



**Testimony before the  
New York City Council  
Committee on Criminal Justice  
Chair Keith Powers  
Committee on General Welfare  
Chair Stephen T. Levin  
By  
Brenda Cooke, Chief of Staff  
NYC Department of Correction**

**October 2, 2019**

Good morning, Chair Powers and Chair Levin and members of the Committee on Criminal Justice and the Committee on General Welfare. My name is Brenda Cooke, and I am the Chief of Staff of the Department of Correction. As Commissioner Brann testified before this Council last month, the Department of Correction is committed to closing Rikers Island and replacing our existing facilities with modern jails that support modern correctional practices. I am pleased to have this opportunity to affirm this Department's commitment to a smaller, safer, and fairer correctional system and to provide you with the Department's comments on the pre-considered Intro that outlines important principles for the design of our new facilities.

It is no secret that the Department's current facilities are woefully out of date and we can all agree these facilities have outlasted their usefulness. Our current jails were built to match the best correctional practices at the time – more than 40 years ago - but clearly no longer reflect the City's criminal justice values. Importantly, the City's criminal justice goals cannot be achieved through renovation of our existing inadequate jail facilities. Since the announcement of the plan to close Rikers Island, the Department has been proud to partner with the Mayor's Office of Criminal Justice

and experts in modern jail architecture to reimagine the design of correctional facilities for the city of New York that will provide a safe and humane environment for all those who live and work in these spaces. These new facilities will be designed to provide direct access to fresh air and natural light, aspects lacking in most locations across our current facilities. New jails will also be designed to provide better lines of sight for our officers and achieve more efficient movement across our facilities, ensuring everyone can have increased access to program and recreation space in a safe and secure manner. Further, the proposed borough based jails will also enhance the city's decarceration goals by making it easier for individuals to maintain connections with their communities and their families, both of which are important factors for successful reentry following incarceration.

However, the Department recognizes new facilities are only a part creating a safer and fairer correctional system. In order to meet these goals, our institutional culture would need to modernize as well. I am proud to say this Department is not the same Department it was five years ago. Since the announcement of the 14 point anti-violence agenda, we have continued to support a wide range of culture change efforts, from de-escalation training to staff wellness initiatives. In just a few years, we have become national leaders in forward thinking correctional practice and we are ready to bring today's Department of Correction to a borough based jail system.

In regards to the pre-considered Intro that addresses principles for design in newly constructed jails, the Department supports the intent behind the bill, including many of the design principals proposed. We agree adequate space and the provision of certain basic amenities are absolutely a right of people in the Department's care. The Department also agrees that modern jail practices require a modern electronic management system. There are certain provisions of the bill we are continuing to review for feasibility, such as the requirements to use certain building materials, to ensure that any concerns are addressed, especially as it relates to fire safety.

We look forward to continue to discuss these issues with the Council in the days and weeks to come.

*As prepared for delivery*

Thank you for the opportunity to testify before you this morning. My colleagues and I are happy to answer any questions you may have.



NEW YORK CITY  
BOARD OF CORRECTION

Statement before the New York City Council

Committee on Criminal Justice  
Keith Powers, Chair

Committee on General Welfare,  
Stephen Levin, Chair

October 2, 2019

By Michele Ovesey, Acting Executive Director and General Counsel  
New York City Board of Correction

Good afternoon Chair Powers, Chair Levin, and Members of the Committees on Criminal Justice and General Welfare. I am Michele Ovesey, the Acting Executive Director and General Counsel of the New York City Board of Correction, the independent oversight agency for the City's correctional facilities.

Today, I am joined by one of our Board members who was appointed by the City Council, Dr. Robert Cohen, and our Acting Deputy Executive Director, Emily Turner. The City Charter outlines the Board's broad mandates, including establishment of local regulations, investigation of any matter within the jurisdiction of the Department of Correction (the Department or DOC), and evaluation of the Department's performance.

The Board of Correction has monitored the City's jails for the past 62 years. In this time, the Board and its staff have monitored the development and re-development of jails across Rikers Island and the boroughs. Empowered by the City Charter and decades of expertise, we stand committed to independent oversight of the City's plan to close Rikers Island.

Much needed recent investments in the Board have strengthened its effectiveness and solidified the Board as a critical partner in building a criminal justice system

that reflects the City's values and brings dignity and respect to people held within, working in, or connected to the system. With dedicated Board members, an expanded staff, a focus on data and research, and ongoing collaboration with the Department, the Board is committed to creating safer, fairer, smaller, and more humane jails.

Since the 1970's, in reports and public meetings, the Board has stated that the Rikers Island infrastructure and its isolated location creates major barriers to compliance with the Board's Minimum Standards, including access to health and mental health care, connections to the community via visiting, and access to courts and legal counsel. The physical structures of the current borough-based facilities also pose serious barriers to compliance.

For example, last month, the Board published a report documenting jail conditions and operations during the July 2019 Heat Emergency. The report presents findings of our tours and review of relevant documentation prior to and during the heat emergency, both on and off-island. We found restrictive housing cells as hot as 97.9 degrees Fahrenheit; over 500 people whom medical staff had deemed heat-sensitive but were housed in units without air conditioning; and relatively ineffective heat mitigation practices throughout the system. We ultimately concluded: "Jail areas without air conditioning are too hot and the mitigating responses are too limited, despite concerted efforts by DOC leadership, Correction Officers, and other staff who work in the jails. People should not be detained or required to work under these conditions, which are inhumane, pose health risks, and make DOC's violence prevention efforts more challenging." This is an infrastructure problem that must be addressed immediately.

Today's hearing and the City's work over the past five years make clear that there is an opportunity right now to change the future of the NYC jails. However, it will take more than new jails to solve entrenched problems that the Board's independent monitoring has documented over the past 62 years. The Board has monitored the opening of many jails on Rikers Island which showed great promise but, in the end, fell far short of operating humanely, safely, or effectively.

The Board has provided independent oversight of every major jail construction initiative of the past 50 years. In 1974, the Board held three days of public hearings

on the future of the Tombs and available alternatives. In 1979, we conducted investigations, issued reports, and facilitated multiple days of public hearings on the proposed transfer of Rikers Island to the state. In the 1980's, amidst dangerous overcrowding, the Board issued reports and recommendations to Mayor Koch on jail construction on Rikers Island. In the 80's and 90's, the Board monitored blueprints and operational plans for Sprung housing, modular units at RNDC, the Staten Island Ferry, and three barges. In the late 80's and early 90's, the Board monitored and reviewed plans for construction of GRVC, RMSC, and OBCC expansion. In the early 90's, the Board's Executive Director traveled to Louisiana to inspect VCBC, the boat, prior to its delivery to New York City. In the 2000's, DOC presented to the Board blueprints for a new punitive segregation jail. And the list goes on.

The City now has a plan for new, air-conditioned jails, which exceed minimum standards for light, recreation, programming, visiting, and clinical services. These structural conditions will help, as will proximity to courts and population centers. Equally important, the City needs a plan for how operations within the new facilities will be managed. For example, the Board of Correction is currently working on new rules that would govern restrictive housing — both punitive segregation and the different housing types established as alternatives to punitive segregation in 2015. These rules would serve to minimize the harms associated with restrictive housing and afford due process protections in connection with placement in such housing.

Similarly, as the City seeks a new criminal justice model, stakeholders need to develop new program and staffing plans across all aspects of jail operations, including medical and mental health services, young adult-specific services and programming, information technology infrastructure and data analysis efforts, and support and training for Correction Officers. We must not expect new buildings — in and of themselves — to be a cure-all for problems that have plagued the jails for decades.

Ultimately, all jails and prisons need strong, independent oversight. When the current Council and Administration are gone, current federal consent decrees have been terminated, and this moment of criminal justice reform has passed, the Board's Minimum Standards and its independent oversight on behalf of New Yorkers will remain as the frontline defense to ensure safer, fairer, and more humane jails. Whether on Rikers Island or in the boroughs, the Board of Correction must be

empowered to document and report on conditions inside of jails where the public and reporters are generally not welcome – and to engage stakeholders in improving those conditions for people in custody and staff.

Finally, since its inception, the Board has advocated for alternatives to incarceration and decreases in the jail population. The City's jail population is around 7,200 people today with a plan to reduce the population to 4,000. In 1991, the average jail population was 21,669 people. The Board applauds our colleagues inside and outside of local and state government who have contributed to this historic and long-overdue decarceration effort.

We look forward to collaborating with the Council and its many members who are engaged on these issues. Thank you for the opportunity to testify today. We are happy to take any questions.

**Mayor's Office of Criminal Justice**  
**New York City Council**  
**Committee on Criminal Justice & Committee on General Welfare**  
**October 2, 2019**

Good afternoon, Chair Powers, Chair Levin, and members of the Criminal Justice Committee and General Welfare Committee. My name is Dana Kaplan, and I am the Deputy Director of the Mayor's Office of Criminal Justice (MOCJ). Thank you for the opportunity to testify today.

The Mayor's Office of Criminal Justice advises the Mayor on criminal justice policy and is the Mayor's representative to the courts, district attorneys, defenders, and state criminal justice agencies, among others. MOCJ designs, deploys, and evaluates citywide strategies to increase safety, reduce unnecessary arrests and incarceration, improve fairness, and build strong, vibrant neighborhoods that ensure a durable peace.

**One of the major strategies our office oversees is creating a smaller, safer, and fairer detention system in New York City.** We are on track to close the eight remaining jails on Rikers Island and move to a smaller borough-based justice system, while also focused on supporting culture change within the City's jails. Today, our jail population is just over 7,000—down from over 11,000 when the Mayor took office. Since 2013, the number of people in City jails has fallen across almost every category, with:

- Jail admissions down 55%,
- Those detained on misdemeanor charges down 40%,
- Those detained on bail of \$2000 and less down 67%,
- Those serving city sentences down 43%, and
- The number of 18 to 21 year olds in jail reduced 40%.

In the next few weeks, as the City continues through the Uniform Land Use Review Procedure (ULURP) for community-based jails, we take another step towards realizing a smaller, safer, and fairer jail system. While the formal ULURP conversation has focused on the buildings, this plan has always been about decarceration, as well as about reimagining the way incarcerated individuals, families, lawyers, and facility staff interact in this new system. Today, this administration supports several of the measures proposed by the Council, which will codify into law many of the priorities and best practices this administration embarked upon with the creation of the Master plan for our borough-based facilities. We thank the Council for their leadership to ensure that successive administrations remain committed to transparency and continual reinvestments into neighborhoods that have been impacted by decades of mass incarceration.

If given the opportunity to have a favorable ULURP vote, the City will begin a multi-year journey to realizing the successful closure of Rikers Island. In furtherance of our commitment to provide the public with information and transparency, **MOCJ supports the intent behind the pre-considered Council Intro that would amend the administrative code to require MOCJ to report on progress in closing jails on Rikers Island.** MOCJ already provides regular reports as envisioned

by Local Law 86 of 2015, which requires quarterly reporting regarding bail and the criminal justice system. MOCJ will be required to work with the Department of Correction (DOC) in order to produce the bulk of the report content, as well as with the Department of Design and Construction as we move forward with the demolition of existing facilities and construction of the new borough-based facilities. Given the significant amount of time the City's procurement process requires, we believe that bi-annual reporting would produce higher quality content rather than quarterly reporting. Reports on our declining population would still be provided on a quarterly basis subject to Local Law 86. We look forward to working with the Council on amendments to the legislation, and welcome increased transparency throughout this process.

**MOCJ supports the pre-considered Council Intro in relation to amending the bill of rights for incarcerated individuals and ensuring minimum standards of design in newly constructed jails, and setting standards for housing and common spaces for borough-based facilities.** Most facilities on Rikers Island as well as those in the borough facilities were built more than 40 years ago and reflect jail design from another era. A safer, fairer system cannot be achieved through renovating antiquated and poorly designed facilities on Rikers Island or the existing borough jails. Better design promotes wellbeing and dignity; housing areas with fewer people, improved interior layouts for officers to better supervise people in detention, and access to natural light and therapeutic spaces result in safer environments for those who stay and work inside the facilities. The pre-considered Intro is aligned with our goals broadly, and we stand ready to support the legislation, subject to ongoing language changes working with our colleagues in the Department of Correction and Correctional Health Services.

The work of this administration has brought crime and the jail population down to unprecedented numbers, and we anticipate we will see further reductions as criminal justice reforms take place early next year. We have reached an inflection point. As we face new and ongoing challenges, we are also presented with rare opportunities we must seize to ensure history doesn't repeat itself. The City is committed to investing in neighborhoods and communities that have been disparately affected by mass incarceration. Confronting this legacy requires tipping the balance from relying primarily on law enforcement, to co-creating solutions with residents of all ages, community-based organizations, and City agencies as diverse as the Department of Social Services to Housing Preservation and Development to the Parks Department. **Accordingly, MOCJ supports pre-considered Intro that would establish a commission to make recommendations on investments in communities impacted by incarceration.**



Human Resources  
Administration  
Department of  
Homeless Services

**Testimony of Erin Drinkwater, Deputy Commissioner of Intergovernmental and Legislative Affairs  
Department of Social Services**

**New York City Council's Committees on Justice and - General Welfare**

**October 2, 2019**

Good morning Chair Levin and members of the General Welfare and Justice Committees. My name is Erin Drinkwater and I am the Deputy Commissioner of Intergovernmental and Legislative Affairs at the Department of Social Services.

The Department of Social Services/Human Resources Administration and Department of Homeless Services are committed to providing services that fight poverty and income inequality, prevent homelessness and promote employment ensuring New Yorkers are able to live healthy, safe, and self-determined lives.

We do our work each day in a city where prior Administrations criminalized poverty, access to benefits was littered with hurdles and clients' needs were met with the back of the hand not the helping hand they so deserved. Today we've come a long way but each day do our work recognizing that brown and black communities are over represented in our case load as well the justice and legal system.

We recognize that time spent on Rikers Island can have devastating consequences including disruption of work and loss of jobs, disruption of child care, inability to pay rent and loss of housing, and further increasing debt.

As we work collectively towards the goal of decreasing the prison population and ensuring robust reentry programs for those with justice and legal system involvement, I'd like to summarize key programs and supports administered by HRA.

HRA is the nation's largest social services agency assisting over three million New Yorkers annually through the administration of more than 12 major public assistance programs including cash assistance, employment programs, food stamps and other supports helping New Yorkers remain in the workforce and in their homes. HRA also plays a role in the administration of housing programs and services, including for individuals with HIV, survivors of domestic violence, tenants facing eviction and New Yorkers who need supportive housing. And much of our work plays a key role in advancing one of this Administration's chief priorities: reducing income inequality and leveling the playing field for all New Yorkers.

As my colleague mentioned, this Administration has made a commitment to decreasing the number of persons incarcerated and more effectively meeting the needs of New Yorkers who in the past were unnecessarily entangled in the criminal justice system. At the Department of Homeless Services, using a variety of tools from robust prevention services to the reinstatement of rental assistance and aftercare programs, we have held the overall DHS shelter census flat for the first time in a decade and we have begun to move the census downward – and we have actually achieved a decrease of 2,500 people in the families with children census.

Our plan to address homelessness has four core pillars: preventing homelessness whenever we can; addressing street homelessness; rehousing families and individuals so they can move out of shelter or avoid homelessness altogether; and transforming the haphazard approach to providing shelter and services that has built up over the last four decades by shrinking the Department of Homeless Services' footprint by 45 percent and ending the use of 360 "cluster" shelter and commercial hotel locations while opening a smaller number of 90 borough-based shelters in all five boroughs. So far we have achieved the following results:

- Evictions by City Marshals are down by more than a third as we have begun to implement the first-in-the nation universal access to counsel in eviction cases and provide increased access to rent arrears grants.
- 120,000 children and adults have moved out of shelter or avoided shelter entry in the first place through our rental assistance and rehousing programs.
- We have gotten out of more than 200 shelter sites that did not meet our standards, thereby already shrinking the DHS shelter footprint by more than 30 percent – and we have sited 50 new borough-based shelters to give families and individuals an opportunity to be sheltered as close as possible to the anchors of their lives, with 26 already operating.
- Helped more than 2,200 people come in off the streets, who have remained off the streets, including more than 600 people from the subways.

Homeless New Yorkers come from every community across the five boroughs, so we need every community to come together to address homelessness. As we implement our borough-based approach, we are working to meet the needs of those experiencing homelessness by implementing human-centered approaches to our work delivering services grounded in dignity.

### **Responding to Proposed Legislation**

In response to Councilman Levin's bill in relation to the establishment of a task force to make recommendations on investments in communities impacted by the overuse of incarceration, we support this bill.

The Department of Social Services would chair a task force focused on community investment upon the closure of Rikers Island. The task force will be required to provide an annual report on its work on addressing, among other things, the root causes of crime and preventing crime, and alternative responses to persons with mental health crisis, substance use disorder, homelessness, or other situations, that avoid contact with the criminal justice system.

DSS believes that the proposed task force can have a positive impact in directing resources as it relates to the impacts of over policing and mass incarceration.

On Intro 1190, which would require drug treatment services, at HASA facilities (defined as single room occupancy hotels or congregate facilities managed by a provider under contract with the Department of Social Services (DSS)) and shelters (defined as temporary emergency housing provided to homeless individuals by the Department of Homeless Services (DSS) or by a provider under contract with it).

Protecting health and safety of New Yorkers in need as they get back on their feet is our number one priority. That's why we worked with Councilmember Torres on legislation to codify training for staff and clients and we've distributed more than 31,000 naloxone kits and counting across DSS while equipping every shelter with staff trained to prevent overdose deaths and save lives and offering training for clients. Thanks to these efforts, last year, staff reversed more than 500 overdoses—nearly double the number of overdoses reversed in the previous year. As national opioid misuse reaches epidemic proportions, we remain undeterred in our efforts to combat this challenge, promote positive health outcomes, and ultimately address root causes as we continue transforming a shelter system that was built up in a haphazard way over decades.

We look forward to working with the sponsor on this proposed legislation as we believe extending medical assisted treatment is key to further addressing the opioid epidemic.

FOR THE RECORD



Testimony of

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Gisele Castro  
Executive Director

**T2019-5171, T2019-5172, T2019-5170**

Before the  
New York City Council  
Committee on Criminal Justice  
jointly with the General Welfare Committee

October 2, 2019

***Testimony before the Committee on Criminal Justice jointly with the Committee on General Welfare New York City Council***

Good Morning, Chairs Powers and Levin and the members of the Committee and all Council Members, thank you for the opportunity to speak today regarding this important set of legislation. I am Gisele Castro, the Executive Director of Exalt Youth (*exalt*), a non-profit organization that engages court-involved youth ages 15-19 in a program of education and workforce development, to elevate their expectations of themselves, move them away from the criminal justice system and onto a successful path.

On a daily basis, *exalt*'s teachers and staff work one on one with young people, all of whom have spent time inside the criminal justice system and many of whom have spent time on Rikers Island. The implementation of Raise the Age legislation is shifting the age demographics of those youth who come to us with first-hand Rikers experiences, but we still have a significant work to do to mitigate the negative consequences of our criminal justice system on young people. *exalt* is committed to that every day and we commend the Council for your leadership on these issues.

**T 2019-5171** In relation to reporting on the progress of closing jails at Rikers Island. At *exalt*, we recognize and instill in our students the importance of accountability. This bill, requiring periodic reporting from MOCJ on the closing of the jails on Rikers' Island is an excellent example of civic accountability and transparency and we support it.

**T 2019-5170** In relation to amending the bill of rights for incarcerated individuals and ensuring minimum standards of design in newly constructed jails. We applaud the council for this work to set minimum standards for those who will remain incarcerated in NYC and to set the standard for the nation. We have some recent, first-hand experience of the influence of a space design on attitudes, culture and success. We recently moved from adequate but unaspiring space in downtown Brooklyn to a brand new, modern design office headquarters just down Broadway in Battery Park. While the most important result of this move is our ability to serve 3x as many young people. However, it is also notable that the new space, flooded with natural light and done with a modest but modern design lends the space an air of respect and professionalism that imbues all we do and inspires our young people. It is not the only factor of course, our staff, our approach and our culture is key to success.

**T 2019-5172** In relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island. We see tremendous value in this and would encourage the council to include members of the committee especially versed in the unique needs of young people. Our experience, working exclusively with 14-19 year olds has taught us many lessons about what models work. In Speaker Johnson's presentation earlier this year "Fix the System" he noted the importance of increasing the investment in alternatives to

jails and prisons, redirecting the funds spent on jails to those communities directly impacted and addressing the fundamental problems that led to the justice systems involvement in the first place. We could not agree more. For our students, the key is education and opportunity to work. In the last fiscal year, over 65% of youth served by *exalt* faced serious, life-altering charges, including felonies and A misdemeanors. The intersection of justice-involvement and education are always intertwined, as less than a quarter of young people who come through our doors are either in school or on track to graduate high school. After participating in our model, less than 5% of our young people are reconvicted of a crime and more than 95% remain enrolled in high school and on track to graduate. Moreover, our model has resonated over the last decade within the courts, where over 70% of youth with eligible cases are given sentence reductions.

Our outcomes show that when young people are given the individual agency to participate in their future and choose their path toward success, our schools and communities become safer, and their long-term prospects are dramatically shifted.

And of course, the actual dollar investment in one child participating in a life altering program like *exalt* is 1/8 what it would cost to incarcerate that same young person.

I want to once again thank the committees for holding this hearing and advancing this important legislation. I look forward to continuing to work with you and our partners in city agencies to ensure that our court involved youth have the access to comprehensive services to prevent further system-involvement, and to keep our communities safe and elevate our young people toward lifelong success.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gisele Castro". The signature is fluid and cursive, with a prominent initial "G" and a long, sweeping underline.

Gisele Castro  
Executive Director

**Testimony of the Osborne Association**

**to the**

**New York City Council  
Regarding Four Proposed Bills**

**Int. 1190**

**T2019-5170**

**T2019-5171**

**T2019-5172**

**October 2, 2019**

**Presented by  
Wendell Walters  
Senior Policy Associate**



**Transforming Lives, Communities,  
and the Criminal Justice System**

Good morning. My name is Wendell Walters. I am a Senior Policy Associate at the Osborne Association.

A core part of Osborne's mission for the last 85+ years is to transform jails and prisons for the people who live there, work there, and visit there. Over the last 25 years, Osborne has provided discharge planning and vocational programs at Rikers. We have probably served more than 75,000 incarcerated people, at 8 NYC jails, during that time and we continue to have a presence out there today, with approximately 30 staff serving hundreds of people each day. I am here to discuss the four (4) bills being considered today in the context of the Borough-Based plan. We support Closing Rikers, and we also support the need for conditions to be imposed by this body to make every effort to further reduce the jail population and decrease the height of the replacement buildings while ensuring that Rikers can never be reopened and the values embedded in the bills considered today are preserved.

**Intro. 1190:** We support increasing access to substance use disorder treatment services. Many of our returning citizens are coming home and going straight into the City shelter system (this is in part due to the severing of family relationships and support systems that can result from correctional policies that make it difficult to visit). People are often coming home in need of continued support for substance use histories and In addition to counseling, shelters should offer on-site or at least nearby program physicians for MAT. A barrier to wider use of MAT is the requirement of an available physician 24/7. Smaller SUD treatment programs like ours, and shelter-based services, would be hard pressed to afford a 24/7 doctor on call for MAT related issues. We ask that the City Council consider additional support and funding to build capacity for existing treatment providers who already serve this population and are not operating a shelter or HASA facility to have access to physician services as back-up for MAT patients. Programs like Osborne's ATI drug treatment program are not part of hospital systems with 24/7 access to physicians, and while the goal is to have fewer shelters and more supportive housing, people need these services right now.

**T2019-5171 (Preconsideration):** We support this bill. There is a need for transparency and open communication in this historic and multifaceted process. It is critical that the public is informed regarding the timeline for jail closures and construction. We need to make sure that the jails are closing as new ones are being built. The Bronx needs to know when VCBC will close. As part of the reporting by MOCJ and BOC under the bill, there should also be updates on the impact to the community as a result of the demolition and construction. As we all know, there will be significant disruption to these neighborhoods and every effort should be made to limit the inconveniences. We also encourage detailed staffing plans submitted by DOC every 6 months as part of reporting updates, including attrition, desk duty census, and staffing levels.

**T2019-5172 (Preconsideration):** On the establishment of a Commission to make recommendations on community reinvestment for affected communities, we think that there should be more representatives from our Health Departments. We know the root causes of crime and crime prevention. We have studied them for decades. But what we used to call root causes of crime are now known as "social determinants of health," and the link between public safety and public health is clear. **We should be investing in communities as a guiding principle regardless of reinvestment.** This is what government is supposed to do. We must not wait for the savings that are to occur (much of which will be spent to

operate programs necessary to reduce the jail population) many years from now before we make substantial and concentrated investment in the directly affected communities. Programming should include justice-system investments like diversion, ATI, and direct investment in serving the jail population, including people with parole violations. Community investments in schools, mental health, trauma services, parks, afterschool programs, and healthy food access should not wait for or be dependent on cost-savings from this effort.

**T2019-5170 (Preconsideration):** As for design guidelines, Osborne was on the committee to develop the design concepts for the plan as well as on the Justice In Design team. We worked hard to ensure that there would be adequate space for a modern jail that includes room for programming, recreation, and child sensitive visiting. We support the reduction to the height of the buildings – as long as the reduction of the height is not at the expense of the well-being of the incarcerated, visitors or staff. We insist on single cells and no double bunking. There should be consideration for a separate facility (run by the health department and not corrections) for those with serious mental illness and a separate facility for women; these and additional reductions of the jail population will all help drive the number of people in jail downwards. A recent Op-Ed by Cheryl Roberts from the Greenburger Center outlines a different route for those with mental illness and is a rational alternative for this population. I have attached a copy of it to my submitted testimony.

We deeply appreciate the intention to build an environment that respects the humanity of everyone who lives, works and visits jail. We believe that the path to achieving this should involve those who live, work and visit jails and must be part of a broad, deep, and bold culture change strategy. It cannot wait for new jails. But we need a real investment in correction officer training and health – Correction Officers have higher rates of PTSD than returning Iraq war veterans. While we understand that calling people by their names and allowing them the dignity to personalize their living spaces, these types of changes need to be part of a collaborative process with corrections; , allowing the latter without the deeper culture change context could actually lead to harm for those intended to benefit from these recommendations. Certainly, however, it is high time for abolishing the word “inmate” from the lexicon .

We support and acknowledge the concern, commitment, and dignity that is driving these bills. It shows the direction that we as a city need to continue to move in as we embark on this historic action. We at Osborne support the work so long as we think long and hard of ways to improve the process and ensure the outcome: smaller, safer, fairer facilities that are worthy of a different term than “jail.”

- OPINION

The jail rethink we really need: Other places have a saner way to handle the mentally ill cycling in and out of lockup

By CHERYL ROBERTS

NEW YORK DAILY NEWS |

SEP 17, 2019 | 5:00 AM

Not long ago, Albany County Sheriff Craig Apple changed the name of the county jail from the Albany County Correctional Facility to the Albany County Corrections and Rehabilitative Services Center to reflect its broader mission to provide housing and services to homeless people. Most importantly, staff from nonprofit organizations and civilians employed by the sheriff's department will now provide these services — outside of the criminal justice system.

Twenty-five former cells have been converted to rooms. Instead of bars, each room has a door and its own bed, sink, toilet and television. Clients will eat in a communal dining area and receive services and some training. It will be a "one-stop shop" for people experiencing homelessness and job loss or living with poorly or untreated substance use disorders or mental illness.

The cost to reconstruct the cells was \$10,000. Things like televisions and kitchen appliances were donated.

Among the first clients to be admitted will be people released from jail who find themselves homeless.

The goal is of course to keep them from cycling back into the criminal justice system.

Chances are Apple's plan will save Albany County taxpayers hundreds of thousands of dollars a year, make the city safer and save lives. That's what happened in Miami-Dade, Fla., when a judge started providing services and treatment to people who constantly cycled in and out of jails, hospitals or homelessness.

Over the past two decades, nearly 9,000 people have been referred to a program created by Judge Steven Leifman to divert individuals with serious mental illnesses away from the criminal justice system and into comprehensive community-based services. Annual recidivism rates among participants went from 75% to 20%. The jail population dropped by 45%, allowing the county to close one of its jails and save \$12 million a year.

According to Miami police, officer shootings of people with serious mental illness went from two a month to six in the last eight years, over a time period during which the number of arrests in Dade County went from 118,000 to 54,000.

To build on this success, Dade County just broke ground on its own “one-stop shop” facility to allow judges the ability to provide people with serious mental illnesses accused of misdemeanors or low-level felony level crimes with an off-ramp from the criminal justice system with the goal of never seeing them again, at least not behind bars.

This facility will offer treatment for mental health, substance abuse, and primary medical care needs, including eye and dental care; a court room; a crisis stabilization center where police can bring someone instead of arresting them; short- and longer-term residential space; a day activity program to teach self-sufficiency skills; and a supportive culinary employment program.

As New York City grapples with how to replace Rikers in the name of progressive reform, it’s still not too late to consider building “one-stop shops” like Albany and Dade County.

New York City has already demonstrated a remarkable and unprecedented ability to reduce the jail population. Now, it must address the core populations that will make further reductions more difficult.

The host communities of the proposed borough-based jails and advocates want smaller facilities. The shortest route to delivering them is to do what Albany and Dade have done — to make room elsewhere to better serve people with specific chronic needs such as housing, mental health and substance-abuse treatment — none of which are or should be the forte of jails or the city’s Correction Department.

As it moves jail beds out of Rikers and into the boroughs, the city has a rare opportunity to build more treatment and rehabilitative beds, and to finally right the wrong of the decades-long mass incarceration of people with mental illness. Incarcerating this population has not been fair, effective or fiscally responsible to them or their families, nor to corrections officers or communities.

Now is the time to ensure that mental health treatment is provided outside of the criminal justice system and in the public health system, where it belonged in the first place.

*Roberts is executive director of the Greenburger Center for Social and Criminal Justice.*



Stanislao A. Germán, Executive Director  
Carolyn P. Wilson, Director

FOR THE RECORD

Testimony of

Thalia Karny

Senior Trial Attorney

New York County Defender Services

Before the

Committees on General Welfare and Criminal Justice

Int. 1190-2018, T2019-5170, T2019-5171, & T2019-5172

October 2, 2019

My name is Thalia Karny. I have been a public defender in New York City for twenty years. I am currently a Senior Trial Attorney at New York County Defender Services (NYCDS). NYCDS is a public defender office that represents people in approximately 15,000 cases in Manhattan's criminal courts every year.

Thank you for inviting NYCDS to testify about the four bills on today's calendar and about our experience representing people at the intersection of homelessness and criminal legal system involvement. In my two decades practicing law I can unequivocally state that a great percentage of my caseload is comprised of people that are suffering from homelessness. In fact, many of my clients that aren't homeless are usually on the verge of homelessness and live in temporary housing. Recently, when we looked at the geographic makeup of our clientele at NYCDS, we found that we have more clients residing on Wards Island than in any other neighborhood in Manhattan. Our Legal Director was in arraignments last week where he picked up eight new cases. Six of the accused people in those eight cases listed their address as a homeless shelter.

Suffice to say that we are seeing thousands of homeless people cycled through our criminal legal system every year. Our current punishment paradigm is failing vulnerable people and their communities.

## Homelessness and the Criminal Legal System

Being homeless, in and of itself, opens a person up to countless ways in which he or she can be arrested and end up in the criminal justice system. People experiencing homelessness are 11 times more likely to face incarceration when compared to the general population, and formerly incarcerated people are almost 10 times more likely to be homeless than the general public.<sup>1</sup> People who are homeless are much more likely to pick up charges of criminal trespass, criminal possession of a weapon, petit larceny, disorderly conduct, and many other violations of the penal law, in their efforts to simply survive on the streets. And unless a homeless person charged with a crime is offered a non-incarceratory plea at arraignment, chances are bail will be set because homeless people usually don't qualify for a recommendation for release without bail. Thus, people in this situation usually plead guilty to get out of jail.

Bumped up charges are the perfect example of how our current system is set up to keep people in jail and prison. If an accused person has an arrest for possession of a knife, for instance, and that person has a prior conviction, then the DA can charge and indict the person of a felony, which the Manhattan District Attorney's Office usually does. We call this a "bumped up" charge when misdemeanor conduct is elevated to a felony charge. This creates a revolving door in and out of jail for the homeless for crimes that are usually considered crimes of poverty.

### Client Story

Just recently, the *Daily News* featured one of our clients in just this type of situation.<sup>2</sup> Our client was existing within the revolving door of incarceration and homelessness and his issues were compounded by the fact that he suffered from severe mental illness that led to a severe drug addiction. He was charged with burglary because he trespassed when he committed a petit larceny in Bloomingdales (he took a pack of socks without paying for them). The New York County DA's office indicted this case of petit larceny as a burglary because our client had, close to two years earlier, signed a trespass notice in Bloomingdales warning that if he entered the store, he'd be trespassing. Unable to afford bail set on him at arraignment for the felony charge, and because the DA indicted him on the bump up, our client sat in jail for close to a year as we fought to get him accepted to mental health court and to get a bed in a program.

This is just one of countless examples in which homelessness is criminalized in this city. And our client was lucky. His crime didn't fall within the prohibitive categories that most often preclude our clients from mental health court under the guise of "violent" or risky behavior. That is, if a client has any violence in his or her past, or if the charged crime falls within a category of "violent" crime, we are frequently told that mental health court just isn't an option.

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<sup>1</sup> Bailey Gray, Doug Smith & Allison Franklin, *Return to Nowhere: The Revolving Door between Incarceration and Homelessness* (Texas Criminal Justice Coalition, 2019), available at <https://www.texascjc.org/system/files/publications/Return%20to%20Nowhere%20The%20Revolving%20Door%20Between%20Incarceration%20and%20Homelessness.pdf>.

<sup>2</sup> Chelsia Rose Marcius, "Homeless, mentally ill man almost spent years in jail taking 4 pairs of socks from NYC department store," *Daily News*, Sept. 9, 2019, available at <https://www.nydailynews.com/new-york/ny-man-shoplifted-bloomingdale-s-felony-charge-20190909-txmctcpf2zfnxhnkumts2q36nu-story.html>.

## Jail is Not the Solution

My client is similar to that of thousands of New Yorkers struggling to access mental health treatment across the state. A 2018 study by the Manhattan Institute found that only a small fraction of total seriously mentally ill adults in the state and city are able to access care and support from public mental health care providers.<sup>3</sup> There are simply not enough free services for all who need them. Instead of providing people with the services they want and need in the community, too often, we turn to the legal system to punish them.

