

October 4, 2019

Dear Mayor de Blasio,

As members of the Progressive Caucus, we reaffirm that the time to Close Rikers in New York City is now. The unconscionable abuses and conditions people have faced on Rikers Island demands nothing less than the immediate and full closure of the complex. The Caucus has been a steward of the plan to close the Rikers jail complex since former Speaker Melissa Mark-Viverito commissioned the Lippman Commission to study the closure of the facility in 2015.

We recognize that the campaign to close Rikers has always been more than about closing down the physical structure; the campaign intended to reshape criminal justice as we know it so the City would become less reliant on pre-trial detention and instead provide the supports and resources needed to help keep people out of jail entirely. Therefore, we believe the City has a responsibility to ensure that the plan achieves the broader social justice goals of the original campaign to close Rikers.

To that end, the Mayor should provide a clearer roadmap for planned criminal justice reforms that encompass decarceral policies, community investments, minimum standards of conditions, programming, and protections for detainees, as well as an overall timeline for the closure of Rikers. We ask that the City:

- 1. Legally ensure that Rikers will be closed once and for all.**

Due to the inhumane conditions of the facilities and in pursuit of our ultimate goal of decarcerating the city of New York, we call for an expedient closure of the Rikers Island Jail complex and the passage of legislation or a land use amendment that firmly ties the closure of Rikers island to deed transfer away from Department of Corrections (DOC) so that no correctional facility can remain or be built on Rikers Island.

To this effect, the Council recently passed a resolution on a land use amendment to change the permitted usage of Rikers Island and prohibit future detention on the land, an action we strongly support. We also support Council Member Constantinides' Renewable Rikers Act, which would transfer ownership of the land from the Department of Correction to the Department of Environmental Protection, ensuring the island can no longer be used for detention or be turned into luxury housing. And we ask that the City

explore further concrete legal avenues to ensure the closure of Rikers jail by unconditionally initiating deed transfer from DOC to a non-correctional agency by 2026.

2. **Continually reduce the population of people detained through policy-driven reform.**

Though the city has made great strides in reducing the number of people incarcerated in city jails, there are greater reforms our city can undertake to continually reduce the number of people detained pre-trial. Through expanding supervised release and alternatives to detention (ATDs) to more types of felony charges and encouraging more release on recognizance for all non-violent charges, New York City can further decarcerate and reduce the number of people in jails. The City should also push for further state reforms, including an end to cash bail, decriminalizing even more “quality of life” and drug-related offenses, and reforming parole practices, while tracking and engaging in oversight over current reforms on bail, speedy trial, and discovery reform. Additionally, the City should continue to find non-punitive ways to deal with issues like farebeating, homelessness, and mental illness that do not rely on policing or criminal justice interventions.

3. **Commit to significant investment in communities disproportionately harmed by incarceration.** The cost of operating Rikers Island is over \$1 billion dollars a year; with the city’s annual cost per individual in detention at \$302,296. Closing Rikers and dramatically reducing our jail population will have significant long term savings that need to be directly reinvested into communities harmed by mass incarceration and disparate policing. This requires historic investments in housing, education, healthcare, and social services to prevent marginalized New Yorkers from ending up in jail after falling through a series of failed social nets.

The Mayor should create a specific funding stream for this purpose and commit to investing \$5B+ over 10 years to healthcare, housing, education, youth services and other fundamental resources to provide New Yorkers a real safety-net infrastructure. These investments should include:

- **Emergency, supportive, and permanent housing** for those in need, especially those with substance or mental health issues, through a housing first approach.
- **Support for New Yorkers with serious mental illness**, including treating people with serious mental illness and acute medical needs in health settings, with trained healthcare professionals, outside police, court, and criminal justice systems. This

can include mental health respite centers, Mental Health Urgent Care clinics, Personalized Recovery Oriented Services (PROS), Incident Management Teams (IMT), Assertive Community Treatment (ACT) programs, and non-law enforcement first responder procedures for emotionally distressed person calls.

- **Re-entry resources for New Yorkers leaving jails and prisons** so formerly incarcerated people returning to their communities can remain there and flourish.

