

**Mayor's Office of Criminal Justice  
Testimony to the New York City Council  
Committee on Criminal Justice  
Oversight: Update on Borough-Based Jails  
November 22, 2021**

Good morning Chair Powers and members of the Committee on Criminal Justice. My name is Marcos Soler, and I am the director of the Mayor's Office of Criminal Justice (MOCJ). I am joined today by America Canas, Senior Advisor for Justice Initiatives, and Nadine Maleh, Executive Director for Capital Projects. Thank you for the opportunity to testify about the progress of our efforts to close Rikers in order to create a smaller fairer jail system with four borough-based jails.

MOCJ advises the mayor on criminal justice policy and runs a number of programs and justice initiatives, from the Crisis Management System to alternatives to incarceration and supervised release. We work with law enforcement, city agencies, service providers, not-for-profits, foundations, and the public to implement effective strategies that make the City safer, fairer, and with a smaller criminal justice footprint while improving system coordination. Since the inception of the borough-based jails project, MOCJ has helped to lead the broader policy initiatives that accompany the project, and has advised the Mayor on evidence-based best practices for transforming our current jail system into one that is modern, safe, and more humane.

One necessary objective of the borough-based jails plan is to reduce the size of the city's jail population to 3,300. We believe that despite the challenges posed by the pandemic, we are on course to meet this goal. New York City currently has the lowest incarceration rate of all large cities in the United States. We have seen historic declines over the course of this administration, accelerating the pace of reduction of the jail population by decreasing the population from 11,000 in 2014 to about 5,500 today. We are committed to the goal of the borough-based jails and therefore are employing strategies and investing in the tools that reduce the need for pre-trial incarceration. Alternatives to incarceration, supervised release, effective re-entry services, and a fully functioning court system are vital to the reduction of the city's jail population. Allow me to share a bit more about these programs and initiatives and how they continue to further the administration's goal to reduce unnecessary incarceration.

**Supervised Release**

In 2016, New York City launched Supervised Release citywide, offering judges the option of releasing appropriate and eligible defendants under specific supervisory conditions in lieu of setting bail. Supervised Release is designed to address likelihood to return to court. Defendants in Supervised Release are required to report to program case managers regularly and are given reminders of their court dates, case management support services, and voluntary connections to social services as needed. MOCJ contracts with three organizations to provide supervised release citywide. In

2019 the program expanded. Overall, the number of people projected to be served by Supervised Release has increased from 3,300 at its inception in 2016 to close to 20,000 in 2022 and going forward. The current overall value of these contracts is more than \$72 million annually. MOCJ released an RFP in September of 2021 to solicit providers to continue these services going forward.

### **Alternatives to Incarceration**

Alternative to Incarceration programs are court-mandated diversion programs that provide participants with supportive services in their communities instead of a jail or prison sentence. ATI programs are key components of the city's investment in reducing the court's reliance on incarceration. MOCJ currently has \$35 million in contracts in FY 21 with 15 non-profit organizations to run 24 ATI programs throughout New York City. In 2017, the City increased its investment in ATI programs to serve approximately 5,500 people, as well as to provide additional behavioral health services to ATI participants and housing resources for women enrolled in ATI programs. In 2020, the City expanded its ATI programs even further to divert more people, as well as to provide additional supportive services to more fully address participants' needs.

### **Re-entry**

During this administration, we saw promising reductions in the recidivism, with re-offending falling to 36%. While this reduction is encouraging, the number of people who do return to jail is still too high. We are currently making significant new investments in services, and are reshaping the way we deliver those services to ensure they are effective. These investments and effective deployment of the services will be key in reducing the return rate further.

MOCJ expanded its re-entry programming to improve the transition and release planning services to individuals. The City invested \$20 million into this new programming, which builds upon the success of the Jails to Jobs re-entry services program that was launched in 2018. Upon release, interested individuals work with reentry mentors who help facilitate all aspects of reentry on an individualized basis. The reentry mentors develop relationships with released individuals to encourage participation in relevant services and programs. The supports provided by this team of service providers include assistance locating temporary or permanent stable housing, as well as other wraparound resources determined by the specific needs of each returning individual. We anticipate that the case planning and coordination, combined with expanded service offerings and stronger relationships will help to ease the path to a stable life outside of custody and reduce the likelihood of return. Our providers are currently implementing these supports along with DOC and our non-profit partners.

Additionally, in order to maximize safety at the beginning of the pandemic, MOCJ worked with agency and non-profit partners to stand up an entirely new set of services in under-enrolled hotels in NYC. Beginning in late March, MOCJ worked with the New

York City Office of Emergency Management and non-profit partner Exodus Transitional Services to provide transitional housing to clients leaving jails. These hotels have been vital to maintaining safety during the pandemic, and we are incredibly proud of the work done by MOCJ and its providers to ensure that those leaving custody had a safe, secure place to go. While the hotels have been an essential lifeline during the health emergency, we are currently working toward more permanent housing solutions for those leaving custody.

## **Courts**

While we are optimistic about reducing the city's jail population, we should be clear that there are still significant challenges to overcome. The courts are critical to a fully functioning justice system, and are necessary to achieve the goals of improving public safety, reducing unnecessary enforcement and incarceration, and promoting fairness. Since the summer of 2020, the City has been calling for the full reopening of the courts, including the convening of more grand juries, addressing the backlog and prioritizing cases involving gun violence, and the scheduling of trials.

Delays in the processing of criminal cases have resulted in a jail that is functioning as a prison with more people being held for longer periods of time. About 30% of people detained have been held for more than a year. Fewer court appearances and pretrial hearings result in fewer dispositions of felony cases. The inability to resolve felony cases has pre-trial people in Rikers awaiting resolution of their case for longer periods of time. The justice system requires the resolution of cases, whether that be a plea disposition and/or sentence after trial. We need the courts to function at full capacity so that the justice system can run smoothly, and we are able to reduce the population in Rikers Island. From the start of the pandemic, the City has worked with the courts, the district attorneys, the defenders, and other partners to facilitate the continued operation of the essential functions of the criminal justice system and bring cases to conclusion.

As the courts begin to increase their capacity, we are continuing to work with all the aforementioned stakeholders, as well as the State, to reduce the jail population. Through successful partnership with New York State Department of Correction and Community Supervision (DOCCS) and Governor Hochul we are transitioning incarcerated women in the Rose M. Singer facility on Rikers Island to the state-run Bedford Hills and Taconic facilities. We anticipate continued cooperation with the State to help reduce the number of people in city jails.

Thank you for the opportunity to share the strategies and interventions we are employing to reduce the city's jail population, as well as some of the challenges we are working hard to overcome. We are confident that a return to a fully functioning court system will have a positive impact on our efforts to reduce the jail population. We are committed to the continued use of supervised release, alternatives to incarceration and detention, and enhanced reentry services to move our city's justice system toward the smaller, safer, and fairer system envisioned by the borough -based jails program. I'm happy to answer any questions you may have.



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Margaret Egan  
*Executive Director*

**Testimony of Margaret Egan, Executive Director of the New York City Board of Correction, before the New York City Council Committee on Criminal Justice at its Oversight Hearing on the City's Borough-Based Jails Program  
November 22, 2021**

Good morning, Chair Powers and members of the Committee on Criminal Justice. I am Margaret Egan, Executive Director of the New York City Board of Correction. Thank you for inviting me to share my testimony on the City's Borough-Based Jail program.

The Board of Correction is an independent oversight and regulatory agency charged with ensuring that the Department of Correction and Correctional Health Services meet the Board's minimum standards, which cover the care, custody, correction, treatment, supervision and discipline of people in custody in the City's jails. The Charter also gives the Board an advisory role over capital planning and improvements, which is closely connected to the Board's need to ensure the minimum standards are fully incorporated into the design, construction and operation of any new jails, including the borough-based facilities. Based on the Board's insight into the City's jails, and my own experience as a senior adviser to the Independent Commission on New York City Criminal Justice and Incarceration Reform, known as the Lippman Commission, I want to share some thoughts on the borough based jail plan with you today.

Both Mayor De Blasio and the City Council have committed to closing Rikers Island and building a smaller, safer, fairer, more humane jail system in the boroughs, broadly carrying out the recommendations of the Lippman Commission. This plan has taken on new significance given the current state of the jails. As I last testified before you, the City's jails remain in crisis. Due to persisting staffing shortages, the Department continues to struggle to provide basic services and supplies to people in custody. We are particularly concerned about the Department and CHS's ability to provide consistent access to medical and mental health care. The Department is also struggling to manage ongoing violence in the facilities fostering a dangerous environment for people in custody and those staff who are working.

While staffing and management is key to the current crisis, the existing jails are not designed to meet the goals that we all share and are in a state of disrepair. The design of the buildings creates dangerous site lines for staff and does not provide space for



effective programming, care, or positive interaction. And people are able to fashion dangerous weapons from the deteriorating buildings.

As the Board has said repeatedly, decarceration is a short-term imperative to addressing the current crises of staff shortages, extended stays in inhumane conditions and lack of access to mandated services, including basic health and mental health care, but it is also essential in the long-term to close Rikers and transition to a borough-based jail system.

The City's plan sets a goal of 3,300 people in custody by 2027. A recent report from the Lippman Commission and the Center for Court Innovation (CCI) outlines a series of reforms that can reduce the jail population to 2,700-3,150. As of November 19, 2021, the jail population was at approximately 5,320, after reaching a 40 year low of approximately 3,800 in April 2020. The initial response to the COVID-19 pandemic demonstrated that the population can be dramatically reduced when the criminal justice system stakeholders come together. As the Commission and CCI outline we can continue to dramatically reduce the population again by addressing the COVID-19 backlog of cases, reducing the use of jail and expanding the use of alternatives for a number of different groups, and addressing case processing delays. We have done it before, and we can do it again. The Board strongly endorses these recommendations and will continue to advocate for decarceration.

The design of the new facilities will be a critical component of the plan's overall success. Grounded in dignity, care, safety, and work to prevent isolation from society and family, and located in the boroughs, there will be improved services and connections to attorneys, families, and visitors. The program requires dedicated space for programming, education, healthcare, and visiting space to more effectively support reentry to communities. New programs will include a focus on rehabilitation including skills and job training, education, cooking, and workshops, and provide for the medical and mental health needs of those in custody. Spaces will enable people to work together, promoting a sense of common purpose and shared responsibility not animosity. Critically, the design also prioritizes visitors, ensuring accessibility and comfort for the families and friends visiting their loved ones.

These are important design principles and the City has taken significant action to implement this plan, and yet, more remains to be done. Given the Board's essential role as the regulatory and oversight authority over the jails system, the minimum standards must play a critical role in setting the standards for basic conditions of confinement, medical care, mental health care, eliminating sexual abuse, and restrictive housing in the borough-based jail system. At the same time, the plan to close Rikers Island creates a critical opportunity for the Board to assess its current minimum standards to identify opportunities to update them to ensure that the baseline conditions of confinement meet the goals of the new jails and current best practices. The Board's standards set a floor for the Department and CHS and this plan provides an opportunity to raise that floor. Each of the new jail RFPs account for the Board's minimum standards and include them as an addendum. However, to date, the Board has not been involved in the development of the RFPs. The Department has begun providing the Board with regular briefings on the plan, which we greatly appreciate, but there is no indication that the Board will be involved in the design process. The Board must be at the table going forward.

One key example of the Board's need to be involved to ensure the minimum standards are met is the City's plan to establish Outposted Therapeutic Housing Units (OTxHUs) within or adjacent to existing Health + Hospital acute care facilities. These Outposted Therapeutic Housing Units would be secured clinical units operated by CHS and the Department of Correction (DOC), allowing people in custody to receive specialty care within hospitals and allow for continuity of care of people in custody.

The Board applauds the initiative, but we note that the Board's minimum standards include requirements for the provision of medical and mental health care, but CHS and DOC have not yet detailed how they intend to meet the minimum standards for people held in the new Therapeutic Housing Units. For example, CHS has not disclosed what conditions would be treated in the facilities nor the criteria for determining whether someone should be admitted or discharged. Additionally, we have not seen details on how people housed in these units will have access to basic rights afforded by the minimum standards, including recreation, visitation, and law library. Moreover, CHS has yet to detail how people hospitalized under correctional control will be prepared for re-entry into their communities, beyond medical care. As this example demonstrates, the Board must be at the table throughout the design process to ensure that the minimum standards are met.

Finally, equally important to the success of the borough-based jail plan is reforming the organizational culture of the Department of Correction. Simply moving into new buildings will not cure the problems that we see today in the New York City jail system. In order to truly meet the goals of a smaller, safer, fairer, more humane jail system for people in custody, families, and staff, the culture of the institution must change. There are several crucial pieces to effective organizational culture change; accountability in management and performance, re-envisioning policies and procedures, recruiting and hiring for culture change, using training and education as tools for culture change, and ensuring the wellbeing of, and support for, staff. In order to achieve all of these, the city and the Department will need to also make significant investments in people and systems. That culture change will be long and hard but it imperative for the success of all who live and work in our city's jails.

## **Conclusion**

The Board of Correction fully supports the City's plan to close Rikers Island and build new, state of the art facilities in the boroughs. It is imperative that these new facilities are built to reflect the goals of a smaller, safer, fairer, more humane jail system. The Board is encouraged by progress to reduce the jail population from nearly 11,000 in 2017 to 6,000 in 2021 and encourages all stakeholders to recommit to further reducing the jail population. The design of the new facilities is also critical to ensure the spaces and operations support the City's goals. To that end, the Board's involvement will be essential in the design of the new facilities and for the City to account for the minimum standards across the full plan, including CHS's plans to build outpatient units. The City must also commit to meaningful culture change in the Department of Correction. Failure to do so will mean that we simply move the troubling conditions on the island into the boroughs. Finally, the Board recognizes the opportunity that the plan to close Rikers Island presents to review and update its own regulations to support the goals of the new jails and best practice more effectively. The Board will continue to monitor the City's work to make this plan a reality. Thank you for inviting me to speak today, and I will be happy to answer your questions.



**Testimony before the  
New York City Council  
Committee on Criminal Justice  
Chair, Keith Powers**

**By  
Stanley Richards  
First Deputy Commissioner for Programs and Training**

**November 22, 2021**

Good Morning Chair Powers and the Committee on Criminal Justice. My name is Stanley Richards and I am the First Deputy Commissioner for Programs and Training at the Department of Correction and I oversee the Borough-Based Jail System at DOC. I am joined here by Sasha Ginzberg, Executive Director of the Borough-Based Jail System, Ada Pressley, Bureau Chief of Facility Operations, and Dana Wax, Chief of Staff. With all the challenges the department faces today, I am thrilled to spend some time talking with you about the vision that we have for the future.

In the spring of 2017, the City committed to closing the jails on Rikers Island and creating a network of modern and humane borough-based jails. The City is currently on track to build the Borough-Based Jail System and completely close Rikers Island by 2027. This smaller jail system, built upon a foundation of dignity and respect, will house a total population of no more than 3,300 people, reflecting the reality that we can keep far fewer people in our jails without compromising the safety of our city.



The Borough-Based Jail System is at its core a jail population reduction plan. We are dramatically shrinking New York City's jail capacity: currently, the Department operates eight active jails that have approximately 11,000 beds. Under this plan, we will have four jails that will house a total population of 3,300 people.

In addition, the plans for the Borough-Based Jail System are informed by a focus on the dignity of everyone- *everyone* in our jails: the people in custody, the officers who keep them safe, and the community members who keep those in custody connected to our society and help them transition back home. Making jails more humane is not about a tradeoff between people in custody and officers. It's about creating a culture of dignity, of rehabilitation, of respect for everyone inside our jails.

That's why the new facilities will be designed to foster the safety and wellbeing of everyone, providing space for quality education, health, and therapeutic programming. They are grounded in an understanding of the context and continuity of people's lives, which requires supportive services such as health care and education both inside the facility, and, linked to the community. The plans recognize that most of the people in our jail are going back to their neighborhoods, and prioritize the need to reintegrate them successfully upon release.

The borough-based system will strengthen connections to families, attorneys, courts, medical and mental health care, and faith and community-based organizations. Being closer to home and transit will enhance the network of support systems for people who are detained, and help prevent people from coming back into the system.

While we are still working very hard every day to address the challenges we have right now, that's not why the Commissioner brought me here. I'm at DOC to look toward the future,



and every day that we fight the crisis we're facing I am heartened by the vision that so many city leaders have worked to put forward that truly reflects the values of our city.

We want to thank the tireless work of advocates, formerly incarcerated people, and those who have been directly impacted by Rikers Island, including our officers and our non-uniform staff. The City has advanced the plans through a dedicated interagency team, and through cooperation with the Council, which has provided critical support throughout the process. DOC works daily with Correctional Health Services, the Mayor's Office of Criminal Justice and the Department of Design and Construction to ensure the plans for the new jails reflect the new vision for our jails: one that is safe and humane. One that works for the people whose lives it touches. One that makes people who leave better off than when they came in.

I will now turn to Sasha Ginzberg, Executive Director of the Borough Based Jail System, to discuss some of the details of how we'll get there.



**Testimony before the  
New York City Council  
Committee on Criminal Justice  
Chair, Keith Powers**

**By**

**Sasha Ginzberg  
Executive Director of Borough-Based Jail System**

Good Morning Chair Powers and the Committee on Criminal Justice. My name is Sasha Ginzberg and I am the Executive Director of the Borough-Based Jail System at the Department of Correction. Thank you for having us here to provide an update on the plans to close Rikers Island and build the new Borough-Based Jail System.

The last time we were before Council to discuss this project was during the Uniform Land Use Review Procedure (ULURP) in October 2019. Since the Council approved our ULURP application on October 17, 2019, we have been working diligently on moving this project forward to ensure we can close Rikers Island as quickly and efficiently as possible.

We went into the ULURP process with a Master Plan for the four facilities that determined the rough square footage, height and density of the buildings. In the Master Plan, we laid out a vision for the new facilities that includes robust services provided for people in custody, a safe and comfortable place for staff to work, and buildings that integrate well into the surrounding communities. During ULURP, we refined this program in close consultation with Council, and the resulting height, square footage and density of all four facilities were reduced dramatically to account for the reduction in the projected incarcerated population.



