/downloads/pdf/Handbook\\_Incarcerated\\_Individuals\\_English\\_V2\\_2024.pdf&sa=D&source=docs&ust=1754921353584746&usq=AOvVaw3LEP4G1jwEKhUE9U6Enscl](https://www.google.com/url?q=https://www.nyc.gov/assets/doc/downloads/pdf/Handbook_Incarcerated_Individuals_English_V2_2024.pdf&sa=D&source=docs&ust=1754921353584746&usq=AOvVaw3LEP4G1jwEKhUE9U6Enscl).

<sup>6</sup> All non-legal calls to or from people in custody in the jails are currently recorded. Those recordings, their transcriptions, any macrodata about the outside phone number, and “voiceprint” data on both the incarcerated person and the person they speak with in the community is stored by the Department’s phone services vendor, Securus. When legal calls are erroneously recorded, we understand those recordings are stored in the same way as all non-legal calls. The issue of non-legal-call privacy, as well as the storage and sale of private data generated through those recordings, is the subject of pending legislation at the City Council. See Intro 0963-2024 (Brewer), “Privacy of communications of individuals in the custody of the department of correction.” Available at



## **D. Limited access to “Do Not Record” List**

- The Department recently revised its policy for defense teams to request to have phone numbers added to a “Do Not Record” (“DNR”) list. The policy explicitly applies only to attorneys. See [Prevent Recording Calls](#).

Defender organizations rely on non-attorney staff in communications with clients. The Department previously made a practice of adding such staff -- including investigators, social workers, paralegals, and others -- to the DNR list. We are concerned that any policy limiting access to the DNR list for non-attorney staff will have a throttling effect on access to counsel for people in custody.

# **III. Administrative and Physical Plant Burdens Impacting Defense Team Visits**

## **A. In Person**

### **1. Scheduling in-person visits**

In advance scheduling of in-person visits is not a practice maintained by the Department despite it being listed on the DOC website.<sup>7</sup> Functionally, scheduling is available only for Video Teleconferencing (VTC) appointments.<sup>8</sup>

### **2. Communication between Perry Building and Rikers Island Jail Facilities**

Some of the Perry Building officers will occasionally call ahead to the facility being visited to begin the processing of a counsel visit. This would be helpful if done consistently.

### **3. Coordination of escorts for clients in the jails**

DOC escorts often do not provide the name or affiliation of the person requesting a visit to the person in custody. Instead, they may inaccurately tell the person in custody they have “court” or a VTC, when it’s actually an in-person legal visit from their defense team. Even if an escort says the visitor is the person’s “lawyer,” it may cause unnecessary confusion, because the visitor often is not their defense attorney, but rather a social worker or other member of the defense

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<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6730684&GUID=F898BF69-582D-4E51-830A-1B567F553236&Options=&Search=>.

<sup>7</sup> The Department of Correction website includes a “Schedule an Attorney Visit” page with instructions for scheduling a visit. Available at <https://www.nyc.gov/site/doc/inmate-info/schedule-attorney-visit.page>.

<sup>8</sup> Video Teleconferencing discussed below at III.B.

team, as is often the case. This confusion could be avoided if escorts followed Minimum Standard § 1-09(e)(1)(i) (see note 3 above).

In addition, our offices routinely observe understaffing among escorts, which can result in significant delays in starting the legal visits.

#### **4. High temperatures in visit booths**

In the warmer months, legal visits are often disrupted by extreme heat in the legal visit booths, both for in-person visit areas and the VTC booths.

- On July 16, 2025, a BDS attorney visiting a person in custody at NIC had to end an in-person legal visit at NIC after one hour because of the extremely high temperatures in the visitors' side of the booth. (The PIC side was also warm, but evidently less hot.)
- On July 14, 2025, a person in custody at RNDC cut short a VTC with his defense team because the temperature in RNDC Booth 1 was insufferably hot.
- In RNDC, defense teams report that clients frequently end their VTC early because of the unbearable heat in the booths. Some clients even opt to keep the door open, despite this hindering confidentiality, just to provide some ventilation to the booth.

#### **5. RESH Visit Procedures**

In 2023, DOC relocated Enhanced Supervision Housing (ESH) from GRVC to RMSC, creating the “RESH” unit. Initially, legal visitors navigated through the corridors of the RMSC facility to reach the RESH visit area. Later, the process changed: visitors checked in at RMSC, DOC staff then called a special transit officer to drive them to a rear RESH entrance, visitors entered the family visit trailer, and were then placed in a windowless intake cell—sometimes for hours—while staff escorted the person in custody to a booth.

Because visitors were locked in this windowless room without phones or any way to contact staff, the practice became the subject of litigation.<sup>9</sup> A resulting court order—currently under appeal—required DOC to allow counsel visitors to wait in the family visit trailer and prohibited placing them in the holding cell.

As recently as July 2nd, a counsel visitor was held in the windowless holding cell for 40 minutes, despite repeatedly knocking on all four locked doors in the room. Only after knocking on a glass window, which was covered with newspaper, did a corrections officer open the door. When the counsel visitor asked to be let out, the three officers standing behind the door declined, locking the visitor in once again. During the same visit, officers also attempted to lock a person in custody in the same cell with the counsel visitor.

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<sup>9</sup> See generally, *Williams v. Maginley-Liddle* (NY Supreme Court, Index 451131-24).

## 6. Treatment of Legal Visitors

### a. Searches

- RESH: The Department has sought to subject legal visitors to heightened search protocols compared to search protocols in place at other DOC facilities. This was disapproved by the court in a challenge to DOC's RESH Counsel Visit procedures.<sup>10</sup> DOC is currently appealing the court order in that case, preventing the order from going into effect.
- OBCC: A recent widely-publicized incident involved the arrest of an attorney after a field test falsely identified narcotics on legal papers—later proven clean by lab testing.<sup>11</sup> The error forced the attorney to withdraw from the case and delayed trial. The harm was compounded by violations of DOC policy on jail photography and the public release of the attorney's identity. Without meaningful reforms to prevent such incidents, members of defense teams scheduling in-person visits are exposed to being similarly harassed, falsely accused of smuggling illegal contraband into the jail facilities, photographed, and having their names made public.

### b. Interrupted Visits

- OBCC: A legal visitor's confidential visit was recently disrupted when two K-9 units stood outside the plexiglass visit booth door for about five minutes. The officers' and dogs' presence disrupted the visit, breached confidentiality, and heightened fears of wrongful accusation or detention for both the legal visitor and the person they were visiting.

## 7. Travel between jail facilities

There are approximately five bus routes serving the facilities on Rikers, but in practice they often are not all running. To visit two facilities, a legal visitor generally must return to the Perry Building and transfer to a different route. The facilities covered by each bus are frequently shifting, adding confusion to inefficiency.

## 8. Inconsistent practices (e.g., blue cards)

Perry Building staff hand out a yellow card for the first facility to be visited. They do not provide blue cards. Blue cards are frequently in short supply or unavailable at individual facilities, where staff often admonish visitors for failing to get their blue card(s) at the Perry Building. Some

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<sup>10</sup> The Court in *Williams v. Maginley-Liddle* (NY Supreme Court, Index 451131-24), declared the Department to be "in violation of the detainee's right to counsel," and ordered that the Department "[s]ubject legal visitors to RESH clients to the same hours and security process as legal visitors to clients in other facilities." See Index 451131-24, Writ of Mandamus, attached as Appendix, at 6.

<sup>11</sup> See Rayman, Graham, "Prosecutors clear Queens public defender arrested on Rikers after tests show no drugs found on legal papers," Daily News, July 3, 2025. Available at <https://www.nydailynews.com/2025/07/03/prosecutors-clear-queens-public-defender-arrested-rikers-no-drugs-on-legal-papers/?clearUserState=true>.

facilities require a blue card for each person in custody being seen, while others require blue cards only for the first person to be seen in a facility.

## **B. Video Teleconferencing (VTC)**

### **1. Production delays**

- People in custody are often produced late to scheduled VTCs, which may diminish the time that the legal team has to meet with their client. Below are a list of recent examples of delays:
  - On July 25, 2025, nobody appeared in an OBCC VTC booth for a 30-minute VTC scheduled for 11am. At 11:09am, the attorney who scheduled the VTC called the OBCC VTC staff, who said the person in custody was “on his way.” The person in custody appeared at 11:17am, and said his escort did not come to get him until 11:10am. VTC staff permitted the call to continue in a separate booth after the 11:30am cutoff time.
  - On July 22, 2025, nobody appeared in an RMSC VTC booth for a 30-minute VTC scheduled for 10am. At 10:11am, the attorney who scheduled the VTC called the RMSC VTC staff, who said the person in custody was “on her way.” The person in custody appeared at approximately 10:30am, and VTC staff permitted the call to continue past the original 10:30am cutoff time.
  - On May 7, 2025, a person in custody was produced at 4:58pm for a 30-minute VTC in an RMSC VTC booth scheduled for 4:30pm.
- Regularly, our clients do not appear at all, and we are told that the person “refused.” However, when we ask our clients at our next visit, they often state they were never notified about a VTC with their legal team.

## **IV. Wait Times and Delays**

### **A. Scheduled TSOs, Count, and Shift Changes**

Because defense teams do not have access to information about scheduled TSOs, count times, and shift changes in each facility, delays associated with these events impact the ability to meet with their clients in custody. Any degree to which the facilities’ schedules might be shared with defense teams would help to plan the efficient use of their time.

### **B. People in custody with High-classification**

- Any time an individual classified as CMC, ERS, or otherwise requiring a captain escort is produced for a counsel visit, there is an increased likelihood of long delays.

### **C. Changes at RMSC**

- At present, men are being housed alongside women at RMSC. Consequently, there are long waits to move women in custody because of sight-and-sound rules when men are moved inside the facility. This is causing multiple hour delays for both in-person and VTC counsel visits.

### **D. Lack of sufficient counsel visit spaces in some facilities**

- At RMSC, only one booth is available. Counsel visits are thus backed up, sometimes for hours.

### **E. Lack of Accountability for Delays**

In the past, yellow and blue cards advised visitors of recourse if they were made to wait at the facility for longer than 45 minutes for a visit to begin. The recourse would include asking a captain for any information about the delay. The cards no longer provide advice about holding the Department accountable for delays, and production to a counsel visit routinely takes longer than 45 minutes, oftentimes between 3 and 4 hours.

# APPENDIX

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK: PART 51

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THE PEOPLE OF THE STATE OF NEW YORK EX REL. :  
CHRISTOPHER BOYLE, on behalf of

KELVIN WILLIAMS :

Petitioner, :

v.

: **WRIT OF MANDAMUS**  
**INDEX 451131-24**

LYNELLE MAGINLEY-LIDDIE, Commissioner,  
New York City Department of Correction, :

Respondents. :

-----X

APRIL A. NEWBAUER, J.:

New York County Defender Services (NYCDS) brings this writ to compel the Department of Correction (DOC) to institute certain visiting procedures for attorneys and attorney staff. In response, the DOC filed an opposition to the writ and motion to dismiss. The writ is decided as follows:

**Procedural History**

A more thorough recounting of the procedural history of this case can be found in the court's decision on the granting of the petitioner's motion to convert the writ to an Article 78 proceeding. However, the court will note the last few developments in this matter. On June 6, 2024, counsel for petitioner filed the instant motion. Approximately one week later, the parties informed the court that they were close to a resolution and asked to postpone a response to the motion. The parties continued to negotiate for the next several months but reached an impasse in October 2024. DOC agreed to provide a written response to petitioner's motion by November 21, 2024, but then failed to do so. The court issued a decision granting petitioner's motion on November 26, 2024, and asking for additional briefing on the issues arising from the writ from the parties. Both parties submitted additional briefing on January 2, 2025.

## Legal Analysis

As previously stated, the court granted the petitioner's motion to convert its *habeas corpus* petition to an Article 78 proceeding on November 26, 2024. DOC argues that the court should not have granted the petition and urges the court to revisit its earlier decision. DOC claims that it has a "reasonable excuse" for not submitting a response by the submission deadline, namely because "it was not clear what motion was pending, if any." Respondent Affirmation, p. 15. Respondent cites an email exchange in which petitioner stated there was not a motion to controvert pending and in which the court "never clarified" if there was a motion pending. This is not a valid excuse for DOC's failure to timely respond to a motion properly filed and before the court. In addition to sending its motion to the respondent via email, petitioner served DOC with a copy of its motion in person on January 2, 2025, at 3:19 P.M.<sup>1</sup> This constitutes proper service under the statute, since at the time it was served, it was a habeas petition. *See* CPL § 7005 ("A writ of habeas corpus may be served on any day. Service shall be made by delivering the writ and a copy of the petition to the person to whom it is directed. If he cannot with due diligence be found, the writ may be served by leaving it and a copy of the petition with any person who has custody of the person detained at the time"). If the respondent had additional questions after petitioner's admittedly confusing email regarding the pending motion to controvert, it should have contacted the Clerk of the court part or made other attempts to receive clarification from the court. Further, the respondents did not rely on CPLR 2005 to fault their own failure to respond. The court declines to reopen the issue of Article 78 conversion.

