

**The Bronx
Defenders**

**Redefining
public
defense**

**New York City Council
Committee on Criminal Justice
Hearing re: Oversight - Department of Correction Programming
February 26, 2019
Written Testimony of The Bronx Defenders
By Elizabeth Williams**

Good morning Chairman Powers and members of the Committee on Criminal Justice. My name is Elizabeth Williams and I am a social worker in the Criminal Defense Practice at The Bronx Defenders. Thank you for the opportunity to testify before you today.

The Bronx Defenders (“BxD”) has provided innovative, holistic, and client-centered criminal defense, family defense, immigration representation, civil legal services, social work support, and other advocacy to indigent people in the Bronx for more than 20 years. Our staff of close to 400 represents nearly 28,000 people every year and reaches thousands more through community outreach. The primary goal of our model is to address the underlying issues that drive people into the various legal systems and to mitigate the devastating impact of that involvement, such as deportation, eviction, the loss of employment and public benefits, or family separation and dissolution. Our team-based structure is designed to provide people seamless access to multiple advocates and services to meet their legal and related needs.

As a member of the criminal defense team, I provide support and advocacy to clients who are incarcerated. Part of my work includes assessing my clients’ needs and connecting them with available therapeutic, educational and employment related services. The perspective I offer today is informed by the experiences of our clients’ engagement in programming while in the custody of the Department of Corrections (DOC).

The Bronx Defenders is deeply committed to the work of decarceration and closing Rikers Island. We believe justice and the presumption of innocence demand dramatically decreased reliance on jail in the criminal legal system. To the extent that our clients are incarcerated pretrial, however, we believe that DOC must provide services and support that are therapeutic rather than punitive, and that maximize our clients’ chances for successful reentry in the community. Ideally, voluntary participation in educational, vocational, therapeutic, and prosocial programming would address underlying issues leading to our clients’ criminal justice involvement, decrease the likelihood that they will be involved in violence, and prepare them for

future reentry. Sadly, DOC programming often fails to live up to this ideal. We are hopeful, however, that a radical reorientation of the culture of corrections, informed by the experiences of those most profoundly affected, is possible. We believe that the availability of high-quality programming tailored to address our clients' underlying needs and future goals could positively affect their reentry efforts. The Bronx Defenders supports Int. No. 260, as any plans to improve conditions and access to programming must be informed by our clients' experiences while incarcerated. The annual survey of conditions of confinement and treatment by corrections officers is a critical step to addressing long-standing issues for our clients who are incarcerated pretrial.

Bronx Defenders clients' experiences in DOC programming

Our clients are often referred for DOC programming based on the mental health or substance abuse histories they disclose. During DOC admissions, intake assessments are conducted by DOC staff and referrals are made. For example, people who enter DOC facilities and disclose a history of substance abuse, the SMART Program and FedCap is available to provide individual counseling and therapeutic groups on topics such as relapse prevention. Clients who are identified as being high-risk for recidivism based on their previous incarceration are eligible for participation in the I-CAN program, operated through the Osborne Association and Fortune Society. Through I-CAN, our clients gain workforce development skills and trade skills certifications they can use when they return home. However, when clients complete a prescribed cycle of groups, they report repeating the same classes because there are no additional options following their program completion.

While a majority of our clients find music and art programming to be positive emotional outlets while they are in custody, this programming is typically provided by non-DOC programs. These programs occasionally provide outreach presentations to our office in efforts to coordinate with our clients. However, their inability to regularly offer regularly scheduled programming, due to security clearances and other logistical issues, causes confusion regarding whether programs are actually available to our clients. Additionally, staff turnover becomes an issue for our clients trying to build relationships with programs and for advocates trying to coordinate support. We urge DOC to increase regular access to music and arts programming, and incorporate these therapeutic outlets on all housing units. We further support Int. No. 1184, as regular access to books can similarly provide a therapeutic outlet for people in detention. Our staff regularly sends donated books to our clients. The requirement that DOC maintain a library of general interest books would ensure broad access across all who are coping with the experience of incarceration.

Lack of transparency and centralized information regarding DOC programming

Every day, our clients tell us about the barriers to accessing accurate information about programs that might be available to them. Without a central process by which we can access up-to-date program information, my colleagues face similar challenges in advocating for those clients who are interested in engaging in programming. One of our clients expressed interest in Rikers Rovers, a dog training program in which clients are responsible for their assigned dog's daily care and socialization. He knew the program operated across from his unit however, when my colleague inquired with DOC staff, she learned that the class would be ending and would no longer be available to clients in his facility. Programs abruptly end without explanation or notice to clients or advocates. In fact, we find that our clients often have information before their advocates do, because there is no consistent communication with DOC staff about the changing landscape of program options. The lack of communication with program staff and the dearth of information available to advocates limits our ability to support our clients' regular engagement in programming.

Lack of programming uniformity across DOC facilities

We have learned through stakeholder meetings that DOC programming is intended to be standardized across all housing areas in all facilities, but our clients' experiences have contradicted that goal. While standard programming is generally available to our youngest clients, ages 16-24, the experience changes significantly for clients outside of this age range. Our clients over the age of 25 report that access to programming greatly varies across facilities. This often causes disruption in our clients' engagement in programming if they are unexpectedly moved from their housing unit and find no option available in their new unit. Our older clients, generally those over the age of 50, and those who are facing more serious charges or have higher bail, often report no access to programming at all.

Even when programs are available across housing units, some clients are routinely denied access related to charge, bail, or security status. One of our clients at GRVC described that his building is structured by three levels. Each level is offered programming, and clients are able to earn privileges as they progress through each level. Those who achieve the highest level are able to use smart tablets, which is significant for individuals who are isolated from their families, friends, and communities. A reward-based system of access to programs and privileges that excludes people with particular charges or high bail amounts seems contradictory to the goal of ensuring equal access to standard, high-quality programming.

As advocates, we need a centralized contact to obtain accurate information regarding program options and eligibility for our clients. With this information, we would be better equipped to

support our clients' engagement in programming responsive to their identified goals. The program letters of support are often invaluable in providing our clients a sense of accomplishment and offers judges and prosecutors valuable insight into our clients' lives and motivation to change.

It is my hope that this testimony will support your efforts to provide broader oversight of and create changes to the Department of Corrections' existing programming structure. We support both bills under consideration today, and offer the following ideas for your consideration:

1. Increase transparency and centralize information about the availability of programming to advocates and clients
2. Ensure that DOC's goal of providing standard programming across housing units is accessible to all who are interested, without preclusions based on charge, bail amount, security status, or housing unit
3. Expand the variety of educational, vocational and therapeutic programming, including music and arts, to support our clients' successful re-entry into the community upon release

Thank you for the opportunity to provide this testimony.