



OVERVIEW OF OUR PLAN

How we developed this plan

- We had a series of meetings with our directly impacted members and leaders, starting back in February 2018
- We analyzed how much we thought we could push the City to reduce the jail population in the next few years (and what the longer-term strategies could be)
- We also analyzed the benefits and drawbacks of different approaches (to support the Mayor's plan as is, to push for changes to the plan, or push to defeat this plan and start over with a new plan)
- That's how we landed on this plan - **Our Plan - to shrink the system while improving conditions, to decarcerate, and to invest in communities.**

Shrink the system:

- **The Mayor's plan** is already a proposal to shrink the system from 7,200 people detained to less than 4,000, from 12 jails and 15,000 beds to 4 jails and 4,600 beds.
- **We think we can shrink the system even further in the near future**, to a City jail capacity of less than 3,000 people, and that is possible through the ULURP process.
- With our **#FREEnewyork campaign**, we fought to overhaul the whole pre trial system. The bill to end money bail that we introduced would have been the strongest in the Country. The full set of #FREEnewyork reforms, if they had passed in their entirety, would probably reduced NYC's average daily jail population by about 3,700 people. The pre-trial reforms that did pass on April 1 this year will reduce the average daily jail population in NYC by **at least 2,100 and as much as 3,000 people**, as analyzed by the Center for Court Innovation (re: bail reform, and accounting for some effects of discovery and speedy trial reforms, though more difficult to accurately predict).
- By diverting all people with **serious mental health needs** into treatment (in settings not managed by the Department of Corrections), the City can plan for **1,100 less people in the jail system.**
- The Mayor also needs to invest more in arrest diversion and alternatives to

incarceration, and to do that faster. Two arrest diversion centers are slated to open this fall after many delays, but we need more. The Mayor can increase ATI program funding enough to **nearly eliminate City sentences over the new few years. That would mean almost 600 less people in jail on an average day.**

- Our partners are pushing to **overhaul how NYS handles technical parole violations and parole supervision** through the Less is More NY campaign. This includes the instances where people violate a condition of their parole - like missing an appointment or being out past their 9pm curfew -- but do not commit a new crime. People on parole are also deprived of due process when they are automatically remanded if they are charged with a new crime. This is the only category of people in City jails that is increasing. **These reforms could mean a about 750 less people in NYC jails.** While we wait for State reform the Mayor can work with the Governor to temporarily move some of the people being held for parole violations off of Rikers and into other State facilities in NYC where there is space. Between Edgecombe, Lincoln, and Queensboro Correctional Facilities, there's space right now for about 300 people. Those facilities are also not places where we want to see people kept long term, but it could mean 300 less people on Rikers right now, and 300 beds that the City can remove from their construction plans.
- The Mayor also must **end broken windows policing** once and for all. If he directs the NYPD to stop arresting people for the most common low level charges, that could mean **about 100 less people** in City jails. It's not a huge number by itself, but the effect of the trauma on Black and Brown New Yorkers is huge. He also must direct the NYPD to end their gang database that marks young men of color as criminals without evidence of any crime.
- These changes would free a lot of people, but the effects of them are overlapping, and the criminal punishment system is well entrenched. **Even with all of these changes, NYC's jail population would probably be just under 3,000...**which means we would still need to build something to be able to close Rikers and the Boat in the next few years
- **We want to get to a future with no jails, and for now, we are clear that we cannot leave anyone behind on Rikers. When we say that, we also know who mean - the people facing more serious charges - which is the experience of a lot of our members.**
- From the beginning, we have said that the City should build for the lowest possible jail population in the near future, AND that we'll push for space in the new facilities to be used for other community purposes as it becomes empty.

Improve conditions

- While anyone is still detained, conditions matter
- We need people as close to home as possible, in the least restrictive conditions possible, until they are actually home

- The toxicity and isolation of Rikers are unique and make it especially bad - those conditions can't be created in downtown areas. With the important activism that happened around the conditions at MDC (federal jail in Brooklyn), we've seen how we have a better chance of addressing abuse and unlivable conditions at jails that are less isolated
- We are pushing for a system that diminishes the role of DOC, and does not put guards "in charge" even if they have a role in some kind of security around the entrance and exits of the new facilities
- Along with this, we want a complete shift in language to be more humanizing. The City should remove the words inmate and offender from all City documents, guides, training, and practice. People must be called people, and treated as people.