Similarly, the respondent also argues that "jurisdiction over the department has not been acquired" because of improper service. Respondent's Affirmation, p. 18. DOC does not elaborate on what about the petitioner's service was improper. Based on the documentation

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<sup>1</sup> Petitioners provided the court with a copy of their affidavit of service that has been attached to the end of this decision as Exhibit A.



provided by petitioner (*see* Ex. A), the court finds that a hearing is not required, service on DOC was proper and that the court has jurisdiction over DOC in this matter. Next DOC reiterates an earlier argument that the issues raised in petitioner's motion are moot. The court addressed mootness at length in its November 26 decision and will not do so again here.

First, the court agrees with petitioner that DOC's policies and procedures governing attorney visitation for defendants incarcerated at RESH did and do currently burden a defendant's right to counsel as guaranteed by the Sixth Amendment. U.S. Const. amend. VI. N.Y. Const. Art. 1 § 6. DOC argues that "[p]etitioner's place at RESH did not deny him access to counsel," and references numerous visits that petitioner Williams received during his time at RESH. Respondent Affirmation, p. 28. However, a defendant's right to counsel can be burdened even when counsel is not flat-out denied access to a client. *See Benjamin v. Fraser*, 264 F.3d 175 (2nd Cir. 2001).

DOC minimizes and mischaracterizes the relief petitioner seeks when it asserts, "[t]he issue is a preferred waiting room for legal staff." Respondent's Affirmation, p. 21. The relief sought by petitioner can be characterized more accurately as the *opposite* of this. Petitioner demands that attorneys visiting RESH clients be allowed the same visiting access as attorneys visiting clients housed elsewhere at Rikers. Petitioner has credibly alleged that attorneys and legal staff visiting clients housed at RESH are 1) subject to a more intrusive security procedure than attorneys and staff visiting clients housed elsewhere and 2) made to wait in a locked, jail cell-like room prior to meeting with clients. Further, as was noted when video footage of RESH was introduced at the hearing, the current waiting area is not accessible to any visitor with a variety of disabilities, including a mobility impairment. Unlike the entrance to the temporary facility itself, where the respondents installed a wooden ramp, there is no accommodation inside RESH for attorney visitors. In the court's view, both of these realities are an unacceptable burden on the right to counsel for detainees housed at RESH.

Regarding the first issue, DOC describes the security procedures as “reasonable security considerations,” citing *Block v. Rutherford*. *Block* is not on point. The court in *Block* upheld a county jail’s ban on *all* contact visits—not a ban on contact visits for inmates housed in one part of the facility but not another. Needless to say, banning a practice for all inmates that prison staff believe may introduce contraband is entirely different than having separate procedures for attorney screening and searching for contraband in different jail areas. As petitioner notes, it simply wants DOC to adopt a policy where attorneys and legal staff at RESH “will be subject to a search by metal detector—no more and no less than the security protocol for Attorney(s)/Attorney staff entering any other counsel visit area, in any other facility on Rikers Island.” Petitioner’s Affirmation, p. 4.

Regarding the second issue, the court understands that DOC has already taken some steps to remedy petitioner’s concerns. Specifically, DOC now allows visiting attorneys and staff to wait for clients in the family visiting room during family visiting hours. But these hours are more limited than general attorney visiting hours. Petitioner’s application is that attorneys and their staff be permitted to wait in the family visiting room at all visiting times normally accorded attorneys throughout the facilities. DOC argues that they do not have sufficient staff to supervise legal visitors in the RESH family visiting room outside of designated family visiting hours, which are more limited than attorney visiting hours generally.

The court appreciates the difficult position DOC is in regarding the multiple crises that unfold at Rikers Island, many of which are longstanding problems of the respondents’ own making. The respondents would not be facing a possible takeover in receivership if the lessons of prior crises had been learned. As this court wrote in a recent case, *People v. L.G.*, 80 Misc3d 1030, 1038 (Sup Ct NY Co 2024), “courts have and should refuse to allow responsible parties to evade their mandates simply because compliance with the mandates is challenging in the absence of sufficient funding or other resources.” Citing *Ayers v. Coughlin*, 72 NY2d 346 (1988), this court explained that in *Ayers*,

[T]he corrections commissioner argued that state facilities were already dangerously overcrowded, and that courts must assess the degree of overcrowding at different state facilities before it could order DOC to take custody of inmates. The court rejected this practical argument, calling it “a plea to the courts to redistribute responsibility for housing the State's vastly expanded prison population.” As the court explained, the difficult realities presented by the expanding prison population could have no bearing on its decision regarding the responsibilities DOC had for the individuals in its custody, stating, “[s]uch a plea for change in the law is appropriately directed to the legislative and executive branches of government, not to the courts.”

Because respondents chose to provide no information on this issue, it is not clear how many, if any at all, additional staff members would be necessary to this make this relatively modest change. DOC did not offer any sworn allegations of fact in its affirmation that making the change requested by petitioner was an administrative impossibility due to financial or other constraints. *See, e.g., Piro v. Bowen*, 76 AD2d 392 (2d Dept. 1980) (affirming the jury charge given by the lower court that “for performance to be excused on financial grounds, it must be financially impossible; that mere insolvency is not enough; and that the burden of proof is on the city to prove that it was impossible to provide people with essential services and at the same time compliant with the job security provisions”).

DOC repeatedly asserts the defense that “a court cannot compel an agency to perform a discretionary act.” Respondent’s Affirmation, p. 22. However, ensuring that pretrial detainees enjoy the unburdened access to counsel is not a discretionary act; to the contrary, access to counsel is a constitutional right that DOC must protect. U.S. Const. amend. VI; N.Y. Const. Art. 1 § 6; *Maine v. Moulton*, 474 U.S. 159, 160 (1985) (“[T]o deprive a person of counsel during the period prior to trial may be more damaging than denial of counsel during the trial itself.”). As the court explained in *Klostermann v. Cuomo*, 61 N.Y.2d 525, 535 (1984),

Defendants contend that no relief can be afforded to plaintiffs because fashioning any judgment would necessarily involve the allocation of resources and entangle the courts in the decision-making function of the executive and legislative branches. In making their argument, defendants fail to distinguish between a court's imposition of its own policy determination upon its governmental partners and its mere declaration and enforcement of the individual's rights that have already been conferred by the other branches of government.

In *Klostermann*, the court held, “plaintiffs have properly petitioned the courts for a declaration of their rights, whether derived from the Federal or State Constitutions, statutes, or

regulations. Moreover, to the extent that plaintiffs can establish that defendants are not satisfying nondiscretionary obligations to perform certain functions, they are entitled to orders directing defendants to discharge those duties.” *Id.* at 541. So to here, petitioner is entitled to an order directing DOC to discharge its nondiscretionary duty to protect detainees’ right to counsel. The court therefore declares: DOC is in violation of the detainee’s right to counsel and orders the following relief:

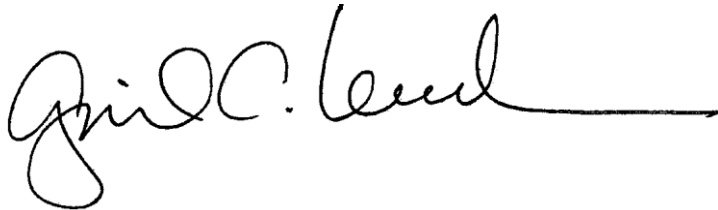
- Subject legal visitors to RESH clients to the same hours and security process as legal visitors to clients in other facilities:
- Have legal visitors await clients in the RESH family visiting waiting area regardless of family visiting hours
- Publish these procedures on DOC’s website

This is the decision and order of the court.

**E N T E R**

Dated: New York, New York

February 18, 2025

A handwritten signature in black ink, appearing to read "April A. Newbauer", with a long horizontal flourish extending to the right.

April A. Newbauer

Acting Supreme Court Justice



## **CENTER FOR EMPLOYMENT OPPORTUNITIES**

### **2025 Joint Committee Hearing Criminal Justice and Oversight & Investigations Committees: The Process and Experience of Visiting Rikers Island**

**December 12, 2025**

#### **TESTIMONY**

My name is Alyssa Bradley, and I'm the Director of Policy and Business Development for The Center for Employment Opportunities (CEO). Thank you to Chairs Nurse and Brewer, and members of the Committees. I appreciate the opportunity to submit testimony about the need for critical improvements in the processes for visiting Rikers Island. Everyone incarcerated at Rikers will be released at some point, and it is important that individuals maintain their personal support systems while incarcerated so these supports are strong upon their release. As the Committees have recognized, in-person visits are vital in maintaining relationships which promotes safe and successful reentry.

#### **Background on CEO**

CEO's mission is to provide immediate, effective, and comprehensive employment services to individuals recently returning home from incarceration and young adults who have had interactions with the criminal legal system. As the largest provider of reentry employment services in New York and the country, our intentional focus is to serve individuals facing the most significant barriers to gaining and maintaining employment, while also returning \$3.30 for every \$1 of public investment.

While we focus primarily on employment services, CEO maintains a commitment to meeting participants' complex needs through wraparound services. CEO is committed to being an unwavering voice in support of the constellation of important resources and services that work to ensure every person returning home has the best opportunity to be successful.

#### **Visiting Priority: Keep Community Strong**

As the largest provider of reentry employment, CEO is absolutely aware that a criminal legal system involved person's opportunity to build connections and participate in their community is absolutely vital to successful reentry. At CEO, 55% of participants have one or more children.

We see everyday the motivation to rebuild family connection, provide for family needs, and is so often a crucial part of successful reentry. Ceo recommends that critical improvements be made



to the visiting process to ensure that families and communities can maintain connection and strength – vital to success after release from incarceration.

**CEO also recommends the following policy changes:**

- 1. Close Rikers urgently and implement alternatives to incarceration.**
- 2. Immediately implement the three visiting laws recently passed by the City Council.**
- 3. Reconvene the DOC visiting workgroup and include formerly incarcerated, visitors, community organizations, and advocates.**
- 4. Reduce visitor wait times.**
- 5. Require that BOC provide a status report on visiting operations, improvements, and data at every BOC meeting.**

CEO believes these recommendations, as well as a healing focused community based criminal justice commitment in both policy and resources is crucial. Reducing the harms of the criminal legal system and improving reentry will help reduce recidivism, increase public safety and facilitate the reintegration of New Yorkers with a criminal record.

At CEO, we don't just put individuals to work; we help them stay in their communities.

Thank you for your time and consideration.

**Alyssa Bradley**  
**Director, Policy & Business Development**  
**Center for Employment Opportunities**  
[abradley@ceoworks.org](mailto:abradley@ceoworks.org)



**TESTIMONY OF THE NEIGHBORHOOD DEFENDER SERVICE OF HARLEM**

**before the**

**Committees on Criminal Justice and Oversight and Investigation**

**IN RELATION TO**

**Visiting Rikers Island**

**by**

**Elizabeth Bender**

**Senior Policy Counsel, Criminal Defense Practice**

**December 10, 2025**

Chairs Nurse and Brewer:

I am Elizabeth Bender, Senior Policy Counsel with the Criminal Defense Practice at the Neighborhood Defender Service of Harlem (NDS). NDS is a community-based public defender office that provides high-quality legal services to residents of Northern Manhattan. Each year, our attorneys represent nearly 8,000 clients in New York County’s criminal, housing, and family court systems, and in federal immigration courts. Our social workers and advocates support clients by providing referrals to services, connections to benefits, and support throughout their legal cases.

I want to thank you for your focus on the experience of visiting Rikers Island. I also thank the staff members who investigated, researched, and drafted the report that was issued this week, aptly named *Still Waiting*. That report confirms, with lived experience and data, what so many of us already know: visiting Rikers Island is time-consuming, difficult, and unpleasant. This is true both for attorneys and for the New Yorkers who spend countless hours trying to visit their loved ones.

I know that our fellow defender offices have submitted testimony on their experiences at Rikers, covering problems like false visit refusals and the dysfunctional virtual visit system for family visits. We, our clients, and their loved ones, have experienced these issues as well. I will focus our written testimony on the obstacles to effective attorney visits and their impact on our clients’ right to counsel, and on the inadequacies of Children of Incarcerated Parents Program (“CHIPP”), an issue that impacts clients in our Family Defense Practice.

