



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

# Jumaane D. Williams

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**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS  
TO THE NEW YORK CITY COUNCIL COMMITTEE ON CRIMINAL JUSTICE  
MAY 19, 2023**

Good afternoon,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. I would like to thank Chair Rivera and the members of the Committee on Criminal Justice for holding this important hearing.

First and foremost, any Department of Correction budget must include funding for a comprehensive plan to close the jail on Rikers Island by 2027. Rikers does not make anyone—the people incarcerated there, the people who work there, and residents of New York City—safer. While DOC argues they are understaffed, a large portion of their headcount is at home on unlimited sick leave—while there are officers out with with legitimate workplace injuries, it is clear that too many are blatantly defrauding the city, as evidenced by the three officers criminally charged earlier this year. The staffing issues on Rikers Island have dangerous results: during the first eight months of 2022, correction officers witnessed only 17 percent of all incidents that led to serious injuries of incarcerated people. It also means that officers are vulnerable to sexual harassment and violence from both incarcerated people and other officers: correction officers frequently experience violent physical and sexual assaults, including slashings and stabbings.

According to the Preliminary Mayor’s Management Report’s Paid Absence Rates indicator for the first four months of Fiscal 2022, DOC had the highest total absence rate of all city agencies at 26.6 percent while all other agencies ranged between 2 and 10 percent. The Nunez Federal Monitor reported last year that 1,029 officers have been identified as chronically absent.<sup>12</sup> DOC’s budget is driven not by programming, rehabilitation, and services for incarcerated people, but by a correction staff that far outnumbers the jail population. The bulk of DOC’s budget is personal services, a large portion of which is overtime costs; as so many correction officers are out on sick leave, the staff who do come to work have to work double and triple shifts to cover the gaps, driving up overtime costs. The city and DOC must eliminate sick leave abuse to bring more staff back to work, increase security in the jails and decrease overtime spending. Natural attrition is neither fast nor targeted enough to create a workforce equipped to staff the borough-based jails. Eliminating vacant positions and chronically absent staff will save hundreds of millions of dollars that can be reinvested in what actually keeps jails safe: healthcare, programming, treatment, education, restorative justice, and alternatives to incarceration.

I am very concerned about the violence inside our city’s jails, both against incarcerated people

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<sup>1</sup> [https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2022/paid\\_absence\\_rates.pdf](https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2022/paid_absence_rates.pdf)

<sup>2</sup> <http://tillidgroup.com/wp-content/uploads/2022/10/2022-10-28-Second-Status-Report-of-Action-Plan.pdf>

and correction officers and staff, and it is alarming to see the union that represents correction officers, the Correction Officers' Benevolent Association (COBA), pushing for policies that undermine safety in the jails. Unlimited sick leave has clearly opened the door for exploitation and abuse, leaving jails understaffed and officers vulnerable to violence. In 2014, an investigation found that allowing officers to wear cargo pants with multiple pockets made it easier for officers to smuggle in contraband, including drugs and weapons.<sup>3</sup> Despite this, COBA has pushed for and succeeded in securing permission for officers to once again wear cargo pants in the jails. While this may seem minor, this reversal occurred during a year when drug-related deaths appear to have increased in the jails. It is clear that COBA is part of the problematic culture of Rikers Island—as the federal monitor, Steve J. Martin, has said: “[Officers] know they can beat the system more often than not. That’s how you develop these cultures where you have frequent instances of excessive force.”<sup>4</sup>

Last month, a Justice Department lawyer determined in an assessment that New York City’s jails are out of compliance with the Nunez consent decree. While the lawyer stopped short of proposing a federal takeover, he found that DOC has yet to comply with the decree’s mandates to curb correction officers’ use of excessive force, improve use of force investigations, provide adequate care for incarcerated young adults, and improve management of the Emergency Services Unit.<sup>5</sup> Despite the persistently dangerous and inhumane conditions on Rikers Island, DOC has slashed the training that new correction officers must complete in half from six months to just three months. We also know that officers are already not completing their existing required training—fewer than one in five officers took a mandated course on preventing suicide in the past year in 2021<sup>6</sup>—so I am deeply concerned that further cutting training will have deadly results. Officers who lack the proper training create not only an unsafe environment for those incarcerated, but are unprepared to enter a job that can be extremely difficult and dangerous.

