

**Testimony before the  
New York City Council  
Committees on Criminal Justice and Contracts**

**Chair Sandy Nurse**

**Chair Julie Won**

**By**

**James Conroy, Deputy Commissioner of Legal Matters/General Counsel**

**NYC Department of Correction**

**January 30, 2025**

Good morning, Chairs Nurse and Won and members of the Committees on Criminal Justice and Contracts. My name is James Conroy, and I am the Deputy Commissioner of Legal Matters and General Counsel for the New York City Department of Correction (“Department” or “DOC”). The Department partners with a network of experienced and dedicated providers to deliver goods and services, programmatic support and skill building, and help in the transition back into the community for those in our care. These vendors and the DOC staff who support and enhance their work are a critical part of maintaining a safe and humane jail system, with modern practices and amenities. The Department currently has over 100 registered contracts covering a vast range of needs and services. Today, we would like to highlight three jail-based services in particular: telephone, tablet, and commissary services.

The Department works in close collaboration with the Mayor's Office of Contract Services ("MOCS") on all matters related to procurement. DOC follows established citywide procurement protocols and utilizes the City's PASSPort portal in the same manner as other City agencies. Given the nature of our work and the vulnerable population we serve, we recognize the importance of transparency and accountability when selecting and partnering with vendors. Our goal is to ensure that the goods and services provided to those in our care are fair, valuable, and equitable. When selecting vendors that provide goods and services, the Department carefully considers the associated costs. Unlike many other jurisdictions, DOC does not engage in revenue-sharing with vendors, a common practice that can lead to predatory and exorbitant pricing. When selecting vendors and negotiating prices, DOC works to reduce or eliminate fees where possible, and to ensure that pricing is in line with fair market rates as they exist in the community. Telephone services are provided at no cost to people in custody and those that receive their calls. Following the new admission process, each individual in our care is assigned a tablet at no cost with telephone service capabilities, as well as a wide range of free informational, educational, and entertainment media, including e-books, religious and law library services, and a commissary ordering application. Individuals can order items through commissary – such as food, makeup, and brand name hygiene items – that are delivered directly to their assigned housing area. Items are priced at fair market rates, based on comparisons with prices found in the community, and with no associated fees. Items that are not within market rates are not permitted on the menu. Item prices are set for the duration of the contract and can only be raised with the express consent of the Department.

The Department's goal is to make sure that our contracting process is thorough, fair and consistent with citywide policies, while at the same time ensuring that the needs of the agency and the people in our care are met. The Department has enhanced its contract review process to include a second level review of all contract submissions, which is conducted by the Agency Chief Contracting Officer and the Senior Deputy Agency Chief Contracting Officer. Additionally, DOC is exploring establishing a contract compliance auditing process to reinforce our existing practices to ensure compliance. The Department's Procurement Unit participates in training sessions and refresher courses on MOCS's standard procurement policies and procedures to ensure compliance with established citywide policies.

Of course, the Department is aware that a limited number of vendors that operate in the jails have engaged in problematic practices in the past, and has taken these concerns into account when drafting contracts with those vendors and designing policies related to their services. In 2023, the Department of Investigation released a report related to the telephone services provider's unintentional recording of privileged phone calls, causing breaches of attorney-client privilege for some persons in custody. Well before the report was released, DOC had placed the provider on a closely monitored corrective action plan to address the unique issues that arose in this incident. As noted in the report, the vendor worked quickly and transparently with the Department to correct the issue and implemented safeguards to prevent future problems. Since the remedial measures were put into place, all privileged telephone communications have been handled legally and appropriately.

Additionally, we are aware of criticisms relating to the vendor providing commissary services in our facilities. However, the Department receives very few complaints related to

commissary services – less than one percent of orders are associated with a grievance – and works with people in custody to quickly resolve any issues that may arise. The vast majority of these complaints are related to delivery status or about accessing accounts to place an order. Very few, if any, grievances are related to product prices or quality. Similarly, we have found that we receive very few complaints regarding tablet services, relative to the scale of the operation. Complaints that are received are addressed quickly by a dedicated member of our staff.

Contracting with a vendor to provide commissary services allows for the Department to leverage the vendor's resources to minimize Department staff directly involved in providing commissary to the population, allowing DOC personnel to remain dedicated to ensuring safety in the facilities. Individuals look forward to these orders each week and any disruption or stop in service would have adverse effects on those in our care, as well as the staff who work in the jails. The vendor is able to provide a broader range of stocked products than DOC was able to offer when self-servicing commissary orders. Consequently, people in our care consistently receive the items that they order.

Turning to the legislation being heard today, Introduction 825 would require the Department to return all unused commissary funds to individuals prior to them leaving custody. We share the Council's goal of ensuring that individuals can access and claim their funds when leaving custody so that those funds are not abandoned. However, the policies proposed through this legislation would not achieve that goal and, further, would put people being discharged from custody, as well as City employees, at significant risk of harm. The Department provides several avenues for individuals to collect their institutional funds prior to or during discharge. Individuals can collect up to \$200 in cash immediately upon discharge and can request a check for any

remaining funds. Individuals can also collect their funds in the same manner for up to 120 days following discharge at any of the Department's cashier windows. Additionally, individuals can arrange to have their institutional funds transferred to a loved one in the community at any point prior to discharge. The bill proposes that individuals leaving custody, some of whom have several hundred or even thousands of dollars in their institutional account, be provided with those funds, in full, in cash. The resources needed to ensure that this amount of cash could be kept on site at each DOC cashier window 24 hours a day, seven days a week, would be insurmountable from an operational, infrastructure, and security perspective. The cashier windows may become targets for criminal acts, as would every individual being handed large sums of money in cash at these sites. Even if the Department could reasonably and safely operationalize the bill as written, our data shows that the \$200 cash cap does not appear to be the barrier for the vast majority of individuals collecting their funds at discharge. Nearly 70 percent of individuals who do not claim their funds when leaving custody have \$100 or less remaining in their accounts. We would like to work with Council on an alternate plan to resolve the longstanding issue of unclaimed commissary funds that addresses the root cause of the issue and does not present the noted safety concerns.