Building Communities

- Passing a plan to build improved facilities (on a smaller scale, for people who remain detained), is a necessary step, but it was never the end goal. Building communities is. We'll be pushing for the #buildCOMMUNITIES investments that we've asked for, and largely targeting the NYPD budget and DOC operations budget first as a way to shift money, and later the money that will be saved from closing Rikers and shrinking the jail population.
- As the jail population shrinks further, we'll push for empty space in the new facilities to be used for other community purposes.

How you can help

- City level:
 - In order to get to next stage of deciding how facilities are run, what goes in them, and how to invest the savings from closing Rikers, we need to create a pathway for closing Rikers in the next few years.
 - The votes that the City will hold this fall will determine only two things - the maximum height of the buildings the City can build through this process, and where they will be. It will create the possibility to move people off of Rikers, but will not prevent the size or capacity of those buildings from being reduced before they are constructed. If the plan is voted down, there is nothing to stop the Mayor from building new jails on Rikers, which the City was trying to do before our campaign. The buildings are crumbling, and create immediate hazards a variety of ways.
 - Express your support for our plan to your Council Member.
 - Show up in solidarity with us at public meetings.
 - Follow us on social media and help us counter misinformation.

RESPONSES TO FREQUENTLY ASKED QUESTIONS

REDUCING #s OF PEOPLE IN JAIL

So where will all of these people go?

- Most people will be back home in the community, awaiting their trial, with a more fair chance to fight their case, or in some cases, serving an alternative sentence. The experience of the community bail funds shows that we do not need to hold people in jail to make sure they come back for trial, since 95% of people return for their trial even when they don't have any of their own money on the line through a bail payment. In fact, when people are held in jail before their court dates, they often miss those court dates because DOC is so bad at getting people to court on time.

Don't you think that if they built these jails they will fill them?

- We think the Mayor can be building for a lower number of people detained - less than 3,000 - and we're pushing for that. Through our advocacy, the Mayor has already reduced the planned capacity of the facilities to less than 4,000 people detained at any given time. In either case, that would result in many less people in jail than there are right now. Right now there are approximately 7,200 people in NYC jails.
- NYC's jails aren't full now - because of years of successful grassroots advocacy to decarcerate. With a few thousand empty beds on Rikers at this very moment, if City wanted to or thought they could get away with incarcerating more people, they have a much easier way of doing that available to them right now.
- These facilities can also be designed to drive themselves out of existence, and we can continue to organize to make sure they are never full. We have every reason to think the number of people incarcerated in this city will continue to drop over time - that has been the trend over the past twenty-plus years, a trend accelerated under this administration, and a trend which could be accelerated further by the kinds of investments we're calling for in our #buildCOMMUNITIES campaign. As that happens, we'll push to switch detention areas over to other community uses. The City's design team has said, in response to our questions, that this is possible.

What if the Mayor builds these new jails and doesn't close Rikers?

- See answers to above question +
- The City's Scoping documents for their proposal for borough based jails directly says that they will close Rikers: "Given the City's success in reducing both crime and the number of people in jail, coupled with the current physical and operational deficiencies at the Rikers Island Correctional Facility (Rikers Island), the City committed to closing the jails on Rikers Island. The 2017 report Smaller, Safer, Fairer provides the City's roadmap for creating a smaller, safer, and fairer criminal justice system. Central to this effort is the City's goal to provide a system of modern borough-based detention facilities while reducing the number of people in the City's jails to a total average daily population of

4,000 persons. **Under the proposed project, all individuals in DOC's custody would be housed in the new borough-based detention facilities and the City would close the jails on Rikers Island.**" (pg. 1; [New York City Borough-Based Jail System Draft Scope of Work](#))

- If this plan was going to increase the number of jails and people detained by building new jails AND keeping the old ones, then COBA would support it, because it would expand their workforce. They oppose it, because they know it is a proposal to shrink the system, and that their unfettered power would be inhibited in facilities that are less isolated. They continue advocating to renovate the jails on Rikers or build new ones there.
- Efforts to plan for the re-use of Rikers for green infrastructure and environmental justice purposes are already underway. We support [legislation](#) that would transfer control of the island from the Department of Corrections to the Department of Environmental Protection.