## **I. Attorney Visits at Rikers Island**

To start, and as a preface to all our feedback in this testimony: what we experience as visitors to Rikers Island does not compare to the inhumane and abusive mistreatment that our clients endure every day. I know that this Council and these Committees are very aware of the humanitarian crisis inside our jails. It is our clients who pay the price for the Department of Correction’s inability to maintain a safe, rehabilitative environment at Rikers. But our clients are there because they are accused of crimes, and those accusations mean they are entitled to counsel. Our ability to visit our clients is key not only to resolving their cases, but to bearing witness to what goes on behind the walls. When those visits are impeded—whether by slow-moving systems, hostile infrastructure, or intentional obstruction—our clients pay that price, too.

### **a. Unacceptably Long Wait Times**

A successful visit to Rikers Island usually means clearing your calendar—entirely. You can never predict how long you will be kept waiting at any point in the visit process. Our attorneys have found themselves making virtual court appearances in the parking lot or using breast pumps in a filthy Rikers restroom because they were so delayed. The DOC directive on attorney visits purports to “ensure that attorney visits commence within 45 minutes of the time when an attorney registers at the Rikers Island Control Center”.<sup>1</sup> But this is nowhere near the norm. It is not uncommon to wait several hours to see a client. The reasons for these delays vary but ultimately come down to understaffing and inadequate facilities. Here are some examples from our recent experience:

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<sup>1</sup> [https://www.nyc.gov/assets/doc/downloads/directives/6002\\_Attorney\\_Visits\\_11\\_15.pdf](https://www.nyc.gov/assets/doc/downloads/directives/6002_Attorney_Visits_11_15.pdf), p. 1.



- A CO claiming that “everyone is retiring” so there are not enough staff to escort clients for visits
- The escort CO bringing *two* other detained people who shared client’s last name before finally bringing the correct client; apparently the escort had simply been calling out the client’s (common) last name and not checking to make sure it was the right person
- The Rose M. Singer Center reducing visit capacity from three booths to one
- The Eric M. Taylor Center reducing visit capacity from two booths to one
- A CO being tasked with covering both the front desk and visit escorts, leaving him unable to bring clients to the visit booth in a timely manner

More often than not, however, we never hear a reason for the delay. The waits can be so excessive that we are unable to see our clients. Knowing that this is a possibility, many of us choose not to tell our clients when we intend to visit them. This avoids the disappointment and frustration that naturally result if a client is expecting us and we don’t show. Of course, it would be much better for them and for us if we could schedule visits and know with certainty that they would happen—something that DOC claims we can do, but in practice is impossible.

The DOC attorney directive states that attorneys are “permitted to schedule visits up to forty-eight hours in advance by calling the General Office of the person in custody’s housing facility,” and that scheduled visits take precedence over unscheduled visits.<sup>2</sup> Staff in my office have attempted to schedule visits this way repeatedly, with only one reported success. The most common response when we try is, “we don’t schedule visits.” When we point out that there is a directive stating that we can do so, we are transferred repeatedly or even hung up on. DOC conceded at the December 10 hearing that this system is not working, and we emphatically agree. Scheduling visits in advance is a simple solution to the obvious problem of DOC’s inability to facilitate visits in a timely way. This is, one imagines, why the policy was initiated in the first place. But the policy seems to exist only on paper. With minimal training and the implementation of a straightforward schedule, DOC could bring this policy to life, today—without waiting for the online visit scheduling system to launch.

## **b. Obstacles to Confidentiality**

As many providers discussed at the hearing, there are significant physical barriers to confidentiality in the counsel visit areas. Among the most obvious are the plexiglass partitions that exist in most of the jail facilities. Because it is so hard to hear each other, our clients and we must speak loudly and even shout to be heard. Correction officers and other detained people are often close enough to hear our meetings, in spite of the attorney visit directive’s instruction that “communications between inmates and attorneys during visits are confidential and shall not be monitored except visually.” This leaves our clients vulnerable to being overheard and, understandably, can discourage them from engaging with us fully.

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<sup>2</sup> [https://www.nyc.gov/assets/doc/downloads/directives/6002\\_Attorney\\_Visits\\_11\\_15.pdf](https://www.nyc.gov/assets/doc/downloads/directives/6002_Attorney_Visits_11_15.pdf), p. 6.

For their outsized negative impact on our ability to meet with our clients, one would expect that these plexiglass partitions were an absolute necessity—a security must. But that claim, such as DOC might make it, is belied by the fact that multiple DOC facilities *do not have them*. At the Eric M. Taylor Center (EMTC) and the Otis Bantum Correctional Center, for example, the counsel visit area has tables where we can sit with our clients without any physical barriers. We find it impossible to believe that the plexiglass is necessary in, for example, the Robert N. Davoren Center (RNDC), but not across the street at EMTC. If it were about security, it would be necessary everywhere. But it's not about security. It's about outdated infrastructure and a failure to prioritize the right to counsel for people detained at Rikers.

### **c. Mistreatment of Visitors by DOC Staff**

We concede that DOC must prioritize the security of everyone at Rikers Island. But a recent incident involving one of our attorneys raises significant concerns about DOC's own internal protocols and about our staff's own safety when conducting client visits.

In early November, two attorneys visited a client at RNDC. They passed through each layer of the required security screening: identifying themselves at the Perry Building, leaving all their belongings in a locker at RNDC, and passing through a metal detector and a body scanner before entering the visit booth. Significantly, neither attorney brought anything with them into the booth—not even pen and paper. At the conclusion of the visit, while they were still in the visit booth, a dog began jumping onto the door of the booth. As they exited the booth, the dog—which they could now see was a DOC drug-sniffing dog—jumped on one of them repeatedly. It seemed to them that DOC staff handling the canine had been waiting for them to exit the visit booth. The attorney was told that the dog was brought in for a random search and had alerted to her, and that she would need to be taken to a separate area to be searched. The attorney asked if her colleague, another female attorney, could join her to witness the search. DOC staff refused. She asked if she could access her phone so she could call a supervisor from our office. DOC staff refused. DOC staff then escorted her to a separate room where she was detained while a female correction officer performed a search of the attorney's waistband, where she found no contraband. Eventually the attorney was allowed to join her colleague, gather her belongings from the locker, and leave RNDC. The entire incident lasted approximately 45 minutes. At no point did anyone at DOC explain why the canine was only brought *after* the visit concluded, or what substance the canine had supposedly detected.

Our office contacted DOC leadership to find out more about this incident. We stressed the chilling effect that this attorney's experience would have on other NDS staff wishing to visit their clients. We asked for DOC regulations and protocols around canine sniff searches and other searches of attorneys who have proper Office of Court Administration identification. And we asked for any history or records of false positive alerts by the dog involved in the search. In response, the DOC's General Counsel responded that he would submit our requests to the FOIL unit and that “we will not deviate from our current policies and practices regarding front gate searches”—without specifying which policies and practices governed our colleague's treatment that day.

Notably, the canine’s behavior that day seems to contradict DOC’s own Canine Unit Directive 4531R-B. As the Department of Investigation noted in a 2019 report entitled “Visitor Searches at the New York City Department of Correction: Ongoing Problems and Recommendations for Change,” “dogs are trained to ‘alert’ passively, by sitting down in front of the subject on whom the dog has detected contraband.”<sup>3</sup> But the dog involved in this search repeatedly jumped up at my colleague, placing its paws on her upper body. We received no explanation from DOC as to why the canine alerted—as it turned out, falsely—or why it did so in a manner that apparently contradicts its training.

It is unacceptable for an attorney who is performing an essential function of her job to be treated this way, and for DOC to shrug off our reasonable concerns. Yet this attitude is consistent with the routine disrespect and hostility we meet each time we go to Rikers Island.

I shared on Wednesday an anecdote about another colleague who was verbally harassed by a correction officer. As she entered the facility for a legal visit, he told her that he “had a chloroform-soaked rag behind my desk just for you.” Chair Nurse asked whether she or our office had reported that incident. It’s a fair question with a simple answer: we have no reason to believe a complaint would change anything for the better.

While hostility is the norm at Rikers, there are exceptions. There are officers and people in leadership who do try to facilitate visits as quickly as possible, who are courteous as we clear security, and who treat our clients with the respect that any human being deserves. We appreciate them. Their humanity stands out even more because of its contrast to the behavior of so many of their colleagues. We encourage DOC leadership to uplift and learn from these examples of how DOC staff should interact with the public.

## **II. CHIPP Visits**

Our Family Defense Practice represents clients who utilize the Children of Incarcerated Parents Program (CHIPP). CHIPP ensure that clients who are detained at Rikers can continue to have frequent and meaningful, in-person contact with their children. CHIPP is an invaluable program when it works. A CHIPP staff member accompanies the child before, during, and after the visit. This mitigates the nervousness a child may feel visiting a loved one on the inside and provides solace to family members on the outside who might be worried about a child going through security, for instance. CHIPP helps protect the constitutional rights of parents, promotes family integrity, and preserves family bonds during an incredibly challenging time for both a parent and their child.

However, there are numerous obstacles that hinder CHIPP visits even occurring. First, ACS or a foster agency employee must submit completed paperwork to CHIPP to even begin the process. Yet frequently, ACS or the foster agency case worker delay submitting the paperwork, for weeks or even months at a time, in direct violation of court orders for visits to occur. Second, CHIPP visits at Rikers occur on Tuesdays—when children are in school. A parent at Rikers must pick

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<sup>3</sup> [https://www.nyc.gov/assets/doi/reports/pdf/2019/May/DOC\\_VisitorSearch\\_Report\\_Appendix\\_FINAL.pdf](https://www.nyc.gov/assets/doi/reports/pdf/2019/May/DOC_VisitorSearch_Report_Appendix_FINAL.pdf), p. 7, n. 8.

between seeing their child in person or potentially interrupting their child's education. Family members on the outside must coordinate school, work, and extracurricular activities during a weekday, for a CHIPP visit to occur. And finally, in-person visitation once per week does not comply with the Office of Children and Family Services' own [regulations](#)—that a parent must have visits a minimum of two times per week. While it may be tempting to rely on virtual visitation to maintain family bonds, a video visit is patently different than in person contact. And virtual visits occur only once per week, with a long waitlist for parents hoping to participate. Because CHIPP is run by ACS, the assistance ends when the underlying Family Court case ends, even where a parent is still incarcerated and needs visitation support.

When parents and their children cannot have frequent and meaningful contact with each other, it then becomes the basis to further erode a parent's fundamental liberty interest to the "care, custody, and control" of their children, and therefore unravels a child's reciprocal right to family integrity. (*see Troxel v Granville*, 530 US 57, 63 [2000]; US Const Amend XIV § 1; *see Rivera v Marcus*, 696 F2d 1016, 1026 [2d Cir 1982]). We see this all too often: the lack of contact can be used as a basis to restrict visitation if the parent is moved upstate, it can be grounds to deny custodial rights, and to eventually terminate that parent's rights. The consequences of delayed or irregular visitation are dire.

There is a solution to this problem. ACS could and should devote more of its staff and funding to CHIPP to fix the visitation challenges and ensure the protection of these fundamental rights for the sake of incarcerated parents and their children. DOC should expand the CHIPP visitation schedule.

### **III. Conclusion**

As these Committees already understand, the status of visitation at Rikers Island is abysmal. But it need not be. DOC could undertake basic changes today that would improve our clients' access to their legal teams: allow us to schedule visits in advance. Eliminate unnecessary plexiglass barriers. And demand basic professionalism from staff. Our clients and we deserve no less.



Testimony of  
Natalie Fiorenzo  
Senior Corrections Specialist  
New York County Defender Services

Before the  
Committee on Oversight and Investigations Jointly with the Committee on Criminal Justice  
Oversight - Visiting Rikers Island

December 10, 2025

I am Natalie Fiorenzo, Senior Corrections Specialist 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, Family, and Supreme Courts. The NYCDS Corrections Specialist Team provides a direct channel of communication with and advocacy for our clients who are incarcerated at Rikers.

Thank you, Chair Nurse and Chair Brewer, for convening this joint hearing on visitation at Rikers. The same entrenched culture and systemic failures that have driven Rikers toward receivership are deeply affecting attorney-client visitation practices. Apathy, lack of established protocol, and deteriorating infrastructure have created conditions that obstruct our clients’ constitutional right to meaningful access to counsel. NYCDS, together with Brooklyn Defender Services, presented these concerns to the Board of Correction on September 9, 2025, urging revisions to the minimum standards. Through today’s testimony, we hope to underscore the need for coordinated action between this Council and the Board of Correction to ensure the Department of Correction receives and adheres to robust, enforceable oversight that prevents further erosion of constitutional mandates.