The City team has been working within the ULURP requirements that were determined in conjunction with the City Planning Commission and the City Council. As you may know, the ULURP approvals bind us to a maximum height (295 feet in Manhattan and Brooklyn, 195 feet in Queens and The Bronx), maximum square footage, Floor Area Ratio (or FAR), which measures the building density, parking spaces, beds and entrances/exits. Within these constraints, we have developed a detailed program for these buildings that embodies the vision that FDC Richards laid out in his testimony.

The Borough-Based Jails will be fundamentally different from the jails we have today. There are three core components that define our program and improve upon the facilities and conditions we currently see – better housing units, better cells, and better operations:

### **Better Housing Units**

#### *Providing Services on Housing Units*

Every housing unit will be centered around a large dayroom that will serve many functions in dedicated “zones” with direct access to an outdoor recreation space. In every housing area, there will be one or two multipurpose rooms; two interview rooms; a quiet room; specific areas for dining and passive lounging; and areas for programming and health services. The goal of bringing services to people in custody, rather than bringing people to services, is to reduce movement throughout the facility and to ensure consistent access to programming that is not interrupted by incidents in the rest of the facility. There will still also be congregate programming spaces, including classrooms, vocational education, the chapel, gym, and law and leisure libraries.

#### *Comfortable Finishes and Furniture*

In addition, the furniture in the dayrooms will be comfortable, and we will provide different furniture for different uses. For example, dining areas will have circular tables with removable



chairs and leisure areas will have couch-like seating. The finishes of the spaces will be designed for maximum noise absorption and to be soothing to people in custody. We are requiring acoustic ceiling tiles to be included and doors to have a wood-grain finish. Importantly, there will be no bars throughout the entire facility.

#### *Therapeutic Housing Units*

Approximately 50% of the housing units throughout the Borough-Based Jail System will be therapeutic units, which will have increased programming and clinical space. These units will be co-staffed between DOC and CHS staff, similar to the current CAPS/PACE units. They will serve people with medical, mental health or substance use needs.

#### *Cluster/Outdoor Rec Spaces*

On every housing unit floor, there is a “cluster space” that will be accessible by all the housing units on the floor. The cluster spaces include additional programming spaces (multipurpose rooms and interview rooms), a barbershop, de-escalation rooms and decontamination showers, and additional administrative space for DOC and CHS staff.

### **Better Cells**

#### *Comfortable Finishes and Furniture*

All furniture and materials used in the new jails will be as comfortable as possible. In the cells, we will be using detention-grade plastic furniture that is both comfortable and secure. Every cell will have a bed, desk, chair and a window with a direct view to the outside. This will allow people in custody to see the changing light and seasons. In every cell, people in custody will be able to control an air vent to allow fresh air into their cells and there will also be operable shades inside the windows.

### **Better Operations**





### *Dedicated New Admissions*

Rather than having a single intake space that serves numerous—and oftentimes competing—functions like in the current jails, the Borough-Based Jails will have a dedicated new admissions space that will only serve people who are being admitted to the facility. There will be other dedicated and separate spaces for release, court production, and de-escalation of incidents. Currently, all of these functions occur in the intake spaces, which are not designed to accommodate them, and as a result intake can feel incredibly chaotic and in the wrong circumstances can lead to an acute crisis such as the one we experienced in September. Therefore, instead of the large holding pens that we have now we are creating an area where most people will wait in comfortable chairs in an open seating area as they go through the DOC admissions process.

Admission to jail can be traumatizing, and our goal is to make the new admissions spaces feel as calm as possible. Furthermore, transporting people throughout a facility to a central intake area following an altercation can be unsafe for both staff and people in custody. In the new facilities, we are placing dedicated de-escalation rooms on every housing unit floor to minimize movement.

Separating the current intake functions into dedicated spaces is just one of many ways the new facilities will be designed to eliminate some of the operational problems caused by outdated infrastructure in our current jails.

### *Direct Supervision*

DOC officers will supervise the housing units using Direct Supervision, which is considered to be the best practice for correctional operations. Direct supervision means that there is one officer assigned to each housing unit and they have an open officer station placed in the middle of the dayroom. Through effective design, officers will have sightlines to all areas in the



housing units and will be moving throughout the unit throughout their shift. We will also have local service providers staffing the welcoming public lobbies of the new facilities, so people in the community can come in and access resources directly in the building. These providers will also help people who are released from the facilities access services, like transportation, housing, transitional employment, among others. The lobby will also have comfortable furniture with a dedicated children's play area, stroller parking and lactation rooms.

### ***Procurement Timeline***

The City began the process of procuring design and construction services for facility dismantling, site preparation, and construction of four borough-based jails immediately following the 2019 ULURP approval.

The City received State approval to execute this project using Design-Build project delivery, which will allow us to construct the jails and close Rikers Island by 2027. We would not have been able to do this if we had been constrained by the antiquated design-bid-build lowest bid method the City was forced to use to deliver most of its capital portfolio.

### **Overall Program Update**

As I noted, the City's Department of Design and Construction began the required procurement process for this Program just under two years ago. By March of this year, we had a Design-Build team on board for the demolition of a municipal parking lot and construction of new parking and community space in Queens. The Queens garage and community space is on schedule to be completed by late 2022, just three years after the start of procurement. A project of this magnitude would normally take six years or more to complete.



Procurement is well underway for construction of new jail facilities in Queens, the Bronx, Manhattan and Brooklyn. To ensure the broadest industry participation, each site will have two separate procurements for site dismantling and preparation and the design and construction of the new facility. By the end of 2021, dismantle and site preparation contracts will be registered on all four sites and work will begin in early 2022, paving the way for delivery of smaller, more humane facilities to be in place by 2027. In September 2021, the City released an RFQ for the construction of the four facilities. The Manhattan Facility RFP will be released in December 2021, with the other three boroughs following shortly thereafter. All four design and construction contracts will be registered by the end of 2023.

Completing an unprecedented eight-and-a-half-billion-dollar program by 2027 requires tremendous collaboration, and we have been working in close coordination with DOC, MOCJ, City Hall, the Office of Management and Budget, the Public Design Commission, the Department of City Planning, and others – it is truly a team effort.

In addition, since the inception of the Borough Based Jails project, throughout the ULURP process, and since its approval, we have been working closely with all relevant stakeholders: local community members, advocates, formerly incarcerated individuals, DOC and CHS staff, and people currently in DOC custody. In addition to convening Neighborhood Advisory Committees to discuss the concerns of the local communities, we conducted design workshops with the communities of the four sites, justice advocates, formerly incarcerated individuals, people currently in DOC custody, and DOC and CHS staff. The results from these workshops informed the design guidelines for facilities and we are continuing these conversations as the process continues.



Before I close I just want to say thank you very much for your interest in our work and for Council's partnership on the Borough Based Jail system. While the elements of the plan I have mentioned are only some of the key features of the new facilities, they are illustrative of the new model of incarceration that these facilities will employ. We are happy to explain the program in further detail or answer any specific questions about how else these facilities will be designed. Thank you.



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**Center for Court Innovation Testimony  
New York City Council  
Committee on Criminal Justice  
Oversight – Update on the Borough-Based Jails  
November 22, 2021**

*Thank you to Chair Powers and esteemed members of the Committee on Criminal Justice for the opportunity to submit testimony. The Center for Court Innovation served as the lead coordinating agency in the inaugural year of the Independent Commission on New York City Criminal Justice and Incarceration Reform, culminating in its April 2017 [report](#) calling for the permanent shuttering of Rikers Island. Mayor Bill de Blasio endorsed the Commission's key recommendation for replacing the Rikers jails with small borough-based facilities. Approved by the City Council on October 17, 2019, the mayor's final plan called for building new jails in all boroughs except Staten Island, with a combined daily capacity of 3,300 people. The Center for Court Innovation [supported](#) the City Council vote. While it is not too late to revisit final details, we urge the council to use its authority to help the city reach the finish line on schedule in 2027.*

**The Rationale for Closing Rikers Island**

**New York City's jails are in crisis.** Our testimony submitted to the Criminal Justice Committee for its previous September 15 hearing documented increasingly violent and inhumane conditions and linked them to a 60% rise in the city's daily jail population from 3,800 people in late April 2020 to almost 6,100 in mid-September 2021. The current jail population stands at just under 5,500 following emergency release actions taken by Governor Hochul.

**Recent events notwithstanding, Rikers Island is tied to an inhumane legacy.** The Riker family that sold the land to the city built its wealth on the backs of slave labor in the 1800s. Richard Riker participated in a [kidnapping club](#) that accosted and shipped free Black people to slavery in the South.

**The island's despicable history is equalled only by its persistently appalling conditions.** Back in 1975, a federal judge found conditions on Rikers to be [unconstitutional](#). In 1979, the late Herb Sturz, then a deputy mayor, responded by [pursuing the first-ever plan](#) to replace Rikers with borough-based jails. In 2006, former Correction Commissioner Marty Horn [tried again and was similarly unsuccessful](#).

The past two decades at Rikers have seen reports of [illegal strip searches](#); excessive force against people with [mental health conditions](#) and [adolescents](#); and the existence of a “[fight club](#)” organized by correction officers to brutalize allegedly noncompliant people held at the jails. From 2016 to 2021, a federal monitor issued [eleven consecutive reports](#) detailing ingrained mismanagement, violence, and dysfunction. The most recent report concerned conditions in 2020—a period preceding the current crisis; it pointed to a use of force rate that had reached an [all-time high](#), almost three times the level found five years ago.

As it has from the time of its naming, Rikers continues to embody systemic racism, having housed a population close to 90% Black and Brown people for many years. Currently, 60% of people held in city jails are Black, compared to 24% in the general population.

### **The Current Replacement Jail Plan**

The standing replacement jail plan has four key components:

- 1. Renewable Rikers:** City Council legislation requires closing the jails on Rikers and transferring control of the island from the Department of Correction to the Department of Citywide Administrative Services (DCAS) by August 31, 2027. DCAS would then convert the island to a renewable energy hub.
- 2. Reinvestment in Impacted Communities:** The Council also established a Commission on Community Reinvestment, charged with repairing the harms wrought by Rikers on predominantly Black and Brown communities.
- 3. Decarceration:** Rikers’ closure hinges on safely reducing the city’s daily jail population from its current total of 5,440 people as of November 17, 2021 to 3,300 or fewer people.
- 4. New Jails:** The current plan, approved by the City Council on October 17, 2019, involves building four new jails in close proximity to each borough’s respective courthouse (Staten Island excepted). Three of the four jails would lie in the footprint of existing facilities. Additionally, the plan envisions housing up to 400 people in separate, hospital-based therapeutic beds for those with severe mental health needs, meaning the new jails would have a combined daily capacity of 2,900. Dramatic changes at this stage would relitigate the issue and further stymie progress towards closing Rikers Island.

There is no known opposition to the renewable Rikers plan or to reinvesting in historically oppressed communities. However, the work of the Community Reinvestment Commission has undergone [significant delays](#). We suggest the Council exercise its oversight capacity to facilitate the Commission’s progress, moving forward.

### **Making Jail Reduction a Reality**

**The city has proven that it is possible to significantly and safely reduce its jail population, both through alternatives to incarceration and the implementation of upstream reforms intended to prevent system involvement in the first place.** The daily population dropped from more than 20,000 people in 1991 and close to 10,000 as recently as 2016 to a low watermark of 3,809 on April 29, 2020—when all the while crime and violence underwent a simultaneous

historic decline. Then, over the past year and a half, the jail population rose as judges [increased their bail-setting and produced widening racial disparities](#).

**Offering a path forward, the Center for Court Innovation teamed with the Independent Commission on NYC Criminal Justice and Incarceration Reform to release a comprehensive [jail reduction roadmap](#) this July.** Our report includes almost 40 data-driven recommendations, spanning a range of topics that include:

- Increasing reliance on the city’s validated [Release Assessment](#) that classifies people’s likelihood of returning to court and recommends 85% of cases for release;
- Training judges and prosecutors on the city’s proven effective [supervised release](#) program;
- Considering people’s ability to afford bail when it is set;
- Establishing a strong presumption of release for women, transgender, and gender non-conforming people as well as those ages 55 and up or with diagnosed medical conditions;
- Making new investments in dedicated mental health slots for people otherwise facing jail; and:
- Instituting Population Review Teams in each borough to discuss real-time jail population data on an ongoing basis as well as recommend the prompt release of specific individuals held in jail.

**Based on conservative assumptions regarding the quality of implementation, we estimated that the proposed strategies could bring the daily jail population to 2,700-3,100 people.** Above-average implementation could yield even greater jail reductions than this range might suggest. Continuing the status quo would jeopardize any hope of closing Rikers. If policymakers took action, all of our strategies would require no more than two years to reach full implementation, and many could be put into place in a matter of weeks or months.

A [complementary report](#) released by [Vital City](#) and co-authored by the most recent director of the Mayor’s Office of Criminal Justice (MOCJ), Elizabeth Glazer, called for bringing the jail population to 2,200 people or fewer. While a remarkably ambitious aspiration, we emphasize that it is consistent with the results of our own proposals at the Center for Court Innovation. Together, these two reports show that the necessary decarceration steps are achievable.

### **Guiding Principals for Closing Rikers and Building Borough Based Jails**

While controversial, we supported the borough-based jails plan and City Council vote to approve it in October 2019. In creating this plan, the city solicited stakeholder perspectives, engaged local communities, and shared research evidence supporting the projected new jail capacity. We also recognize that the next mayoral administration and council membership may wish to further refine the process. Towards this end, we recommend three guiding principles:

- 1. Reaffirm the Current Timeline:** Moving the goalpost may incentivize inaction, while the conditions at Rikers Island remain unchanged or worsen. The current timeline for 2027 builds on years of stakeholder engagement, public education, research, and programmatic investments. The timeline still affords six more years to finalize a jail construction plan, implement it, and safely reduce the jail population.

2. **Allow for Flexibility on the Borough Based Jails:** The current plan remains achievable. But if necessary, the recent [Vital City report](#) points to other options for realizing the same outcomes, primarily by reducing the size of the four new jails and making up the difference by transferring unused or underused state facilities in Manhattan and Queens to city control. The Vital City report also raises the option of making more therapeutic (non-jail-based) beds available for people with a serious mental illness. While this alternative proposal is by no means the only one policymakers could land on, it provides a starting point for contemplating any future revisions.
3. **Finalize the Jail Plan Swiftly:** Construction is currently scheduled to start at the end of 2022, before which time the City’s contractors must create final building designs. We suggest the council size up the options and work with Mayor-elect Eric Adams on a final approach over the next year.

### **Jail Culture**

The reactive and violent culture at Rikers Island must be prevented from transferring to the borough-based jails. This cannot be an afterthought, but must permeate the planning, design, programming, and staffing of the new jails from this moment onward. To this end, the new jails must have greater accessibility for family members, service providers, and criminal justice agencies, an approach that ensures incarcerated people are not [“out of sight, out of mind.”](#) Finally, there must be greater support and training for correctional officers that reflects the mission and vision of the new jails and embraces the critical role of correctional staff in realizing it.

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**For more information:** Please contact Joanna Weill ([weillj@courtinnovation.org](mailto:weillj@courtinnovation.org)), Michael Rempel ([rempelm@courtinnovation.org](mailto:rempelm@courtinnovation.org)) or Shane Correia ([correias@courtinnovation.gov](mailto:correias@courtinnovation.gov)).





New York City Council Committee on Criminal Justice

November 22, 2021  
10:30 a.m.

**Oversight: Update on the Borough Based Jails**

Testimony of  
The Legal Aid Society  
Criminal Defense Practice

Jane-Roberte Sampeur  
Senior Attorney and Coordinator  
Women's Pretrial Release Initiative

Mary Lynne Werlwas  
Director  
Prisoners' Rights Project

The Legal Aid Society  
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Thank you for the opportunity to testify about the status of New York City's plans to close Rikers Island. The urgency of this goal cannot be understated, as the dangerous conditions at Rikers Island have reached catastrophic levels the City is unable to control. The current human rights crisis, while catalyzed by the on-going sick-out by correction officers, is a direct product of the deeply entrenched culture of incompetence and violence that is the hallmark of Rikers Island. The city must close the Rikers chapter in our corrections history before more lives are lost.

### **Update on conditions at Rikers**

We applaud the attention this Committee has given the prevailing conditions at Rikers Island, many of which Committee members have witnessed themselves on recent visits to the jails or heard through public testimony at the Committee hearing held two months ago. Unfortunately, despite significant public attention this fall, the conditions in the City jails remain dire. In a report filed November 14, 2021, the federal monitor stated its concern about "the dangerous conditions in the jails,"<sup>1</sup> and incarcerated people continue to report inhumane deprivations of food, intolerably crowded conditions, and abject filth.

The primary factor causing chaos in jail management is that so little of the City's oversized correction workforce is actually coming to work. Despite the Mayor's issuance of two Emergency Orders purporting to urge staff back to work, as of November 3, there has been no appreciable change in the proportion of uniformed staff unavailable for work in the jails. The monitors' reports show the dismal outcomes: 2,458 staff were unavailable for work as of September 23, 2021; by November 3, 2,351 staff remained unavailable for work – a net gain of only 107 officers.<sup>2</sup> Put differently, 30% of the City's corrections workforce remains unavailable for work, wreaking havoc on all efforts to safety and stability to the troubled facilities.<sup>3</sup> That uniformed staff can be absent in these numbers, but continue to draw a city paycheck and pension, represents an extraordinary collapse of government oversight and accountability. These failures will simply be replicated in new jails unless the City fixes them at Rikers Island right now.

The collapse in provision of basic jail services and security persists. Although the federal court ordered the City to house people within 24 hours, to remedy the abysmal conditions in intake areas, we have interviewed multiple individuals who continue to be held in intake for several nights in a row. This is inhumane: with no beds or bedding, our clients are continuing to sleep on floors with no relief from the cold from open windows or air conditioners. Clients also

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<sup>1</sup> Status Report, *Núñez v. City of New York et. al.*, 11-cv-5845 (LTS) (SDNY), ECF No. 420, November 17, 2021, at 1 (available at <http://tillidgroup.com/wp-content/uploads/2021/11/2021-11-17-Letter-to-Court-re-Conditions-Final.pdf>)

<sup>2</sup> *Id.* at 11-12.

