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*****FOR IMMEDIATE RELEASE*****

NYC Defenders Decry Breach of Attorney-Client Privilege in Wrongly Recorded Phone Calls in NYC Jails

(NEW YORK, NY) – Brooklyn Defender Services, The Bronx Defenders, The Legal Aid Society, Neighborhood Defender Service of Harlem, New York County Defender Services, and Queens Defenders issued the following joint statement in response to a report that over 1,500 protected calls between people incarcerated in at local jails and their attorneys were wrongly recorded:

“The fact that calls between attorneys and their clients incarcerated in New York City jails were apparently recorded, without either person’s knowledge, is appalling and unacceptable.

The widespread, illegal practice described in this report undermines the most fundamental tenet of the constitutional right to counsel: the ability of people to receive confidential advice from their legal team.

It not only undermines the trust our clients have in the confidentiality of their communications with their defense teams but also the public’s trust in the legal system as a whole.

The role of private, privileged phone calls in this relationship has become even more crucial during the pandemic, at a time when the City imposed restrictions on visitation and legal staff has limited their ability to meet their clients face to face.

We urge the New York City Department of Correction and Securus to immediately ensure that no privileged calls are recorded ever again.

We call on the District Attorneys to denounce this practice, and to immediately disclose and sequester any attorney-client recordings in their possession, without listening to them first.

We also demand a full account as to how this was allowed to occur so that we can fully understand and assess the breadth and depth of this breach, how many of our clients cases were implicated, how this information was used, and whether these violations were of such a prejudicial nature that dismissal of the cases is warranted.

We are actively investigating and will take swift, and immediate action to defend the rights of our clients and our legal practices.”

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