4. **Codify a set of minimum standards of conditions for facilities.**

- a. **Ensure minimum standards of design in newly constructed jails**, including adequate air conditioning and heating; accessible bathrooms; larger living quarters with access to natural light; better visiting and waiting areas that are suitable and comfortable for families; a call button or telephone in each room that detainees may use to contact staff; and timely access to clinical services.
- b. **Inform detainees of their protections** under the bill of rights for incarcerated individuals and department policy, consistent with minimum standards under federal, state, and city law.
- c. **Establish appropriate services and programming for detainees** within the facilities, through significant financial commitment, with the goal to reduce idle time and violence and increase rehabilitation and safety. This should include education classes to help detainees continue their education including preparing for and passing the TASC (formerly the GED).
- d. **Move towards ending the practice of isolation as punishment.** Current DOC practices use isolation in a variety of different restrictive housing units, but all future borough-based jail facilities should work towards ending practices that use isolation as punishment (also known as solitary confinement).

We also ask that detainees being held at the future Bronx Detention Center be transported to the Bronx courthouse in the Zero Emission Waste vehicles to mitigate the environmental impacts on the Bronx community.

5. **Increase the ratio of counselors and social workers to incarcerated New Yorkers.**

Rehabilitative initiatives such as the Resolve to Stop Violence Project (RSVP) program that utilize social workers and mental health professionals in San Francisco have been shown to reduce recidivism and decrease violence. New York City's current CAPS and PACE units have an intensive, therapeutic approach that includes morning meetings,

multiple day and evening programs, and one-on-one encounters with a wide range of mental health staff, including counselors, psychologists and psychiatric providers. The City should adjust staffing ratios to increase contact with social workers and counselors to make units in the new facilities more therapeutic and rehabilitative through evidence-based programming.

6. **Transition people with serious mental health and acute medical needs to a treatment setting outside of Department of Corrections control.** About 40% of the DOC population are individuals with current or a history of mental health issues, and about 16% have been diagnosed with serious mental illness (SMI), according to Correctional Health Services. An immediate step the City can take to greatly reduce the number of detainees in the borough-based facilities is to transition people with SMI and medical needs to settings outside of jail. People with serious mental health needs or drug treatment needs are often arrested for incidents related to these issues, as in the case of [Qulon McCain](#). These individuals are in need of treatment and care instead of punitive measures, and therefore should be treated in facilities outside of DOC management and the criminal justice system.
7. **Establish a sequencing timeline for the demolition and reconstruction of borough facilities that prevents current detainees in Brooklyn and Manhattan from being placed on Rikers.** While demolition of the Brooklyn House of Detention (BHOD) and the Tombs will inevitably mean those currently housed there may need to be transferred to another facility, a thoughtfully timed construction and demolition schedule where the Queens and Bronx facilities are prioritized for construction could ensure that detainees currently housed at BHOD and the Tombs remain out of Rikers.
8. **Explore a standalone facility for women, trans, and gender non-conforming (TGNC) New Yorkers.** Advocates and formerly incarcerated women held at Rikers have called for one centralized facility for women and TGNC New Yorkers with comprehensive gender-specific programming and services. The City should commit to identifying a standalone facility to house women and TGNC detainees after this current borough-based facility ULURP has concluded. The City should encourage safety in this facility by prioritizing program providers and social workers through staffing ratios, using gender-affirming hiring practices that encourage women-hires, and installing call-for-assistance buttons in living quarters. Directly-impacted formerly incarcerated

women and TGNC New Yorkers should be consulted with throughout the process of identifying the site and planning for this standalone facility.

We hope you take the above recommendations into serious consideration, as the plan for borough-based jails will impact communities for decades to come. The plan to close Rikers must not just replicate the same injustices in smaller jails. We must ensure this decision is made thoughtfully with the most affected communities at the forefront of these conversations. We must prioritize culture change in these facilities, reaffirm our commitment to decarcerate—including looking at new and innovative ways to address people with serious mental illness—and truly invest services and resources for communities directly affected by underinvestment and disproportionate policing.

We as a City have a serious opportunity to reshape detention and criminal justice in New York City. We should take this opportunity to fight hardest for communities that have been disproportionately impacted or touched by the criminal justice system due to systemic racism and disinvestment.

Sincerely,

The Progressive Caucus of the New York City Council