Won't putting jails or detention facilities in communities normalize them (and make it easier to send people to jail)?

- NYC's practice of banishing people who are accused of crimes to a toxic island normalizes the idea that people accused of crimes should be punished in harsh ways and isolated from their families and communities.
- Where jails exist in other cities and counties, they are usually located in downtown areas and civic centers. This is important so that the people detained there - the majority of whom are not yet convicted - can have easy access to courts, to their lawyers, and so loved ones can easily visit them. Rikers Island is an anomaly.
- In a city as dense as NYC, a facility that is not isolated will be near some schools, daycare centers, and other community institutions, like the Manhattan House of Detention and Brooklyn House of Detention already are. There is no reason to think that people who live near a jail will because of that jail come to see incarceration as a more likely or 'normal' part of their future. That has not been the case in Brooklyn or Manhattan, or other county jails.

What about the placement of a women's jail?

- Our partners in the Beyond Rosies campaign are pushing to decarcerate and improve conditions in the same way we are, and for the needs and experiences of incarcerated women to be central to the City's ultimate approach. They are advocating for one central facility for women, outside of the four the Mayor has proposed, because they believe it will create a better environment for women. With the type of changes we are discussing, the number of women incarcerated would be very low - about 110 - and if City did develop a separate women's facility, that would be subtracted from the capacity of the other facilities. We respect the leadership and their voice of the Beyond Rosies campaign on this issue.

Why should Staten Island be excluded?

- We don't think it should be. People from Staten Island who are detained also have a right to be closer to their community and court appointments. The Lippman Commission recommended one facility in each borough, and we support that. The facility in Staten Island could be small, based on their population, and it might be possible to establish

one without a ULURP process or building anything new.

Shouldn't we be targeting the DAs and the judges?

- We are doing that work with partners, through groups like Queens 4 DA Accountability and others. But state level reform, like overhauling discovery laws, means we can put up barriers across the whole state to prevent some of the DAs worst practices.

When do you think Rikers could close?

- Based on the analysis from the Lippmann Commission, it seems very possible that Rikers will close by 2024. We need that process to be past the point of no return by the time the Mayor leaves office in 2022.

How did you get 100 as the # of people who would be released on the four most common low level charges?

- We got this data from the Lippman Commission, who analyzed the City data on the numbers of people detained on these most four offenses as of fall 2018.
- Because of the successful advocacy of many grassroots groups across the City, arrests are down overall for low-level offenses, and when people are arrested for these charges, they usually do not result in jail time. These arrests are however, traumatizing and sometimes deadly for the people and communities who are hyper-policed.

CONDITIONS & COMMUNITY INVESTMENTS

If you want the jails to be run differently, or not by DOC, what do you propose instead?

- DOC has proven themselves unable and unwilling of ending the culture of violence in City jails
- When guards have a role, it can be to secure the entrance and exit points, but not one in which they are the primary people interacting with people held in the facilities.
- Ohio has a model of community-based correctional facilities, where the staff who primarily run the facility are county workers with social work and human services backgrounds. There a guards who have a security role, but not a management role. Our ED served time in one of these facilities, where there was never a lockdown.

Why don't we just invest in restorative justice instead?

- We want to see a system that gives everyone (those accused and those harmed) the chance to pursue restorative justice as an option from the very beginning of their case. We should invest more in restorative justice, and we are calling for that through our #buildCOMMUNITIES platform. We should also be honest that restorative justice won't be a solution in all cases, and doesn't always mean that a person is at liberty while participating in a restorative process. Restorative justice often makes the most sense when people have actually caused harm and want to take accountability. It isn't a solution when people are wrongly accused, or when they don't want to or aren't ready to be involved in an accountability process.