Overall, we believe the telephone, tablet, and commissary services offered by these vendors are of immense value to the people in our care and to their loved ones in the community. Free and accessible phone calls mean that people can stay connected with their families and maintain the critical social networks that will support them in successfully reintegrating into their communities. Since 2022, people in custody have had the ability to make free phone calls using their tablets, providing greater access to phone services and, in turn, more opportunities to stay

connected. Tablets offer not only entertainment and reduce idleness, but also connect individuals to important services and educational resources without having to leave their housing area or wait for a scheduled program. These serve as critical tools in a holistic approach to violence reduction and behavior management, which supports safer, more humane jails.

We share the Council's goal of ensuring that those in the Department's care have access to high-quality services that are delivered ethically and transparently, and that comply with all contractual, legal, and regulatory obligations. We believe our vendors have been critical in supporting the Department in moving towards more modern and efficient operations, which not only benefit people in custody and DOC staff, but the City as a whole. Thank you for the opportunity to testify today. We are happy to take your questions.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

# Jumaane D. Williams

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**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS  
TO THE NEW YORK CITY COUNCIL COMMITTEES ON CRIMINAL JUSTICE AND  
CONTRACTS  
JANUARY 30, 2025**

Good morning,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. I thank Chairs Nurse and Won, and the members of the Committees on Criminal Justice and Contracts for holding this hearing.

While the city’s jails are required to provide people in its custody food and basic hygiene items, many turn to its commissary for variety—and, often, out of necessity, as many people incarcerated on Rikers Island have reported rotten, moldy food and a lack of access to hygiene products like soap and menstrual products.<sup>123</sup> Family and friends of people detained on Rikers can transfer money into an individual’s account, which allows them to purchase a range of items from the jail’s commissary. The city contracts with the Keefe Group to provide these items to people in custody and allows loved ones to send packages to people in the jails through its service, Access Securepak.

Commissary and care packages are big business in prisons and jails across the country, producing hundreds of millions of dollars in sales every year.<sup>4</sup> In New York State prisons, incarcerated people are no longer allowed to receive care packages from loved ones; instead, orders must be placed through private companies that provide pre-approved items.<sup>5</sup> Incarcerated people all over the country are disproportionately bearing the brunt of inflation, with commissary prices increasing far more than prices on the outside.<sup>6</sup> Though the contract with Keefe Group stipulates that the price of items have fixed prices that do not “exceed the market prices of the same products in non-discount stores” in the city, an investigation by THE CITY found that every listed item was being sold at a higher price than the ones outlined in the contract, and many were being sold for more than double the price of those at local grocery stores and online retailers.<sup>7</sup>

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<sup>1</sup> <https://www.cbsnews.com/news/rikers-island-jail-conditions-new-york/>

<sup>2</sup> <https://www.businessinsider.com/photos-harrowing-scenes-inside-rikers-island-jail-new-york-2022-10>

<sup>3</sup> <https://mottshavenherald.com/2022/12/19/rikers-women-prisoners-lack-hygiene-necessities/>

<sup>4</sup> <https://www.vox.com/2017/12/21/16767108/prisoner-care-packages-big-business>

<sup>5</sup> <https://www.themarshallproject.org/2018/01/04/the-latest-big-win-for-prison-privatization>

<sup>6</sup> <https://www.themarshallproject.org/2023/05/02/why-inflation-price-hikes-are-even-worse-behind-bars>

<sup>7</sup> <https://www.thecity.nyc/2023/06/09/keefe-group-rikers-commissary-high-prices/>

Those placing money in their loved ones' accounts have also reported that items ordered arrive smaller than advertised, or are not delivered at all.<sup>8</sup> Refunds are sometimes not issued promptly or at all, or only come after repeatedly contacting the Keefe Group. For working families, many of whom have lost a source of income when their loved one was incarcerated, these expenses—which can amount to hundreds of dollars—are not trivial. My colleagues Councilmembers Hudson and Nurse, and I recognize these financial burdens and have introduced Intro 825, being heard here today, which would require DOC to inform people in custody how much money remains in their commissary account and return all unused commissary funds, in cash, prior to an individual leaving the department's custody.

Despite the plethora of concerns about the Keefe Group, the Adams administration awarded it a \$33 million no-bid contract, overriding a rejection by the Comptroller<sup>9</sup>—just as this administration has previously moved ahead with contracts amid complaints and concerns. This contract was awarded without a request for proposals, which could have been an opportunity for a MWBE; instead, it was given to Keefe Group with little transparency. With the long history of mismanagement of the jails on Rikers Island, we should be seeking the best possible providers with a fully transparent process, and not charging those in our custody for their own care.

Thank you.

