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TESTIMONY OF:

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Presented before

**The New York City Council
Committees on Criminal Justice**

**Oversight Hearing on
Programming to Prevent Recidivism and Promote Public Health and Safety**

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My name is Michael Klinger, and I am a Senior Jail Services Attorney at Brooklyn Defender Services (BDS). 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 Committee on Criminal Justice and Chair Brooks-Powers for inviting us to testify today about programming in the New York City jails.

For 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 expanded our criminal defense services to Queens in July of 2025. We represent over 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 the people we represent, including civil legal advocacy, assistance with the educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

BDS works to address the urgent civil rights and conditions of confinement issues for the people we represent who are incarcerated. We work to secure access to essential medical and mental health treatment, educational services and programming and to ensure the safety of those we represent. We do this through individual administrative advocacy, participation in Board of Corrections hearings and numerous working groups. We also monitor and document the conditions inside jails and amplify the experiences of those incarcerated to advocate for systemic change.

DEFEND • ADVOCATE • CHANGE

Background

As advocates for people held in the custody of the Department of Correction (“the Department”), we recognize that access to meaningful programming, which includes education, recreation, therapeutic, and reentry services, contributes to improved outcomes for people both during confinement and upon reentry. In 2023, the Adams Administration cut \$17 million in funding to non-profit organizations providing programs inside the city’s jails, abruptly ending all available courses and therapeutic programs at the end of June 2023. The impact of these cuts was felt immediately by the people we represent. It meant the elimination of critical programs and classes including therapy, educational and job training classes, and anger management. While some providers were able to return to the jails to provide *unfunded* programming,¹ the amount and variety of programming suffered. The Mayor’s Management Report from 2025 indicates that only 15 percent of people in custody participated in any programs, services, or activities.² We are encouraged by the recent reports that the city has now restored \$14 million in funding for programming by outside providers.³ The benefits of regular access to programs led by non-governmental organizations cannot be overstated. In addition to offering people in custody the opportunity to grow existing skills and learn new ones, build relationships with providers, and interact positively with others, such programs also help people build meaningful connections to their broader community. After leaving Rikers, people may have ongoing relationships with community-based organizations that offer a continuum of care.

That continuum of care can last for years after people return home. Recently, one of our social workers received a call from a client with whom she worked almost eight years ago. While he was detained at RNDC as a youth, he eagerly participated in every program that the Department offered him. He is 26 years old now, and he is looking for work in Brooklyn. He called to ask for copies of the certificates he earned while in custody, knowing that these certifications and licenses would aid in his employability in the community. Among them: a food handlers license and other food preparation course completion certificates, an automotive and mechanic certification, an OSHA 30 completion certificate, and various interpersonal skills course certificates. After eight years, these programs may still play an important role in his successes as he returns home.

When the Department cut funding for outside programming in the jails, it sought to replace at least some of the externally-provided programming with “in-sourcing” by Department staff.⁴ In

¹ Jacob Kaye. “Jail programming suffers a year after DOC cut nonprofit contract,” Queens Daily Eagle, May 20, 2024. Available at <https://queenseagle.com/all/2024/5/20/jail-programming-suffers-a-year-after-doc-cut-nonprofit-contract>

² Mayor’s Office of Operations, *Fiscal 2025 Preliminary Mayor’s Management Report*, Jan. 2025, https://www.nyc.gov/assets/operations/downloads/pdf/mmr2025/2025_mmr.pdf.

³ Jacob Kaye. “After controversial cuts, nonprofits to return to Rikers Island,” Queens Daily Eagle, Feb. 2, 2026. Available at <https://queenseagle.com/all/2026/1/30/after-program-cuts-and-fallout-city-taps-nonprofits-to-resume-services-at-rikers>.

⁴ See New York City Department of Correction Annual Programs Report, Calendar Year 2023. Available at <https://www.nyc.gov/assets/doc/downloads/pdf/LL%20122%20CY23%20Programs%20Report.pdf>.

important ways, as we learned from the people we represent in Department custody, this effort was not successful; in-sourced programming lacked the expertise, professionalism, and cultural competency that previously defined the work of outside contracted programs.⁵ Investing in means-tested programming inside jails is essential because it ensures that people have access to evidence-based interventions that will support them in their reentry into the community.

Ensuring access to programming

Programming at Rikers is offered inside housing units, on Department-issued electronic tablets, and in some shared spaces outside of housing units. For programs in the latter category such as hair and make-up, barista, and commercial driving license classes which require people to leave their housing unit, the Department requires an escort. This requirement is often enough to prevent people from participating in their programs. We routinely hear that the Department does not have staff available to escort people – to clinic appointments, hospital visits, recreation or the gym – and sometimes to the kind of programming that people look forward to as a way to leave the housing unit. The Department must find a way to make sure the need for escorts does not undermine the purpose of programming.

