



TESTIMONY OF:

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BROOKLYN DEFENDER SERVICES

The New York City Board of Corrections

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Good morning. My name is Kelsey De Avila and I'm a social worker with Brooklyn Defender Services. I'm here today to discuss issues related to DOC uniforms.

I visit with clients every week and it's every week, especially this past month that I'm told they either only have one uniform set and/or they aren't being provided laundry services as is required in the minimum standards: *(1) Laundry service sufficient to provide prisoners with a clean change of personal or facility clothing at least twice per week shall be provided at Department expense.* There are multiple reports of people cleaning their uniforms in the sink with a bar of soap they buy from commissary. These same people report that DOC staff does not and have not been stopping by their housing unit to pick up uniforms for laundry service. Due to the unreliability and fear of uniforms going missing, many clients tend to write their name on the inside of their uniform. They are now be given tickets for writing their own name inside their uniform.

I have a client who has been at incarcerated at Rose M. Singer Center on Rikers Island for 4 weeks now. To this day, she still only has one uniform. She's asked her housing officer many times and is repeatedly told they don't have any more. I myself ask officers in the counsel area if they could call down, but am told that's not their job. My client washes her uniform in the sink and lays it by her bed to dry. It's getting cold, but she continues to wait in her underwear in a dorm until her uniform is dry enough to wear. She has come down to the counsel room in wet pants because she had no other choice. This is a health and sanitation issue and if DOC is going to move forward with distributing uniforms to all facilities then responsibility needs to be taken. DOC staff needs to ensure that minimum standards are being met and people are treated with dignity.

I'd like to share with you all two examples our clients faced earlier this month when going to trial:

Example 1: Last week, I received a call from a client stating that her only set of court clothes were taken to property even though she had a set trial date that Wednesday. My client advocated for herself and tried to explain to her officers that she was indeed starting trial the next day and needed to have her court clothes returned. Unfortunately, the officers did not believe her and told her to contact her lawyer. After she contacted our office, we called the general officer at the jail and were told that they would not make an effort to provide her her clothes, they told us "the court has to tell us about the trial date" - but because it was a family court trial, the system did not reflect a trial date.

We were calling to alert the jail that her court date the next day was indeed a trial date. We were told and I quote: "you're wasting my time, that's not my job." On the day of her trial and I went to court early that morning and brought three sets of clothes from my own closet in the hopes that something would fit her. DOC left her legal team completely in the dark and it wasn't until we saw her in the courthouse that we were able to confirm. We assume she came to court in her clothing only because we were able to locate and speak with a captain at custody management. Though we're grateful our client was able to advocate for herself, we should not have been put in a situation where we did not know if she would be dressed or not.

Example 2: Two weeks ago, I needed to bring court clothes to Rikers for a BDS client. He didn't have family that was able to bring him a suit so our office provided one. His trial date was on a Monday and though DOC allows us to bring court clothes 24 hours in advance, it was going to be difficult to bring him clothes on a Sunday. We called DOC general office at the jail and

were told that if I dropped off the clothes Friday through the Central Visit Building, he would get them in time and there shouldn't be a problem. I went to Rikers the next day, Friday, going off on their word. I waited over an hour in the visit line with other family members and visitors. Some waiting much longer to see their loved one, others picking up property, dropping off clothes and some sending money. I waited in line like everyone else. Once I got through the magnetometer I was told to wait in line again to speak with an officer.

I introduced myself as staff from Brooklyn Defender Services and that I needed to drop off court clothes for a client who has trial that coming Monday. The officer told me that I can leave the clothes, but he wouldn't get them in time for Monday's trial date. We continued to go back and forth and I explained that I had called ahead and was told this wouldn't be an issue. An officer came by to help, but when I told her my situation she responded with, "well that jail does their own thing and we do our own thing". The first officer that was assisting me decided to call the jail and made a special arrangement for someone to pick up the clothes that day. She reminded me though that this is not regular procedure. Despite all our effort, he never got the clothes. He appeared in court for trial in a uniform, our office had to scramble clothing together and court staff kept it in the courtroom for him to change.

My point is, court clothes, trial dates should not be a guessing game. We shouldn't have to cross our fingers and hope that our clients are present and dressed when appearing in front of the judge. I'm deeply concerned for how DOC staff handled both of these situations. In this case, DOC's primary responsibility was to facilitate people coming to court appropriately. Court clothing is an essential part of fulfilling that responsibility when in fact it is their job. With all due respect, the issues with uniforms speak to a larger problem within the Department of carrying out major changes without considering the possible consequences for incarcerated people, or setting up the mechanisms to ensure that their rights will be protected.

At Brooklyn Defender Services, we represent about 10% of the people in the city and about 100 of our clients per month are released from court, much of the time as a result of time-served pleas we could not anticipate because the offer was made in court by the judge or DA. Those clients have been and will continue to be released from court in DOC jumpsuits. This is incredibly dehumanizing, stigmatizing, and discriminatory. The uniforms may not have DOC written on them, but it is not a reasonable solution for these people to pretend that they are janitors or hospital workers.

We heard today that DOC will have street clothes available, but right now, as we sit here, they don't and people are being released in institutional uniforms. The simple matter is you can't roll out something of this magnitude and not think through the consequences.

I urge the board to question and review DOC's policy on uniforms for all incarcerated people going to court. A trial date, criminal, family or a hearing should have no bearing on limiting a person to dress in the most humanizing and professional way.

Thank you for your time.