According to Correctional Health Services, approximately 1,100 incarcerated people – 16 percent of the entire jail population – have been diagnosed with a serious mental illness.<sup>4</sup> A February 2018 news report documented that city jails actually house more clients with mental illness than all city hospitals combined.<sup>5</sup> Our clients with mental health issues cycle through the system repeatedly, stay in jail longer than other clients, and face a greater risk of victimization and re-traumatization while incarcerated.<sup>6</sup>

We believe that the way to solve the revolving door of incarceration/homelessness/incarceration is to provide services to the population in their communities before they come into the criminal justice system. That is, provide mental health services to those in need. Mental health evaluations and treatment, drug treatment centers. Ample beds in treatment programs for people suffering from the most serious mental illnesses so they have easy access to their necessary medications. This is how we limit the number of homeless on the streets. The solution is not to incarcerate the sickest in our society. The solution is to treat them and support them.

For all of these reasons we support the bills on today's agenda.

1) Int. 1190-2019 - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services and the department of homeless services to provide drug treatment services

NYCDS supports Councilmember Levin's bill to require HASA facilities to provide drug treatment services to their residents. We believe that it is critical that we meet people where they are and make it as easy as possible for people in crisis to access the health care that they need. There is no language in the bill requiring residents to access treatment, and we hope that remains the case. The research is clear that mandated drug treatment does not result in better outcomes for

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<sup>3</sup> Stephen Eide, *Systems Under Strain: Deinstitutionalization in New York State and City*, (Manhattan Institute, Nov. 2018), available at <https://www.manhattan-institute.org/deinstitutionalization-mental-illness-new-york-state-city>.

<sup>4</sup> Reuven Blau & Rosa Goldensohn, *City seeks to move mentally ill inmates to hospitals*, NEW YORK MAGAZINE, March 21, 2019, available at <http://nymag.com/intelligencer/2019/03/nyc-seeks-to-move-mentally-ill-inmates-to-hospitals.html>.

<sup>5</sup> Mary Murphy, *Rikers and city jails have more mental patients than all hospitals in NYC: doctor*, PIX11, Feb. 24, 2018, available at <https://pix11.com/2018/02/24/rikers-and-city-jails-have-more-mental-patients-than-all-hospitals-in-nys-doctor-says/>.

<sup>6</sup> See, e.g., National Alliance on Mental Illness, "Jailing People with Mental Illness," available at <https://www.nami.org/Learn-More/Public-Policy/Jailing-People-with-Mental-Illness>.

people struggling with drug addiction, and in many cases, it can cause harm.<sup>7</sup> By providing people with access to voluntary treatment in their home, we believe that the city will reach more people in need.

2) T2019-5170 - A Local Law to amend the administrative code of the city of New York, in relation to amending the bill of rights for incarcerated individuals and ensuring minimum standards of design in newly constructed jails

T2019-5170 would change the language in the existing “inmate” bill of rights with the words “incarcerated individuals.” The bill also mandates minimum standards of design in newly constructed jails and would require Department of Correction staff to refer to people in custody only by their names, to use their preferred pronouns, and prohibit addressing people in dehumanizing terms such as “body.”

NYCDS supports efforts by the Council to change the way we speak about people with criminal legal system involvement, and particular any efforts to change the way that system actors within the criminal legal system speak about people. The Osborne Association has put together a great resource on the importance of humanizing language.<sup>8</sup> It would be great for this bill to be coupled with opportunities for education, not just for DOC staff, but for all system actors, to learn more about how to use humanizing language.

3) T2019-5171 - A Local Law to require the board of correction to report on the impact on incarcerated individuals of closing jails on Rikers Island, and to amend the administrative code of the city of New York, in relation to requiring the mayor’s office of criminal justice to report on progress in closing jails on Rikers Island

NYCDS also supports T2019-5171, which would require increased reporting by the Board of Correction and the Mayor’s Office of Criminal Justice about efforts to close Rikers Island. We support efforts to mandate that city agencies share more data with the public to allow greater accountability and understanding of their ongoing efforts.

4) T2019-5172 - A Local Law in relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island

We support T2019-5172 and offer NYCDS as a resource to the future commission and the work that they will do to foster city reinvestment in communities impacted by Rikers Island.

Thank you again for your time and consideration of these important issues.

If you have any questions about my testimony, please contact me, Thalia Karny, at [tkarny@nycds.org](mailto:tkarny@nycds.org). For further questions about NYCDS’ positions on public policy, contact Andrea Nieves, NYCDS Senior Policy Attorney, at [anieves@nycds.org](mailto:anieves@nycds.org).

<sup>7</sup> See, e.g., Werb et al, *The Effectiveness of Compulsory Drug Treatment: A Systematic Review*, 28 Int. J. Drug Policy (2016), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4752879/>.

<sup>8</sup> Osborne Association, *Resources for Humanizing Language*, available at <http://www.osborneny.org/resources/resources-for-humanizing-language/>.

**October 2, 2019: Committee on Criminal Justice, Jointly with the Committee on General Welfare  
Testimony By Josh Dean, Executive Director of Human.nyc**

Thank you to Committee Chairs Stephen Levin and Keith Powers, and to all members of the Committees on General Welfare and Criminal Justice, for holding this hearing and for hearing our testimony.

My name is Josh Dean and I'm the Executive Director of Human.nyc, an organization advocating for policy reforms that respond to the specific needs of street homeless New Yorkers. While the criminalization of poverty is certainly broader than just the criminalization of homelessness, I am here specifically to discuss the intersection of homelessness and criminal justice reform where I hope I can bring some value to today's important and ongoing conversation.

Over the past three years, my team has witnessed and heard accounts of countless examples of the criminal justice system being deployed in lieu of housing and social services.

I want to walk through a few of the many examples of the criminalization of homelessness, and speak to the best of my ability to the effects they have on those we work with. I'm grateful to those living unsheltered who spent time helping me prepare this testimony, and to Vernon Jones, a member-leader at Neighbors Together, who provided additional insight into my testimony.

First, we've seen people criminalized for lying down in the only spaces where they feel safe. Without housing or a shelter where they feel safe, people are often left sleeping on the streets, in train stations, or on the subways. When our system uses law enforcement and criminalization as tools to demand people sleep upright rather than lie down, we are putting their health in jeopardy. In other words, the criminalization of homelessness leads to sleep deprivation, which is not only cruel, but experts say it can also lead people to act without thinking. Although some people who are homeless may have mental illness or substance abuse issues, we should not discount the fact that many people we see and label as mentally ill may just be suffering from sleep deprivation. On top of sleep deprivation, forcing people to sleep sitting upright can cause blood to circulate improperly. This can lead to the swelling of one's feet, which can lead to further health problems. Not only will this cause immense discomfort, to say the least, to the person directly affected, but it will also lead to increased involvement and costs with our healthcare system.

Beyond the consequences of health, the criminalization of homelessness makes it harder for people to work with outreach teams. As you know, different outreach teams are contracted to provide outreach services in different areas of the city. When systems use policing and criminalization as tools to displace people or move them out of the location known to their outreach team, we increase the likelihood that rapport and trust can be damaged. In these scenarios, people's paths towards case management services and housing may be prolonged if they are forced to move between locations by law enforcement.

Moving forward, we believe this type of criminalization will be on the rise. The City recently introduced the "Subway Diversion Program," to try to divert people from summonses towards outreach teams. There are several problems with the Subway Diversion Program. Briefly, we do not envision a world in which summonses are used as a tool to coerce people to meet with outreach teams will be effective. It certainly is not the right thing to do. Further, as the city continues to refuse to meet the calls of advocates to build more housing, such as the House Our Future campaign, we and you both know that outreach teams do not have sufficient resources to actually provide people on the subways with what they want and need. Specifically, supportive housing placements are at a fourteen-year low, and the safe haven system is at capacity. On top of the city's concerning efforts, Governor Cuomo has promised to hire 500 new transit police officers to crack down on "quality of life" violations, which will target homeless people.

Next, we've seen people deliberately drink less water so they can reduce the amount of times they need to use the bathroom, knowing that they risk being criminalized if they are unable to find a public restroom. My colleagues at Picture The Homeless have done a phenomenal job of shedding light on the lack of public restrooms through their "Free to Pee" campaign. On their website, they note, "Many homeless people have had medical emergencies or police interactions as a result [of lack of public restrooms]. Homeless people experience urinary tract issues and related health problems at a rate 300% higher than the general population, and many suffer from extreme dehydration because they never drink water to minimize trips to the bathroom."

I want to share an anecdote from a gentleman I've worked closely with. He shares, "I have so many tickets just for having to use the bathroom. Because if you look a certain way, no one is going to let you in their establishment to use the bathroom. So you gotta find a corner somewhere to take a piss. Now for me, that's just a downfall for me because I have high blood pressure so I have to take a water pill, which actually makes me go to the bathroom. Given that I don't have housing or anything, I need to find somewhere to piss. I have numerous urinating in public tickets. Seventy-five dollars a piece. How am I ever gonna pay them? I'm not. What's the result? A warrant. Rikers Island. Right back out. Still homeless. Same situation. It's a revolving door."

Vernon from Neighbors Together asked me to add that, *'Normally actions defined as 'medical emergencies' require immediate unscripted actions and attention. Any direct actions resulting from 'medical treatment', is commonly accepted and expected in the medical community. So urinating, as a result of an administered medication, should not result in a 'quality of life' violation.'*

Human.nyc wants to echo Picture The Homeless' call to action, and call on the city to release the 15 self-cleaning toilets sitting in a warehouse in Queens. Council Members, we want to call on you to find locations within your districts where these toilets can live. They will not only benefit those experiencing homelessness, but they will benefit all residents.

Finally, we've seen people cycle in and out of homelessness and the criminal justice system for violating their parole. Specifically, people are assigned shelters as conditions of their parole, but they are unwilling to return because they feel unsafe in the shelter where they are assigned. More troubling, we've heard accounts of people deliberately trying not to leave the prison system in fear of entering the shelter system, which on countless occasions has been compared to the prison. Several people have shared that they felt safer in prison than in the shelter system, which led them to instead live on the streets. My colleague Vernon from Neighbors Together notes that, "Whenever the liberty of 'freedom' can be challenged, and equated, with the "fears" of Homeless Shelter placement, people we have a serious problem'."

The Prison Policy Initiative released an article called, "Nowhere to Go: Homelessness among formerly incarcerated people." The article calls out New York State for having, "no central coordinating force" set up to ensure that people leaving prison will land somewhere other than a shelter." This article has many recommendations I do not have time to review today. I will, however, mention the final recommendation, which reinforces that a Housing First model would greatly reduce the interactions between the criminal justice and general welfare systems.

With my time running out, I want to reiterate Human.nyc's support of the House Our Future campaign and Intro 1211, and thank the Council for its support in calling on the administration to provide more housing to homeless New Yorkers. The examples of criminalization of homelessness we've spoken about throughout our testimony are best resolved by providing people with housing. We need housing, not handcuffs, for homeless New Yorkers. Thank you.

**THE  
LEGAL AID  
SOCIETY  
CRIMINAL  
DEFENSE**

**New York City Council  
Committee on Criminal Justice and  
Committee on General Welfare**

**Hearing on Proposed Legislation:  
Int. Nos. 5170, 5171 & 5172**

**October 2, 2019**

**Testimony of The Legal Aid Society Prisoners' Rights Project**

Presented by:

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Prisoners' Rights Project  
The Legal Aid Society  
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CHAIRMAN POWERS, CHAIRMAN LEVIN, and MEMBERS AND STAFF OF THE  
COMMITTEES ON CRIMINAL JUSTICE and GENERAL WELFARE:

**Proposed Int. 5170 and 5170 in relation to reporting on closing Rikers and conditions**

The Legal Aid Society has represented countless New Yorkers who have suffered brutality at the hands of the New York City Department of Correction. Rikers Island has become a symbol not only of that brutality, but of many crises that plague the City and the country—such as the systemic incarceration of communities of color, the carceral response to mental health needs, and the investment in policing over communities. Rikers represents a toxic culture of dehumanization that affects all who are detained there, who work there, or who visit loved ones there.

It is that understanding—that as deplorable as the physical conditions may be, the human conditions are even worse—that must drive every action taken by the City and this Council and plans to close Rikers.

We support the effort by the Council in Int. 5171 to require the City to report on specific actions that must be taken to decommission Rikers Island. The information given by the Mayor's Office to the Council and to the public has been piecemeal and unsatisfactory. When the wellbeing of so many New Yorkers hangs in the balance of a tremendous public policy initiative, the City should generate comprehensive plans subject to public accountability.

But the choices of reporting topics in the bills implicitly send a message that closing Rikers is principally about buildings, and not about the day to day practices of the agency operating within it. The City cannot simply close Rikers-the-buildings; it must prioritize today how it will “close” Rikers-the-culture. The City should demand that the Department of Correction demonstrate how it is transforming its culture of incompetence and impunity: from the passivity of wardens and top leadership, to the day-to-day security and operational failures, to staff hostility and aggression towards incarcerated people, their children and their families.

There is too much reliance on the City's proclamations of change, and too little attention to the facts demonstrating the persistence of this toxic culture. here is no better example of the problem than *Nunez*, The Legal Aid Society's class action about brutality in the jails. Despite often admirable rhetoric and a significant investment of many individual's time, the Department of Correction nonetheless has failed to comply with their own commitments under a federal court order in the most fundamental respects. The *Nunez* monitor's reports reflect, year after year, non-compliance with the court decree. The astronomically high numbers of use of force incidents despite a historically low jail population are but one stark reminder of the gap between rhetoric and reality. Despite years of reform efforts, the use of force numbers continue to climb, the Department continues to fail to investigate and identify misconduct, and even identified misconduct goes unchecked and unpunished. These are issues that a new building will not cure.

If the City does not even comply with the obligations it undertook in the *Nunez* consent judgment, then why should the Council and the public trust them to enter new buildings as changed agencies? It should not. The Council must require reporting and oversight on what the

City is doing now not only to close buildings, but to ensure accountability and humane treatment of people in custody.

And while there is nothing humane about incarcerating people, we also support codifying a floor of minimum physical requirements for any building in which people are detained, as Int. 5170 seeks to do. The current city jails are dismal, unsafe structures.

**Proposed Int.5172 in relation to the establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island.**

The Legal Aid Society's Community Justice Unit (CJU) works in all five boroughs providing legal services to New York City's Cure Violence/Crisis Management System program in all of the most over-policed neighborhoods across the city. Our pro-active presence in the community gives us a unique opportunity to see the positive impact that investing in underserved communities creates. We know this firsthand because since the inception of the Cure Violence program in 2011, which is now at 23 sites across the city with a 34 million budget, communities have been playing a leading role in keeping their neighborhoods safe.

We support this bill as it will help strengthen the chances of a successful re-entry into the community by addressing the root causes of mass incarceration. More often than not, we work in communities where so many unmet needs—housing, employment, education systems, and over-policing—keep people who are re-entering society trapped between a rock and a hard place. They cannot reenter their homes because of their convictions, they are stigmatized by employers for their records, and there are few opportunities where they will be given a chance to prove themselves.

We would additionally suggest that this bill expand its membership component to include directly impacted people from the community and representatives from community based organizations (CBOs) currently engaged in re-entry services. Someone directly impacted by the re-entry process in New York City is in a better position to understand what services they wish they had seen earlier on to help them with re-integrating into society. To create a commission of multiple agencies without the voices of those who will benefit from it is to miss out on an opportunity to be inclusive.

**Proposed Int. 1190 on MAT**

Finally, we want to express support of expanding access to Medication Assisted Treatment in shelters and HASA facilities in Int. 1190. MAT is the standard of care for opiate addiction, and it should be available to every person for whom it is medically appropriate and to every person in every correctional facility in the country. We strongly support the Council's leadership on this issue.



October 2, 2019

Subject: Bills T2019-5170, 5171, 5172 and Int.1190-2018

Borough: Citywide

Name: Vivian Nixon, Executive Director, College &

Community fellowship

## TESTIMONY

Members of the Subcommittee on General Welfare and  
Criminal Justice,

I appreciate the opportunity to address the Joint  
Subcommittees as the Executive Director of College and  
Community Fellowship, an organization that partners with  
women with criminal convictions to help them earn their  
college degrees so that they, their families, and their  
communities can thrive. I want to thank Chairs Levin and  
Powers and the members of the Subcommittees for  
holding this public hearing and listening to public  
testimony.

As we move closer to a vote from the City Council on  
closing Rikers Island, we must remember that abolition is  
not just the demolition of buildings—it is the dismantling of  
systems and policies that cause and perpetuate harm. It  
requires a 360-degree view of where we came from and  
where we are going to holistically address the years of  
injustice imparted on communities impacted by the  
criminal legal system.

Whether as a landfill or jail, Rikers Island has always been  
a blight on New York City. For 77 years, abuses have  
abounded with little to no action taken by passing  
administrations for the human rights atrocities that have

now become synonymous with the archaic facility.

In the face of continued accusations about its intentions for closing Rikers, the City has remained steadfast in its commitment to ensuring all sides are heard. Opportunities to address the Council and all supporting bodies has been a valuable tool for educating both the public and policymakers on the need to close Rikers once and for all. Even with the policies before you today, we can say that Council is doing its part to further safeguard this process.

While it is important to establish at the outset of any vote the appropriate mechanisms to track progress, it is equally important to ensure that those policies reflect the magnitude of the required investment. The Council and the Mayor have proven their commitment to community-based investments through their continued funding for alternatives to incarceration, but even with this new proposal, it does not go far enough. If we are to truly change the narrative and ensure that we do not repeat the cycle of injustice that has plagued certain communities, we must ensure sufficient investment in programming including alternatives to incarceration and alternatives to detention. We need to establish community investments that seek to address the root causes for crime:

As the city moves forward with its plan to close Rikers Island it is essential for the process to remain transparent. One way in which the city can do this is by requiring routine reporting regarding those who are currently being held on Rikers and the status of new sites. This is described in the bill being introduced by Ayala and Levin.

Communities need support and they need support now.

Thank you to the Joint Subcommittees for allowing public testimony and continuously working to refine the plan to create smaller, safer, borough-based facilities.

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**NO  
NEW  
JAILS  
NYC**

**CLOSE  
RIKERS NOW,  
WE KEEP  
US SAFE**

**A NEW YORKER'S GUIDE TO BUILDING  
COMMUNITY CARE AND SAFETY BY CLOSING  
RIKERS WITH NO NEW JAILS.\***

## **WHAT WE ARE DOING NOW**

We are No New Jails NYC and we share our analyses, strategies, and tools to fight back while offering this living document as an opportunity for dialogue. NYC's multi-billion dollar jail plan is one of many across the country and a cornerstone strategy that reinvents and guarantees a future of surveillance and control. NYC is at the crossroads between building the next phase of fast-track imprisonment, or a city that works for all of us. We expect that we will add to this document as we hear from you, and we recognize that this plan is just the beginning of an expansive vision.

## **WHY CLOSING JAILS INCREASES SAFETY**

In this section, we will briefly summarize case studies that explain why incarceration is a threat to public safety and why closing jails create safety. We will also give an overview of some of our current tactics and our general commitment to disrupting the electoral process until we win.

## **SHUT IT DOWN: DIRECT ACTION & ABOLITION AS CARE**

We accept that we do not live in a democracy. Because this particular jail plan is financially backed by prison profiteers and has been rapidly pushed through a rare land use process that closes out public input we know that disruption is our only option. We will close Rikers with no new jails by disrupting every lever of power. We also recognize that abolition is care. Every time we shared childcare, bail money, partied for rent, or camped outside of a jail we have learned that our care for each other can close Rikers with no new jails.

## **WHAT THE CITY COULD DO**

There are many straightforward and creative ways that city officials could close Rikers without building new jails. We outline some of the straightforward methods that are available and offer a new benefit that could eliminate cash bail, facilitating the closure of Rikers with no new jails. We know that we do not live in a democracy and that the carceral system will not abolish itself. Since city officials are either too complicit in state violence or bought off by wealthy interests, we commit to grassroots struggle and mutual aid practices as the only hope to shut down Rikers with No New Jails.

## **JAIL FREE NYC**

Abolition is a vision for the future and a set of practices in the here and now. Working to shut down Rikers with no new jails will birth an abolitionist network whose dimensions we describe briefly. We offer a few ways \$11 billion could be used to create safety and a more inclusive city without building any new jails. Finally we detail how we can create safety by dismantling other parts of NYC's incarceration system.

## **THE WORLD WE WANT & BEYOND**

In this section, we describe how committing ourselves and our resources to community-driven services, harm reduction, poverty and homelessness eradication, and transformative justice will create a safer and more equitable city. We also offer key resources and transformative justice models.

## **APPENDIX & FREQUENTLY ASKED QUESTIONS**

In this section, we offer an overview of key terms and some working definitions.

# WHAT WE ARE DOING NOW

No New Jails NYC is a grassroots campaign committed to closing Rikers now without building new jails and rerouting \$11 billion away from jail construction and towards the needs of our communities.

This is a living document that we offer as an outline of our vision and strategy, for your critique, and as a tool for abolitionist community organizing. Abolition is not an arbitrary concept that has multiple and ambiguous meanings. Abolition is a political vision and strategy with centuries-long inspiration and practice. Abolition less about the absence of prisons and jails, and much more about the presence of everything we need in order to thrive and build a society that does not rely on our imprisonment and premature death. We believe that abolition has many practices and ways to get our people free without prisons, policing, or other carceral structures.

**This document is a plan, vision, and guide that can be used by anyone committed to the abolitionist vision of ending police, jails, immigration detention, prisons, and surveillance while making safety the responsibility of well-resourced communities organized for justice.**

As part of this process, **55 incarcerated members of NNJ reviewed this document** and gave us feedback and at the beginning of each section you will be guided through your reading by some of their contributions. We have also been led by Study Abolition <sup>1</sup>, a network of self-organized prisoner study groups at SCI-Smithfield <sup>2</sup>. Stephen Wilson, one of our leaders at SCI-Smithfield, recently lifted up the Black Liberation Army principle of “unity-criticism-unity,” that hopefully will guide you as you read <sup>3</sup>.

As we are keeping each other safe, community members are keeping each other accountable and providing resources based on our self-directed assessment of our collective needs, entirely on a grassroots level. We are committed to reimagining safety, but we recognize that to broaden the scope of this vision, we need our people to be out of jails so that we can build the world we want together.

Our work in this moment puts this plan into practice. We are challenging the plan to build 12 new jails in New York City by educating our communities and committing to including community voices in the city’s process in order to shut down Rikers without building new jails. No New Jails NYC is already moving toward abolitionist futures by facilitating community care, mutual aid, and deep movement building, alongside strategic political work.

Our work now aims to spread an abolitionist narrative, challenge the jail plan, and strengthen the discussion about safety outside of punitive systems. The various parts of this document will offer an understanding of our journey in this fight and this political moment. We also give practical examples of how closing jails and divesting from policing and other criminalizing systems while investing in communities without state or corporate interference has consistently been a great strategy to increasing safety.

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1 <https://abolitioniststudy.wordpress.com>

2 <https://abolitioniststudy.wordpress.com/2019/05/27/statement-of-solidarity-with-no-new-jails-nyc/>

3 <https://abolitioniststudy.wordpress.com/2019/06/14/234/>

# HISTORY OF NO NEW JAILS NYC

**"NEW JAILS ARE NOT NEEDED IN NYC. HOUSING, SCHOOLS, COUNSELORS, AND MORE ARE NEEDED 100% IN OUR COMMUNITIES." - PERNELL, INCARCERATED NNJ MEMBER**

In 1970 Young Lord, Julian Roldan took part in a 'Garbage Offensive' protest <sup>4</sup>. NYPD accused him of burning a newspaper, arrested him and days later was found dead in the Tombs a jail in Manhattan. Police said it was suicide, community knew directly or indirectly it was murder by the state. When people protested the death of Young Lord Julian Roldan, Mayor Koch & Herb Sturz came up with a plan for a new complex of facilities spread across the city <sup>5</sup>. When this did not succeed decades later, Mayor Bloomberg would plan for a citywide jail expansion which would be defeated by Community in Unity <sup>6</sup>.

In 2015, Kalief Browder died after having to spend years on Rikers accused of stealing a backpack, a crime he did not commit. Galvanized by the death of Kalief Browder, Shut Down Rikers, a grassroots campaign, fought to push for the immediate closure of Rikers. The Campaign to Shut Down Rikers was a core voice in a broader effort that continued the long tradition of arguing that the carceral system doesn't create safety. After decades of mounting pressure—including investigations by New York State and the U.S. Department of Justice, several class action settlements, and the experiences of incarcerated individuals and their loved ones all confirming the brutality of Rikers Island—Mayor Bill de Blasio announced, in spring 2017, a jail expansion plan.

This plan was announced when there was 9,400 people held across city jails. The mayor then announced that their goal was 7,000 people held by 2022, and 5,000 by 2026. Right now, through mutual aid and forced policy change the number of people held has already dropped to 7,000, way ahead of schedule. Reforms forced on Albany are estimated by the Center for Court Innovation to release another 2,000-3,000 people by 2020 <sup>7</sup>. The city now estimates there will be 4,600 people held in NYC jails by 2026 <sup>8</sup>. The city believes, long term, space is needed for only 4,000 people. The amount of people held in non-Rikers jails is about 3,000. The difference between that is only 1,000 people. If we can release 1,000 people we can close Rikers with no new jails.

The city would rather spend \$11,000,000,000 for a whole new jail complex instead of finding ways to responsibly release 1,000 people. That's our fight, we want abolition and an end to cages and throughout this document we will outline how together we can release 1,000 people and many more to close Rikers with no new jails.

## **NO NEW JAILS NYC & THE 'NEW' RIKERS EXPANSION PLAN**

The Mayor's jail expansion plan, packaged as progressive reform, was informed by the recommendations of The Independent Commission on New York City Criminal Justice and Incarceration Reform. This 'Lippman commission,' is a privately-funded task force chaired by Judge Jonathan Lippman, with the typical undisclosed ties to industries that benefit from jail construction. This jail plan holds no legal guarantee to close Rikers beyond city rhetoric, and in fact, will allow the next mayor, and every subsequent

<sup>4</sup> <https://www.villagevoice.com/2017/04/11/a-history-of-hell-how-rikers-island-became-a-modern-municipal-abomination/>

<sup>5</sup> <https://www.villagevoice.com/2017/04/11/a-history-of-hell-how-rikers-island-became-a-modern-municipal-abomination/>

<sup>6</sup> <http://www.leftturn.org/community-unity-fighting-prison-construction-south-bronx>

<sup>7</sup> <http://courttinnovation.org/rethinking-Rikers-island>

<sup>8</sup> [https://rikers.wpengine.com/wp-content/uploads/BBJS-CPC-Hearing-Follow-Up-Letter\\_Misc-Questions-8-12-19\\_FINALSIGNED.pdf](https://rikers.wpengine.com/wp-content/uploads/BBJS-CPC-Hearing-Follow-Up-Letter_Misc-Questions-8-12-19_FINALSIGNED.pdf)

mayor, to keep Rikers open indefinitely. Mayor Bill De Blasio promised Rikers would close a decade after he left office<sup>9</sup>, but while we wait, he will spend his last years in office building Rikers 2.0.

This jail construction plan began with 4 new jails, but has expanded further to include 3-6 hospital jails<sup>10</sup>, and 1-2 jails for women and their children, for a potential total of 12 new jails. There is nothing new or innovative at all about this plan it simply repackages right wing ideas from Mayor Koch & Bloomberg in progressive language. In fact Herb Sturz who, “who first proposed the transfer of Rikers to the state and the creation of borough based facilities 37 years ago when he was Deputy Mayor under Mayor Koch,” is on the Lippman commission<sup>11</sup>.

While Rikers 2.0 is being built, **the city’s jail plan will crowd everyone currently held in other city jails onto Rikers Island.** The City’s disregard for community input and people imprisoned is most obvious when it began transferring people detained at the Brooklyn Detention Complex to Rikers without informing family members and ahead of City Council’s vote on the plan<sup>12</sup>.

We stand facing a powerful opportunity to Shut Rikers Down with No New Jails, while freeing \$11 billion for the needs of our people. This will be done by putting extreme pressure on the political process and mobilizing thousands of New Yorkers to free our people, meeting each other’s needs, and creating a culture of abolition and community accountability.

Mayor Bill De Blasio’s jail expansion plan joins the nationwide right wing movement led by President Trump’s push to build a wall at the U.S. Mexico border and the over 50 cities across the country with plans for more jails and prisons<sup>13</sup>. But along with thousands of community members, nearly 100 incarcerated comrades, and 300 lawyers and legal staff<sup>14</sup>, we maintain that even within the rules of our rigged political system, there are multiple ways to shut Rikers down without any new jail construction<sup>15</sup>.

In this context, No New Jails NYC comes as part of a broader movement of abolition, that began in the fight to end slavery and now lives in the commitment to create a society where safety is not the job of police and cages but the responsibility of well-resourced organized communities. We follow in the footsteps of the successful 2006 Bronx jail construction fight led by Community in Unity (CIU)<sup>16</sup>, as well as movements from the 60s/70s, and current campaigns like No New SF Jail, No New Jail in Lancaster, Justice LA, Safety Beyond Policing<sup>17</sup>, Critical Resistance, SwipeltForward, the Coalition to End Broken Windows<sup>18</sup>, Safety Outside the System, and many other unnamed abolitionists efforts.

**We recognize this moment as a powerful opportunity to walk New York City through its first steps away from the mass incarceration era. When we Shut Rikers down without any new jails we will free \$11 Billion to dramatically address the actual needs of our community.**

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9 The Mayor’s Office has suggested revisions to the year and the targeted daily capacity of city jails to the media, however, to date, the Mayor’s plan and the land-use proposals requiring approval within ULURP have not been amended.

10 <https://thecity.nyc/2019/03/city-seeks-to-move-mentally-ill-rikers-inmates-to-hospitals.html>

11 <http://www.jjay.cuny.edu/news/closing-rikers-statement-president-travis>

12 <https://nypost.com/2019/08/30/brooklyn-detention-complex-on-fast-track-to-shut-down-for-new-jail-union/>

13 <https://docs.google.com/spreadsheets/d/11gEiUuvOjw8iTB7ThXpMENU7H3-JF4fVtXPogCpzUUA/edit#gid=0>

14 <https://sites.google.com/view/nnjattorneysletter/>

15 <https://sites.google.com/view/nnjattorneysletter/>

16 <https://indypendent.org/2018/12/shop-pick-up-kids-go-to-jail-plan-to-swap-rikers-for-justice-hubs-draws-ire/>

17 <https://www.safetybeyondpolicing.com>

18 <https://www.facebook.com/pg/CoalitionToEndBrokenWindows/about/>

# WHY CLOSING JAILS INCREASES SAFETY

**"I KNOW FOR CERTAIN THAT JAILS AND PRISONS DO NOT DETER CRIME. IN FACT, IT HAS BEEN MY EXPERIENCE THAT JAILS/PRISONS ARE AN INCUBATOR TO INDUCE SOMEONE WHO HAS MADE A POOR DECISION--AND HAS BEEN DEFINED BY THAT DECISION FURTHER BY THE CARCERAL SYSTEM--TO INTERACT WITH VARYING LEVELS OF CRIMINAL BEHAVIOR THAT MAY HAVE NOT PREVIOUSLY BEEN ON THE PERIPHERAL OF THAT PERSON. IN SUM, PRISON IS NOT STRUCTURED TO 'CORRECT' FOR ANYTHING; ITS MAIN FUNCTION IS TO HOUSE BODIES WHILE THEIR MINDS... FURTHER DETERIORATE." - E. PARIS, INCARCERATED NNJ MEMBER**

## BACKGROUND

Jails and police are a threat to public safety. When someone is harmed they receive little-to-no support<sup>19</sup>, especially in the case of domestic violence or sexual assault<sup>20</sup>, while the person who has harmed them is put through a process that is designed to either break them or make them more violent. That is the punishment system we have created, that begins an unending cycle of violence<sup>21</sup>, despite the fact that most people who have survived even violent harm prefer rehabilitation to punishment and lengthy incarceration<sup>22</sup>. Despite this decades-long track record that guarantees more violence, we continue to use jails to address every social problem. Jails do not hold anyone accountable, they only punish. Put bluntly, even after decades of "academic" research, there is no evidence that incarceration works to decrease harm or violence or make communities or families safe. Yet, predictably, those who support the status quo of jails and prisons are never forced to justify their continued reliance on these institutions of state violence, even as abolitionists are constantly asked to "prove" that alternatives work.

Accountability is a complicated process that can only happen at a community level, with people organized and committed to justice. We must see harm as an opportunity to wrap resources around trauma and support people in crisis. And, closing jails has been shown to improve safety and free public money to address root causes of violence. Below are case studies detailing why the punishment system only increases violence and how closing jails will increase safety.

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## WHAT HAPPENS WHEN A JAIL IS CLOSED: CASE STUDY ON CINCINNATI

In 2008, Cincinnati closed the Queensgate Correctional Facility effectively eliminating 36 percent of their jail beds. This closure among many things followed a county wide financial crisis that coincided with the national financial crisis. Without room in jail beds, what would happen to the amount of arrests, would jails overflow, would crime balloon? The result was a massive drop in arrests and violent crime<sup>23</sup>. Forced to close a jail, the city of Cincinnati reaped the following benefits: an immense drop in violence within communities and a corresponding drop in arrests.

<sup>19</sup> <https://connect.springerpub.com/content/sgrvv/29/3/407>

<sup>20</sup> [https://dash.harvard.edu/bitstream/handle/1/34961943/Justice%20from%20the%20Victim.pdf?sequence=4;http://vawnet.org/sites/default/files/materials/files/2016-09/AR\\_RestorativeJustice.pdf](https://dash.harvard.edu/bitstream/handle/1/34961943/Justice%20from%20the%20Victim.pdf?sequence=4;http://vawnet.org/sites/default/files/materials/files/2016-09/AR_RestorativeJustice.pdf)

<sup>21</sup> <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1745-9133.2007.00456.x>;

<sup>22</sup> <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>

<sup>23</sup> <https://theappeal.org/incarceration-is-always-a-policy-failure/>

Violent crime dropped by 38.5 percent , property crime by 18.9 percent , while felony arrests and misdemeanor arrests dropped by 121.3 percent and 32.7 percent <sup>24</sup>. The key goal of creating safety that reformers, advocates, and politicians cared about, was achieved by closing a jail. Along with a drop in violence, Cincinnati also saw a drop in arrests as limited bed space forced officers to deal with the reality that arrests were in fact a “limited commodity rather than as a standard response.”

Abolitionists have always argued that jails and police do not make us safer. What we saw in real time was that closing a jail and limiting jail space lowered violence, curtailed arrests, and lowered the number of people ending up in jail and prison. In this natural experiment, we saw that closing a jail can dramatically improve public safety.

Closing Rikers now without any new jails is not just better economically, it is also better for public safety and the health of our neighborhoods.

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## CLOSING RIKERS WITH NO NEW JAILS IMPROVES CONDITIONS

**“IT IS VIRTUALLY IMPOSSIBLE TO MAKE JAILS/PRISONS A SAFE ENVIRONMENT FOR TRANSGENDER PEOPLE. AT THE END OF THE DAY, THE ADMINISTRATION IS NOT IN ANY WAY SHAPE OR FORM INTERESTED IN THE SAFETY OR WELL-BEING OF ANY GLBTI PEOPLE. SO PROTECTING US IS THE LAST THING ON THEIR MINDS. BELIEVE ME.” - MS. KITTY, INCARCERATED NNJ MEMBER**

In June of 2019 Layleen Polanco Xtravaganza, an Afro-Latina trans woman, was found dead on Rikers Island.

