

Alan Levine
President

Twyla Carter
*Attorney-in-Chief
Chief Executive Officer*

Dawne A. Mitchell
*Chief Attorney
Juvenile Rights Practice*

Lisa A. Freeman
*Attorney-in-Charge
Special Litigation and Law Reform Unit
(914) 400-7429 (cell)
LAFreeman@legal-aid.org*

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The Honorable Liz Krueger
Chair, Standing Finance Committee
Room 416 CAP,
Capitol Building
Albany, NY 12247
financechair@nysenate.gov

The Honorable Gary Pretlow
Chair, Standing Committee on Ways and Means
LOB 923,
Capitol Building
Albany, NY 12248
wamchair@nyassembly.gov

**Testimony of the Legal Aid Society's Juvenile Rights Practice in relation to Certain Changes
Proposed by the Executive**

Submitted to the Joint Legislative Budget Hearings on Public Protection

Dear Chairperson Krueger and Chairperson Pretlow,

We thank you for this opportunity to provide written testimony and appreciate your consideration of our opposition to a proposed amendment in the Executive Budget that would authorize the use of body scanners in NYS Office of Children and Family Services detention and placement facilities.

The Legal Aid Society is built on one simple but powerful belief: that no New Yorker should be denied the right to equal justice. We seek to be a beacon of hope for New Yorkers who feel neglected -regardless of who they are, where they come from, or how they identify. From our start 150 years ago, our growth has mirrored that of the city we serve. Today, we are proud to be the largest, most influential social justice law firm in New York City. Our staff and attorneys deliver justice in every borough, working tirelessly to defend our clients and dismantle the hidden, systemic barriers that can prevent them from thriving. As passionate advocates for individuals and families, The Legal Aid Society is an indispensable component of the legal, social, and economic fabric of our New York City.

Part J of the Education, Labor and Family Assistance bill would amend the Public Health Law to permit the use of "radiological body scanner technology" to screen for contraband young

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people held in secure or specialized secure detention facilities, or placed in facilities operated by the NYS Office of Children and Family Services (OCFS), as well as any visitors or employees in those facilities. While we generally support efforts intended to reduce violence in carceral settings, we oppose this proposal at this time.

At the outset, we note that juvenile detention and placement are intended to be rehabilitative in nature. We object to the use of body scanning technology in youth facilities because it undermines the rehabilitative milieu in favor of a more carceral approach. The use of this technology is particularly objectionable in non-secure facilities operated by OCFS, which would be permitted by this proposal. In addition, the maintenance and strengthening of family and community ties is particularly critical to youth rehabilitation. Even if this technology is safe, which is a serious concern, its use will likely deter individuals from visiting with incarcerated youth. The New York Times recently reported that even tampons and piercings have triggered the body scanning technology in NYS Department of Corrections and Community Supervision (DOCCS) facilities and resulted in the wrongful and permanent denial of visiting rights for family members. Parnell, Wesley, *New York Times*, "When Prison Body Scanners Mistake Tampons and Piercings for Contraband," Feb. 6, 2026, available at <https://www.nytimes.com/2026/02/06/nyregion/new-york-prison-body-scanners-women.html>. This article makes it clear that appropriate protocols and use are not in place and followed where body scanning technology is already being used. Its use should not be expanded where youth's access to family and community are in the balance.

In addition, although the proposal says the use of this technology would be subject to Department of Health (DOH) regulations regarding annual exposure limits, it seems apparent that the amount of radiation that is safe for minors has not been well researched or established. NYS DOCCS completely prohibits the use of this scanning equipment on minors. <https://doccs.ny.gov/updated-visitation-security-guidelines>. Meanwhile, the relevant DOH regulations themselves permit that minors be exposed to only one tenth of the annual exposure permitted for adults, N.Y. Comp. Codes R. & Regs. Tit. 10 § 16.70 - Use of Body Scanning, E(2)(ii), while Public Health Law § 3502 (6)(c)(ii) provides that minors shall not be subject to more than five percent of annual exposure limits for non-radiation workers. Whether these limitations are based on actual research is unclear, nor is it apparent whether the limitations would severely limit the utility of this technology inside OCFS facilities.

Although we applaud the inclusion of the use of body scanning technology on employees who work in youth facilities in this proposal because our clients report that employees are frequently the source of contraband in facilities, a fuller examination of the state of the research should be conducted before moving forward with this proposal. We therefore question whether it is proper to include this proposal in the Executive Budget. Rather, if the Legislature chooses to consider this

proposal at all, it should do so as a standalone bill, so that a fuller and more adequate evaluation process can occur.

Very Truly Yours,

/s/

DAWNE A. MITCHELL