Because of the nature of our work, our testimony today focuses primarily on attorney–client visitation. However, we also offer brief insights into family visitation, which remains a vital

lifeline for people incarcerated at Rikers. The barriers families consistently and urgently report to us are unacceptable, and they must be addressed.

## **I. Background: Attorney-Client Visitation**

The persistent problems at Rikers Island continue to undermine New Yorkers' constitutional right to counsel. As the Supreme Court has recognized, "[o]f all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive, for it affects his ability to assert any other rights he may have." *United States v. Cronin*, 466 U.S. 648 (1984).

This right is not satisfied simply by assigning an attorney. It requires the ability to build a functional attorney-client relationship, one grounded in trust, confidentiality, and open communication. Without that foundation, meaningful representation is a major challenge.

Yet at every stage, that relationship is undermined by the dysfunctional, inconsistent, and at times dangerous attorney-client visitation procedures on Rikers Island. What may be dismissed as "long wait times" is, in reality, a systemic obstruction. For attorneys with heavy caseloads, every lost hour deprives a client of the time necessary to establish a confidential and protected relationship, if the attorney is able to see the client at all. Some of the barriers we face are egregious; others accumulate quietly. But together, they erode the right to counsel, day after day.

Although much of what we observe is necessarily anecdotal, our corrections specialists are on-site every week, and we remain in close communication with defender offices in all five boroughs. The experiences are alarmingly consistent: being improperly denied access to our clients is not an exception; it is the norm.

The consequences of this erosion are difficult to capture in a single case, but the aggregate impact is unmistakable. Detained defendants are significantly more likely to be convicted and to receive harsher sentences, in part because the obstacles to building a defense from jail are so substantial. One study of 150,000 defendants booked into a Kentucky jail over a single year found that those held pretrial faced far higher odds of incarceration and longer sentences.<sup>1</sup> Access to counsel was only one factor, but the results demonstrate how systemic barriers to attorney access contribute directly to mass incarceration.<sup>2</sup>

As mentioned, in September, NYCDS and Brooklyn Defender Services presented to the Board of Correction on the urgent need to strengthen the minimum standards governing attorney access. We urge the City Council to partner with the Board to create clear, enforceable standards and meaningful oversight mechanisms. Attorney-client visitation is foundational to the right to counsel and now it is imperative that City Council ensure it is no longer undermined. We are willing partners to serve in drafting the legislation to accomplish just that.

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<sup>1</sup> [http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF\\_Report\\_state-sentencing\\_FNL.pdf?inline=1](http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_state-sentencing_FNL.pdf?inline=1)

<sup>2</sup> <https://www.brennancenter.org/our-work/analysis-opinion/protecting-right-counsel-lessons-new-orleans>

## **A. False Refusals**

Corrections officers routinely misrepresent that a person in custody has refused to meet with their attorney, often without the individual in custody's knowledge. These false refusals prevent clients from accessing their defense team, sometimes during periods that are critical to their cases.

A particularly egregious incident occurred just a few weeks ago: one of our clients had become increasingly anxious about deteriorating conditions at Rikers, including lack of access to food and basic hygiene. When one of our corrections specialists scheduled a video-conference to check in with him, she was informed that he "refused" and later, upon request, received a refusal form bearing what seemed to be his signature.

The assigned attorney then went to Rikers to visit her client in person. After hours of waiting for her client to be brought to the meeting, she again told that he had declined the visit. Only after our office escalated the incident to the DOC Criminal Justice Bureau, a separate division within DOC, was the client magically brought down. The client informed the attorney that he never refused a visit that morning and only learned of it when officers arrived to escort him to the legal visit. He also informed the attorney that during the earlier visit he had been too sick to meet with anyone, but that he also was too sick to sign any document, and his signature had been forged by DOC. The attorney confirmed this by comparing the forged signature to his real one.

The willingness of corrections staff to provide falsified documentation to an attorney and to falsely record refusals without the client's knowledge is outrageous, as was their lie that he had refused visitation.

Sadly, this incident is only one stark example of a widespread and persistent practice, which our corrections specialists encounter routinely. In some instances a person in custody may actually refuse because DOC often does not share the visitor's identity or the purpose of the visit. However, DOC also regularly simply tells defense teams that there is a "lock down", a "medical issue" or a "refusal to cooperate" when this is simply not true and the client is wholly unaware that the attorney is waiting to see them. This is part of a larger pattern and practice by DOC.

This issue is not limited to attorney access. DOC has also been accused of falsely marking refusals for medical appointments. Litigation filed last year revealed that people in custody missed thousands of medical appointments because DOC recorded them as "refused" and simply did not escort them. Public defenders documented that in April 2024 alone, individuals in custody were recorded as having missed medical appointments 11,696 times, up from 7,671

times in October 2021.<sup>3</sup> Affidavit after affidavit indicated the same thing: people had not refused the appointments at all. DOC's abdication of its most basic duties is shocking. With counsel visits, it prolongs individuals' length of stay at Rikers, conceals the facility's deteriorating conditions during a period of severe overcrowding, and significantly delays case processing.

Oversight is essential. Under AC §9-146 (d)(e)(f)(g), DOC is now required to record every instance in which a person in custody is notified of a court appearance, and defense attorneys may obtain these videos. This reform was enacted after similar concerns arose about missed court appearances and whether refusals were being falsified.<sup>4</sup> Yet video is not currently available to defense attorneys, absent a subpoena, when DOC claims an individual refused a legal visit despite the clear need for accountability. The reluctance to escort individuals in custody and blaming it on a "refusal" appears to permeate every aspect of DOC operations. Video should clearly be made available to defense when there is a question of whether there was a legal visit, though the furnishing of video will not be enough to promulgate change.

Rikers is a pretrial detention facility. Its function is to ensure that individuals can meet with counsel and move through the legal process toward resolution. DOC must see it has a major role to play and can not, instead, impede this process.

## **B. Extensive Wait Times**

Clients suffer directly from the persistent wait times, dysfunction, and disorganization that attorneys must navigate simply to see them. Although Directive 6002 on the DOC website states that attorneys may call in advance to schedule an in-person visit and outlines a clear protocol,<sup>5</sup> that is not the reality. In practice, attorneys have no way to schedule in-person visits; only video conferences can be arranged in advance. Though ideally when AC § 9-170 is enacted, allowing the scheduling of visits online, this will be resolved, until then defense counsel staff are at the mercy of bureaucracy, chaos, and dysfunction.

Often, when legal visitors arrive at the facilities to meet their clients, they are met by staff unfamiliar with even the most basic logistics of attorney–client visitation. Individuals in custody are regularly produced late for video conferences or not produced at all. Directive 6002 requires production within 45 minutes,<sup>6</sup> yet that standard is routinely ignored. Instead, attorneys commonly wait two to four hours before seeing a single client, all while managing average caseloads of about forty people. These delays further reduce the already limited face-to-face time essential to effective representation.

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<https://www.nydailynews.com/2024/08/08/nyc-dept-of-correction-staff-falsified-refusal-of-medical-treatment-forms-legal-papers-allege/>

<sup>4</sup> <https://gothamist.com/news/rikers-island-exists-to-make-sure-people-show-up-to-court-thats-not-happening>

<sup>5</sup> [https://www.nyc.gov/assets/doc/downloads/directives/6002\\_Attorney\\_Visits\\_11\\_15.pdf](https://www.nyc.gov/assets/doc/downloads/directives/6002_Attorney_Visits_11_15.pdf)

<sup>6</sup> [https://www.nyc.gov/assets/doc/downloads/directives/6002\\_Attorney\\_Visits\\_11\\_15.pdf](https://www.nyc.gov/assets/doc/downloads/directives/6002_Attorney_Visits_11_15.pdf)



A law review article examining the core components of lawyering notes “[l]awyers can gain a level of understanding and empathy by meeting their clients in their environment rather than in the sterile law office. Being in the client’s environment helps the lawyer see firsthand what the client experiences.”<sup>7</sup> The current delays and barriers effectively prevent attorneys from building that necessary rapport, undermining the quality of representation for people in custody.

As we recommended to the Board of Correction for inclusion in the minimum standards, DOC should be required to establish a clear, functional, and consistently followed legal-visitation protocol that is posted online and displayed prominently in all relevant areas. DOC should also designate a Legal Visit Liaison to provide on-site support and resolve visitation issues in real time.

There is no justification for legal visits to be as burdensome as they have become. A single long wait may not destroy an attorney-client relationship, but repeated, systemic delays make meaningful communication nearly impossible and steadily erode the relationship every client is entitled to.

### **C. Compromised Visiting Booths.**

The physical configuration of the visiting booths significantly impedes effective attorney-client communication. These spaces should facilitate the private, uninhibited exchange of information between defense teams and their clients. Across jurisdictions and throughout established case law, jails are required to provide areas that allow for confidential legal conversations.<sup>8</sup> Yet, at multiple facilities, that confidentiality is routinely compromised by the design and placement of visiting booths.

At the Eric M. Taylor Center (EMTC), for example, the legal visiting booths are enclosed with plexiglass partitions that do not extend to the ceiling and are situated directly beside the correction officers’ station. At the George R. Vierno Center (GRVC) and the Rose M. Singer Center (RMSC), officers are likewise positioned immediately outside the booths, making it evident during conversations that they can overhear sensitive discussions.

Additionally, the physical setups in some facilities prevent defense teams from functioning as they must. A defense team is not limited to a single attorney; it often includes social workers, investigators, paralegals, and other professionals essential to gathering evidence, establishing mitigating circumstances, and developing discharge plans. Yet at the West Facility, communication is restricted to telephone lines, allowing only one person to speak at a time. This

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<sup>7</sup> Gerdy, K. B. (2008). *The Heart of Lawyering: Clients, Empathy, and Compassion*. *Nebraska Law Review*, 87(1), pg. 195

[https://web.law.duke.edu/sites/default/files/clinics/healthjustice/gerdy\\_-\\_the\\_heart\\_of\\_lawyering\\_clients\\_empathy\\_and\\_compassion.pdf](https://web.law.duke.edu/sites/default/files/clinics/healthjustice/gerdy_-_the_heart_of_lawyering_clients_empathy_and_compassion.pdf)

<sup>8</sup> See e.g. 28 CFR § 543.13; Board of Correction Minimum Standard § 1-08(c)(3); *Procunier v. Martinez*, 416 U.S. 396, 419 (1974), overruled on other grounds by *Thornburgh v. Abbott*, 490 U.S. 401 (1989)

structure severely undermines the team's ability to engage in collaborative strategy discussions with their client.

The spaces used for legal visitation must be designed and operated in a manner that fully supports privileged, confidential communication. Without this, individuals are deprived of their constitutional right to meaningfully participate in their own defense against the government.

#### **D. Dangerous Conditions: RESH Litigation**

Potentially dangerous conditions and the treatment of legal visitors continue to chill attorney visitation. Our office has been involved in ongoing litigation regarding visitation at the Enhanced Security Housing unit at the Rose M. Singer Center ("Rosie's"). In or around July 2023, ESH was relocated to the Rosie's building. Despite this significant change, DOC made no plans for how attorney visitation would occur and created no protocols or procedures of any kind. Our Director of Research and Policy was among the first visitors to the new RESH location and was alarmed by the complete lack of supervision. He walked through the building without direction and only after repeatedly requesting assistance did an officer finally escort him out. Because of the potential danger to other defense-related visitors, he suspended all attorney visitation until DOC adopted formal safety protocols.

There is nothing inherent to RESH that distinguishes it from other DOC facilities or that provides a rational basis for treating attorney visitation differently. The layout may require additional escorting or more thoughtful space management, but it does not justify the obstacles that were created. DOC's next announced plan was to confine attorneys in a small pen-like waiting room, locking them inside until clients were produced. After we objected, DOC agreed that attorneys would travel from Perry to Rosies and then be transported directly to the RESH area to meet their clients.

Initially, this policy appeared to resolve the issue. In practice, however, DOC claimed inadequate staffing and began locking visitors in a room for extended periods of time, sometimes hours. This room has no bathroom, no phone, no accessible exit, and its only glass windows to the outside world are covered with newspaper.