After struggling with homelessness, Layleen was arrested in an NYPD sting operation for alleged sex work. Layleen should not have been homeless or arrested in the first place. But after this, she was funneled through every “progressive” criminal court and jail reforms. First, only by being arrested and involving police was she placed in a sex work “diversion” court, a reform initiative championed by First Lady Chirlane McCray and Police Commissioner James P. O’Neill <sup>25</sup>, which is offensively named the Human Trafficking Intervention Court (it assumes that all sex workers are trafficked, and need saving, not dignity). After missing a paternalistic “supportive” service appointment, a warrant was issued for her arrest.

When she was re-arrested several months later for defending herself against what was likely a transphobic incident, bail was set on the outstanding case and she was sent to the Transgender Housing Unit (THU) —a reform to keep trans women “safe” while jailed—in the Rose M. Singer Center on Rikers Island. Neither she nor her family members could pay the \$500 bail. While in the THU, she was placed in the “Restricted Housing Unit,” another name for solitary confinement, even though correctional health staff knew that Layleen had a seizure disorder and that solitary confinement often exacerbates mental and physical health issues.

Despite promising relief, “gender responsive” jails are not gender justice. These jail reforms killed Layleen. When Layleen died, we said enough. We identified that these kinds of reforms – reformist reforms – such as diversion programs that re-enforce the presence of police and imprisonment killed Layleen. Not only were we further committed to closing Rikers with no new jails we knew we committed to standing against

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<sup>24</sup> <https://onlinelibrary.wiley.com/doi/pdf/10.1111/1745-9133.12299>

<sup>25</sup> <http://nypdnews.com/2017/02/first-lady-chirlane-mccray-and-police-commissioner-james-p-oneill-announce-expanded-resources-to-combat-sex-trafficking/>

further expansions of incarceration through reformist reforms. We are opposed to the assumption that Black trans women need paternalistic state intervention. If people are doing sex work it is not a sign that they now need therapy and services through more police. These are cornerstone reforms that continue to guarantee a system of policing and confinement, rather than replace it with community-based approaches.

## **Jails kill people. Reformed jails kill people.**

Named after slave catcher Richard Riker, Rikers Island itself was originally built by incarcerated people's forced labor on top of a landfill to replace the brutality of Blackwell Island with a more humane facility. With jails having consistently been presented as a reform, Rikers quickly became inhumane, as these new jails inevitably will. In 2015 alone, Rikers Island had over 9,000 assaults according to the city<sup>26</sup>, and most likely that is a significant undercount<sup>27</sup>.

We cannot believe the city's rhetoric that their jail plan will improve conditions because City Council and the Mayor have done nothing to address conditions that have been deteriorating for decades on their watch. Layleen Polanco is not the first person to die or be abused under their watch: Three years ago, Judy Jean also died at Rosie's<sup>28</sup>. The Department of Corrections has not been held responsible for the 3 year spike in violence against incarcerated people at Rikers<sup>29</sup>.

Meanwhile, the DOC is under federal monitoring to bring Rikers into ADA compliance, repairs and facility upgrades that will cost nearly \$1 billion. It is difficult to imagine that the city would spend all this money to repair Rikers, move thousands of people onto the jail to construct the new facilities<sup>30</sup>, and then decide to close it in 2026. Given that there is no legal guarantee that Rikers will close, this looks more and more like expansion: a plan to build new jails and keep Rikers open.

Judge Lippman, Mayor De Blasio, and their cronies in City Hall and the nonprofit-prison-industrial complex like to say that building jails in boroughs is the only way to close Rikers Island and improve conditions because, illogically, the jails will be in neighborhoods. But we can actually close Rikers now and the Brooklyn House of Detention, MDC Brooklyn, MCC, The Tombs, and The Boat are all neighborhood jails that have had inhumane conditions for years. Ultimately, the only way to "improve" conditions is to get all of our people free by freeing money from policing and corrections and radically investing it in things we need and want such as affordable housing, employment, and healthcare.

Conditions of incarceration have only improved through pressure from those held and their allies. We cannot trust the state to improve conditions on its own, because fundamentally, the city does not care about the health or well being of imprisoned people. By putting \$11 billion into the hands of communities targeted by incarceration, while increasing the resources for each person held on the inside through our mutual aid efforts, we will support the only force that can change conditions: the collective effort of incarcerated people, their families, and their organized abolitionist allies. This can be seen in the Free Alabama Movement<sup>31</sup>, political prisoners like Mumia Abu Jamal, the Free Ohio Movement<sup>32</sup>, and many others.

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26 <http://pix11.com/2016/02/09/inside-rikers-island-a-look-at-violence-and-corruption-in-the-complex/>

27 <https://thecity.nyc/2019/04/violence-at-city-jails-is-heavily-undercounted-doi-finds.html>

28 <https://theintercept.com/2015/05/29/death-rikers-womens-jail/>

29 <https://www.nydailynews.com/new-york/city-jails-rikers-island-surge-violence-article-1.4000587>

30 <https://youtu.be/FWOd-H9SRqU>

31 <https://itsgoingdown.org/look-free-alabama-movement/>

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## CASE STUDY: WHAT HAPPENS WHEN ARRESTS STOP

Against popular belief, policing and cages are a threat to public safety. Late in 2014, the NYPD protested their share of the city budget in a work strike that, for a time, stopped “proactive policing,” dramatically lowering ticketing and arrests<sup>33</sup>. Arrests dropped massively, so two out of three arrests that normally would have happened, didn’t. While the intent was to highlight the need for policing, it revealed that lowering the level of policing improves public safety. In fact, the constant harassment of our communities done in the name of Broken Windows policing, which Mayor De Blasio and his police chiefs have touted as necessary for a safe city, increases violence:

**“Analyzing several years of unique data obtained from the NYPD, we find that civilian complaints of major crimes (such as burglary, felony assault and grand larceny) decreased during and shortly after sharp reductions in proactive policing. The results challenge prevailing scholarship as well as conventional wisdom on authority and legal compliance, as they imply that aggressively enforcing minor legal statutes incites more severe criminal acts.”**

It is a myth that police interrupt violence. Most police officers make less than one felony arrest per year, and will never in their entire career interrupt violence-in-progress<sup>34</sup>. Police detectives, who are supposed to solve serious “crimes,” in fact spend most of their time making reports on incidents that they will never investigate, let alone solve. In NYC, 90 percent of police stops do not result in arrest. Of the 10 percent that do, only 20 percent of those arrests are for felonies (and at least half of those charges will eventually be dismissed). Clearly, policing isn’t about community safety, it’s about social control:

- From 2015 to 2018, the NYPD killed at least 27 people<sup>36</sup>, including 14 people experiencing mental health crises<sup>37</sup>.
- In 2017, there were over 12,000 allegations of excessive force against the NYPD<sup>38</sup>.
- Since 2013, the City has paid almost \$120 million to settle lawsuits against the NYPD.
- Since the formal termination of “stop and frisk” policing in 2013, the tactic continues as “order-maintenance” policing.
- Black and Latinx New Yorkers made up 88 percent of those stopped in 2017. Though white people are 43 percent of NYC’s population, they made up only 8 percent of people stopped<sup>39</sup>.
- With its massive budget, the NYPD arrests upwards of 160,000 people per year on low-level misdemeanor charges (80 percent of total arrests), **half of which are eventually dismissed**<sup>41</sup>.
- Deportations have soared 150 percent in NYC over the past few years and ICE arrests are up 88 percent, the third highest of any major US city<sup>41</sup>.

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32 <http://freeohiomovement.org>

33 <https://www.theatlantic.com/national/archive/2014/12/the-benefits-of-fewer-nypd-arrests/384126/>

34 Vitale, Alex (2018). *The End of Policing*. New York: Verso Press, p. 31.

35 Vitale, Alex (2018). *The End of Policing*. New York: Verso Press, p. 31.

36 [https://www.washingtonpost.com/graphics/2018/national/police-shootings-2018/?utm\\_term=.8ea326dedeb9](https://www.washingtonpost.com/graphics/2018/national/police-shootings-2018/?utm_term=.8ea326dedeb9)

37 <http://nymag.com/intelligencer/2019/03/special-report-nypds-mental-illness-response-breakdown.html>

38 <https://observer.com/2018/04/nypd-police-misconduct-allegations/>

39 <http://worldpopulationreview.com/us-cities/new-york-city-population/>

40 <https://www.criminaljustice.ny.gov/crimnet/ojsa/arrests/index.htm>. In each county, approximately one quarter of misdemeanor arrests were for drugs.

41 <https://comptroller.nyc.gov/newsroom/comptroller-stringer-investigation-reveals-huge-increases-in-ice-enforcement-in-nyc-leaving-families-in-fear/>

After Officer Pantaleo was fired for using a chokehold to kill Eric Garner, NYPD union leader Pat Lynch said, “police officers are in distress—not because they have a difficult job, not because they put themselves in danger, but because they realize they are abandoned. The captain has jumped ship. The Mayor has told him to do it, and the streets are falling into chaos.” From Lynch’s perspective, Mayor De Blasio and Commissioner O’Neill no longer had the best interest of the police union at heart, so he called for another work slowdown. But similarly, to 2014, not only did arrests and summonses drop, incidents of crime particularly “serious” crime dropped even further<sup>42</sup>. **A nearly 30 percent drop in arrests and summonses, and violence did not increase or stay the same;** instead, violence decreased and safety increased.

While we do not see our communities as violence-or-harm-free utopias, we do know that it is bystanders, family members, and friends who typically respond to the violence we face. **We do not need a harm-free society to stop having prisons, jails, and police:** we merely must recognize that those institutions embody and produce state and interpersonal violence, and that our communities deserve alternative ways to heal and create safety. We call for a divestment from policing and a massive investment in our ability to independently organize to create safety.

We will step in agreement with what the NYPD proved through their work slowdowns: we call for dramatic cuts to their budgets precisely because it will lower the amount of people caged by the city, free up millions to invest in our communities, and ultimately improve safety. Fewer police mean more safety.

## SHUT IT DOWN: DIRECT ACTION WILL WIN

**“THE ONLY CHANCE NNJ HAS OF IMPLEMENTING YOUR PLAN IS BY BUILDING MASSIVE COMMUNITY SUPPORT...” - SEAN, INCARCERATED NNJ MEMBER**

We are not in a democracy; we cannot use the electoral process to address our needs. Through intense disruption to the levers afforded by the electoral process, we cannot only raise public awareness of the expansion of Rikers, we can force decision makers to accept our demands. They have names, addresses, and they are our targets. Below we outline how we can apply enough pressure to political actors and key decision-makers who can shut Rikers down with no new jails, freeing \$11 billion for our needs.

### **COMMUNITY BUILDING IS CENTRAL**

At the core of any direct action approach is getting commitment from communities that will feel the brunt of the policy. We will not win without the community behind us. While No New Jails has gained significant traction, we have a long way to go from being strong enough to hold a line against the encroaching violence. In the coming months, we will diligently work to build a base within our communities. Then we will design our direct actions to bring in more people, while maintaining consistent public education efforts.

<sup>42</sup> <https://newrepublic.com/article/154895/new-york-police-slowdown-backfiring>

## **CITY JUDGES & DISTRICT ATTORNEYS**

Judges and district attorneys are key figures who push our people into jails with no regards for our humanity or community safety. Judges can release people on their own recognizance instead of holding them before their trial, which would allow us to shut Rikers down without more jails. District attorneys can also direct their staff to stop asking for bail and stop remanding our people.

The Manhattan DA alone has \$730 million in asset forfeiture, money enough to bail out every single person held on bail throughout the year and support efforts to fight remands across the city.

## **CITY COUNCIL**

Karen Koslowitz, Stephen Levine, Diana Ayala and Margaret Chin all want the jails in their districts. If anyone of them says no, we can build political pressure to stop the plan. Speaker Corey Johnson has the authority and platform to also propose a new plan that fulfills grassroots demands, which include not only the demand to shut down Rikers, but our demands to reduce the NYPD and DOC budgets, take police officers out of schools, fund NYCHA, and invest in community programs.

## **THE MAYOR OF NEW YORK**

Presidential candidate, Mayor De Blasio could withdraw his plan and choose to implement a plan to Shut Rikers Down with No New Jails. He could also end broken windows policing, target prosecutors for asking for bail, and work to decriminalize as many categories of offenses as possible.

## **TIMELINE**

Community boards have voted and Borough Presidents have voted. These, however, were just advisory, because as expected, the NYC City Planning Commission voted in favor of the Mayor's plan and after delivering the one and only public hearing, the final decision now sits with the City Council and the Mayor who will vote around October.

Through a process of massive direct action we can force the point the same way every other abolitionist vision has won. Through direct confrontation with the state, whose agents have no interest in freeing our people.

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# **ABOLITION AS CARE**

Since the inception of No New Jails NYC we have centered mutual aid and direct support of people at the brunt of community and state sanctioned violence. We believe that by building bonds of care and community based institutions outside of the state, nonprofit and corporate systems our people will know themselves as the organized source of transformative justice.

## **We know that we have everything we need in community.**

Whether it is your home community, or any community you create we have the opportunity in NYC to create on the work of past movements like the Black Panthers or any child care network in any neighborhood we have the ability to take care of people, transform harm and make the carceral system irrelevant.

Mutual aid is a dialogue that allows people in need to share directly with each other. Below you will read some examples of how we have put it into practice and how others have but ultimately we know this is

the history of our people. Black people have practiced self determination and mutual aid through groups like the Black Panthers and in moments of intense crisis like Hurricane Katrina. Indigenous people the first nations on this land also inform our understanding of how institutions of care that help us step away from the punishment system that sees any need as the fault of the vulnerable. LGBTQ communities have sustained themselves by caring for each other, women's movements around the world have centered shared leadership and effort, and radical working class movements have also made similar commitments.

This system of policing and caging is a radical departure from the best of our history. Abolition is as much a future world we are fighting for as well as a return to who we are, a history that has been erased from our collectively memory.

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## **CASE STUDY: NO HEAT AT METROPOLITAN DETENTION CENTER**

In the winter of 2019 the heat went out at Metropolitan Detention Center, a federal jail in Brooklyn. Jails routinely disregard the predictable heatwaves of summer and winter<sup>43</sup>. This happens because as Mariame Kaba and many others have noted the torture is part of and central to incarceration.

People did not have water and heat, and they were banging on the jails windows and walls to let everyone know the food was spoiled and they were in need of basic necessities on the coldest days of winter. So quickly people, family members and organizations from across NYC began to show up and protest how incarcerated people were being treated at MDC.

As typical of a police state, visitations and phone calls were cut off eliminating any information from the inside. So family members along with protesters decided they were not going to leave until they heard from their loved ones on the inside.

No New Jails NYC started to organize mutual aid to support family members and friends who had loved ones on the inside, 24/7. We created a temporary form of abolitionist aid where people from around the world donated to families and loved ones inside of MDC. We had metro cards to support family members traveling by bus to and from MDC. We provided shelter (made by insulating a tent, with an outdoor heater inside to keep people warm. We organized through our broader network blankets, food, scarves, footwarmers, handwarmers, art supplies (for children), snacks. Most of these items concerned communities either dropped them off, or they were delivered online. All of these items were donated, we had people as far a Germany, Wisconsin, California send supplies and food. We also set up a community safety network where people would come in shifts 24 hours over night so family members who were coming had someone looking out for their safety. There were on the ground medics and therapist willing to help anyone who was feeling ill or needed a moment to process what was happening on the grounds.

We also set up a emergency communication process to share information and also communicate to reporters. For example, we tracked the number of ambulances that came in the middle of the night after too pick up people who were sick, or injured. We communicated to reporters who were able to write stories showing that the warden and BOC were not telling the truth about everyone being safe, and there not being a real emergency at MDC.

Through this care, MDC was forced to turn the heat back on. Further we built a network of people who know how to mobilize mutual aid and understand that without state, nonprofit, or corporate support organized community is more than enough.

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43 <https://www.nytimes.com/2019/02/01/nyregion/mdc-brooklyn-jail-heat.html>

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## CASE STUDY: LADY J & MS T

No New Jails NYC honors the legacy of buying back the freedom of those held in bondage, which has roots dating back to the underground railroad. Within the last year we have bailed three people out of Rikers. Through this bailout process we have built a community of care, and rapid response as we continue to directly support them through mutual aid and other resources to keep us all safe. We know that 7/10 people held in NYC jails are there awaiting trial with a bail that can be paid or a remand that can be fought to release them. Since pretrial detention increases violence in our community along with brutalizing those incarcerated we knew that we must challenge all of New York City to build a significant mutual aid effort to release our people and close Rikers down with no new jails.

**MS. T:** Ms. T a Black woman who was being targeted by CO's and was fighting for her life, one of our member heard about Ms. T while doing court watch for another person we were supporting. After speaking to Ms. T very briefly, we found out she had a bail, of \$4,000. Not only were able to raise her bail, we raised an additional \$2,000 to support her and pay for all logistics in relation to mutual aid: transportation, food, and housing. Through the work of many, she could leave jail, reunite with her son, and have real support to transition her life away from the punishment system and towards wholeness.

**LADY J:** Lady J came to our attention through an activist comrade who let us know she had a bail of \$1. When we heard about her case we knew that we had to rally our people not for bail but to support her case and her transition out of the punishment system. The bail was paid and we rallied support for her case that included transphobia from the state and our community.

What became clear to us in this effort and in the many others we let support in is that we have a rare opportunity to care for each other. But for us abolitionist care is not just additional service work, nonprofit led, corporate goodwill or government mandated it is community led efforts that disrupt the punishment system and open up new collective possibilities for our wellbeing. Through abolitionist care and mobilizing masses of people we can release our people and close Rikers with no new jails.

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## CASE STUDY: NATIONAL BAIL OUT

In 2017, Southerners on New Ground, along with members of the Movement for Black Lives committed to ending cash bail by bailing out Black people with a focus on Black women on Mother's Day<sup>44</sup>. On Mother's Day NBO fundraises from Black communities and national allies to bail out Black women. "National Bail Out is a Black-led and Black-centered collective of abolitionist organizers, lawyers and activists building a community-based movement to support our folks and end systems of pretrial detention and ultimately mass incarceration." Over the years NBO has bailed out hundreds of women using a national network of Black led organizations and fundraising strategies. Through community support and addressing the needs of people who are arrested NBO organizers argue in support of broad research that people generally fulfill court obligations from the punishment system and more importantly less people re-offend<sup>45</sup>.

In 2019, nearly 100 Black women across the country were bailed out as a community effort to end cash bail and shut down jails<sup>46</sup>. No New Jails NYC and our community partners participated in the 2019 Black Mama's Bail Out, and have continued to bail out community members and support them in their return home and in their fights to stay free from the criminal legal system.

44 <http://southernersonnewground.org/2017/05/a-labor-of-love/>

45 <https://www.thenation.com/article/heres-how-to-help-end-cash-bail/>

46 <https://www.globalcitizen.org/en/content/black-mamas-national-bail-out-2019/>

# WHAT THE CITY COULD DO

The city can take bold steps to Shut Rikers down with no new jails. Some of these different approaches are detailed below, with the understanding that we are not in a democracy and the system will not reform itself. We highlight specific levers within the judicial system that, given sufficient political pressure, could also facilitate the closure of Rikers with no new jails. Then we take some time now to describe a new city benefit that could effectively eliminate the barrier of cash bail and facilitate the closure of Rikers with no new jails.

The campaign to Shut Down Rikers led the charge to close Rikers Island after the death of Kalief Browder in 2015. Following this community outrage, the New York State Legislature, Governor, City Council, and the Mayor could have decided to put in legislation legally guaranteeing the closure of Rikers.

## **But they didn't.**

Progressive politicians made no effort to ensure the one key demand that has become fashionable to support. This missed opportunity characterizes the nature of reform and the politicians who claim its mantle.

The major decision makers are either bought off or too complicit after decades of brutality from NYC jails to change course. We have no faith in the state or the electoral process to keep us safe. If they were committed to our needs these are some of the steps they could have taken. Ultimately the system cannot abolish itself. We recommend and commit to grassroots struggle, only people power will shut down Rikers with no new jails.

## **A NEW CITY BENEFIT: BAIL VOUCHERS**

**"BAIL EVERYONE OUT! SIMPLE AND REALISTIC!" - JENNIFER, INCARCERATED NNJ MEMBER**

The city could spend less than \$200 million per year to bail everyone out, lowering the number of people held so that we can shut Rikers down without adding new jails. The city should create a bail voucher as a new public benefit. This is less than 2 percent of the \$11 billion the mayor has raised to expand Rikers.

Tens of thousands of people every year are held in jail simply because they cannot afford to pay bail, which creates a two-tiered system of justice where the rich walk free and the poor are held. This can be fixed. The reason the city has not thought of this is because every politician, major nonprofit, legal provider, district attorney benefits from the punishment system. Along with having all manners of financial and political commitments to this system, those we see as leaders grew up in this system and often can't think outside of it. Which is where abolition comes in.

Already we see that prominent advocates for building new jails already admit that recent reforms could lower the number of people held by over 120 percent<sup>47</sup>, couple this with a new bail voucher and we can shut Rikers down without building any new jails.

<sup>47</sup> <http://www.gothamgazette.com/opinion/8538-the-next-battleground-in-the-fight-to-close-rikers-island>

A bail voucher program would be simple: the representatives (lawyers or family members) of people detained pretrial will take their court paperwork and income statements to secure a voucher administered through the New York City Human Resources Administration who will issue a cashier's check in the amount of defendant's bail. This will allow anyone who is unable to pay bond to do so quickly and wait for their trial at home.

We must recognize that when harm is done, this is an opportunity to rally support to heal relationships. When an arrest is made the family and community of the person harmed and the person who potentially has harmed someone may be in crisis. Since bail money is returned to the person who paid it, this voucher will also serve as quick cash transfer to support families in crisis. This means that this is especially needed when the person arrested is found guilty and convicted because at the end of their trial their family will receive that bail money to help maintain themselves as they lose a family member to incarceration and potentially a breadwinner.

By creating an incredibly cheap financial mechanism to bail everyone out we can then free up \$11 Billion to address harm, heal communities, and address root causes of poverty in our community.

**Crunching the numbers:** *The typical bail in NYC is \$5,000. In a given year 35,7120 people can not pay bail. It would cost \$178.7 million to pay the bail of everyone held in a given year<sup>48</sup>. These funds could be held in HRA and processed like any other city benefit or voucher system. Even including administrative support this new benefit would not rise over \$200 M a year a fraction of the cost of \$11 billion jails, and a payment that we expect to decrease as less people held in pre trial detention will result in lower rates of violence, people returning, and a significant drop in incarceration. The average cost to house someone in NYC jails is \$270,876, by removing 35,7120 we could save billions a year that we could pour back into our communities to guarantee an end to incarceration.<sup>49</sup>*

**TARGET: CITY COUNCIL, MAYOR OF NEW YORK, DISTRICT ATTORNEYS**

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## JUDICIAL ROUTES TO NO NEW JAILS

**"...SHUTTING DOWN RIKERS ISLAND WOULD BE A BLESSING. BUT SHUTTING DOWN RIKERS TO OPEN UP THREE OR MORE NEW JAILS AIN'T IT AT ALL. ALL THAT DOES IS ADD MORE TRANSGENDERS, GAYS, BLACKS, AND HOMELESS AND LOW CLASS PEOPLE BEHIND BARS. IT ALSO BRINGS MORE CORRUPTION AND WE DON'T NEED NO MORE CORRUPTED OFFICERS AND/OR COPS. LIKE I SAID BEFORE, THE GOVERNMENT CLAIMS THEY HAVE NO MONEY BUT SOMEHOW MONEY JUST FALLS OUT OF THIN AIR WHEN IT COMES TO OPENING UP NEW JAILS, NOW THAT'S SOMETHING TO THINK ABOUT. SO YES YES I OSHA IS ALL THE WAY FOR THE NNJ PLAN CAUSE OPENING UP NEW JAILS OR PRISONS IS NOT GOING TO BETTER US OR AMERICA. WE LEARN NOTHING NEW IN PRISONS AND JAILS, IF ANYTHING WE LEARN HOW TO BE MORE CORRUPTED, HOW TO NOT TRUST EACH OTHER, ETC. BUT NOTHING POSITIVE. LET'S KEEP BUILDING AND SUPPORTING EACH OTHER THAT IS BEHIND BARS, WE ARE DOING A GREAT JOB." – OSHA ONEEKA DAYA DA GODDESS OF LOVE**

There are multiple ways to shut down Rikers now without adding more jails. Without any upstate reforms, New York City has enough legal tools to lower the amount of people needlessly held in NYC's jail system. What is lacking is the political will from elected officials complicit in the punishment system. We present an overview of different levers within the political and legal system that can be used to facilitate lowering the number of people held enough that we can shut down Rikers without building any new jails.

48 <https://www.ibo.nyc.ny.us/iboreports/pretrial-detention-rates-may-2017.pdf>

49 <https://www.nydailynews.com/new-york/jails-cost-city-1-36b-2017-decrease-inmates-article-1.3632047>

## END PRE TRIAL DETENTION

Most people who are held in NYC jails are there awaiting trial<sup>50</sup>. Without waiting for state law, NYC officials can virtually end pretrial detention and shut down Rikers with no new jails. Ending pre-trial detention frees up city funds to create an inclusive society in which everybody has their basic needs met--including housing, education, healthcare, recreation, and public space. We must be united and clear that we are against all forms of pretrial detention. Pretrial detention increases violence because people confined before trial, of course, experience trauma within jails and are more likely to re-offend. Pretrial detention increases violence because, as Stephen Wilson, one of our incarcerated abolitionist leaders explains, the systems of punishment “might create security, but they don’t create safety.”<sup>51</sup>

### **By granting bail and remand review hearings, city criminal court judges could release almost everyone currently detained pretrial in NYC, allowing us to Shut Rikers Down with No New Jails.**

Under New York Criminal Procedure Law, local criminal courts can release pretrial (ROR, supervised release, or on bail) defendants charged with all misdemeanors any felony except a Class A felony or people who have two or more prior felony convictions<sup>52</sup>.

Holding people pre-trial increases violence<sup>53</sup>. Pre-trial detention is racist. Black and Latinx people are detained pretrial at higher rates than white people; according to a recent study, pretrial detention can “explain 120 percent of the Black-white gap in rates of being sentenced to prison and 28 percent of the Hispanic-white gap.”<sup>54</sup> Pretrial detention also may violate the Constitutional right to the presumption of innocence and due process<sup>55</sup>; punishes legally-innocent people through incarceration; and reduces people’s capacities to fight their cases, which increases the possibility of conviction or plea.

People jailed pretrial (remanded or with bail set higher than they can afford) have several legal avenues to challenge their pretrial detention. Under CPL 510.20, they can apply to the same court that initially ordered bail or remand for release or bail reduction. Under CPL 530.30(1), they can apply to a superior court to have their pretrial remand or bail reviewed. Finally, bail and remand decisions can be appealed through habeas corpus petitions<sup>56</sup>. Although the legal standard for reversing criminal courts’ bail and remand decisions appears to be narrow<sup>57</sup>, in NYC that criminal court judges routinely flout state law when they set bail and remand defendants by setting excessive bail<sup>58</sup>; setting bail not to secure defendants’ return to court but on de facto “dangerousness” grounds; and by abusing their discretion to remand people who should be released pretrial<sup>59</sup>.

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50 [https://vera-institute.shinyapps.io/nyc\\_jail\\_population/](https://vera-institute.shinyapps.io/nyc_jail_population/)

51 <https://abolitioniststudy.wordpress.com/2019/07/19/security-does-not-mean-safety-1/>

52 CPL 530.30. It appears that superior courts can overturn lower courts’ decisions to remand defendants who have Class A felony charges pending against them or have two or more prior felony convictions. Defendants can only make one application to superior courts to have their remand decision overturned. See New York Pretrial Criminal Procedure (West Practice Series, Second Edition).

53 <https://www.journals.uchicago.edu/doi/abs/10.1086/688907>

54 Leslie, Emily and Nolan G. Pope (2017). “The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from New York City Arraignments.” *Journal of Law and Economics*, Vol. 60, p. 1

55 Einesman, Floralynn (1992). “How Long is Too Long? When Pretrial Detention Violates Due Process.” *Tennessee Law Review*, Vol. 60, pp. 1-50.

56 See, e.g., *People ex rel. Kuby v. Anderson*. “The scope of collateral review upon a habeas corpus petition challenging a bail decision by a nisi prius court is narrow. It is limited to consideration of whether the denial of bail was an abuse of statutory discretion or a violation of the constitutional prohibition against excessive bail or its arbitrary refusal. The habeas corpus court may not substitute its discretion for that of the nisi prius court”.

57 Generally, bail and remand decisions can be reversed if facts or circumstances change (i.e., the top charge is reduced) or if it can be shown that bail or remand decisions abused judicial discretion or violated the CPL.

58 <https://www.themarshallproject.org/2018/02/26/the-prosecutors>

59 <https://www.theatlantic.com/politics/archive/2017/11/the-failure-of-new-yorks-bail-law/546212/>

**So, most, if not all, people currently detained pretrial in NYC have legitimate legal grounds for challenging their bail or pretrial detention. Every single person currently being held pretrial in NYC should be immediately granted a remand or bail review hearing in a local criminal court.**

The standard for these review hearings should follow the legislature’s recent declaration that laws governing bail should create “a presumption in favor of pretrial release” and the legislative mandate for the state’s current bail statute, which was passed in 1970 in order to reduce pretrial detention: people held on excessive bail should have their bail reduced, converted to a non-collateral bond, or eliminated entirely, and people who are remanded on non-Class A felonies should be released with services and support for them and anyone harmed. Generous supportive services are what’s necessary to secure a return to court.

**Mayor Bill de Blasio should use his political will to pressure District Attorneys to support the defendants’ motions in these hearings, and should encourage judges to apply NYS bail law (which permits--even requires--broad pretrial release) accurately and fairly.**

**Table 3: Status of Individuals in DOC Custody from Three Daily Snapshots**

\*Of the number of inmates in the custody of the department of corrections on the last Friday\* of each calendar month of the reporting period, the percentage who had been sentenced to a definite sentence, the percentage held on pending criminal charges, and the percentage in any other category.\*

Status	10/25/18	11/29/18	12/27/18
City Sentenced	867	806	769
Pre-Trial Detainee	5312	5262	5007
Parole Violator	1620	1649	1571
Other	443	407	390
<b>Total</b>	<b>8242</b>	<b>8124</b>	<b>7737</b>

\* Due to DOC data structure, data is from the last Thursday of each calendar month in the reporting period, not the last Friday.

\*\* Other category includes but is not limited to state sentenced population awaiting transfer, court ordered, state inmates testifying at NYC trials, etc.

**Crunching the numbers:** *In the fourth quarter of 2018 (November-December), the average daily number of people detained in city jails pretrial was 5,200. 41 percent of people in city jails are remanded without bail. This means that on any given day at the end of 2018, 3,120 people were in city jails who, could have been released if they had the money to pay bail. This would more than meet Mayor De Blasio’s arbitrary conditions to shut Rikers down only after the number of people held in Rikers falls to 5,000 people.*

18 percent of people in city jails detained pretrial (936 people) are charged with Class A Felonies (the only charge for which a lower court cannot grant pretrial release or bail); yet, 41 percent of people in NYC jails (approximately 3,100) are remanded without the option to pay bail. This means that there is an average daily population of approximately **2,200 people who are eligible for pretrial release** who are in jail without even the option to bail out. The overuse of pretrial detention in excess of what is mandated by law signals that judges are using their discretion to lock people up rather than to release them. Releasing everyone currently have bail set would be the first step to closing Rikers, and then applying pressure to the clear legal avenues for the release of those remanded would be next.

**Table 4: Percentage of Individuals in DOC Custody Remanded without Bail from Six Daily Snapshots**

\*Of the number of inmates in the custody of the department of correction on the last Friday\* of each calendar month of the reporting period held on pending criminal charges, the percent bail.\*

Status	07/26/18	08/30/18	09/27/18	10/25/18	11/29/18	12/27/18
Remanded without bail	40%	39%	40%	41%	41%	41%

**Table 8: Percentage Breakdown of Individuals in DOC Custody, By Charge Severity, from Six Daily Snapshots**

\*Of the number of inmates in the custody of the department of correction on the last Friday\* of each calendar month of the reporting period held on pending criminal charges, the percent following severity: (a) class A felonies; (b) class B or C felonies; (c) class D or E felonies; (d) misdemeanors; or (e) non-criminal charges.\*

Charge severity**	07/26/18	08/30/18	09/27/18	10/25/18	11/29/18	12/27/18
Class A Felonies	17%	17%	17%	17%	18%	18%
Class B or C Felonies	49%	49%	48%	48%	48%	49%
Class D or E Felonies	25%	25%	25%	25%	25%	24%
Misdemeanors	5%	5%	6%	6%	5%	4%
Other Offenses†	1.1%	1.6%	1.2%	1.3%	1.3%	1.3%
Converted Warrantst†	2%	2%	3%	3%	3%	2%
Total	100%	100%	100%	100%	100%	100%

If NYC judges granted bail and remand review hearings to every single person currently held on bail and every single person remanded and not charged with a Class A felony, and then released people ROR, on non-collateral bonds, or set lower bails, the average daily jail population **could drop by 5,320**. Currently, most bail or remand decisions in arraignments courts are made in between three and ten minutes. Opponents who argue that granting 5,320 bail and remand review hearings would overrun the courts are mistaken.

In fact, due to over-policing and hyper-criminalization, **courts are currently overrun by low-level misdemeanor charges resolved through dismissals and ACDs, which would appear to be a bigger waste of court resources than determining whether or not people should be at liberty pretrial.** Decisions with life-altering consequences for defendants' Constitutional rights, freedom, safety, mental and physical wellbeing, family connections, job security and housing, immigration status, probability of incarceration, and criminal record are being made with hardly even a cursory investigation, and with widely different outcomes based on the presiding judge and county in which one is arraigned. Flooding courts with review petitions is a viable tactic to force courts to release defendants on their own recognizance or set lower or non-collateral bail, as lawyers with the Legal Aid Society have recently argued. In brief, justice and freedom are best served by courts' taking the time to review prior bail and remand decisions and release our community members currently detained pretrial.

## RELEASING PEOPLE TO DEFEND THEMSELVES FROM HOME

We know that when you release people, they come back and handle their court obligations. Real-world evidence demonstrates that the overwhelming majority of people return to court to fight charges against them. For example, 95 percent of Brooklyn Community Bail Fund clients return for all their court dates. In a recent empirical study, involving individuals facing felony charges, as well as those charged with misdemeanors, 88 percent returned for all of their court appearances after they were released with either unsecured or partially secured bonds, options that are currently available to judges under New York law.

