



Testimony of

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I. Overview of Rikers Visit Working Group (active between 2015-2020)

We write in strong support of the Family Visitation Working Group. Just last month, the City Council released an investigation documenting systemic failures that routinely obstruct family visitation,¹ a right protected by the New York State Constitution.² We see these failures regularly in the lives of our clients. The creation of this working group presents a meaningful opportunity to address them.

Too often, reform efforts rely on the NYC Department of Correction (“DOC”) to fix itself. The Family Visitation Working Group instead brings in organizations such as Osborne, which represent the interests and lived experiences of families of incarcerated people and offer a critical outsider perspective. This perspective allows longstanding problems to be surfaced in a nonadversarial way. In the past, Osborne identified numerous logistical barriers to visitation, and DOC was receptive and responsive, resolving many of those issues. That experience demonstrates the practical value of sustained collaboration.

¹ <https://council.nyc.gov/press/2025/12/09/3025/>

² See generally *Cooper v. Morin*, 49 N.Y.2d 69, at 76 (1979)(finding a detainee’s right to “contact visitation of reasonable duration” in the due process clause of the New York State Constitution).

More importantly, although the working group was short-lived, it offered a rare glimpse of what real cultural change at Rikers could look like. As a federal monitor has observed,³ DOC suffers from an entrenched culture of dysfunction marked by violence, brutality, and neglect. This culture permeates daily operations and undermines even well-intentioned reforms.

True culture change requires ongoing, structured engagement that builds mutual understanding among everyone who lives and works at Rikers. Efforts like this working group, along with rigorous outsider-led training and genuine listening sessions for uniformed officers, who often feel unheard and unseen, create the conditions for change from the ground up. While the City has taken significant steps to impose reform from the top down, including the appointment of a remediation manager, those efforts must be complemented by bottom-up strategies that center the voices of those most directly impacted.

If these changes are not made now, we risk transferring the same entrenched problems from Rikers Island to the borough-based jails. The Family Visitation Working Group is not simply about improving access to visits. It is a concrete step toward transforming the culture of the DOC itself.

II. Department Briefing on Clinic Production Dashboard Pilot at NIC and Compliance with Sick Call Minimum Standards (40 RCNY § 3-02(c)(5)) and Electronic Logbook Pilot at OBCC

We greatly appreciate that the Board is adopting digital record-keeping and bringing us into the 21st century. For far too long, records have been kept on paper files, which slows down processes and makes them susceptible to error or loss. We applaud all initiatives in this vein and look forward to this work continuing.

III. Department Briefing on Revamp of Family and Attorney Visit

Since our last testimony on access to counsel, delivered to the City Council on December 10, 2025⁴, following our testimony to this Board on September 9, 2025, we have not seen any meaningful improvement in attorney-client visitation within NYC jails. Our attorneys continue to report the same barriers, including excessive wait times and inconsistent access, that have long impeded effective representation.

While we are encouraged by the proposed appointment of a dedicated Executive Director of Visitation, as well as internal reviews and the possible reinstatement of the Family Visitation Working Group, the BOC has repeatedly demonstrated that, absent enforceability or oversight,

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<https://www.nbcnewyork.com/news/local/rikers-conditions-getting-worse-leaders-uncooperative-federal-monitor-says/3603793/>

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<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1351409&GUID=8DED04E9-767D-44FF-8859-F665817189A5&Options=info|&Search=>

reforms often fail to materialize. These initiatives, standing alone, are insufficient without clear, binding legal standards to guide implementation and ensure accountability.

On Friday, December 12, 2025, five defender organizations jointly submitted proposed minimum standards to the Board aimed at addressing the persistent and systemic visitation failures we encounter daily. These minimum standards are designed to ensure transparency, confidentiality, and the protection of the attorney-client privilege, which are core requirements for effective representation under the Sixth Amendment of the United States Constitution.

In the absence of binding laws or formal standards, we remain deeply concerned about continued noncompliance and inconsistency within the DOC. A central component of the proposed minimum standards is the establishment and dissemination of a clear and uniform visitation protocol that applies to all impacted parties, including DOC staff, attorneys, and incarcerated individuals.