Even where programming is offered inside a housing unit, the Department often struggles to ensure that program staff can attend, either because they, too, require an escort, or for any number of other logistical or scheduling reasons. The people we represent often express eager anticipation for certain program staff visits, particularly around creative arts. When those visits fail to take place on the scheduled day and time, there is rarely any explanation for the people in the housing unit. We hear from people that they feel they have been forgotten. The Department must create realistic schedules and systems that allow program staff to keep consistent and predictable routines, and in the event those schedules may be interrupted by the unpredictability of jail realities, the Department must do a much better job of providing information to the people who are most impacted.

Access to Education

Young people on Rikers Island have a right to educational services through the school year in which they turn 21,⁶ and should be enrolled in school within 10 days of requesting educational services. Nevertheless, school-aged youth on Rikers continually struggle to access educational

⁵ The Department eventually testified that plans to fully take over the various roles held by outside program staff were never realized -- an admission borne out by the Mayor's Preliminary Management Report. See Reuven Blau. "Rikers Now Looks to Bring Back Nonprofits After Kicking Them Off Island," *The City*, March 7, 2025. Available at <https://www.thecity.nyc/2025/03/07/rikers-to-bring-back-nonprofits/>. See also, Mayor's Office of Operations, *Fiscal 2025 Preliminary Mayor's Management Report*, Jan. 2025, p. 69, <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/doc.pdf>.

⁶ See, e.g., New York City Board of Correction. "Young Adult Frequently Asked Questions: What is the Handberry litigation?" NYC Board of Correction, <https://www.nyc.gov/site/boc/jail-regulations/education.page>.

services.⁷ For years, young people have reported to our staff that they were not aware education services were available on Rikers Island, were not told of their eligibility for school, were not brought to school after enrolling, were inconsistently escorted to school, or were not permitted to enroll in school at all.

The majority of young people on Rikers are housed in RNDC. While the Department testified today that all young people at RNDC are able to attend school, we continue to hear from young people we represent that they must be in a “schoolhouse” in order to consistently have access to educational programming. The Department’s testimony today conceded that there are times when young people who may be entitled to school access simply cannot have it: some youth are placed in facilities on Rikers Island that do not have school services available to them, others are housed in facilities that do have educational services, but are not being housed in one of the units where people are permitted to attend school. Some people we represent who are held in such a “non-program unit” have remained in place despite requesting to transfer into a program unit or are not moved for a long period of time. Others are faced with the difficult decision of transferring into a new, unknown (and possibly less safe) unit in order to attend school, or stay in more familiar surroundings where they are prevented from going to school.

We have also heard from many of our clients who are over the age of 21 and want to access school services but have been unable to do so because Rikers has not consistently made educational services available to adult learners. Like their younger counterparts, many of our older clients did not have the opportunity to graduate high school and are eager to have access to educational services to help further their learning and improve their career prospects after their release. Our office has frequently reached out to the Department to ask that our older clients be able to attend educational services but has been told that these services are not available to adult learners. Other young people we work with have been disenrolled from school upon completing the school year in which they turn 21, stalling their progress towards obtaining their GED.

The people we serve on Rikers frequently report that they want to use their time in custody to further their education but that the Department, in each of the ways described above, is preventing them from doing so. Coupled with the cuts to programming on Rikers Island, the people we represent are increasingly spending vast amounts of time in custody with nothing productive to do. The Department of Education and Department of Correction must work together to create a plan to provide regular in-person instruction for students in city jails, and expand the availability of educational services to adult learners. All young people at Rikers who wish to attend school educational courses must be able to do so, including students placed in restrictive housing units.

⁷ See, e.g., Michael Elsen-Rooney. “Young adults at Rikers say they’re systematically blocked from school,” Chalkbeat New York, April 4, 2024. Available at <https://www.nyc.gov/site/boc/jail-regulations/education.page>.



Conclusion

Thank you to this Committee for holding this important hearing today and your commitment to ensuring people in custody have access to meaningful programming. With this new administration, new Department leadership under Commissioner Richards and First Deputy Commissioner Egan, and the critical partnership with Nunez remediation manager Nicholas Deml, we hope the city will meaningfully foreground the humanity of the people the city holds in its jails and create conditions needed to successfully reduce the population, close the facilities on Rikers Island, and create a safer and more just city for all New Yorkers. We urge the Council to continue to invest in programs in the city while working to decarcerate and reduce the jail population.

If you have any questions, please feel free to reach out to contact me at mklinger@bds.org.