Finally, NYCDS filed a right to counsel writ in the Supreme Court. At first, the parties tentatively agreed that legal visitors would use the family waiting room. But DOC then declared that doing so subjected attorneys to heightened screening procedures that had never before been required. DOC also refused to disclose the nature or scope of these searches. As a result, the agreement fell apart. Ultimately, NYCDS prevailed on what became an Article 78 proceeding, and the court determined that DOC must treat visitation for RESH in the same manner as any other facility. DOC appealed and received an automatic stay, making the court-ordered relief unenforceable pending appeal. Recently, a NYCDS staff member was locked in the room for 45 minutes. After banging on the door for 30 mins, someone finally opened it, but informed her that

she was not allowed to leave. Since this incident, our office has suspended counsel visits to the RESH housing area, which has harmed the clients held there, who already endure extremely harsh conditions.<sup>9</sup>

More recently, additional events have further deterred in person visitation. An attorney visiting his client was accused of bringing in paperwork that allegedly contained traces of THC. He was arrested and the incident became highly publicized.<sup>10</sup> By the time DOC determined that the test result was a false positive, the reputational damage was done.<sup>11</sup> We have heard anecdotal reports of similar harassment and intimidation tactics under the pretense of “security searches” at other defender offices in the city.

It is essential that the environment for legal visitation is not so intimidating or unsafe that attorneys believe their personal safety or professional reputation is at risk. When conditions reach that level, the attorney client relationship is severely compromised and meaningful representation becomes difficult.

## **II. Background: Family Visitation**

While this testimony focuses primarily on issues related to counsel access, I must also highlight several serious concerns raised by families attempting to visit their loved ones. These are concerns that demand urgent attention.

### **A. Short Window of Registration for Virtual Visitation**

Virtual visitation is one of the most essential and sought-after options for families trying to stay connected with people incarcerated at Rikers, especially given the facility’s remote location and limited public transportation access. Yet virtual family visits are only offered from 8:00 AM to 1:00 PM on Fridays, squarely during standard working hours for a jail with almost 7,000 people. Longitudinal studies show that people incarcerated on Rikers overwhelmingly come from communities facing significant socioeconomic barriers.<sup>12</sup> Their loved ones are more likely to work hourly jobs, making it extremely difficult, or even impossible, to take time off during these hours.<sup>13</sup> These hours also overlap with peak childcare responsibilities.

Compounding this problem, the scheduling system does not notify families when their appointment request has been denied; instead, they simply receive no communication at all. This leads to widespread confusion and distress, prompting panicked calls to our office. Given the high number of families competing for these coveted, albeit highly inconvenient spots, we often

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<sup>9</sup> <https://www.nyc.gov/site/boc/meetings/20250909.page>

<sup>10</sup> <https://nypost.com/2025/06/13/us-news/queens-public-defender-arrested-for-peddling-thc-to-rikers-inmate-during-official-visit/>

<sup>11</sup> <https://www.nytimes.com/2025/07/03/nyregion/lawyer-drug-charges-rikers.html>

<sup>12</sup> [https://justicelab.columbia.edu/sites/justicelab.columbia.edu/files/content/RILS\\_Report.pdf](https://justicelab.columbia.edu/sites/justicelab.columbia.edu/files/content/RILS_Report.pdf)

<sup>13</sup> <https://www.sciencedirect.com/science/article/pii/S2352827322000246>

must advise families to schedule their virtual visits a month in advance, an unrealistic expectation for many.

### **B. No Protective Covering in Family Waiting Area**

Families who attempt in-person visits face their own set of harsh, unnecessary burdens. The family waiting area has no protective covering, forcing visitors to endure extreme weather, from the sweltering heat to the freezing cold. Children, elderly family members, and others especially vulnerable to these conditions often begin waiting as early as 3:00 AM because of the long lines.

Our clients also report witnessing individuals who arrived later being processed ahead of them, raising concerns that visitors may be de-prioritized based on the charges of their loved ones, an action for which there is no justification or lawful basis.

This inhumane treatment of visitors mirrors the broader disregard shown by the DOC toward those in its custody. It is an extension of the same systemic failures and inequities that characterize conditions at Rikers as a whole.

### **III. Conclusion**

In conclusion, we strongly urge the City Council to maintain an ongoing dialogue with those most affected by visitation procedures, including attorneys, family members, and advocates alike, to inform the drafting of legislation with clear oversight and enforcement mechanisms so that DOC is actually held to account and visitation is made accessible, easy and safe for all stakeholders. While this is done, we must work to advance the ultimate goal of closing Rikers once and for all.

**Testimony to New York City Council  
Criminal Justice and Oversight Committees**

**Visiting Rikers Island**

**Public Hearing**

**December 10, 2025**

Tanya Krupat  
Vice President, Policy & Advocacy  
Osborne Center for Justice Across Generations



Thank you for the opportunity to provide testimony today. To my knowledge, this is the first time a City Council hearing has been held to examine the very important topic of visiting Rikers Island. Thank you, Chair Nurse and Chair Brewer. And thank you to the staff of the Oversight & Investigations Committee who issued such an important report yesterday. For those of us who have been calling for attention and improvements to visiting at Rikers for many years, this is really meaningful.

My name is Tanya Krupat and I am the Vice President of Policy and Advocacy at the Osborne Center for Justice Across Generations. As many of you know, Osborne Association is one of the oldest and largest criminal legal service organizations in the state. Our services reach over 14,000 individuals each year, assisting them and their families in navigating arrest, courts, incarceration on Rikers and in state prisons, and reentry. Through advocacy, direct service, and policy reform, Osborne works to create opportunities for people to heal, grow, be accountable, and thrive. Osborne also now provides a variety of reentry housing.

My introduction to visiting on Rikers dates began 25 years ago, when I was at ACS and started bringing children in foster care to visit their parents on Rikers in June, 2000. This effort became the basis for the current ACS Children of Incarcerated Parents Program (CHIPP), which provides 2-hour visits on Tuesdays, with visiting children brought directly to the facility they are visiting (in other words, they do not go through processing at the initial Central Visit House). The five years I spent taking children to visit their parents on Rikers every Tuesday gave me unique insight into the layout of each facility visiting room (each facility is different); the many challenges of interagency work; the tension between “security” and the desire to maintain critical parent-child relationships; the enormous amount of time required to get on and off Rikers (counter to a child’s sense of time and developmental needs); and to the joys and heartbreak surrounding visits. It also left me with an unwavering commitment that visiting is essential and must be protected and improved. I’ve been advocating and working with DOC to improve visiting ever since.

Visiting affects New Yorkers everywhere and spans across so many agencies. I was hoping that more agencies would have been called to testify today as children in foster care have parents on Rikers who they are legally required (in most cases) to visit; children in NYC public schools

have parents and family on Rikers; children in DHS shelters and whose families rely on childcare vouchers from DSS; young people in DYCD afterschool programs are affected by Rikers; and more. Every agency that serves New Yorkers is serving people affected by Rikers, and likely, who have or would like to visit there.

As we focus today on the visiting experience for families and their incarcerated loved ones, it's important to place visiting in the larger context of Rikers, where 14 people have died this year and where:

- 85% of people are being detained pre-trial (they have not been convicted of a crime);
- Close to 90% identify as Black and Latino;
- Upwards of 60% of people awaiting trial on Rikers are there because they cannot afford bail;
- 60% receive mental health services, and 22% have a serious mental illness;
- More than 1,000 people on Rikers have been detained between a year and two years, with the average length of stay as high as 101 days as of June;
- Being in detention on Rikers threatens housing, jobs, custody of children, and more for thousands of New Yorkers and their families.

This hearing means a lot to those of us who have been working to shine a light on and improve visiting, and it means even more to those with loved ones inside and to those inside: visiting is finally being acknowledged as a critical aspect of corrections that must be improved. I am grateful to the Council staff who examined visiting over this past year, and for the report issued this morning. There is also an aspect to today that is disheartening: as a member of the DOC Visit Workgroup- initiated as a result of the advocacy of the Jails Action Coalition- we worked so hard from 2016 to 2020 (only to be interrupted by Covid) and accomplished so much. Our charge was to improve the visiting process and the visitor experience. I have attached the spreadsheet from 2016 that we used to track the progress of the Workgroup. We were focused and solutions-driven, working collaboratively with DOC, and we were able to accomplish a lot, including:

- Reducing wait times for visitors by organizing the visit entry process: separating the line to bring packages from the place for posting bail, from the line for visitors;
- Adding and updating signage upon visitor arrival to facilitate a smoother process;

- Developing the Visit Greeter position/ model, with input from Officers, so a non-uniformed person can greet visitors, including children, and respond to their questions and concerns;
- Creating the free van service that continues to exist today, bringing people to Rikers for free from Harlem and downtown Brooklyn;
- Developing an all day visit training for Correction Officers with input from diverse stakeholders.

What we were not able to improve – the wait times for visitors, the lack of information shared with visitors, the number of processing stops and security checks, and Departmental acknowledgement of this entire aspect of corrections – remain significant problems today (as outlined in the report).

The Department has made strides in implementing additional smaller changes, such as installing children's areas at several facilities, and the partnership with the Children's Museum of Manhattan (CMOM) program. It *is* truly remarkable that DOC escorts a small number of detained parents off the island and to the Children's Museum of Manhattan. Despite this initiative, the visiting experience remains very challenging for thousands of visitors with loved ones on Rikers, and system-wide changes to reduce wait times, improve processes and the treatment of visitors are long overdue.

These are troubling and longstanding issues but there are solutions. Regarding the unacceptably long wait times for visitors, a *Village Voice* article from 2007 (entitled "*Do NOT Go Directly to Jail*") describes an almost 10 year period where the Department complied with a court order that visitors not wait more than one hour to start their visit:

**"In 1992, a federal judge issued a ruling that forced the Correction Department to meet basic requirements for jail visits. Chief among those was a rule which said that visitors could not wait more than an hour to see a prisoner.** In addition, anyone who arrived within visiting hours was guaranteed to see a prisoner.

Under the decree, says John Boston, a lawyer with the Legal Aid Society's Prisoners' Rights Project, the department improved its visiting procedures and consistently came close to meeting the one-hour requirement. **But in 2001, a federal judge dismissed the consent decree. No**



**one outside the DOC has done an examination of the visiting process, but anecdotally, observers say the quality and efficiency of the visiting process has deteriorated."**

My hope for this hearing is twofold:

- 1) **that someone at a high level of DOC must be responsible for monitoring and improving visiting.** This includes: reducing wait times; increasing the flow of information; making sure cover-up garments are available and that procedures are child-sensitive; and ensuring regular reporting on all of this to DOC and BOC, and City Council. This position should also examine whether two security checkpoints are serving any purpose except adding hours to the visiting process.  
Currently, at least as far as I can tell, no single person at DOC has ultimate responsibility for visiting. No one is asking for progress reports, troubleshooting with facilities, or working with the Central Visit House to ensure visitors are getting to their facilities and from there to their visits in a timely fashion. No one is addressing the simplest infrastructure and logistical challenges: checking to see that broken lockers are fixed; that signage is clear and updated; that each facility's waiting room bathroom is stocked with toilet paper; that water fountains work; or that there are clocks in the waiting rooms (since no one has a cell phone at that point).
- 2) **that the DOC Visiting workgroup is resumed, reporting to the Commissioner or to the person filling the high-level position that will be created to oversee visiting.**  
The Workgroup should include people who were incarcerated, those who have direct experience visiting, services providers, and advocates. On the DOC side, both uniformed and administrative staff should participate. Progress updates should be submitted quarterly to DOC, BOC, and the City Council. Funding should be allocated or sought to make the changes the Workgroup identifies.

Visiting is not only a lifeline for those in custody and their families on the outside, but it also serves corrections as well. I have interacted with many officers who have facilitated visits for years; they support visiting because they know it's an important part of what DOC does, and they recognize how staying connected to family makes their job easier. They have also shared that they do not feel consulted or included in visit policy decisions or logistics, and they do not feel seen or recognized for the important job they do.

The number of visitors to Rikers has dramatically decreased since before Covid, although the number of people detained has doubled in this time. It is well-recognized and documented that Rikers is a traumatizing and dangerous place for people who live and work there. While the City moves closer to closing it, we need to do everything we can to keep people from being sent to Rikers and to pull every lever possible to reduce the time people spend there—through expanding housing and ATIs, improving court processes, and more. While people are there, and across any period of separation and isolation, visiting is absolutely essential. It is vital that the Department invest in improving visiting, including prioritizing this as a pillar of correctional operations. Enacting the three recent City Council visiting laws will help with this, but there is much more that needs to be done, including creating a culture of compassion and connection, and viewing visiting as a human right, not a privilege.

We stand ready to work with the Department to accomplish this work and to transfer this new, more humane approach to the borough-based jails. NYC's children, families, and communities are counting on us.

Thank you.