Prosecutors can choose not to ask for cash bail or remand for people facing all but Class A Felony charges or with two or more prior felony convictions. Ending the use of cash bail in particular would go a long way in alleviating the attack on poor people. Under current law, there are 9 categories of bail and bond that judges can set. The barrier of cash bail can be avoided by ordering partially secured or unsecured bond, which allow people who are accused to gain release by paying little to no money, unless they do not return to court for their cases.

But ultimately, DAs should not request cash bail, insurance bonds, or remand. Judges should release most people on their own recognizance.

<sup>60</sup> See <https://brooklynbailfund.org/>.

<sup>61</sup> Against the Odds: An Experiment to Promote Alternative Forms of Bail in New York City's Criminal Courts. New York: Vera Institute of Justice, 2017.

## ELIMINATING COERCIVE GUILTY PLEA DEALS

We can reduce prosecutor's power to resolve cases through guilty plea bargains<sup>62</sup>. The criminal court system (in conjunction with over-policing) is a massive bureaucracy that does not deliver healing to people who have been harmed or people who have caused harm, but drowns people, family, and communities in dehumanizing, lengthy, and costly processes designed to efficiently accrue guilty pleas (not justice)<sup>63</sup>. Overcharging<sup>64</sup>, pretrial detention<sup>65</sup>, and court backlogs<sup>66</sup> are procedural issues within the criminal system that prosecutors weaponize to coerce people to accept pleas<sup>67</sup> instead of fighting their cases<sup>68</sup>. Prosecutors exercise incredible discretion in plea bargaining, leading to racial inequalities in sentencing and increased sentences for people who choose to go to trial rather than plead guilty<sup>69</sup>.

In 2017, there were over 10,500 pending felony cases citywide, but only 615 trials, with the average case taking over a year to go to trial. Although more than half of all NYC cases will eventually be dismissed (ACD or dismissed outright)<sup>70</sup>, guilty pleas comprise about 97 percent of ultimate dispositions; in other words, the overwhelming majority of guilty verdicts are arrived at through pleas, not trials. However, of the 615 felony trials, almost half (291) resulted in acquittal<sup>71</sup>. This suggests that trials deliver more favorable outcomes to defendants; yet procedural barriers to accessing trials exert pressure on defendants to plead<sup>72</sup>.

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62 <https://www.nytimes.com/2016/08/08/nyregion/jury-trials-vanish-and-justice-is-served-behind-closed-doors.html>

63 "Efficiency has redefined adjudication's aims and reordered its priorities, valuing clear, measurable aspects such as numbers of convictions and devaluing qualitative components related to juries, participation, the substantive nature of judgments, and perhaps factual accuracy." ([https://www.researchgate.net/profile/Darryl\\_Brown2/publication/259869522\\_The\\_Perverse\\_Effects\\_of\\_Efficiency\\_in\\_Criminal\\_Process/links/0a85e52e4392301136000000/The-Perverse-Effects-of-Efficiency-in-Criminal-Process.pdf](https://www.researchgate.net/profile/Darryl_Brown2/publication/259869522_The_Perverse_Effects_of_Efficiency_in_Criminal_Process/links/0a85e52e4392301136000000/The-Perverse-Effects-of-Efficiency-in-Criminal-Process.pdf)). Also see analysis of prosecutorial discretion and the plea bargaining process in Canada: "The current devices designed to constrain and guide prosecutorial discretion in Canada ... risk prioritizing expedience over procedural fairness and ought to be reformed." Manikis, Marie & Peter Grbac. 2017. "Bargaining for Justice: The Road Towards Prosecutorial Accountability in the Plea Bargaining Process. *Manitoba Law Journal*.

64 "In overcharging ... prosecutors build in leverage to coax defendants to plead guilty." (p. 225). Legal scholars all appear to agree that prosecutors overcharge defendants to guarantee that convictions will result from criminal cases (Gershman, 2011; Krug, 2002; Stuntz, 2001; Wright & Miller, 2002). Researchers who describe this prosecutorial strategy of overcharging generally concede that it represents a misuse of prosecutorial discretion" ([https://www.researchgate.net/profile/Christine\\_Martin12/publication/270672222\\_Influence\\_of\\_Race\\_and\\_Ethnicity\\_on\\_Charge\\_Severity\\_in\\_Chicago\\_Homicide\\_Cases\\_An\\_Investigation\\_of\\_Prosecutorial\\_Discretion/links/58f6888caca2723d16a98438/Influence-of-Race-and-Ethnicity-on-Charge-Severity-in-Chicago-Homicide-Cases-An-Investigation-of-Prosecutorial-Discretion.pdf](https://www.researchgate.net/profile/Christine_Martin12/publication/270672222_Influence_of_Race_and_Ethnicity_on_Charge_Severity_in_Chicago_Homicide_Cases_An_Investigation_of_Prosecutorial_Discretion/links/58f6888caca2723d16a98438/Influence-of-Race-and-Ethnicity-on-Charge-Severity-in-Chicago-Homicide-Cases-An-Investigation-of-Prosecutorial-Discretion.pdf))

65 Leslie, Emily and Nolan G. Pope. 2017. "The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from New York City Arraignments." *Journal of Law and Economics*, vol. 60. "Plea bargaining, then, often happens in the shadow not of trial but of bail decisions"; "Rather than basing sentences on the need for deterrence, retribution, incapacitation, or rehabilitation, plea bargaining effectively bases sentences in part on wealth, sex, age, education, intelligence, and confidence." ([https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1923&context=faculty\\_scholarship](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1923&context=faculty_scholarship))

66 <https://www.bronxdefenders.org/new-york-law-journal-we-need-speedy-trial-reform-in-citys-criminal-courts/>

67 Lester, Brandon. 2005. "System Failure: The Case for Supplanting Negotiation with Mediation in Plea Bargaining." *Ohio State Journal on Dispute Resolution*, Vol. 20

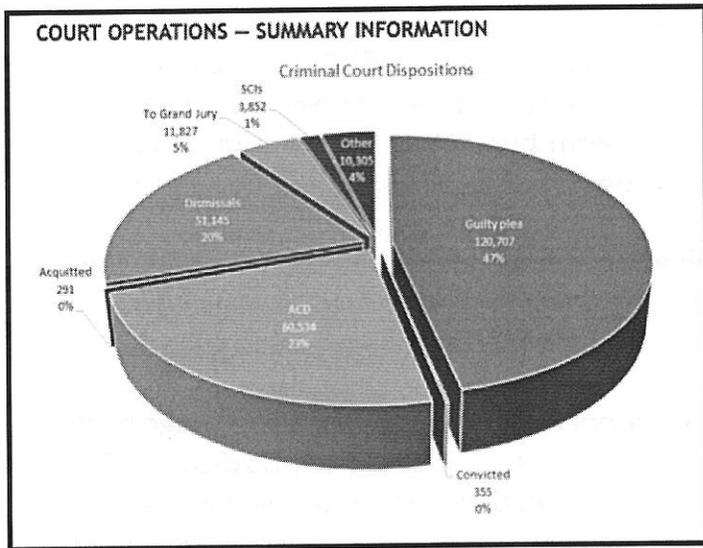
68 "The plea bargaining system in New York City may be fraught with promises of leniency, time pressures, and insufficient attorney advisement -- factors that may undermine the voluntariness of plea deal decisions." In a recent study, 27% of youth and 19% of adults who pleaded guilty to felonies in NYC maintained their innocence even after pleading. <https://psycnet.apa.org/buy/2016-37105-001>

69 Devers, Lindsey. 2011. "Plea and Charge Bargaining: Research Summary." Bureau of Justice Assistance, U.S. Department of Justice. [https://ir.vanderbilt.edu/xmlui/bitstream/handle/1803/6471/When\\_Process\\_Affects\\_Punishment.pdf?sequence=1&isAllowed=y](https://ir.vanderbilt.edu/xmlui/bitstream/handle/1803/6471/When_Process_Affects_Punishment.pdf?sequence=1&isAllowed=y)

70 Dismissed cases should never make it to arraignments in the first place, which is why we can't address the court system without addressing policing.

71 2017 Annual Report of the Criminal Court of the City of New York

72 Regardless of legal innocence. A study conducted in 1989 showed that at least 10% of people who plead guilty to federal felony charges were innocent, i.e., plead falsely. (<http://www.floridayoujudge.com/wp-content/uploads/2016/07/Why-innocent-People-Plead-Guilty-J-Rakoff.pdf>).



**NYC's criminal court system is set up to manufacture pleas.** Prosecutors bring charges (and garner convictions) on cases with weak or nonexistent evidence<sup>73</sup> because the pressures on defendants to plead (most importantly, the offer of a reduced sentence compared with going to trial, or the option to be released from pretrial detention on a time-served plea)<sup>74</sup> are difficult to withstand and prosecutors know that they rarely will take a case to trial and prove guilt. Thus, prosecutors have increasingly broad<sup>75</sup> and unchecked power<sup>76</sup> in the punishment system<sup>77</sup> and must be forcefully challenged as part of a journey to abolish them.

The speedy trial and discovery reform legislation recently passed in Albany should reduce prosecutors' coercive power by reducing time-to-trial and giving defense attorneys access to the evidence they need to adequately fight for people<sup>78</sup>. In addition, local changes to how criminal courts operate and are funded must be implemented to reduce prosecutors' unfair advantages. Mobilizing mass protest on the legal system can facilitate the following adjustments that otherwise would never be made or even be enforced.

**First, judges should have the courage to refuse the prosecutorial obsession with conviction efficiency and reject plea deals proffered on insufficient evidence. Simultaneously, City Council should adequately fund public defenders and reduce the D.A. budget to increase funding for indigent defense.** The 2019 budget for citywide District Attorneys is \$375.6 million, whereas the budget for indigent defense is only \$270 million. At the very least \$50 million should be diverted from prosecutors to defenders to create parity. This will decrease the power and resource imbalance between prosecutors and defenders that contributes to people taking plea deals on shoddy evidence, and force prosecutors to better allocate their resources and dismiss or decline to prosecute cases with insufficient evidence<sup>79</sup>. Finally, City Council should direct District Attorneys to make publicly available their internal policies and data regarding decline to prosecute, dismissals, and plea bargains, so that the public can hold District Attorneys accountable to their campaign promises and monitor case dispositions for race, gender, and borough inequalities.

73 "Using leverage gained through overcharging and from determinate sentencing laws, prosecutors can extract guilty pleas in weak cases." ([https://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1743&context=faculty\\_scholarship](https://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1743&context=faculty_scholarship)).

Recent legal analysis have suggested that over-criminalization and plea bargaining are fundamentally intertwined processes that tip the scales in favor of prosecutors and against defendants. (<https://heinonline.org/HOL/LandingPage?handle=hein.journals/jecoploy7&div=37&id=&page=&t=1557083720>). Also see: Bibas, Plea Bargaining Outside the Shadow of Trial, 117 Harv. L. Rev. 2463 (2004).

Finally, Covey argues that plea bargains erode evidentiary standards particularly for people who have prior criminal convictions. Given the disproportionate impact of the criminalizing system on people of color (who are thus more likely to have records), the use of plea deals compounds racial inequalities by eroding standards in subsequent trials of already over-policed and over-convicted communities. See: Covey, Russell. 2011. "Longitudinal Guilt: Repeat Offenders, Plea Bargaining, and the Variable Standard of Proof." Florida Law Review, Vol 63

74 [https://ir.vanderbilt.edu/xmlui/bitstream/handle/1803/6471/When\\_Process\\_Affects\\_Punishment.pdf?sequence=1&isAllowed=y](https://ir.vanderbilt.edu/xmlui/bitstream/handle/1803/6471/When_Process_Affects_Punishment.pdf?sequence=1&isAllowed=y)

75 The prosecutor has "more control over life, liberty, and reputation than any other person in America" (Supreme Court Justice Robert Jackson, cited in Ma, Yue. 2002. "Prosecutorial Discretion and Plea Bargaining in the United States, France, Germany, and Italy: A Comparative Perspective." International Criminal Justice Review). The United States is unique in how broad and overwhelming prosecutors' power in the charging and bargaining processes is, especially compared to continental Europe.

76 <https://journals.sagepub.com/doi/abs/10.1177/105756770201200102>

77 [https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2113&context=fac\\_pubs](https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2113&context=fac_pubs)

78 <https://heinonline.org/HOL/LandingPage?handle=hein.journals/waslee73&div=9&id=&page=&t=1557079619>

<https://www.themarshallproject.org/2018/01/03/how-new-york-could-change-the-game-for-its-criminal-defendants>

79 <https://www.law.com/newyorklawjournal/2019/04/10/defenders-urge-more-funding-in-nyc-budget-for-pay-parity-with-citys-lawyers/>

# JUDICIAL DISCRETION IN MISDEMEANOR SENTENCING

There is currently no mandated sentence for most misdemeanors or violations; upon conviction judges may choose from the sentencing options laid forth in Penal Law 60.01 (Authorized Dispositions). Instead of sentencing people convicted of misdemeanor offences to jail time, judges can sentence people to conditional discharge (Article 65), unconditional discharge (65.20), probation, or a fine (Article 80). In 2018, on any given day there were around 800 people in city jails serving misdemeanor sentences. In the service of fairness, justice, pragmatics, and efficiency, NYC judges should exercise their judicial discretion and sentence people convicted of misdemeanors to unconditional discharges. As judges move towards less punitive sentencing for misdemeanors, we would expect DAs to move to dismiss more misdemeanor charges, exerting pressure on the NYPD to reduce misdemeanor arrests.

# JAIL FREE NYC

**"THE ONLY CHANCE NNJ HAS OF IMPLEMENTING YOUR PLAN IS BY BUILDING MASSIVE COMMUNITY SUPPORT..." - SEAN, INCARCERATED NNJ MEMBER**

Closing Rikers with no new jails is our immediate goal, but our vision is beyond this campaign. The punishment system is much broader than jails. What we see and what we are committed to is a vision of a city and society without surveillance, prisons, police or jails. After closing Rikers with no jails either as NNJ or as other formations we will fight to shut down the Barge, the Tombs, Brooklyn House of Detention, and all the confinement facilities managed by the Office of Mental Health. But beyond what we are against we are committed to making safety the responsibility of well resourced communities organized for justice.



# WE KEEP US SAFE

**"TO CONSIDER THE ABOLISHMENT OF PRISONS WE MUST FIRST ABOLISH THE PRISON OF THE MIND THAT HAS TRAPPED US IN IGNORANCE." - HAKIM, INCARCERATED NNJ MEMBER**

## BACKGROUND

We believe that safety is the responsibility of well-resourced communities organized to address violence. After we have released everyone held pretrial of the people in city jails, we will be able to shut down Rikers without any more jails. Simultaneously to this effort we will work with our community to create a network of support that will provide each person who is released with immediate services, opportunity for collective accountability, and healing. What starts as a response to thousands of people being released will become the We Keep Us Safe Network. We are building out community infrastructure to address harm without employing carceral systems like police and cages that only author or increase violence. We recognize this moment as not only an opportunity to turn the tide against mass incarceration but to take the first step into a new era where safety is the responsibility of well resourced organized communities.

*The We Keep Us Safe Network is a cultural millie rock, and dab -dripping in love, defiance, resilience for people most marginalized in this country.*

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## ABOLITIONIST PRINCIPLES

- 1. This is an abolitionist project, but you do not have to be an abolitionist to participate.**
- 2. Organizations such as nonprofits can volunteer their time and capacity, but they will not receive any funds.**
- 3. Only long term working class New Yorkers and/or people directly impacted by incarceration will be paid.**
- 4. This is not service work, this is a campaign to Shut Rikers Down with No New Jails.**
- 5. You must value and respect the agency and leadership of women and LGBTQ+ members.**
- 6. This is a Black led effort rooted in the tradition of abolition.**

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## COMMUNITY JUSTICE AND ACCOUNTABILITY

**"MY VISION IS SAFETY WHERE PEOPLE FEEL FREE, THEY CAN MOVE AROUND THEIR COMMUNITIES WITHOUT HAVING TO FEEL AFRAID OR VULNERABLE." - PAMELA, INCARCERATED NNJ MEMBER**

We recognize that we cannot depend upon the same system - their rhetoric, policies, laws, practices, and reform efforts do not keep us safe. So we are forging alliances with communities across New York city and beyond. **New Yorkers are joining hands to take back our neighborhoods to fight for our community members and loved ones directly impacted by criminalization, incarceration, rapid detention and deportation.** As community members, we must be invested in keeping our people, community safe.

Our abolitionist plan calls upon community members, healers, social workers, crossing guards, whatever your professional, or personal occupation is - share resources, skills for the betterment of our community has been our tradition<sup>80</sup>. Art theatres, faith-based institutions, community centers, stakeholders, schools should also play a major role in community accountability, and addressing harm within their communities.

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80 <https://atlantablackstar.com/2015/03/26/8-black-panther-party-programs-that-were-more-empowering-than-federal-government-programs/>

We all have a skill or offering that could contribute to community wellness and safety. The We Keep us Safe network is a call to action for communities members to actively practice transformative systems to make divestment from incarceration and policing possible. We are actively leading trainings, de-escalation, restorative justice, emotional care, mental health rapid response, alternatives to calling the police training and conversations, and working with partners and other stakeholders already doing this work in directly impacted communities.

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## **CITY WIDE NETWORK OF TRANSFORMATIVE JUSTICE CENTERS**

**“TRUTH BE TOLD, I CANNOT TELL YOU THE LARGE NUMBER OF PEOPLE WHO HAVE CONFIDED IN ME, SINCE BEING INCARCERATED, WHO HAVE BEEN SEXUALLY ASSAULTED PRIOR TO BEING IMPRISONED AND NEVER SOUGHT (OR THOUGHT ABOUT SEEKING) ANY HELP TO WORK THROUGH THAT TRAUMA— THAT WOULD INCLUDE MYSELF...” – E. PARIS, INCARCERATED NNJ MEMBER**

As concerns the city we call for our community to take the \$11 billion for our needs, whatever they may be. One way we can use these resources or whatever we raise is to address harm and create a culture of abolition. Harm for us, is not simply an individual's moral flaw, but reflects a collective breakdown of our social values. So incidents of harm, call on us to not only hold an individual accountable but signal a crisis that we must surround with the necessary support to prevent further disaster. From this perspective we could use whatever money we win or can raise together to build transformative justice centers with zero connection to our punishment system. What starts as a response to thousands of people being bailed out will become the We Keep Us Safe Network.

These centers will then service as centers for community based transformative justice practices that can not and must not use courts, cages or the police or any part of our punishment system. We will recruit and organize community members: violence interrupters, spiritual practitioners, social workers, healers, and therapists who will house, offer and support programming on mental health trainings, de-escalation, violence intervention, gender based violence, gun violence and any other safety oriented trainings and rapid response care. The transformative justice center(s) should be a space that is constantly evolving to address community needs. We will then be able to hold trainings and certifications and also be able to have space for people to create new trainings on addressing harm and put ideas into practice.

When we win \$11 billion, people can decide that some of that money be used for these centers so we can also offer grants for community led programming to address root causes of violence. We know that ultimately it isn't government programs that are often themselves tools of manipulation like our welfare system has often been but the people united in cooperative and creative ways that will transform harm and create safety. Mutual aid is at the heart of this work. We believe that it is this community based programming that does not involve the punishment system which will support the work of freeing 30k people yearly that will usher in a culture of abolition.

***The We Keep Us Safe Network is calling upon community members to be invested in their safety, and to collectively work together not to depend upon a system that continues to uphold a legacy of racism, violence, and punishment.***

## **WE KEEP US SAFE NETWORK PROGRAMMING:**

**“NO RACISM, MISOGYNY, OR HATE! NO NEW JAILS! NO MORE POLICE!” - JENNIFER, INCARCERATED NNJ MEMBER**

We have shown within this document, that this system benefits from mass incarceration. It is a clear form of repression for poor and working class people. It is also a punitive tool that we are indoctrinated to accept as an answer for our own communities and not for real criminals that exploit us daily that are on Wall St., in the White House; the police that occupy our communities. We are told to call the police when we are in danger- to depend on the punishment justice system to deal with the violence within our communities- even though this system is at the root of the violence that our communities learn in the first place. But if police and prisons facilitate and create the violence against our communities and actually don't increase our safety in anyway, the real question is: How do we make the strategies to respond to the violence in our communities- which includes domestic violence, sexual violence, and child abuse- so we don't depend on police or prisons?

Community accountability would be one way. Community accountability is a collective community-liberation based strategy, where instead of calling the police to address violence within our communities- we focus on a process where a community – meaning a group of friends, a family, a church, a workplace, healers, an apartment complex, a whole neighborhood will work together to provide support with the proper resources to resolve any incident of violence. We have witnessed these strategies with leftist organizations such as The Black Panther Party for Self Defense, The Young Lords Party or the Combahee River Collective.

This on- going work would require :

- The creation and community education of not only values but practices that combat abuse and oppression to encourage safety, support, and accountability.
- Political education and skills-sharing around values and practices of transformative justice.
- Community members who can provide safety and support to people surviving violence in a way that uplifts self-determination.
- Sustainable strategies to address our own community members that cause harm, where a process is created for them to account for their actions and transform behavior.

***We Keep Us Safe Programming is part of a long-term tactic to change the material conditions and political ideologies that reinforce violence and oppression, including state violence as embodied by police and incarceration.***

## ADDRESSING GENDER BASED VIOLENCE

Addressing gender based violence and harm is at the core of making public safety the responsibility of organized communities. Now many people who are surviving domestic violence do not call the police because: they know they will not be believed<sup>81</sup>; they will themselves be harmed by the police<sup>82</sup>; they do not want their partner incarcerated<sup>83</sup>; or are afraid of being incarcerated themselves for defending themselves against violence<sup>84</sup>. For example, mandatory arrest policies often result in the survivor being arrested, not the person causing violence, and they disproportionately affect Black and Latinx women who call the police to report being harmed<sup>85</sup>. More than half the women currently serving terms in NY prisons for violence are incarcerated for defending themselves or their children against their abusers. Clearly, policing and incarceration don't prevent domestic violence.

## CASE STUDIES: SISTA II SISTA, SUPPORT NEW YORK, GENERATIONFIVE, AUDRE LORDE PROJECT IN NYC, TRANSFORM HARM

These case studies provide a vision of how we could draw lessons from these past efforts and many other similar collectives to train and collaborate across neighborhoods and begin building out a cultural of abolition that addresses harm using \$11 billion in jail construction funds.

**SISTA II SISTA CREATED SISTA'S LIBERATED GROUND** is a space where violence against sistas is not tolerated, and where women turn to each other instead of the police to address the violence in their lives. SLG includes extensive out-reach with flyers, posters, T-shirts, stickers, and murals to mark the territory. There is also an action line, a phone number that women can call to get involved in SLG. The squad members are also developing a series of workshops for young women from the community on sexism, conflict resolution, collective self-defense, and other topics to raise consciousness and build relationships with other women in the neighborhood.

**Source:** [https://collectiveliberation.org/wp-content/uploads/2013/01/Sista\\_II\\_Sista\\_Sistas\\_Makin\\_Moves.pdf](https://collectiveliberation.org/wp-content/uploads/2013/01/Sista_II_Sista_Sistas_Makin_Moves.pdf)

**SUPPORT NEW YORK:** People directly impacted by violence have the power to transform harm into power. Support New York is “a survivor support collective that grew out of punk and anarchist communities in NYC in the mid-2000s.” In its own words, Support New York’s aim was “to empower survivors, to hold accountable those who have perpetuated harm, and to maintain a community dialogue about consent, mutual aid, transformative justice and our society’s narrow views of abuse.” At its peak, it comprised only 12 volunteer members, but it was still able to run more than a dozen intensive processes lasting six months to a year each.”<sup>86</sup>

**Source:** <https://supportny.org/>

81 <https://oocrsm.umd.edu/files/Why-Is-Sexual-Assault-Under-Reported.pdf>

82 [http://vawnet.org/sites/default/files/materials/files/2016-08/AR\\_IncarcerationUpdate%20%281%29.pdf](http://vawnet.org/sites/default/files/materials/files/2016-08/AR_IncarcerationUpdate%20%281%29.pdf)

83 [https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1075&context=cl\\_pubs](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1075&context=cl_pubs)

84 <https://survivedandpunished.org/quick-statistics/>

85 <http://www.freemariassanow.org/fact-sheet-on-domestic-violence--criminalization.html>

86 <https://transformharm.org/the-nyc-punks-who-built-a-support-network-for-sexual-assault-survivors-when-the-justice-system-failed-them/>

**GENERATIONFIVE** spent the last decade developing transformative justice practices with allies across movements and across the country. GenerationFIVE considers transformative justice an approach to respond to and prevent child sexual abuse and other forms of violence. GenerationFIVE puts transformation and liberation at the heart of the change. Child Sexual Abuse for GenerationFIVE is not just an individual issue but, "...an expression of power dynamics that are woven throughout the fabric of our society." Transformative Justice is the tool to address this harm, based on the principles of liberation, shifting power, safety, accountability, collective action, cultural responsiveness, sustainability, and resilience. It is an approach that looks at the individual and community experiences as well as the social conditions, and looks to integrate both personal and social transformation.

*Source: <http://www.generationfive.org/wp-content/uploads/2018/08/g5-Transformative-Justice-Handbook.pdf>*

## **AUDRE LORDE PROJECT'S SAFE OUTSIDE THE SYSTEM (SOS) COLLECTIVE**

is an anti-violence program led by and for Lesbian, Gay, Bisexual, Two Spirit, Trans, and Gender Non-Conforming people of color. SOS is devoted to challenging hate and police violence by using community based strategies rather than relying on the police. SOS members create rapid responses to violence and teach community security, de-escalation, conflict mediation, and safe space creation to individuals, households, shelters, classrooms and businesses, in an attempt to keep police away from marginalized communities. This is on-going work through the Safe Neighborhood Campaign<sup>87</sup>.

**TRANSFORMHARM** is a resource hub to end violence. TransformHarm focuses on community accountability, abolition, healing justice, carceral feminisms, restorative justice, and transformative justice. We envision that a broad network of community accountability would use this tool to train, empower and develop leaders who can create parallel and new transformative justice practices. For We Keep Us Safe to be sustainable, we will need to retrain how we collectively understand safety.

*Source: <https://transformharm.org/>*

**CREATIVE INTERVENTIONS (CI):** To fully live out and implement transformative justice we will need information and archives of what has worked in the past and share knowledge. The Creative Interventions work in Oakland provides that opportunity that, "started in 2012 in Oakland as a national resource center to create and promote community-based interventions to interpersonal violence. CI and our partners developed a toolkit to promote a community-based approach to ending interpersonal violence."

*Source: <http://www.creative-interventions.org/tools/toolkit/>*

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## **#WEKEEPUSSAFE**

The punishment system will not save us. Its responses in fact prevent our ability to build safe communities. One immediate step we can take is to pour support around people who have been harmed to address their needs for housing, mental health, employment, and healing. This immediate support can be funded by divesting from policing and jailing, and pouring money into safe, affirming, and culturally-responsive community-led programs to interrupt and end intimate violence.

When we say we keep us safe, we are calling on New Yorkers to put consistent daily effort behind transformative justice to create unique neighborhoods specific efforts to address gender based violence. These resources must not involve police, courts, or any other sector of the punishment system. This will allow us to create our own methods of public safety and empower our collective commitment to justice.

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87 <https://drive.google.com/file/d/0BxlqoamGVS6IMV9oSy0zNGIYNEE/view>

# \$11 BILLION FOR THE PEOPLE

## HOUSING FOR ALL: FUND NYCHA, HOUSE THE HOMELESS, AND IMPROVE SHELTER CONDITIONS

**“WHAT THEY NEED TO DO IS PUT ALL THAT CASH TO GREATER USE LIKE FOR BETTER PROGRAMS AND MORE NICER AND AFFORDABLE HOUSING FOR US LGBTS AND HOMELESS, LOW CLASS PEOPLE THAT IS COMING OUT OF JAILS AND PRISONS, CUZ TO KEEP IT A BILLION WITH YOU, ALL US LGBT AND OTHERS WHEN WE COME OUT OF PRISON AND JAIL WE HAVE TO GO BACK TO THE SAME SHIT. WE HAVE NO CHOICE CUZ THEY DON'T GIVE US A CHOICE. THE ONLY CHOICE WE HAVE IS THE STREETS AND THE JOB WE KNOW BEST.” -- OSHA ONEEKA DAYA DA GODDESS OF LOVE, INCARCERATED NJJ MEMBER**

### BACKGROUND

Our punishment system destroys our families, while taking money away from the things that make us whole. Because of its roots, jails always harm and can only create security for some, never safety for all<sup>88</sup>. As jails increase violence they defund our basic needs like housing, food, healthcare etc. We take some time here to outline some steps, informed by past abolitionist movements, to divest from our incarceration system and put money to our needs while also creating space and a greater chance for our own self-determination.

### KEEP PUBLIC HOUSING PUBLIC & HOUSING FOR ALL

We must make housing as a human right a guiding political principle. Because we recognize that interrupting violence and community harm often requires finding safe and dignified housing for all parties to a conflict, our vision of community safety includes accessible and stable housing and programming both for those who have been harmed and for people who have caused harm. There is a crisis of capitalism that either keeps available housing from people who need it or privatizes and dismantles public housing in NYC. This crisis makes it difficult for families who are surviving conflict or violence to find safe places to live.

For decades public housing has been under attack. This attack has come from federal and local government and can be readily seen in the conditions the New York City Housing Authority (NYCHA) residents are placed in. Fully funding and repairing NYCHA and creating more public housing units is a key component of our community safety plan. We can make a step in that direction by fixing NYCHA repairs and stopping Mayor De Blasio from selling of 62,500 units to private management.

The Mayor is using the estimated cost of \$13 billion in NYCHA repairs as an excuse to partner with President Trump to sell off public housing to private management through the Rental Assistance Demonstration (RAD) program<sup>89</sup>. RAD is privatizing the management of public housing, pushing for rapid and high-volume evictions, and preventing residents from organizing themselves. Generally, gentrification, housing instability, and the lack of affordable housing increases neighborhood and family stress, contributing to conflict and violence, including domestic violence in working-class communities<sup>90</sup>. Given

88 <https://abolitioniststudy.wordpress.com/2019/07/19/security-does-not-mean-safety-1/>

89 <https://smhttp-ssl-58547.nexcesscdn.net/nycss/images/uploads/pubs/RADHandbook1.pdf>

90 <https://onlinelibrary.wiley.com/doi/abs/10.1023/B:AJCP.0000004750.66957.bf>

that safe, stable, and secure housing decreases violence, we demand that the city fund NYCHA, not jails. Beyond fully funding and repairing NYCHA, we demand comprehensive transitional housing services for people returning home from incarceration, and permanent housing for everyone who is homeless in NYC.

We have 250,000 vacant apartments in our city<sup>91</sup>, more than enough to provide 60,000 homeless people and everyone returning home from jail and prison a safe place to live. Access to housing and social services should not be routed through policing and jailing: access to housing should be provided as a basic human right for all New Yorkers.

## END HOMELESSNESS AND IMPROVE CONDITIONS IN CITY SHELTERS

**“SINCE COMING HOME, I HAVE LIVED IN MULTIPLE WOMEN’S SHELTERS IN NYC AND WILL SAY THIS: IT’S NO DIFFERENT THAN BEING IN JAIL. SECURITY ARE AS CORRUPTED AS C.O.S, WOMEN ARE TREATED LESS THAN HUMAN, AND THE LIVING CONDITIONS ARE EQUAL TO THE PISS STAINS IN OUR SUBWAY STATIONS” – SYNTHIA, NNJ MEMBER RECENTLY RELEASED FROM 30 YEARS OF INCARCERATION**

As we work towards housing everyone, we must immediately improve conditions in city shelters, especially conditions for transgender and gender nonconforming people and people with children. According to Coalition for the Homeless, NYC shelters are in serious disrepair, with issues ranging from ceiling and pipe leaks, lack of heating and cooling, broken elevators, lack of accommodations for people with disabilities, to unsanitary bathrooms and lack of safety and dignity. As the Coalition for the Homeless testified:

**“We routinely witness and hear well-founded concerns about the lack of dignity many people in shelters feel as a result of the environments they are living in. We know that shelters are not homes, but some of the daily conditions and practices serve to make the experience of homelessness even more traumatic and dehumanizing for individuals and families. Some examples of such practices include: requiring individuals to request toilet paper every time they need to use the restroom, being provided with low-quality food, not enough food, or being denied second portions of food; and not being provided adequate laundry services.”<sup>92</sup>**

In addition, people currently housed in city shelters often have nowhere to go during the day (because of lockout hours) and are thus forced onto the street where they risk contact with the NYPD. Funding low-threshold “Drop In Centers” where people can relax in a safe and nonjudgmental environment will reduce contact between the NYPD and homeless people, people who use drugs, and people experiencing mental distress. Low-threshold, daytime Drop-In Centers that provide self-directed services for people experiencing homelessness—especially youth, people who use drugs, and people struggling with mental illness—have been shown to reduce homelessness<sup>93</sup> and improve people’s mental and physical wellbeing<sup>94</sup>.

Drop-In Centers work, but NYC, with a homeless population approaching numbers not seen since the Great Depression, currently has just five city-operated drop-in centers for adults. Opening more Drop-In Centers staffed by people who have experienced homelessness and/or who come from oppressed

91 <https://www.nydailynews.com/opinion/247-977-stories-vacant-city-priced-reach-article-1.3892656>

92 <https://www.coalitionforthehomeless.org/coalition-testifies-on-shelter-conditions/>

93 <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1475-6773.2007.00755.x>

94 [https://azhousingcoalition.org/resources/Documents/Bean%20Shafer%20and%20Glennon\\_2013\\_H3.pdf](https://azhousingcoalition.org/resources/Documents/Bean%20Shafer%20and%20Glennon_2013_H3.pdf)

communities will increase our communities' capacities to care for each other and reduce police contact and the cyclical incarceration of our homeless neighbors<sup>95</sup>. Similarly, although Housing First programs have been shown to dramatically improve housing and mental and physical stability for people struggling with chronic homelessness<sup>96</sup> and are more cost-effective than shelters<sup>97</sup>, these programs are woefully underfunded in NYC<sup>98</sup>.

Instead of building new jails, Mayor De Blasio should comply with the Coalition for the Homeless demands to:

- Build at least 212,000 subsidized affordable housing units for homeless households;
- Set aside 6,000 units for homeless households through the preservation of existing housing stock;
- Provide at least 8,000 City-initiated rent subsidies per year to households at risk of eviction, and expand this program over the next five years to 15,000;
- Guarantee that housing placements made with rent subsidies are free from conditions that harm the health and safety of formerly homeless people or require them to comply with unfair and invasive demands; Increase the number of Section 8 vouchers provided to homeless families from 500 per year to at least 2,000;
- Increase the number of NYCHA placements for homeless families to 3,000 per year;
- Complete the construction of 15,000 City-funded supportive housing units by 2025 instead of 2030.<sup>99</sup>

## **TRANSFORM MENTAL HEALTH SUPPORT**

The city must provide broad mental health support for New Yorkers, especially those who are homeless and returning from incarceration. Anywhere from 10-30 percent of the people held in NYC jails have a severe mental health need, and more than half the young people in NYC jails live with mental health needs. Nearly half of men held on Rikers were diagnosed with having a mental health condition and more than 80 percent of women on Rikers suffers from mental health, some type of substance abuse, or severe trauma. Within the last ten years, we have seen an over a 20 percent increase of people with severe mental health concerns detained in city jails. People with mental health needs cannot be treated in jail. We must commit to a strong mental health services network with accessible facilities that provide holistic support address substance abuse without the use of police or surveillance schemes.