<sup>3</sup> *Id.*

report receiving infrequent, late, or incomplete meals. One report detailed a meal that consisted only of a scoop of rice and a piece of cabbage; others describe it as a famine on Rikers.

Moreover, the lack of basic sanitation and hygiene in these intake areas persist. Some intake pens have toilets that are overflowing with waste and do not flush. Some of our clients have reported feces on the floor, in the sink, and smeared on the walls. Further, there are people held in intake who are actively detoxing, which adds vomit to the human effluvium in the cells. Further, the filth is not being cleaned up. In some pens, the stench is overwhelming. Some of our clients have requested the resources to clean the cells themselves and been denied. On one occasion, when a client requested that a porter be allowed into the pen to clean, a CO told him that they did not have enough staff to supervise.

Meanwhile, throughout the jails, tensions and hostility are extraordinarily high due to the persistent deprivation of ordinary jail services such as access to a medical clinic, the absence of the programming that structures daily lives, and the disgusting and unsafe conditions throughout the jails. It is imperative that the City immediately remedy this disastrous course to protect lives.

### **Forced Prison Transfers Not a Solution**

In the last month, our clients at the Rose M. Singer Center have suffered enormously from the City's sudden and misguided decision to close that facility by transferring these women to state prison. This is not decarceration and not the way to close Rikers. We have previously shared with this committee the documented vulnerabilities and extreme trauma the majority of women detained in City custody have experienced. Transfers are disruptive to their treatment and support systems and are further traumatizing.

The transfer process has been haphazardly and poorly planned. Contrary to the belief of the governor's office, we are not given notice of when our clients will be transferred, and not given an opportunity to adequately counsel them on the transfers. Some women are given absolutely no notice and are given 5 minutes to pack, as same day "add ons".

Transfers are having devastating effects on our clients' cases and right to counsel. Several clients have been transferred in the middle of assessment for alternative to detention services, delaying their release from jail and connection to vital supportive services. The transfers are severely diminishing our communication with clients. To date, the systems DOCCS said would be in place are still flawed and ineffective. Transfers are also resulting in some clients not being brought to court for their court appearances, denying them their right to be present for their court proceedings.

Additionally, since entering custody, several clients have reported being threatened by state corrections officers who are telling them things like, "you're in state custody now, no one is going to hear you." Confirming our clients fears and the long history of abuses in state

corrections that have gone under reported, under investigated, and under addressed. At least one client has even reported being assaulted by Corrections officers since her arrival.

While we all want to see the closing of Rikers Island, prison transfers are not the way to do it. The City's inability to meet their obligations is placing a dangerous and undue burden on the most vulnerable population in their custody. Over 125 people detained at Rose M Singer organized and signed a petition to demand the transfers be stopped. Yet state and city refused to hear their voices, and instead chose to further traumatize an already vulnerable population. Decarceration should be the focus of the city efforts. Simply moving women further from their support networks, families, and legal teams, does not make them safer and certainly does not make the community safer. The only way to ensure the safety of women and the community is to ensure women are with their families, their support networks and connected to community-based therapeutic services.

### **Broadening the Pool of Future Correction Leaders**

While the staff absentee action has acutely paralyzed the jail system this spring and summer, the current conditions arise from longstanding failures of facility leadership—wardens and deputy wardens—to model and demand basic correctional competence in operation of the jails. The *Nuñez* monitor described with alarm the “security lapses and breaches of the most fundamental duties of staff such as abandoning housing units, failing to secure doors, and allowing detainees access to highly secure areas.”<sup>4</sup> Put simply, “the poor quality of Facility leadership hinders progress and must be addressed for the Agency to ever become successful.”<sup>5</sup>

Facility leadership perpetuate the cycles of violence and incompetence in part, the Monitor observed, due to a lack of experience or familiarity with modern or different correctional practices. According to the monitor, “facility leaders rarely emerge as champions of an idea or new practice and often seem to be myopic due to a lack of experience in other jurisdictions. They simply do not know of other ways to solve problems besides ‘how we’ve always done it.’”<sup>6</sup>

This limited vision and skill is rooted in the process by which the City chooses facility leaders. As the Monitor described:

Currently, the only individuals who may serve as Wardens and Deputy Wardens are those currently in the uniformed ranks. This creates a narrow field without many choices, selects from those with DOC-only experience, perpetuates DOC's culture, and excludes well qualified candidates who have served in similar positions in other jurisdictions. Therefore, the Monitoring Team recommends that the Department broaden the criteria of candidates who may serve in these roles, which will allow for the

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<sup>4</sup> Letter to Judge Swain from the Office of the Monitor (“First Emergency *Nuñez* Letter”), *Nuñez v. City of New York* August 24, 2021, at 3, (available at <http://tillidgroup.com/wp-content/uploads/2021/08/2021-08-24-Letter-to-Court-re-Conditions-FINAL.pdf>).

<sup>5</sup> Eleventh Report of the *Nuñez* Independent Monitor, *Nuñez v. City of New York* May 11, 2021, at 8 (available at <http://tillidgroup.com/wp-content/uploads/2021/05/11th-Monitors-Report-05-11-21-As-Filed.pdf>).

<sup>6</sup> *Id.* at 10.

selection of individuals based on their breadth of experience and demonstrated effectiveness as leaders. Only then, with the right people at the top of the Facility hierarchy, will the vision for elevating the quality of supervision further down the chain of command and the essential improvements to Staff practice become possible.<sup>7</sup>

It is imperative that all City leadership commit to changing these entrenched practices to allow New York to break these cycles of violence and incompetence. The City must support efforts to permit the Department of Correction to promote facility management and leaders from a variety of backgrounds, and not simply those who have been steeped in the current toxic culture.

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<sup>7</sup> *Id.* at 15.



**STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL  
BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON CRIMINAL JUSTICE  
REGARDING BOROUGH-BASED JAILS AND RENEWABLE RIKERS ISLAND  
November 22, 2021**

Good morning, Chair Powers and Members of the Committee. My name is Eric A. Goldstein, and I am New York City Environment Director at the Natural Resources Defense Council and a newly appointed member of the Rikers Island Advisory Committee. Thank you for the opportunity to testify today at this oversight hearing on the establishment of borough-based jails in New York City.

NRDC agrees with the conclusion of the Independent Commission on New York City Criminal Justice Reform that closing the notorious jail complex on Rikers Island and advancing a modern system of smaller facilities in the boroughs is a moral imperative.

Such an approach will be a major step forward on three fronts:

- First, it will finally end one of the sorriest chapters in the city’s criminal justice history by shutting down an operation that has too often treated detainees in inhumane fashion and presented the most difficult working conditions for Department of Corrections officers.
- Second, it will facilitate enhanced efficiencies in the criminal justice system since the borough-based jails will be located closer to the courthouses (as well as closer to relatives of detainees).
- Third, it will create a once-in-a-lifetime opportunity to completely re-envision the use of over 400 Rikers Island acres and transform this land from an island of shame into a showplace of sustainability and green jobs.

This vision is exactly what was contemplated by the Renewable Rikers legislation -- Intros. 1591, 1592 and 1593 -- passed by the Council earlier this year.

Here’s what will happen if the borough-based jails are completed within the legislated timeframe:

Rikers will become a centerpiece of solar power and energy storage. This could enable the city to close one or more aging, inefficient and pollution-generating “peaker” power plants in the

**NATURAL RESOURCES DEFENSE COUNCIL**

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boroughs, which are primarily located in already overburdened lower income and communities of color.

Additionally, a reimagined Rikers Island could host a modern, state-of-the-art wastewater treatment plant. This would lead to the closure of several older sewage treatment plants in the boroughs -- opening up shorefront parcels for new uses that meet community needs for recreation, affordable housing, green space and resiliency.

Finally, the establishment of modern borough-based jails and an end to incarceration at Rikers could allow for land on the island to be used for a major expansion of food and yard waste composting. This would help keep a major portion of the city's waste stream out of landfills, a major source of climate-destroying methane emissions.

Securing this Renewable Rikers vision will have another important benefit: it could bring a measure of restorative justice to those who have disproportionately been affected by Rikers Island jail operations. It could do so by providing new opportunities for jobs and job-training programs for former Rikers detainees and by offering economic benefits, such as energy rebates, to neighborhood residents that have suffered directly and indirectly from Rikers operations.

In sum, implementation of the borough-based jails program will demonstrate how criminal justice reform, social justice and environmental protection can go hand in hand in hand.

Thank you, Chair Powers, for your attention, and for your leadership on this issue.



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**Testimony of Jenny Veloz at  
City Council Committee on Criminal Justice  
Hearing on Borough-Based Jails  
November 22, 2021**

Good afternoon, my name is Jenny Veloz, and I am a Community Organizer in the Environmental Justice Program at New York Lawyers for the Public Interest (“NYLPI”). NYLPI’s environmental justice program works with communities who have shouldered the disproportionate burden of pollution in New York City for decades. I am pleased to provide testimony to voice NYLPI’s strong support for closing Rikers Island as a place of imprisonment, and transforming it into a sustainable hub, as well as the completion of replacement borough-based jails. Thank you to Chair Powers and the members of the Committee on Criminal Justice for allowing us this time to speak on this important matter.

For years, grassroots and community groups, criminal justice advocates, formerly incarcerated individuals, and other advocacy organizations, including NYLPI, have worked together to push the City to close Rikers Island and reinvest in the communities most directly impacted by incarceration. The current conditions at Rikers underscores the need for its closure. Among the most egregious conditions are sewage backups, faulty plumbing resulting in the lack of clean, running water, and a lack of basic necessities. Additionally, Rikers Island jails are built on a toxic landfill, plagued with methane leaks and contaminated soil, which negatively impacts the health of those incarcerated on the island, as well as correction officers, medical staff, and other employees. This is an environmental justice issue that deprives thousands of New York City residents of basic human rights like access to water and sanitary living conditions.

The City has a responsibility to stop this crisis by implementing Local Law 16, which requires “the transferring of land, buildings, and facilities of Rikers Island from the Department of Correction to the Department of Citywide Administrative Services...with the entirety being transferred no later than August 31, 2027.” However, the City has been negligent in its implementation. The first land transfer was supposed to occur no later than July 1, 2021, but the City waited until August to transfer a small portion of unused land. Instead of transferring the inactive facilities on the Island over to Department of Administrative Services (DCAS), in



the fall, the City re-opened the Eric M. Taylor Center (EMTC), which was initially closed and should have been part of the initial transfer of land. With Otis Bantum Correctional Center (OBCC) currently open and the re-opening of EMTC, the City needs to prioritize decarceration by closing OBCC and transferring the land by the end of the year. These jails should have been among the first pieces of land transferred. And no plan has been shared to transfer more land by the next deadline in January.

Local Law 16 also establishes a Rikers Island advisory committee, consisting of city officials, environmental justice advocates, and individuals directly impacted by incarceration at Rikers Island. But the City has failed in its duty to appoint members to the committee, which has prevented them from convening by the August 2021 deadline stipulated in the law. These appointments must be completed immediately so that the advisory committee may convene and get to the important work of transforming Rikers into a green hub.

Many of the same environmental justice issues at Rikers underscore the urgent need to replace the current borough-based jails. The borough-based jails are currently unfit for human habitation, including problems with excessive heat, mold, poor ventilation, limited natural light, and living spaces so small, they do not even meet standards mandated by the State. While anyone continues to be incarcerated, the conditions in the jails must not be torturous and inhumane. The borough-based jails should, at a bare minimum, be safe spaces that are not hazardous to incarcerated people and jail employees. This has never been the case at Rikers and is also currently true for the borough-based jails. Replacing these jails is necessary to stop this human rights crisis, and the City must move quickly.

In conclusion, NYLPI calls on the City to quickly move toward decarceration by reducing the jail population to less than 3,300 inmates, which can be accomplished by immediately closing Rikers. Additionally, NYLPI demands the City improve the conditions of confinement by replacing the four decrepit borough-based jails.

The history of Rikers Island is one of inhumane and environmentally unsafe conditions, and we now have the opportunity to turn something that has had such a negative impact and legacy on our City into something that serves as a step towards restorative justice. NYLPI calls on the City to transfer land on Rikers to



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DCAS and issue the RFPs for all construction contracts for the borough-based jails by the end of this year.

Thank you.



Women's Community Justice Association

**Testimony on Behalf of the Women's Community Justice Association**

*New York City Council - Committee on Criminal Justice*

*Oversight – Update on the Borough Based Jails.*

*November 22nd, 2021*

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Good afternoon Chair Powers and members of Committee on Criminal Justice, my name is Bria Agard, and I am a TOW Fellow interning with the Women's Community Justice Association (WCJA). WCJA is a non-profit organization led by justice-impacted women, who launched the #BEYONDrosies campaign to close the Rose M. Singer Center (RMSC) on Rikers Island. WCJA's work was born directly from the realization that there was a lack of female and gender expansive representation in the #CloseRikers campaign. I'd like to thank the committee for having this important oversight hearing to ensure that the process to close Rikers Island and build smaller, safer, and fairer borough-based facilities is moving forward.

In the past several months there has been increased media coverage concerning the horrors of Rikers Island in its current state. As a result of negligence and staff absenteeism, a total of 14 people have died within New York City jails this year alone. That is unacceptable and is one life too many. The facilities on Rikers Island and the Department of Correction have proven their inability to effectively rehabilitate and serve the individuals being held within its walls. As a result of decaying buildings and limited staff, women at RMSC are forced to endure unsanitary conditions, inconsistent and limited access to medical and mental health supports, and instances of verbal abuse from staff. Enough is enough, we must close Rikers sooner than 2027. **It is essential that any replacement facility must support individuals' needs instead of traumatizing and generating further harm and frankly should not be run by the Department of Correction.**

At WCJA, the central mission to our #BEYONDrosies campaign is to permanently close RMSC and decarcerate the female and gender expansive pretrial population to below 100. When I started at WCJA in early September 2021 there were about 316 women and gender expansive people in custody and their average length of stay was 233 days which is just under 8 months. On November 16th, 2021 there were 253 individuals held at RMSC and within the span of two months, the average length of stay has increased to 274 days or just over 9 months. People on average are detained and languishing 30 days longer than those detained two months ago. **As the city and advocates have worked tirelessly to decarcerate we have failed to support those with more serious charges who as a result are having increasingly long lengths of stay due to the court backlogs.** Jails are not designed to hold people for long periods of time. The current status of RMSC and buildings on Rikers are not safe to say the least and are not meant to hold people for extended periods of time. We cannot continue to subject people to these traumatizing conditions which do nothing to address people's real needs including mental health supports and substance use disorder services.

# WCJA

Women's Community Justice Association

The plan to build borough based-facilities works to fix many of the ills associated with Rikers Island. The Points of Agreement that passed with the City Council vote to close Rikers in 2019 stated that the City would, *"Explore the feasibility of moving the women's facility to a different site. If a new, more centrally located site...becomes available for City use and meets required criteria..."* One of the main criteria used to establish borough based sites was its geographic location and centrality. When looking at data concerning borough of charge, the most women consistently come from Manhattan followed by Brooklyn. WCJA is still advocating for a centrally located standalone site preferably in Manhattan. The State of New York currently owns three buildings in Manhattan that could be suitable locations that would not need a ULURP including Bayview Correctional Facility (550 West 20th Street), Lincoln Correctional Facility (31-33 West 110th Street), and Edgecombe Correctional Facility (611 Edgecombe Avenue). **Regardless, women and gender expansive people are being moved to Bedford Hills it is more important than ever to begin construction or renovation of a state or city owned building to ensure that the move is temporary.** Following the closure of Rikers, the surplus of funds need to be reinvested back into the communities most harmed by over policing and broken windows policy. As the city continues to move this process forward it is essential to consult with those impacted firsthand.

We must continue to move forward in the plan to close Rikers and build smaller, safer, fairer borough based facilities, especially as women are now being held at Bedford Hills. It is essential to ensure this move is temporary and as short as possible in nature. I thank you for your time and the opportunity to speak on this important issue.

# A MORE JUST NYC

## Independent Commission on NYC Criminal Justice and Incarceration Reform

Testimony of Zachary Katznelson, Executive Director  
New York City Council Committee on Criminal Justice, November 22, 2021

I am Zachary Katznelson, Executive Director of the Independent Commission on New York City Criminal Justice and Incarceration Reform, often known as the Lippman Commission after our chair, former Chief Judge of the State of New York Jonathan Lippman. Thank you for holding this hearing and for the opportunity to testify.

Getting off Rikers could not be more urgent. We have to do all we can to close Rikers sooner than the mandatory legal deadline of August 2027. Demolition on the old jails is set to start early next year. Now we need urgency in getting RFPs for the new jails out the door and shovels in the ground.

Meanwhile, there are four steps our City should take that can minimize the scope of the new jails – and achieve greater safety and better outcomes for us all.

First, bring online as many supportive housing beds as we can as quickly as possible. This will better lives and prevent crime before it happens. Mayor-Elect Adams' plan to convert empty hotels to supportive housing is an excellent one that should be sped forward.

Second, maximize the number of secure beds in City hospitals, so people with serious mental illness (and other serious health needs) can get the care they need, not be stuck in destabilizing jails. Every hospital bed can mean one fewer bed needed in the borough jails – and again with a better outcome. Mayor de Blasio has pledged almost 400 secure hospital beds in the next few years. But there are almost 1,000 people at Rikers with serious mental illness. We could use more beds and we need them more quickly.

Third, there are three empty or mostly empty state-controlled prisons in Manhattan that could be transferred to the City and remodeled. Here too, any beds we get can mean smaller borough-based jails – and better results.

If we can convert one prison to a trauma-informed care facility for women, the new Queens jail can be shrunk by roughly 15%.

If we can convert the other two prisons to therapeutic facilities for people with serious mental illness, we can shrink all the borough-based jails by 10%.