IV. DOC's unlawful cooperation with ICE in violation of NYC law

We additionally write to alert the Board to a serious and ongoing violation of New York City's detainer law by DOC due to their unlawful coordination with Immigration and Customs Enforcement (ICE). Last month, DOC unlawfully transferred our client from City custody at Rikers into ICE custody without the judicial warrant required under New York City's detainer law, Administrative Code § 9-131(b)(1). To be clear, this was not a case of routine information-sharing between the two agencies. DOC affirmatively handed off physical custody of a person in its care to federal immigration authorities, in direct contravention of the City's legal protections. As a result of this unlawful transfer, our client is now detained out of state, separated from counsel and family, and effectively beyond the reach of meaningful legal advocacy. As of submitting this testimony, despite our best efforts we have still been unable to contact our client since he was transferred to ICE custody over a month ago.

The City's detainer law is explicit. DOC may not honor civil immigration detainers, delay a person's release, or coordinate a transfer of custody to ICE unless federal immigration authorities present a judicial warrant issued by a judge, in addition to an individual having any prior qualifying convictions. Administrative warrants or detainer requests signed by ICE do not satisfy this requirement. The statute deliberately and explicitly requires both elements: a judicial warrant and a qualifying offense.⁵

DOC is fully aware of these two requirements. Not only have they been the law of the land for over a decade, they have detailed an Operations Order to comply with their legal obligations, and have been recently questioned about their adherence to the law in multiple city council hearings.⁶ See DOC Operations Order, *Interactions with Federal Immigration Authorities*

⁵ Administrative Code § 9-131(b)(1).

⁶ The most recent hearing was held on December 8, 2025 by the Committee on Immigration about possibly creating a private right of action for violations of the City's detainer laws.

(Number 9/19), Section IV(B)(1)(i) (explicitly stating that a judicial warrant and qualifying offense are both required). DOC's own documents state that "if the inmate does not meet [this] criteria... **no notification to DHS of such an individual's release shall be made** and the inmate shall be discharged from custody in accordance with Directive 4102R-B" (emphasis added). According to their own procedures, there should have been no notification to ICE by DOC in this instance. Afterwards, any actions in support of immigration enforcement must be reported to the Mayor's Office of Immigrant Affairs (MOIA) on a quarterly basis. Yet, when our office contacted DOC and MOIA, they both stated that a judicial warrant was not required, a clearly erroneous and unlawful read of our City's detainer law.

Here, neither DOC nor MOIA produced or even claimed to possess a judicial warrant authorizing ICE to take our client into custody. Indeed, DOC Legal told our office that there was no judicial warrant for our client. When we brought this issue to MOIA they told us no warrant was required, and that no further action could be taken to either remedy or investigate the situation. DOC also refused to investigate if the detainer law was violated. In open defiance of City law, both agencies claimed that no judicial warrant was required and then declined to examine their own illegal actions once those claims were challenged.

Both agency responses show that DOC is willfully violating City law without any consequences. Instead, they are seemingly taking the legally erroneous position that the existence of a qualifying offense alone is sufficient to permit a transfer from DOC to ICE. This reading is flatly inconsistent with the text and purpose of Administrative Code § 9-131, which was enacted precisely to ensure that local custody is not used to facilitate federal immigration arrests without court authorization.

Any argument by DOC that they were simply information sharing is also misleading and inaccurate. DOC's own records confirm that what occurred was a custody transfer: the PIC (Person in Custody) lookup page lists the client as "released to Immigration and Customs Enforcement," which reflects a physical handoff to federal agents, not a release into the community followed by an independent ICE arrest. When our office spoke to DOC Legal and inquired about the transfer, we were verbally informed that it was safer for ICE to take custody of our client rather than ICE making an arrest in the street. DOC did not simply communicate information. They coordinated and executed a transfer of custody to ICE.

When we asked DOC to provide documentation relating to their communication with ICE, they told us to FOIL such information. A request that is nearly impossible given that our client is no longer physically in the state. It has been over a month and our office is still trying to figure out a way to reach our client and have them sign any relevant paperwork. Our client has been plunged into a legal black hole once he was unlawfully transferred to federal custody.

The consequences of this unlawful conduct have been severe and ongoing for our client. Because DOC facilitated ICE's warrantless and unlawful seizure of our client, they are now detained out of state, making it extraordinarily difficult for counsel to reach them, obtain signatures for any legal documents, such as even basic transparency requests such as FOIL.

This has significantly interfered with counsel's ability to investigate our client's transfer, challenge its legality, and protect our client's rights. This is precisely the harm that Administrative Code § 9-131 was designed to prevent: the extrajudicial transfer of people in City custody into federal immigration detention without judicial oversight and due process. Thus, DOC has violated City law and our client's rights.