Rather than providing low-threshold, self-directed, culturally-responsive, and community-based services for people struggling with mental health, the city ignores, polices, and incarcerates people for having mental health needs. Not only can we use money currently spent on policing and jailing to build an elaborate network of holistic mental health facilities, we can offer free training for family members and broader communities on how to address mental health. Family members and caregivers are usually the people who support their loved ones with mental health challenges. Let's give families and communities the resources, support, and training to care for their loved ones and neighbors.

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95 ]<https://onlinelibrary.wiley.com/doi/abs/10.1002/casp.723>

96 ]<https://www.coalitionforthehomeless.org/wp-content/uploads/2014/06/briefing-supportivehousing-2002.pdf>; <https://www.businessinsider.com/new-york-homeless-crisis-deblasio-solutions-2018-2#but-making-that-kind-of-impact-on-throughput-ie-moving-more-people-from-shelters-to-permanent-housing-is-contingent-on-nonprofits-following-the-landing-road-model-which-is-no-simple-task-10>

97 <https://www.coalitionforthehomeless.org/the-catastrophe-of-homelessness/state-of-the-homeless/>

98 <https://www.coalitionforthehomeless.org/the-catastrophe-of-homelessness/state-of-the-homeless/>

99 <https://www.coalitionforthehomeless.org/the-catastrophe-of-homelessness/state-of-the-homeless/>

## **CASE STUDY: TRAIN MENTAL HEALTH WORKERS, NOT COPS**

In 2015, NYPD officers received new training in how to respond to people experiencing severe emotional distress. This new training was supposed to reduce police violence against people with mental illness. But training the NYPD doesn't work<sup>100</sup>. Since then, the NYPD has murdered at least fourteen people experiencing emotional distress<sup>101</sup>, and harmed countless more. The police are so bad at responding to emotional distress calls that organizations that supported training police in how to respond to emotional disturbances are now calling for eliminating the role of police in responding to mental health crises.<sup>102</sup>

In response to the dangerous failings of police, cities like Eugene, Oregon, have developed crisis response programs like CAHOOTS (Crisis Assistance Helping Out On The Streets) which dispatch unarmed medics and crisis workers to respond to mental health calls, not cops<sup>103</sup>. In the thirty years since CAHOOTS was founded, the program has supported thousands of people to de-escalate, resolve conflict, and meet their emotional, physical, and psychiatric needs without resorting to violence or arrest. No CAHOOTS worker has even been harmed in the course of their job.<sup>104</sup>

## **HARM REDUCTION FOR PEOPLE WHO USE DRUGS**

In order to redress the generations of harm caused to our communities by the War on Drugs and the criminalization, dehumanization, and stigmatization of people who use drugs, NYC must expand and fully-fund comprehensive harm reduction services. Unlike other treatment modalities, harm reduction rejects criminalization, punishment, and social control, in favor of services that center the autonomy and dignity of people who use drugs. We can establish a broad network of safe injection facilities with medical experts on hand and ample access to a variety of social services and treatment options. This is what we know addresses substance abuse and helps us heal. Harm reduction is a "holistic approach to care that focuses

We must divest from the War on Drugs and all punitive models for addressing substance use, including Drug Courts and Court-Mandated Treatment, and instead expand and fully fund existing low-threshold harm reduction services for people who use drugs, including: expanding funding for and access to syringe exchange, overdose prevention and Narcan, fentanyl testing, peer mentoring/counseling in risk reduction, non-stigmatizing, trauma-informed treatment (including outpatient and residential), and medication assisted treatment (methadone and suboxone). Money to fund more community based treatment and rehabilitation services would cut down health risks, lower violence, and decrease the number of people cycling through our jail system.<sup>105</sup>

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100 Vitale, A. (2018). "We Called for Help, and They Killed My Son." *The End of Policing*. New York: Verso Press, pp. 76-89.

101 Including Susan Muller, Saheed Vassell, Miguel Richards, Dwayne Jeune, James Owens, Erickson Brito, Manuel Rosales, Deborah Danner, Garry Conrad, David Felix, Jonathan Efraim. <http://nymag.com/intelligencer/2019/03/special-report-nypds-mental-illness-response-breakdown.html>

102 [https://www.communityaccess.org/storage/images/Miscellaneous/Re-Thinking\\_the\\_Police\\_Response\\_to\\_Psychiatric\\_Crises.pdf](https://www.communityaccess.org/storage/images/Miscellaneous/Re-Thinking_the_Police_Response_to_Psychiatric_Crises.pdf)  
<https://progressive.org/dispatches/mental-health-policing-chen-190607/>

103 <https://whitebirdclinic.org/cahoots/>

104 <https://www.portlandmercury.com/blogtown/2019/01/28/25620179/mayor-wheeler-considers-eugenes-model-of-mental-health-first-response>

105 <http://www.drugpolicy.org/blog/police-are-fueling-increased-overdoses-transmission-hiv-and-viral-hepatitis>

## **CASE STUDY: TRANSFORMING SUBSTANCE USE TREATMENT AT INSITE**

From the work of the Black Panthers to now we know that supporting people with substance use needs requires community care not punishment. But after our movements were defeated this communal approach was driven underground as the punishment system became the response to our needs.

In 2003, INSITE, North America's first supervised injection facility, was opened in Vancouver, Canada. Since its establishment, INSITE has prevented saved lives through preventing HIV and Hep C transmission<sup>106</sup> and overdose deaths<sup>107</sup> and facilitated access to social and medical services and treatment for people who use drugs<sup>108</sup>. Moreover, because INSITE provides people who use drugs a safe, calm, and legal place to use drugs, it has reduced public drug use in the surrounding neighborhood, and thus likely reduced contact between people who use drugs and the police<sup>109</sup>. Opening neighborhood supervised injection facilities in NYC is an urgent public health response not only to the overdose crisis, but to the generations of harm caused by criminalizing people who use drugs.

## **INCREASE BENEFITS, REDUCE EXTREME POVERTY**

In 2017, there were 1.7 million New Yorkers<sup>110</sup> receiving an average of \$1120 per month<sup>111</sup> in SNAP benefits to supplement food purchases. For \$238 million, or just 2 percent of the proposed jail construction budget, New York City could create a matching fund to double SNAP payments for the 1.7 million New Yorkers living at below 125 percent of the federal poverty line, increasing average SNAP benefits to \$280 per month. Additionally, there are approximately 350,000 New Yorkers receiving cash assistance through TANF and the state Safety Net Assistance Program, which provide up to 60 months of support for families and individuals struggling with poverty<sup>112</sup>. For \$70 million, or just a fraction of a decimal point (0.6 percent) of the \$11 billion jails construction budget, New York City could provide an additional \$200 per month to every single person receiving cash assistance. Divest money from criminalizing poverty to alleviating poverty by increasing income supports.

## **MAKE PUBLIC TRANSPORTATION PUBLIC**

Decriminalizing fare evasion can pay the annual fares of all New Yorkers who cannot afford the MTA. Really public transportation will eliminate fare evasion arrests, tickets and fines and also help New Yorkers find employment, stay connected to family and, therefore, lower incarceration rates. It is cheaper to give someone a year round MetroCard than to arrest them for fare evasion.

Fare evasion and other broken windows policing arrests target Black people. Fare evasion for example has been one of the top arrest categories in NYC with nearly 30,000 people arrested at one point. Seven out of 10 of these arrests are Black people. This is a charge that can evict people from public housing and is a deportable offense.

106 [http://www.cmaj.ca/content/179/11/1143?utm\\_source=TrendMD&utm\\_medium=opo&utm\\_campaign=CMAJ\\_TrendMD\\_1](http://www.cmaj.ca/content/179/11/1143?utm_source=TrendMD&utm_medium=opo&utm_campaign=CMAJ_TrendMD_1)

107 <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0003351>

108 <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1465-3362.2009.00025.x>

109 <http://www.cmaj.ca/content/171/7/731.short>

110 <https://www1.nyc.gov/assets/hra/downloads/pdf/facts/snap/SNAPParticipationNYC.pdf>

111 <https://www.kff.org/other/state-indicator/avg-monthly-snap-benefits/?currentTimeframe=0&selectedRows=%7B%22states%22:%7B%22new-york%22:%7B%7D%7D%7D&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

112 [https://www.osc.state.ny.us/finance/finreports/fcr/2016/public\\_welfare.htm](https://www.osc.state.ny.us/finance/finreports/fcr/2016/public_welfare.htm)

## **EDUCATION FOR JUSTICE**

NYC schools often have more cops than counselors. Currently there are 5,000 cops in schools. After removing all police officers from schools, our budgets should be rerouted towards hiring thousands of teachers. Particular focus should be paid towards increasing the ranks of Black teachers along with emphasizing supporting struggling public schools. This will help lower classroom sizes and strengthen teacher unions. Along with teachers we can use a fraction of the budget saved from closing Rikers to hire mental health professionals and counselors that can help establish transformative justice practices and culture at all Department of Education (DOE) schools.

## **FUND CUNY, NOT JAILS**

Existing support programs for working class people of color to attend CUNY two and four-year colleges are insufficient and riddled with loopholes. For example, the Excelsior Scholarship is a statewide “tuition-free” college program for students who come from families with a total income of less than \$110,000<sup>113</sup>. However, because the Excelsior Scholarship requires that students attend college full-time to be eligible for the program, it de facto excludes our city’s poorest students, who must work full time to support themselves and their families while attending college part-time. Also, if scholarship recipients drop to part-time status due to financial, family or other emergencies, then become ineligible moving forward. The program thus punishes students for being poor, the exact condition that makes them eligible for the program in the first place. Expanding the Excelsior Scholarship to part-time students and removing penalties for withdrawals from college would expand access to CUNY colleges for New York’s working class communities of color.

We are also calling for the city to establish an additional scholarship fund for members of marginalized communities to enroll in post-college professional education (e.g., social work, medical school, law school, nursing school, teacher’s college) with preference going to people who have experienced incarceration. For example, annual tuition at the CUNY School of Law is \$15,000 (\$60,000 for a four-year degree) and CUNY School of Social work is \$15,000 (\$30,000 for a two-year degree). For \$960 million, or less than 10 percent of the proposed jails construction budget, NYC could send 8,000 working-class New Yorkers to law school and 16,000 working-class New Yorkers to social work school, absolutely tuition-free. These are the kinds of demands that follow years of student organizing on CUNY campuses led by campaigns such as CUNY Struggle and \$7K or Strike.

## **POST-SECONDARY TRAININGS FOR WORKING FAMILIES**

In addition to professional degrees, NYC should create a fund to support members of oppressed communities to receive training in mediation, conflict resolution, and mental health first aid. For example, mediation training at the New York Peace Institute costs \$1,625 per course. NYC could provide scholarships for mediation training to the 120,000 people who were cycled through city jails in 2017 for \$65 million, or 0.6 percent of the jails construction budget. Costs for mental health first aid training and violence interruption training are similar, and have had profound effects in reducing neighborhood conflict and violence.<sup>114</sup>

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113 <https://www2.cuny.edu/financial-aid/scholarships/excelsior-scholarship-faqs/>

114 <http://cureviolence.org/results/scientific-evaluations/>

# CHALLENGING INCARCERATION, CREATING PUBLIC SAFETY

**"MY FAVORITE PART OF THE PLAN IS THAT IT DEALS WITH STATISTICS AND THAT IT SIMPLY GETS TO THE POINT THAT WE NEED TO ABOLISH THE JAIL AT A WHOLE. I BELIEVE IN A STEP BY STEP FORMAT THAT WE CAN START WITH ONE JAIL AND THEN WORK OUR WAY TO THE ENTIRE PRISON INDUSTRIAL COMPLEX.-**

**HAKIM, INCARCERATED NNJ MEMBER**

Our punishment system comes from slavery. Because of their roots, jails always harm and can only create security, never safety<sup>115</sup>. As jails increase violence they dismantle our social safety net. We take some time here to outline some steps, informed by past abolitionist movements, to divest from our incarceration system and expand the social safety net while also provide space and a greater chance at their own self determination.

## **END BROKEN WINDOWS POLICING:**

Low-level offenses like fare evasion and marijuana make up the bulk of yearly arrests in NYC. Misdemeanor arrests have nothing to do with creating safety<sup>116</sup>. After looking at 6 years of summons and arrest data, the Office of the inspector General admitted that there is "no empirical evidence demonstrating a clear and direct link between an increase in summons and misdemeanor arrest activity and a related drop in felony crime."<sup>117</sup> While we know that misdemeanor arrests do nothing to create safety, they are a massive social cost.

Families are separated and forced to take on the burden of increased violence as a consequence of arrests and the traumas of incarceration. Misdemeanor arrests cost the city \$410 Million<sup>118</sup>. Eliminating arrests and prosecution of Broken Windows offenses will not only directly lower the amount of people held in jail, but will protect people from being exposed to regular interaction with law enforcement. Ending the prosecution and arrest of fare evasion, sex work, marijuana, loitering and all nonviolent misdemeanors will move money out of criminalizing systems.

Currently, about 30 percent of people NYC jails pretrial are charged with misdemeanors. In real numbers, in 2018 the city held over 9,000 people in its jails on misdemeanor charges--that's 20 percent of the approximately 123,000 people NYC jailed in 2018. While people with these low-level charges typically do not remain in city jails for long periods (and make up about 5 percent of people held pretrial on any one day), a single day in jail exposes people to violence and risks, including the loss of employment, housing, and children, and can cause lasting trauma and physical and mental health struggles.

In terms of financial costs to the city, a single marijuana arrest costs the city \$2,000, or up to \$75 million per year. Between 1997 and 2010, marijuana arrests cost a billion dollars. Drug use and distribution, be it marijuana, heroin or fentanyl is a public health issue that courts and police only make worse. Incarcerating our people creates a market for violence, further establishing our policy decisions in fear. We can no longer allow fear to lead us to destroy the lives of our community.

## **TARGET: MAYOR OF NEW YORK CITY AND CITY COUNCIL**

<sup>115</sup> <https://abolitioniststudy.wordpress.com/2019/07/19/security-does-not-mean-safety-1/>

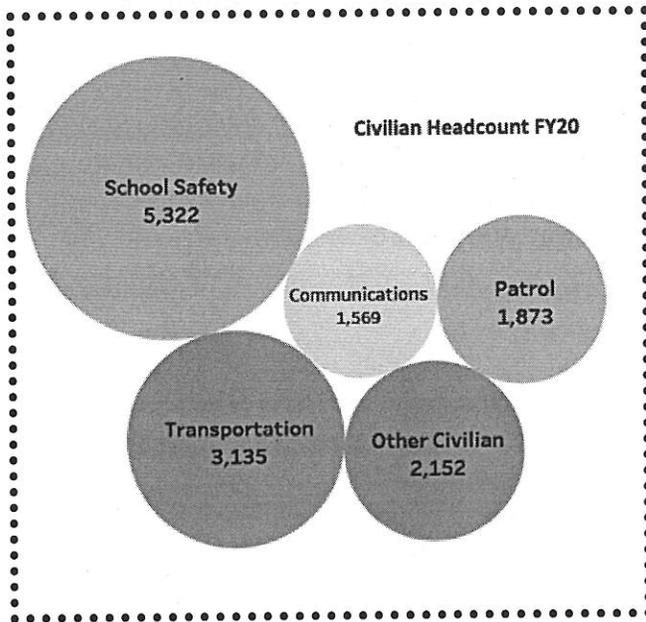
<sup>116</sup> David F. Greenberg, "Studying New York City's Crime Decline: Methodological Issues," Justice Quarterly, vol. 31 (2014), p. 154, doi: 10.1080/07418825.2012.752026

<sup>117</sup> <https://www1.nyc.gov/assets/oignypd/downloads/pdf/Quality-of-Life-Report-2010-2015.pdf>

<sup>118</sup> [http://www.policereformorganizingproject.org/wp-content/uploads/2012/09/Over410MillionYear\\_docx\\_.pdf](http://www.policereformorganizingproject.org/wp-content/uploads/2012/09/Over410MillionYear_docx_.pdf)

# TRANSFORMATIVE JUSTICE IN SCHOOLS: REMOVE POLICE ADD HEALING

**“DURING MY 29 YEARS OF INCARCERATION, I HAVE REPEATEDLY NOTICED THAT SO MANY PEOPLE ARE HERE BECAUSE THEY NEVER HAD THE OPPORTUNITY FOR A GOOD EDUCATION, OR ANY TRAINING IN JOB SKILLS THAT WOULD HAVE OPENED THE DOOR TO BETTER OPPORTUNITIES... IS TOO MUCH MONEY ALLOCATED FOR PRISONS AND NOT ENOUGH FOR EDUCATION.” - PAMELA, INCARCERATED NNJ NYC MEMBERS**



Remove all cops from schools. Remove all correctional officers from youth facilities as we work to dismantle the facilities themselves. The city spends over \$350 million dollars to police young people in schools. Yet, as we have seen, police are a threat to public safety and less arrests and policing actually improves safety<sup>19</sup>. Police officers and guards do not make schools safe<sup>120</sup>; instead, they target Black and working class children, inaugurating the school-to-prison pipeline<sup>121</sup>.

NYPD officers disrupted 1,351 times during the 2017-2018 school year to remove a student from school, costing us \$227,038<sup>122</sup>. Not only is policing an ineffective and costly public safety mechanism it is also racist. 99 percent of the students arrested were Black or Latinx<sup>123</sup>. These arrests and any similar contact with law enforcement make immigrant students and their families vulnerable to deportation and detention.

## REMOVE POLICE FROM SCHOOL, NOT STUDENTS

If we remove school officers from schools we can create safe and strong learning environments while establishing transformative justice practices by hiring community members along with thousands of social workers and counselors instead. Community members partnered with health professionals will bring employment to struggling communities and provide the collective effort foundational to healthy learning environments.

### POLICY PROPOSAL:

Hire community members not police or non-profit staff. Focus personnel on creating safe learning environments and implementing transformative justice practices in NYC's 1212 "struggling schools."

### TARGET: MAYOR OF NEW YORK & CITY COUNCIL

119 <https://www.theatlantic.com/national/archive/2014/12/the-benefits-of-fewer-nypd-arrests/384126/>

120 <https://www.tandfonline.com/doi/full/10.1080/07418825.2011.615754>; <https://www.sciencedirect.com/science/article/abs/pii/S014481881500040X>

<https://journals.sagepub.com/doi/full/10.1177/1053451217702108>

121 <https://books.google.com/books?hl=en&lr=&id=9eAwTsnBEzIC&oi=fnd&pg=PP7&dq=school+to+prison+pipeline&ots=6ZbuzTN-6q0&sig=Ozbl4zzebHH9GPCIPHLBXqe91k#v=onepage&q=school%20to%20prison%20pipeline&f=false>

122 <https://www1.nyc.gov/site/nypd/stats/reports-analysis/school-safety.page>

123 <https://www.nydailynews.com/new-york/education/99-students-cuffed-nyc-schools-black-hispanic-report-article-1.3148072>

## **ALTERNATIVES TO INCARCERATION & 'GENDER RESPONSIVE' REFORMS**

On Friday, June 7 2019, Layleen Cubilette Polanco, an Afro-Latina trans woman, was found dead in her cell at the Rose M. Singer Center on Rikers Island. Layleen was 27 and a member of the House of Xtravaganza, a support network within the ballroom community.

Before her death Polanco was targeted by an NYPD sting operation and arrested for misdemeanor prostitution (PL 230.00) and the lowest-level drug possession offense (PL 220.03, possession in the 7th degree). She was issued a Desk Appearance Ticket (DAT) and ushered through a “diversion” court for sex work (“Human Trafficking Intervention Court”).

When Layleen missed some “supportive” services appointments a warrant was issued for her arrest. When Layleen was re-arrested, the judge likely used the fact of her open warrant and missed court appearances to set bail. Even though Layleen was ordered released on the assault charges, Layleen was held on the \$500 bail newly-set on the 2017 cases in the Transgender Housing Unit in the Rose M. Singer Center on Rikers for two months. Then in June 2019, Layleen was taken to a “restrictive housing unit,” otherwise known as solitary confinement, after allegedly participating in a fight. She was placed in the RHU even though DOC officials knew that she had a seizure disorder and solitary is known to exacerbate physical and mental distress. On June 7, Layleen was found dead in a cell.

When Layleen died, we said enough. We identified that it was reforms and alternatives to incarceration that killed Layleen. Not only were we further committed to closing Rikers with no new jails we knew we committed to standing against further expansions of incarceration through reform. We are passionately opposed to the i assumption Black trans women need paternalistic state intervention. If people are doing sex work it is not a sign that they now need therapy.

There are a number of alternatives to incarceration that are being promoted. Many reforms were offered to distract community members in the fight to end policing after the Ferguson uprising including body cameras, diversity and bias training. Similarly incarceration has a number of highly touted alternatives that will only expand the reach of the punishment system. These include but are not limited to alternatives courts like Red Hook which we completely reject, ankle monitors, and court mandated diversion programs.

It is very possible that we can release people from prison place ankle monitors on them and then have a millions more people under supervision with ankle monitors placing famlies and extended networks of friendships under surveillance. We reject these completely.

### **TARGET: STATE OFFICIALS, MAYOR, CITY COUNCIL**

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## **REMOVE FINANCIAL INCENTIVES FROM CRIMINALIZING SYSTEMS**

Eliminating bail, fines, surcharges and fees in the criminal legal system will help remove incentives to incarcerate and allow people in contact with the courts to focus time and resources on returning to their families, their work and community ties. Bail, fees, fines, and surcharges feed and expand mass incarceration<sup>124</sup>. In 2017, there were over 452,000 different fines, surcharges, restitutions, or various fees charged in New York City criminal cases totaling almost \$100 million. The revenue collected went to city and state general funds, and sustains NYC's systems of confinement and control.

### **TARGET: NEW YORK CITY JUDGES**

<sup>124</sup><https://www.brennancenter.org/publication/charging-inmates-perpetuates-mass-incarceration>

## **END MASS SUPERVISION AND SURVEILLANCE**

Ending the use of mass surveillance on our communities this includes but is not limited to gang databases, ankle monitors, body cameras, and cell towers. In schools alone **the city allocates \$200 million for school surveillance** and policing technologies:

- Video Surveillance, currently in 272 buildings, 1,1126 total DOE schools. The new plan will grow security cameras by more than 900 buildings by fiscal year 20212 as well as replace older systems
- This also includes replacing metal-detection equipment that “has reached the end of its life cycle.”  
**Right now there are around 80 schools with permanent metal detectors**, 6 with random or part-time scanners, and then mobile detection equipment for two unannounced scanning visits at different schools every day.

Along with schools the use of risk assessments, tools of surveillance extend the confinement of not only people who are court involved but there are extended community. The use of ankle monitors prevent rehabilitation, and lower people’s ability to reconnect to loved ones while increasing the likelihood that monitored people will return to some form of incarceration.

There is a very real possibility that our system of policing and incarceration will be replaced by a system of mass supervision. This would be much more difficult to fight and will only broaden the number of people confined using the flexible tool of surveillance. This does not increase our safety and undermines the freedoms of those targeted for supervision and places virtually anyone in their proximity under surveillance.

This is unacceptable and does not keep us safe. We are for release without surveillance, and believe not only fight their cases more effectively at home but violence is lowered significantly when we do not put people under surveillance.

### **TARGET: MAYOR OF NEW YORK, NEW YORK CITY JUDGES**

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## **STOP FALSE AND ILLEGAL ARRESTS**

Currently, 90 percent of police stops do not result in arrest and, of arrests, over 50 percent are false or unsupported and end in dismissals or declinations of prosecution. According to the Statistical Services Unit of the Office of Justice Research and Performance, 50 percent of felony charges are eventually dismissed (30 percent as ACDs and 20 percent dismissed outright), with another 30 percent being eventually pled out as misdemeanors. Clearly, policing and arrests in NYC have very little to do with interrupting violence, or even apprehending those who have actually caused interpersonal harm.

It cost New Yorkers \$230 million to settle false arrest, excessive force, and wrongful convictions cases in 2018. Shrinking the NYPD budget and the eliminating or vastly reducing the use of patrol policing will reduce NYPD contact with our communities, reduce unsupported police stops, and reduce arrests. Better standards for showing probable cause at arraignment combined with internal and legal discipline for false statements, “testilying,” and arrests that end in dismissal are among the ways to address the tremendous burden of hyper-criminalization on New York City’s residents, city resources, public safety, and city jails.

### **TARGET: MAYOR OF NEW YORK AND CITY COUNCIL**

## REDUCING THE NYPD BUDGET

We know that the city cannot decarcerate and end jails without lessening, and ultimately ending, our investment in policing, which does not keep working class New Yorkers of color, immigrants, and LGBT communities safe, but rather subjects us to surveillance, harassment, and state-sanctioned murder. No New Jails supports the Movement to Repeal 50-A<sup>125</sup>, the portion of the State Civil Rights Law which bars the disclosure of police disciplinary records<sup>126</sup>. Even without the repeal of 50-A, the City Council should establish an independent, confidential commission<sup>127</sup> to review the disciplinary and complaint records for every single uniformed officer, and immediately fire all the officers involved in shooting or covering up the shooting of civilians in New York City.

While we do not trust the criminalizing system to hold its own agents of repression responsible for the violence and trauma they cause, at the very least the murderers of Susan Muller, Saheed Vassell, Miguel Richards, Dwayne Jeune, James Owens, Erickson Brito, Manuel Rosales, Deborah Danner, Akai Gurley, Eric Garner, Garry Conrad, David Felix, Jonathan Efraim, Luiz Leizado, Kawaski Trawick, Joshua Williams, Michael Hansford, Mario Sanabria, Miguel Richards, Alexander Bonds, Sergio Reyes, Kadeem Torres, Jahlire Nicholson, Joshua Martino, Erickson Brito, Maneul Rosales, Jermaine Johnson, Orville Edwards, Rashaun Lloyd, Garry Conrad, George Tillman, Garland Tyree, Oleg Tcherniak, Isiah Hampton, Dalton Branch, and Delrawn Smalls should be immediately fired from the NYPD and barred from collecting a pension.<sup>128</sup>

In addition, No New Jails calls for City Council to adopt a hiring freeze and reductions in the NYPD force, and for those funds to be put towards programs and salaries for unarmed, community-led, de-escalation, conflict mediation, and transformative justice programs.

FY2020 includes an NYPD operating budget of \$5.6 billion, which includes, among other line items: \$5 billion in payroll for 36,000 uniformed officers and 15,000 civilians; \$100 million in training; \$6.3 million in body-worn cameras; \$213 million in NYCHA policing; and \$313 million in school policing; and \$245 in transit policing. The budget also includes \$26 million in applicant processing fees per year. The 2019-2029 Capital Plan for the NYPD amounts to \$1.7 billion and includes \$86 million for a new 116th Precinct and \$30 million for upgrades to One Police Plaza.

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<sup>125</sup><https://www.changethenypd.org/releases/families-impacted-police-violence-join-progressive-and-community-organizations-slamming>

<sup>126</sup><https://www.nytimes.com/2019/06/12/opinion/police-brutality-discipline-eric-garner.html>

<sup>127</sup>To comply with 50a prior to its repeal.

<sup>128</sup>These are many of the names of New Yorkers murdered by the NYPD since 2015, although we do not claim that this is a comprehensive list, because the NYPD routinely murders our community members with impunity. Names are from the Washington Post Police Killings database: <https://www.washingtonpost.com/graphics/2019/national/police-shootings-2019/>

**We call on City Council to implement the following NYPD budget reductions and invest the millions in yearly operating costs in programs that actually keep working class New Yorkers safe:**

- Implement a hiring freeze to realize \$26 million per year in applicant processing fees, or \$260 million over ten years, which can be invested in community programs;
- Remove all NYPD officers out of schools, NYCHA, and MTA, to realize \$771,000,000 per year, or \$7.771 billion over ten years.
- In sum, by removing uniformed officers from key public institutions, the city could invest approximately \$500 million per year to violence interruption, conflict mediation training, and employing more social workers and counselors in working class communities:
- Double the number of counselors employed in city schools for \$291.5M per year;
  - Expand funding for the City’s Cure Violence program for \$40M per year;
  - Train 500 EMTs currently employed by the city in conflict mediation and 500 EMTs in mental health crisis response (~\$2,000 per course) for \$2M per year;
  - Send 500 directly impacted/formerly incarcerated people to the CUNY School of Social Work for \$15M over 2 years;
  - Establish a non-police emergency first response crisis and medical intervention pilot program for \$200M per year;
  - Employ 100 more Mental Health; 50 more Early Intervention; 50 more Developmental Disabilities; and 50 more Chemical Dependency workers in the Department of Health and Mental Hygiene for \$15.5M per year.

**Funding all of these alternatives to policing would cost approximately \$556.5M per year, or 10 percent of the current NYPD operating costs.** These funds should be appropriated by diverting funds from NYPD programs that do not make our communities safer, but rather contribute to the harassment and caging of working class people of color in NYC.

**REDUCING THE SIZE OF POLICE**

Year	Workforce Reduction	Total Uniformed Workforce	Payroll Savings	Total NYPD Payroll
1	1,800	34,200	\$155,000,000	\$4,885,000,000
2	1,710	32,490	\$147,000,000	\$4,738,000,000
3	1,625	30,865	\$140,000,000	\$4,598,000,000
4	1,543	29,322	\$133,000,000	\$4,465,000,000
5	1,466	27,856	\$126,000,000	\$4,339,000,000
6	1,392	26,464	\$120,000,000	\$4,219,000,000
7	1,323	25,141	\$114,000,000	\$4,105,000,000
8	1,257	23,884	\$108,000,000	\$3,997,000,000
9	1,194	22,690	\$102,000,000	\$3,895,000,000
10	1,134	21,556	\$98,000,000	\$3,797,000,000
<b>TOTAL</b>	<b>12,644</b>	<b>21,556</b>	<b>\$1,243,000,000</b>	<b>\$3,797,000,000</b>

Communities targeted by incarceration oversee a reduction in the NYPD uniformed personnel by 5 percent per year over the next ten years (note: all numbers in chart are approximate):

That is \$1.2 billion diverted from the NYPD payroll alone over 10 years. For every single person let go from the NYPD, the city should commit to a one-to-one hiring plan to re-staff the city with: mental health workers, counselors, unarmed first responders, conflict resolution and mediation specialists, and peer substance use workers, with a hiring preference for people from communities impacted by NYPD violence.

129 <https://www1.nyc.gov/assets/omb/downloads/pdf/adopt19-bfa.pdf>

130 <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/05/NYPD.pdf>

131 There are currently 2,883 counselors employed in city schools for \$291,482,226 per year. Diverting \$291.5M to the DoE budget to employ 5,766 counselors would cost \$583M per year.

132 <https://nypeace.org>; <http://restoreoakland.org/ourwork/>

133 <https://whitebirdclinic.org/cahoots/>

134 Salary estimated at \$62,000 per year, not including benefits (<https://cbony.org/research/average-pay-15-largest-new-york-city-agencies-fy-2016>).

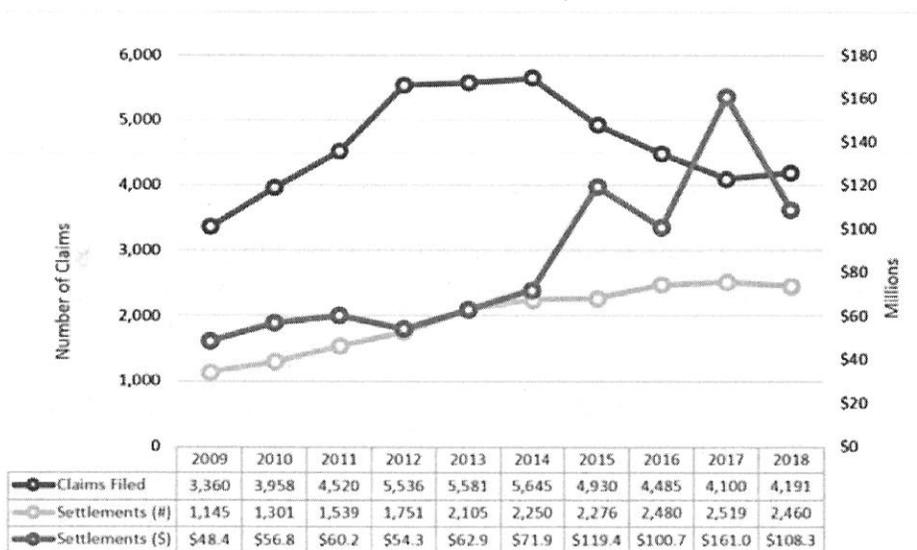
## SHIFT NYPD CAPITAL EXPENDITURES

Instead of devoting \$86 million over the ten year capital plan to a new 116th Precinct and \$30 million to upgrade One Police Plaza, the city should develop an \$96 million capital plan to build 4 new community centers in Brooklyn, The Bronx, Chinatown, and Queens, with space for: youth programming; conflict resolution and mediation training; culture and arts programs; and mental health resources, including space for the unarmed first responder crisis intervention pilot program. [Operating and payroll costs can be realized by reductions to the NYPD payroll.]

## NYPD LITIGATION

Although not addressed in this Divest to Invest plan, the City also pays out millions per year in litigation costs for lawsuits relating to the NYPD<sup>135</sup>. By reducing policing and thus abusive police contact with New Yorkers, the city could recuperate these funds and direct them towards life- and community-affirming programs and services.

Chart 7: Police Action Claims Filed and Settled, FYs 2009–2018



## NYPD Claims

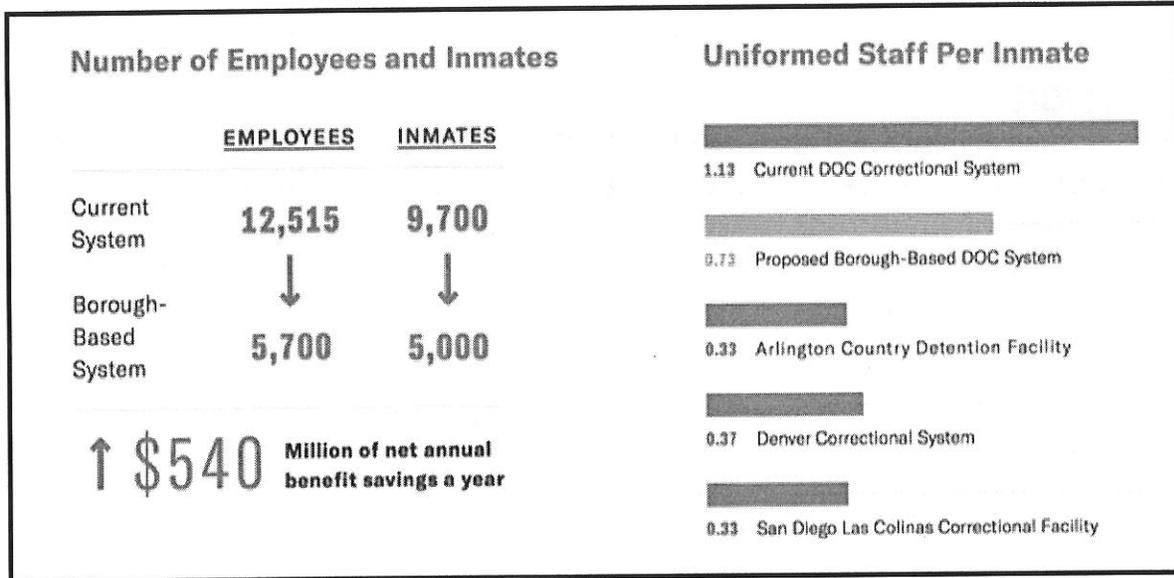
As was the case in FY 2017, a small number of New York Police Department (NYPD) claims disproportionately accounted for the total dollar amount paid out on NYPD claims in FY 2018.

