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Res. No. 102

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation repealing all provisions of law that require most counties to maintain a jail.

By Council Members Hudson, Hanif, Ossé and Cabán

Whereas, Section 217 of the New York State County Law requires all counties in New York State to maintain a county jail, except counties wholly contained within a city, as outlined in paragraph (a) of Section 2; and

Whereas, Subsection 3 of section 500-A of the New York State Correction Law further requires that buildings presently in use as county jails must continue to be used for that purpose until and unless they are replaced; and

Whereas, The United States currently incarcerates approximately 1.9 million people, roughly a quarter of whom are confined in local jails, according to the Prison Policy Initiative; and

Whereas, As of 2017, local governments were spending a total of $25 billion on jails each year, accounting for approximately 5% of all county spending, according to the Pew Charitable Trusts; and

Whereas, Local jails are primarily utilized for pretrial detention, including for individuals held on monetary bail, creating a fundamental unfairness to detainees who lack sufficient financial means to secure their own release; and

Whereas, Pretrial detention may incur serious social and criminogenic costs, including increased recidivism, without producing a commensurate increase in court efficiency, according to a 2019 research summary from the Vera Institute of Justice; and

Whereas, Even as New York State jail incarceration rates have generally decreased in recent years, both

in absolute terms and relative to national trends, 17 counties still experienced increases in jail incarceration over the decade prior to 2021, as measured by data provided by the Vera Institute of Justice; and

Whereas, The requirement that all counties maintain a jail fuels the presumptive use of incarceration as a first-line measure in response to alleged criminality; and

Whereas, New York's current statutory scheme inhibits local ingenuity and restricts the ability of local policymakers to develop new approaches to criminal justice that do not rely primarily on incarceration; and

Whereas, Principles of democracy and community self-determination further demand that communities be permitted to implement new and innovative approaches to the criminal justice system that align with the values of the local electorate; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation repealing all provisions of law that require most counties to maintain a jail.

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