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## **Borough-Based Jails Progress Report<sup>1</sup>**

### **March 1, 2024**

#### **Introduction**

In 2019, the City of New York formally committed to the closure of Rikers Island by 2027. Specifically, in October 2019, the New York City Council ("City Council") approved a plan to close Rikers Island and to build four safer, fairer, and more humane jails across the boroughs<sup>2</sup>. According to the City's plan, the new borough-based jails would be in Manhattan, Brooklyn, Queens, and the Bronx. To ensure the safe closing of Rikers Island and monitor the conditions of both locations, Rikers Island and borough-based jails, the City Council passed Local Law 192 for the year 2019 ("LL 192"), requiring the Board of Correction ("BOC") to report every six months on the impact on people in custody of closing jails on Rikers Island and constructing new borough-based jails to replace such facilities.

This report is the Board's third progress report under LL 192. It will address the impact of proposed designs for the borough-based facilities on people in custody and compliance with the Board's minimum standards. While the Board shares the City's commitment to closing Rikers Island and affording smaller, safer, more humane borough-based jails, the Board is equally committed to ensuring the minimum standards are effectively in place for people in custody.

#### **Jail Population**

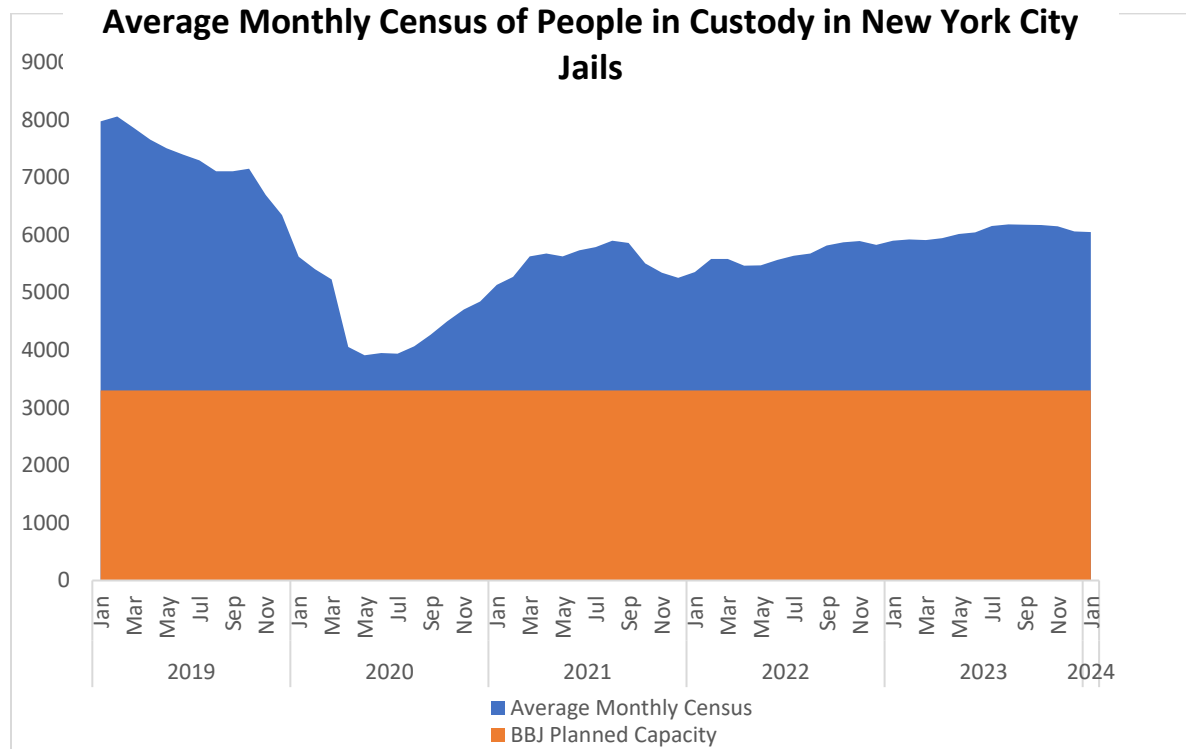
Over the past five years, the jail population has steadily declined. In January 2019, the average monthly population was approximately 7,973. The lowest average monthly population occurred in May 2020, with approximately 3,909 people in custody. Since the Board's last semi-annual report, the population's

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<sup>1</sup> This report was prepared by Katrina Blackman, Assistant Executive Director of Monitoring, in compliance with Local Law 192 for the year 2019.

<sup>2</sup> Council Votes on Historic Legislation to Close Rikers Island <https://council.nyc.gov/press/2019/10/17/1818/>

monthly average is approximately 6,049. That is nearly double the borough-based jail capacity of 3,300 people in custody<sup>3</sup>.



In October 2023, the Department closed the Vernon C. Bain Center (“VCBC”), the only jail barge located in the Bronx, New York<sup>4</sup>. According to the Department, the decision to close VCBC was to centralize all jail operations on the island, efficiently manage people in custody, and deploy staff and resources. Within one month of VCBC closing, less than 500 people in custody were transferred to jails around Rikers Island. Most of the minimum classification individuals are housed in the west dorms of the Anna M. Kross Center (“AMKC”), which closed its facility operations in July 2023. The dorms are now considered part of the West Facility Annex.