### Appendix A: DOC Visit Workgroup Progress Tracker- 2016

date improvement identified	Change/ improvement needed	location	assigned responsibility	targeted completion date	status
May-15	separating discharges from visitors	Central Visit House (CVH)	DOC	Jun-16	end of July 2016
May-15	separating package drop off from visitors	Central Visit House (CVH)	DOC	Jun-16	end of July 2016
May-15	separating bail payments from visitors	Central Visit House (CVH)	DOC	Jun-16	end of July 2016
May-15	decrease waiting times for visitors	CVH and facilities	DOC		
Jul-15	improving consistency of visitor screening practices	CVH and facilities	DOC		
Jul-15	improving use of lockers	CVH and facilities	DOC		
Jul-15	improving amnesty box usage	CVH and facilities	DOC		April 2016: implementation of Q100 announcement and bus into amnesty drop off
Jul-15	improving signage	CVH and facilities	DOC		signs added directing visitors to CVH (some are very small signs posted high up on poles)
not agreement between Visiting workgroup members and	post sign that fingerprinting is optional	CVH	DOC		no agreement on this; DOC not in agreement

DOC					
Oct-15	Informing the incarcerated person at time alerted to a visit of who is visiting them so that they can refuse to be visited by that person <i>before</i> they are strip-searched and brought on the visit floor.	facilities	DOC		
Oct-15	inventory non-contact booths	facilities	DOC maintenance		completed - April 2016
Oct-15	repair non-contact booths	facilities	DOC maintenance		GRVC (facility with most non-contact visits) slated to be repaired by end of July
Oct-15	reduce number of searches that visitors undergo	CVH and facilities			Commissioner has stated agrees there are too many visitor searches; no concrete next steps. As of June 2016, K-9 searches and line scanners ADDED.
Oct-15	child sensitive protocols for visitors with children	CVH and facilities	DOC/ community (Osborne and Hour Children)		Hour Children improved visiting space at RMSC
Oct-15	data on child ("juvenile") visitors must be kept, including how many non-contact visits involve children	CVH and facilities	DOC		Data for one quarter was pulled and provided.
December 2015 (check)	hire visitor greeters/ floaters to assist visitors with information and orientation	CVH	DOC	Summer 2016	completed; on board July 2016
	update Visitor Handbook		DOC and community	Summer 2016	behind schedule

			members		
May-16	<b>signage in visiting rooms where plexiglass has been installed</b>	facilities	DOC		should be posted by end September 2016
May-16	<b>designated seating at ends of long plexiglass tables for visitors with children</b>	facilities	DOC		
May-16	<b>written arrest protocol for arrests of visitors when visitors have minor children with them</b>	CVH and facilities	DOC/ ACS/ community visiting workgroup members		in progress

## Appendix B: City Council Rikers Visiting Laws

Three City Council bills became law on April 14, 2025:

**Int 420-** CM Rivera: visiting program for children - *took effect August 12, after it became law April 14*

**Int 1026-** CM Hudson: quarterly reporting and recording interactions - *takes effect January 9, 270 days after it became law on April 14*

**Int 1023-** CM Gutierrez: online scheduling system - *takes effect April 14 2027, two years after it became law on April 14*

**Introduction 0420**, sponsored by Council Member Rivera, would require the Department of Correction to develop a program to improve the experience for visits involving children. All children visiting areas shall provide toys, games, books, and arts-and crafts, all staff who interact with child visitors will receive specialized training, and all new or substantially remodeled City jails shall have a specifically designed visiting area for child visitors. The bill will also require that the Department conduct a study on the feasibility of implementing tele-visits on weekend days without reducing the number of hours for in person visits on weekend days, and produce a report on the program for child visitors, including information on the number of visits by child visitors, number of staff who received training, the average length of time between the time a child visitor arrives at a city jail and the time such child visitor commences a visit, and more.

**Introduction 1023**, the Family Connect Act, sponsored by Council Member Gutiérrez, would establish an online scheduling system for in-person visits with incarcerated individuals. The system must be accessible via computers and mobile devices, allowing users to request, reserve, and cancel visits, while also enabling the Department of Correction (DOC) to notify visitors of cancellations. To ensure transparency, DOC must provide reasons for denied visit requests and submit an annual report to the City Council on system usage, complaints, and approval rates. The secure, user-friendly system aims to make visit scheduling smooth and efficient, recognizing that maintaining positive connections through in-person visits reduces misconduct and recidivism.

**Introduction 1026**, sponsored by Council Member Hudson, would require more detailed record-keeping for jail visits, addressing concerns that correction officers are canceling visits by falsely claiming incarcerated people are rejecting them. The bill would mandate the Department of Correction provide more thorough explanations for any canceled visits. It would also require the Department of Correction to record interactions in which a person in custody is informed about a visitor and refuses to attend the visit, that way there is a clear record of when the person in custody denies a visit, versus when that option is taken away from them.

**Testimony to New York City Council  
Criminal Justice and Oversight Committees**

**Visiting Rikers Island**

**Public Hearing**

**December 10, 2025**

Tarini Garimella

Policy Associate  
Osborne Center for Justice Across Generations



Thank you for the opportunity to provide testimony today.

My name is Tarini Garimella, and I am the Policy Associate at the Osborne Center for Justice Across Generations. As many of you know, Osborne Association is one of the oldest and largest criminal legal service organizations in the state. Our services reach over 14,000 individuals each year, assisting them and their families in navigating arrest, courts, incarceration on Rikers and in state prisons, and reentry. Through advocacy, direct service, and policy reform, Osborne works to create opportunities for people to heal, grow, be accountable, and thrive. Osborne also now provides a variety of reentry housing.

Osborne currently provides parenting and visiting support programming at the women's facility, RMSC, and at OBCC. We also have programs for older people incarcerated on Rikers at GRVC and NIC, and we facilitate televisiting and provide court advocacy services that give us additional insight into the visiting experiences of those on Rikers and their families.

I will now share some of what we have heard directly from families who are currently visiting loved ones incarcerated at Rikers:

- It can take all day to have a one-hour visit due to processing and wait times, and sometimes visits do not take place after families have made the arduous trip to Rikers due to lockdowns or other reasons.
- The visiting process is very hard on children because it's time consuming, and there are not a lot of food or beverage options.
- The visit greeters at RMSC, OBCC, and CVH are wonderful, and an expansion of this service to all facilities would be greatly appreciated. The dress code is outdated and cover-up garments are rarely provided.
- Some incarcerated men at OBCC have been told they cannot have televisits if they are having in-person visits.
- Visits are being taken away as a punitive measure.
- The DOC website does not provide enough or accurate information on visiting procedures.

Nothing replaces in-person visiting, but given the challenges of visiting Rikers, televisiting has become a very important option for families. However, the decision made during Covid to place televisiting booths inside the busy visit rooms means that televisiting is only offered on Fridays



from 8 am to 1 pm, when people work and children are in school. We urge the Department to create time on a Saturday or Sunday (or both) outside of the in-person visiting times to offer weekend televisiting hours.

I want to conclude with a heartfelt message to you from our Youth Action Council, a group of young people ages 15 to 19:

"We are the Youth Action Council and all of us have had an incarcerated parent. Visits help us remember our parents and maintain a connection with them while they are incarcerated. Visits help our parents feel connected to us and this helps their emotional wellbeing. Why does it have to be so hard to visit? We ask for a shorter security screening process because it is not right that screening takes longer than the length of the visit itself. We ask for a child-friendly screening process where we don't feel violated by intrusive pat searches or treated as if we did something wrong. Rikers create pain and suffering for no reason and must be closed. Until this happens, please make it easier to visit and treat us with respect when we do."

Thank you.



**The New York City Council**  
**Committee Oversight and Investigations**  
**and**  
**Criminal Justice Committee**  
**Chairs: Gale A. Brewer and Sandy Nurse**  
**New York City Council Hearing**  
**Oversight – Visiting Rikers Island**

Testimony of  
The Legal Aid Society's Incarcerated Client Services Unit

December 12, 2025

Presented by:

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The Legal Aid Society  
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## **Introduction**

The Legal Aid Society, founded in 1876, is the nation's oldest and largest nonprofit legal services agency, providing comprehensive legal services to low-income individuals and families in all five boroughs of New York City. Legal Aid's mission is to improve the lives of low-income New Yorkers by ensuring that no New Yorker is denied access to justice because of poverty. For over 50 years, Legal Aid has worked to improve confinement conditions and protect the fundamental human rights of incarcerated individuals in New York City jails.

### **The Department of Correction is Violating People's Constitutional Right to an Attorney**

The New York City Department of Correction (DOC) is charged with holding people in custody who are awaiting trial. There are about 6,900 people held in city custody at Rikers Island. For those in custody, attorney visits are not a luxury but a constitutional right.

Nevertheless, DOC creates systemic barriers that make it difficult for Legal Aid staff to visit clients through in person visits at Rikers or through the alternative video conferencing (VTC) process. These barriers include failing to bring clients to counsel visits in anything that resembles a timely fashion. Despite having an internal DOC policy<sup>1</sup> that requires in person counsel visits to commence forty-five minutes from check in at the Control Center, Legal Aid staff report that wait times average from two to four hours at almost every DOC facility. And sometimes, after waiting to see a client for several hours, DOC staff will say the client refused to participate in the legal visit. In most cases, clients deny ever refusing to appear for a legal visit and often tell us they were never informed of the visit.

### **Rikers Lacks the Proper Infrastructure to Accommodate In-Person Counsel Visits**

DOC lacks the basic infrastructure in some facilities to accommodate multiple counsel visits. For example, the Rose M. Singer Center (RMSC) only has one counsel visit booth for the

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<sup>1</sup> *The New York City Department of Correction, Directive 6002, Attorney Visits (I).*

whole jail, making it impossible to accommodate multiple counsel visits at once. Additionally, DOC fails to deploy appropriate staff to escort both legal visitors and people in custody to legal visits, creating extensive delays. We are often told by DOC staff that there are extended wait times to see clients because of a lack of DOC escorts. This is particularly true for people in custody who are deemed to be high classification by DOC and require a captain escort to move throughout the facility almost always delaying their arrival to a counsel visit.

We are often denied access to basic necessities, including water, while having to endure significant wait times in deplorable conditions to see a single client. In some facilities, it is impossible to have a confidential conversation with because correction officers (COs) are within earshot of the counsel visit areas and the fan that should be turned on to muffle sound from the visits are often missing or not functional. We are often subject to arbitrary and inconsistent rules from being randomly locked into a holding area before and after counsel visits at Rosie Enhanced Supervised Housing (RESH) to being asked to remove jewelry before entering the West Facility because it is a high classification area.

### **Video Teleconferencing System Inadequate**

Video teleconferences (VTC) are not at any time to be considered a substitute to DOCs obligation to provide in-person attorney visits. DOCs VTC system is also extremely inadequate and inefficient. When we do utilize the VTC system, our clients are produced late, and sometimes not at all, despite having confirmed appointments.

The failure of the DOC to allow us meaningful access to our clients violates our clients' right to counsel, disrupts court schedules and compromises case preparation. While operational challenges may arise, the frequency of these delays and failure to produce clients entirely is unacceptable.

### **DOC Must Take Necessary Steps to Improve Visitation**

DOC must take immediate steps to ensure timely processing of counsel visits, provide real-time updates on lockdowns or staffing issues that may affect access, and establish a point of contact for counsel visit related issues. DOC must also provide the necessary space for counsel for visit areas and appropriate staffing to facilitate timely visits.

**Anecdotes Highlighting DOCs Failure to Provide Adequate In-person  
or Virtual Visits**

**Family Visits:**

- On December 3, 2025, the family visits line was snaked halfway to the DOC control center. The wait time for family visits was 3-4 hours.

**Generally:**

- It consistently takes hours to see a client. Extreme delays are completely routine and it is not unusual to wait at a facility for 2 or 3 hours before seeing a client.

**RESH:**

- In November of 2025, interns visiting RESH reported that they were locked in an intermediary holding room after their visit for more than an hour. Anytime they heard someone pass by, they called out to the staff but were left there for an hour and ignored.

**RMSC:**

- Visiting women clients at Rosie can be a nightmare. They have just one interview booth area. In March, I went to visit a client and there were a couple other attorneys there for other clients. I ended up waiting for about 4 hours at Rosie before speaking to the client.

**EMTC:**

- I have had many experiences where I am delayed by an hour or more in seeing people. In EMTC, the attorney room does not have walls that go to the ceiling, it is all glass, and there is a guard that sits right outside that can hear every word said.

**VTC:**

- VTC was scheduled. Client was never brought down. DOC would not say why. Later, an officer called and apologized and said there was no escort and offered to facilitate a quick call. Call was not sufficient as this was to prep client for a hearing and to potentially testify.