Finally, it's essential that we increase funding for groups like Exodus and the Women's Community Justice Project, which have been doing excellent work providing housing and services for people diverted from Rikers. This has resulted in far better individual outcomes, and far lower recidivism numbers.

Thank you again for the chance to testify.



PROTECTING KIDS. PROVIDING HOPE.

## **Testimony before the New York City Council Committee on Criminal Justice Oversight Hearing: Update on the Borough-based Jails, November 22, 2021**

My name is Daniele Gerard and I am a senior staff attorney at Children's Rights. Since 1995, Children's Rights has been a national advocate for youth in state systems. We are also a member of the New York City Jails Action Coalition and the newly reconstituted Young Adult Task Force. We advocate on behalf of young adults on Rikers Island.

Rikers is decrepit and unfit for human habitation. Yet incarcerated persons have as much of a right as anyone to livable conditions in proximity to their lawyers, families, and services.

Borough-based jails are a necessary step to address the long-running human rights crisis on Rikers, but they are not sufficient. We urge you to force the City to

- **substantially reduce the jail population now** to fewer than 3,300 people—the combined capacity of the four replacement borough jails.
- continue **meaningful and continued oversight** of the Points of Agreement and related legislation that accompanied the borough jails plan, including substantial investment in community resources (for example, housing, education, and health care) to address unmet needs, reduce incarceration, and make our communities safer; demand accountability from the Department of Correction and Correction Officers' Benevolent Association; and ensure that young adults get the attention and resources they deserve and for which we have been clamoring for years.
- **end solitary confinement.** This must be the Council's immediate priority. The Council should amend and pass Council Member Dromm's bill to ensure a true end to solitary confinement, and not keep in place such Orwellian-named substitutes as Enhanced Supervision Housing, where young adults can be shackled to desks when not in their cells, the Secure Unit, Separation Status, and, most recently, the Risk Management Accountability System.
- make sure that **every community organization** that works with people released from Rikers has a presence on the Island now and is able to establish meaningful contact before release.
- **begin planning now** to have the best possible programming, education, recreation, and mental health services available for young adults across all borough jails. This requires significant, thoughtful input into the design process. Research shows that young adults, including those up to age 25, are still developing, are incredibly impressionable, and require unique programming to meet their needs.
  - Now is the time to plan to provide programming automatically to all young adults upon intake, and never to be used as an incentive.
  - Now is the time to plan to make all programming easily accessible.

- Now is the time to plan for making education available in congregate settings and easily accessible for all young adults, and for any incarcerated person who chooses to study.

In sum, we call on you to close Rikers, decarcerate New York City's jail system, shrink the capacity of the system, and vastly improve conditions of confinement for anyone who remains detained. We call on you to focus your attention on the hundreds of young adults in the system, who consistently do not get enough programming, education, mental health care, and even food, as young adults themselves recently shared at a meeting of the Young Adult Task Force.

Thank you.

My name is Nigel Quiroz and I am a field organizer at the Innocence Project. The Innocence Project is a national organization that works to exonerate the wrongfully convicted and reform the criminal legal system to prevent future injustice.

As a member of the Campaign to Close Rikers, the Innocence Project is deeply grateful that the City Council has recognized the overall negative effect that Rikers has had on the people of New York City, disproportionately people of color. The Innocence Project hopes that this process will mitigate the abuses and tribulations of those people held at Rikers who are presumed innocent, including some awaiting trial for years. With the anticipated dramatic decrease of pretrial detention in New York City, we hope to see fewer people pleading guilty to crimes they did not commit just to avoid time in jail. The nation's more than 375 DNA-based exonerations demonstrate the problem - more than 10% of them - proven innocent through post-conviction DNA testing had originally pleaded guilty to serious, violent offenses. When you consider the number of people who plead out when the charges and stakes are lower, we believe an enormous number of innocent people plead to lower level felonies and misdemeanors.

Those individuals that are housed on Rikers Island, many of whom are presumed innocent are subjected to terrible conditions, isolated from legal representation and the support of family and loved ones and access to the courts. They are often shuttled on long trips back and forth to court dates, housed in deplorable conditions and subjected to violence at the hands of others being housed and even correctional officers themselves. And, of course, current conditions on the Island are nothing short of a human rights crisis.

These issues can be remedied by the construction of new more centrally located, borough based facilities with more program space and a more humanizing design. The existing borough based jails namely the Boat, the Tombs, Brooklyn House, and the Queens House are unacceptable. If we care about human dignity, decency, and due process, we cannot allow for people to continue to be jailed in any of these facilities- which are all in decrepit condition, well past their shelf life and - as we have seen - breeding grounds for exposure and infection with coronavirus.

Moving forward with replacement borough based jails is urgent. The City should take all steps to expedite this process including issuing Requests for Proposals for all construction contracts by December 31, 2021. While NYC continues to incarcerate anyone, people have a right to liveable conditions, in proximity to their lawyers, family, and services. The jails on Rikers can never meet this standard, and the existing jails in the boroughs are also decrepit and unfit for human habitation.



The replacement jails are a necessary step to address the long-running human rights crisis in NYC jails, but are not sufficient by themselves. First and most importantly, the City must be pursuing substantial decarceration to reduce the jail population to less than 3,300 people - the combined capacity of the four replacement borough jails.

The current City jail population is 5,600 and the City has committed to reducing that number to 4,000 or below. The coalition's recommendations would decrease the jail population by at least 2,000 people almost immediately. The building of these borough based facilities will enable the fastest closure of Rikers and in turn reduce the City's jail population even further, but this alone cannot be the only steps we take if we want to greatly reduce our jail population. So while we do need to build borough-based jails, we must do so in a way that looks to truly use incarceration as a last resort.

Important pretrial reforms—to bail, discovery, and speedy trial—that were passed in 2020 can profoundly reduce the number of New Yorkers incarcerated on any given day to below the 4,000 average daily jail population estimated by the Administration. The proposed new facilities—in the Bronx, Manhattan, Queens, and Brooklyn—can only have a smaller footprint in their respective neighborhoods if we ambitiously plan for fewer new jail beds.

Finally, the culture of violence that permeates the NYC Department of Corrections facilities cannot be extinguished unless we dramatically change our approach to how we treat people who are incarcerated. Closing Rikers but failing to fundamentally change the culture of corrections will result in mini-Rikers in the new facilities. We must commit now to using jail less, and for those who are incarcerated, to provide proper programming and invest in the services that help people to break the cycle of incarceration.

In conclusion, we at the Innocence Project continue to push for immediate decarceration to address the crisis on Rikers, and it is critical that the plan to close all the jails on Rikers Island - and the Boat - by 2027, move forward expeditiously. Given the human rights tragedy that is unfolding before our eyes, we cannot afford to wait.



# The Interfaith Center of New York

November 10, 2021

New York City Council  
New York City Hall  
New York, NY 10007

Dear Members of New York City Council:

***Remember those in prison, as if you were in prison yourself. Remember also those being mistreated, as if you felt their pain in your own bodies. Hebrews 13:3***

Good Afternoon my name is Apostle Onleilove Chika Alston Racial Justice Organizing Fellow for The Interfaith Center of NY. I am also a faith leader and resident of Harlem who was born and raised in East NY, Brookly. As a faith leader whose step father worked as a corrections officer on Rikers Island I am urging today that the jails at Rikers Island be closed because people are dying. We also need to reduce incarceration and shrink the capacity of the jail system while ensuring that the conditions are humane for anyone who remains incarcerated. It is extremely urgent that we move forward with replacement borough based jails. The City should take all steps to expedite this process including issuing Requests for Proposals for all construction contracts by December 31, 2021. While NYC continues to incarcerate anyone, people have a right to liveable conditions, in proximity to their lawyers, family, and services. The jails on Rikers can never meet this standard, and the existing jails in the boroughs are also decrepit and unfit for human habitation. Our incarcerated brothers and sisters are made in the image of the creator and they deserve humane conditions while incarcerated.



# The Interfaith Center of New York

Impacted people must be able to continue to influence the final design of the replacement jails - including people who were incarcerated at Rikers, loved ones who visited them there, and people who are currently incarcerated in NYC jails. Those most impacted by incarceration have the wisdom to help us build borough based jails that are not mini-Rikers but that are humane places of rehabilitation for those who remain incarcerated. Our incarcerated brothers and sisters are humans made in the image of God and we must close Rikers now and build humane jails because this is the moral and just thing to do.

## **Testimony Submitted by:**

Apostle Onleilove Chika Alston, Racial Justice Organizing Fellow  
The Interfaith Center of NY  
Founder Prophetic Whirlwind Ministries  
New York, NY



On behalf of the Committee for Criminal Justice Reform of the League of Women Voters of the City of New York, we join The Women’s Community Justice Association’s Beyond Rosies Campaign and countless other organizations who support the closure of the Rose M. Singer facility at Rikers Island. The women and trans-individuals incarcerated on Rikers Island have suffered from traumatic experiences, 77 percent are survivors of domestic violence and 80 percent have been treated for mental illness.

On October 13th, 2021, Governor Kathy Hochul and Mayor Bill de Blasio announced the transfer of nearly all women from Rikers to Bedford and Taconic Correctional Facilities in Westchester. They promised that this move would be temporary. This is critical because these state prisons are 40 miles outside of New York City and incarcerate those who have been convicted, while 90% of the women of Rikers are awaiting trial.

New York Chief Judge Jonathan Lippman wrote in the New York Times that “three New York State-run prisons in Manhattan sit empty or underused,” and one “should be swiftly converted into a facility for women.” We echo Judge Lippman’s call to bring back mothers, daughters, and sisters by using one of the Manhattan sites--Edgecombe, Lincoln, or Bayview Correctional Facilities—as a permanent, stand alone center for the women of Rikers.

The families who have loved ones incarcerated on Rikers have endured far too long the indignity of watching their family members suffer. While NYC continues to incarcerate too many,, people have the right to livable conditions and the jails on Rikers can never meet this standard. We urge this administration and city council to act immediately by closing this facility and restore the humanity that Rikers Island has violated since its inception.

Michele Figueroa  
Vivione Marshall  
Akyla Tomlinson

South Bronx Unite, a community-led organization in Mott Haven and Port Morris, unequivocally and adamantly opposes the city's plan to site a new jail at [320 Concord Avenue](#) in the Mott Haven neighborhood of the South Bronx, and we oppose the construction of any new jails in New York City.

**The siting of a new jail at [320 Concord Avenue](#) is in direct conflict with locally-driven, grassroots neighborhood efforts to combat decades of disinvestment through the [Diego Beekman Neighborhood Plan](#).** The plan focuses on [320 Concord Avenue](#) as a neighborhood hub for housing, commerce, and community space and reflects the decades of organizing and community visioning led by residents to stabilize the Diego Beekman housing complex and surrounding community. See also [Diego Beekman Open Letter in Opposition to A New South Bronx Jail](#).

**In New York City's plan to replace Rikers with smaller facilities, the Bronx is the only borough where a new facility was planned for construction on a historic community site.** In Brooklyn, Queens, and Manhattan, the plan was to renovate the existing jail complexes on the location of the current borough jails, as the city knew that no other community would accept a new jail being built. But in the Bronx, the plan was to expand the footprint of the criminal justice system on new land. And the site being targeted is a lot with deep political and cultural significance as the site of the old Lincoln Hospital, known locally as a "Butcher Shop" and taken over by the Young Lords in 1970 to draw attention to radical inequality in the South Bronx. (See [Takeover](#) documentary in the NYT). The community uprising against the new Bronx jail has since inspired other communities that are rejecting neighborhood jail plans, especially after learning that the city changed its plan to renovate with more expensive plans to build brand new jails on the footprint of the current borough detention centers in Manhattan, Brooklyn, and Queens.

**NYC's overinvestment in the criminal justice system stands in stark contrast to its underinvestment in South Bronx community centers, green spaces, living wage jobs and affordable housing.** The construction of a new jail to replace Rikers is projected to cost at least \$1.1 billion, part of an \$8.7 billion city plan to build 4 brand new jails complexes. But even that staggering figure is likely to grow. The new 40th Police Precinct in the South Bronx was originally projected to cost \$57.7 million to build, the cost has now ballooned to \$68 million. The plan to renovate the Horizon and Crossroads Juvenile Detention Centers to accommodate adolescents from Rikers was expected to cost \$170 million but ballooned to \$300 million. The new Bronx County Criminal Court that opened in 2007 was projected to cost \$325 million but wound up costing \$400 million to construct. Yet our community is routinely denied, delayed, and told the resources don't exist when we ask for the renovation of abandoned buildings to be used for community centers (where not one public community center exists), the creation of green spaces (where we have the lowest per capita access to green space in the city), living wage jobs (where 40% of our families

live in poverty), air quality mitigation (when one in five of our kids has asthma and the city subsidizes diesel truck-intensive industries to be sited in our neighborhood), truly affordable housing, and other urgent investments.

**New York City's failure to invest more aggressively in alternatives to incarceration and more restorative ways to deal with crime will not be solved by spending \$8.7 billion to build new jails.** Over the last 25 years, the city's jail population has fallen from a high of 21,674 in 1991 to 5,753 as of June 21, 2001, accomplished through a combination of falling crime rates and criminal justice reforms. The plan to replace Rikers assumes a need for 3,300 jail beds in ten year as reforms continue. We challenge the city to come up with a more aggressive plan to further reduce the number of people in jail, thus making the need to construct a new facility unnecessary.

Through a combination of bail reform, decriminalization of minor offenses, and investment in homegrown, community-led alternatives to incarceration like our neighborhood's own [Abraham House](#) and [Community Connections for Youth](#), we believe this is more than possible. Even mayor-elect Eric Adams, who supports Closing Rikers, disagrees with the city's current plan to build 4 new jails.

We desire more fair, swift, and humane forms of justice for our brothers and sisters in the justice system, and for that reason we applaud the city's plan to close Rikers Island. However, we will not accept more spending on infrastructure that coerces and controls when our neighborhood is in desperate need of community-driven development. We will not accept a vision for our community that relies on policing and caging people instead of investing in the resources they need to thrive. And we will not accept active undermining of a community's vision for development following decades of disinvestment, particularly on a site of deep historical significance.

It is for these reasons that we categorically reject the building of a new jail in the South Bronx, and we call on the city to boldly invest its economic resources in people, not prisons.

**No new jails - not in the South Bronx, not anywhere.**

**Arif Ullah**



We write to express opposition to the city's plan to site a new jail at [320 Concord Avenue](#) in the Mott Haven neighborhood of the South Bronx, and we oppose the construction of any new jails in New York City.

**The siting of a new jail at [320 Concord Avenue](#) is in direct conflict with locally-driven, grassroots neighborhood efforts to combat decades of disinvestment through the [Diego Beekman Neighborhood Plan](#).** The plan focuses on [320 Concord Avenue](#) as a neighborhood hub for housing, commerce, and community space and reflects the decades of organizing and community visioning led by residents to stabilize the Diego Beekman housing complex and surrounding community. See also [Diego Beekman Open Letter in Opposition to A New South Bronx Jail](#).

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It is for these reasons that we categorically reject the building of a new jail in the South Bronx, and we call on the city to boldly invest its economic resources in people, not prisons.



On behalf of the Committee for Criminal Justice Reform of the League of Women Voters of the City of New York, we join The Women's Community Justice Association (WCJA), the BEYOND Rosies Campaign and countless other organizations in asking the city of New York to close the Rose M. Singer facility at Riker's Island.

The women and trans-individuals of the Rose M. Singer jail on Rikers Island have suffered from traumatic conditions and have unique needs: 77 percent are intimate partner violence survivors, 85 percent are mothers, and 80 percent have been treated for mental illness.

On October 13th, 2021, Governor Kathy Hochul and Mayor Bill de Blasio announced the transfer of nearly all women from Rikers to Bedford and Taconic Correctional Facilities in Westchester. They committed to the move being temporary, which is critical because these state prisons are 40 miles outside of New York City, and incarcerate those who have been convicted, while 90% of the women of Rikers are awaiting trial.

New York Chief Judge Jonathan Lippman wrote in the New York Times that "three New York State-run prisons in Manhattan sit empty or underused," and one "should be swiftly converted into a facility for women."<sup>2</sup> We echo Judge Lippman's call to bring back mothers, daughters, and sisters by using one of the Manhattan sites--Edgecombe, Lincoln, or Bayview Correctional Facilities—as a permanent, standalone center for the women of Rikers.

The families of the City of New York have endured far too long the indignity of watching their family members suffer. For those who suffer the unimaginable torture, violence and abject failure of the Rose M. Singer facility are not those who are incarcerated, but the families and community members who support them.

We urge the City council to act immediately.

# TRINITY CHURCH WALL STREET

## Trinity Church Wall Street - Testimony - City Council Criminal Justice Committee Oversight Hearing

**November 22, 2021 | Subject:** Oversight - Update on the Borough Based Jails

Good morning, Chair Powers and Members of the Committee on Criminal Justice. My name is Susan Shah, and I am the Managing Director for Racial Justice at Trinity Church Wall Street Philanthropies. Thank you for the opportunity to testify at today's hearing to discuss the City's plan to close the jails on Rikers Island and build borough-based jails to house a much smaller jail population.

Trinity Church Wall Street is an active Episcopal church down the street from City Hall with more than 1,600 parishioners, who represent all five boroughs and form an ethnically, racially, and economically diverse congregation. In addition to our ministry, Trinity carries out its mission of faith and social justice by engaging in advocacy and operating a grant making program that seeks to break the cycles of mass incarceration, mass homelessness, and housing instability in New York City.

As part of our commitment to end mass incarceration in New York City, Trinity Church has vigorously advocated for closing the jails on Rikers Island and replacing them with smaller and more humane borough-based jails. At the same time, we support the implementation of policies and initiatives to safely reduce the City's jail population to no more than 3,300.

For a number of years, Trinity Church has funded the work of the Independent Commission on New York City Criminal Justice and Incarceration Reform, otherwise known as the "Lippman Commission," as well as organizations working closely with the Commission, City Council, and the Administration to ensure the City makes good on its promise to close Rikers by 2026. Over the course of the COVID-19 pandemic, however, we have grown increasingly concerned about the strength of the City's commitment to close Rikers Island and fully honor the plan passed by the Council in October 2019. It has been disheartening to see attempts to walk back certain portions of this plan, reduce the budget for implementation, and delay its agreed-upon timeline. We cannot go backwards and undo the progress that has been made.