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<sup>8</sup> <https://www.thecity.nyc/2023/06/09/keefe-group-rikers-commissary-high-prices/>

<sup>9</sup> <https://www.thecity.nyc/2024/03/29/mayor-controversial-rikers-commissary-contract-defying-comptroller/>





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**TESTIMONY OF:**

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**BROOKLYN DEFENDER SERVICES**

**Presented before**

**The New York City Council Committees on**

**Contract and Criminal Justice**

**Oversight - Contracted Jail Services.**

**January 28, 2025**

My name is Alyssa Briody. I am a Senior Staff Attorney in the Civil Rights and Law Reform Unit at Brooklyn Defender Services (BDS). We thank Chair Nurse and Chair Won and the Committees on Criminal Justice and Contracts for the opportunity to testify on the city's contracted jail 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. For more than 25 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. Thousands of the people we represent are detained or incarcerated in the New York City jail system each year while fighting their cases in court or serving a sentence of a year or less. Our staff consists of specialized attorneys, social workers, investigators, paralegals, and administrative staff who are experts in their individual fields.

In addition to zealous legal defense, BDS provides a wide range of services to address the causes and consequences of legal system involvement. We have built a practice around supporting people who are detained pretrial to mitigate the burdens and trauma created by confinement and to protect our clients from collateral consequences. Through our jail-based programming, we advocate for our clients to access services they are entitled to such as medical care and education. Additionally, our established presence in New York City jails allows us to monitor and document the conditions New Yorkers encounter when incarcerated and advocate for the basic human rights, health, and



safety of our clients and other incarcerated people. Furthermore, many of the people that we serve live in heavily policed and highly surveilled communities.

**DOC continues to operate a broad community surveillance program that targets all of New York City.**

Despite the Department claiming they lack human and financial resources, DOC continues to spend millions of dollars on pervasive corporate surveillance products that do not enhance jail safety. Since 2014, DOC has worked with Securus Technologies to transform its phone system into a vast and interconnected mass surveillance system that collects and databases biometric and other personal data not only from those detained in our city jails, but also their families, communities, and advocates.<sup>1</sup> All the data that DOC and Securus collect from both people in custody and community members is uploaded to a database that is accessible by Securus's law enforcement customers nationwide.<sup>2</sup>

DOC's surveillance system is constructed without any requirement of individual suspicion, no need for court oversight, and no need for a warrant. Merely being poor and unable to afford bail causes people and their families to have fewer rights, less privacy, and diminished dignity compared with those who defend their criminal cases out of custody. Further, unlike other records that are sealed or expunged when a person is released, this surveillance web is verging on permanent with extremely long data retention periods and absolutely no data oversight.

This mass surveillance system is impacting Black and brown communities at a staggering rate, and when combined with the blanket of surveillance deployed by the NYPD, ACS, and other law enforcement entities, it decimates any notion of freedom, justice, and fairness in New York City. DOC is not using the surveillance system to make the jails safer.<sup>3</sup> Instead, Securus is gathering personal data from New Yorkers and profiting.

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<sup>1</sup> This pervasive surveillance has not always existed in New York City. In fact, universal jail call recording only began here in 2008. And Securus itself was only brought to New York City in 2014. For decades before that, law enforcement was only able to record jail calls in the way they are able to record anyone's phone calls: with a specifically-issued eavesdrop warrant.

<sup>2</sup> CISION PR NEWSWIRE, Securus Delivers the Most Advanced "Big Data" Analytical Tool in Corrections (Dec. 21, 2015), <https://www.prnewswire.com/news-releases/securus-delivers-the-most-advanced-big-data-analytical-tool-in-corrections-300195882.html>.

<sup>3</sup> DOC officials are reviewing only a fraction of the millions of recorded phone calls. According to a FOIL response BDS received, in just a two-year period, from January 1, 2020 through January 1, 2022, DOC records indicate that at least 17,977,510 completed phone calls were recorded. Within that same time period, DOC employees listened to calls 305,381 times, which includes repeated listening to the same recorded phone call. This indicates that within a two-year period, less than 1.7% of phone call recordings were accessed by DOC officials.

**Staying in business with Securus endangers New York City’s criminal legal system, our city’s fiscal oversight requirements, and New Yorkers’ safety.**

Despite the argument that this surveillance web is necessary for public safety, the truth is that DOC’s surveillance system has resulted in activity that is illegal, unconstitutional, and bordering on fraudulent.

- *Illegal privileged call recordings.* First, this mass surveillance system has resulted in the illegal and unconstitutional recording of attorney-client phone calls. Thousands of phone calls made by people detained at Rikers to their lawyers have been recorded by DOC and Securus, despite those phone numbers being on a designated “do not record” list.<sup>4</sup> DOC shared many of those recordings with state and federal law enforcement agencies and District Attorney’s offices.<sup>5</sup> New York is not the first jurisdiction to experience this fundamental invasion of legal privacy: Securus has been subject to hundreds of lawsuits regarding its lax control over the privacy and confidentiality of protected communications.<sup>6</sup> At the hearing this week, DOC blamed these illegal recordings on an isolated “human error,” but if that were true, why is the same unlawful conduct occurring in jurisdictions across the country?
- *Rejected contract.* Despite this serious breach of confidential information, the Department attempted not only to renew its Securus phone service and surveillance contract, but also to *expand* its use of Securus’s services. Without any public process or meaningful oversight, the Department selected Securus as the vendor to provide electronic tablets to people in custody. At the time, neither the New York City Comptroller nor the BOC knew what the cost of those services would be because “there was no competitive bidding process

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<sup>4</sup> Testimony of New York City Comptroller Brad Lander to the Board of Correction, Mar. 14, 2023, <https://comptroller.nyc.gov/newsroom/testimony-of-new-york-city-comptroller-brad-lander-to-the-board-of-correction-2/>; Noah Goldberg & John Annese, *NYC Correction contractor recorded thousands more lawyer-client jail phone calls than first reported; could jeopardize court cases*, New York Daily News, December 30 2021, <https://www.nydailynews.com/new-york/nyc-crime/ny-audit-shows-doc-listened-in-on-even-more-lawyer-inmate-calls-20211230-zni5qacdhjazok7rdmwyg2wsm-story.html>.

