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March 12, 2019

The New York City Board of Correction

1 Centre Street

Room 2213

New York, N.Y. 10007

Dear Members of the Board of Correction:

**Ref: Women on Rikers/DOC updates on Women's' Initiatives**

Dear Chair Chair Cephas, Board Members, Board Staff, and fellow Advocates:

I thank you for holding this hearing including updates on womens' initiatives on Rikers/Rosie's and also the other members of the board and staff for allowing me to submit testimony. I am Kelly Grace Price co-founder of Close Rosie's and I ask you to listen to this mini-report on women, girls, trans, intersex and gender non-conforming people detained on the Rose M. Singer Center. My data analysis derived from a FOIL to the NYCDOC address the following areas:

- I. **The number of people admitted onto the Rose M Singer Center (aka "Rosie's") who were eventually found guilty or took a plea is 28% over the past five years. Is programming adequately broad to fit the needs of a population of innocent people (72%)?**
- II. **Even at Rosie's: where people aren't faced with movement from jail to jail that is prohibitive of program completion the rate of graduations/certificate completions is abysmally low and the variety of programming doesn't meet the needs of women, girls, gender non-conforming and intersex.**
- III. **The data published according to Local Law 122 ref: programs provided to women, girls, intersex, gender-nonconforming and trans on Rosie's is not consistent with data provided by FOIL.**
- IV. **Training for Program Providers—reverting to NIC videos to complete training is against both Federal and Local PREA regulations.**
- V. **The Population of Rosie's has dropped by 58% vs. 27% for men and boys over the past five years: why haven't we made CLOSING ROSIES a priority?<sup>1</sup>**

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<sup>1</sup> NYC Mayor's Office of Criminal Justice: "A Roadmap to Closing Rikers:" Population Size Matters: Fall 2018: <https://rikers.cityofnewyork.us/> and NYC Open Data Portal: "Average Daily Inmate Population:" <https://data.cityofnewyork.us/Public-Safety/Average-Daily-Inmate-Population/26ze-s5bx>

- VI. Why are we on Rosie's (what are the top charges for women & girls?)
  - VII. Bisexual, Gay, Gender non-Conforming Persons, Intersex, Lesbian, & Trans on Rosie's
  - VIII. Solitary Confinement of Women & Girls on Rosie's
  - IX. Who has been detained on Rosie's the longest
  - X. Where are we from?
  - XI. How do we identify Racially (Demographic Breakdown of Rosie's)
  - XII. Bail on Rosie's
  - XIII. Medical Services for Women & Girls on Rosie's aka "Sick Call"
  - XIV. Rape & Sexual Assault & Harassment of Rikers & Rosie's
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**I. There were 24,186 total admittances to RSMC over the past five years (from June 2014 to July 1 2018) inclusive of detained, City-sentenced, parole violees, state prisoners and other women and girls placed on holds.**

- Of those 24,186 only 6,789 women, girls, trans, intersex and/or gender non-conforming persons were convicted or took a plea.
- Over the past five years there have been 23,681 admittances that were discharged/sentenced and remanded to another New York State Department of Corrections and Community Supervision (NYSDOCS) facility: 705 women were still in Rosie's as of July 1, 2018.
- **FOLLOWING 72% of people admitted to the RSMC over the past five years were INNOCENT: only 28 % of women/girls/trans/intersex and gender non-conforming people held on Rosie's were eventually sentenced or took a plea.**
- **We need to highlight and design programming and access to materials and DOC workflows to take into consideration the needs of innocent women and girls suffering the traumatic effects of detention/incarceration on Rosie's.**
- **Currently access to services, materials and programming are being treated as a reward for good behavior and not a right: why are we penalizing this class of innocents already re-victimized by the non-criminal justice system by limiting programming choices and access to service on a reward-basis only?**

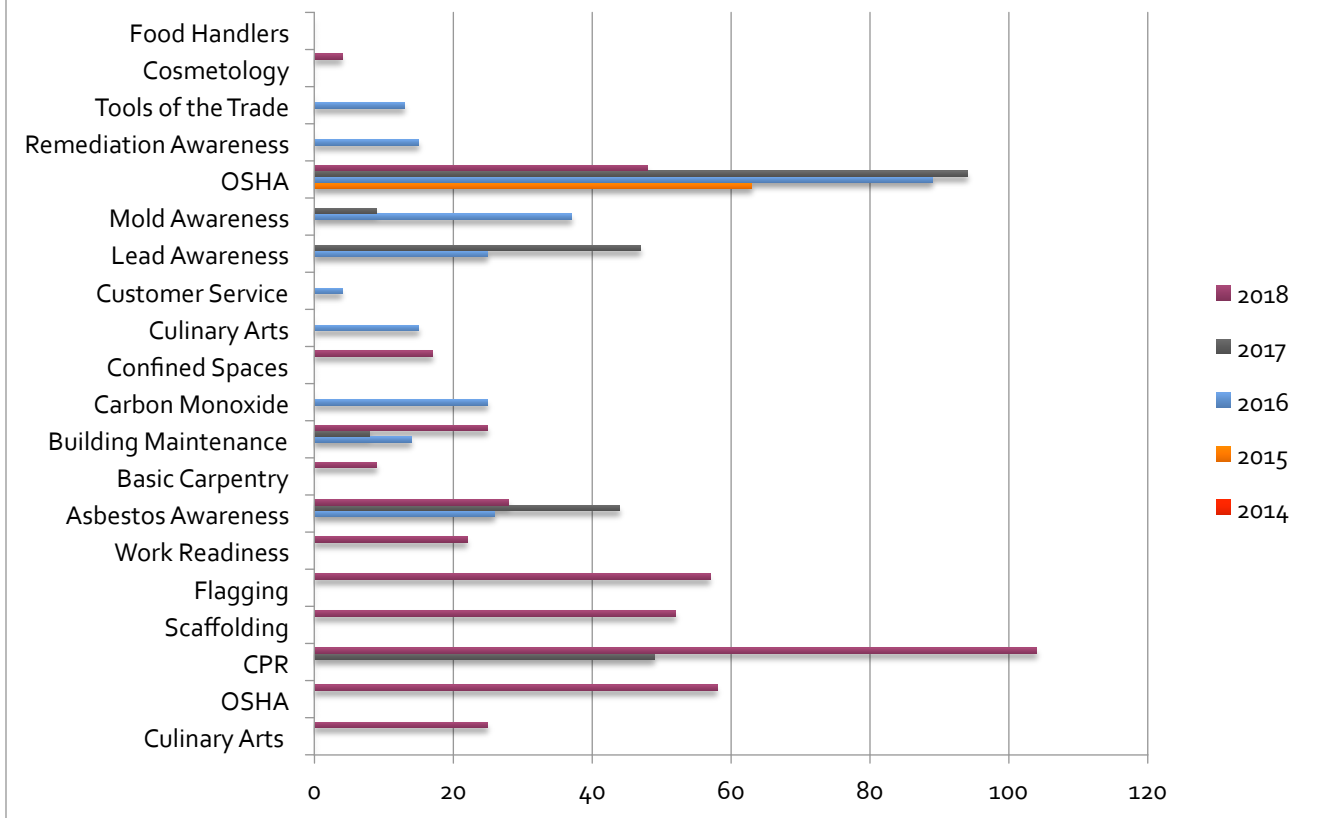
**II. Even at Rosie's: where people aren't faced with movement from jail-to-jail that is prohibitive of program completion in the other Rikers jails the rate of graduations/certificate completions that spring from DOC programming is abysmally low.**

- **According to the DOC's own data from June 30, 2014 to July 1, 2018 there were only 449 Certificate completions by the women, girls, trans, intersex and gender non-conforming detained/incarcerated on Rosie's<sup>2</sup>:**

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<sup>2</sup> NYC DEPARTMENT OF CORRECTION FOIL Response, July 6, 2018 Laura S. Mello, Information Officer. Unless otherwise noted all data is pulled from this same FOIL response. :

## Educational & Vocational Program Certificate Completions on Rosies 2014-2018



- It is unclear if there were ANY certifications completed in Food handling: data is provided about the number of SESSIONS and PARTICIPANTS but not ref COMPLETIONS.
- Programming appears to be very male-centric.
- Physical fitness and Arts Programming is not included in list of programs and certificates—why is this?
- Access-to-Justice, Religious, DV, anti-trafficking education and trauma-healing related programming are not offered? There are programs and curriculums offered by the Crime Victims Treatment Center Directed by Christopher Bromson, co-Chair of the Downstate Coalition vs. Sexual Violence and their curriculum could be a model.
- There doesn't appear to be any sort of programming for mothers of newborns or toddlers or pre-natal/Doula programming offered by the DOC—why?
- There doesn't appear to be coping, mental health, physical health-related or support-group/PEER programming offered—why?