Because of non-production he missed out on an important attorney client meeting to prepare for a hearing.

- The VTC process is rife with error. From the difficulty of getting the meeting together, to waiting for the meeting to start (frequently 15 minutes after the start time), to the connection being terrible, these are frequently suboptimal.
- On August 15, 2025, DOC staff brought down the wrong client to a VTC, and again on August 19, 2025, resulting in us having to reschedule again to see the actual client and delaying our client's case.
- On August 28, 2025, a client was not produced for her 8:30am VTC, and no one answered phones at the facility. We were informed later that day that the Department was unable to staff the VTC office that morning.
- On October 2, 2025, a client was produced thirty minutes late to her one-hour VTC.
- On October 9th, a client was brought down thirty minutes late to an hour long VTC.
- On October 14, 2025, a client was one-hour late to her one-hour VTC.
- I had a VTC call with a client scheduled for November 18, 2025. It was critical that the call take place that day because the client had a hearing set to go forward the following day. He wanted to waive his appearance at the hearing due to an acute safety concern, so this call would have been our only opportunity to discuss important substantive and procedural issues. The call was scheduled for 4:30pm. We sent a message to the schedulers at Rikers asking whether the call could be moved earlier in the day, but we explicitly stated that if that were not possible, we wanted to keep the call as scheduled. They then cancelled the call without notifying us. When it became clear that my client was not going to join the call, we reached out and were told that the COs responsible for escorting people to the VTC booths had left for the evening and there was no way we could meet with our client that day.

### **Conclusion**

We appreciate the committee taking up the crucial issue of visiting clients and loved ones at Rikers Island. The systemic barriers created by DOC make both in-person and virtual

legal visits difficult and we look forward to continued attention to the shortcomings as well as offer our collaboration in improving visits and holding DOC accountable.

## **Testimony to the City Council Committee on Criminal Justice**

**Submitted by Ashley Santiago-Conrad**

**December 10, 2025**

Good afternoon, Council Members,

Thank you for holding this hearing. My name is Ashley Santiago, and I am testifying on behalf of Freedom Agenda as a Senior Community Organizer, a member of the Campaign to Close Rikers, and a Native New Yorker who has made many painful visits to Rikers.

My nephew, who has been diagnosed with developmental disabilities, autism and Disruptive Mood Dysregulation Disorder (DMDD), sat on Rikers Island for 2.5 years in dire need of mental health care and healing. During that time, my family and I made it as much a priority to dedicate large chunks of our day to head over that horror bridge to bring some joy into his day and some into ours, as long periods without getting to see him bothered our souls.

A Saturday visitation process consisted of arriving by 7 am and waiting under that hell of a bus shelter to take us over the bridge. The day starts with loads of rules, waiting outdoors while papers are being thrown at you to fill out while you're also trying to take off your shoes and prep for going through medical detectors, having your fingerprints scanned and traced for drugs. Let me not forget that visitation protocol was always on the visitors to look up on their own. Traveling to Rikers with my sister and very two young nieces always made me the most frustrated, watching guards yelling at my 3-year-old niece to hurry up, to NOT TOUCH THE DOGS!! "WHAT DID I SAY?" Stand still! Face the wall! I said, FACE THE WALL, and even forcing my 3-year-old niece to shake out her diaper. Finally getting to the jail where my nephew was didn't mean we went straight into the visit. Sometimes we'd be sitting in NIC or GRVC for anywhere from 3-5 hours in a cramped airless waiting room just to see him. I've watched my diabetic sister hold out as long as she could in hopes to see my nephew without her insulin or pump, and mothers with their newborn babies, who would have to leave before getting their visit because their child needed to eat every couple of hours and no formula nor baby food is allowed. No one's time is taken seriously until that one-hour visitation is over, and you hear the yell of guards "THATS IT! VISTATION IS OVER, HURRY UP IF YOU WANT TO CATCH THE BUS, THE NEXT ONE WON'T BE BACK FROM ANOTHER 30 MIN" That's right - another bus to escort you literally across the street.

On some days, we'd go through this ordeal without seeing my nephew at all. Many times, DOC would tell us my nephew "didn't want to come down," even when he knew we were coming and was waiting for our visit. We'd leave crushed, and he would call us later upset that he waited and



DOC never came to get him. And many days we'd travel all the way to the island to just be told at the entrance "if anyone is here for OBCC (for example) please turn back around, the building is on lockdown and they won't be getting any visitation"...information that would have been helpful to have before making the long trip there.

Although there is no replacement for seeing your loved one in person, you might think that video calls could help family members stay connected when they just don't have the time or energy to deal with the ordeal of visiting Rikers in person. But no. Setting up televisits involved making multiple requests and then waiting for confirmation, confirmation that could be denied or approved down to the very minute of the scheduled time. Even then, confirmation didn't hold any value. We still had to wait for guards to bring my nephew down, which often ate up a huge chunk of our 1-hour visit slot or never brought him down all together as we stared at a computer screen of a waiting room, never notified on why or what went wrong.

Sadly, I hear the same type of traumatic experiences from our members on a constant basis. One of our members shared that every time she visited, she was told that her hands tested positive for drugs she had never taken or touched, and she was prevented having contact visits with her son. A DOI report later revealed that DOC's drug testing produced false-positives 85% of the time. Another one of our members had to stop visiting her son when she was receiving cancer treatments, because the environment was so dirty. Two of our members whose children were hospitalized while in custody were extorted by correction officers who said they could see their children outside of the very limited visiting hours for hospital wards if they paid \$500. In every one of these cases, DOC undermined one of the primary tools they have to improve the mental well-being of people in their custody.

For the hundreds of families trekking to Rikers every week, a visit that should've brought joy, leaves you feeling defeated and like you wish there was a way to bring your loved one back with you. It's almost like the entire process is designed to deter you from coming. DOC's disrespect will never stop me and the multiple loved ones I used to see coming and going from Rikers. If we truly cared about dignity and human rights for incarcerated people and their loved ones, Rikers wouldn't exist. While we work to close it, it is imperative that DOC take real and immediate steps to not just support but encourage visiting, and to comply with the laws this Council has passed.

## **The Committee on Criminal Justice - Policy Testimony**

**Alam Gonzalez, MSW, CASAC-T**

***ATI-Social Worker | Certified Life Coach | Fatherhood & Reentry Advocate | Youth Violence Prevention | Speaker & Group Facilitator***

**The New York City**

**Council Committee on Criminal Justice**

***Hearing Date:12/10/2025***

**Subject:** *Improving Rikers Safety Through Emotional Development & Fatherhood Support*

Dear:

Chair, Members of the Committee, & distinguished staff, thank you for the opportunity to submit my testimony.

My name is Alam Gonzalez, MSW, CASAC-T. I am a Bronx-based social worker, fatherhood advocate, and volunteer therapeutic group facilitator inside Rikers Island, currently serving the NIC Building. I also work in BronxConnect's ATI (Alternative To Incarceration) program, supporting high-risk youth and young adults through SBIRT, relapse prevention, anger management, and Harm Reduction interventions.

Every week inside Rikers Island, I sit with men, fathers, sons, young adults, who come from the same community I am from. What I see is more than violence, gang tensions, or (non-compliance/adherence) of facility rules. "What I see is unaddressed trauma, emotional wounds, broken family systems, and men who were never taught how to identify a feeling, communicate, or regulate themselves under pressure."

This is the **missing piece** in every conversation about Rikers reform:

**the emotional development of the men inside Rikers Island and other facilities.**

Here are the following reasons listed below:

### **1. Emotional Development Programming Is Core to Safety**

From my direct experience running groups in the NIC building, I can say clearly:

**Most violent incidents inside Rikers begin with emotional dysregulation, not criminal intent.**

- Men lack coping mechanisms
- They shut down emotionally
- They escalate quickly because they were never taught alternatives

- Trauma responses are treated as “behavioral issues” instead of symptoms

When men are given emotional vocabulary, conflict-resolution skills, and tools for self-management, their behavior shifts. I’ve witnessed firsthand:

**less conflict, fewer altercations, and more stability** among individuals who participate in structured therapeutic work. DOC’s current programming volume does not match the need. This is not a service problem, it is a structural gap.

## 2. Fatherhood and Family Stability Directly Impact Behavior and Reentry

A majority of men at Rikers are fathers.

Yet **fatherhood programming is almost nonexistent**.

In group sessions, men consistently express that their deepest stressors are:

- family separation
- child support arrears
- custody issues
- guilt over not being present
- fear of losing their children during incarceration

These pressures lead to:

- depression
- impulsivity
- hopelessness
- frustration that spills into behavior

Research consistently shows that maintaining family connections during incarceration and providing structured family-focused support improves reentry outcomes and stabilizes behavior. Studies from the Urban Institute, Vera Institute of Justice, and peer-reviewed correctional research journals have found that individuals who sustain strong family ties, through programming, communication, and support, are more likely to engage in services, show fewer behavioral issues, and experience better post-release outcomes. Fatherhood programming in particular has been linked to lower levels of stress, improved emotional regulation, and stronger motivation to change.

Urban Institute’s research on family-inclusive reentry models shows that family support improves stability and program engagement during reentry

<https://www.urban.org/sites/default/files/publication/27576/412408-Impact-of-Family-Inclusive-Case-Management-on-Reentry-Outcomes-Interim-Report-on-the-Safer-Return-Demonstration-Evaluation.PDF>

A peer-reviewed review of family contact during incarceration found that maintaining family ties is associated with lower recidivism and better community reintegration

<https://pmc.ncbi.nlm.nih.gov/articles/PMC6625803/>

Another study highlights how instrumental family support improves behavioral outcomes during reentry <https://pmc.ncbi.nlm.nih.gov/articles/PMC7205225/>

In my work inside Rikers, I see this every week. When men receive support around their roles as fathers, and have guidance navigating the pressures of child support, custody concerns, and family instability, their mental health improves, their frustration decreases, and their engagement in programming increases.

Supporting fathers is not just a moral issue, it is a **public safety strategy**.

### 3. NYC Needs Formal Partnerships With Credible Community Providers

Community practitioners are already doing the work, often with more trust and effectiveness than large vendors. In my work at BronxConnect's ATI and violence-prevention programs, I've seen how deeply men respond to culturally competent, community-based support. (***I am speaking today in my personal capacity, based on my direct practice experience***). When I facilitate harm reduction groups on life skills inside NIC, I see how much the men/PIC respond to me when I look like them, speak their language, and come from their communities.

This is not a minor point, **it is the key to engagement**.

The City should expand collaborations with community-rooted organizations such as:

- BronxConnect
- violence interruption programs
- fatherhood organizations
- mental health providers who work with underserved men
- culturally competent facilitators

Partnerships like these allow DOC to offer **real, skilled, trauma-informed support** rather than surface-level programming.

### Policy Recommendations

1. **Fund emotional development and behavioral-skills programming as core safety interventions.**
2. **Establish a Fatherhood & Family Stability Unit within DOC**, providing child support navigation, family engagement, and trauma-informed support.
3. **Create formal DOC partnerships with grassroots community organizations**, ensuring culturally grounded services.
4. **Expand mental health and relapse-prevention programming** for justice-impacted men.
5. **Collaborate with research centers at NYC universities to collect and publicly report data** on program effectiveness, behavioral changes, and reentry outcomes.

## Conclusion

I grew up in the same Bronx neighborhoods as many of the men I serve. I have walked alongside young people heading down the same paths. My work, both inside Rikers and in the community, comes from a place of deep commitment, lived understanding, and professional responsibility. If New York City truly wants safer jails and safer streets, we must address the emotional and family-based needs of the men inside Rikers. Without this foundation, every reform effort will fall short. I welcome the opportunity to support the Council in developing solutions that strengthen families, reduce violence, and restore stability to our communities.

Best,

*Alam Gonzalez*

**Alam Gonzalez, MSW, CASAC-T  
ATI-Social Worker | Certified Life Coach |  
Fatherhood Advocate | Rikers Volunteer Facilitator**



Members

Committee on Oversight and Investigations / Committee on Criminal Justice

New York City Council

Dear Councilmembers,

I am an attending physician providing medical care in all New York City jails on Rikers Island through Correctional Health Services of New York Health + Hospitals. I am an NYC resident and write this letter in my own capacity independent of my employment with the city.

Every Saturday I ride the Q100 bus from Queens to Rikers Island with dozens of family members and friends of people who are detained in the jails. I see how important family visits are to them. And when I talk with detainees they often mention that they are expecting a visit or have just received a visit. Detainees and their visitors should be able to freely exercise their right to visits under Title 9 of the New York City Administrative Code and Rule 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners also known as the Nelson Mandela Rules.