- NYPD tort claim settlements and judgments shrunk dramatically from \$335.5 million in FY 2017 to 229.8 million in FY 18, a 32 percent decrease.
- In FY 2018, five wrongful conviction claims, representing less than one percent of the 3,745 NYPD tort claims resolved during FY 2018, settled for a total of \$33.3 million, which accounted for 14 percent of the total \$229.8 million in NYPD payouts.
- NYPD tort claims accounted for 38 percent of the total overall cost of resolved tort claims in FY 2018.
- The number of tort claims filed against the NYPD dropped to 6,472 in FY 18 from 6,546 in FY 2017.

135 <https://comptroller.nyc.gov/reports/annual-claims-report/>

## REDUCING THE POWER & SIZE OF DOC

If the City does not actively eliminate CO positions (through layoffs, civilianization, transfers, etc.) by 2026, the City would employ almost 1500 more COs on payroll than the Lippman Commission specifies. These unnecessary positions would be at a cost of more than \$300 million per year. If the City used the jail in Denver's staffing model (a jail the City points to as a model) rather than the Lippman recommendation, they would employ 2,925 more CO's on payroll than they need. These unnecessary positions would be at a cost of more than \$580 million per year.



The Mayor has said they will reach reduce staff via attrition (no layoffs, transfers, or civilianization necessary)<sup>136</sup>. This is not possible. In order to meet staffing, savings, and program goals, this Mayor or the next will need to take thousands of COs off of their posts. Here are some calculations:

In FY19, actual DOC uniform headcount was 10,345<sup>137</sup>. The DOC attrition rate is 12.2 percent<sup>138</sup>. The Department added 382 correction officers in FY20. There are three additional correction officer civil service exams scheduled for FY20<sup>139</sup>. As it is unclear if the City will hire additional COs in the coming years, we calculate assuming zero hires from FY21 to FY26. If the Department hired zero uniformed staff from FY21 to FY26 and there was normal attrition but the Department did not actively reduce its workforce, then the uniform headcount would be approximately 4405 uniformed staff in 2026.

The Lippman Commission Report recommends a staff to person-in-custody ratio of .73:1 and describes this as "conservative."<sup>140</sup> The report cites a .33:1 ratio at Arlington County jail, a .37:1 ratio at Denver's jail, and a .33:1 ratio at San Diego's Las Colinas jail. With a projected population of 4000 people<sup>141</sup>, DOC would need 2,920 uniform staff at the Lippman Commission recommended ratio. At the Denver jail's ratio, DOC would need 1480 uniform staff. These calculations make clear that the city has no plan to reduce the number of COs employed by the DOC to reach the levels recommended in the Lippman Commission. Is this because they don't actually plan on closing Rikers?

136 <https://www.youtube.com/watch?v=1FSA89nW0nQ&feature=youtu.be>

137 <https://legistar.council.nyc.gov/View.ashx?M=AO&ID=74208&GUID=db8dc13c-25e4-4815-98f6-1256793c9285&N=Q29tbWI-OdGVlIFJlcG9ydCAtIERlcGFYdG1lbnQgb2YgQ29yomVjdGlvbG%3d%3d>, p.11

138 Id. at p.13

139 <https://www1.nyc.gov/site/jointheboldest/officer/apply-now.page>

140 <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5b96c6f81ae6cf5e9c5f186d/1536607993842/Lippman%2B-Commission%2BReport%2BFINAL%2BSingles.pdf>, p.89. The current ratio, per Lippman Commission, is 1.08:1.

141 <https://thecity.nyc/2019/05/city-halls-new-post-rikers-island-jails-will-be-smaller.html>

When the City closes Rikers without building new jails, there will still be approximately 2,800 cages in NYC in the Brooklyn House of Detention, The Tombs, The Boat, and the locked jail hospital wards. At the Denver jail ratio, the city would only need to employ 1,036 COs, or approximately 3,300 COs fewer than the projected number achieved through attrition and a hiring freeze. The city has no choice but to lay off COs, under any plan.

Year	Workforce Reduction	Total Uniformed Workforce	Payroll Savings[6]
1	930	9,415	\$132,237,120
2	930	8,485	\$264,474,240
3	930	7,555	\$396,711,360
4	930	6,625	\$528,948,480
5	930	5,695	\$661,185,600
6	930	4,765	\$739,422,720
7	930	3,835	\$925,659,840
8	930	2,905	\$1,057,897,000
9	930	1,975	\$1,195,134,000
10	931	1,044	\$1,327,371,120
<b>TOTAL</b>	<b>9,301</b>	<b>1,044</b>	<b>\$5,960,000,000</b>

The average salary with benefits for a correction officer is \$137,747 per year before overtime<sup>142</sup>. However, the salary with benefits for a correction officer after 5.5 years is around \$198,146<sup>143</sup>. These calculations do not take into account negotiated contract increases (COBA's contract expired on February 28, 2019 so negotiations are ongoing)<sup>144</sup> or overtime<sup>145</sup>.

It is clear that the DOC must immediately take steps to reduce the number of COs employed, from the current 10,345 to 1,044, over the next ten years. By reducing the CO payroll by 930 people per year over the next ten years, the city would realize the following funds, which could be used to hire city employees to staff community programs that actually keep our communities safe and thriving.

## CRUNCHING THE NUMBERS

It currently costs approximately \$760 million per year to operate the jails on Rikers Island. If the city shut down Rikers immediately, the city could invest three-quarters-of-a-billion dollars in programs that actually keep working class Black and brown New Yorkers safe, healthy, and thriving. Imagine the additional millions of dollars that could be invested in social programs not criminalization, if the city shuttered Rikers and did not build any new jails!<sup>145</sup>

142 <https://data.cityofnewyork.us/City-Government/Average-Salaries-In-Department-Of-Correction/pf7i-ims3>

143 Base salary is \$99,073 and, for uniform staff, fringe benefits double the cost to the City. <https://www1.nyc.gov/site/jointheboldest/officer/salary-benefits.page>

144 <https://www1.nyc.gov/assets/olr/downloads/pdf/collectivebargaining/coba-final-agreement-2011-2019.pdf>

145 <https://comptroller.nyc.gov/newsroom/comptroller-stringer-despite-a-decline-in-incarceration-correction-spending-violence-and-use-of-force-continued-to-rise-in-fy-2018/>

146 The Lippman Commission says that once the new jails are constructed, the city will save \$540 million per year in the DOC budget. However, by closing Rikers without building new jails, we will gain an extra \$220 million per year for our communities. <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5b96c6f81ae6cf5e9c5f186d/1536607993842/Lippman%2BCommission%2BReport%2BFINAL%2BSingles.pdf>

## **WITH \$760 MILLION PER YEAR, THE CITY COULD FUND THE FOLLOWING PROGRAMS:**

- The **Bail Voucher Program** for \$200 million per year;
- For \$238 million per year, create a matching fund to **double SNAP payments** for 1.7 million New Yorkers (increasing SNAP benefits to \$280 per month);
- For \$70 million per year, provide an **additional \$200 per month to people receiving cash assistance** through TANF;
- **Hire 400 more counselors** for NYC public schools for \$40 million per year.
- Devote \$220 million per year to establish and staff a **comprehensive city-wide Transformative Justice Project** (to be located in either in new buildings constructed through a comprehensive capital plan, see below, or in existing city facilities like NYCHA complexes, homeless shelters, public hospitals, schools, and community centers), with staff trained in mediation, de-escalation, and transformative justice; with programming to teach community members how to respond to violence, mental health crises; and interpersonal conflict safely and effectively.

### **OR**

- **Triple the city homeless Drop-In Center budget** by adding \$50 million per year (to \$75 million per year);
- **Quadruple the rental assistance budget** by adding \$45 million per year (to \$60 million per year);
- **Triple the number of youth served** by the Youth Summer Employment Program to 225,000 for an additional \$288 million per year;
- Devote \$157 million per year to **comprehensive harm reduction programming**, including expanding access to low threshold syringe exchange, MAT, and recovery programs; and establishing and staffing safer injection facilities in existing community-based harm reduction programs.
- Devote \$220 million per year to establish and staff a **comprehensive city-wide Transformative Justice Project** (to be located in either in new buildings constructed through a comprehensive capital plan, see below, or in existing city facilities like NYCHA complexes, homeless shelters, public hospitals, schools, and community centers), with staff trained in mediation, de-escalation, and transformative justice; with programming to teach community members how to respond to violence, mental health crises; and interpersonal conflict safely and effectively.

## **SHIFT DEPARTMENT OF CORRECTIONS CAPITAL EXPENDITURES**

The DOC 2020-2029 capital plan includes the following useless expenditures: \$100,000,000 for a new CO training facility; 2,800,000 for new body scanners; \$1,500,00 for drug detectors; and \$1,900,000 for body cameras. Instead of developing a capital plan around the continued criminalization of our communities, these capital investments should be diverted:

- Instead of \$100 million for a CO training facility, \$100,000,000 to develop a comprehensive plan to **address the crisis of homelessness** in our city by complying with the coalition for the homeless demands (refer to that section in the plan);<sup>147</sup>
- Instead of \$2.8 million for body scanners and \$1.5 million for drug detectors, **add \$4.3 million to the Department of Homeless Services capital plan** for necessary improvements, repairs, and expansions to the city shelter system;<sup>148</sup>
- Instead of \$1.9 million for body cameras, add **\$1,900,000 to the Department of Education \$5.8 billion facility upgrade and repair capital plan.**<sup>149</sup>

### **OR**

- Use \$106 million from the DOC capital budget to **establish a Transformative Justice, Mediation, and Conflict Resolution Training Academy.**

<sup>147</sup><https://www.coalitionforthehomeless.org/state-of-the-homeless-2018/>

<sup>148</sup><https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/071-DHS2020.pdf>

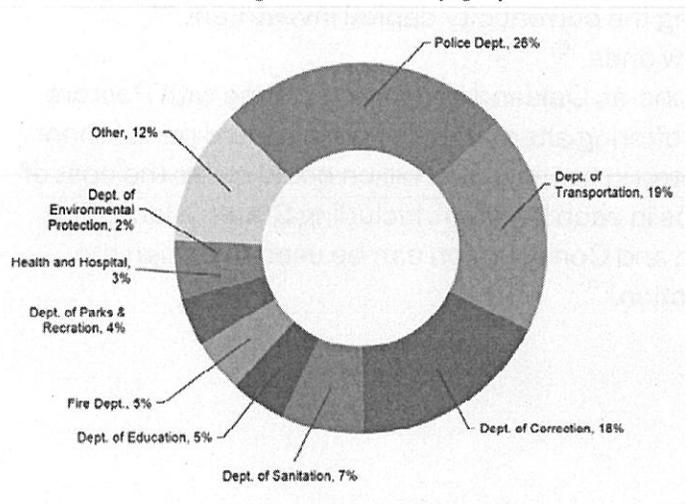
<sup>149</sup><https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/040-DOE-Capital-2020.pdf>

The Department of Correction Capital Budget also includes funds for improving conditions in city jails: \$757 million for infrastructure repair; \$70 million for ADA compliance, and \$52 million for heating and A/C upgrades. Although No New Jails is organizing for the eventual closure of all the city jails, we recognize that conditions in the Brooklyn House of Detention, The Tombs, and The Boat, are dangerous, toxic, and harmful to the health of incarcerated people, and that these conditions must be improved, and that these improvements require the capital expenditures laid out in the DOC budget. Simultaneously, we recognize that funds purportedly set aside to improve conditions of confinement are often misappropriated to the sole benefit of guards (as, for example, when the guard rooms on Rikers have air conditioning and the cells do not); thus, we shall continue to keep a watchful eye on these capital plans, vigilant that the funds are actually spent to repair toxic and dangerous conditions for incarcerated people across city jails.

#### D. TORT CLAIM TRENDS BY AGENCY

In FY 2018, the five agencies that experienced the largest number of tort claims filed were the NYPD (6,472 claims), Department of Transportation (DOT) (4,818 claims), DOC (4,430 claims), DSNY (1,803 claims), and DOE (1,230 claims). Of these five agencies, only DOT experienced an increase in tort claims filed during FY 2018—a minimal increase of one percent from FY 2017.

Chart 10: Percentage of Tort Claims Filed by Agency, FY 2018



The five agencies with the highest tort claim settlement and judgment costs in FY 2018 were the NYPD (\$229.8 million), DOT (\$89.6 million), DSNY (\$74.9 million), H+H (\$70.0 million), and DOC (\$31.5 million).

## DEPARTMENT OF CORRECTIONS LITIGATION

Although we do not address these costs here, the city spends massive amounts of money per year litigating and settling claims against the Department of Correction. By reducing the number of people incarcerated in our city and reducing and eventually eliminating COs, the city could recuperate additional funds to invest in community-based transformative justice programs.<sup>150</sup>

## MAYOR'S OFFICE OF CRIMINAL JUSTICE

The Mayor's Office of Criminal Justice (MOCJ)<sup>151</sup> is another city agency, which, despite its name, does little to protect vulnerable New Yorkers from the state-sanctioned violence of policing and incarceration. For example, the FY2020 MOCJ budget includes \$1 million to train NYPD officers in "crisis response," training which has been shown to have no effect on police violence or murder of people experiencing emotional distress. The FY2020 MOCJ budget does not specify how much funding the Office has expended to promote and orchestrate their nefarious jails construction plan disguised as a plan to close Rikers; needless to say, this is where they have devoted the majority of their energy and personnel over the past year. To truly fulfill its mandate as an office devoted to justice, all resources currently expended in promoting the jail construction plan should be invested in exploring ways to close Rikers without building new jails.

<sup>150</sup> <https://comptroller.nyc.gov/reports/annual-claims-report/>

<sup>151</sup> MOCJ does not have its own budget; its funds are drawn from multiple sources, but primarily the Mayor's office. <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/098-MOCJ-2020.pdf>

## JAILS CONSTRUCTION BUDGET

The construction budget for the new jail plan includes \$8.6 billion in capital costs and \$1.4 billion in operating costs. Of the \$1.4 billion, \$69 million has already been spent on Horizons construction and \$58 million has been spent on Crossroads construction, the two juvenile jails managed by the Administration for Children's Services<sup>152</sup>. Capital investment in these juvenile jails was part the Raise the Age Law passed in 2018, an attempt to reform the juvenile justice system in NYC. This reform has failed, as will all reforms that rely on investing in new jail infrastructure, as violence and inhumane conditions at both Crossroads and Horizons continue. Although not addressed here, No New Jails advocates for closing Horizons and Crossroads and using money currently devoted to incarcerated youth for protecting and healing them in their communities.

This leaves \$11.5 million unspent but allotted to the Department of Design and Construction to prepare plans and construction models for the new jails.

Instead of raising \$8.6 billion<sup>153</sup> over ten years for new jails, the city could raise money over ten years for the following programs:

- Raise \$3 billion for NYCHA repairs, almost doubling the current city capital investment.<sup>154</sup>
- Raise \$3 billion to repair city shelters and build new ones.<sup>155</sup>
- Raise \$2.6 billion to build transformative justice hubs, as Oakland has recently done with Restore Oakland: a job training and conflict mediation hub offering alternatives to policing and punishment and providing solutions for interpersonal harm rooted in healing. \$2.6 billion could cover the cost of constructing one to two transformative justice hubs in each borough, including Staten Island! The \$11.5 million allocated to the Department of Design and Construction can be used to design the transformative justice hubs in advance of construction.<sup>156</sup>

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152 <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/05/DDC.pdf>

153 <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/05/DOC.pdf>

154 <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/05/NYCHA.pdf>

155 [https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/FY20-Preliminary-Capital-Report\\_Final.pdf](https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/FY20-Preliminary-Capital-Report_Final.pdf)

156 <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/05/DDC.pdf>

# SUMMARY

## JOIN US IN DETERMINING HOW TO DIVEST FROM POLICING AND CAGING AND INVEST IN COMMUNITIES!

In a straightforward manner, this chart to the right shows what gains to other city programs could be realized by diverting 10 percent or 20 percent of the yearly operating costs from the NYPD and the DOC, over the course of one year and over the course of 10 years. This chart also shows the gains that could be realized by diverting 10 percent or 20 percent of the capital budgets for the NYPD and the DOC. For example, diverting just 10 percent of the NYPD yearly budget and 10 percent of the yearly DOC budget would realize \$690 million per year for alternatives to policing and incarceration, or \$5.6 billion over ten years. Diverting 20 percent of these two Departmental budgets would realize \$1.38 billion per year, or \$13.8 billion over ten years. Meanwhile, the jails construction budget includes an additional \$8.6 billion in capital costs over ten years. If we diverted just 10 percent of the NYPD and DOC capital plans and the entire \$8.6 billion capital plan for the jails construction, that would be an \$11.5 billion capital plan to rebuild NYCHA, end homelessness, and build a network of transformative justice hubs and resource centers across New York City.

The math is simple. Join us in envisioning this investment into our communities, not policing and jailing!

DIVEST TO INVEST CALCULATIONS			
	If we divert from FY2020 budget...	that results in \$ (per year)...	Or \$ over ten years...
<b>DOC</b>			
	10% Operating Costs	130,000,000	1,300,000,000
	20% Operating Costs	260,000,000	2,600,000,000
	10% Capital (excluding jail construction)	120,000,000	1,200,000,000
	20% Capital (excluding jail construction)	240,000,000	2,400,000,000
<b>NYPD</b>			
	10% Operating Costs	560,000,000	5,600,000,000
	20% Operating Costs	1,120,000,000	11,200,000,000
	10% Capital	170,000,000	1,700,000,000
	20% Capital	340,000,000	3,400,000,000
<b>Jails Construction</b>			
	100% of Capital	860,000,000	8,600,000,000
	Already existing contract w/ Perkins Eastman	7,600,000	
	Dept. of Design + Construction	11,500,000	
<b>TOTAL DIVESTMENT from cops + jails</b>		<b>One Year</b>	<b>Over 10 Years</b>
	10% Operating Costs	690,000,000	6,900,000,000
	20% Operating Costs	1,380,000,000	13,800,000,000
	10% Reduction Capital + Jails Plan	1,150,000,000	11,500,000,000
	20% Reduction Capital + Jails Plan	1,440,000,000	14,400,000,000

## **DRAFT: ABOLITION PLAN**

*This is a living document that we will revise as we organize. As a collective guide it can be used by any group or person committed to the abolitionist vision of safety being the responsibility of well-resourced communities organized for justice without police, jails, immigration detention, prisons, and surveillance.*

# **THE WORLD WE WANT, & BEYOND**

**"MY VISION FOR SAFETY IS THE ABSENCE OF CONFUSION. THIS IS WHAT DEFINES PEACE. SAFETY IS BEING ASSURED, AND MOST IMPORTANTLY, MENTALLY AND EMOTIONALLY CONFIDENT THAT ONE'S SELF AND HIS OR HER SURROUNDINGS IS IN ACCORDANCE TO THAT OF PEACE." -- HAKIM, INCARCERATED NNJ MEMBER**

No New Jails NYC is an abolitionist campaign to win \$11 billion for the needs of our communities by Shutting Rikers with No New Jails. We welcome you to envision the world you want and what can exist beyond it, if we build it together. Strategies for transformative justice, community accountability, and harm reduction are the bedrock of abolition. We know that care, not cages, facilitates individual and collective liberation.

**For people marginalized by the carceral state and exposed to violence at its hands:**

### **WE BELIEVE IN TRANSFORMATIVE JUSTICE (TJ):**

According to Philly Stands Up! "Transformative Justice is a way of practicing alternative justice which acknowledges individual experiences and identities and works to actively resist the state's criminal injustice system. Transformative Justice recognizes that oppression is at the root of all forms of harm, abuse and assault. As a practice it therefore aims to address and confront those oppressions on all levels and treats this concept as an integral part to accountability and healing." There are collectives dedicated to envisioning and practicing transformative ways to address when people harm each other. Transformative justice (TJ) understands that people do hurt each other, and that those who commit harm have almost always been harmed before. And, TJ understands that harm is never contained between a few people, but ripples out to affect entire communities. Rather than displace harm into prisons/jails that only perpetuate violence, TJ addresses harm within communities and social relationships and promotes holistic healing that both prioritizes the survivor and refuses to discard the person who committed the harm. TJ is not easy...It is messy work because it fundamentally rejects what we've been taught about the necessity for punishment. And, as Generation 5 have said, TJ is a "liberatory approach" to violence, which emphasizes the way state responses to violence only serve to perpetuate it, instead of transforming the conditions which enable the violence.

No New Jails is imagining a future in which violence is not disappeared, but rather there are procedures for accountability and to address harm. We do not deny the presence of harm and hurt, but learn from other abolitionist leaders and models that community resilience and safety is possible through deep work. The world we want demands autonomy and self-determination for our community; demands humane policies, restorative systems, and community wellness.

## **WE BELIEVE IN MUTUAL AID:**

Learning from the long traditions of Black, queer, and trans leaders, we have built structures to provide mutual aid for incarcerated people and their families in solidarity with other mutual aid projects like bailout funds. We cannot depend on the government to provide what people need, especially when many of our people are under attack by government agencies and agents like ICE, DHS, DOJ, and more. Big Door Brigade has utilized mutual aid strategies to organize in response to criminalization and poverty in Seattle, describing it as “people giving each other needed material support, trying to resist the control dynamics, hierarchies and system-affirming, oppressive arrangements of charity and social services.” Some models include bail funds, disaster relief mutual aid, pro bono legal aid, and free community childcare. Mutual Aid has a centuries’ long history in enslaved, formerly enslaved, colonized, and working class communities, where oppressed and exploited people survived state violence by protecting, feeding, loving, raising up, and housing each other: during rebellions, escapes, labor strikes, and anti-colonial struggle. We understand our current practices of mutual aid as continuing this legacy of survival pending revolution, as the Black Panthers called it.

## **WE BELIEVE IN COMMUNITY ACCOUNTABILITY (CA):**

Violence and trauma exist in many forms, and part of the world we want must address the question of how we deal with violence within our communities. We have repeatedly been told to call the police for any need — whether it’s a rowdy neighbor, a loved one in the midst of a mental health crisis, or someone who has physically assaulted us — too often finding that calling the police proves to be fatal to those we love. We know that prisons and police don’t keep us safe, and in fact perpetuate more violence. But, too often they appear to be—or are funded to be—the only option. So, how do we create strategies to address to address violence within our communities, including domestic violence, sexual violence, and child abuse, that don’t rely on police or prisons? This is where community accountability is an integral strategy. Transformative Justice Collective Berlin spotlights four main aspects of CA — “creating and affirming values and practice; developing sustainable strategies to address community members abusive behavior; providing safety and support to survivors in ways that respect their self-determination; and committing to ongoing development of all members of the community to transform the political conditions that reinforce violence.”

## **WE BELIEVE IN HARM REDUCTION:**

The Harm Reduction Coalition describes harm reduction as “a set of practical strategies and ideas aimed at reducing negative consequences associated with drug use. Harm Reduction is also a movement for social justice built on a belief in, and respect for, the rights of people who use drugs.” Within an abolitionist framework, this isn’t only limited to drug use, but to sex work, domestic work, reproductive justice, and other behaviors that are excessively criminalized in ways that don’t provide support or safety for the participants. As Shira Hassan, an advocate for sex workers, has said of the harm reduction movement — “it was started by us, by drug users and sex workers, street-based people, trans people of color. Because we have been saving our own lives for centuries.”

For No New Jails, committing to harm reduction means working to keep our community members who engage in currently criminalized activities safe, alive, and connected to resources, communities, and social spaces, while we work to end the criminalization of drug use, sex work, mental illness, and homelessness. It also means committing to the autonomy and self-determination of people who engage in criminalized and stigmatized practices, which means that we recognize that people have different visions and goals of health and fulfillment, and that we do not impose ableist or abstinence-based standards on other people’s healing. No New Jails categorically rejects the criminal justice “reform” nonprofit industrial complex’s respectability politics which demand that people involved in our movements must be “rehabilitated” according to classist, racist, sexist, transphobic and ableist standards.

## **WE BELIEVE IN COMMUNITY WELLNESS AND THE FREEDOM TO THRIVE:**

Healing justice — access to holistic and medical healthcare for emotional, mental, spiritual, and physical health that is reinforced by transformative social conditions — is a critical part of addressing harm and hurt without prisons. Through advocating for communities' right to wellness and to thrive, we call out the medical industrial complex, including the mental health apparatus, that promises healing and care, and instead harms, traumatizes and pathologizes our people. Taking from ancestral work in Black, Indigenous, and POC communities, healing justice can be framed as generous time to heal and process trauma. Black Lives Matter says, "in this context how we treat ourselves, how we treat each other, and how we move through conflict become deeply political explorations in liberation....[H]ealing justice requires that we listen beyond the understandings we've been given of spirit and ancestors, and asks us to both recover and create self-determined and effective rituals, processes for the kind of healing we need."

Although these beliefs and strategies are visionary, they are also calls to action. No New Jails aims for abolition, but does not aim to erase the violence or trauma people carry. We believe that New Yorkers deserve the opportunity to practice safety without structures that reproduce that same violence. We know that closing jails would increase safety and lower the number of people incarcerated while freeing up billions for our actual needs. Join us in this fight. We also welcome you into a national abolitionist movement across the country to stop jail, prison, and law enforcement expansion in Detroit, Philadelphia, Los Angeles, Miami, Atlanta, and Chicago.

## **WE BELIEVE THAT WE KEEP US SAFE:**

We recognize that we cannot depend upon the system when their rhetoric, policies, laws, practices, and reform efforts do not keep us safe. So we are forging alliances with communities across New York city and beyond. New Yorkers are joining hands to take back our neighborhoods to fight for our community members and loved ones directly impacted by criminalization, incarceration, rapid detention and deportation. As community members, we must be invested in keeping our people, community safe.

Our abolitionist plan calls upon community members, healers, social workers, crossing guards—whatever your professional, or personal occupation is—to share resources, skills for the betterment of our community has been our tradition. Art theatres, faith-based institutions, community centers, stakeholders, schools should also play a major role in community accountability, and addressing harm within their communities. We all have a skill or offering that could contribute to community wellness and safety. The We Keep us Safe network is a call to action for communities members to actively practice transformative systems to make divestment from incarceration and policing possible. We are actively leading trainings, de-escalation, restorative justice, emotional care, mental health rapid response, alternatives to calling the police training and conversations, and working with partners and other stakeholders already doing this work in directly impacted communities.

We are told to call the police when we are in danger—to depend on the punishment justice system to deal with the violence within our communities—even though this system is at the root of the violence that our communities learn in the first place. But if police and prisons facilitate and create the violence against our communities and actually don't increase our safety in anyway, the real question is: How do we make the strategies to respond to the violence in our communities—which includes domestic violence, sexual violence, and child abuse—so we don't depend on police or prisons?

This on-going work will require:

- The creation and community education of not only values but practices that combat abuse and oppression to encourage safety, support, and accountability.
- Political education and skills-sharing around values and practices of transformative justice.
- Community members who can provide safety and support to people surviving violence in a way that uplifts self-determination.
- Sustainable strategies to address our own community members that cause harm, where a process is created for them to account for their actions and transform behavior.

We Keep Us Safe Programming is part of a long-term tactic to change the material conditions and political ideologies that reinforce violence and oppression, including state violence as embodied by police and incarceration.

## **WE BELIEVE IN ENDING GENDER BASED VIOLENCE:**

Addressing gender-based violence and harm is at the core of making public safety the responsibility of organized communities. Currently, many people who are surviving domestic violence do not call the police because: they know they will not be believed<sup>158</sup>; they will themselves be harmed by the police<sup>159</sup>; they do not want their partner incarcerated<sup>160</sup>; or are afraid of being incarcerated themselves for defending themselves against violence<sup>161</sup>. For example, mandatory arrest policies often result in the survivor being arrested, not the person causing violence, and they disproportionately affect Black and Latinx women who call the police to report being harmed<sup>162</sup>. More than half the women currently serving terms in NY prisons for violence are incarcerated for defending themselves or their children against their abusers. Policing and incarceration don't prevent domestic violence.

**Case Studies: Sista II Sista, Support New York, GenerationFIVE, Audre Lorde Project in NYC, Transform Harm: These case studies provide a vision of how to begin building a cultural of abolition that addresses harm, especially gender-based harm, without relying on punishment or state violence.**

**SISTA II SISTA CREATED SISTA'S LIBERATED GROUND**<sup>163</sup>: A space where violence against sistas is not tolerated, and where women turn to each other instead of the police to address the violence in their lives. SLG includes extensive out-reach with flyers, posters, T-shirts, stickers, and murals to mark the territory. There is also an action line, a phone number that women can call to get involved in SLG. The squad members are also developing a series of workshops for young women from the community on sexism, conflict resolution, collective self-defense, and other topics to raise consciousness and build relationships with other women in the neighborhood.

**SUPPORT NEW YORK**<sup>164</sup>: Support New York is "a survivor support collective that grew out of punk and anarchist communities in NYC in the mid-2000s. In its own words, Support New York's aim was "to empower survivors, to hold accountable those who have perpetuated harm, and to maintain a community dialogue about consent, mutual aid, transformative justice and our society's narrow views of abuse." At its peak, it comprised only 12 volunteer members, but it was still able to run more than a dozen intensive processes lasting six months to a year each."<sup>165</sup>

158 <https://oorsm.umd.edu/files/Why-Is-Sexual-Assault-Under-Reported.pdf>

159 [http://vawnet.org/sites/default/files/materials/files/2016-08/AR\\_IncarcerationUpdate%20%281%29.pdf](http://vawnet.org/sites/default/files/materials/files/2016-08/AR_IncarcerationUpdate%20%281%29.pdf)

160 [https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1075&context=ol\\_pubs](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1075&context=ol_pubs)

161 <https://survivedandpunished.org/quick-statistics/>

162 <http://www.freemariassnow.org/fact-sheet-on-domestic-violence--criminalization.html>

163 Source: [https://collectiveliberation.org/wp-content/uploads/2013/01/Sista\\_II\\_Sista\\_Sistas\\_Makin\\_Moves.pdf](https://collectiveliberation.org/wp-content/uploads/2013/01/Sista_II_Sista_Sistas_Makin_Moves.pdf)

164 Source: <https://supportny.org/>

165 <https://transformharm.org/the-nyc-punks-who-built-a-support-network-for-sexual-assault-survivors-when-the-justice-system-failed-them/>

**GENERATIONFIVE<sup>166</sup>:** GenerationFIVE has spent the last decade developing transformative justice practices with allies across movements and across the country. GenerationFIVE considers transformative justice an approach to respond to and prevent child sexual abuse and other forms of violence. GenerationFIVE puts transformation and liberation at the heart of the change. Child Sexual Abuse for GenerationFIVE is not just an individual issue but, "...an expression of power dynamics that are woven throughout the fabric of our society." Transformative Justice is the tool to address this harm, based on the principles of liberation, shifting power, safety, accountability, collective action, cultural responsiveness, sustainability, and resilience. It is an approach that looks at the individual and community experiences as well as the social conditions, and looks to integrate both personal and social transformation.

**AUDRE LORDE PROJECT'S SAFE OUTSIDE THE SYSTEM (SOS) COLLECTIVE:** SOS is an anti-violence program led by and for Lesbian, Gay, Bisexual, Two Spirit, Trans, and Gender Non-Conforming people of color. SOS is devoted to challenging hate and police violence by using community based strategies rather than relying on the police. SOS members create rapid responses to violence and teach community security, de-escalation, conflict mediation, and safe space creation to individuals, households, shelters, classrooms and businesses, in an attempt to keep police away from marginalized communities. This is ongoing work through the Safe Neighborhood Campaign.<sup>167</sup>

**TRANSFORMHARM<sup>168</sup>:** TransformHarm is a resource hub to end violence. TransformHarm focuses on community accountability, abolition, healing justice, carceral feminisms, restorative justice, and transformative justice. We envision that a broad network of community accountability would use this tool to train, empower and develop leaders who can create parallel and new transformative justice practices. For We Keep Us Safe to be sustainable, we will need to regroup ourselves in how we collectively understand safety.

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<sup>166</sup> Source: <http://www.generationfive.org/wp-content/uploads/2018/08/g5-Transformative-Justice-Handbook.pdf>

<sup>167</sup> <https://drive.google.com/file/d/0BxlqoamGVS6IMV9oSy0zNGIYNEE/view>

<sup>168</sup> Source: <https://transformharm.org/>

**JOIN US IN THIS FIGHT. WE ALSO WELCOME YOU INTO A NATIONAL ABOLITIONIST MOVEMENT ACROSS THE COUNTRY TO STOP JAIL, PRISON, AND LAW ENFORCEMENT EXPANSION IN ALABAMA<sup>169</sup>, DETROIT<sup>170</sup>, PHILADELPHIA<sup>171</sup>, LOS ANGELES<sup>172</sup>, MIAMI<sup>173</sup>, ATLANTA<sup>174</sup>, WASHINGTON D.C.<sup>175</sup>, AND CHICAGO<sup>176</sup>. OUR PATH IS CLEAR.**

We will mobilize New Yorkers to shut Rikers down with no new jails as a community. We will fundraise to free everyone, then we will mobilize thousands of volunteers into the decentralized We Keep Us Safe network that can offer direct services and offer community accountability and healing for the harm and trauma we experience in our neighborhoods. All of this will be based in mobilizing thousands of New Yorkers into a practice of community care, mutual aid and self-determination where we work to meet each other's needs to practice community autonomy. This will lower the number of people held dramatically proving we can shut Rikers down without building new jails.

This campaign is only the beginning. Shutting down Rikers without building new jails will inspire greater demands on the system that has only taken from the wealth of our communities to exploit and damage generations. Ten years from now, Rikers will be closed without new jail construction and we will be able to see the impact of an \$11 billion investment into our needs. We will see an end to homelessness, NYCHA repaired, the creation of high quality learning environments for all young people. We hope that this step together will be our first away from the era of incarceration.