<sup>5</sup> Chelsea Rose Marcus, *NYC’s 5 DA offices wound up with recordings of confidential jailhouse calls between inmates and lawyers*, New York Daily News, March 21, 2021, <https://www.nydailynews.com/new-york/ny-jails-recordings-attorney-client-privilege-calls-20210321-tzbyxwnle5dc5jgvi5cona6wry-story.html>.

<sup>6</sup> See, e.g., *United States v. Carter*, 429 F. Supp.3d 788, 798-800, 847 (D. Kan. 2019); Order, *Huff v. Core Civic, Inc.*, No. 17 Civ. 2320 (JAR), Dkt. No. 146 (D. Kan. Sept. 26, 2019); *Romero v. Securus Tech., Inc.*, No. 16 Civ. 1283 (JM) (MDD), 2020 6799401(S.D. Cal. Nov. 19, 2020) (denying motion to dismiss for numerous claims against Securus including claims made pursuant to the California Invasion of Privacy Law); Order, *id.* Dkt. No. 184 (Nov. 19, 2020); *Albert v. Global Tel\*Link Corp.*, No. 20 Civ. 01936 (LKG), 2021 WL 4478696 (D. Md. Sept. 30, 2021).

[and] no Request for Proposals or scope of services.”<sup>7</sup> Comptroller Brad Lander rejected this expanded Securus tablet contract, citing its flagrant breach of City procurement rules.<sup>8</sup>

- *Defeated attempt to expand the surveillance web.* Also, in 2022, amidst public questions about the Department and Securus’s illegal conduct, the Department—at Securus’s suggestion—sought a permanent variance from the Board of Correction’s Minimum Standards to allow the scanning and electronic delivery via tablet of all non-legal mail,<sup>9</sup> which BDS strongly opposed.<sup>10</sup> This attempt to further expand the Department and Securus’s access to our community’s personal data was defeated for now.

As these examples demonstrate, the Department and Securus’ encroachments on privacy and protected communication are not glitches in an otherwise watertight system. Rather, they are a natural outcome of allowing private companies to collect and store sensitive information and communications.<sup>11</sup> Because of Securus’ lax control over the privacy and confidentiality of protected communications, it is unclear who has access to the intimate communications of people in custody. Whether this access is “authorized” for a specific purpose is irrelevant. After all, Securus was not “authorized” to record attorney-client phone calls, but they have done so anyway. Entrusting this company and this Department with a community spying program of this size and scope risks uncorrectable violations of our community’s legal and civil rights.

The only way to be sure the data will not be misused is to ensure it is not collected in the first place. It is for this reason that BDS, together with the Bronx Defenders, New York County Defender Services and Cleary Gottlieb Steen & Hamilton LLP filed a class action lawsuit against DOC seeking to end its unlawful mass surveillance system.<sup>12</sup>

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<sup>7</sup> Testimony of New York City Comptroller Brad Lander to the Board of Correction, Mar. 14, 2023, <https://comptroller.nyc.gov/newsroom/testimony-of-new-york-city-comptroller-brad-lander-to-the-board-of-correction-2/>.

<sup>8</sup> Forum Staff, [Why My Office Refused to Register DOC Internet Services Contract: Lander](#), NYFocus (March 6, 2024).

<sup>9</sup> See “Continuing Variance Request to Board of Correction Minimum Standards Section 1-11(e)(1)(i) Regarding Correspondence,” dated Nov. 14, 2022, at <https://www.nyc.gov/site/boc/meetings/january-10-2023.page>.

<sup>10</sup> BDS Opp. Ltr to BOC, Jan. 5, 2023, [https://bds.org/assets/files/2023\\_01\\_05-BDS-Ltr-re-DOC-Mail-and-Package-Variances-2.pdf](https://bds.org/assets/files/2023_01_05-BDS-Ltr-re-DOC-Mail-and-Package-Variances-2.pdf); LatinoJustice PRLDEF, BDS, Bronx Defenders, the Neighborhood Defender Service of Harlem, and New York County Defenders, Demand Ltr to BOC, March 10, 2023, <https://bds.org/assets/files/2023-03-10-Joint-Letter-Prior-to-03-14-meeting-FINAL-1.pdf>.

<sup>11</sup> Lauren Gill, *Federal Prisons’ Switch to Scanning Mail Is a Surveillance Nightmare*, THE INTERCEPT, September 26, 2021, <https://theintercept.com/2021/09/26/surveillance-privacy-prisons-mail-scan/>.

<sup>12</sup> See Petition, *Reid v. DOC*, Index No. 806245/2024E available at <https://bds.org/assets/files/Verified-Petition-Marcus-Reid-v-Department-of-Correction.pdf>.



**DOC must end its community surveillance web.**

The DOC first entered its contract with Securus Technologies “for the installation, configuration and maintenance of an inmate telephone system” on October 1, 2014. The original contract was set to run for a five-year term. At the conclusion of that term, DOC had five one-year sole options to renew the Agreement. The contract and its final renewal option expired at the end of this year.

Ending the contract with Securus Technologies would not only preserve New Yorkers’ rights and liberties, it would also save the city money. Presently, it appears that the Department pays Securus approximately \$5.4 million per year for phone and surveillance services. By contrast, almost every other city agency appears to pay well less than \$500,000 per year for phone services.

As the Department will now be required to issue a new RFP for phone services, the Council should ensure the Department limits its RFP to phone services only and abandons its misguided and illegal efforts to act as a domestic spying agency.

