




# COUNCIL MEMBER GALE BREWER **Release**

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## **BREWER INTRODUCES LEGISLATION TO END SURVEILLANCE OF PEOPLE IN DOC CUSTODY AND EVERYONE THEY TALK TO ON THE OUTSIDE**

**New York, NY** — What if I told you there's a City vendor that's paid to listen in on your phone calls and capture your most sensitive personal data, including your location and voice print? It's true. The Department of Correction (DOC) telecom provider records approximately 25,000 phone calls per day between people inside City jails and anyone they talk to: their parents, spouses, children, attorneys, doctors, and clergy.

The vendor, Securus Technologies, uploads every piece of data they capture to a paid subscription database used by law enforcement agencies across the country. Securus has a history of unlawful surveillance practices and data breaches. Earlier this year, [a coalition of public defenders sued DOC](#), accusing them of capturing thousands of privileged phone calls between people in custody and their defense attorneys.

Legislation being introduced today by Council Member Gale Brewer would ban the recording of phone calls and other digital communications without permission from a judge, force the destruction of data that has already been collected, and create a private right of action for anyone whose communications are unlawfully surveilled or whose personal information was unlawfully collected, retained, or disclosed.

The bill is co-sponsored by Council Members Sandy Nurse, Yusef Salaam, Carlina Rivera, Diana Ayala and Shekar Krishnan.

Warrantless wiretaps in City jails weren't allowed until 2007 when Mayor Bloomberg changed the rule to make it easier for correction officers and prosecutors to listen in. In 2018, the New York City Council led the nation in recognizing that incarcerated people should be able to call their loved ones and support systems without paying extortionary rates. [The landmark law](#)

made all phone calls free inside city jails, resulting in a groundswell of communication between incarcerated people and the most important people in their lives. The law never intended for free calls to come at such a steep cost.

“I first became aware of this issue last year when former DOC Commissioner Louis Molina sought permission to open all mail sent to people on Rikers Island, scan it, and deliver it via tablet instead. Molina told Board of Correction that the idea came from his telecom vendor, Securus Technologies,” said **Council Member Gale A. Brewer, Chair of the Committee on Oversight and Investigations**. “The DOC’s surveillance system exists with no oversight and largely without the knowledge—let alone the consent—of those being surveilled, including people who are not incarcerated. If a person can afford bail, then they and their children, parents, friends, and other loved ones are not subjected to warrantless surveillance.”

“Conversations between people in custody and their friends and loved ones should be private,” said **Council Member Sandy Nurse, Chair of the Committee on Criminal Justice**. “The Department of Correction’s current practice violates the right to privacy of New Yorkers who are connected to people in custody. The city should be protecting the rights of New Yorkers, not allowing agencies to undermine them.”

“City Council has a responsibility to ensure that the rights of New Yorkers are not being abused, and that includes ensuring that individuals in Department of Correction custody are not being unjustly surveilled in their telephone communications,” said **Council Member Carlina Rivera, Chair of the Committee on Cultural Affairs, Libraries and International Intergroup Relations**. “Phone systems were installed in city jails to maintain connections to the community, reduce recidivism, and improve public safety. I’m proud to sponsor legislation that will restrict phone call monitoring and recording to ensure the Department is meeting operational requirements and their mandate to care for those in its custody.”

“For too long, the city and its correctional vendors have been invading the privacy of New Yorkers, disproportionately those who are Black and Latine, for prosecutorial and profit-based motives. From intimate calls between spouses to privileged attorney-client calls, no conversation has been off limits,” said **Bianca Tylek, Executive Director of Worth Rises**. “It’s time we prioritize and protect the basic constitutional right to privacy of all New Yorkers by ending the universal, warrantless surveillance of jail calls. We applaud Council Member Brewer for championing the End Correctional Community Surveillance (ECCoS) Act and hope to see its swift passage.”

“NYC’s Department of Correction and surveillance company Securus Technologies have constructed a far-reaching spying system with devastating impacts on those who rely on the jails’ phone system to stay connected. The End Correctional Community Surveillance Act (ECCoS) ensures that New Yorkers can talk to loved ones who are detained in city jails without fear that their private thoughts and intimacies will be spied on or their biometric, location, and financial information will be stolen,” said **Elizabeth Daniel Vasquez, Director of Brooklyn Defenders’ Science and Surveillance Project**. “Brooklyn Defenders thanks Council Member

Brewer for introducing this landmark legislation to end a decade of predatory spying and restore dignity and basic human rights. We call on the Council to pass ECCoS immediately."

"The End Correctional Community Surveillance Act (ECCoS) is important legislation to end the Department of Corrections and its vendors' well-documented practices of warrantless spying on the phone calls incarcerated people have with their family and loved ones as they await trial," said **Mary Lynne Werlwas, the Prisoners' Rights Project of the Legal Aid Society**. "The Legal Aid Society lauds Council Member Gale Brewer for introducing this bill, and we urge the City Council to immediately bring ECCoS to a full body vote to protect New Yorkers from warrantless surveillance of their most intimate communications."

"Universally recording phone calls in city jails is a practice rife with misuse," said **Christopher Boyle, Director of Data Research and Policy at New York County Defender Services**. "New York County Defender Services commends Council Member Brewer for introducing this important legislation and urges the city council to end this harmful practice now."

"Everyone has the right to privacy. It is especially essential for those who are incarcerated to be able to have private conversations with their loved ones, their attorneys, and their family members. The Department of Corrections' and its partners' systemic and deliberate surveillance of the personal phone calls of incarcerated people violate both the law and our values of decency and privacy," said **Ilona Coleman, Legal Director of the Criminal Defense Practice for The Bronx Defenders**. "We applaud Council Member Gale Brewer for introducing the End Correctional Community Surveillance Act (ECCoS), and putting DOC on notice that their harmful actions will no longer be tolerated."

"The core value of our criminal legal system is the presumption of innocence. Taking the voice and location data of detained people, their loved ones, and their attorneys presumes they are guilty, will chill their connections with their loved ones, and impede their ability to mount their defense," said **Derrick Hamilton, Deputy Director, Perlmutter Center for Legal Justice at Cardozo Law**. "This is especially harmful to innocent people who have no information about the crime they are accused of committing. The Perlmutter Center for Legal Justice supports the bill as a matter of dignity, as a matter of preserving the constitutional rights of the accused, and because the data of innocent people should not be bought and sold to enhance a carceral system that disproportionately impacts people of color and the poor."

"Today, we express gratitude to Councilmember Gale Brewer for her unwavering commitment to safeguarding the well-being of New Yorkers. By introducing the End Correctional Community Surveillance Act (ECCoS), and City Council passing it swiftly, we can begin to hold Securus accountable as we attempt to repair the harm created," said **Chaplain Dr. Victoria A. Phillips of the Mental Health Project, Urban Justice Center**. "Despite society's tendency to overlook the challenges faced by individuals within correctional facilities, I, as a proud member of a military family, firmly believe that the principles of "equity, liberty, and justice for all" should truly apply to every single individual in the United States."

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