**THIS IS THE WORLD WE WANT TO CREATE. JOIN US.**

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169 <https://www.al.com/news/2019/02/alabama-will-build-3-prisons-for-men-ivey-announces-do-not-publish.html>

170 <https://nonewjailsdetroit.wordpress.com/>

171 <https://decaroeratepa.info/>

172 <http://criticalresistance.org/chapters/cr-los-angeles/>

173 [https://www.theadvocate.com/baton\\_rouge/news/article\\_e515773a-9e83-11e9-a8a5-873f00ea553b.html](https://www.theadvocate.com/baton_rouge/news/article_e515773a-9e83-11e9-a8a5-873f00ea553b.html)

174 <https://actionnetwork.org/forms/campaign-alliance-member-application>

175 <https://dcist.com/story/19/07/15/activists-protest-outside-bowers-home-saying-her-policies-harm-black-washingtonians/>

176 <https://nocopacademy.com/about/>

# APPENDIX

**SAFETY:** The state of well-being created by well-resourced communities organized for justice.

**MUTUAL AID:** Having your needs met by addressing the needs of another either through individual relationships or through networks based on community support. Instead of money or other payment, everyone is compensated by having their needs met by someone else.



**ABOLITION:** This concept is rooted in the centuries old fight by enslaved Africans to end slavery. In our present moment we echo the definition of our comrades at Critical Resistance, “Prison Industrial Complex (PIC) abolition is a political vision with the goal of eliminating imprisonment, policing, and surveillance and creating lasting alternatives to punishment and imprisonment. Abolition isn’t just about getting rid of buildings full of cages. It’s also about undoing the society we live in because the PIC both feeds on and maintains oppression and inequalities through punishment,

violence, and controls millions of people. Because the PIC is not an isolated system, abolition is a broad strategy. An abolitionist vision means that we must build models today that can represent how we want to live in the future. It means developing practical strategies for taking small steps that move us toward making our dreams real and that lead us all to believe that things really could be different. It means living this vision in our daily lives. Abolition is both a practical organizing tool and a long-term goal.”

**BROKEN WINDOWS POLICING:** Law enforcement and surveillance that targets offenses that are categorized as “minor crimes” with the belief it will lower the amount of offenses categorized as “serious crime.” “Broken windows” policing, introduced to the streets of New York by criminologists George L. Kelling and James Q. Wilson and deployed by former New York City Mayor Rudolph Giuliani and Police Commissioner Bill Bratton, focuses on policing environments which are “broken” or abandoned, with the theory that they beget criminal activity. Kelling and Wilson asserted that “disorder and crime are usually inextricably linked,” in their thinly veiled racist analysis of urban disorder and crime which was so emblematic of criminology in that period. The policing practice which emerged looked like foot patrols of poor Black and Brown neighborhoods, constant surveillance of neighborhood activity, and aggressive regulation of the movement of Black and Brown youth through practices like stop-and-frisk -- all of which fall under the auspices of what police reformers affectionately call “community policing.” Kelling and Wilson provided an explanation for crime which fulfilled the wishful thinking of policy-makers and politicians looking for a way to show they were “tough on crime.” But these policing practices have only exacerbated the crises experienced by the urban working poor, rather than increase public safety. It has decreased public safety for those Black and Brown residents of cities across the United States; New York City is no exception.

**JUDICIAL:** For the purpose of this document judicial refers to the set of actors in the punishment system’s courts, including judges and lawyers.

**REMAND:** A legal designation where a judge denies someone the right to bail, and sends them back to jail to be held until their trial.

**BAIL:** Ransom payment demanded by the court to secure your freedom before you have been convicted of an offense. Typically rich people are able to pay and buy their freedom, while poor people are unable to pay this ransom.

**HARM:** Anything done by a person, institution, social dynamic or a system to negatively impact the wellbeing of an individual or a community.

**TRANSFORMATIVE JUSTICE:** “Transformative Justice is a way of practicing alternative justice which acknowledges individual experiences and identities and works to actively resist the state’s criminal injustice system. Transformative Justice recognizes that oppression is at the root of all forms of harm, abuse and assault. As a practice it therefore aims to address and confront those oppressions on all levels and treats this concept as an integral part to accountability and healing.” (TransformHarm.org)

**COMMUNITY ACCOUNTABILITY:** “Community accountability can be creating communal support for those impacted, and/or collectively interrupting, challenging, stopping, and shifting abusive behavior and the underlying systems that support it. The key is working collectively in community rather than relying on external authorities and systems of oppression. It is not a formulaic set of responses, but grows organically in relation to the specific people and relationships involved. And like transformative justice, it seeks to address the underlying power systems that ultimately form the root causes of violence.” (TransformHarm.org)



# RESOURCES FOR THE WORLD WE WANT

1. **TransformHarm.org**
2. **Generation 5: Ending Child Abuse - Transformative Justice Handbook**
3. **Generation 5: Resources**
4. **Big Door Brigade Mutual Aid Toolbox**
5. **Freedom to Thrive**
6. **African Anarchism: The History of a Movement**
7. **Fumbling Toward Repair**
8. **Prison Culture**
9. **Bay Area Transformative Justice Collective**
10. **Creative Interventions Toolkit**
11. **Harm Reduction Coalition**
12. **Movement Generation: Just Transition Framework**
13. **Dreaming Freedom, Practicing Abolition**
14. **#CareNotCages: A People's Guide to Healing**
15. **Letter Writing Guide - No New Jails**

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## FAQ

### **1. HOW DOES #NONEWJAILSNYC ADDRESS “NOT IN MY BACKYARD”-ISM? (DONE)**

NIMBYism (“Not In My Backyard”) is an attitude that opposes a development because of how close the development is to a specific community. We’re fighting to prevent new jails from being built anywhere in any of NYC’s boroughs and are opposed to the jail system in its entirety. We have a broad vision and commitment to ending incarceration, policing, and surveillance once and for all, and to create alternatives to justice that don’t rely on punishment. We urge people in New York to see past their concerns about jails being built in specific neighborhoods and instead consider the overwhelming harm that jails cause individuals and families in New York City.

### **2. ISN’T CLOSING RIKERS A GOOD THING?**

Yes, absolutely. Rikers has been, and continues to be, a dangerous, brutalizing place for people who are incarcerated, their loved ones, and their visitors. Rikers must be shut down immediately and permanently, without new jails replacing or supplementing it.

Despite the mayor’s claims that the new jails will replace Rikers, de Blasio wants to postpone its shutdown until 2027, and has been quoted at times saying it will take another decade or more beyond his tenure before the decision to shut down Rikers is made. Worse, there is no legally binding policy guaranteeing Rikers will be shut down. He could change his mind while still in office, or any mayor elected following de Blasio’s last term could keep it open along with the 12new jails.

The plan creates a new image for jails in NYC but doesn’t put us on a path to decarceration, and instead reestablishes jails as an important part of city government and social management. Jails serve to torture and dehumanize people day after day, and so we are calling for Rikers to be closed now with no new jails in its place.

### **3. IF WE SHUT RIKERS DOWN, WHERE WILL ALL THE PEOPLE GO?**

If New York City committed to ending pre-trial detention, we could shut down Rikers with no new jails. Then we could use the budget for jails to invest in the needs of our communities.

About 79% of people incarcerated on Rikers are being held as they await trial. These are legally innocent community members who have been targeted by the police, accused (but not convicted) of breaking the law, and incarcerated before they've been found guilty of any crime. Of the people incarcerated pre-trial because they cannot afford bail, 70% are accused of nonviolent crimes. It is easy to pretend that jails exist because the people held there are too dangerous to be released. That idea is a myth.

By forcibly separating people from their families and crowding them in violent jail sites under the illusion of creating public safety, pre-trial detention becomes a threat, rather than an aid, to the safety of our communities. Our taxpayer money should instead be invested in safe and secure residences for both those who have done harm and those who are at risk of being harmed.

### **4. HOW DOES POLICING MAKE COMMUNITIES UNSAFE?**

We could talk about the police's long history of targeting poor people, people of color, immigrants, trans and gender nonconforming people, sex workers, and other communities to no end. Let's look at a few statistics from the last few years alone:

- From 2015 to 2018, the NYPD killed at least 27 people, including 112 people experiencing mental health crises.
- In 2017 alone, there were over 12,000 allegations of excessive force against the NYPD. Since 2013, the City has paid almost \$1200 million to settle lawsuits against the NYPD.
- Since the formal end of "stop and frisk" policing in 2013, the tactic continues as "order-maintenance" policing. Black and Latinx New Yorkers made up 88% percent of those stopped in 2017. Though white people are 12.2% of NYC's population they made up only 8% of people stopped.
- Deportations have soared 150% in NYC over the past few years and ICE arrests are up 88%, the third highest of any major US city.

People are not policed or incarcerated based on their "innocence," but rather by stereotypes of race, gender, and class. Furthermore, policing does nothing to produce resources that combat the conditions that create crime, such as lack of food, housing, mental healthcare, education, or employment. In fact the NYPD's massive yearly budget of \$5.6 billion has robbed our communities of funding for social services.

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***This is a living document that we will revise as we organize. As a collective guide it can be used by any group or person committed to the abolitionist vision of safety being the responsibility of well-resourced communities organized for justice without police, jails, immigration detention, prisons, and surveillance.***

Good afternoon, my name is Claire Schapira and I am testifying on behalf of myself, as a law student, and on behalf of Brooklyn Law School National Lawyers' Guild Chapter.

I vehemently oppose three bills that are being supported here. I have a lot to say, so I hope you will forgive me for speaking quickly.

First, I want to address the prison expansion plan as a whole: the only way to help New York City is to close Riker's Island now, without spending a single cent on any new tools for incarceration. At its heart, incarceration only serves to punish people for the crime of being low income, black, brown, queer, trans, and outside that which is acceptable. Incarceration perpetuates the violence in our communities, by perpetuating the root causes; economic insecurity and institutional racism.

Do not invest another cent into caging of our community, invest instead in education, social welfare, and programs like Common Justice, created by Danielle Sereed.

Second, specifically, about the three bills discussed today;

**Levin's bill to establish "a commission to make recommendations on reinvestment in communities impacted by Rikers Island"** does not redirect investment from ~~criminalizing systems~~, it merely establishes a commission to study what we already know: that incarceration is driven by racism and classism, and communities need investments in housing, education, mental and physical health, and transformative justice. Communities harmed by generations of policing and caging do not need another commission, they need direct investment now.

**Councilmembers Ayala's and Levin's bill to "require the Board of Correction to report on the impact on incarcerated individuals of closing jails on Rikers"** solely establishes more reporting requirements without establishing any mechanisms to change practices or cultures within city jails. The bill also continues to link the closure of Rikers Island with the construction of new jails, even though there is no legally binding commitment to close Rikers, and Rikers can be closed without building new jails.

**Councilmembers Power's and Rosenthal's bill to "amend the administrative code of the City of New York in relation to amending the bill of rights for incarcerated individuals and ensuring minimum standards of design"** includes new provisions for the design and construction of new jails, which assumes that the problem with conditions in city jails is only in how they were built, not in the fact that there is no incentive to *maintain* them and *fill them with over policed communities*.

Thank you for your time.

^  
only  
an incentive

October 2, 2019

Committee on Criminal Justice jointly with the Committee on General Welfare

Hello and thank you for this opportunity to address you today. My name is Sharon White-Harrigan, and I am the Executive Director of the BEYONDrosies2020 campaign that was launched by the Women's Community Justice Association (WCJA) in 2018. WCJA started the Beyond Rosie's 2020 Campaign to achieve the following goals: to REIMAGINE justice, dignity and safety for women; to REINVENT a smaller justice system for women; and to REINVEST to strengthen communities. I want to thank Chair Stephen Levin and Chair Keith Powers, as well as members of the Criminal Justice and General Welfare Committees for holding this Hearing today about introduced and pre-considered legislation that we believe will make those goals a reality by passing legislation that prioritizes investments in the health and welfare of communities. We wholeheartedly encourage the Council to continue on a path that will transform the justice system for all. The bills before you today will help us to do just that.

WCJA and Beyond Rosie's 2020 supports Int. 1190 sponsored by Council Member Levin, which directs the Department of Social Services to provide drug treatment services, counseling, and medication assisted treatment for opioid addiction in shelters, including single room occupancy hotels and congregate facilities. Although closing Rikers and establishing borough-based jails represent the City's intention to right-size New York City's broken criminal justice system, additional community investments are long overdue. Int. 1190 is integral to preventing negative interactions between the homeless women, who often struggles with addiction and mental

health challenges, and law enforcement. Historically, our criminal justice system has relied heavily on a punitive structure, incarcerating drug dependent homeless people rather than diverting them to treatment programs. Making drug treatment services available to people living in homeless shelters will put them on the road to recovery and give them stability. Annually, it costs taxpayers more than \$300,000 to incarcerate a person at Rikers. Closing Rikers will enable the City to reinvest money into public health institutions and communities to provide services that include drug treatment programs and other mental health services. Our mission is to help transform the NYC justice system for women. However, to do that we also call upon the city to invest in services and housing support to help women and women with children succeed. Homeless women have a higher rate of alcohol and drug dependency than other women. Trauma and depression are often a common denominator among homeless women who are using substances. The City should also make mental health resources available in the shelter system for people, including women, with serious and persistent mental health needs. Without access to substance and alcohol treatment and mental health services, many women, as well as men, will continue to flail in a cycle of poverty and incarceration will become a revolving door. And we cannot forget the children—we need treatment services for women with their children.

WCJA and Beyond Rosie's 2020 lend our voices to Just Leadership USA's demands through its Close Rikers Campaign that the City commit to justice reinvestment initiatives to rebuild healthy communities. Intro 1190 is the right step in that direction.

We also support the pre-considered introduction of legislation, sponsored by Council Members Levin and Ayala, to require the Mayor's Office on Criminal Justice and Board of Correction to issue a report on their progress closing jails on Rikers Island. As the City moves forward in creating a more humane and fairer criminal justice system, it is imperative that we do

not repeat the sins of the past. There needs to be accountability. A report will force agencies to answer to the City Council and the public.

Pre-considered legislation by Council Member Levin to establish a Community Reinvestment Commission is also vitally important to ensuring that the City is thoughtful about how it invests in communities that have disproportionately been impacted by mass incarceration. Cities can reduce the costs of incarceration by investing in community reinvestment strategies. A commission will force the city to reconsider how to better allocate resources and compel the criminal justice agencies to work collaboratively with social services organizations.

Thank you to the Joint Subcommittees on your attention to these important issues that must be part of any plan if we are to succeed in transforming the criminal justice system in New York City. The Women's Community Justice Association is fully committed to work with you as a full partner and together we will reimagine justice, dignity and safety for women and for men and for families and for all New Yorkers.

Sincerely,



Sharon White-Harrigan, Executive Director, BEYONDrosies2020

**Board of Director's**

**Kandra Clark, Carole Eady, Yolanda Johnson-Peterkin, Danielle Minelli Pagnotta, Joan Montbach, Connie Tempel, Sharon White-Harrigan, Cheryl Wilkens, Rita Zimmer**



Creating Communities  
Transforming Lives

October 2, 2019

Subject: Bills T2019-5170, 5171, 5172 and Int.1190-2018 (Supplemental Citywide Jails Bills)

Borough: Citywide

Name: Danielle Minelli Pagnotta, Executive Director, Providence House, Inc.

Members of the Subcommittee on General Welfare and Criminal Justice,

I appreciate the opportunity to address the Joint Subcommittees as the Executive Director of Providence House, an organization that provides transitional housing for women coming out of corrections settings and/or women and families who are homeless. Providence House is a Brooklyn based organization and I am also a resident of Queens, having lived in Astoria for the last 14 years. I am a current member of the Beyond Rosie's 2020 campaign and a Board member of the Women's Community Justice Association (WCJA). I want to thank Chairs Levin and Powers and the members of the Subcommittees for holding this public hearing and listening to public testimony.

As an organization that strives to address the root causes of injustice and do work with people who have experience with trauma, Providence House strongly encourages the Council to continue to develop and implement the citywide jail plan. Each of the bills before the council today aim to ensure that different components of the plan are further carried forward with integrity on both an individual and systems level.

As many people who have served time in Rikers also cycle through DSS shelters, it is imperative that these sites be amply prepared to address the substance use needs of the population who may be receiving treatment while within the custody of the DOC. The City successfully continues to roll out harm reduction strategies including making Naloxone readily available to different service providers to decrease the risk of overdose. The next logical step in facing the opioid crisis is to provide services and tools needed to assist people who aim to cease using substances safely. Under the direction of a medical health professional Buprenorphine can assist in individual in decreasing the body's cravings for opioids as well diminishing negative withdrawal symptoms. The Council should continue to direct City agencies to work collaboratively to address the substance use needs of their shared populations. It should be noted that additional funding and specialized staff will be needed at shelter sites to implement this level of care.

The imminent closing of Rikers is a monumental moment for the City of New York. The benefits of a city-wide jail system include: closing the toxic environment that currently exists on Rikers, smaller community-based facilities that are closer to family, services, courts and lawyers; and improved

conditions with a design that will facilitate further decarceration and prioritize access to needed services. Bearing all of that mind, it is imperative that the Council requires routine reporting about both the population remaining on Rikers as well of the progress on the building of new sites including the development of programming at those locations. Providence House and the WJCA, including members of the Beyond Rosies Campaign with lived experience stand ready to advise the City on the needs of women, in particular as the plans for new programming take shape.

Rikers Island and the history of criminal justice in NYC has had impact on every person who has lived in the City and has lasted generations, however the impact is more heavily weighted in areas from which more individuals who were incarcerated are from. It stands to reason, therefore, that the focus of reinvestment should be on communities who have been most negatively impacted by the adverse effects of the criminal justice system over the years. Again, Providence House and the WJCA, including members of the Beyond Rosies Campaign with lived experience stand ready to serve on a committee formed to assess the impact and to solicit feedback as reinvestment plans are made. Additionally, the organizations that make up the WCJA are also prepared to serve as an ATI and housing resource for women leaving Rikers.

The conditions, both physical and environmental experienced by those in custody, working or visiting Rikers are detrimental and have lasting impacts on those affected, for years after their time spent on the island. As the City moves toward the creation of new facilities, it should strive to create environments of healing that begin to undue the traumatic effects that most people who are incarcerated have experienced. This includes setting up new facilities to create the most humane and safe environments. Best practices for environments that facilitate rehabilitation should be researched and minimum standards should be adhered to as just that, minimum standards. In most cases the new facilities can provide better than the minimum by implementing best practices. For example, individual private toilets should be the goal as well as less constrictive "cell" spaces for individual housing. Adequate areas for programming and services are also absolutely necessary.

Thank you to the Joint Subcommittees for continuing to fine tune the plan for the citywide jail sites by ensuring that the important components discussed above are further fleshed out and monitored. I am grateful for the opportunity to share testimony on these topics. Please feel free to contact me with any questions.

Sincerely,



Danielle Minelli Pagnotta, LMSW  
Executive Director

October 2, 2019

### **Testimony before the Committee on General Welfare**

Hello, my name is David Moss and I'm a second-year student at the New York University School of Law. I am also a resident of Council Member Levin's district.

If you are serious about gathering recommendations to help communities who have been devastated by Rikers, here's a recommendation: Don't build new jails.

Jails *are* the problem. The DOC *is* the problem. These are some of the very institutions that devastate black and brown communities in New York, and you will not fix anything by tinkering around the edges. Jails are a quintessential form of state-violence. And I can promise you that you are not going to build some new type of "good" jail, because such a thing does not exist.

If I may use an admittedly rough analogy to describe this bill: Investing \$10 billion in new jails while proposing to look into the effects of Rikers on communities of color is like proposing to study the possible existence of climate change while simultaneously investing \$10 billion in offshore drilling. This bill is duplicitous, it's disingenuous, and it's a transparent attempt to save face while you prepare to lock future generations of black and brown New Yorkers in cages.

So once again, we can help with recommendations right now. Invest that \$10 billion into the communities that have suffered from state-violence for far too long.

This is a crossroads for the Council. You can help end the tide of oppression, or you can extend it indefinitely into the future while kicking around little baby measures about forming commissions. But if you take that latter approach, every life lost in those jails will be on your hands. Every atrocity committed in those jails will take place because of you. The communities that are devastated by those jails will be right to blame you.

You don't need a commission to tell you this. You don't need me to tell you this. There's a city full of brilliant, energized people whose lives are directly impacted by these decisions. They're the ones who are telling you this. They're the ones you should be listening to. And they will never let you forget how you voted in October 2019.

Sincerely,  
David Moss  
76 Roebling Street, [REDACTED]  
Brooklyn, NY 11211



October 2, 2019

My name is Wendy O'Shields I am an Advocate in the City of New York and the Co-Founder of the Urban Justice Center Safety Net Activists.

I am opposed to Int 1190 requiring the City of New York's Department of Social Services (DSS) and the Department of Homeless Services (DHS) to provide drug treatment services onsite within DHS shelters.

DHS will need to comply with many Federal, New York State, and New York City laws, to become licensed and accredited to legally handle and dispense narcotics to homeless residents if they consent.

DHS must comply with United States Food and Drug Administration (FDA), the United States Department of Health and Human Services (HHS), the United States Drug Enforcement Administration (DEA), the United States Substance Abuse and Mental Health Services Administration (SAMHSA), the New York State Office of Alcoholism and Substance Abuse Services (OASAS), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), and likely additional agencies governing narcotics. These agencies enforce strict standards for the safe dispensation of narcotics to human beings. They inspect facilities with narcotics frequently and have many processes to follow as to the proper handling and storage of these controlled substances. See Endnotes.

If DHS proceeds their noncompliant facilities will be fined, face the loss of their operating license, and criminal charges rendered for willful disregard for policy, procedure, and the laws governing narcotics.

18 CRR- NY 485.2 Adult Care Facility Definitions does not codify the handling or dispensing of medicine or narcotics in adult care facilities or shelters. See Endnotes.

Currently many DHS shelters are unlawfully handling and improperly storing Methadone and other controlled substances onsite. This needs to stop.

Let the record show Department of Homeless Services shelters are not drug treatment facilities or Methadone clinics.

I thank you for considering my suggestions.

Wendy O'Shields  
Independent Advocate  
Safety Net Activists Co-Founder

## ENDNOTES

### NEW YORK STATE ADULT CARE FACILITIES

18 CRR-NY 485.2NY-CRR  
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF  
THE STATE OF NEW YORK  
TITLE 18. DEPARTMENT OF SOCIAL SERVICES  
CHAPTER II. REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES  
SUBCHAPTER D. ADULT-CARE FACILITIES  
PART 485. GENERAL PROVISIONS

#### 18 CRR- NY 485.2 Adult Care Facility

##### 485.2 Definitions.

(a) Adult-care facility shall mean a family-type home for adults, a **shelter for adults**, a residence for adults or an adult home, which provides temporary or long-term residential care and services to adults who, though not requiring continual medical or nursing care as provided by facilities licensed or operated pursuant to article 28 of the Public Health Law or articles 19, 23, 29 and 31 of the Mental Hygiene Law, are, *by reason of physical or other limitations associated with age, physical or mental disabilities or other factors, unable or substantially unable to live independently.*

(e) **Shelter for adults shall mean an adult-care facility** established and operated for the purpose of providing temporary residential care, room, board, supervision, information and referral, and, where required by the department or otherwise deemed necessary by the operator, social rehabilitation services, for adults in need of temporary accommodations, supervision and services. Such definition shall not include facilities providing such temporary residential services to fewer than 20 persons, unless such facility is operated by a social services district.

[https://govt.westlaw.com/nycrr/Document/150d0193acd1711dda432a117e6e0f345?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/150d0193acd1711dda432a117e6e0f345?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

#### **New York State Adult Homes**

Livable New York Resource Manual <http://www.aging.ny.gov/LivableNY/ResourceManual/Index.cfm> 1 III.1.r  
Lisa Newcomb, Executive Director Empire State Association of Assisted Living Clifton Park, NY ADULT HOME Description: In New York State, an Adult Home is defined in law as an Adult Care Facility. **Adult Homes are licensed and regulated by the New York State Department of Health and offer long-term, supportive residential care for five or more elderly people and nonelderly adults with disabilities.** Models that are similar to New York's Adult Homes exist in many other states, where they are known by a variety of names (such as Personal Care Homes, Adult Congregate Care, Domiciliary Care, and others); and they provide the same types of housing and the same level of services. Like New York's model, they provide "hands-on" personal care assistance and, therefore, are licensed by a state government agency (Aging, Health, Social Services, or Human Services). Like New York, most states' models serve adults aged 18 and over.

<https://www.aging.ny.gov/livableny/ResourceManual/Housing/III1r.pdf>

## LICENSING & ACCREDITATION

### **Federal Regulation of Methadone Treatment**

Methadone, like all other prescription drugs, is regulated by the Food and Drug Administration (FDA) of the Department of Health and Human Services (HHS) under the Federal Food, Drug, and Cosmetic Act. Because it is classified as a narcotic drug<sup>1</sup> with some potential for abuse, methadone is also regulated like, other potent opiates, by the Drug Enforcement Administration (DEA) of the Department of Justice under the Controlled Substances Act. But unlike any other prescription drug and any other controlled substance, methadone—when used to treat opiate addiction—has also been subjected to a third layer of federal regulations. These regulations govern in great detail how physicians may—and may not—care for opiate-dependent patients and are enforced by federal agents.

<https://www.ncbi.nlm.nih.gov/books/NBK232114/>

### **Substance Abuse and Mental Health Services Administration (SAMHSA)**

Statutes, Regulations, and Guidelines

Learn about the federal statutes, regulations, and guidelines that apply to opioid treatment programs (OTPs) and medication-assisted treatment (MAT).

Federal statutes, regulations, and guidelines govern medication-assisted treatment (MAT) for opioid addiction. SAMHSA's [Division of Pharmacologic Therapies \(DPT\)](#), part of the [SAMHSA Center for Substance Abuse Treatment \(CSAT\)](#), oversees accreditation standards and certification processes for [opioid treatment programs \(OTPs\)](#). DPT also works with the [Drug Enforcement Administration \(DEA\)](#) and the states to regulate certain [medications used in MAT](#). Additionally, DPT works directly with MAT professionals to improve treatment outcomes and to meet regulatory criteria.

<https://www.samhsa.gov/medication-assisted-treatment/statutes-regulations-guidelines>

### **New York State Office of Alcoholism and Substance Abuse Services (OASAS)**

<https://www.oasas.ny.gov/pio/contact.cfm>

### **Joint Commission on Accreditation of Healthcare Organizations (JCAHO)**

The Joint Commission on Accreditation of Healthcare Organizations or JCAHO is a nonprofit organization based in the United States that accredits over 20,000 healthcare organizations and programs in the country. The JCAHO commonly is referred to as the Joint Commission in the healthcare industry and among governmental industry regulators on the federal and state levels. The Joint Commission is the successor of an organization established in 1951.

<https://www.healthcare-management-degree.net/faq/what-is-jcaho/>

By Directly impacted community member **Victor M Herrera**

## **Committees on Criminal Justice and General Welfare Wednesday, October 2, 2019**

This is my own personal testimony as it relates to each Intro:

### **Intro T2019-5170**

### **Intro T2019-5171**

I am a directly impacted individual who spent most of my time in solitary not because I engaged in disciplinary rather on account of advocacy for changes while there. I was targeted for retaliation and falsely accused. However, I point to the need of why the **Bill of Rights** for the incarcerated is important. We should not miss that the personal animosity that is held by the Department of Correction personnel seriously undermines this implementation. Accounting for the conduct is important. The improper targeting by staff toward the people held in detention is the root cause and needs to be addressed through means of training and supervision. The core concerns relative to behavior and the reasons for should be a factor supportive of both **Intro T2019-5170 and T2019-5171**. The structure of the facility goes to the type of environment being implemented and how it is being used will alter the manner of the behaviors and responses of those detained or held in the new jails.

I have always believed that changes do occur when you change the environment of those affected. Whether from good to bad or bad to good, the test only can be demonstrated by a history of planning and implementation. Those changes cannot occur if we bring into the new jail's dirty laundry in a newly established home. (Corrections officers from a new batch should be trained in counseling and treatment). As for De-escalation, unlike the Emergency response Team for DOC, it should be precisely the purpose of de-escalation rather than targeting for punishment the behavior. I cannot see a repeat of the same old culture of violence if we approached the new jails with this in mind. Thank you.

### **Intro T2019-5172**

**Reinvestment** is primarily important to keeping the community from being targeted for the idea of years of filling beds that we are today attempting to eradicate from our community's way of life. Incarceration is not a response to treating behavior and investing into our communities is paramount to making change possible. Thank you.

### **Intro 1190**

#### **Department of Social Services Drug Treatment**

This Intro is very important to reducing numbers in the shelters, especially when it relates to **DHS/HRA** are contracting Non-profits engaged in the treatment of the mentally ill and chemically addicted.



Testimony of  
**Coalition for the Homeless**  
and  
**The Legal Aid Society**  
on

Reinvestment in Communities Impacted by Jail Closures on Rikers Island and Intro 1190

Presented before

The New York City Council's Committee on General Welfare jointly with  
the Committee on Criminal Justice

Giselle Routhier  
Policy Director  
Coalition for the Homeless

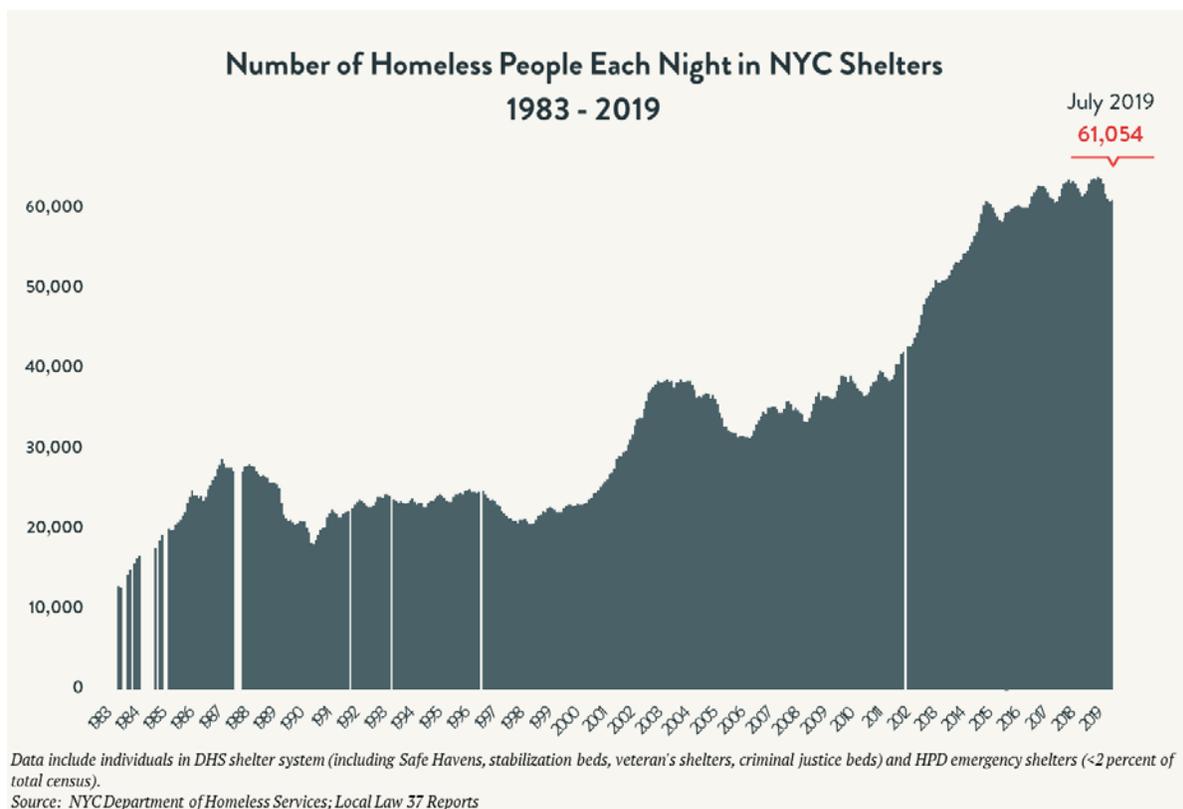
Josh Goldfein  
Staff Attorney  
The Legal Aid Society

October 2, 2019

The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council’s Committees on General Welfare and Criminal Justice regarding investment in communities after closing jails on Rikers Island, and on Intro 1190 regarding drug treatment in shelters. We thank Chairs Levin and Powers for their ongoing dedication to advancing permanent housing as the solution to homelessness.

### **Record Homelessness in New York City**

New York City remains in the midst of the worst homelessness crisis since the Great Depression, with more than 61,000 adults and children sleeping in shelters each night. Unfortunately, many individuals who are homeless have firsthand experiences with the criminal justice system. Eight percent of all households entering shelters cite “release from jail/prison” or “criminal situation at prior residence” as their precipitating reason for homelessness. An additional 14 percent of all adults and family households cite domestic violence as their precipitating reason for homelessness, which often also entails interactions with the criminal justice system.<sup>1</sup> Countless other homeless New Yorkers have at some point been entangled in the criminal justice system, often related to the systemic criminalization of poverty. New Yorkers who sleep on the streets and in the subways may experience arrests and time spent at Rikers Island for low-level offenses, and the recent City and State promises to more aggressively police quality-of-life issues in the subway system are likely to perpetuate this cycle. Our neighbors who are most directly impacted by mass incarceration are the same people who are at the highest risk of homelessness: low-income people of color. The issues of criminal justice and homelessness are therefore inextricably linked, and any efforts to reform the City’s system of jails must also acknowledge the broader needs of New Yorkers who have been overlooked for too long.



<sup>1</sup> Source: NYC Department of Homeless Services: Reasons for adult and family homelessness FY 2017, via FOIL.

### **Need for Permanent Housing**

Urgent action is needed to expand the supply of permanent housing necessary to break the cycle of homelessness and criminal justice involvement. Since January 2018, the House Our Future NY Campaign has urged Mayor de Blasio to align his *Housing New York 2.0* plan with the reality of record homelessness by building 24,000 new apartments and preserving the affordability of 6,000 more for homeless New Yorkers by 2026. So far, 67 organizations have endorsed the House Our Future NY Campaign, as well as 34 Council Members, the Public Advocate, the Comptroller, and the Borough Presidents from the Bronx, Brooklyn, Manhattan, and Queens. We appreciate the Council's steadfast support in this campaign as we continue to encourage Mayor de Blasio to take action to create this desperately needed housing. Furthermore, we encourage the City to accelerate the timeline for the creation of 15,000 supportive housing apartments by scheduling their completion by 2025 rather than 2030. The foundation of a permanent home can reduce the risk of recidivism and ensure that people who have been cycling between homelessness and incarceration have the stability and supports they need to thrive.