The time for New York City to get out of business with predatory surveillance phone and technology companies like Securus is now. Our community’s data should be returned from Securus. Neither our Constitutional rights nor our dignity, privacy, and intimacy should be for sale in our city. New Yorkers deserve more.

If you have any questions, please feel free to reach out to me at [abriody@bds.org](mailto:abriody@bds.org).

**Testimony to New York City Council  
Committee on Criminal Justice &  
Committee on Contracts**

**Re: Contracted Jail Services and  
Intro. 825 - Returning funds remaining in commissary accounts  
when incarcerated individuals are released from custody**

**January 30, 2025**

Tanya Krupat  
VP, Policy & Advocacy  
Osborne Association



Thank you, Chair Nurse, and members of the Criminal Justice Committee and Committee on Contracts for the opportunity to provide testimony today. My name is Tanya Krupat and I am a Vice President of Policy and Advocacy at Osborne Association. Osborne is one of the largest and oldest criminal justice 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. We have offices in Harlem, Brooklyn, Buffalo, Newburgh, White Plains, and Troy, with our headquarters in the South Bronx. We advocate for decarceration and expanding alternatives to detention and incarceration; we support closing Rikers; and, in the meantime, we advocate for better conditions inside jails for those who live there, work there, and visit there.

### **Contracted Jail Services**

Thank you for focusing on contracted jail services. Osborne was among the five providers who lost their contracts at the end of June 2023. The elimination of the Targeted Approach to Jail-Based Services Providers, through which 5 community-based organizations served thousands of people in Rikers each year, has had a devastating impact on those inside.

The Targeted Approach program provided core foundational services across the entire DOC system. All of Osborne's services inside DOC jails, including visiting support services to people at RMSC and their children, elder services and transitional planning and post-release services, were previously scaffolded on these core services. The removal of the Targeted Approach program has had a significant impact on the delivery of other services. Osborne had 21 staff across 25 housing areas who provided daily programming. Annually, we served more than 1,700 people in individual and group sessions, offering more than 12,700 group sessions per year.

Our established presence in housing areas and relationship with people in custody in those areas built the trust and rapport necessary for our Transitional Planners to go in safely and create individualized transitional plans within one or two sessions.

Additionally, our Visiting and Family Assistance Program for people at RMSC and their children provides services specifically to support visiting and family connection. Staff in this program relied on the ability to refer women to Targeted Approach for their multitude of needs while in jail and upon release. Targeted Approach also provided parenting workshops to the women. These referrals are no longer possible and our staff are often inundated with requests for services that just don't exist any more.

Below is an inventory of exactly what was lost with the elimination of our services in 2023:

### **Targeted Approach to Jail-Based Services**

**DOC Contract:** \$2.54M eliminated by NYC DOC as of June 30, 2023

**Staff:** 21

**Facilities:** GRVC, RMSC

**Housing areas:** 25 housing units (includes 5 units Mental Observation, 1 unit Transgender, 1 unit Protective Custody)

**People Served:** 59 people in group services daily; 62 people in individual services daily, 356 unique individuals served per month; 1,725 people served annually

**Group Attendance:** Participants attended 1,062 sessions per month and 12,724 sessions per year (duplicated). Groups were often canceled by DOC, often due to lack of officers, which impacted attendance.

**Services Provided:** Release plans, therapeutic and didactic groups, supportive counseling, medical and mental health care advocacy, transitional planning, court letters, incentives for attending sessions (i.e., guest speakers and events, writing supplies, stamped envelopes, toiletries, underwear, shower shoes, etc.), transportation off Rikers upon release to community-based services, and housing.

**Groups Provided:** Partners in Parenting, Financial Literacy, Life Skills, Work Readiness, Healthy Relationships, Anger Management (SAMHSA & Beyond Violence), Cognitive Behavioral Therapy with Thinking for A Change, Entrepreneurship, Relapse Prevention for Substance Use Disorder, Trauma Coping Skills & Healing (Seeking Safety & Beyond Trauma), Stress Management (Anxiety for People in Prison).

The benefits of programming are enormous and have ripple effects that benefit Officers, families, and communities. While DOC currently has 4 RFPs out, these do not replace the contracted services that were eliminated (and there was no notification that these were finally issued 10 months after the funding was announced).

Providers are also partners to the Department, which can improve the well-being of everyone. We can work together to catch worrisome signs and address concerns. For example, our staff recently headed off an escalating situation with a gentleman at EMTC with a previously unknown and serious food allergy who was afraid to eat. By contacting a Programs Captain, he was switched to a special diet and potential conflicts were avoided. It is a luck of timing and relationships that we were able to intervene in this way. When we had daily programs on the island, we knew key people and providers across facilities (in this case, we knew the Programs Captain from when she was assigned to a different facility and we had program staff there). Programs are extra eyes and ears to avoid dangerous situations, and prevent health emergencies, harm and even death.

We call on the City to restore this essential program funding.

**Older People on Rikers**



Contracted services can also bring in population or issue specialization, such as a focus on those who are older and at Rikers. As of January 22, 2025, there are 967 people aged 50 and older in DOC custody, including 100 who are 65 and older (5 of whom are at the women's facility).

For several years, CHS had a specialty in serving older adults led by Dr. Rachael Bedard, a nationally recognized geriatrician and palliative care specialist. While CHS can provide geriatric assessments, which are important and needed, a coordinated effort to closely examine these cases with the goal of pre-trial release, whenever possible, would promote better outcomes and significant cost-savings.

We also recommend training DOC staff in the effects of aging, signs to look for, and how age-related changes can get in the way of "compliance" with orders and activities of daily living in a jail. This could be an annual required training the way City Council legislated annual visiting training for Officers who work in Visitor Processing and the Visit Room.