This is especially concerning in light of the ongoing humanitarian catastrophe that has unfolded on Rikers Island and throughout the City's jails over the course of the pandemic. Fourteen New Yorkers have died while in the custody of the Department of Corrections so far this year, highlighting the inability to safely

detain anyone at any of the City's jails, including those on Rikers Island. And we must acknowledge the expense: estimates show that it costs an astounding \$447,000 to detain someone for a year in our jails.

While the situation on Rikers Island has rapidly deteriorated over the course of the pandemic, the underlying issues that have led to the present crisis are not new. The jails on Rikers Island have been in poor condition for decades, with mold, asbestos, and pest infestations commonly present in cell blocks. And, because Rikers Island is only accessible by one bridge and one City bus line, it is inherently isolating for detainees and their families since. These conditions and isolation have led to a vicious cycle of violence that even the federal monitor installed in 2016 has failed to deter. There has been a 105% increase in incidents of use of force by corrections officers, and women who are detained on Rikers are subjected to rates of sexual violence nearly three times higher than the national average. There have also been reports of female corrections officers being attacked.

**Simply put, Rikers Island and the City's existing network of jails will never be able to protect the health and safety of those that are detained within them.** As New York City prepares to undergo an enormous change in leadership next year, we urge the incoming Administration and new City Council to fully commit to the plan to close the jails on Rikers Island by 2026 and carry out the construction of smaller and more humane borough-based jails.

It is important to note that this plan only established the location and maximum size of the four borough-based jail facilities. It has yet to address significant elements including design and operation. As the City's leaders begin the design process, we encourage them to deeply involve individuals with lived experiences of incarceration in the City's jails to ensure that these facilities are built to uphold the dignity and humanity of all incarcerated individuals. This process must also focus on how physical design can help advance culture change that is so desperately needed in the Department of Correction.

As we work to replace Rikers Island and the City's other jails with more humane and just facilities, we strongly believe that jail should always be the last resort. Together with our faith partners, Trinity will continue to advocate for policies that safely reduce the overall number of individuals detained in New York City jails, such as ending the use of cash bail. We will also fund and advocate for investments in housing, healthcare, and employment, and other critical programs that both prevent individuals from entering the justice system and provide holistic reentry services to end the cycle of incarceration.

As such, we urge the Mayor and the City Council to honor the funding commitments that were included in the [October 2019 Points of Agreement](#) to expand the City's investments in housing, mental health, restorative justice, and violence interruption initiatives in communities disproportionately impacted by mass incarceration.

Thank you for providing me with the opportunity to testify today. I am happy to answer any questions.

## Testimony to the City Council Committee on Criminal Justice

November 22, 2021



Freedom  
Agenda

My name is Akyla Tomlinson and I am a member of Freedom Agenda. I am here to speak as someone who has been deeply impacted by incarceration, with family members who are formerly and currently incarcerated.

I urge this administration, and the next, to move forward with the plan to shut Rikers Island down and build borough-based facilities. Investing in communities that have been under resourced, reducing incarceration, and building these facilities for a much-reduced jail population will help to restore the humanity that has been lost since Rikers Island opened in 1932.

The conditions in Rikers are deplorable. People are sleeping in cramped cells the size of a regular closet, the floors are filthy with rotten food, maggots, urine, feces, and blood. People are using plastic sheets for blankets, cardboard boxes for beds, and bags as toilets. While conditions have reached a new level of crisis this year, they have been terrible for decades. My brother was held on Rikers for over 600 days waiting for his case to go to trial. Everyday my brother had to stay on high alert because everyday he felt threatened. Unfortunately, my brother is not the same after the time he has spent on Rikers and it saddens me to say that my relationship with him has drastically changed as a result of everything he has been through. He is not the same person that I admired growing up.

Rikers Island is not only traumatizing for the people who are incarcerated there, it also affects the people that visit their loved ones. My experience as a visitor left me with the feeling that I didn't want to go back. I felt violated when they had to search me and humiliated. Every time I went to visit my brother I had to wait over an hour before an escort decided to bring him to the visiting area.

All of New York City's jails are by DOC, which is an agency built on a model of punishment and have proven themselves unable and unwilling to end the culture of violence that consumes Rikers. We propose that once these new facilities are built, the City must commit that they operate differently as well. That can include more oversight and accountability for DOC immediately, and also more comprehensive solutions like dissolving DOC and replacing them with a new agency that has a different mission and different training and job descriptions to go along with it.

Rikers Island is a human right violation that should have ended long ago. The mayor and city council have the power to change this. And I implore that all the steps possible to expedite this process are taken, which includes issuing Requests for Proposals for all contracts by December 31, 2021. While the City's current plan is to close Rikers by 2027, it could be done faster if the City made that a priority, and past year should show us that there is now time to waste.

While NYC continues to incarcerate anyone, people have a right to livable conditions, be in proximity to their lawyers, family, and access to services they are entitled to. The jails on Rikers can never meet this standard, and the existing jails in the boroughs are also decrepit and unfit for human habitation. Borough-based facilities must be implemented expeditiously, it's a step in the right direction to restoring humanity.

## Testimony to the City Council Committee on Criminal Justice

November 22, 2021



Freedom  
Agenda

Thank you, Chair Powers and members of the Criminal Justice Committee, for this opportunity to testify. My name is Angel Tueros. I'm a public health adviser, a human rights and social justice activist, and a member of Freedom Agenda.

As long as Rikers Island remains open, the era of class and racial mass incarceration would be far from over.

We have seen the conditions of confinement there, and throughout NYC's jail system turn from bad to worse.

25 years ago, I was first caged in Queens House jail - a dark, narrow, and filthy place, and later transferred to Rikers Island to await trial.

I witnessed that violence ruled. The physical design of dormitories and cells (cages) nurtured stress and violence among those who worked there and those who were detained. We were treated like animals and expected to be human. Except perhaps for the cruelty endured, there was nothing to contribute to the improvement of our lives. We were even fed poorly. Officers carried out their daily duties as if they were prosecutors, judges, jurors, and executioners, promoting and perpetrating violence against those presumed to be innocent—where not even the guilty should be treated with such indignity. A quarter of a century later, the conditions have worsened.

For decades, every level of government with the power to change this has lacked the courage to do so. Just over two years ago, I sat in the chambers of City Hall with dozens of other survivors of Rikers and watched the City Council take a historic vote to stand on side of human rights and pass a plan to close Rikers and with that, commit to reducing incarceration, recognizing the humanity of incarcerated people, and investing in communities that have been targeted by the carceral system.

Today, over 5,000 people sit on Rikers Island in conditions that have shocked the nation. It feels hard at this moment to see the evidence of that promise from two years ago.

How many more need to endure torture, indifference to their humanity before closing Rikers? How many more need to commit suicide? How many more need to die?

I urge this Council to do everything in your power to make sure that the promises made in October 2019 are kept. We will need you to exercise your oversight power every step of the way to make sure the plans for borough jails stay on schedule, and that jails on Rikers are emptied and not just closed but also transferred out of DOC control, as the Renewable Rikers plan requires. We need you to pass the laws that sit before this committee right now – like the legislation to end solitary confinement – and have the courage to look past the scaremongering tactics that have always been used to block progress toward racial justice and human rights.

With your leadership, we can ensure that in the next 6 years, or sooner, Rikers Island, the Queens House, and every other decrepit jail in New York City can be part of our history instead of our present.

**Testimony to the City Council Committee on Criminal Justice  
November 22, 2021**



Freedom  
Agenda

My name is Anna Pastoressa, and I'm a member of Freedom Agenda. My son spent 6 years on Rikers Island waiting for trial and I visited him every weekend undergoing stressful trips, abusive treatment and witnessing abuse inflicted on incarcerated people and visitors by officers of the Department of Corrections.

During the 6 years of my son incarceration, each time he had a court date, we pleaded with the prosecutor, the judge and my son's defense attorney to move my son closer to home. In that case we were begging to move my son to the Manhattan Detention Center (The Tombs) which would have been a much easier trip for his loved ones to visit. At each court date we were told that nobody in that court has jurisdiction to move my son because it's up to the Dept. of Correction to move people where they want. My son's defense attorney refused to visit my son on Rikers Island and during the 6 years, he never had a meeting with my son to prepare for the case.

Of course, what I would have wanted most is for my son to never have been in jail at all. But he was facing a serious charge, and was remanded by the judge. Even some of the recent promises by progressive politicians to end money bail would not have secured his freedom. Many people are and will be involved in the criminal legal system even after closing Rikers. Therefore I believe that building borough jails is a good plan and a very good solution to transition from hell to more humane detention centers.

It would have been a much less traumatic experience for my son, his family and friends, and perhaps his lawyer to visit him near the court and near home. The fact that speedy trial was ignored for 6 years and the court system did not apply the 6<sup>th</sup> amendment - how can anyone think it's ok to be locked up on Rikers Island, tucked away from civilization to make it easier for DOC to inflict abuse?

More humane borough jails seem like a dream to me which I would have liked to experience instead of Rikers. I believe that having detention center near courts in each borough will facilitate speedy trial, visits by professionals, visit by family members and will establish some sort of humanity to people who are waiting for trial and hopefully not for 6 years.

The Tombs, unfortunately, is also a decrepit dungeon. It lacks natural light, program space, and suitable visiting areas. The only thing good about that jail is that it's not on Rikers. It must be torn down and replaced with facility that is truly designed with human beings in mind.

If we don't treat people with dignity while waiting for trial and continue the abuse, we will only deepen the incarceration rate to make the New York and the U.S. the capital of human rights violations.

I ask this Council to ensure that everything possible is done to accelerate the closure of Rikers and completion of the borough jails, and to use your power to hold DOC accountable for their abuses, to make sure that these jails that are built differently are also run differently.

**Brandon J. Holmes**

**11.22.21 Committee on Criminal Justice Hearing**



Freedom  
Agenda

On September 15th, we testified before this Committee on the increasingly horrific conditions on Rikers Island. My testimony, which the City of New York recorded publicly, cited 10 deaths in NYC jails. In these past two months, we have made this crisis a front page story day in and day out. Since 2016, formerly incarcerated New Yorkers have fought to keep the people on Rikers Island on the front page and that is the only reason that any one of you can claim to have taken any significant action during your tenure to implement its closure.

The purpose of these hearings is to build a case for doing your jobs as City Council. These hearings must result in action. You have had all of the data, testimony, and our protests to provide the opportunity for you to do your jobs effectively. Yet 14 people have died and we are holding a hearing, not an urgent stated meeting to pass legislation such as Intro 2173 - even knowing that several of these deceased New Yorkers were subject to torture by solitary and many more continue to be. This City has run out of time for debate and you need to put the pedal to the floor. Most of our City Council and Mayor are about to transition and you have effectively left thousands more people on Rikers Island, refused to shrink DOC's budget or disrupt the culture of violence in their ranks that claimed a new life each week this summer, and some Members refuses to support legislation to immediately improve conditions resulting in Mayor de Blasio handing over the women and gender non-conforming people on Rosie's to a State that failed to coordinate any engagement of their community care & service providers before making this plan.

Why would you allow this to happen without holding this Mayor & Governor to the fire? Why do you refuse to go to war for incarcerated New Yorkers? We demanded a standalone site for the women, which this Council endorsed in 2019. You have full knowledge that the State could have and still can facilitate this before January 2022. Instead, your lack of determination has potentially damned these women and their families to the challenges of transferring them to Westchester, outside of NYC custody. This is less than 300 individuals we are talking about. If you cannot develop a plan to protect 300 of us, you cannot lead us.

Right now, you have to do the work. No more hearings, no more lobbying. You have two very simple actions to drive decarceration efforts & improve conditions immediately:

- Council must require MOCJ & future administrations to assess and report on each defendant's ability to pay – which was included in the 2019 state bail reform laws, but without a specific actor assigned to the task, it is not happening - and judges continue to set excessive bails that make freedom dependent on wealth, with death becoming a natural consequence of being too poor to pay. With this requirement and parallel reporting in place, Council will be prepared to ask DAs and judges why they would request or set bail of \$10,000 for a defendant who can clearly only pay \$500.



- The Council must immediately pass Councilmember Danny Dromm's legislation to end solitary confinement in New York City, especially in light of the Mayor Executive Order; which ironically only serves to reinforce that de Blasio and this City Council failed New Yorkers in allowing DOC to pass off RMAS as a sound alternative.
- **For returning Members:** undertake serious efforts to address the culture of violence and impunity within the Department of Correction; increasing oversight of and accountability within DOC; considering options to disband and replace DOC with a new agency
- **For returning Members:** Collaboration with the State to secure a stand-alone site for women, centrally located, that can facilitate the closure of the Rose M. Singer Center by 2022 and end the relocation of women to upstate prisons

If this City cannot guarantee people will not die in their custody, the City should not be holding anyone in their custody. Decarceration is the ABSOLUTE SOLUTION to this immediate crisis which will protect our communities on all fronts. We know what must happen next: DECARCERATE. IMPROVE CONDITIONS. DIVEST FROM LAW ENFORCEMENT. And CLOSE RIKERS NOW.

## Testimony to the City Council Committee on Criminal Justice

*November 22, 2021 Oversight Hearing*



Freedom  
Agenda

Good afternoon,

I am here to share my experiences visiting Rikers Island. As the partner of someone incarcerated, I can start by saying that although he is not deceased, due to the hurdles it takes to see him and keep him as an active father many days it does feel like it. Since June of 2021 I have been able to visit In-person and the months prior were all virtual. There were times that my children were forced to bring in one small bottle of formula but at the same time got stuck in the visiting center for hours due to things happening in the jail. There were times we were able to bring water and a few more bottles. Nothing was uniform with our experiences, and it all boiled down to which officer you ran into and how they felt that day. My son, who was only a few months old this summer, had to sit starving and hungry locked inside the facilities for hours before we even got upstairs to our one-hour visit, then an equally long wait to leave after. Many of our visits were at 8am and we would not leave the building until 1pm due to lack of staff, we were starving and my sons pamper filled to the point of it being uncomfortable for him. There have been times that officers would not show up to work and we sat on the transport bus, locked inside waiting for someone to come by to let us in to the facility. No communication at times so we sat scared and wondering. I would never forget my first time visiting Rikers Island in person when an officer said to me "I was an annoying b\*tch" because I asked questions in regards to what I needed and where exactly did we check in. He then randomly decided to cancel my 9am visit and reschedule me to 11am just because he could. His exact words were that "he was in charge" and it made me wonder what type of things he was capable of doing to the people he is being expected to look over. I watched that same team of officers degrade women, embarrass mothers in front of their children and randomly decide to cancel visits just because. What is even more shocking is the women who came by in skimpy clothing who flirted with them and called them by first name never had any issues. I recall countless times I had to use my 6-minute phone call to try to talk about my needs, the children, our home, bills and remind my partner that he is worthy of life. Can you imagine how hard that is? Maybe a minute per subject and then if he has to tell me anything he has about 15 seconds. Those times are even scarier when he's feeling depressed. 6 minutes to prove to someone that they are worthy of life.

I am here to really emphasize the need to decarcerate, advance, and strengthen the plan for the people, the parents, the children, the spouses, the loved ones being held on Rikers Island. The people who still have to come home and be a healthy part of society. Also, to emphasize the importance of borough-based facilities that can keep families closer and shorten the travel distance for many people. Lastly, I want to stress the importance of putting programs in the community that can help people, that are alternative to incarceration. Jail and arrest should not be the one umbrella to ALL of the many issues people face in today's society.

Crystal Gooding

## Testimony to the City Council Committee on Criminal Justice

*November 22, 2021 Oversight Hearing*

Good afternoon Chair Member Powers and Committee Members,

My name is Darren Mack. I'm a Co-Director at Freedom Agenda and a survivor of Rikers Island. I believe as most New Yorkers believe in justice. In the words of the great philosopher and author Fyodor Dostoevsky who wrote that "The degree of civilization in a society can be judge by entering its prisons." Similarly, I say that the degree of civilization in a city can be judged by entering its jails. It would be fair to say that we are living in a state of barbarism.

We all know about conditions at Rikers Island. However, we cannot lose sight of conditions in the current existing jails in the borough and the Boat. I also experienced incarceration at Brooklyn House Detention Complex. It is deteriorating, antiquated, and does not meet State minimum standards. Every summer we held demonstrations in front of Brooklyn House because people were suffering from heat, lack of ventilation, and no air conditioning. Every winter we demonstrated in front of the Brooklyn House of detention because people were suffering from the cold, lack of heat, and no adequate heating system. A wrecking ball to the Brooklyn House cannot come soon enough.

NYC Department of Corrections budget is the highest DOC budget in the country. We spend the most money on DOC and get the worst results. LA DOC has three times as many people detained with half the budget of NYC DOC. To truly end mass incarceration, we need to make mass investments in communities that have been historically under resourced.

In 2009, along with the historic vote to move forward with the borough-based plan to close all ten jails on Rikers Island and the Boat, City Council approved a wide range of investments totaling \$391 to address the roots of incarceration. City Council must fulfill those Points of Agreement.

For those City Council members returning in 2022, Local Law 193 which established the Commission on Reinvestment in Communities Impacted by Rikers Island. The Commission will be submitting budget recommendations next month. It is informed by people who work in and serve impacted communities. I encourage you to support the work of the Commission, provide baseline funding in the city budget for the Commission to continue its work through 2027, and follow through on these recommendations.

I urge you to move forward with the borough-based plan if we want to rid ourselves of a barbaric system. The campaign to Close Rikers recently released recommendations on [How To Advance and Strengthen the Plan to Close Rikers](#), which we hope you review, support, and implement.