### **Intro 1190**

Intro 1190 would require drug treatment services to be provided on site at all shelters across the Department of Homeless Services (DHS) and HIV/AIDS Services Administration (HASA) systems. We believe in the importance of increasing access to drug treatment services, emphasizing a harm reduction approach that includes counseling and medication-assisted treatment, and we encourage the City to identify ways to expand access to care across the city. However, regarding the specific requirements of Intro 1190, it is important to note that not all shelters are capable of providing on-site care because they lack licenses authorizing them to provide treatment. In order to provide the best possible care for homeless individuals who are struggling with substance use issues, existing regulatory structures that ensure the safety of patients must be followed. While the number of drug-related fatalities among homeless individuals climbed from 35 in 2010 to 99 in 2018,<sup>2</sup> this increase mirrors a rise in drug-related deaths across New York state and the country during the same time period. As such, we are sensitive to the stereotypes of homeless individuals regarding substance misuse and do not wish to further such erroneous stereotypes by necessarily equating shelters with drug treatment programs. We recommend the City devise a comprehensive plan to increase access to drug treatment and harm reduction programs for New Yorkers regardless of housing status throughout the city, which may include increasing programming at some shelters where appropriate, instead of requiring such programming at all shelters.

### **Conclusion**

We thank the Council for the opportunity to testify, and we look forward to opportunities for further advocacy to address the needs of all homeless New Yorkers.

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<sup>2</sup> New York City Department of Health and Mental Hygiene, Bureau of Vital Statistics, and New York City Department of Homeless Services. *Thirteenth Annual Report on Homeless Deaths (July 1, 2017 – June 30, 2018)*.

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## About The Legal Aid Society and Coalition for the Homeless

The Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 2,000 attorneys, social workers, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major practices — Civil, Criminal, and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. The Society, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. The City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. Our goal in litigation is to ensure that the City creates and maintains enough youth-specific beds to meet the needs of *all* youth seeking shelter. The Society, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled – NY, settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness.

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which is now in its fourth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term solutions and include: Supportive housing for families and individuals living with AIDS; job-training for homeless and formerly homeless women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes over 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries.

The Coalition was founded in concert with landmark right to shelter litigation filed on behalf of homeless men and women (*Callahan v. Carey* and *Eldredge v. Koch*) and remains a plaintiff in these now consolidated cases. In 1981, the City and State entered into a consent decree in *Callahan* through which they agreed: "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws.



Chairperson Powers and Members of the New York City Council Committee  
on Criminal Justice,

I come before you today to respectfully submit my testimony regarding the four proposals you will be discussing at your October 2, 2019 meeting: a bill regarding reporting and transparency, advanced by Councilmembers Ayala and Levin; a bill regarding a crucial task force focused on community reinvestment and the closure of Rikers, advanced by Councilmember Levin; a bill regarding conditions of confinement, advanced by Councilmembers Powers and Rosenthal; and Intro 1190, advanced by Councilmembers Levin, Ayala, and Levin.

As the President and CEO of JustLeadershipUSA, the organization leading the #CLOSErikers, #buildCOMMUNITIES campaign in this city, I applaud and appreciate any efforts this Council can take to protect people who are currently incarcerated or detained, prevent people from being detained in the future, and ensure maximum transparency from this and future Mayoral administrations who must be held accountable to the demands advanced by the directly impacted advocates who have led the #CLOSErikers campaign.

### **Reporting and Transparency**

Beginning with the reporting and transparency bill advanced by Councilmembers Ayala and Levin - I wholeheartedly support this bill and urge this Committee to not just pass this bill, but also work toward ensuring its fullest and most robust implementation in the years ahead. There are several key provisions in this proposal that should be highlighted as they speak directly to the concerns that impacted leaders have raised over the course of their advocacy.

First, this bill would require quarterly reporting on the progress of closing the jails on Rikers Island and of this city's efforts at further, historic decarceration. This is a crucial point. The plan to shut down Rikers has never just been about closing jails. Our plan (available at [jlsa.org/campaign/closerikers/](https://jlsa.org/campaign/closerikers/)) has been focused on significantly reducing this city's capacity to detain, harm, or otherwise traumatize people and to enact the reforms necessary to ensure

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 [@JustLeadershipUSA](https://www.instagram.com/JustLeadershipUSA)

that even a drastically-reduced detention-population-limit is never met. We must know how the city is working toward that goal so that we can properly hold the city accountable.

It is also worth noting that this bill requires data to be meaningfully disaggregated and for the report to include information on the impact of parole violations on the city's detained population. Data provided by this city is only as useful as advocates' ability to quickly understand and disseminate it within our coalitions. Requiring the city to present this data in a way that it will further inform, and not impede, our efforts at decarceration and strategic legislative advocacy is vitally important.

Just as important is acknowledging the reality that the only growing population of people detained in New York City jails consists of people accused of technical parole violations. While advocates are fighting to pass groundbreaking parole reform in the legislature ([www.katalcenter.org/lessismoreny\\_factsheet](http://www.katalcenter.org/lessismoreny_factsheet)), we know that those who oppose us attempt to obfuscate the reality of how severely parole is harming Black and brown communities across this city. It is long past time to fight back with the transparency and honesty that is worthy of advocates' efforts in this cause.

Beyond these provisions, I am grateful that this bill requires the Mayoral administration and relevant agencies to publish: a timeline for the closure of Rikers Island; information relating to the design of, and timeline of construction for, new facilities; and staffing plans for future facilities. Each of these pieces of information is a core part of what directly impacted leaders continue to demand from this current Mayor and what we will continue demanding from all future Mayors. Commitments and talking points are never enough, particularly when advocates have had to hold this Mayor accountable at every step of the way and must continue to insist that he offers some semblance of leadership and vision as the goal of closing Rikers comes closer to fruition.

The only amendments we would offer to this bill are to include specific references to the Vernon C. Bain Correctional Center, the Manhattan Tombs, the Brooklyn House of Detention, and Kew Gardens. I cannot overstate how critical it is to ensure the demolition of each of those facilities

and to understand the population demographics of the people detained there now (with the exception, of course, of Kew Gardens). All twelve jails currently operating in New York City must be shut down forever and we must have a full accounting of the harm those facilities have caused. Only then can we achieve a drastically transformed system that begins to repair that harm while preventing future harm from ever taking place.

### **Task Force Focused on Community Reinvestment and the Closure of Rikers**

Moving now to the proposal to create a task force focused on community reinvestment and the closure of Rikers - the campaign supports the creation of this task force but we urge this Committee to implement three key amendments or provisions into the proposal in its current form.

First, it is imperative that at least 12 of the Commission's members are **people with direct experience of Rikers - people who were formerly incarcerated there or had or have loved ones incarcerated there**

. As you know, JustLeadershipUSA and the #CLOSErikers campaign work in service to the mantra: *those closest to the problem are closest to the solution, but furthest from resources and power*. This Committee, through this Commission, has an opportunity to forcefully confront the reality captured in the second half of that statement and to center the leadership and experience of directly impacted experts. The results will speak for themselves either way; in the history of this country, no movement for social, civil, or racial justice has been successful until the people most harmed by a problem were in a position to lead the work on crafting and implementing solutions. The success of the #CLOSErikers campaign is further evidence of this fact, and it is incumbent on you to recognize that directly impacted leaders must be the majority of this Commission.

Second, all boroughs must have representation on the Commission. Rikers and this City's incarceration and criminal justice systems have impacted Black and brown people everywhere. The crisis of mass criminalization has not been limited in scope or severity, and the Commission must be positioned to understand the magnitude of the problems they seek to remedy. With respect to that mission, the third factor that I urge you to consider in the creation of this

Commission is a mechanism to give this Commission real power and some level of meaningful authority in setting an agenda for this city's future.

I ask you to remember that this Commission's work transcends a call to simply invest in impacted communities; this work must be about creating and disseminating reparations to the survivors of Rikers Island. The racial foundations of the criminal justice system are epitomized both by the racialized harm that Rikers has inflicted, as well as by the divestment from Black and brown communities in this city that have been historically over-policed and over-prosecuted. This Commission could have an unparalleled opportunity to finally reckon with this past and reconcile it with a vision for communities centered on healing and hope, and we cannot miss that opportunity by falling short of our very best intentions. Work that impacted communities have already done to outline the investments they need, like the #buildCOMMUNITIES platform, must be considered and prioritized. [jlusa.org/buildCOMMUNITIES](http://jlusa.org/buildCOMMUNITIES).

### **Conditions of Confinement**

Moving now to the proposal to focus on and improve conditions of confinement for incarcerated people - I recognize and appreciate the use of human-centered language in this proposal. To quote movement leader Eddie Ellis, "We also firmly believe that if we cannot persuade you to refer to us, and think of us, as people, then all our other efforts at reform and change are seriously compromised." I also recognize that this proposal is a well-intentioned effort to see and work to protect the humanity of people who are incarcerated. However, my concern is that this bill falls far short of the work that is necessary to actually protect people who are incarcerated in a way that creates at least an opportunity for healing.

The #CLOSErikers campaign has demanded improved conditions for incarcerated people and sees an unequivocal urgency in achieving this across the system. However, unless this Council approves the Uniform Land Use Review Process petition regarding the construction of borough-based facilities, and pairs that approval with a tangible commitment to community investment and community-based resources, improving conditions in the facilities that currently exist will only perpetuate the abhorrent and irredeemable culture that defines those facilities, in

turn exacerbating the physical and mental trauma that those facilities inflict on our communities.

My concerns with this proposal extend to informing incarcerated people of their rights during their incarceration. This is a powerful idea but the reality is that knowledge is half the battle in our fight to protect incarcerated people and families. The enforcement of those rights and the public scrutiny of agencies that are actively seeking to deny or undermine those rights is the necessary but missing piece of this proposal. Even when these rights exist, they are rarely protected. The organizing and actions of incarcerated people across the country demonstrate this time and again. We cannot simply tell people what we are doing to help them; we must actually do those things and hold people accountable when those things do not get done.

### **Intro 1190**

I support and urge this Committee to support Intro 1190. The reason is simple: an integral component to the #CLOSErikers campaign's #buildCOMMUNITIES platform is the focus on health and mental health services separate-and-apart from the criminal justice system. These services must be built within a framework of health and safety, and should not be remotely associated with the culture of punishment and incapacitation that has, for too long, defined this city's and this nation's approach to mental health challenges. Investing in the resources that allow us to focus on community-based, human-centered services is a necessary step forward if we are to truly #buildCOMMUNITIES across this city.

In conclusion, I thank you for the opportunity to submit this testimony, and I look forward to continuing to serve as a partner with you in this work.

**DeAnna Hoskins**

*President & CEO*

JustLeadershipUSA



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October 2, 2019

### **NYC Council Subcommittees on Criminal Justice and General Welfare Hearing**

**Via Email:** Keith Powers: Chair NYC Council Criminal Justice Committee; CM Stephen Levin: Chair, NYC Council General Welfare Committee; CW Diana Ayala; CW Helen Rosenthal; CW Vanessa Gibson; et al

**Ref: Intro 1190 ; T2019-5171; T2019-5172; T2019-5170**

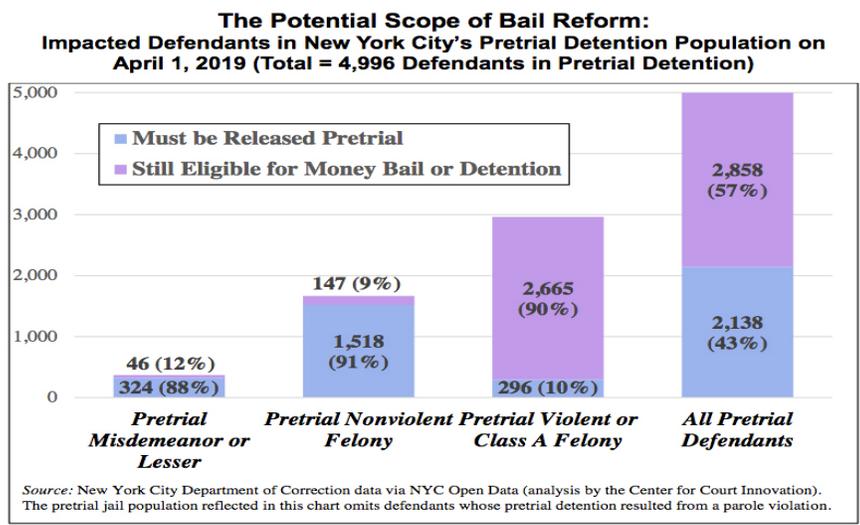
Dear Chairs Powers, Adams, Criminal Justice and General Welfare Committee Members:

We are Kathy Morse, and Kelly Grace Price: co-founders of the [#CloseRosies](#) campaign, we thank you for allowing us to present testimony in support to the facade of bills the NYC Council has presented in an attempt to give gentle shape to the Mayor's borough jail rebuild plan. We want to Close Rosie's: the Rose M. Singer Center aka "Rosie's;" the all-female jail on Rikers Island where women, girls, trans, gender non-conforming and intersex people are currently detained pre-trial and/or serving a "City-sentence" of up to one year post-conviction. We are the women who have been holding the City accountable for the sins committed against ourselves and our mothers, sisters, daughters, nieces, aunts, and grandmothers. We have experienced the hell and inhumanity that thrives there first hand and we want to have a say on what happens to us after we [#CloseRosies](#). **We are excited that the Council is utilizing all tools available to it to gently steward the shape of the Mayor's jail rebuild ULURP proposal and we have suggestions as to how to improve each of the proposed bills.**

- I. **Intro 1190 Requiring the dept. of social services and the dept. of homeless services to provide drug treatment services.**
  - A. This mandate seems hasty and ill conceived. Many shelters currently do not have any staff on-site let alone drug treatment services. How many NYC shelters currently provide housing only and haven't attached wrap-around social, medical, preventative or mental health services? Adding this requirement to all shelters may have the effect of disqualifying hundreds of shelters currently housing vulnerable populations from receiving payments for their services effectively shuttering what could be the equivalent of tens of thousands of shelter beds each night: forcing people into the street. Before undertaking this mandate data should be presented by the council committee detailing how many shelters would be effected and the potential this mandate would have on closing the doors to many facilities that only provide housing to their clients. This feels like a barrier to creating shelters when our city needs to be thinking about ways to rapidly create housing solutions. If shelters don't have the capacity to provide on-site services why can't they enter into partnerships with organizations that can provide these services off-site and keep their doors open? This bill feels out of place and not well thought through.

**II. T2019-5171: Require the board of correction to report on the impact on incarcerated individuals of closing jails on Rikers Island, and requiring the mayor’s office of criminal justice to report on progress in closing jails on Rikers Island.**

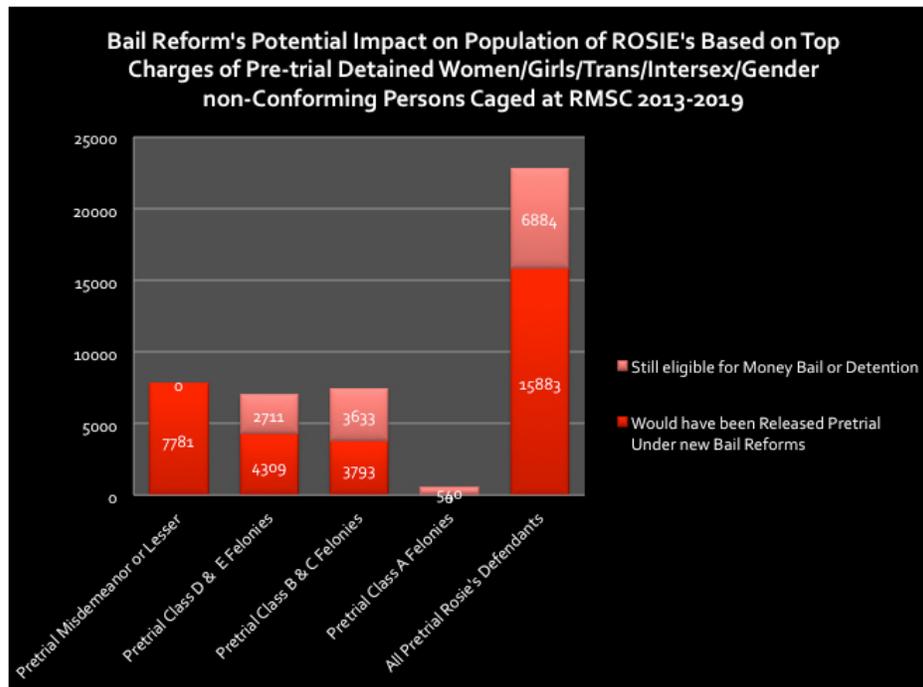
- A.** Why isn’t the DOC included in this bill? All data MOCJ and BOC receive comes from the DOC and they must be held accountable to the council for providing this data as well. Often the data the DOC provides to the BOC and MOCJ is corrupt, dirty or tallied incorrectly. The DOC must be held responsible for providing this data to the City Council in conjunction with MOCJ and the BOC otherwise all you will receive is bad data and a lot of finger pointing between the agencies.
- B.** Why is there not a requirement to report on the population decreases/changes in our City jails based on GENDER? The bill asks the BOC to report on *“(b) the average and median length of stay of incarcerated individuals detained pretrial in total and by facility, in total and disaggregated by whether there is a co-occurring parole violations, and the number and percentage of pretrial detainees whose length of stay is longer than 30 days, 90 days, six months, and one year.”* This information is not entirely helpful. Please ask for detailed information about exact length of stay, top charge, outcome of charge, and amount of bail aggregated by GENDER.
- C.** To Date **NO ONE** has provided publically a thorough analysis of what our City jail population will look like once bail reform is implemented on January 1, 2020. The Center for Court Innovation provided an analysis stating that the Rikers population could decrease by as much as 43% from current status based on what ONE day’s Rikers population was comprised of in April of 2019:<sup>1</sup>



Close Rosie’s has done an analysis of the population of women, girls, trans, gender non-conforming and intersex people on the Rose M. Singer Center over the past five years and determined that Of 22,767 detained on [#Rosies](#) over past five yrs. only 6,884 would have been

<sup>1</sup> The Center for Court Innovation: [“Bail Reform in New York: Legislative Provisions and Implications for New York City.”](#)

jailed under new [#bail reforms](#); 15,883 women/girls would have walked free after arraignment. This is potentially a ~70% drop in Rosie's population VS 43% estimate of all-[#Rikers](#) decrease:



**We have not finished our analysis of bail reform's potential effect on our entire City Jails population but we encourage the City Council to also demand from the BOC, MOCJ and the DOC this data be incorporated into the reports required to be produced under proposed T2019-5171 and we ask that the Council NOT vote on the Mayor's ULURP proposal for rebuilding the city's borough jails until this data has been released and analyzed. We are looking at a potential dip in City jail population to a low of almost 2000 detained/incarcerated people: certainly a number that isn't deserving of building ELEVEN new facilities throughout our boroughs.<sup>2</sup> It is extremely suspicious that this data hasn't been produced by any of the cadre of paid City officials working on this effort. Why is this?**

**III. T2019-5172: Establishment of a commission to make recommendations on reinvestment in communities impacted by Rikers Island.**

**A. Subpoena and Investigative Authority:** *Who/what will give this commission bona fides?* This commission should be better thought out. It needs to be FUNDED with a staff and investigative/subpoena powers. The NYC council already has an OVERSIGHT committee that should be looking into root causes of detention/incarceration and which neighborhoods are most effected and it is called the NYC BOARD OF CORRECTIONS which, if you haven't noticed, is IN TOTAL DISARRAY. Recently the Director, Martha King, mired in controversy over her unsavory and discriminatory management techniques, disclosure issues and data troubles fled her post.

<sup>2</sup> The current plan calls for the building of FOUR new borough jails and FIVE new facilities attached to hospitals to serve as "trauma centers" for people experiencing mental health related events.

The top investigators, analysts, data and technology staffers have recently quit in disgust or been forced out; Equal Opportunity Commission complaints are being filed; good employees are being forced-out in an effort to slow production of dispositive information; cover-ups and bad data abound. Before the NYC Council endeavors to create another commission without the proper tools or oversight we need to clean up the BOC. It seems many of the functions of this proposed commission overlap with BOC responsibilities. It may make more sense to create a special ad-hoc committee WITHIN the BOC so that this committee has access to resources, investigative tools, legal staff, technology, support, and subpoena powers. Much of the data this commission will require to do its work will need to come from the NYPD and DOC: what is the plan for this? [Currently the NYPD's and DOC's information sharing strategy involves forcing City Council members to file Article 78 hearings to get basic FOIL information \(CM Lancman\)](#). Close Rosie's average FOIL response from the DOC is NINE MONTHS. Is there a plan for how this "commission" will attain the data it will need to make basic decisions about which neighborhoods to target/invest in and who will be responsible for determining the integrity of that data? If the commission doesn't have investigative or subpoena powers how will it work with other agencies and hold them accountable for delivering accurate access and data to the commission?

#### **B. Commission Membership:**

1. Always the people directly impacted who are chosen for these types of commissions are the people already "embedded" as employees or staffers with NGO's who are receiving money from the City of NY. Usually these people do not present robust advocacy but instead concede to the Mayor's agenda/ae under fear of their employer losing their funding. This practice must end. We need honest advocacy not more paid shills for the mayor and city government on this commission.
2. There need to be directly impacted people on the commission. The membership caveat requiring that five directly impacted people "or people directly impacted by incarceration" needs to be removed. This is NOT acceptable. **The proposed committee is EIGHTEEN members and at least HALF (=9) of them need to be people who have been detained or incarcerated on Rikers: not "five people affected by incarceration."**
3. **Why don't any of the members appointed by the City Council Speaker need to be formerly incarcerated people?**
4. **Why does the Mayor get to appoint SEVEN of the EIGHTEEN people on this commission and the City Council Speaker only FOUR? This is outrageous.**
5. **Finally we need to dictate that as many women, trans, intersex, gender non-conforming and girls are on this commission as boys and men.**

#### **IV. T2019-5170: Amending the bill of rights for incarcerated individuals and ensuring minimum standards of design in newly constructed jails.**

- A. It is long overdue that the NYC Council endeavor to legislate the design of our City jails. The minimum requirements specified in the bill's current language are a good start. Many advocates for decades have been working on these issues with the BOC. This bill is a good start but needs further clarification and detail added to be efficacious in any way. You cannot allow the DOC any wiggle room. Much more work needs to be done on this bill. We have provided detailed schematics to MOCJ in the past that we are happy to share with the council committee. The way this bill reads now is a good beginning but a long off from being efficacious in any way. For instance:

1. It is not sufficient to merely ask for potable water and “*Visiting spaces, waiting areas, and other spaces in which visitors frequent that are suitable for children.*” The council MUST be specific in its legislative efforts.
  2. Is a plexi-glass barrier separating visitors from their loved one that is three feet tall and prevents touching and communication considered to be “suitable for children?” Is it “suitable for children” of any age to have to walk ALONE around twenty other adults seated at a long table in the visiting area to reach their parent to merely hug them?
  3. Merely asking for potable water doesn’t guarantee that it will be free-flowing 24/7. The DOC has repeatedly placed detained and incarcerated people in “dry cells” that have toilets and sinks but the water has been turned off or in some cases only freezing cold water or boiling hot water is provided: language needs to be added to tighten up this requirement.
  4. Likewise there is a demand that: “*Each cell in such facility shall: (a) be no less than 75 square feet (6.97 square meters) in total area and no less than six feet (1.83 meters) in any direction;*”... But there is no mandate for how HIGH the walls of each cage must be. These details MUST be accounted for, scripted, and spelled out in detail in this bill.
  5. If there is an internet connection in every cell what guarantee do we have that connection will not be used to monitor the activities via audio/visual methods of our detained and incarcerated neighbors caged in our city jails? If you require internet connectivity you must legislate how it will be used.
  6. There is nary a requirement that a light switch be provided for people to control the lighting in their own cages nor a requirement that the DOC provide lighting/darkness for any temporality. This needs to be included.
- B. The Inmate Bill of Rights currently includes language guaranteeing all practices of the DOC must be non-discriminatory but the entire ULURP proposal goes *au rebour* (against the grain) to this mandate. **Title IX**, as you most-likely know, is a federal civil rights law that was passed as part of the [Education Amendments of 1972](#). This is Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. §§ 1681–1688. Title IX applies to institutions that receive federal financial assistance from USAED, including state and local educational agencies such as the NYCDOC which runs vocational rehabilitation and educational programs that are funded in whole or in part by the ED. ***Educational programs and activities that receive ED funds must operate in a nondiscriminatory manner.*** Some key issue areas in which recipients have Title IX obligations include: counseling; sex-based harassment; treatment of pregnant and parenting students; discipline; single-sex education; and employment et al..
1. So, parents who are students and are women/girls detained in Queens who live in other boroughs will suffer higher barriers to accessing their children than their male counterparts.
  2. Not being in one’s own home borough will create barriers to accessing support systems, attorneys and witnesses to prepare for defense. A person’s ability to secure freedom affects their access to education. Any hindrances to preparing a robust defense to a criminal prosecution are barriers to education that women/girls will suffer if we are all shoved into a corner of Queens that men will not have to suffer.

3. Physically women and girls will have to be transported inter-borough for all court appearances- time that will detract from their opportunity to attend educational and rehabilitative programming that men won't have to lose...

4. It will be more difficult for families, friends and loved ones to visit women and girls in Queens than to visit men who are in their own boroughs. This enables people to be isolated and vulnerable and more likely to be targets of sexual assault while they are detained than men...

We could go on and on but these are just a few reasons/areas of concern regarding Jail rebuild plan and how it conflicts with Title IX AND THE INMATE BILL OF RIGHTS THAT GUARANTEES NON-DISCRIMINATORY TREATMENT OF ALL DECONTAINED/INCARCERATED BY THE DOC.

**If MOCJ's current jail rebuild proposal regarding women/girls is not altered the Office of Civil Rights (or any woman/girl potentially affected by these issues) has every right and obligation to investigate and potentially initiate litigation to stop the Borough Jail Rebuild plan from going forward. The mayor's people keep saying that women's groups are supportive of just one jail for us but four for men. This is not true. Only those groups already promised \$\$ by MOCJ to run programs in the single jail are agreeing with this nonsense. Our population is small but this does not mean we are undeserving of being housed in our home boroughs. Also—we need to bring our women home to NYC to serve sentences of less than five years HERE in OUR borough jails. None of these things was discussed or planned and we remain available to participate in any conversations with the mayor's office and/or city council to create a strong and robust plan going forward.**

Thank you for allowing us to participate in commenting on the City Council's important work to steward the broad outlines of the Mayor's ULURP borough jail rebuild proposal.

**Statement to City Council, Committees on Criminal Justice and General Welfare  
From Marvin Mayfield, JLUSA**

October 2, 2019

This morning, the organization which I represent delivered over 1,000 postcards signed by the constituents of 44 districts across the City, and addressed to their various Council members. All of these postcards contained three areas of support concerning the plan to close Rikers. What is significant about these postcards is that they represent some of the communities most directly impacted communities by being underserved and overpoliced. I'm talking about - Harlem, Mott Haven, South Bronx, Brownsville, East New York, South Jamaica. What is also significant about these communities is that they are primarily communities of color and account for the overwhelming majority of NYC arrests and detainees. In the height of its population NYC held approximately 22,000 men, women, and children on Rikers Island and other City jails.

Today October 2, 2019, there are just over 7,000 people detained on Rikers Island. Yet their population is still comprised of these same underserved and overpoliced communities. The number reduced, but the complexion remains the same. As an activist - and a survivor of Rikers - I am overwhelmed by the vast number of New Yorkers who have been devastated by the treatment they have received at the hands of those who are entrusted to provide care, custody, and control.

Through T 5172, the proposal of a commission to make recommendations around community investment is a good start. But this work must look both forward AND backward, to address the historical harms that Rikers has visited upon people and communities for decades.

I implore you to look at the postcards - the people have spoken. We know that poverty, addiction, and crime are a by-product of systemic racism and transgenerational trauma. The proposed borough-based facilities will allow our communities to embrace our own people in proximity to their families and services. Through T 5170, the Council proposes some ways to codify and concretize improved conditions in NYC jails. But you must go further - through this legislation and ongoing commitments to hold DOC (or any agency operating in these facilities) accountable.

Please let compassion rule your vote to close Rikers and build communities.

Sincerely,

Marvin Mayfield  
NY Statewide Organizer  
JustLeadershipUSA

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Danielle Minelli Pagnotta (PLEASE PRINT)

Address: 24-13 26th St Astoria

I represent: Rouidence House, Inc. Beyond Kosca

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

Name: Tyler Nims (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Rikers Commission

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

Name: Misael Syldor (PLEASE PRINT)

Address: 85-57 149th St Jamaica NY

I represent: Lippen Commission

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1190 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

(PLEASE PRINT)

Name: DAVID MOSS

Address: 76 ROEBUNG ST, #3B, BROOKLYN

I represent: MYSELF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Joseph Gatocecello, Acting Associate Commissioner

Address: \_\_\_\_\_

I represent: DOC

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Timothy Eganey, Senior Deputy Commissioner

Address: \_\_\_\_\_

I represent: DOC

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Brenda Cooke Chief of Staff

Address: \_\_\_\_\_

I represent: DOC

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

BOC

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Michele Ovesey

Address: 1 Centre St

I represent: NYC Board of Correction

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

Name: Towako Koyata (PLEASE PRINT)

Address: Private

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

to discuss  in favor  in opposition

Date: 10/2/19

(PLEASE PRINT)

Name: Josh Goldfarb + Giselle Routhier

Address: 199 Water St 129 Fulton St

I represent: Legal Aid Socy Coalition for the

Address: as above Homeless

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1190 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Wendell Walters

Address: \_\_\_\_\_

I represent: Osborne Association

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Joshua Dean

Address: 10 W 15th St, Apt 319 New York, NY 10011

I represent: Human NYC

Address: 118 W 22nd St, 12th Floor New York, NY 10003

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Martha Larson

Address: 170 Prospect Pl #3A Brooklyn NY 11238

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

(PLEASE PRINT)

Name: Daniel Genoves-Sylvan

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1171 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

(PLEASE PRINT)

Name: Alexa Adams

Address: \_\_\_\_\_

I represent: Urban Justice Center

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Noelle Fries

Address: 776 Crown St APT 17

I represent: CUNY School of Public Health

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Colin Miceli-Nelson

Address: 265 Woodbine St.

I represent: No New Jark's

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

(PLEASE PRINT)

Name: Vivian Nixon

Address: 220 W 148th NY NY 10039

I represent: College and Community Fellowship

Address: 475 Riverside Drive

THE COUNCIL  
THE CITY OF NEW YORK 48

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10.2.19

(PLEASE PRINT)

Name: PATRICIA YANG

Address: \_\_\_\_\_

I represent: NYC HEALTH + HOSPITALS / CORRECTIONAL HEALTH

Address: (ADMINISTRATION)

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Chelsea Dams

Address: \_\_\_\_\_

I represent: Mayor's office of Criminal Justice

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK 46

Appearance Card

I intend to appear and speak on Int. No. 4 Res. No. \_\_\_\_\_

in favor  in opposition off bill No New Jan 25

Date: 10/2/2019

(PLEASE PRINT)

Name: Jenne "Puzzle" Nesbitt

Address: WAS MY PROPERTY & STILL IS 11 UNJUST YEARS

I represent: My Experience as a Formally incarcerated

Address: woman

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10-2-19

(PLEASE PRINT)

Name: Vivian Nixon

Address: \_\_\_\_\_

I represent: College and Community Fellowship.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Michael Dunn

Address: 303 3rd St BK

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

with conditions Date: 10.2.19

(PLEASE PRINT)

Name: Davlene Jackson

Address: \_\_\_\_\_

I represent: Close Rikers / Beyond Rikers 2020

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Peyy Herrera

Address: 179 01 Jamaica Ave.

I represent: Just Leadership

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: October 2

(PLEASE PRINT)

Name: Andrea Morrell

Address: 1237 E 39th St Brooklyn NY

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Abelade Matthew Dicker

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

10/2

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2

(PLEASE PRINT)

Name: Deputy Commissioner

Address: ERIN DRINKWATER

I represent: DSS

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: Oct. 2nd

(PLEASE PRINT)

Name: Brittany Williams

Address: \_\_\_\_\_

I represent: Myself

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ <sup>skills</sup> Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: CLAIRE SCHAPIRA

Address: 980 Herlsey 11207

I represent: myself

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Joel Northam (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: #. Concerned Citizen

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

Name: Robert Cohen (PLEASE PRINT)

Address: 130 Berraw St

I represent: BOC

Address: 1 Court St

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Marvin Mayfield (PLEASE PRINT)

Address: 1900 Lexington Ave.

I represent: Just Leadership USA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Anton Robinson

Address: 34 35<sup>th</sup> St. Suite 4-2A, BK, NY #232

I represent: Vera Institute of Justice

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

(PLEASE PRINT)

Name: Thalia Karny, Senior Trial Attorney

Address: \_\_\_\_\_

I represent: New York County Defender Services

Address: 100 William St, 20<sup>th</sup> Fl NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1190 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10-2-19

(PLEASE PRINT)

Name: Wendy O'Shields

Address: \_\_\_\_\_

I represent: Myself Advocate

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: LUC Figueiredo Miller

Address: 511 Bainbridge St Brooklyn NY 11233

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: BRANDON HOLMES

Address: 520A Decatur St BK 11233

I represent: CLOSE rikers

Address: 1900 Lexington Ave NY 10035

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 80/2/79

(PLEASE PRINT)

Name: Herbert Murray

Address: \_\_\_\_\_

I represent: JustLeadership USA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Dana Kaplan

Address: \_\_\_\_\_

I represent: Mayor's Office of Crim Justice

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Chatodd Floyd

Address: Dana Kaplan

I represent: Mayor's Office of Criminal Justice

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: BITSY BENTLEY

Address: 390 DEAN ST. BROOKLYN, NY

I represent: PRIVATE CITIZEN (MYSELF)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

(PLEASE PRINT)

Name: Shawn Hudson

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition ← mostly

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jocelyne Chen

Address: \_\_\_\_\_

I represent: 10/2/19

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 5170, 5171, 5172 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: KAYLA SIMPSON

Address: 199 WATER ST. 6th floor

I represent: THE LEGAL AID SOCIETY

Address: SEE ABOVE

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 5171 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10-2-19

(PLEASE PRINT)

Name: Janos Marten

Address: 450 W 47th

I represent: myself

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 5170, 5171, 5172 Res. No. 1190

in favor  in opposition

Date: 10/2/19

(PLEASE PRINT)

Name: Minister Dr. Victoria A. Phillips

Address: 40 Rector St. 9th floor Mental Health Project

I represent: Mental Health Project DSC & Skills Action Center

Address: 40 Rector St 9th Floor, NY, NY 10006

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 5170 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/2/19

(PLEASE PRINT)

Name: FRED FUSCO

Address: \_\_\_\_\_

I represent: COBA, LEGISLATIVE CHAIRMAN

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: 10/2/19

(PLEASE PRINT)

Name: ZACHARY KATZENCHELSON

Address: 121 6TH AVE NYC

I represent: LIPPMAN COMMISSION

Address: same

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Vidal Gorman

Address: \_\_\_\_\_

I represent: JLUSA

Address: \_\_\_\_\_

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Sharon White-Harrigan

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: 10/2/19

**(PLEASE PRINT)**

Name: King Downing

Address: El Barrio

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

▶ Please complete this card and return to the Sergeant-at-Arms ◀