<b>Cosmetology- Fearless Beauty</b> <i>(Adult population only)</i>	<b>CY'14</b>	<b>CY'15</b>	<b>CY'16</b>	<b>CY'17</b>	<b>CY'18</b>
Number of Sessions					24
Number of Completions					4
<b>Food Handlers Certifications</b>					
	<b>CY'14</b>	<b>CY'15</b>	<b>CY'16</b>	<b>CY'17</b>	<b>CY'18</b>
Number of Sessions	3	13	10	33	7
Number of Participants <i>(not unique individuals)</i>	69	381	216	302	149
Average Per Session	23	29	22	9	21
Average per Month	54	59	33	46	43

<b>SMART Adult Reentry Program</b> <i># of completions</i>	<b>CY'14</b>	<b>CY'15</b>	<b>CY'16</b>	<b>CY'17</b>	<b>CY'18</b>
Culinary Arts					25
OSHA					58
CPR				49	104
Scaffolding					52
Flagging					57
Work readiness					22
<b>Combined Total</b>				49	318
<b>ICAN Adult Reentry Program</b> <i># of completions</i>					
	<b>CY'14</b>	<b>CY'15</b>	<b>CY'16</b>	<b>CY'17</b>	<b>CY'18</b>
Asbestos Awareness			26	44	28
Basic Carpentry					9
Building Maintenance			14	8	25
Carbon Monoxide			25		
Confined Spaces					17
Culinary Arts			15		
Customer Service			4		
Lead Awareness			25	47	
Mold Awareness			37	9	
OSHA		63	89	94	48
Remediation Awareness			15		
Tools of the Trade			13		
<b>Combined Total</b>		63	263	202	127

Educational Services are under-utilized: according to the DOC's own 12/2018 data:

NYC DOC RMSC Vocational Programs 2014-2018					
DOE Educational Services <i>Average Daily Attendance</i>	FY'14	FY'15	FY'16	FY'17	FY'18
Literacy/GED (16-21 only)	20	19	18	13	11
Literacy/GED (22+)	52	14	17	12	13
<b>Total DOE</b>	<b>72</b>	<b>33</b>	<b>35</b>	<b>26</b>	<b>24</b>
Adult Educational Services <i>Average Daily Attendance</i>	FY'14	FY'15	FY'16	FY'17	FY'18
Educator's Volunteers (ED'SV)	9	37	26	5	9
Post Secondary Educational Services	4	10		6	3

- Are we really getting our money's worth for women & girls on Rosie's? It has cost the city of New York City and us, the taxpayers, **\$331,332,950**<sup>3</sup> dollars to jail women and girls over the past five years. **THREE HUNDRED AND THIRTY ONE MILLION DOLLARS**<sup>4</sup> to detain and incarcerate accused and sentenced women, girls, mothers, daughters, sisters, aunts, nieces and grandmothers.
- III. The data published according to Local Law 122**<sup>5</sup> ref: programs provided to women, girls, intersex, gender-nonconforming and trans on Rosie's is not consistent with data provided by recent DOC FOIL (above in point II of this brief).
- The Greenhope, HousingWorks, Horticulture and other programs are omitted from a FOIL response provided in December of 2018 to Close Rosie's. Are these programs no longer offered on Rosie's? Why aren't they demarcated for prior years? The inaccuracies are troubling.

<sup>3</sup> Based on an average cost to cage someone on Rikers of \$325 USD/day: "The average cost of holding an inmate in the city jails has ballooned to more than \$118,000 a year, officials said Thursday. The Independent Budget Office said it costs a whopping \$325 a day to house a single detainee, according to a letter it sent to the City Council." <http://www.nydailynews.com/new-york/nyc-jails-spend-average-118g-year-hold-inmate-article-1.3176311>

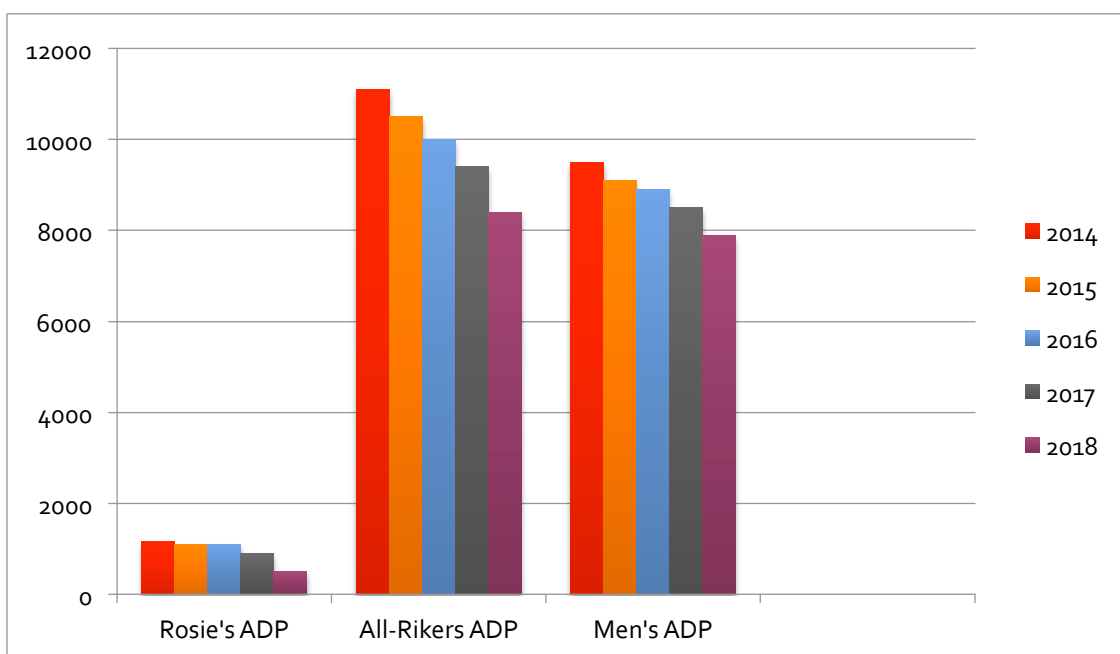
<sup>4</sup> <sup>4</sup> Based on an average cost to cage someone on Rikers of \$325 USD/day: "The average cost of holding an inmate in the city jails has ballooned to more than \$118,000 a year, officials said Thursday. The Independent Budget Office said it costs a whopping \$325 a day to house a single detainee, according to a letter it sent to the City Council." <http://www.nydailynews.com/new-york/nyc-jails-spend-average-118g-year-hold-inmate-article-1.3176311>

<sup>5</sup> New York City Department of Correction Local Law 122 Report: CY 2017 et al  
[https://www1.nyc.gov/assets/doc/downloads/pdf/LL\\_122\\_2017.pdf](https://www1.nyc.gov/assets/doc/downloads/pdf/LL_122_2017.pdf)

**IV. Training for Program Providers**—reverting to NIC (National Institute of Corrections) videos to complete training is against both Federal and Local PREA regulations. The guidelines require a robust program to be developed.

- Why is the full two-day PREA training required for program volunteers to be cleared by security for Island passes when this is not the same standard required for DOC employees?
- The NIC video training is not adequate instruction. The “Training” for PREA investigative staff is no more than video instruction courses offered by the NIC<sup>6</sup> according to the BOC’s OWN tracking document posted on January 7, 2019<sup>7</sup> *Why is the standard higher for volunteers and program staff?*

**V. The Population of Rosie’s** has dropped by 58% vs. 27% for men and boys over the past five years:



- In April of 2017 Mayor Bill de Blasio announced that we will shutter Rikers Island when and IF we are able to attain a point where the population of people caged on the island has reached 50% its level in the previous year: 2016. In 2016 the average daily population, ADP, was 1100 women and girls/day. We have reached a goal of a 50% reduction in population for Rosies: its time to #CloseRosies.
- Statistically (85%) of the people at Rosie's are charged with crimes directly springing from abuse, trafficking and or trauma. These are people we should not send to what is technically the SIXTH BOROUGH of New York City where: the population hasn't political representation; the operational leadership is never held accountable for failure & the employees are themselves gang members. The NYCDOC hasn't any idea why violence is

<sup>6</sup> According to the BOC’s own tracking document (National Institute for Corrections PREA resource center: <https://nic.learn.com/learncenter.asp?id=178416&page=1-page-nav-courses>:

“Investigating Sexual Abuse in a Confinement Setting” 3 DOC PREA REPORTING STATUS FOR 2018 UPDATED”

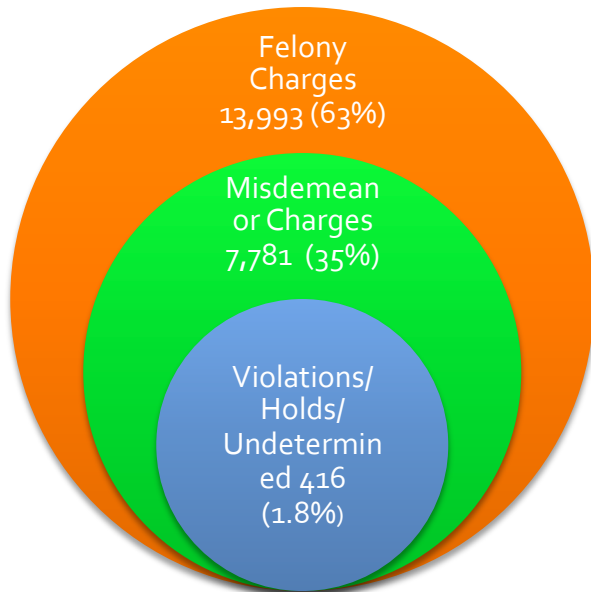
<sup>7</sup> DOC PREA REPORTING STATUS FOR 2018 UPDATED 1/7/2019:

[https://www1.nyc.gov/assets/boc/downloads/pdf/DOC-PREA-Reporting-Status\\_1\\_7\\_19.pdf](https://www1.nyc.gov/assets/boc/downloads/pdf/DOC-PREA-Reporting-Status_1_7_19.pdf)

uncontrollable but they have given their population no efficacious processes for making complaints and being heard; and admittedly the closing rate for sex assault investigations for 2016-2017 is 0.05%.<sup>8</sup>

**VI. Why are we on Rosie's??**

TOP CHARGES: JUNE 1, 2013-  
JULY 4, 2018



- ▲ FELONIES  
13,993 (63%)
- ▲ MISDEMEANOR OFFENSES  
7,781 (35%)
- ▼ VIOLATIONS/UNKNOWN CHARGE  
416 (1.8%)

ROSIE's Admits ON BAIL/Charge severity**	6/2013-7/2018
Class A Felonies 540	2.4%
Class B or C Felonies 7,426	33%
Class D or E Felonies 7,020	32%
Misdemeanors 7,781	35%
Violations and Other Holds 416	1.8%
	%
<b>Total</b>	<b>22,191 100%</b>

ISLAND WIDE Bail ADMITS/Charge severity <sup>9</sup>	06/28/18
Class A Felonies	16%
Class B or C Felonies	49%
Class D or E Felonies	25%
Misdemeanors	6%

<sup>8</sup> See pp. 18 and 19: Rape and Sexual Assault Numbers as reported by the NYC DOC & BOC March, 2018.

<sup>9</sup> Mayor's Office of Criminal Justice: Report Local Law 86: Individuals in DOC Custody, Second Quarter 2018: [https://criminaljustice.cityofnewyork.us/data\\_reports/](https://criminaljustice.cityofnewyork.us/data_reports/)

Other Offenses†	1%
Converted Warrants††	3%
Total	100%

### What are the Top Charges Filed vs. Women & Girls?

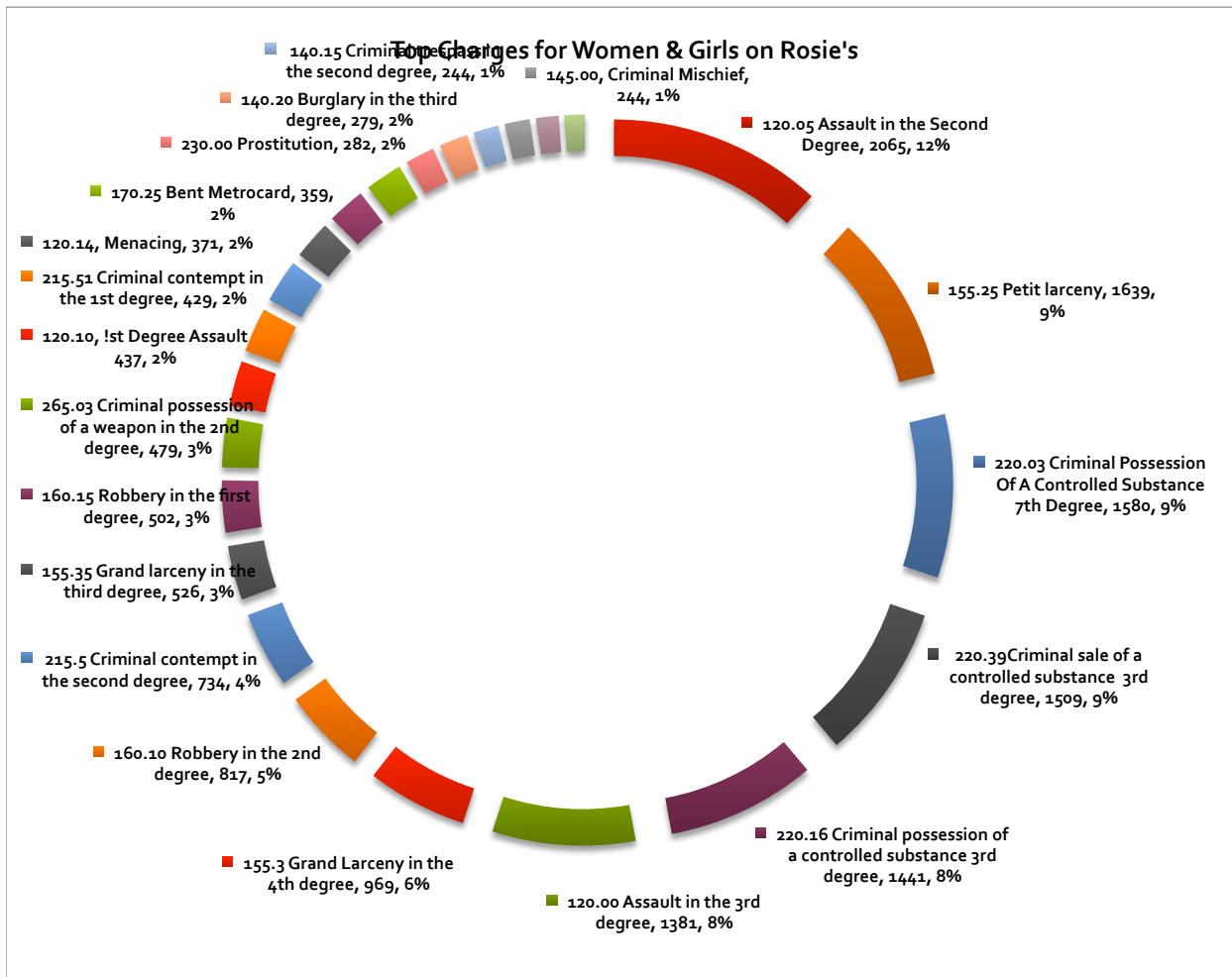
- Between June of 2013 and July of 2018 there were 22, 191 women, girls, trans, intersex and /or gender non-conforming people who were admitted to Rosie's after being charged or placed on an administrative hold.
- 416 (1.8%) of women/girls were held on violations or charges that we could not determine if they were charged as misdemeanors or felonies (some VTL statutes can be charges as either felonies or misdemeanors).
- 7,781 (35%) of women/girls held at Rosie's on a top misdemeanor charges between June of 2013 and July of 2018.
- 13,993 (63%) of women/girls were held on felony charges.
- As compared to the latest island-wide snapshot released by the Mayor's Office of Criminal Justice<sup>10</sup> the percentages of violent-crimes and misdemeanors allegedly committed by women are drastically different. Grade-A felony admissions and misdemeanor admissions are very different for men and women. Only 6% of all island-wide people admitted onto Rikers were charged with misdemeanor offenses while in comparison 35% of all women and girls admitted over the past five years to Rosie's were charged with misdemeanors as their top charge.
- Island-wide the Class A Felony admission rate for Rikers is 16%<sup>11</sup> while the average hovers only around 2.4% over the past five years for Rosie's admittances whose top charges were Class-A Felonie

TOP CHARGE	Felony/Misdemeanor	# of Occurrences
ASSAULT IN THE 2ND DEGREE	Felony	2065
PETIT LARCENY	Misdemeanor	1639
CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE 7TH DEGREE	Misdemeanor	1580
CRIMINAL SALE OF A CONTROLLED SUBSTANCE 3RD DEGREE	Felony	1509
CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE 3RD DEGREE	Felony	1441
ASSAULT IN THE 3RD DEGREE	Misdemeanor	1381
GRAND LARCENY IN THE 4TH DEGREE	Felony	969
ROBBERY IN THE 2ND DEGREE	Felony	817
CRIMINAL CONTEMPT IN THE SECOND DEGREE	Misdemeanor	734
GRAND LARCENY IN THE THIRD DEGREE	Felony	526
ROBBERY IN THE FIRST DEGREE	Felony	502
CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE	Felony	479
ASSAULT IN THE FIRST DEGREE	Felony	437
CRIMINAL CONTEMPT IN THE FIRST DEGREE	Felony	429
BURGLARY IN THE SECOND DEGREE	Felony	417
MENACING IN THE SECOND DEGREE	Misdemeanor	371
CRIMINAL SALE OF A CONTROLLED SUBSTANCE 3RD DEGREE	Felony	1509