Thank you,

Darren Mack,

Co-Director, Freedom Agenda

[dmack@urbanjustice.org](mailto:dmack@urbanjustice.org)

**Testimony to the City Council Committee on Criminal Justice  
November 22, 2021**



Freedom  
Agenda

My name is Edwin Santana. I am a native New Yorker, a proud Bronx resident, a long-time leader in the movement to close Rikers Island, and a Community Organizer with Freedom Agenda. Thank you for allowing me this opportunity to express my distaste for how New York City treats its detained citizens. I have spent time in multiple NYC jails and there is no doubt in my mind that Rikers Island or rather Torture Island needs to be demolished and The Boat needs to be sunk! These jails are unfit to live in and they both have a culture of violence that are killing its residents.

More importantly, this needs to happen now. I was last incarcerated in those jails many years ago, there were horrible then, and they have only gotten worse. Our detained citizens are dying, at least fourteen people this year alone. There is truly no time to waste. I testified here at City Hall two years ago when this Council courageously stood on the side of human rights and voted yes to the plan to close Rikers, in response to organizing by survivors like myself. What happened to that energy?

Today, I urge the Council to do 3 things:

- Move forward and expedite the construction of the Borough-Based Jails and continue to work with advocates to make sure these detention centers will be more humane and fit to live in while people are having their day in court. This will have to include serious efforts to end the Department of Correction's reign of terror - they cannot be allowed to operate these replacement jails the same way they operate them right now. This Council must use all your power to make sure they don't - including immediately passing legislation to truly end solitary confinement.
- Let's continue to fight against mass incarceration by investing in the communities that need it the most. I live in the Fordham area of the Bronx, and I believe my neighbors will agree we need to help the unhoused individuals sleeping on the streets instead of incarcerating them and we also need better resources for our schools.
- You must hold New York City's current administration as well as the up-coming administration accountable. Advocates will need your partnership to make sure the plan to close Rikers stays on schedule, that promises are kept, and laws are implemented correctly.

Riker's Island as well as The Boat are a HUMAN RIGHTS CRISIS. Let's do the right thing and SHUT THEM DOWN!

## Testimony to City Council Committee on Criminal Justice

November 22, 2021



Freedom  
Agenda

My name is Melissa Vergara; I am the mother of a young man, and I am a member of Freedom agenda and the Treatment not Jail coalition. My son is currently on Rikers Island, where he has been for the past six months. My son has a diagnosis of Disruptive mood dysregulation disorder (DMDD), Oppositional defiant disorder, Autism Spectrum Disorder and impairments to the frontal lobe of his brain.

Since my son has been on Rikers, he has encountered immense violence and inhumane Treatment. My son has been slashed in the face, stabbed and had to get part of his finger reattached after a door was closed on his finger.

My son also has a diagnosis of an overactive thyroid that requires medication; his prescribed medication was Methimazole. Unfortunately, my son is not getting any mental or medical health treatment in Rikers. His medication for his mental health disorder was abruptly stopped nearly two months ago. There is no protocol to properly screen people for any health concerns such as bloodwork and routine checkups when arriving at the facility. This is one of the many reasons why Rikers must close!

When my son first got to Rikers Island, I contacted the facility to inform them of his mental and medical health history as my son cannot articulate this information. In June, I called OBCC and spoke with Cpt Lewis and gave her a brief synopsis of my son's mental health disorder. Her response was, "so you are calling me to tell me your son gets angry," and then proceeded to say, "ma'am, call 311. I don't know anything about mental illness. Later that day, my son was pepper-sprayed and left in his cell of over 6 hours as a punishment for his symptoms associated with his mental health disorder.

On June 15<sup>th</sup>, after not hearing from my son for four days, I received a call from another person incarcerated telling me my son was "deadlocked" in his cell with no mattress for four days.

On June 21<sup>st</sup>, my son was slashed in the face and told by an officer to write a statement stating he fell off the bed.

On August 15<sup>th</sup>, my son and everyone in the same housing area were locked in their cells for over 24 hours without food access. On this day, correctional officers were protesting outside the jail.

On October 27<sup>th</sup>, my son was moved to a different housing area after informing a CPT of the dangers of him being placed in that house; the CPT responded, "I don't give an F about what happens" within an hour of being in that house my son was stabbed. He did not get any medical attention for over three hours.

On October 31<sup>st</sup>, my son was rushed to Bellevue Hospital after part of his finger was severed.

Whenever I have contacted Rikers Island, I have encountered bad attitudes and extreme unprofessionalism, all from officers and Captains. The people in these positions are allowed to behave in any way they please with no repercussions. In August, I was waiting on a virtual visit for my son for over 30 minutes. I witnessed a female officer call a male who was incarcerated a derogatory homophobic slur, a word that most people would lose their job if they were caught saying at work. During this past summer, I called the facility to inquire why I had not received the sneakers I purchased for my son, and they did not

allow him to have them. A CPT answered, and when I asked her to repeat her name, she refused; I began to ask about the whereabouts of the sneakers, and she blatantly told me she was too busy to deal with me. How can people who behave this way have the authority to punish anyone? How has this been allowed for so long? If they treat people on the outside this way, how do you think they are treating people in there? My son has the comprehension level of a seventh-grader. Would anyone in here find talking to and treating a seven grader the way officers on Rikers talk to those incarcerated acceptable?

Last week after my son came back from Bellevue Hospital, the officers forgot to collect the orange pants. A female CPT noticed, and rather than approaching my son with some form of respect, she pointed her finger in his face and demanded he give her the pants. He responded with sarcasm, and she brought him to intake in an attempt to move his house. While he was in intake, a deputy named Chestnut asked another officer why he was being moved. The officer informed Chestnut of the details, he brought my son back. This scenario indicates the abuse of power and lack of respect many correctional officers have for people incarcerated.

This past Friday, my son's housing area was banned from shopping at the commissary. Taking away their access to purchase food and other bare essentials should not be permitted. Because my son has ASD, he has minimal food selection and has been getting his primary food source from what he pays for in the commissary yet, officers on Rikers Island have the authority to take that access away.

Rikers should have closed many years ago. It is a death sentence and detrimental to the physical and mental health of the people incarcerated there. That has been proven as in 2021; thirteen people have died while in custody. Officers there mistreat the people incarcerated there and their loved ones and get away with it. Many of them lack practical communication skills. The behavior I have witnessed and experienced from correctional officers can provoke a person who has diagnosed or undiagnosed mental health issues. They do not have the skills or training to understand behavior and de-escalate the conflict.

The facility itself is unsanitary and toxic; my son had regularly seen mice in his cell and roaches. It is overcrowded and offers no beneficial resources to a person's rehabilitation. People incarcerated are stuck inside the outdated and decaying facility. There is minimal access to any therapeutic resources. One of the most popular cities globally, New York City has allowed its own residents to be forced to live in these conditions. I have contacted the board of corrections, 311, and even elected officials who have done nothing. Freedom agenda and Treatment, not jails, have been the only organizations the expressed any care and offered help. The city desperately needs to close Rikers permanently and create housing units the offer more therapeutic with a humanistic approach. It is time to stop the school-to-prison pipeline that is often common in inner cities, invest in outlets and resources to help the underprivileged and underserved who are most vulnerable.

The City Council must expedite plans to reduce incarceration and close the Rikers Island jails and the decrepit ones in the boroughs. But you also have to make sure that with the improved physical conditions of the borough jails comes a complete overhaul of the Department of Correction. And you can't wait until 2027 to do that as human lives are at risk; 14 deaths in 2021 will be 98 by 2027. Decarcerate, rehabilitate, reinvest and save lives.





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# HOW TO ADVANCE AND STRENGTHEN THE PLAN TO CLOSE RIKERS

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NOV. 18, 2021



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# INTRODUCTION

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In January 2022, new elected leaders will take office across New York City, and they will inherit a humanitarian crisis in the City jails that has shocked the nation and claimed fourteen lives this year alone. Fortunately, there is already a plan in place to close Rikers that was envisioned and fought for by formerly incarcerated people and family members, with the support of faith leaders, service providers, community organizations, and other allies. This plan was passed by the Mayor and City Council in October 2019, after extensive community input.

Now is the time to recommit to this plan, and to go further – to strengthen and accelerate it. Here, we outline specific, actionable ways to fulfill our complete vision of closing Rikers, from Jail Closure to Decarceration, Defending the Rights of Incarcerated People, and Divestment & Redistribution. The vision for eradicating Rikers and what it represents came from those most impacted by mass incarceration, but the moral responsibility for getting it done lies with all of us - and especially those who have been entrusted with elected office.

For more information on the [Campaign to Close Rikers](#), contact Freedom Agenda, [fa@urbanjustice.org](mailto:fa@urbanjustice.org).

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# JAIL CLOSURES

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## Timeline for closing the Rikers Island Jails

**Current Plan:** Incarceration is prohibited on Rikers after August 31, 2027, through [a City map change](#), and the entire island must be transferred out of the Department of Correction's control by the same date, in compliance with [Local Law 16 \(part of the Renewable Rikers Plan\)](#).

**Ways to Strengthen:** Accelerate closure by accelerating decarceration and construction timelines. The next Mayor should also transfer all jails on Rikers out of DOC's control and demolish them soon as they are closed.

## Future use of Rikers Island

**Current Plan:** Local Laws 16, 17, 31, which make up the [Renewable Rikers Act](#), provide for a phased transfer of the island from DOC to the Department of Citywide Administrative Services, starting July 1 2021, for future environmental uses. The City must also establish an advisory board with representatives who have been impacted by incarceration on Rikers Island.

**Ways to Strengthen:** Expedite land transfers from DOC to DCAS and follow the recommendations of the Renewable Rikers Advisory Committee to maximize the degree to which the transformation of Rikers Island can repair harm to communities impacted by both mass criminalization and environmental racism.

# DECARCERATION

## New York City jail capacity

**Current Plan:** Combined capacity of the four replacement borough jails will be 3,300 ([3,545 beds with plans to keep 7% unused at any given time for repairs or housing reassignments](#)). Each jail will have 886 beds. This will reduce total NYC jail capacity by 75% (from about 17,500 beds currently - [14,700 on Rikers](#) and [2,800 in the boroughs](#)), and will reduce the total number of City jails from 14 to 4.

**Ways to Strengthen:** Reduce capacity by swiftly committing to further decarceration. A recent report from A More Just NYC and the Center for Court Innovation suggests that strong implementation of bail reform, along with other measures, [could reduce NYC's jail population to 2,700](#). Immediately reduce the capacity of each replacement borough jail by 100 beds, by accounting for the capacity shifted to the [400 planned therapeutic housing units](#).

## Overall decarceration

**Current Plan:** The Close Rikers plan requires decarcerating by approximately 40% from the July 2021 jail population, to less than 3,300 people. This will be the lowest jail population in New York City in over 100 years. The administration did not publish a detailed plan for reaching this jail population, but [A More Just NYC and the Center for Court Innovation recently did](#).

**Ways to Strengthen:** Commit to further decarceration, which will require strict accountability to address racial bias in the court system, protect the presumption of innocence for everyone, and limit judges' excessive use of pretrial detention. While pretrial detention can be further limited by changes to state law, it can also be limited by the way judges use their discretion. Judges who sit in NYC arraignment courts, where decisions on pretrial detention are made, are appointed by the Mayor. Make substantial investments in meeting community needs to prevent incarceration (see Divest & Redistribute Section).

## **Future reduction of jail capacity**

**Current Plan:** Points of Agreement attached to the 2019 land use proposal for the replacement borough jails include a commitment to explore design features that would enable [decommissioning portions of the planned jails for other non-jail uses if the incarcerated population of New York City declines.](#)

**Ways to Strengthen:** Ensure that replacement jails incorporate design features that would allow for decommissioning portions of the buildings for non-jail uses when the jail population declines such that certain housing units are no longer in use.

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# DEFENDING THE RIGHTS OF INCARCERATED PEOPLE

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## Use of existing borough jails

**Current Plan:** [All existing borough jails will be eliminated](#) (The Brooklyn House of Detention, The Queens House of Detention, The Tombs in Manhattan, and the Vernon C Bain Correctional Facility also known as The Boat). Two of these existing jails - in Brooklyn and Queens - are in violation of current State minimum standards because they lack sufficient square feet per incarcerated person. They also lack air conditioning.

**Ways to Strengthen:** Accelerate closure and replacement of existing borough jails by accelerating decarceration and construction timelines.

## Physical conditions/built environment

**Current Plan:** In alignment with [Local Law 194](#), the replacement borough jails must meet improved minimum standards, like providing air conditioning throughout facilities; outdoor recreation areas and access to clinical services in each housing area; a window, toilet and sink in each individual living quarters. Facility designs are not finalized, but have been drafted to include more direct access to services and recreation, more freedom of movement, and improved spaces for programs and for visits. In addition to the condition of the buildings, the Rikers Island jails sit on a piece of land that is extremely isolated and [environmentally toxic](#). The current plan ensures that detention on Rikers will end by August 31, 2027.

**Ways to Strengthen:** Ensure that facilities have individual showers in each living quarters, along with other amenities like desk, TV, and refrigerator; private therapy rooms in each housing unit; an electronic key-card system to allow incarcerated people to move through the facilities without escorts. Ensure that facilities do not include spaces for practices that should be eliminated, like the use of Emergency Services Unit (ESU) or solitary confinement. Ensure final designs adhere to guidelines laid out by peer review committees, each of which has at least member who has been incarcerated or whose loved ones have been incarcerated.

### Solitary confinement

**Current Plan:** Initial plans for the replacement jails did not include any designated spaces for solitary confinement. In June 2021, the Board of Correction passed [new restrictive housing rules](#), in response to calls to end solitary confinement. Rather than ending solitary confinement, the new rules require the creation of new restrictive housing units - Risk Management and Accountability System (RMAS) units - that amount to [solitary by another name](#).

**Ways to Strengthen:** Pass [City Council legislation](#) to end solitary confinement, including guaranteeing 14 hours out of cell, with meaningful human interaction, for every person in custody. This will eliminate the requirement to build RMAS units, and will ensure that DOC does not use other means to keep people in isolation.

### Operations of the jails, now and in the future

**Current Plan:** Under the current plan, the replacement jails will be operated by DOC. The City has established a [Culture Change working group](#), but has yet to make concrete commitments to change the way DOC operates the jails. The Mayor has appointed [a new Commissioner who appears more committed to culture change](#), and has had success in shifting culture at the Department of Probation and in juvenile detention facilities.

**Ways to Strengthen:** End the Department of Correction as we know it. Six years of scathing reports from [the Nunez Federal Monitor](#) - along with decades of abuse and corruption documented by the [Department of Investigation, Federal prosecutors](#), and [advocates](#) - have made it clear that the Department has become a safe haven for those who want to abuse their power. The level of corruption is deep enough to make a strong case for disbanding DOC and replacing them with a new agency. This would require a City Charter amendment.

In the meantime, the City must eliminate DOC's ability to use its most abusive tactics, by, for example, [disbanding the Emergency Services Unit \(ESU\)](#), disbanding Special Search Teams, and [passing legislation to end solitary confinement](#).

### DOC accountability

**Current Plan:** The City has not yet made clear plans to improve accountability measures within DOC. The Nunez Federal Monitor has documented the Department's [ongoing failures to hold its staff accountable](#), and a judge has placed the City and Department under [a remedial order](#).

**Ways to Strengthen:** Give the public a seat at the table in negotiating the next Correction Officers Benevolent Association contract, to substantially address the culture of impunity that has put incarcerated people at risk. Proactively publish all discipline records which are no longer shielded by 50A laws, carry out swift and appropriate discipline for officers who abuse their power, and fire those in leadership positions to who fail to hold staff accountable. Devote more resources to jail oversight, and expand the powers of the entities tasked with doing it. Currently, [the Board of Correction has substantially less resources](#), in proportion to the agency they oversee, than the Civilian Complaint Review Board, and far less power.

### Programming

**Current Plan:** In the replacement borough-based jails, there will be increased programming space on the housing units and centralized in the facilities. Service providers will also have [flexible office space on-site](#).

**Ways to Strengthen:** Ensure programming in jails is provided by outside organizations, rather than DOC staff, in alignment with the [import model](#). Protections should also be put in place for contractors who report misconduct by DOC staff. Increase access to technology and online resources, to supplement but not replace in-person programming. Improve access to and quality of programs for incarcerated people, as [outlined by Intro 1843](#).

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### Treatment of people with acute mental and physical health needs when in custody

**Current Plan :** The administration is in the process of developing approximately 400 therapeutic housing units at three NYC Health & Hospitals facilities (Woodhull, Bellevue, and North Central Bronx) [for people with acute medical needs who are in DOC custody](#). This will add to the existing beds in the Bellevue and Elmhurst Hospital prison wards.

**Ways to Strengthen:** Prevent DOC officers from having direct contact with these patients, in alignment with the current practice with people who are in DOC custody at Bellevue Hospital. If maximum diversion is prioritized, these therapeutic housing units may not be fully utilized, and could be converted to regular hospital space in the future.

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# DIVESTMENT & REDISTRIBUTION

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## Investments to prevent incarceration

**Current Plan:** Points of Agreement attached to the 2019 land use proposal for the replacement borough jails included [new funding commitments of \\$265M](#). These investments are a small start to address the decades of disinvestment and criminalization that have harmed communities of color. They include funding for community wellness and safety outside the carceral system, both Citywide and in specific neighborhoods. As of FY2022, these commitments have been funded, but in some cases, the funding allocated was insufficient to implement the planned service. For instance, \$11M was allocated to establish [380 more Justice Involved Supportive Housing units](#), but no contracts were awarded and the units have not been built.

**Ways to Strengthen:** Support the work of the Commission on Community Reinvestment, established by [Local Law 193](#), and follow their recommendations - the first of which will be issued in December 2021. Funding to convene the Commission and coordinate its work should be baselined into the City budget through 2027.

## DOC budget

**Current Plan:** The City has not made plans to proactively shrink DOC's workforce and budget. They have said they will rely on hiring freezes and attrition, but made plans this year to train [a class of 600 new officers](#).

**Ways to Strengthen:** Proactively reduce the DOC workforce, using the ratio of officers to incarcerated people recommended by the Lippmann Commission. By doing so, over \$1B per year could be redirected to investments in preventing incarceration, like [housing, education, healthcare, and employment](#).



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# INTERSECTING AREAS

\*While all the four areas above are overlapping and interdependent, at least two priorities exist firmly at the intersection of these needs.