### **Commissary Bill - Intro 825**

Regarding the bill being discussed today, we are grateful to Councilmember Hudson for her attention to the need to ensure individuals leaving DOC custody have their unused commissary funds returned to them. The [most recent commissary fund report through May 2024](#) reveals that almost \$4.3 million in commissary funds had not been claimed.

We absolutely support the bill's stated purpose of "**returning funds in commissary accounts when incarcerated individuals are released from custody.**" We are not experts in what gets in the way of the Department returning the funds. According to DOC's [website](#) regarding "returning institutional funds:"

"If an individual has a balance in their institutional fund at the time of release, they can collect up to \$200 in cash immediately upon discharge from the Rikers Island Central Cashier Window. Any remaining funds will be mailed by check to the address provided by the individual at the time of discharge."

We have heard that mailing checks is not reliable and we believe that several options should be available to make it easy and expeditious for people to have their money returned to them. We recommend that the bill be revised to include an operational process that does not create another layer of bureaucracy or more hoops for people to jump through. We are seeking the input of our staff and participants and will be providing additional feedback to Councilmember Hudson's office in the coming weeks.

We also recommend examining the issue of property being returned as well. We know of people released without their property, either from court or for other reasons, which means they do not have their ID, wallets, phones, keys, and other essentials for resuming their lives and avoiding being picked up by police. How often does this happen? Current protocol, as described on the DOC [website](#), allows people to pick up their valuable property without an appointment 24/7.

How long is the average wait time? What is this experience actually like? How much valuable property is left behind within DOC...and what happens to it? Improvements to this current practice may also be needed.

Finally, we recommend adding a retroactive component to the bill that requires that unclaimed commissary funds - past, present and future - must be used to support the families of those detained in ways that they help determine are most needed. For example, this could fund Visit Greeters at each facility; several Family Liaisons with DOC; vending machines, toys for children, for example. Four million is a very significant amount of money that can be positively redirected.

## **Visiting**

While visiting is not the topic of focus today, contracted jail services can include visiting programs, Visit Greeters, and ways to improve the visiting process and experience.

We offer three concrete recommendations for next steps:

- 1) **Visiting should be included in the indicators on the Mayor's Management Report. Visiting is a critical aspect of DOC's operations yet is completely absent from the [MMR](#).**
- 2) A study of the wait times of visitors should be conducted. Visitor Express collects time stamps, and a time-limited study by facility should examine the average pre-visit and post-visit experience of visitors. We have heard that EMTC, the intake facility, has wait times as long as 4-5 hours because of the logistics of the visit room and the need for Officer escorts.
- 3) Consider bringing back specific visiting times where visitors with children and others with special needs will be expedited. Before the pandemic, such hours existed and were publicized on the DOC website.

Thank you to the City Council for your leadership on protecting the lives and humanity of those in and affected by Rikers, and for moving us ever closer towards closing it.

### Contact:

Tanya Krupat  
VP, Policy & Advocacy  
Osborne Association  
[tkrupat@osborneny.org](mailto:tkrupat@osborneny.org)

**Testimony to New York City Council  
Committee on Criminal Justice &  
Committee on Contracts**

**January 30, 2025**

Siobhan Hunziker  
Mitigation Specialist  
Court Advocacy Services  
Osborne Association



Thank you, Chair Nurse, and members of the Criminal Justice Committee and Committee on Contracts for the opportunity to provide testimony today. My name is Siobhan Hunziker and I am a Mitigation Specialist at Osborne Association. Osborne is one of the largest and oldest criminal justice 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. We have offices in Harlem, Brooklyn, Buffalo, Newburgh, White Plains, and Troy, with our headquarters in the South Bronx. We advocate for decarceration and expanding alternatives to detention and incarceration, and we support closing Rikers. We also advocate for improved conditions inside Rikers for our clients.

Osborne's Court Advocacy Services is our longest-running program. It is staffed by social workers and mental health professionals whose purpose is to provide mitigating factors to defense attorneys whose clients would not otherwise benefit from these critical social work resources in their criminal defense.

In 2024, Court Advocacy Services helped half, or 50.6%, of our clients receive a lesser-incarceratory sentence and more than a third, or 35.8%, receive a non-incarceratory sentence. In total, 324 clients were spared 1,411.36 years of incarceration, a cost savings of over \$162 million.<sup>1</sup>

Thank you for focusing today on contracted jail services. This includes contracted mitigation specialists and those who work to help people leave Rikers as soon as possible, which serves the interest of public safety in many ways, both human and economic. I work in Osborne's Second Look initiative to provide mitigation services to women and gender-expansive people detained on Rikers.

While I urge you to expand funding for mitigation and ATI programs, I also want to share some pressing concerns regarding people whose health and mental health needs are not being met while in DOC custody. Consider the following:

- According to a report from the NYC Comptroller in August 2023: "One-in-five people detained have serious mental health illness, while half have some kind of mental health diagnosis.<sup>[5]</sup> At the same time, the number of missed medical appointments increased 21% as of the most recently available data, a trend that began at the outset of the pandemic."<sup>2</sup>
- Rikers is NYC's largest provider of psychiatric care and one of the country's largest mental health providers.<sup>3</sup>

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<sup>1</sup> According to the Vera Institute of Justice (2022), the cost of one year in a NY State prison is \$115,000.