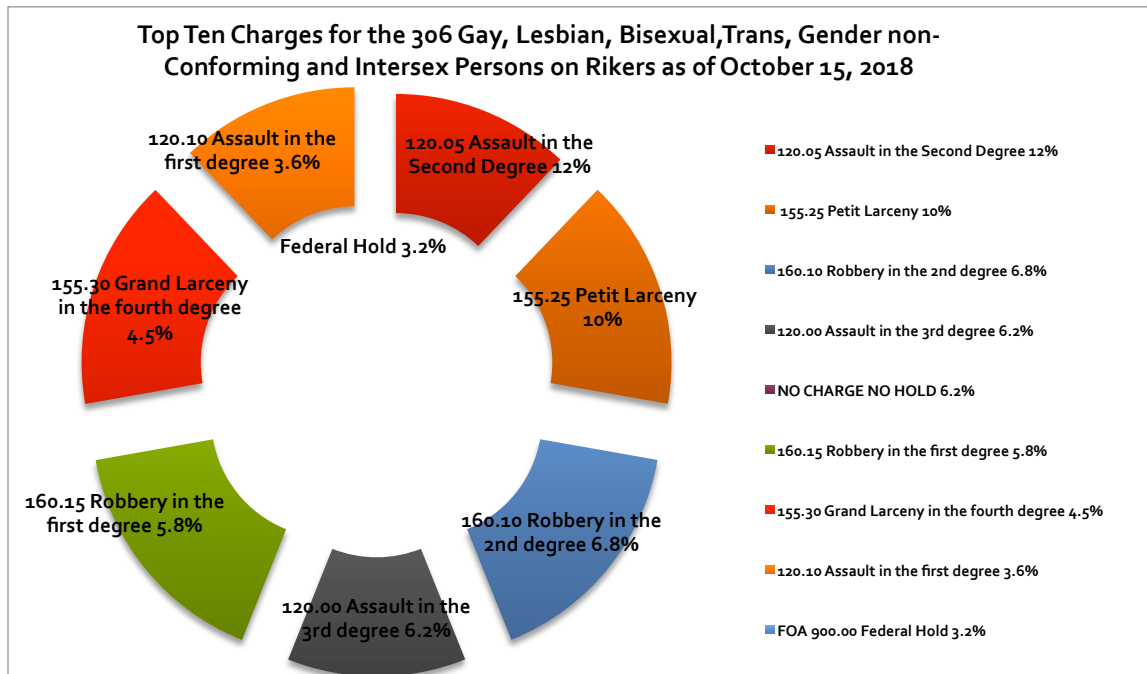
<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE 3RD DEGREE	Felony	1441
ASSAULT IN THE 3RD DEGREE	Misdemeanor	1381
GRAND LARCENY IN THE 4TH DEGREE	Felony	969
ROBBERY IN THE 2ND DEGREE	Felony	817
CRIMINAL CONTEMPT IN THE SECOND DEGREE	Misdemeanor	734
CRIMINAL POSSESSION OF A CONCEALED WEAPON IN THE 3RD	Felony	364
CRIMINAL POSSESSION OF A FORGED INSTRUMENT IN THE 2ND DEGREE	Felony	359
PROSTITUTION	Misdemeanor	282
BURGLARY IN THE THIRD DEGREE	Felony	279
CRIMINAL TRESPASS IN THE SECOND DEGREE	Misdemeanor	244
CRIMINAL MISCHIEF IN THE FOURTH DEGREE	Misdemeanor	244
ROBBERY IN THE THIRD DEGREE	Felony	220
THEFT OF SERVICES	Felony	197



## VII. Bisexual, Gay, Gender non-Conforming Persons, Intersex, Lesbian, & Trans on Rosie's<sup>12</sup>



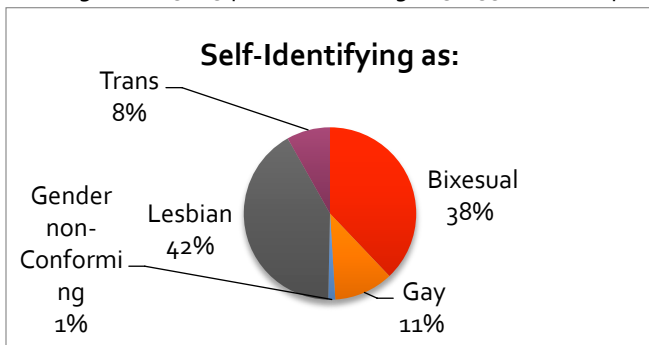
Charge severity for Gay, Lesbian, Trans, Intersex or Gender non-Conforming People	% of Population Segment as of October 15, 2018
Class A Felonies 7	2.3%
Class B or C Felonies 92	30%
Class D or E Felonies 90	30%
Misdemeanors 79	25%
Violations 6	1.8%
Warrants, No Charge Listed or Other Holds 30	9.9%
Total	306 or 100%

- 85% of Gay, Lesbian, Intersex, Bi-Sexual, Trans and Gender non-Conforming people reported rape, sexual assault, or sexual harassment while detained or incarcerated on Rikers Island.<sup>13</sup>

<sup>12</sup> As of October 15, 2018 the DOC has begun tracking its Gay, Lesbian, Trans, Intersex or Gender non-Conforming population. Data received in response to #CloseRosies FOIL on October 16, 2018 is first official reporting of these statistics.

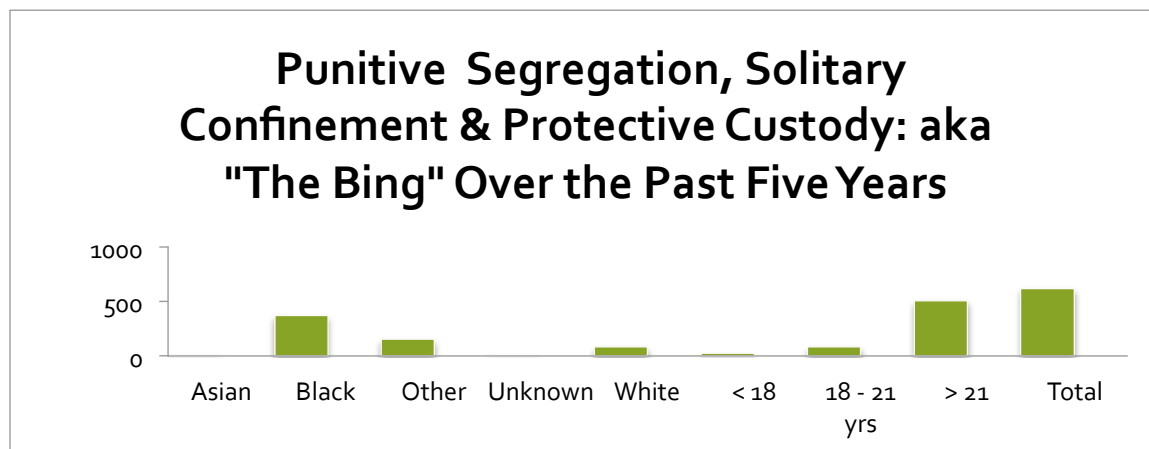
<sup>13</sup> U.S. Department of Justice: Office of Justice Programs: Bureau of Justice Statistics: [Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12](#): Supplemental Tables: Prevalence of Sexual Victimization Among Transgender Adult Inmates: Allen J. Beck, Ph.D. BJS Statistician, and Marcus Berzofsky, Dr.P.H., Rachel Caspar, and Christopher Krebs, Ph.D., RTI International: December 2014, NCJ 241399.

- All but 21 of the 306 Gay, Lesbian, Trans, Intersex or Gender non-Conforming People were housed at the Rose M. Singer Center’s Trans Housing Unit as of October 15, 2018; seven people were held at the Metropolitan Detention Center in Manhattan; six at the Brooklyn House of Detention; one person in the Bronx at the BHPW; four people at Queens’ EHPW and; one person was held in the Bronx at the Horizons Juvenile Center.
- 22 people were under 18; 33 were ages 19-21; 113 people were ages 22-29; 78 people were ages 30-39; 33 people were ages 40-49; 25 persons were aged 50-59 and; two people were in their sixties.



- Over 1/3 of the THU (Trans Housing Unit) population or 116 people self-identified as Bisexual (38%).
- 34 people self-identify as Gay (11%).
- Four people self-identify as Gender non-Conforming (1.3%).
- 127 people identify as Lesbian (42%).
- 25 people self-identify as Transgender (8%).

### VIII. Solitary Confinement of Women & Girls on Rosie'



	# Women/Girls in the Bing	Average Days in
Asian	9	28 days
Black	370	28 days
Other	153	26 days
Unknown	1	9 days
White	83	33 days
< 18	24	23 days
18 - 21 yrs.	86	36 days
> 21	506	27 days
Total	616	28 days

- Girls under the age of 18 spent 552 days in solitary or solitary-like confinement.
- The average time spent in Solitary by white women and girls is 33 days. That's ~20% higher average days in the Bing than averaged by Black, Asian & Latinx women and girls.

## IX. Who has been detained on Rosie's the longest?



### 1757 days (four yrs, 257 days)

charge: Petit Larceny (155.25): a class A misdemeanor.

- A 54 year-old white woman from Staten Island arrived on Rosie's on 8/17/13 and was still detained as of 7/4/18.
- Her bail was \$1500.00 USD.



### 1752 days (four yrs, 252 days)

charge: Grand Larceny in the 3rd degree (155.35): a class D felony.

- A young 20 year-old black woman from the Bronx arrived on Rosie's on 8/22/13 and was still detained as of 7/4/18.
- She was not given bail. She had not other current charges, warrants or holds.



### 1720 days (four yrs, 220 days)

charge: Criminal Contempt of Court in the 2nd degree (215.50): a class A misdemeanor.

- A 17 year-old black girl from Brooklyn arrived on Rosie's on 9/14/13 and was still detained as of 7/4/18.
- Her bail was \$1500.00 USD. She had two concurrent charges for contempt and another for menacing in the 2nd degree (120.14)--both misdemeanors.



### 1691 days (four yrs, 231 days)

charge: Prostitution (230.00): a class B misdemeanor.

- A 40 year-old black woman from the Bronx arrived on Rosie's on 10/23/13 and was still detained awaiting trial as of 7/4/18.
- She was not granted bail and was charged concurrently with two other counts of prostitution



### 1645 days (four yrs, 185 days)

charge: Grand Larceny in the 3rd degree (155.35): a class D felony.

