



**Brooklyn (BDS)
Defenders**



Joint Memorandum in Support of Updated Minimum Standards: Access to Counsel

December 12, 2025

New York City Board of Correction
2 Lafayette Street, Suite 1221
New York, NY 10007

Dear New York City Board of Correction,

We, the public defender offices of New York City, write to urge the Board to adopt our proposed amendments to the minimum standards governing access to counsel. These revisions are urgently needed to address the longstanding and systemic barriers to attorney-client communication and legal visitation at Rikers Island, where our clients' Sixth Amendment right to counsel is consistently undermined.

On September 9, 2025, representatives from the institutional providers appeared before the Board to detail the pervasive obstacles we face in providing meaningful representation to people in custody. These challenges include excessive and unpredictable wait times, visiting spaces that compromise confidentiality, and unsafe or unsuitable waiting areas. Taken together, these conditions impede our ability to counsel, advise, and advocate for our clients, and thus deny them the constitutional protections to which they are entitled.

Since the Board's September meeting, our offices have spent several months examining the existing minimum standards and identifying changes that would most effectively support attorney-client visitation. At the center of our proposal is the requirement to establish a clear, uniform protocol—one that the Department of Correction, attorneys, and people in custody can follow consistently, efficiently, and transparently. A reliable process is foundational to restoring the integrity of the right to counsel.

Additional elements of our proposed revisions are designed to ensure confidentiality and preserve attorney-client privilege; permit full and timely participation by all members of the defense team; and promote safe, secure conditions for attorneys, attorney assistants, and the people they serve.

Revising the minimum standards is essential because the Department of Correction routinely relies on vague exceptions and unwritten practices to delay or restrict attorney access. A system that lacks accountability invites misuse. Clearer rules are needed to curb this pattern and allow for more transparency and Board oversight.

While revised minimum standards alone cannot remedy every obstacle to counsel access at Rikers Island, we have worked to advance the strongest reforms possible within the constraints of existing law. Collectively, our offices bring decades of experience visiting Rikers as institutional defenders. These proposed rules are grounded in our professional expertise and shaped by our direct, daily knowledge of the realities our clients face.

We respectfully urge the Board to adopt these critical amendments and reaffirm its commitment to safeguarding the right to counsel for all people in New York City's custody.

Please feel free to reach out to us with any questions.

Regards,

New York County Defender Services
Brooklyn Defender Services
The Bronx Defenders
Neighborhood Defender Service of Harlem
The Legal Aid Society - Criminal Defense