

# A MORE JUST NYC

## Independent Commission on New York City Criminal Justice and Incarceration Reform

### Why Close the Rikers Jails?

Rikers Island is the largest jail complex in the United States. On any given day, there are around 8,200 people held at Rikers and other NYC jails. 90 percent are Black or Latinx. Nearly half have a mental health diagnosis. The vast majority are locked up awaiting trial, often because they can't afford bail.

The 9 jails on Rikers have been notorious for violence and inhumane conditions for decades. Many of the jails are in poor condition, making them dangerous for jailed people and correction staff alike. Rikers is isolated, meaning that every day, nearly 800 people are bused between Rikers and courts in the five boroughs. Rikers is inaccessible to family members, lawyers, and service providers—connections that are vital to success when people return to our communities. Compounding these problems, the “out of sight, out of mind” isolation of Rikers perpetuates violence and a lack of accountability.

Operating these jails costs more than \$2 billion each year, or \$302,000 per jailed person per year.

In 2016, amid a campaign to close Rikers led by formerly incarcerated people, then-City Council Speaker Melissa Mark-Viverito appointed former state Chief Judge Jonathan Lippman to lead an independent commission to look at Rikers and the City's justice system and propose a path forward.

After a year of investigation, our Commission concluded that NYC should significantly reduce the number of people in jail and that the Rikers jails should be closed forever.

### *A More Just New York City: Our Blueprint for Change*

We set out an evidence-based roadmap for closing Rikers, reducing the number of people in jail by half or more, and creating a fairer and more effective justice system. Among our key recommendations:

***Rethinking Incarceration:*** Use jail only as a last resort.

- Divert people with mental health or substance issues to treatment and decriminalize certain offenses.
- End cash bail so that wealth does not determine freedom.
- Improve discovery and speedy trial practices so cases proceed fairly and quickly.
- Use alternative to incarceration programs instead of short jail sentences.
- Reform parole so fewer people are jailed for non-criminal “technical violations.”

We projected these reforms could **safely reduce NYC's jail population from approximately 10,000 in September 2016 to under 5,000 people in the future.**

***A Smaller Borough Jail System:*** Close the Rikers jails and reduce jail capacity from 13,000 to 5,500.

- One jail in each borough, near the courthouse and accessible by public transit.
- Modern buildings with civic exterior and modern design for safety, services, and programming.
- Invest in accountability, culture change, and better training for correction staff.

We projected that a smaller and modernized borough system could **save \$500 million annually**, even accounting for construction, financing, and increased diversion and alternative to incarceration programs.

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## Where Are We Today?

In April 2017, as we released our recommendations, Mayor de Blasio announced the City would seek to close the Rikers jails within 10 years. Since then, the jail population has declined by more than 1,700 people, and one jail on Rikers has already been closed. The City has proposed a plan for four borough jails, one each in Brooklyn, the Bronx, Manhattan, and Queens.

Despite the progress, violence at Rikers remains high and racial disparities remain unchanged. We believe the need to close the Rikers jails remains as urgent as ever.

## What Happens Next?

**Justice Reform** – Here are [top priorities](#) for increasing fairness and reducing unnecessary incarceration:

- **End Cash Bail.** Most people in NYC jails are held pretrial, often because they can't afford bail. Even a few days in jail can cause someone to lose their job, housing, or custody of their children. People who can't pay bail also are more likely to plead guilty and receive longer sentences. Bail reform could eliminate wealth-based detention and ensure that many fewer people are jailed before trial. The Governor and state legislature are negotiating legislation that would end cash bail, which may be included in the state budget by the end of March.
- **Discovery and Speedy Trial Reform.** In New York, prosecutors can wait until the day before trial to share critical evidence with people accused of crimes, forcing even innocent people to plead guilty without full information or risk going to trial and getting a much harsher sentence. Only Wyoming, Louisiana, and South Carolina have a more restrictive law. Compounding the lack of disclosure, it takes an average of 600 days for people charged with felonies to get to trial in New York City. Strong discovery and speedy trial legislation in Albany would ensure early access to the evidence and faster trials, and would reduce NYC's jail population. These reforms may be included in the state budget.
- **Parole Revocation Reform.** New York sends more people to prison for non-criminal "technical" parole violations—like failing a drug test or missing an appointment with a parole officer—than any other state. Under New York law, anyone accused of a technical violation is automatically jailed, without any option for release, while they wait to find out if they will be sent back to prison. In February, more than 700 people were at Rikers for these alleged technical violations. The *Less Is More Act*, which is pending in the state legislature, would help people on parole succeed and cut the number of people in jail and prison for non-criminal violations.
- **District Attorney, Court, and City Policies.** Even without legislation, DAs can improve charging and discovery practices. Courts can release more people before trial and process cases more quickly. The City can increase the use of supervised release, mental health and substance abuse programs, anti-violence initiatives, and invest in communities impacted by the justice system. These policy changes, among others, would reduce incarceration and make the justice system more fair and effective.

**Land Use** – We believe that approval of borough jails is crucial to closing Rikers. However, while ULURP will determine the maximum size of the buildings, there are many other important issues that will remain, such as the final design for the facilities, how they are operated, and the nature of the programs they will provide. Communities should have an ongoing role in resolving these issues.