- A 33 year-old Latinx woman from Brooklyn arrived on Rosie's on 12/9/13 and was still detained as of 7/4/18.
- She was not granted bail. She had not other current charges, warrants or holds.



### 1571 days (three yrs, 257 days)

charge: Petit Larceny (155.25): a class A misdemeanor.

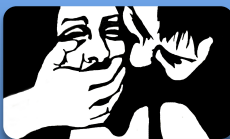
- A 41 year-old black woman from Brooklyn arrived on Rosie's on 1/27/14 and was bailed out on 6/8/18. She was held on \$500 bail and concurrently charged with another count of petit larceny, prostitution and possession of a controlled substance in the 7th degree--all misdemeanors.



### 1559 days (three yrs, 245 days)

charge: Loitering for the Purpose of a Prostitution Offense (240.37): a class A misdemeanor.

- A 21 year-old black woman from Valley Stream, NY, arrived on Rosie's on 3/5/14 and was still detained as of 7/4/18.
- She was held on \$10,000.00 USD bail and concurrently charged with another count of prostitution.



### 1509 days (three yrs, 207 days)

charge: Criminal Possession of Marijuana in the 1st degree (221.30): a class C felony.

- A 27 year-old black woman from the Bronx arrived on Rosie's on 4/25/14 and was still detained awaiting trial as of 7/4/18. She was held on \$1.00 USD bail and concurrently charged with one count of criminal possession of a forged instrument (bent metrocard).

DATA by @CLOSEROSIES - [www.CloseRosies.org](http://www.CloseRosies.org) - ART by BRITTANY KNAPP

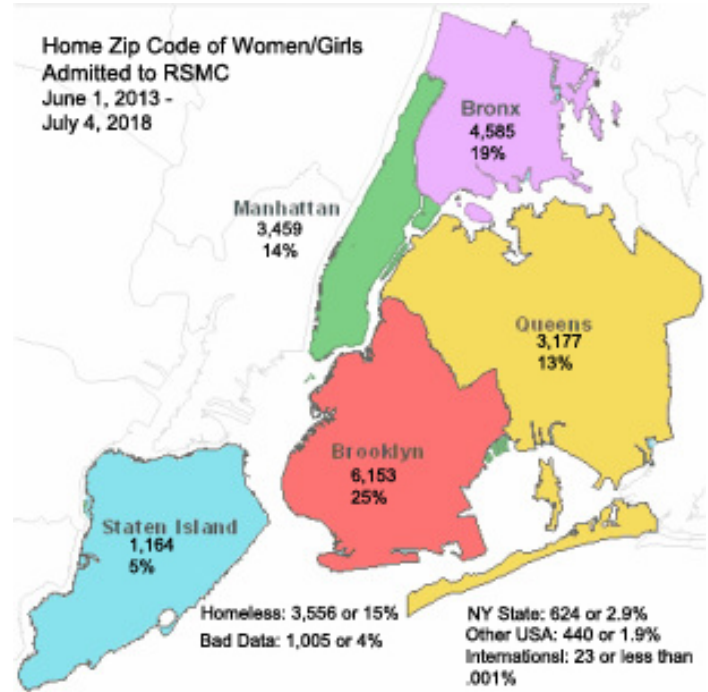
## XI. Where are we from?

Over the past five years the top 50 zip codes that have fed the population of Rosie’s have each contributed more than 130 people to the jail—that’s over 25 mothers, daughters, aunts, nieces, grandmothers and sisters --from individual NYC zip codes every year for the last five years.

**Brooklyn** has the distinction of sending the majority of women and girls to Rosie’s: 6,153 or 25% of the jail’s population over the past five years: the Bronx jailed 4,585 (19%): Manhattan 3,459 (14%): Queens 3,177 women and girls (13%) and Staten Island 1,164 or 5%.

**The #1 zip code that has populated Rosie’s is “o” or people who identify as being homeless.**

Out of 24,186 people admitted to Rosie’s from June 24, 2013 to July 6, 2018 there were 3,556 women and girls who responded that they did not have a zip code at intake in to the RSMC. The top 50 zip-codes from the five boroughs that have fed the population of Rosie’s over the past five years are:



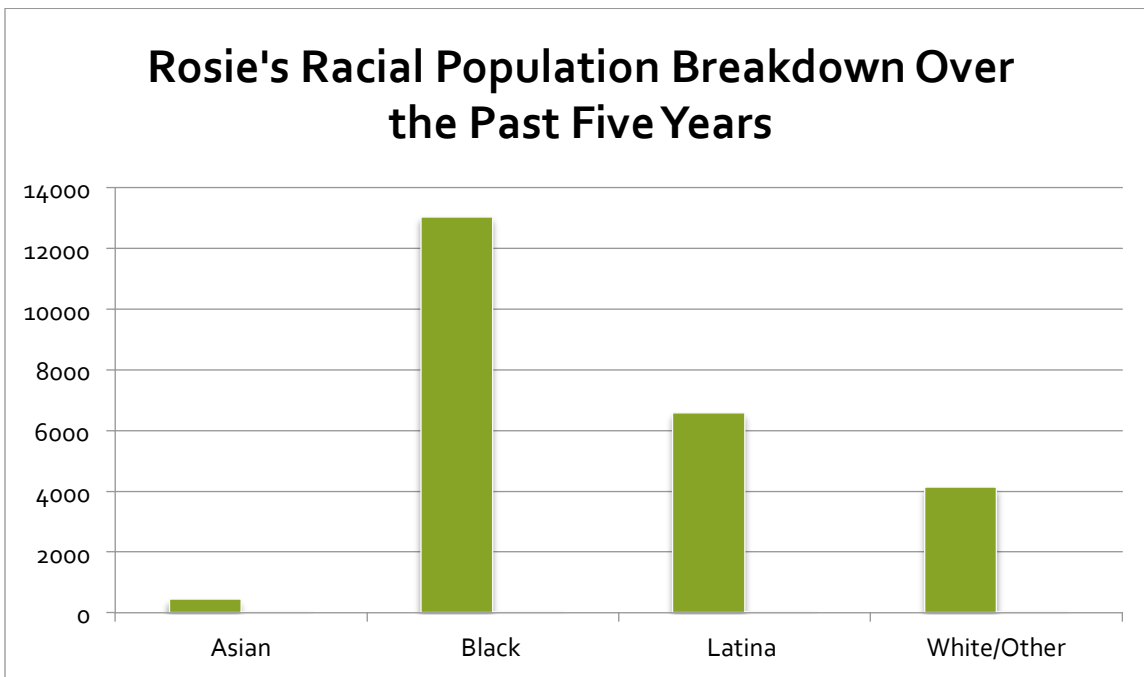
Zip code	BOROUGH	# On Rosie’s '13-'18	NYC NEIGHBORHOOD
o	HOMELESS	3556	HOMELESS-NO ADDRESS
11212	BK	668	Brownsville, BKLYN
11207	BK	571	East NY, Brownsville BKLYN
10456	BX	508	Crotona Park, BX
11208	BK	433	East Brooklyn
10029	MHTN	394	East Harlem, Yorkville
11233	BK	385	Ocean Hill BedStuy BKLYN
11221	BK	373	BedStuy Bushwick BKLYN
10457	BX	352	East Tremont BX
10467	BX	336	Bedford Park Williams Bdge, BX
1458	BX	334	Bedford Pk /Tremont BX

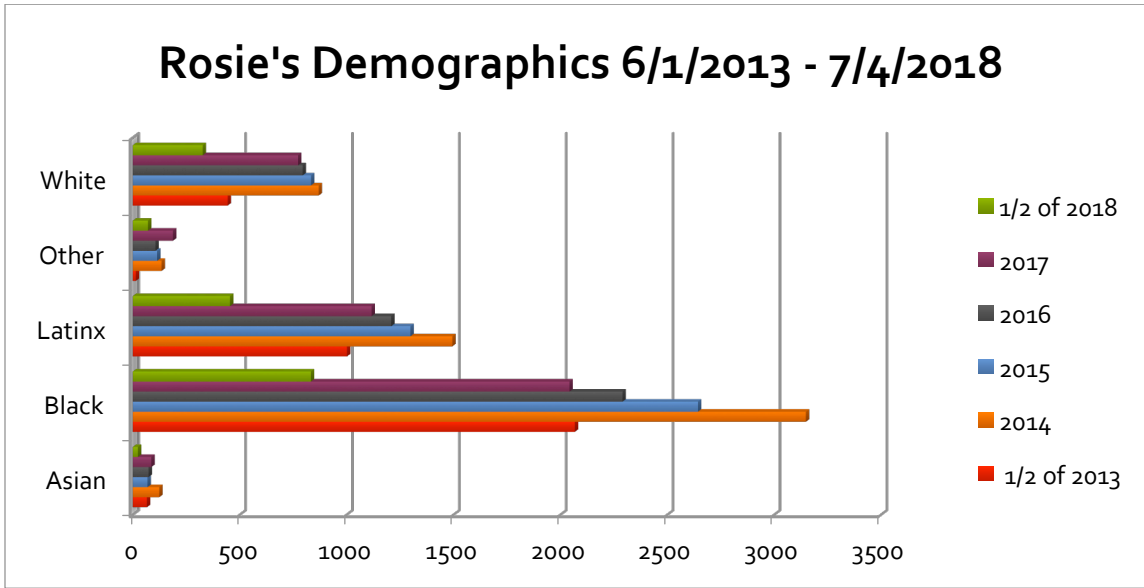
10453	BX	331	Morris Hts University Hts BX
11213	BK	312	Bed Stuy, BKLYN
10027	MHTN	288	West, Harlem, Manhattan
11226	BK	283	Prospect Heights, BKLYN
10452	BX	273	Highbridge BX
11206	BK	272	Bed Stuy/Williamsburg
11434	QNS	263	Jamaica/Springfield Gdns QNS
10459	BX	254	SO BX Hunts Pt/Soundview BX
10460	BX	253	Parkchester/Soundview BX
10035	MHTN	234	East Harlem, Manhattan
10030	MHTN	225	East Harlem, Manhattan
11691	QNS	222	Far Rockaway, Queens
10472	BX	221	Soundview, BX
11216	BK	216	Bed Stuy/Ft Green, BKLYN
10455	BX	212	Mott haven hunts point BX
10454	BX	211	Mott haven hunts point BX
10026	MHTN	210	West Harlem, Manhattan
11433	QNS	205	Jamaica, Queens
10451	BX	205	High Bridge, Mott Haven So BX
11224	BKLYN	204	Coney Island, BKLYN
11236	BKLYN	200	Brownsville, Canarsie Brooklyn
10031	MHTN	196	West Harlem, Manhattan
11201	BKLYN	191	Boreum Hill, Williamsburg BK
11203	BKLYN	190	Brownsville, Flatlands BKLYN
10304	SI	180	Clifton, TODT Hill Staten Island
10002	MHTN	179	LES, Manhattan
10466	BKLYN	174	Wakefield, Williamsbridge
10473	BX	172	Soundview, Union Port, BX
10301	SI	171	New Brighton, Clifton, SI
10025	MHTN	170	Morningside heights, Manhattan
10009	MHTN	161	East Village, Manhattan
11225	BKLYN	156	Crown Heights, BKLYN