New York City is not on track to close Rikers Island by 2027. The city forecasts that the jail population will increase to 7,000 by next year, but the four proposed borough-based replacement jails together cannot house more than 3,300 people. Recidivism is a challenge for correction systems across the country, but with NYC’s high cost of living and competitive job market, it is especially difficult for those who have been justice-involved to stay out of jail. However, Mayor Adams is eliminating programs that would help those who are incarcerated get jobs, find housing, receive mental health and substance use treatment, and reconnect with their families after their release to save \$17 million. Services providers were blindsided by the announcement that these programs will end abruptly on June 30. Perhaps the most effective way we can reduce the population at Rikers Island is to ensure that once people leave, they do not come back. We know that education and employment programming also reduces violence inside jails. Leaving people idle while inside jail and without support outside is a recipe for disaster—not only for the incarcerated population but officers and other staff as well. The city should also be investing in

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<sup>3</sup> <https://www.nyc.gov/assets/doi/reports/pdf/2014/2014-11-06-Pr26rikers.pdf>

<sup>4</sup> <https://www.themarshallproject.org/2023/05/19/new-york-prison-corrections-officer-abuse-prisoners>

<sup>5</sup>

<https://www.corrections1.com/investigations/articles/nyc-jails-fail-to-comply-with-decree-to-curb-violence-justice-department-lawyers-say-lvIkOV84nFJ7bubH/>

<sup>6</sup>

<https://gothamist.com/news/amid-high-suicide-rates-at-rikers-correction-officers-arent-completing-suicide-prevention-courses>

pre-trial non-incarceral services and alternatives to incarceration, so fewer people enter Rikers Island in the first place. Court backlogs and slow processing of cases also contributes to the rising population—detainees spent an average of 115 days in the jails last year, four times the national average.<sup>7</sup> Across the city’s jails, 86.6 percent of people are just waiting for their cases to conclude.<sup>8</sup> We must ensure that cases and trials are being processed in a timely manner.

In 2021, it cost more than half a million dollars to incarcerate a person at Rikers Island—one of the most expensive jail systems in the country—yet the conditions in the jails remain abysmal. Being incarcerated takes a significant toll on a person’s physical and mental health, and many people on Rikers Island have complex health needs that require specialized care. There is a significant shortage of health staff, often with only one healthcare professional making rounds in multiple units. This harms not only the health of the people incarcerated; the stress of trying to provide quality care to so many people with little support and inadequate pay is directly leading to staff burnout and turnover, as well as recruitment issues.

Rikers Island is the largest mental health services provider in NYC, and one of the largest in the country. Last year, 19 people died on Rikers Island, at least six of whom died by suicide. More than half of the population at Rikers has a mental health diagnosis, with 16 percent having a serious mental illness.<sup>9</sup> Despite this need, there is a severe shortage of mental health and therapeutic staff. For the entirety of the jail population at Rikers Island, there is only one full-time and three part-time, per-diem psychiatrists.

The Program to Accelerate Clinical Effectiveness (PACE), which unlike lower-level mental health units, have clinical staff, therapists, and social workers embedded on-site, has proven to reduce self-harm, increase medication adherence, and decrease incidents of violence.<sup>10</sup> The de Blasio Administration planned to expand PACE capacity, but there has been no word from the Adams Administration if that plan will come to fruition. Meanwhile, many who would benefit from a PACE placement languish in general population or overcrowded mental observation units.

