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TESTIMONY OF:

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Presented before

The New York City Council Committee on Criminal Justice
Oversight Hearing on Department of Correction and Department of
Probation's Programming and Reentry Services

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My name is Rebecca Kinsella, and I am the Associate Director of Social Work for our Criminal Defense Practice 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. For over 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. Thank you to the Committee on Criminal Justice for the opportunity to testify today about the Department of Correction and Department of Probation's Programming and Reentry Services.

BDS represents approximately 22,000 people each year who are accused of a crime, facing the removal of their children, or deportation. BDS is fortunate to have the support of the City Council to supplement the services we provide as a public defender office in Brooklyn. Through specialized units of the office, we provide extensive wrap-around services that meet the needs of people with legal system involvement, 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. Hundreds of the people we serve are detained or incarcerated in the City jail system either while fighting their cases in court or upon conviction of a misdemeanor and a sentence of a year or less.

Programming inside DOC Facilities

In May of this year, BDS appeared before this Committee to express our strong opposition to the mayor's proposed cuts to the budgets of community-based agencies providing services in NYC's jails. We are now seeing the impact of these budget cuts. Critical programs and classes—including therapy, educational, and job training classes—have been eliminated. DOC has been unable to adequately provide these programs. Programs provided by Fortune, Osborne, GreenHope, and other community-based organizations (CBOs) provided not only practical services, but a connection to community. After leaving Rikers, people had relationships with providers who could provide a continuum of care.

I visit people in custody every week and I know that these programs have been critical to keeping people healthy, safe, and motivated to keep fighting their cases. Many of my clients are facing serious charges, which means they have been in jail for months—if not years—waiting for their cases to move through the system. We have appeared before this Committee countless times to tell you that Rikers is dangerous, that it is unsafe, that people are dying inside. You know that the physical buildings are deteriorating, and staff are at best exhausted and at worst horrifically abusive. The people we represent are sitting in those conditions for days or weeks or months or years, without anything to do to pass the time and without any way to process their fear, concern, grief, or anger. People are isolated and, after the cuts to funding, there is increasingly *nothing* for people to do.

One person I work with is detained in the new Enhanced Supervision Housing at RMSC (RESH). He receives what DOC calls “programming” while chained to a restraint desk. In his unit, DOC has been bringing half of the population out of their cells for programming at 5 a.m., where they remain locked to a desk until around 9 a.m. During most of these hours, no programs are taking place. People are sitting chained to a desk while waiting hours for a DOC program provider to arrive. As a result, many choose not to participate at all.

Two young men BDS represents shared that the programs they had been actively participating in disappeared over the summer, at the same time CBOs faced funding cuts. These were programs such as OSHA, CPR, Driving, welding, and digital literacy. Collectively, the two had completed more than 7 certifications. They are both eager to participate in any other programming and to achieve certifications that will help them readjust their lives after incarceration, but none are currently available.

Another young person has been completing GED coursework – and is very close to completing the program, but school in his unit has been discontinued. He told us that there are at least 10 other school-age people in his unit who would like to participate, but DOC has not allowed them to do so.

A person detained in RMSC reported increased psychiatric distress since GreenHope's programming was terminated in the jails. Without a way to process her situation, she reports increased hopelessness and suicidality.

These stories are not isolated incidents. We hear every day from people in custody who are seeking opportunities to use their time in jail to learn skills and access supports that will benefit them beyond their time in jail. Program participation is especially critical for parents who are seeking to reunite with their children after incarceration, people trying to access treatment courts, and those who are mandated to receive anger management or substance abuse counseling.

After today's hearing, we have several questions for the Department that remain unanswered, including:

- What specific programs are provided in each facility and by housing unit? What is the frequency of program offering (e.g., how many times per week), duration of each session, subject matter covered, and certifications offered?
- What percentage of people in custody have access to the minimum standard 5 hours of programs per day?
- What credentials do DOC civilian staff have to provide group counseling? Are they licensed mental health providers?
- What programs does DOC plan to provide that are not yet offered?

Conclusion

The decision by the mayor to cut DOC programs was dangerously misguided and shortsighted. Contrary to their claims before the Committee, DOC has been unable to adequately replace the quantity and quality of the programs facilitated by CBOs. The Council must work to fully restore the funding for community-based reentry and jail-based programming to ensure that incarcerated New Yorkers have access to the support they need to survive their time in jail and successfully return to the community.

We thank the City Council for your continued advocacy on this issue. If you have any questions, please reach out to me at RKinsella@bds.org.