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## **Diversion for people with mental health needs**

*Decarceration; Divestment & Redistribution*

**Current Plan:** [The Points of Agreement](#) include some measures to prevent people with mental health needs from interacting with police and courts, such as investments in Justice Involved Supportive Housing and Intensive Mobile Treatment teams.

**Ways to Strengthen:** Take a comprehensive approach to first meet the needs of people with mental health concerns to prevent them from reaching a point of crisis in which they might interact with police, and then provide off ramps for diversion at every possible stage after that, in line with what is described in the [Roadmap for Mental Health Treatment and Diversion](#).

The Mayor and Council should also publicly support passing Treatment Not Jail legislation (S2881A).

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## **Women and gender-expansive people**

*Decarceration; Defending the rights of incarcerated people*

**Current Plan:** Incarcerated women and gender-expansive people will be housed in a separate facility next to the replacement men's jail in Queens. The City is planning for this facility to open in 2027, with capacity for about 100 people. In October 2021, the City and State announced plans to [transfer women being held in NYC jails to DOCCS prisons upstate](#).

The Points of Agreement include a commitment to explore the feasibility of [moving the women's facility to a different, more central site](#).

**Ways to Strengthen:** Establish a stand-alone site, for less than 100 women and gender-expansive people by 2022, by converting and renovating a state-owned building previously used in a similar manner, as [the #BeyondRosies campaign has called for](#). This site should be centrally located and one which does not require a new land-use approval process. The practice of holding women ordered into DOC custody in DOCCS prisons upstate should end with the establishment of this facility.



**Testimony of  
Youth Justice Network**

Before the Committee on Criminal Justice

November 22, 2021

**Re: The Condition of the City's Jails**

Chair Keith Powers:

I thank the Committee on Criminal Justice for the opportunity to speak. My name is Kandi Johnson and I am a Senior Youth Advocate at Youth Justice Network.

After nearly 18 months of being unable to access Rikers Island due to pandemic restrictions, our advocacy staff were finally able to return to the island in September. There is an ongoing humanitarian crisis on Rikers Island, including the death of 14 people in custody this year alone. Our staff have been navigating the return to the Island amongst deteriorating hygiene conditions, new intake procedures, increased violence and alarms, and lack of DOC staffing.

Every day, we feel the importance of in-person connection and relationship-building with youth who have had a year of isolation and ongoing worsening conditions.

Youth Justice Network stands today with community and family advocates, and asks the Council and this City to act with urgency to keep Black and brown young people alive on Rikers Island. A commitment to close Rikers Island has been made by the leadership of this city, and it is essential that commitment is honored, and that the line in the sand doesn't continue move. The Council vote to close Rikers articulated a moral and legal commitment to forever shutter a place which locks up black and brown people - including until recently those as young as 16 - into a shameful architectural and social construct.

The current situation for the approximately 450 incarcerated young people between the ages of 18 and 24 on Rikers Island has been and remains extremely serious. According to the Board of Corrections, the majority of the jail population is now housed in an area that exceeds 75% capacity, preventing the ability for effective social distancing strategies.<sup>1</sup> Thirty percent of people are being held over 12 months.<sup>2</sup> While the closure of Rikers Island, including the Rose M. Singer Center and the Vernon C. Bain Center, "the boat", is urgent and non-negotiable to address the long-running human rights crisis in New York, but more needs to be done.

We call on the city to decarcerate urgently. There were reductions in the overall New York City jail population in March and April 2020 due to the Covid-19 pandemic, however, since that time the jail population has steadily increased. The conditions in all of the jails on Rikers Island are no

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<sup>1</sup> <https://www1.nyc.gov/site/boc/covid-19.page>

<sup>2</sup> <https://gothamist.com/news/detainees-now-spend-more-9-months-rikers-88-day-jump-report-finds>

less of a public health threat than the pandemic we're all living in. We need to fight to keep this on the front page.

Additionally, we need to put in place a tangible supportive infrastructure so that when young people are released back into our New York City neighborhoods, they may be able to make a life and future for themselves. The time immediately after release from jail is critical — young people are often left without stable housing or income sources, and need support to stay focused. Investment in community resources will reduce the chance of recidivism, and increase decarceration efforts.

Thank you for the opportunity to address this Committee.

I write to express my opposition to the city's plan to site a new jail at [320 Concord Avenue](#) in the Mott Haven neighborhood of the South Bronx, and I oppose the construction of any new jails in New York City.

**The siting of a new jail at [320 Concord Avenue](#) is in direct conflict with locally-driven, grassroots neighborhood efforts to combat decades of disinvestment through the [Diego Beekman Neighborhood Plan](#).** The plan focuses on [320 Concord Avenue](#) as a neighborhood hub for housing, commerce, and community space and reflects the decades of organizing and community visioning led by residents to stabilize the Diego Beekman housing complex and surrounding community. See also [Diego Beekman Open Letter in Opposition to A New South Bronx Jail](#).

**In New York City's plan to replace Rikers with smaller facilities, the Bronx is the only borough where a new facility was planned for construction on a historic community site.** In Brooklyn, Queens, and Manhattan, the plan was to renovate the existing jail complexes on the location of the current borough jails, as the city knew that no other community would accept a new jail being built. But in the Bronx, the plan was to expand the footprint of the criminal justice system on new land. And the site being targeted is a lot with deep political and cultural significance as the site of the old Lincoln Hospital, known locally as a "Butcher Shop" and taken over by the Young Lords in 1970 to draw attention to radical inequality in the South Bronx. (See [Takeover](#) documentary in the NYT). The community uprising against the new Bronx jail has since inspired other communities that are rejecting neighborhood jail plans, especially after learning that the city changed its plan to renovate with more expensive plans to build brand new jails on the footprint of the current borough detention centers in Manhattan, Brooklyn, and Queens.

**NYC's overinvestment in the criminal justice system stands in stark contrast to its underinvestment in South Bronx community centers, green spaces, living wage jobs and affordable housing.** The construction of a new jail to replace Rikers is projected to cost at least \$1.1 billion, part of an \$8.7 billion city plan to build 4 brand new jails complexes. But even that staggering figure is likely to grow. The new 40th Police Precinct in the South Bronx was originally projected to cost \$57.7 million to build, the cost has now ballooned to \$68 million. The plan to renovate the Horizon and Crossroads Juvenile Detention Centers to accommodate adolescents from Rikers was expected to cost \$170 million but ballooned to \$300 million. The new Bronx County Criminal Court that opened in 2007 was projected to cost \$325 million but wound up costing \$400 million to construct. Yet our community is routinely denied, delayed, and told the resources don't exist when we ask for the renovation of abandoned buildings to be used for community centers (where not one public community center exists), the creation of green spaces (where we have the lowest per capita access to green space in the city), living wage jobs (where 40% of our families live in poverty), air quality mitigation (when one in five of our kids has asthma and the city subsidizes diesel truck-intensive industries to be sited in our neighborhood), truly affordable housing, and other urgent investments.

My name is Alex Zucker and I'm a resident of Brooklyn. I'm writing today to say that the jails on Rikers Island must be shut down immediately. The borough-based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. And I'm calling on you, New York City Council, to stop the borough-based jails plan.

Over 15 different cities around this country are currently resisting jail expansion: in LA, the Board of Supervisors decided against moving forward with a jail plan; in San Jose and Santa Clara, they've recognized money should be spent on keeping people safe and healthy, not in cages. Like these other communities, New York City, and this City Council, has the opportunity to set a new and less-violent trajectory for NYC. You can decide not to contribute to the disastrous spread of carceral violence. Instead, I call on you to resource different solutions for our future.

Stopping the borough-based jails plan is just the beginning. Beyond that, the city must close the jails on Rikers Island, and divest from the Department of Corrections. Roughly [90% of jail admissions](#) in NYC are Black and/or Latinx people at the moment, which means NYC's jails are racial death camps. You can choose to divest from this. By ending pre-trial detention in New York State, we could cut more than half the jail population in NYC.

Why bank on building new jails to incarcerate generations of New Yorkers, when we know cities will end pre-trial detention in our lifetimes? If this city moves forward with new jails, it's because you are choosing useless reforms over the lives of Black, queer, disabled, poor, and migrant New Yorkers. I call on you to do better.

Close Rikers Now, not by 2027. No new jails, and no old jails. Thank you for your attention.

My name is Angela and I am a resident of NYC Manhattan. I am here because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough-based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough-based jails plan, because we will make sure it doesn't happen.

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Stopping the borough-based jails plan is just the beginning -- New York City must close Rikers, and divest from the Department of Corrections. Currently, roughly [90% of jail admissions](#) in NYC are Black and/or Latinx people. NYC's jails are not just death camps, they are racial terror. You can choose to divest from this. By ending pre-trial detention in New York State, we could cut more than half of the jail population in NYC. Why would you bank on building new jails to incarcerate generations of New Yorkers, when we know that cities will end pre-trial detention in our lifetimes? If this city moves forward with the new jails, we will know for a fact it's because you're choosing shiny, useless reforms over the lives of Black, queer, disabled, poor, and migrant New Yorkers. Do better.

Close Rikers Now, not by 2027. No new jails, and no old jails.

My name is Annika Leybold and I've been a resident of Brooklyn for about five years. I'm writing because I'm deeply concerned about the levels of violence and disease that incarcerated people are facing on Rikers Island. Rikers must be shut down immediately, and the borough-based jails plan doesn't do anything to fix the problems that Rikers has created. An investment in further incarcerating people is unconscionable when it's literally a death sentence because of COVID overcrowding, inhumane living conditions, and brutal violence by guards. As a person of faith, I must speak out in defense of my incarcerated neighbors, many of whom are languishing in Rikers pre-trial. Many of whom are innocent.

But you know that. You are wise enough to know that this is a land grab by the real estate agents and construction companies who hold outsized sway in this city's political system. You are wise enough to know that the prison industrial complex is just the latest manifestation of slavery. When about 90% of NYC's jail admissions are Black and/or Latine people, it's impossible to pretend it's anything else.

There is no justification for expanding jails and policing, since they have never made us safer. The city claims that these jails will eventually be used for housing once the numbers of incarcerated people drops. Why should we believe that? There's always more budget for jailing unhoused people, but there's never enough to house those living on the streets. If the city wanted to build housing, it could just spend this 11 billion on housing.

These reforms are simply a way to beautify an ugly system, to pacify the growing abolition movement, and to silence survivors. [Over 40 organizations](#) have signed onto The No New Jails campaign against this plan. This is not a solution to end mass incarceration in NYC. We won't fall for it.



**The siting of a new jail at [320 Concord Avenue](#) is in direct conflict with locally-driven, grassroots neighborhood efforts to combat decades of disinvestment through the [Diego Beekman Neighborhood Plan](#).** How can you stand by a project like this? The plan focuses on [320 Concord Avenue](#) as a neighborhood hub for housing, commerce, and community space and reflects the decades of organizing and community visioning led by residents to stabilize the Diego Beekman housing complex and surrounding community. The way to go is to invest in communities, not to invest in confinement, mental torture and cell walls. How would you like your children to be disciplined there?

-Ashley

My name is Panchalay Chalermkraivuth and I am a resident of NYC, and of Brooklyn, specifically. I am submitting comment because I believe Rikers Island must be shut down immediately, not by 2027. It is truly heinous that 14 people have died on Rikers Island this year alone, and this is representative of its extraordinary and unprecedented violence. As a NYC resident, I do not stand for this violence.

The borough based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough-based jails plan, because we will make sure it doesn't happen.

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Close Rikers Now, not by 2027. No new jails, and no old jails.

My name is Daniel Giocanniello and I am a resident of NYC. I am writing here because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough based jails plan, because we will make sure it doesn't happen.

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My name is Debbie Kesselman. I am submitting written testimony here because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm asking you, the New York City Council, to stop the borough based jails plan.

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Do better. Close Rikers Now, not by 2027. No new jails, and no old jails.

My name is **Heena Sharma** and I am a resident of **Harlem**, Manhattan. I am writing because I vehemently oppose the building of new jails in NYC. The building of these new jails is NOT a viable solution to the horrifying conditions at Rikers Island. The borough based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough based jails plan, because we will make sure it doesn't happen.

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Close Rikers Now, not by 2027. No new jails, and no old jails.

The proposed Closing of Rikers and building of the Borough base jails will have disastrous consequences for New York City. The borough base jails proposal will not hold enough accused criminals and will be failure once the first bricks are laid down. Our current population is above 5000 whereas the borough base jail could hold only hold 4000.

- The attempt to lower the jail population safely has failed despite bail reform and elimination of the anti-Crime taskforce.
- Rikers Island can hold many more criminally accused where borough base jails have limitations that are already exceeded.
- Borough base jails are way too expensive and would dramatically undermine environment, businesses and health of communities where the jails are being built such as in Chinatown.
- Reforms can be enacted now rather than wait 8-10 years of construction
- Skyscraper jails are dangerous as well as restrictive in terms of outdoor space and emergency actions and fires. Where would the prisoners go in case of a fire? The Corrections Union have warned of these hazards.

The solution is to Reimagine Rikers not as a jail but into a reform campus. The facility would be restorative and will be modeled of restorative jails in other countries.

Stay tuned

Irving Lee

**Testimony to City Council Committee on Criminal Justice, 12/22/2021 Update on Borough Based Jails, from Jane Ehlke**

My name is Jane Ehlke. My husband and I live a few blocks from the Brooklyn House of Detention.

I want to speak from my perspective as a community resident, and a personal friend of someone held at Rikers since early January.

The plan our City has committed to must be expedited. Every day the current system continues, people from our communities are suffering – as are those employees of this system who are expected to work in the same decrepit and unsafe environments as those incarcerated, in a system built for punishment, not rehabilitation or justice.

Most of the people I talk with in my community have no idea of what our jails are like, or what it costs to hold people pretrial. How there is little focus on ways of keeping people from becoming involved in the system to begin with. Or what could help to turn around those who have become involved. How people with serious mental illness and addictions are housed in with the general population. How little attention is given to preparation for reentry. The public needs education and ways to support a better approach.

Some homeowners voice concern for their property values. I can testify from eight years of living near the Brooklyn borough jail, that our property values have continued to rise and our neighborhood has not been impacted. The hope is for a whole new justice center there, one that serves a new justice system, including separate accommodations for persons suffering with mental illness and addictions – in a building that will lend itself to new community uses as the number of people incarcerated declines.

You are the Council that approved the historic new plan for NYC. Do all that you can in the remainder of this year, to move it forward and to ensure that the new City Council supports the obligations of that plan.

B

Thank you,  
Jane Ehlke  
Brooklyn NY 11201

# SAVING JUSTICE

(Seeking salvation amidst the struggles of justice movements)

November 1, 2018

Edited by Dr. Jim Fairbanks (fairbanks.james@yahoo.com)

## A JAIL FREE NYC

## NO NEW JAILS ! NO NEW JAILS !

“No New Jails!” So went the chants of dozens of young adults at a recent Bronx hearing opposing a City Jail Plan to build 4 new “community jails” at a cost of \$10,000,000,000. Thanks, but No Thanks. We can not be more proud of so many Bronx young adults rising up to take control of their community.

Bronx testimony was for closing Rikers, freeing the two-thirds majority at Rikers who are there only because they could not afford bail, “ending broken windows,” ending the school-to-prison pipeline, etc.

How about a Welcome Home Plan of \$10 billion that helps everyone leaving Rikers to rejoin the community with full citizenship, housing, jobs, expanded social services, counseling, youth centers, etc.

How about a Reparations Plan for the South Bronx

Does the City understand the incredible and systemic damage done by targeting everyone in the entire South Bronx for stop-and-frisk, mass incarceration, upstate jail for years for tens of thousands? Let alone talk about our history of landlords burning down tens of thousands of apartment buildings, where hundreds of residents died in the fires, in an arson-for-profit scheme that reaped billions for landlords.

Well, that Reparations Plan will cost more than \$10,000,000,000! The first of many installments.

How about a Restorative Justice Plan

Restorative Justice does away with punishment. It seeks to restore relationships and community. It starts a new justice system of bringing together the victim, the accused, family, extended family, community, police, district attorneys, churches, youth, community organizations, etc. It has practices of repentance, forgiveness, mediation, counseling, getting lives together on new paths.

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## LIFT EVERY VOICE AND VOTE !

After the Supreme Court in the 1960s outlawed poll taxes, literacy tests, etc., I was part of a wave of young people in the South to support Blacks in voter registration campaigns, create freedom political parties, and elect hundreds of Blacks to political office. It was at such a voting campaign in Lynchburg, Virginia (believe that name?) that I met my wife (an unexpected benefit of registering and voting!)

Yet, we are still not much better off than when the 15<sup>th</sup> Amendment to the Constitution was passed in 1870, guaranteeing Black voting, but then disregarded by America in 1877. It is called voter suppression!

I have personally registered hundreds, so I will vote. But I will never be happy until we practice the democratic principle of “one-person, one-vote.” When all youth are registered automatically for life, when we abolish the Electoral College, when former felons vote, when there is justice and equality.



To: NYC Council Committee on Criminal Justice  
Subject: Borough-based Jails proposal

My name is Joe Coakley and I am a resident of Bed-Stuy, Brooklyn. I'm writing and sharing testimony because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough-based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough-based jails plan – we need you to make sure it doesn't happen.

Over 15 different cities around this country are currently resisting jail expansion -- in LA, the Board of Supervisors decided against moving forward with a jail plan; in San Jose and Santa Clara, they've recognized money should be spent on keeping people safe and healthy, not in cages. Like these other communities, New York City, and this City Council, has the opportunity to set a new and less-violent trajectory for NYC. You can decide not to contribute to the disastrous spread of carceral violence. Instead, I am in solidarity with New Yorkers in calling on you to resource different solutions for our future.

Stopping the borough-based jails plan is just the beginning -- New York City must close Rikers, and divest from the Department of Corrections. Currently, roughly 90% of jail admissions in NYC are Black and/or Latinx people. The carceral and criminal punishment systems are built on and only further perpetuate white supremacy, oppression, and racism. Jails are not a solution to the harm and violence Black communities are and have been experiencing through decades of underinvestment in life-affirming programs.