10032	MHTN	154	Washington Heights, Manhattan
10039	MHTN	150	Washington Heights, Manhattan
10462	BX	150	Morris Park, BX
10303	SI	147	Mariner Harbor, SI
11220	BK	137	Sunset Park, BK
11412	QNS	133	St. Albans, QNS

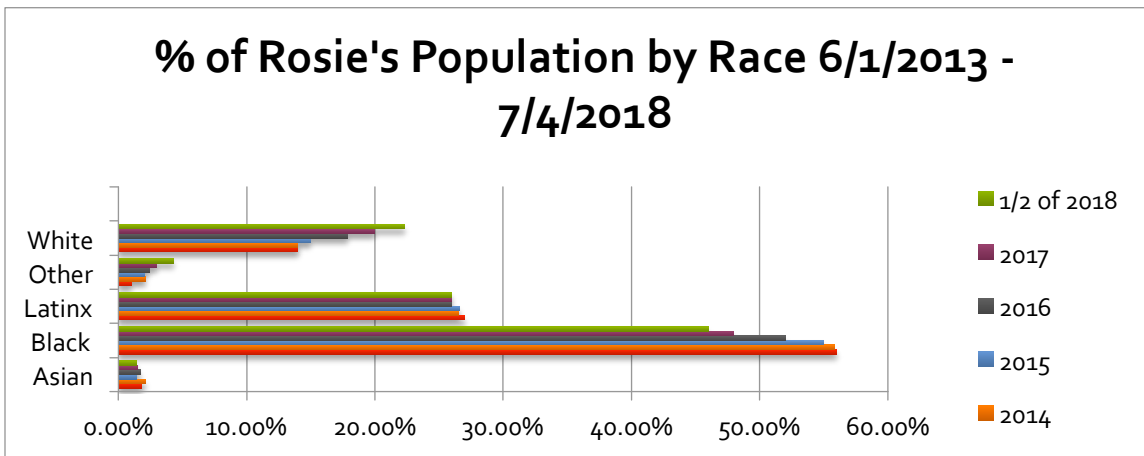
## XII. How do we Identify Racially??

- The majority (54%) of women admitted on Rosie’s within the past five years self-identify as Black;
- 1.5% of those admitted over the past five years into Rosie’s identify as Asian;
- 16.9% admitted to Rosie’s from June 2013 through July 2018 identify as being white/other; and
- 27% of women/girls and/or their families that were too poor to pay bail identified as Latinx.

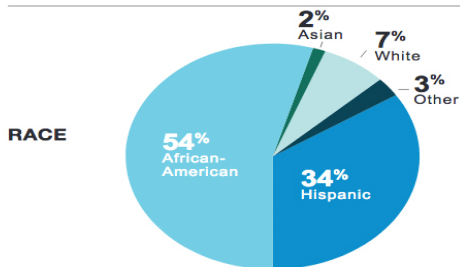




- Rosie's population has steadily decreased over the past five years.
- The number of white women/girls has grown percentage-wise from 14% in 2013 to 22% in 2018.
- The percentage of Black women and girls at Rosie's has steadily decreased from 56% in 2013 to 46% in 2018.
- The percentage of Latinx women and girls on Rosie's has stagnated: 27% in 2013 compared to 26% in 2018.
- The percentage of Asian women and girls on Rosie's has also stagnated: 1.8% in 2013 compared to 1.4% in 2018.



#### Island-wide Racial Breakdown



- According to the Mayor's Office of Criminal Justice<sup>14</sup> only 7% of the island-wide population is white while the 'ADP' (average daily population) for white women over the past five years has grown from 14% to 22%
- The ADP of black men has remained the same at ~54% while the ADP for black women has decreased by 10% to 46% from 56% over the past five years.

### XIII. Over the Past Five Years 20,092 Women & Girls Have Been Held on Rosie's on BAIL:

182 ppl held on \$999,999 to 1 million dollars bail  
 62 ppl held on bail of 500k to \$ 999,998  
 89 ppl held on bail of 250k to 499k  
 94 ppl held on bail of 101k to 249k  
 201 ppl held on bail of 99k to 100k

498 ppl held on bail of 50k to 98k  
 646 ppl held on bail of 25k to 49k  
 459 ppl held on bail of 20 k to \$24,999  
 2138 ppl held on bail of 10 k to 19,999k  
 3480 ppl held on bail of 5k to \$9,999  
 2711 ppl held on bail of \$2500 to \$4999

5563 ppl held on bail of \$1000 to \$2499  
 2513 ppl held on bail of \$500 to \$999  
 172 ppl held on bail of \$250 to \$499  
 6 ppl held on bail of \$1.99 to \$99.00  
 1111 ppl were given bail of \$1.00

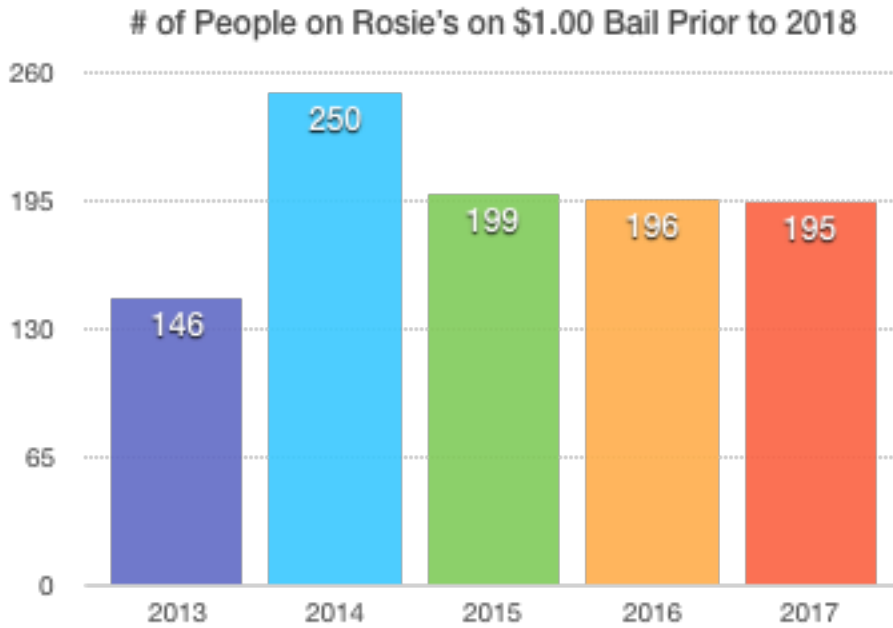
**1.5%** Bail of  
 100k to 1 million

**49%** Bail of  
 \$2500 to 98k

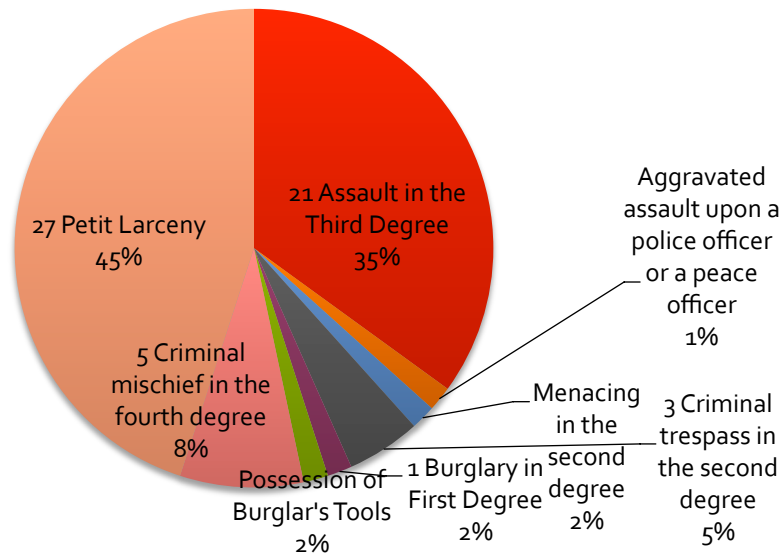
**49.5%**  
 Bail of less than  
 \$2500

- 20,092 out of 24,186 women & girls held on Rosie's -- or 83% -- were given bail by a judge.
- ½ those held or their families were unable to pay their bail of \$2500.00 USD or less.
- 1,111 women & girls were held because they personally could not pay their \$1.00 USD bail.
- Only 1.5% of those on Rosie's had a bail of higher than \$100,000.
- 34% (6,793) of the 20,092 held on bail were sentenced or plead guilty to a lesser charge.
- 66% of those detained on bail on Rosie's eventually walked free of all charges.
- 11% (2,695) were held on remand without bail.