<https://www.vera.org/the-cost-of-incarceration-in-new-york-state>

<sup>2</sup>

<https://comptroller.nyc.gov/reports/the-state-of-new-york-city-jails/#:~:text=The%20number%20and%20share%20of%20the%20held%20on%20monetary%20bail.>

<sup>3</sup> <https://bds.org/latest/mental-health-care-on-rikers-new-york>

- For both health and mental health needs, we are concerned that our clients are not receiving their correct medication and/or their medication in a timely fashion. In my experience, CHS is responsive via email but it often takes weeks to schedule a needed appointment.
- Stated rates of “non-compliance” with medication should be examined, including differentiating medication that can be self-administered from medication administered by a healthcare professional or CHS. With the latter, people are dependent on several gatekeepers for medication access. In one example, an Osborne client had a 15% compliance rate with medication that he relied on staff for (but this percentage masked “non-production,” the term for his not being brought to get his medication), but 100% compliance with the medicine he carried with him. The issue of medication compliance can also affect release, as some courts wait to see at least 85% compliance before release. I recently had a client who had to wait an extra two weeks to be released because of medication compliance.
- Medication for mental illness can be effective with therapy but requires consulting with a psychiatrist. Half of CAS clients have “missed appointments” but the reason for this is that they were not “produced” by DOC. And DOC cancels out referrals after 3 consecutive “bridges” or non-productions.
- Regular health and mental health issues can worsen, including becoming urgent and life-threatening because they are not attended to or taken seriously. Because it is widespread that even basic needs are not attended to, bringing these more basic needs to staff’s attention often does not yield a response. Only the urgent or life-threatening needs get attention, which is a vicious circle because the minor needs can quickly escalate into emergencies. We often see people released with conditions that worsened significantly while they were inside. In the case of dental health, we frequently see routine dental needs become emergencies and then unwanted extractions.
- Lastly, the information collected at initial intake is frequently unreliable because people are just getting there and they don’t trust sharing information and/or they are in shock, adjusting, or may think they’ll be out soon. We recommend another intake be conducted a few weeks after the initial to gain more reliable information.

I will close with a story about one of my clients, who was 62 when she was arrested at Jacobi Medical Center and admitted to Rikers in June 2024. CHS records indicated that the night she was transferred from the hospital to Rikers, she was found unattended on the floor after falling due to shortness of breath. She was then placed in a wheelchair and remained at the infirmary for the duration of her time at Rikers.

While her CHS records also indicated she is partially blind in her left eye, she did not receive prescription glasses for over 8 weeks. CAS emailed CHS about this concern several times.

Meanwhile, my client often remarked she was concerned about her safety due to being unable to see her surroundings clearly.

Surely, we must do better by her and all people detained at Rikers.

Thank you to the City Council for your support of decarceration, including funding the NYC ATI and Reentry Coalition, of which Osborne is a member. It will take all of us working together, pulling every lever we can, to reduce the number of people detained on Rikers, meet their needs, and promote public safety in New York City.

We are grateful for your leadership and commitment to protecting the lives and humanity of those in and affected by Rikers, and for moving us ever closer towards closing it.

For more information, please contact:

Tanya Krupat  
VP, Policy & Advocacy  
Osborne Association  
[tkrupat@osborneny.org](mailto:tkrupat@osborneny.org)



**NEW YORK CITY COUNCIL CRIMINAL JUSTICE COMMITTEE  
JANUARY 30TH, 2025**

Thank you Chairwoman Nurse and members of the Criminal Justice Committee for holding this important hearing. My name is Jason Rodriguez. I am a Policy Associate at the Legal Action Center. I am also formerly incarcerated. I spent 24 years in prison after being incarcerated at the age of 18.

In 2023, despite clear warnings from community-based providers, the Adams administration cut \$17 million from programs at Rikers—programs that provide essential support to individuals awaiting trial.<sup>1</sup> Approximately 85% of those at Rikers are pretrial detainees, and nearly 90% of jail admissions citywide are Black and Latine individuals—many of whom remain behind bars simply because they cannot afford bail.<sup>2</sup> These weren't just any programs—they provided people with evidence-based care, including treatment for substance use disorder and trauma, to protect their health and keep them alive. By cutting them, the administration not only disregarded these needs but actively put lives at risk. Eliminating these programs not only deepens racial and economic inequities but also undermines public safety. Instead of receiving the support they need to reintegrate into their communities, people are left to languish behind bars with fewer resources and greater harm.

Even with these facts, the administration claimed the Department of Correction (DOC) could provide the same services at a lower cost with correctional officers. That assumption was not just wrong—it was reckless and harmful. Correctional officers are not trained educators, counselors, or social workers. Replacing skilled service providers with security personnel has left people without access to meaningful programs—setting them up for abuse, neglect, or death. Within the first four months of these cuts, group-based programming at Rikers dropped by 29%, and one-on-one support fell by over 30%.<sup>3</sup> People were left without meaningful engagement, fueling tensions, despair, and instability—outcomes that are well documented. Reducing programs that help people prepare for release is short-sighted.

After nearly a year and a half, DOC is now requesting proposals to restore some of the programs that had been cut. While this was a necessary step, it is still not enough. The full restoration of funding is critical to ensuring that people receive the support they need. Yet, the fact that these services are only now being put back out for bid underscores a much deeper issue—DOC was never capable of providing them on its own. The RFPs released by DOC make clear that when community-based providers were defunded, even the most basic care—substance misuse treatment, trauma-informed therapy, and transitional planning—disappeared, leaving people without critical support.

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<sup>1</sup> Matt Katz, “Mayor Adams cuts classes and re-entry services at Rikers to save \$17 million in NYC budget,” *Gothamist*, May 16, 2023: <https://gothamist.com/news/mayor-adams-cuts-classes-and-re-entry-services-at-rikers-to-save-17-million-in-nyc-budget>.

<sup>2</sup> Vera Institute for Justice, “NYC Jail dashboard,” <https://greaterjusticenyc.vera.org/nycjail>.