The Department of Correction has stated in testimony to the NYC Board of Correction that it is concerned about the smuggling of contraband by visitors into the jails on Rikers Island. New airport style nonionizing body scanners can be used to scan each and every visitor at the Visit Control Building before they board shuttle buses. Dogs can also be present beside the scanning machines at the Visit Control Building. No other methods are needed as these methods can completely control smuggling.

If the Department of Correction wants to address a major source of contraband smuggling, it can use airport style nonionizing body scanners to scan \*each and every person every time they enter any jail\*. This is not current practice as all jails do not have these scanners, scanning is done randomly, and people bypass the scanners. Every time a correction officer or civilian staff member flies commercially they are scanned. People entering jails should not be treated any differently. The health and safety of staff and detainees are too precious to rely on the current substandard practice.

Thank you for considering my testimony and I look forward to receiving questions or requests for clarification if you have them.

Sincerely,

James Uhrig, MD

**From:** [Miss Jenny](#)  
**To:** [Testimony](#)  
**Subject:** [EXTERNAL] Visiting New York Department of Correction Facility  
**Date:** Friday, December 5, 2025 1:27:15 PM

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[REDACTED]

Good Morning, I would like to make a testimony in reference to visiting my love one at Rikers Island. The facilities on Rikers Islands are ancient, unhealthy with mildew and asbestos and are unsafe Rikers have a history of controversy with inmates such as abuse, neglect, violence and poor conditions. Poor treatment for the mental illness, providing incorrect dosages of medication, solitary confinement, Correction Officer brutality, violence, deaths etc..

Rikers Islands needs to be torn down and closed. The mental illness needs Professional Medical Treatment and educated about their illness and if they have a disease such as substance abuse to re enter productive to our communities, which is much NEEDED!! My son is currently there on Rikers and was ordered by the Judge to be transferred out to a DOC Hospital and haven't been transferred yet as of October, 2025, for Professional Medical Treatment.

The other inmates should be sent to boot camps where they can use their time productively in a trade, getting their ged or further their Education and trained to prepare themselves to return productively as well.

My son DON'T want me to visit him because of the kind of process a love one goes through to visit their love ones. Waiting in line for over an hour or more outside after placing your belongings into a locker...to go through the metal detective. If you are disabled as myself, it doesn't make a difference. Once, inside, you have to get a pass, your fingers and hands are scan, some have to sit in another section for a dog to sniff you? Then you wait for a bus and the CO driver takes you to the location. Once, you arrive at your location the search process and locker routine occurs again. Sometimes you wait 30 minutes or sometimes you wait an hour or two. Once, I went there and waited all day and the last person, stated my son DID NOT want to see me, which was NOT true. My son calls me everyday once or more times a day..I went there because I was very concerned because I had NOT heard from my son in a month or two. After I went there and couldn't see him the next thing, he was transferred to Bellevue hospital. I visit him there and he was so incoherent, slur speech, talking out of his head, confused, delusional. So if I didn't come to visit him and was NOT able to see him on Rikers, how long was they were going to let my son be in that unhealthy, unsafe mental stability? That was a horrible and is horrible.

These individuals being detained are humans and DON'T need to be treated like animals, in which animals shouldn't be treated that way either. These type of facilities cause trauma and life long mental illness!!

No one is perfect BUT GOD..people make mistakes, NO one deserves to be dehumanized and then the process to come visit a love one is liked you are an individual detained. It makes you feel you DON'T want to come and see your loved one, they NEED LOVE and SUPPORT TOO!!

Thank you for reviewing my letter and take into consideration my concerns for ALL incarcerated individuals including my son.

Once, again, thank you.

Ms Stover



**Committee on Criminal Justice (jointly with the Committee on Oversight and Investigations)**  
**City Council Hearing on Visits to NYC Jails – Nori Perez**

**December 10, 2025 – Council Chambers, City Hall**

Good afternoon, Committee Members.

My name is Nori Perez, and I'm here today because this issue is personal.

My brother, Franklyn Dominguez, died while in state custody in February 2025. He was one of seven individuals who lost their lives during the illegal work stoppage by correctional officers protesting the HALT Solitary Confinement Act. While serving a six-year sentence, he was routinely assaulted, placed in solitary confinement, denied food, and, toward the end of his life, stripped of his communication privileges.

Losing him was devastating, but what has stayed with me just as deeply is realizing how preventable his death was. He was a human being, someone's child, someone's sibling, who needed care, not neglect.

What happened to my family is not an isolated tragedy. It is the direct result of a culture inside jails and prisons where safety is defined only as control, and never as well-being. And when you build a system on fear, punishment, and silence, people get hurt. People die.

Today I'm asking this Council to help shift that culture, from one focused on compliance to one centered on humanity, accountability, and care. Because safety inside jails is not separate from public safety. They are the same.

There are three practical steps this Council can take right now:

First, strengthen independent oversight. We need real transparency, not internal investigations checking their own work, but outside reviewers with full access to facilities, medical logs, use-of-force reports, and grievance systems.

Second, expand medical and mental health protections. Too many deaths in custody begin with ignored symptoms, untreated withdrawal, or delayed responses. This city can mandate timely medical checks, require clear documentation, and enforce consequences when staff fail to act.

Third, limit the use of prolonged isolation. We know isolation worsens mental health, increases self-harm, and escalates violence. Restricting it to true emergencies, with monitoring and time limits, makes jails safer for both incarcerated people and staff.

None of these changes are radical. They are basic standards of care.

They are what any of us would want for our own family members.

And they are fully within your power.

My brother's life cannot be returned, but the lessons from his death can prevent the next one. I'm asking you, as elected leaders, as members of this community, as human beings - to create a jail system that treats people as people.

Because dignity is not a reward. It is a right.

And how we treat those in our custody is a reflection of who we are.

Thank you for your time and for your commitment to making our jails safer.

## **SAFE JAILS, SAFE COMMUNITIES**

Prepared by: Nori Perez

Purpose: Strengthen safety, accountability, and dignity in our city's jail system.

### **WHY THIS MATTERS**

- Deaths in custody are rising nationwide.
- Most people in jail are pretrial and legally innocent. The city is responsible for their care.
- Unsafe jail conditions harm everyone: incarcerated people, staff, families, and the broader community.
- Preventable deaths and abuses lead to costly lawsuits, medical emergencies, and long-term trauma.

### **KEY PROBLEMS INSIDE LOCAL JAILS**

- Delayed or inadequate medical care for chronic illness, withdrawal, and mental health crises.
- Overuse of isolation as a default response rather than a last resort.
- Lack of independent oversight, allowing abuses or neglect to go uninvestigated.
- Inconsistent staff training in mental health, de-escalation, and trauma-informed care.
- Broken grievance systems that silence the people in custody and hide patterns of harm.

### **WHAT THE COUNCIL CAN DO NOW**

#### **1. Establish or Strengthen Independent Oversight**

- Create an independent jail oversight board or strengthen the one that exists.
- Grant full access to facilities, medical logs, use-of-force reports, and grievance data.
- Require public reporting for transparency and trust.

#### **2. Protect Health and Safety**

- Mandate timely medical response standards.
- Require documentation and review of all medical complaints.
- Expand mental health staffing and crisis response teams.

### **3. Limit Harmful Isolation Practices**

- Restrict isolation to genuine emergencies.
- Set strict time limits and require medical & mental health checks.
- Track and publicly report usage.

### **4. Strengthen Staff Support & Training**

- Provide training in de-escalation, trauma-informed care, and crisis response.
- Improve staffing levels to reduce burnout and unsafe conditions.
- Promote a culture of safety over punishment.

### **BENEFITS TO THE CITY**

- Reduces preventable deaths and injuries.
- Increases safety for both incarcerated people and staff.
- Decreases lawsuits and medical emergency costs.
- Builds public trust in city leadership and institutions.
- Supports healthier reentry and long-term community safety.

### **WHY I'M HERE**

I lost my brother in state custody. What happened to my family should never happen to another.

I'm asking the Committee to take action now — not out of politics, but out of basic humanity.

A safer jail is not only possible — it is necessary.

Good afternoon, everyone,

My name is Vivian, and I stand here today not only as a grieving sister, but as a voice for my brother — one of the many lives lost in our city jails during the illegal strike by correctional officers.

During that strike, my brother was neglected. That neglect cost him his life. He was just 35 years old — young, healthy, and full of potential — and yet, he was found dead in his cell. To this day, my family has received no real answers, no accountability, and no justice.

But my brother was so much more than what happened to him. He was a runner — a true athlete — who had won over 200 races, often coming in first place. He loved the feeling of freedom that came with running, the same freedom that was taken from him behind those walls. He was also funny, with a smile that could light up any room. He had this energy that could lift people's spirits even on the darkest days. That's who my brother was — full of life, laughter, and love.

Let me be clear: what happened to my brother was not an accident — it was a systemic failure. It was the result of years of corruption, neglect, and indifference towards people in custody. The system that's supposed to protect human rights instead turned its back on them.

My brother struggled with mental illness and substance abuse — and instead of treatment, he was thrown into a cell. Jail was not the answer. What he needed was help, not handcuffs. Rehabilitation, not incarceration. Compassion, not cruelty.

How many more lives must be lost before change comes? How many families must bury their loved ones while the system hides behind excuses and paperwork?

This city cannot claim to value justice while allowing people to die in its custody. We cannot talk about rehabilitation while treating human beings as disposable.

I'm here to say that enough is enough.

My brother isn't here to speak for himself, but I am — and I will not be silent. I will keep

fighting, not only for him, but for every family that's been shattered by this system. We deserve transparency, accountability, and real reform.

Justice for my brother Franklyn Dominguez.

Justice for all the lives lost behind those walls.

And justice for the generations to come — because this system must change, and it will change, if we keep standing together and raising our voices.

Thank you.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Tarini Garinella

Address: 319 CROWN Place, Brooklyn

I represent: Osborne Association

Address: 24

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Chaplain Dr. Victoria A. Phillips - D.D.U

Address: 99 Wall St # 813 NY, NY

I represent: Visionary V Ministries : The Sails Action Coalition

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 12/10/25

(PLEASE PRINT)

Name: Pecilia Teuber

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/10/25

(PLEASE PRINT)

Name: Sharon White Harrigan

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

17

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Natalie Fiorenzo

Address: 100 William

I represent: NYCD

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: BARBARA MANU

Address: [Redacted] Douglas Ave

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 12/10/25

(PLEASE PRINT)

Name: Tarini Garimella

Address: 319 Lincoln Place

I represent: OSWALD Association

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 12/10/25

(PLEASE PRINT)

Name: Tahaneh Dunn

Address: 360 E 161<sup>st</sup> Street, Bronx, NY

I represent: Bronx Defenders

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Julia Tedesco

Address: 100 William St, New York NY

I represent: New York County Defender Services

Address: 100 William St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Leslie Bushara

Address: \_\_\_\_\_

I represent: Children Museum of Manhattan

Address: 212 West 83 St

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/10/25

(PLEASE PRINT)

Name: Ashley Santiago-Corrad

Address: 40 Rector St

I represent: Freedom Agenda

Address: 40 Rector St

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/10/25

(PLEASE PRINT)

Name: Tanya Krupat

Address: \_\_\_\_\_

I represent: Osborne Association

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MICHAEL KLINBER

Address: 177 LIVINGSTON BLK NY

I represent: BROOKLYN DEFENDERS

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/10/25

(PLEASE PRINT)

Name: Alexandra (sasha) Fisher

Address: \_\_\_\_\_

I represent: The Legal Aid Society

Address: 49 Thomas street, New York, NY 10013

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 12/10/25

(PLEASE PRINT)

Name: Liz Bender

Address: \_\_\_\_\_

I represent: Neighborhood Defender Service of Harlem

Address: 317 Malcolm X Blvd

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lynelle Maginley-Riddle,

Address: Commissioner

I represent: NYC Dept. of Correction

Address: 7520 Astoria Blvd

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: James Boyd

Address: Deputy Commissioner

I represent: NYC Dept. of Correction

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Sharrittann Bembert

Address: Bureau Chief / Chief of Staff

I represent: NYC Dept. of Correction

Address: \_\_\_\_\_

◆ Please complete this card and return to the Sergeant-at-Arms ◆



**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Joseph Caputo

Address: Acting Assistant Chief

I represent: NYC Dept. of Correction

Address: 7520 Astoria Blvd

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Neil Colon

Address: Deputy Commissioner

I represent: NYC Dept of Correction

Address: 7520 Astoria Blvd

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Samis Conkey

Address: General Counsel

I represent: NYC Dept of Correction

Address: 4520 ASTORIA Blvd

*Please complete this card and return to the Sergeant-at-Arms*