Furthermore, Rikers exists to incarcerate people pre-trial. Those who can't afford bail are being jailed for being poor, for not having access to the same resources they've been denied because of structural and systematic inequities.

By ending pre-trial detention in New York State, we could cut more than half of the jail population in NYC. Why would you bank on building new jails to incarcerate generations of New Yorkers, when we know that cities will end pre-trial detention in our lifetimes? If this city moves forward with the new jails, we will know for a fact it's because you're choosing shiny, useless reforms over the lives of Black, queer, disabled, poor, and migrant New Yorkers. Do better.

Close Rikers now, not by 2027. No new jails, and no old jails.

I look forward to seeing your action here and hearing from you on this.

Sincerely,  
Joe Coakley  
Bed-Stuy, Brooklyn, 11233

My name is Joseph Giovanniello. I believe that the borough based jail system is entirely wrongheaded. These jails should not be built. NYC should reduce the number of jail cells, not increase them. And the problem is, if you build it, they will fill it. At the height of COVID-19, the city was able to lower the jail population to 3,950, only 650 more than the capacity of existing borough-based jails. Releases during COVID-19 proved that it is possible to decarcerate the number of people in NYC jails down to a number that would negate the new jails. Several policies and decarceration strategies could bridge the numbers gap, and get over 700 people out of jail, completely undermining the need for new jails. A commitment to jail expansion is committing to policing and criminalization at a scale that would keep the new jails filled, rather than pursuing the myriad of effective strategies to get people out and keep jail numbers low.

Dear NYC Committee on Criminal Justice,

I hope this message finds you well.

My name is Juliet Roll and I am a Brooklyn Resident. I am writing to urge to you to stop the borough-based jails plan. Please do not invest in further jailing as a solution to the (appalling) violence at Rikers, which I also urge you to shut down.

This committee has the opportunity to set a new and less-violent trajectory for NY; you have the power to resource solutions for the future of this city that do not rely on carceral violence.

Some arguments that I find compelling against building these new jails, and for divesting from carceral violence in general:

- 1) Racial justice. Currently, roughly [90% of jail admissions](#) in NYC are Black and/or Latinx people. NYC's jails are not just death camps, they are racial terror. You can choose to divest from this - by ending pre-trial detention in New York State, we could cut more than half of the jail population in NYC. If this city moves forward with the new jails, we will know you are disregarding the lives and voices of Black, queer, disabled, poor, and migrant New Yorkers.
- 2) More than 15 US cities are currently resisting jail expansion and working to eliminate pre-trial detention (including Chicago, where I used to live, which recently eliminated cash bail). Why would you bank on building new jails to incarcerate generations of New Yorkers, when we know that cities will end pre-trial detention in our lifetimes?
- 3) There is no empirical evidence that adding jails, police, and prisons make us safer. Please invest in affordable housing, access to mental and physical health care, living wages, and options for addressing interpersonal harm within our communities instead.
- 4) NYC has shown that it is possible to decarcerate. At the height of COVID-19, the city was able to lower the jail population to 3,950, only 650 more than the capacity of existing borough-based jails. Several policies and decarceration strategies could bridge the numbers gap, and get over 700 people out of jail, completely undermining the need for new jails. A commitment to jail expansion is committing to policing and criminalization at a scale that would keep the new jails filled, rather than pursuing the myriad of effective strategies to get people out and keep jail numbers low.
- 5) Borough-based jails are [unpopular](#). Even organizations who previously supported the plan [pulled out](#), and prominent city officials have [come out against the plan](#).

I hope you will take these arguments into account. Close Rikers Now, not by 2027. No new jails, and no old jails.

Thank you,  
Juliet Roll

Brooklyn, NY 11215

Hello,

My name is Justin Duckworth and I am a resident of NYC Brooklyn. I am here because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough based jails plan, because we will make sure it doesn't happen. Will you take heed of your residents and constituents? Or will you go through with this soulless decision?

Over 15 different cities around this country are currently resisting jail expansion -- in LA, the Board of Supervisors decided against moving forward with a jail plan; in San Jose and Santa Clara, they've recognized money should be spent on keeping people safe and healthy, not in cages. Like these other communities, New York City, and this City Council, has the opportunity to set a new and less-violent trajectory for NYC. You can decide not to contribute to the disastrous spread of carceral violence. Instead, I am in solidarity with New Yorkers in calling on you to resource different solutions for our future.

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Testimony on NYC Borough Based Jails Plan –

- Hearing on 11/22/2021 in Committee of Criminal Justice

My name is Maureen Silverman. I live in NYC and call upon New York City Council to stop the Borough based jails plan – close Rikers now and then invest the funds for the plan into life affirming community resources instead of the continuation of Carceral solutions that have proven not to keep people safe or improve society. NYC can close Rikers without building new jails buton taking steps such as defunding the police, ending pre-trial detention – end broken windows policing – etc.

- I call upon the city to divest from the Department of Corrections, DA offices- and all places of criminalization.
- I call on the city to invest the \$11 billion to meet city pandemic needs , invest in affordable housing, accessible health care / jobs etc
- I call upon the city to support community accountability practices to prevent harm rather than jails – prisons – police etc

My name is Maxwell Austensen and I am a resident of Brooklyn. I am writing because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough based jails plan, because we will make sure it doesn't happen.

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November 22, 2021

To the New York City Council,

It has come to my attention that new “mega” jails are going to be built in every borough in response to the closing of Rikers (which will not be occurring until 2027- this was misrepresented to us). I speak for myself, my family and my community here in Brooklyn when I say that the solution to crime is not more jails. We do not want inhumane treatment of our community members when they commit crimes. We want them to have the access to resources that will deter them from committing crimes in the first place. And that’s for those who have actually committed acts that I and my community consider criminal: we know how the NYPD has historically targeted people of color, specifically Black people, for arrest. We know that many of these crimes include drug use and sex work, and not violent acts against the community. And so we know that these jails do not exist to serve our communities. We want Rikers closed, and NO NEW JAILS, and certainly no new mega jails. It has been proven with time that these jails do not work to better our community, and only exist for the profit of the private companies that run them and in fact EXPLOIT our communities.

Thank you for your time.



Maya Priya Huq  
Brooklyn, NY

Melissa Barber, MD  
Bruckner Blvd.  
Bronx NY 10454

To all on the Committee on Criminal Justice,

My name is Dr. Melissa Barber; I am a South Bronx native, a co-Founder of the organization South Bronx Unite and the President and Founding Executive Board Member of the Mott Haven-Port Morris Community Land Stewarts Inc., the first Bronx Community Land Trust. I am writing to oppose the city's plan to implement a new jail at 320 Concord Avenue in the Mott Haven neighborhood of the South Bronx. Additionally, I oppose the construction of any new jails and infrastructure within New York City that perpetuates the inhumane treatment, policing and caging of people.

For decades, on this same site, the Diego Beekman community has led grass-roots, organizing efforts to clean up the area from gangs and drugs, combating the city's disinvestment of the area. It has designed a neighborhood plan from community input that envisions the community having housing, commerce and community space that reflects the needs and desires of that community. Now, after all of the sweat, blood and tears to drive these community efforts, the city desires to place a jail in the middle of three public school in this Black and Brown community that has historically suffered neglect by New York City for decades. What a disgrace!

Why is it that we are continually investing incredibly ridiculous amounts of money (billions) to cage folks within our urban communities instead of investing in alternative programs and plans that will help them to thrive? The construction of a new jail in the South Bronx will cost billions, however, in the same community, organizations like South Bronx Unite have been begging the city for almost ten years for an abandoned property (the Old Lincoln Recovery Center on 140<sup>th</sup> between Alexander and Willis Ave) to convert it into a community center, H.E.Arts, whose three pillars will focus on health, education and the arts, and told that there is no funding for this space. Our community continues to be denied and told that there is no funding for green spaces, living wage jobs, air quality mitigation, truly affordable housing, a waterfront, and other urgent investments. Yet, New York City always seems to find funding for things, like jails, that will be detrimental to the Black and Brown communities within it.

While I applaud the city's plan to close Rikers Island, I cannot and will not accept spending more money to treat people inhumanely and a plan that envision our communities more heavily



policed, coerced and controlled. I desire more fair, swift, and humane forms of justice for our brothers and sisters in the justice system. However, our communities need more investment and resources. I also will not accept the active undermining of a community's vision for development following decades of disinvestment by the city. Diego Beekman deserves to have the Diego Beekman Neighborhood Plan implemented in its community.

It is for these reasons that I reject the building of a new jail in the South Bronx and anywhere in NYC. I call on the city to boldly invest its economic resources in people and not prisons,

Sincerely,

Melissa Barber, MD

My name is Mon M and I am a resident of Brooklyn. I am writing because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough based jails are a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough based jails plan, because we will make sure it doesn't happen.

Over 15 different cities around this country are currently resisting jail expansion -- in LA, the Board of Supervisors decided against moving forward with a jail plan; in San Jose and Santa Clara, they've recognized money should be spent on keeping people safe and healthy, not in cages. New York City, and this City Council have the opportunity to be

Stopping the borough based jails plan is just the beginning -- New York City must close Rikers, and disinvest in Corrections. By ending pre-trial detention in New York State, we could more than half the jail population in NYC. Why would you bank on building new jails to incarcerate generations of New Yorkers, when we know that cities will end pre-trial detention in our lifetimes? If the city moves forward with the new jails, we will know for a fact it's because you're choosing shiny, useless reforms over the lives of Black, queer, disabled, poor, and migrant New Yorkers. Do better.

Close Rikers Now, not by 2027. No new jails, and no old jails.

My name is Myra Hernandez. I am an educator, and Mott Haven resident. I am here today to not only oppose De Blasio's plan to build a new jail on Concord Ave but to demand No New Jails anywhere in the New York City. Our borough is home to one of the largest diverse communities of people who, for far too long, have had to fight for their fair share of affordable housing; quality public education; a clean, safe environment; well paying jobs; and healthcare for all. The sad reality is that our city officials have turned their backs on these needs while investing in systems and policies that hurt. De Blasio has pushed the false narrative that the only way to close Rikers is to spend 11 billion dollars on new "humane" jails. There is no humanity in building cages that only serve to punish people of color and those struggling with poverty. We challenge you to resist that narrative by closing Rikers now with No New Jails being built in its place. The City Council, including district 8's Councilperson Diana Ayala, have supported the \$11 billion expansion plan for what many have argued as bargaining power. To say this at the expense of our loved ones lives is criminal! De Blasio and Ayala don't have the right to hold this community hostage to what we deserve-a better, more humane existence for all! We can do this by putting the \$11 billion elsewhere. Invest in schools! Bronx School District 7 was rated the lowest performing school district with over 88% of students living in poverty. Invest in housing. With rising rents and the real threat of displacement, New York City struggles with increasing homelessness and has one of the highest populations of homeless students of any big city in America. Invest in NYCHA. NYCHA was created on the premise that housing is a basic human right. Threats of privatization and diverting much needed dollars from NYCHA while investing in jails that only serve to cage displaced residents is criminal. Invest in healthcare and mental health services. The South Bronx has long suffered through the effects of poverty and now with a resurgence of an opioid crisis spawned by greedy pharmaceutical companies, too many loved ones now battle addiction. Invest in living-wage paying jobs. Many Bronx residents live in poverty and youth unemployment still remains high. We can Close Rikers now and spend the much needed \$11 billion on supporting our communities, not on the maintenance of structures and systems that perpetuate pain, racism and oppression. I urge you to do the right thing and stop DeBlasio's jail expansion plan and demand NO New Jails. Not here in the Bronx! Not anywhere in NYC!

As a Brooklyn resident, I am vehemently opposed to the construction of any new jailing facilities. Time and time again, jails are proven to be places of inhumane horrors. They do nothing to protect or offer security. They do not solve any issues.

Fund NYCHA. House people. Use the money for schools. Meals. People's basic needs.

**I DEMAND: NO NEW JAILS!**

Nadav Gazit  
Himrod St  
Brooklyn  
New York

**Testimony for Criminal Justice Committee of the City Council  
Public Hearing Nov. 22, 2021  
The Rev. Dr. Chloe Breyer,  
Executive Director, the Interfaith Center of New York**

Greetings. Thank you, CM Powers. I am speaking here today as the Exec. Dir. of the Interfaith Center of New York and Associate Pastor of St. Philip's Episcopal Church in Harlem. I also live a block away from Lincoln Correctional Facility, which is a fixture of my neighborhood in Harlem.

My first visit to Riker's Island was in 1997 during the summer when I was doing my Clinical Pastoral Education at Bellevue Hospital. I went to visit Rikers with a group of medical students and while we were there, we witnessed a prison guards verbally abuse a group of people—in no way inhibited by the presence of visitors. Already at that time in the late 90s, Rikers' culture was one of violence and impunity. Already, there was a culture of disregard for basic human dignity and rights. That summer, more than one incarcerated individual died on the island because no one sent them to Bellevue or any hospital to get the health care they needed.

As a clergyperson, I am interested in the power of our collective moral imagination—and what sparks it. We saw the power of symbols and narratives to inspire change in Eastern Europe in the early 1990s with the tearing down of the Iron Curtain. The toppling of the Berlin Wall was the final stage of a movement for greater freedom and democracy that had begun years before. It was an important symbol of a new beginning and a new self-determination for people in the former Soviet Bloc Countries.

Here in New York in 2021, it is beyond time for the decrepit walls of Rikers Island to come down. Taking down those walls has both real-world and symbolic power. It will offer individuals held there currently a new start—either outside or inside in a new more humane facility. It will offer the community as a whole a new opportunity to be part of a more humane and just city.

It is time for a new beginning for New York City—one in which we take further substantive steps towards criminal justice reform including making sure that if you are incarcerated in this city, you no longer are stripped of your basic humanity.

The City Council must keep its promises. It must build those borough-based jails by 2022 and close Rikers' Island forever. Our leaders should not let the havoc wreaked on our city by the pandemic be compounded by veering off-track in the journey to a fairer justice system.

Thank you.

## **We Must Close Rikers Immediately. And No New Jails!**

My name is Sasha Verma and I am a resident of NYC, Brooklyn. I am here because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough based jails plan, because we will make sure it doesn't happen.

Over 15 different cities around this country are currently resisting jail expansion -- in LA, the Board of Supervisors decided against moving forward with a jail plan; in San Jose and Santa Clara, they've recognized money should be spent on keeping people safe and healthy, not in cages. Like these other communities, New York City, and this City Council, has the opportunity to set a new and less-violent trajectory for NYC. You can decide not to contribute to the disastrous spread of carceral violence. Instead, I am in solidarity with New Yorkers in calling on you to resource different solutions for our future.

The borough-based plan has been decisively refuted by numerous city organizations, [advocates](#) and [people incarcerated inside the city jails](#). Several organizations which initially supported the plan [have pulled out](#) due to its [limited focus](#) on improving jail conditions. Many joined [year-long protests](#) against the borough based jails plan and although [construction](#) has commenced – amidst a historic recession and housing crisis – they [continue](#) in their opposition.

This borough based jails plan also does not improve conditions for incarcerated people. The plan did not commit to any improvements in immediate conditions for people currently incarcerated other than building entirely new facilities, [did not divest money away](#) from jails and incarceration, or shift that funding into communities. The plan leaves the notoriously violent and corrupt Department of Corrections intact and in charge of facilities. We cannot believe the city's rhetoric that their jail plan will improve conditions because the city council and the mayor have done nothing to address conditions. The city's track record says otherwise. The city council and mayor have done nothing to change current conditions, which have been deteriorating and getting worse for decades on their watch.

We need to be investing the \$11 billion that will be spent on these jails into the community instead. New York City has skyrocketing unemployment and houselessness, which have only been exacerbated by the existence of Rikers and

other city jails. Those who get out of jail have few options to support themselves to avoid ending back inside, particularly as they sit at the whims of a network of parole officers, judges, and prosecutors who have little interest in keeping them out. The funds allocated towards the jails—equivalent to the CUNY tuition costs of 1 million students for a year—must be directed towards meeting New Yorkers' needs rather than towards condemning future generations to further criminalization and incarceration.

Stopping the borough based jails plan is just the beginning -- New York City must close Rikers, and divest from the Department of Corrections. Currently, roughly [90% of jail admissions](#) in NYC are Black and/or Latinx people. NYC's jails are not just death camps, they are racial terror. You can choose to divest from this. By ending pre-trial detention in New York State, we could cut more than half of the jail population in NYC. Why would you bank on building new jails to incarcerate generations of New Yorkers, when we know that cities will end pre-trial detention in our lifetimes? If this city moves forward with the new jails, we will know for a fact it's because you're choosing shiny, useless reforms over the lives of Black, queer, disabled, poor, and migrant New Yorkers. Do better.

Close Rikers Now, not by 2027. No new jails, and no old jails.

November 20, 2021

My name is Sojourner Rivers, and I am a resident of NYC Bedstuy, Brooklyn. I am here because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough-based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough-based jails plan, because we will make sure it doesn't happen.

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Lastly, as a Black survivor of gender-based violence, I call City Council to resist false promises that more incarceration and criminalization could have protected me or other likes me. What's more, often survivors of violence, particularly racialized and gender oppressed people, are criminalized and further traumatized in jails for the life-saving actions they took to survivor. Instead, invest in the social safety net, housing, healthcare supports and community-based accountability solutions that supports individual survivors and our collective safety.

- Sojourner Rivers



My name is Tony Plunkett and I am a resident of NYC [Brooklyn]. I am here because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough based jails plan, because we will make sure it doesn't happen.

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My name is Joshua van Biema and I am a resident of Brooklyn. I am here because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough based jails plan, because we will make sure it doesn't happen.

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Hello my name is Vanessa Bretas and I am a resident of Brooklyn. I am writing because of the extraordinary and unprecedented levels of violence on Rikers Island, which must be shut down immediately. The borough based jails plan is a stopgap solution, an investment in further jailing at a point when mass incarceration is killing people, and a land grab by real estate agents and construction companies. I'm calling on you, the New York City Council, to stop the borough based jails plan, because we will make sure it doesn't happen.

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