<sup>3</sup> “Jail programming suffers a year after DOC cut nonprofit contract,” *The Queens Daily Eagle*, May 20, 2024: <https://queenseagle.com/all/2024/5/20/jail-programming-suffers-a-year-after-doc-cut-nonprofit-contract>



This is not just about funding or contracts. The conditions described in these RFPs—instances of self-harm, lack of basic mental health care, inadequate reentry services, and people released without support—should not instill confidence in DOC’s ability to create a humane and just system at Rikers. DOC’s continued failures reinforce what many of us already know: Rikers is beyond repair.

If these contracts are awarded, they must be structured in ways that not only restore services but shift power away from DOC and toward the community-based providers that have long been doing this work. But that alone is not enough. These contracts must be a step toward a fundamentally different system—one that moves us closer to closing Rikers and replacing it with borough-based facilities designed around dignity, rehabilitation, and the well-being of all New Yorkers. Anything less is just another empty promise in a facility that has proven, time and again, to be incapable of delivering real care.

We must fully restore programmatic funding and ensure that these contracts lay the groundwork for a justice system that prioritizes support, not suffering. That means investing in community-based solutions and finally shutting down Rikers for good.





Freedom  
Agenda

**Testimony to the City Council Committee on Criminal Justice  
Submitted by Sarita Daftary on behalf of Freedom Agenda  
January 30, 2025**

**Chair Nurse and Committee Members,**

We are grateful to the Council for holding this hearing. Contracted services are an important part of how New York City jails operate, and the services that are, or are not, provided to incarcerated people, and the ease with which they can access them.

One of the most important services that the Department of Correction contracts for are the jail-based programs that are essential to creating a supportive environment, providing learning opportunities, and reducing violence. DOC cannot and will not provide these services – the Mayor’s Management Report has proven this. It is cruel and irresponsible that these services were abruptly terminated over a year and a half ago, and to this date, have not returned. We are glad to see the request for proposals has been issued to restore jail-based programming, but the administration should never have cut these contracts, and after having done so, should have used an expedited process to restore programming on the fastest possible timeline, and they must move with urgency now. These contracts also amount to \$3M less than the previous program contracts. Our City should be investing more in programs, not a dollar less.

We also submit this testimony to express our support for Intro 825-2024, and to suggest some amendments to strengthen the bill. Our members know from experience that DOC’s current process for retrieving commissary funds is insufficient, and millions in unclaimed funds is stark evidence of that. People incarcerated in New York City jail and their family members are often among the most vulnerable and least wealthy people in our city, and it is important that DOC make every possible effort to return the funds to them.

In order to further expand accessibility to reclaiming commissary funds, we suggest the following amendments to this bill:

- The requirements of the bill should apply to anyone released from custody, so that people who are released from court can still access immediate cash funds (as they currently do via the bail windows at the court houses)
- Rather than requiring a request from the formerly incarcerated individual, DOC should be required to immediately and proactively return the funds during the discharge process, using the means selected by the individual (either \$200 in cash plus the remainder by an alternate means, or all of the funds via an alternate means).

- In addition to the option to receive a check, people released from DOC custody should have the option to receive their commissary funds on a preloaded debit card (like one of the disbursement options that NYS Unemployment provides). These should be cards that can be used to withdraw cash, or to make debit payments.
- When we consulted our members about barriers in the commissary funds return process, one of our members shared that upon this release he was picked up from Rikers Island by his parole officer at Rikers Island, and the parole officer tried to hold the funds. The bill should clarify that funds cannot be disbursed to parole, probation or other law enforcement personnel on behalf of the incarcerated person.
- The Council should consider expanding this legislation, or passing additional legislation, to require DOC to proactively provide return all property (both “valuable” and “bulk” property) to people released from DOC facilities as part of the discharge process, without requiring that property return be requested.

Our members and so many New Yorkers have long known that the Department of Correction requires a complete overhaul. As we continue to work toward reducing the jail population and closing the Rikers Island jails, the City Council must continue to use the full extent of its power to legislate in the areas where you can, particularly because DOC has not, on their own, taken even basic steps to provide the level of care and services that people deserve.

Sincerely,

Sarita Daftary  
Co-Director, Freedom Agenda  
[sdaftary@urbanjustice.org](mailto:sdaftary@urbanjustice.org)

**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 McCarty, Deputy Commissioner

Address: 7520 Astoria Blvd

I represent: Dept. of Correction

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

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

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in favor  in opposition

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

**(PLEASE PRINT)**

Name: James Conway, General Counsel

Address: 7520 Astoria Blvd

I represent: Dept. of Correction

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

**THE COUNCIL  
THE CITY OF NEW YORK**

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in favor  in opposition

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

**(PLEASE PRINT)**

Name: Arthur Samuels, ACE

Address: 7520 Astoria Blvd

I represent: 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. 875 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 1/30/25

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Name: Tanya Krupat

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

I represent: Osborne Association

Address: 175 Remsen St. Bklyn

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

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Name: Melanie Dominguez

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

I represent: Katal Center for Equity, Health, and Justice

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

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 in favor  in opposition

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

(PLEASE PRINT)

Name: King Downing, Esq

Address: NYC

I represent: American Friends Service Cte

Address: NYC

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**THE COUNCIL  
THE CITY OF NEW YORK**

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in favor     in opposition

Date: 1/30/25

(PLEASE PRINT)

Name: Christopher Lee Johnson

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

I represent: Self

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

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**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

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in favor     in opposition

Date: 1/30/25

(PLEASE PRINT)

Name: \_\_\_\_\_

Address: Raul Rivers

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

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

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