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Contact:

Anthony Chiarito, The Bronx Defenders, (ACHiarito@bronxdefenders.org)

Daniel Ball, Brooklyn Defender Services, (DBall@bds.org)

Redmond Haskins, The Legal Aid Society, (RHaskins@legal-aid.org)

Shannon Anglero, Neighborhood Defender Service of Harlem, (SAnglero@neighborhooddefender.org)

Lupe Todd-Medina, New York County Defender Services, (LToddmedina@nycds.org)

Brian Schatz, Queens Defenders, (BSchatz@queensdefenders.org)

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

NYC Public Defenders Joint Statement on DOI Investigation of Wrongly Recorded Phone Calls in NYC Jails

(NEW YORK, NY) – The Bronx Defenders, Brooklyn Defender Services, 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 new [report](#) released by the New York City Department of Investigation on the improper recording of attorney-client phone calls in New York City jails:

“The widespread, illegal practice described in this investigation undermined one of the most fundamental tenets of the constitutional right to counsel: the ability of people to receive confidential advice from their legal team. Thousands of confidential phone calls between incarcerated people and their attorneys were wrongly recorded, and many were even supplied to district attorneys, the NYPD, and other law enforcement agencies.

“The Department of Investigation is correct that this improper recording of phone calls was ‘unacceptable.’ However, this investigation and its conclusions are simply inadequate.

“We are disappointed that this report limited its scope of review to documents provided by DOC and Securus and failed to interview affected defender organizations and impacted New Yorkers who could attest to the consequences of this illegal recording practice. The investigation also failed to adequately address Securus’s long history of civil liberties violations and data breaches, as well as the litany of harms caused by the company’s extensive surveillance networks. We know, based on Securus’s history in New York and across the country, that this is a company that cannot be trusted.

“While NYC made the historic step to make phone calls in city jails free for all incarcerated people in 2019, this significant breach underscores that the societal costs of recording phone calls remains great.

“DOC records every phone call involving an incarcerated person, excluding - they claim - calls involving numbers included on its ‘Do Not Record’ list, such as those belonging to defense teams. Even if legal calls were properly protected, universal recording of people in jails is a violation of privacy and subjects incarcerated people, their friends, and family members—overwhelmingly from Black and Latine communities—to undue monitoring and control.

“One of the most troubling aspects of the universal recording project is the collection of biometric data known as ‘voiceprints.’ These speech patterns of incarcerated people and those they call are saved to a central database by

Securus, along with call recordings and other personal information. Logging over 30,000 calls per day, Securus's biometric database of New Yorkers is immense and ever growing.

“Equally concerning is that, following this breach of confidential phone calls and the inability to properly safeguard the privacy of New Yorkers, the city decided to expand Securus's services to include tablets and proposed mail scanning and, thus, enlarge Securus's surveillance web.

“The recommendations offered by the DOI do not adequately protect people's privacy. New York City should not only end its troubling contract with Securus, but also cease the practice of universally recording calls made by incarcerated New Yorkers. DOC has proven it cannot be trusted with protecting privileged calls or respecting basic notions of privacy. The city must end — once and for all — the recording of all phone calls placed by people in jail. Restoring privacy protections would not hamstring legitimate law enforcement investigations. But it would put an end to unlimited, unfettered recording of phone calls as the default. Listening to another individual's personal conversations should be the exception, not the rule. Restore privacy, restore confidence, restore basic human dignity. It is well past time.”

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