The Department of Correction has historically used “decontamination showers,” which is a shower inside of a very small, locked cage for purposes of isolation and punishment, sometimes leaving people inside the cages for hours. Elijah Muhammad, the tenth person to die at Rikers in 2022, was locked in a so-called decontamination shower for six and a half hours just weeks before he died by suicide. DOC has claimed both that these showers are necessary for decontamination following the use of chemical sprays and that the cages serve as a “secure and

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<https://gothamist.com/news/detainees-spend-an-average-of-115-days-at-rikers-4-times-the-national-average>

<sup>8</sup> <https://greaterjusticenyc.org/nycjail/>

<sup>9</sup> [https://www.nyc.gov/assets/operations/downloads/pdf/mmr2022/2022\\_mmr.pdf](https://www.nyc.gov/assets/operations/downloads/pdf/mmr2022/2022_mmr.pdf)

<sup>10</sup> <https://www.nyc.gov/site/doc/media/caps.page>

safe place” to send people after a violent incident.<sup>11</sup><sup>12</sup><sup>13</sup> While Commissioner Molina has repeatedly stated that there is no use of solitary confinement on Rikers Island, correction officers continue to use these shower cages to isolate incarcerated people. If a shower is being used only for the purposes of decontamination, there is no reason why it needs to be in a locked cage. Mr. Muhammad, in fact, had not been sprayed with any chemical before being placed in the shower. Similarly, if there truly is no use of solitary confinement in city jails, DOC should support the passage of my bill, Intro 0549-2022, which would eliminate the practice of solitary confinement. I join the Board of Correction in calling for the immediate dismantling of these shower cages, as the existence of these cages are not making anyone on either side of the bars safer, just as the current uses of isolation on Rikers Island has not ended violence inside the jails.

Lastly, the city should increase the headcount for the Board of Correction, a nine-person, non-judicial oversight board that carries out independent oversight and enacts regulations to support safer, fairer, smaller, and more humane NYC jails. The presence of the BOC in NYC jails is more important than ever, as DOC recently revoked their right to access remote video. While Commissioner Molina has testified that BOC’s investigators have access to view videos at DOC’s headquarters during business hours, BOC has countered that DOC is not responding to requests in a timely manner. For example, when, on April 6 of this year, a person incarcerated on Rikers Island started a fire in his cell which resulted in the hospitalization of 15 people, DOC did not respond to the BOC’s requests for videos related to this incident.<sup>14</sup>

It is also important to ensure the dedicated oversight body is as accessible as possible for as many as possible. The inability to consistently maintain connection to livestream is a serious issue tied to available resources. BOC meetings are hybrid, held both in person and via Zoom, and multiple meetings have been disrupted or canceled due to technical difficulties. At this week’s BOC meeting, chair Dwayne Sampson moved to end the meeting following issues with the stream, and a member of the public and longtime criminal justice advocate expressed frustration at the way BOC has handled their canceled meetings. In response, Sampson ordered an officer to physically remove the advocate from the meeting. While her removal was thwarted by other advocates and members of the public gathered around her, this attempt to remove a person from the meeting for being critical of the board was unacceptable and highly inappropriate.

As lawyer and activist Bryan Stevenson wrote, “The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned. We are all implicated when we allow other people to be mistreated.” I look forward to working with the Adams Administration and the City Council in creating a more safe and just city.

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<sup>11</sup> <https://www.nysfocus.com/2023/03/22/rikers-island-decontamination-deescalation-unit-shower-cages/>

<sup>12</sup>

<https://www.nbcnewyork.com/investigations/rikers-island-dismantled-one-shower-cage-why-is-the-jail-is-keeping-8-others-intact/3918451/>

<sup>13</sup>

<https://www.nbcnewyork.com/investigations/i-team-locking-prisoners-in-narrow-shower-stalls-called-inhumane-at-rikers-island/3777087/>

<sup>14</sup>

<https://www.cityandstateny.com/opinion/2023/05/commentary-shedding-light-nyc-jail-commissioners-inaction-shows-what-different-story-hes-telling/386392/>

Thank you.