<sup>14</sup> Mayor's Office of Criminal Justice: Report Local Law 86: Individuals in DOC Custody, Second Quarter 2018:  
[https://criminaljustice.cityofnewyork.us/data\\_reports/](https://criminaljustice.cityofnewyork.us/data_reports/)



### # Women, Girls, Trans, Gender Non-Conforming and Intersex Detained on Rosie's on \$1.00 Dollar Bail



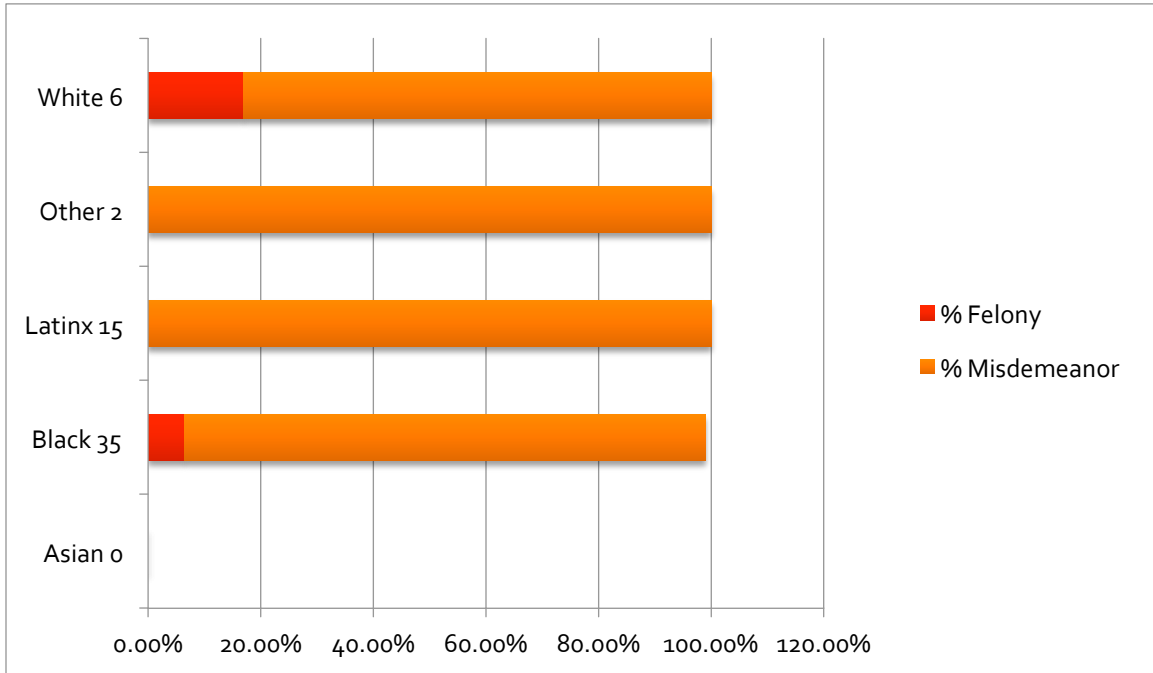
- There were 23 women, girls, trans, intersex, and gender non-confirming people admitted onto Rosie's on Federal Holds out of 61 detained on DOLLAR (\$1.00 USD) bail between

**May 10, 2018 and July 1, 2018 (\*during the time that Intro 944 has been in effect):**

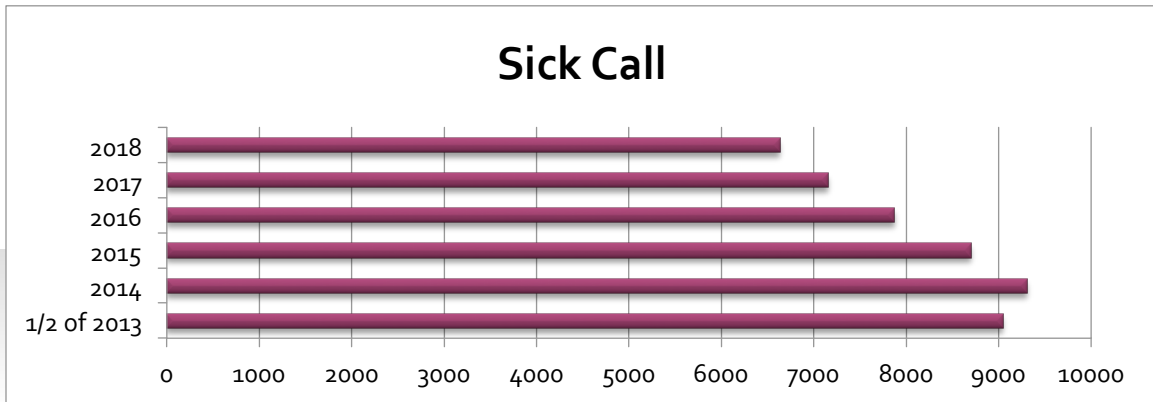
Charge Name	F/M	Classes	Hold
155.25 Petit larceny	Misdemeanor	A	FOA 900.00
165.15 Auto stripping in the second degree	Felony	E	FOA 900.00
165.40 Criminal possession of stolen property in the fifth degree	Misdemeanor	A	AC 777.77
190.23 False Personation	Misdemeanor	B	FOA 900.00
120.00 Assault in the 3rd degree	Misdemeanor	A	FOA 900.00
120.00 Assault in the 3rd degree	Misdemeanor	A	FOA 900.00
220.03 Criminal possession of a controlled substance in the seventh degree	Misdemeanor	A	FOA 900.00
220.03 Criminal possession of a controlled substance in the seventh degree	Misdemeanor	A	FOA 900.00
265.01 Criminal Possession of a Concealed Weapon in the 3rd	Felony	D	FOA 900.00
120.00 Assault in the 3rd degree	Misdemeanor	A	FOA 900.00
140.15 Criminal trespass in the second degree	Misdemeanor	A	FOA 900.00
145.00 Criminal Mischief in the 4th degree	Misdemeanor	A	FOA 900.00
155.25 Petit larceny	Misdemeanor	A	FOA 900.00
155.25 Petit larceny	Misdemeanor	A	FOA 900.00
205.25 Promoting prison contraband in the first degree	Felony	D	FOA 900.00
215.50 Criminal contempt in the second degree	Misdemeanor	A	FOA 900.00
220.03 Criminal Possession Of A Controlled Substance 7th Degree	Misdemeanor	A	FOA 900.00
220.16 Criminal possession of a controlled substance 3rd degree	Felony	B	FOA 900.00
260.10 Endangering the welfare of a child	Misdemeanor	A	FOA 900.00
265.01 Criminal Possession of a Concealed Weapon in the 3rd	Felony	D	FOA 900.00
VTL 511 Aggravated unlicensed operation of a motor vehicle	Misdemeanor		FOA 900.00
VTL 000.00 Out of State Hold--Vehicular Offenses			VTL 000.00

- **Why are we holding people so many women & girls on \$1.00 USD bail?**

- The racial makeup and class type of people placed on Rosie’s on dollar bail since local law 944 went into effect on May 10, 2018 through July 1, 2018:

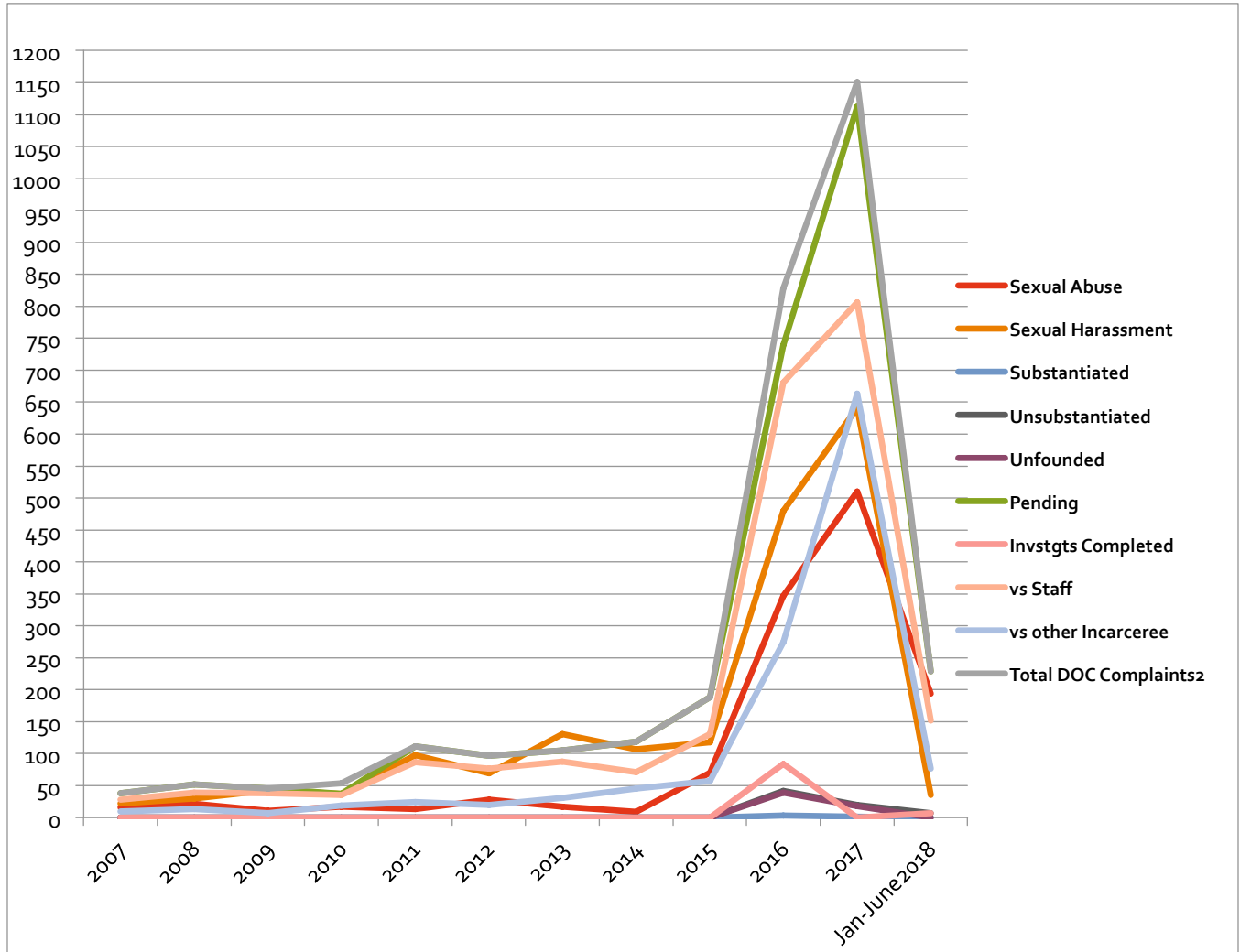


**XIV. Medical Services for Women & Girls on Rosie’s aka “Sick Call”**



The number of sick calls has dropped by 27 % while Rosie’s population has dropped by 55%.

## X. Rape & Sexual Assault on Rikers & Rosie's



### PREA FAILURES:

In the spring of 2016, spurred by a class action lawsuit filed in the Southern District of New York that alleged systemic disregard and lack of policy to prevent rape in our City jails the NYC Board of Correction, the DOC's oversight board proposed a rule-change that encompassed a 40-category PREA implementation strategy. The final version of the rule, while initially touted as a community project, was circulated to the public, and to the hundreds of advocates and survivors whom had come forward to advocate for its implementation with Only ONE DAY for review and feedback b/f the BOC voted in November of 2016 to approve it. We weren't happy with the final version one bit. What has come next has been a complete lack of implementation and total lack of accountability by agency and city officials for the failures.

As of today the lion's share of over 100 deadlines that the DOC was mandated to meet in order to implement our local PREA rule have not been met. The DOC has neglected to fulfill staffing, investigative, reporting and other basic standards of PREA.

For instance: a program requiring cameras to be installed on all DOC vehicles still remains unimplemented even though the PREA rule that was approved by the BOC mandated a pilot program commence in July of 2017 and a final program be implemented by September of 2018. In October of 2018 the DOC admitted that they had met neither requirement. Still to date we have received nary an update on this and the hundred plus other missed deadlines. We anticipate in April of 2019 that the DOC will try to pretend that they have implemented the deliverables of the program but we know this not to be true.

#### DOC Leadership Failure(s):

During a December 14, 2015 City Council Hearing on Women's Issues on Rikers Island the Deputy Commissioner Cynthia Brann was questioned about the rape crisis on Rikers and the implementation of PREA into the DOC charter. At that time then Deputy Commish Brann said of PREA that was her specific responsibility:

***"We have received federal grant money to implement PREA standards within the agency. So becoming PREA compliant is a process. The act was passed in 2003. The original grant was received in 2012. We began earnestly this past year in securing the Moss Group and we have a plan over the next two years to be able to implement PREA across the agency and have our agency go through audits to become PREA compliant"***

<https://youtu.be/fCMEo4yOfYk>

**Brann testified two years later during September 2017 BOC meeting where she says of her failure to protect our city's most vulnerable: "Sometimes we get it right, and Sometimes We Don't":**

<https://youtu.be/ds1Fz9VZpOO>

Again in September of 2018 during a NYC Council hearing on lack of PREA implementation Commissioner Brann repeated the same platitudes regarding LACK of her department's compliance to PREA implementation: "Sometimes we get it right and sometimes we don't."

- There has been to date no complete and revised calendar for implementation offered or explanation for lack of responsibility by the department, the BOC or the mayor's office.
- The NYC DOC has been issuing department directives that contradict the PREA rule—in fact re-writing the stipulations of the regulations to meet their own needs. Under national PREA standards all complaints of sex assault/harassment have to be investigated by OUTSIDE investigators but in the spring of 2018 the NYC DOC issued a directive mandating that all UNIT Captains of cellblocks will investigate all complaints of detainee-on-detainee (or incarcerate on incarcerate) sexual abuse and harassment. This contradicts not only the national PREA standards but our own local NYC PREA rule voted into the NYC DOC charter in November of 2016.
- Closing Rates: We don't know if any of the cases from previous years (2013-2014-2015, 2016 or 2017) that were still pending have been substantiated, unsubstantiated or unfounded. We need these closing rates. Even though our local PREA reporting standards require **closing rates be disclosed we have no idea where we stand let alone numbers of cases substantiated, unsubstantiated or unfounded. We have no idea about number of days cases are open on average.** As per a report issued in March of 2018 by the DOC the department has a 0% closing rate for 2017: the first year PREA was allegedly implemented in NYC jails.
- Backlog: In the last twelve years as far as we can tell there have been over 3000 complaints of rape, sexual assault but only a few hundred have been closed and only four that we know of have been substantiated. A per an August 2018 DOC report over 90% of complaints to the DOC re sexual abuse and harassment were still not closed.

- The department has broken down the number of complaints made by people they deem to be incredulous and repeat-complainers even though they have difficulty sharing other data required by PREA such as closing rates:
  - 25% of caseload 542 made by same 53 inmates
    - 2015 14 inmates represented 22% of 2015 caseload
    - 2016 17 for 181 allegations
    - 2017 16 inmates for 269 allegation 23% of caseload
    - 2018 18 inmates of 123 allegation: 34% of 2018 caseload as of August 2018.
- This statement has been repeated again and again from DOC leadership: allegedly 'unstable' detainees are making false complaints is the party line from the DOC. People already deemed unreliable are the ones targeted by predators because they KNOW they can get away with it. I have personal experience with this.
- Finally: a backlog of investigations has caused a chilling effect on complainants. Initially we saw a swelling of complaints as word made it into Rosie's and other jails on the island the department was being mandated to take complaints seriously: but literally Rikers is the worst place in America to be raped. **A near 0% closing rate for investigations is a crisis of epic proportions for a department just handed a blank check to fix the problem three years ago. A report issued by the NYC BOC was muffled and delayed so as to not be introduced into a September 2018 hearing on PREA failures.**

If people can't be guaranteed that they won't be violated and touched and maimed and exploited than our detainee and incarcerate population in our City jails will be at constant unrest. We act differently when under stress and I don't understand why sexual assault and rape keep getting shelved and no one holds the department accountable. Our mayor is not looking to create problems for himself and the mayor handpicks the oversight board for the DOC. This body, the NYC BOC has to this point been unwilling to issue violations for lack of PREA implementation and even though, thanks in part to our movement, the media is rife with stories of abuse and torture on Rikers nothing is being done to hold our elected and appointed officials in local government accountable.

I am not paid for this advocacy nor does it make me popular but I have requested that the USCCR (the United States Commission on Civil Rights) schedule an hearing on PREA implementation in NYC and to hold DOC, BOC and NYC Government officials accountable and to Censure these bodies under 42 U.S.C. 1975a(e)(1) if they fail to appear, provide misleading, incomplete or false information to the Commission. I urge the DOC to be truthful in its reporting and to provide the utmost transparency when it issues its required stats over the next month: I will be watching very carefully and on-passing my observations onto the USCCR.

**Thank you for allowing Close Rosie's to contribute to this hearing. As neither the DOC nor the BOC has presented data on women, girls, trans, intersex and gender non-conforming persons on Rosie's we hope this initial analysis is helpful to the Board. We look forward to continuing these conversations and to working on the future versions of these data points with members of the BOC and staff.**