Isn't this a huge waste of money, to build these new jails? Wouldn't that money be better used for education, healthcare, etc?

- We strongly believe in pressuring the City to invest in community resources and divest from law enforcement, as emphasized in our #buildCOMMUNITIES platform.
- We do not believe the only way to get the community investments we need is at the expense of improving conditions for the people who are not yet free. We are advocating to drastically shrink the size of the jail system, but not suggesting that incarceration should be cheap. While anyone is detained, we want their needs to be met and their rights respected.
- We would rather NYC abolish policing and incarceration right now and spend no more money on it, but that will take more time and more organizing. Many of us who believe in abolition don't believe we will see it in our lifetimes (though we can get closer and we are getting closer). While we have a system that continues to incarcerate people, spending money to improve conditions for those people is not a waste, especially when the cost involved is a one-time expensive linked to a plan that will result in cost savings overall and reduce the DOC budget in the future.
- The Lippman Commission has estimated that shifting to a smaller and more humane borough based jail system will save roughly \$540 million dollars per year.
- Maintaining facilities on Rikers is very expensive, and if the Mayor can't build borough based jails, he will probably try to build new jails on Rikers. The structures there are old and crumbling. Especially because the ground that the jails stand on is composed primarily of garbage. As the garbage decomposes, and the ground the jails sit on shifts, it causes cracks in the walls and ceilings of buildings, including new facilities, and damages pipes that run below the foundation. Continual repairs, remediation, and capital improvements are needed to keep the Rikers Island jails operating. That is a huge waste of money.

Shouldn't most people on Rikers be in mental health treatment instead?

- We believe people who need treatment should get treatment, not jail, and that treatment for people with serious mental health needs should be provided outside of a correctional setting
- About 16% of people on Rikers are diagnosed with a severe mental illness (1,100 people). The number of people being held in specialized mental health units on Rikers is about 721. Their doctors say their treatment would be much more effective outside of a jail setting, and we agree.
- The City's data also shows that about 44% of people in NYC jails have an M designation. This means someone has had a need for mental health care, including managing the stress, depression, and anxiety of being in jail. It does not necessarily mean they have a serious mental illness. That kind of stress and anxiety is pretty natural reaction to being in an environment like Rikers.

What kind of alternative programs would you propose for City year sentences?

- There are many programs all over the City running very effective alternative-to-incarceration programs, which are also much less expensive than keeping people in jails. The programs should be focused on rehabilitation, and addressing root

causes and needs in individualized way. The City should support more programs which use a trauma-informed approach, incorporate restorative practices, and are proven to provide those involved not just with an alternative sentence, but with resources to lead more stable lives.

OTHER

Is the City just trying to close Rikers so it can build luxury housing there?

- People who make this claim are repeating a rumor spread by COBA, and showing how little they know about Rikers. The land that makes up Rikers Island is composed primarily of garbage. As it decomposes, and the ground that buildings sit on shift, it causes cracks in the walls and ceilings of buildings, while also releasing poisonous methane gas. There are also height restrictions in place on Rikers Island because it is so close to LaGuardia Airport - on most areas of the island, 4 stories is the maximum height.
- The idea to close Rikers came from directly impacted people and communities, not from the Mayor. It was his position that it could be reformed, and we showed him otherwise. The political pressure that we've created is the clearest motivation we can see for the Mayor to close Rikers.
- Our main goal is to make sure Rikers closes, and the conversations about how the land can be reused can come later. We are supporting efforts to re-purpose Rikers to green infrastructure and environmental justice through Renewable Rikers legislation.

What's to prevent...?

- There is no perfect solution, and we will not wait until we have a perfect Mayor or perfect society to close Rikers. We are aiming for the best solutions for the current moment and near future, to get the maximum number of people freed as quickly as possible, and to move the remaining people to improved facilities off of Rikers Island. We will need to continue our roles as organizers, advocates, activists, and eyes/ears/feet on the ground to see that the City carries through on its commitments and keeps moving towards decarceration, community investment, racial justice, and respecting human rights.