### Design and Construction of Borough-Based Jails<sup>5</sup>

The Department’s Borough-Based Jails (“BBJ”) Team continues to provide the Board with updates through regularly scheduled quarterly meetings. According to the team’s updates, all borough-based jails will have central programs, therapeutic, multidisciplinary, and clinic spaces for people in custody. The Department’s BBJ team reported that the former Brooklyn Detention Center (“BKDC”) will be entirely dismantled by the second quarter of 2024. The new jail will have 1,040 beds comprising general and special populations, special management, and constant supervision housing. All borough-based jails, including the Brooklyn location, will have infirmaries on site.

<sup>3</sup> NYC A Roadmap to Closing Rikers <https://rikers.cityofnewyork.us/>

<sup>4</sup> Dept. of Correction Closes the Barge that Was Its Safest Jail in NYC. Why? <https://lavocedinewyork.com/en/letters-en/2023/10/21/dept-of-correction-closes-the-barge-that-was-its-safest-jail-in-nyc-why/>

<sup>5</sup> Information provided in this section of the report comes from the DOC’s quarterly briefings to BOC staff on October 2, 2023, October 6, 2023, and February 12, 2024. Additional information was provided through correspondence between BOC and DOC.

The early works projects for the former Queens Detention Center (“QDC”) and Manhattan Detention Center’s (“MDC”) North Tower have been dismantled. Design builds for the remaining three boroughs have not been announced, nor have substantial completion dates been identified. The location for the new Bronx jail has begun site preparation, but a facility design and build have not been announced. All design-build project deliverables will be partnered between the Department of Design and Construction (“DDC”), building designers, and contractors, then passed down to sub-contractors. According to the Department’s recent presentation, building the borough-based jails is not a typical design-build; fewer steps are involved.

Based on the information the Board has received from the Department, the goal to have Rikers Island closed by 2027 and ultimately replaced by borough-based jails is not on track to be met. During the quarterly meeting between DOC and BOC on February 12, 2024, the BBJ team announced that the Brooklyn-based jail has an anticipated completion date in 2029. That is two years after the City’s projected date. Mayor Eric Adams also mentioned that the goal of closing Rikers Island in 2027 would not be possible because of rising costs and the current jail population<sup>6</sup>.

### **Impact of the Design and Construction of Borough-Based Jails on compliance with BOC Minimum Standards**

During the last two quarterly meetings, the Board has raised concerns over the Department’s interpretation of the definition of “outdoor” recreation spaces.

After reviewing the planned recreation spaces for the future Brooklyn jail, Board members expressed concerns that the areas are not outdoors. The illustrations and renderings show enclosed physical spaces with a high, solid ceiling and security mesh walls, with paneling along the lower part of the walls to prevent people in custody from interacting with those in the other housing units or people on the streets below. Every housing area in the BBJ facilities will have its own outdoor recreation area directly accessible from the dayroom. According to the Department, all proposed outdoor recreation areas are outdoor spaces because they are unconditioned and open to the elements.

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<sup>6</sup> ‘We will close Rikers’ – Elected officials blast back at Mayor Adams <https://gothamist.com/news/we-will-close-rikers-elected-officials-blast-back-at-mayor-adams>



*Image: Proposed Recreation Yard for the Brooklyn borough-based jail<sup>7</sup>*

The Board’s Minimum Standards set forth specific requirements for recreation. Section 1-06 of the Minimum Standards provides that the Department of Correction must afford people in custody with the opportunity to go to outdoor recreation seven days per week, for at least one hour every day, except in “inclement weather,” when the Department must make available the indoor recreation area, see § 1-06(c). The indoor and outdoor recreation spaces “must be of sufficient size to meet the requirements of this section,” and the outdoor recreation areas “must allow for direct access to sunlight and air” see §1-06(b). The BBJ team stated that the proposed recreation spaces described above “allow [] for direct access to sunlight and air through the security mesh surrounding the areas,” the Department believes that the current design of those spaces satisfy the Minimum Standards.

At the February 12, 2024, BBJ quarterly meeting with DOC and BOC staff, Deputy Commissioner Del Valle from the Department of Design and Construction reiterated the same point, stating the proposed outdoor recreation spaces are sufficient. While the Board is not convinced the term or structure of the proposed outdoor recreation spaces is satisfactory, the discussions have continued. The Board will continue to seek opportunities to be involved in discussions concerning the design and construction of the new borough-based facilities to ensure the Minimum Standards are met.

### **Conclusion**

So far, the plans identified by the Department of Correction demonstrate efforts to provide people in custody with direct access to medical and mental health care, support services, and improved communication with their families and legal services.

<sup>7</sup>Community Design Input Workshop for the Brooklyn Facility [https://rikers.cityofnewyork.us/wp-content/uploads/20240123\\_BBJ-BK-FAC\\_CDIW3\\_Presentation.pdf](https://rikers.cityofnewyork.us/wp-content/uploads/20240123_BBJ-BK-FAC_CDIW3_Presentation.pdf)

While the Board is committed to the closing of Rikers Island by 2027, the current jail population needs to align with the projected bed capacity for all four borough-based jails. The City would need to drastically reduce the population to meet the planned capacity of 3,300 incarcerated detainees. The Board will continue to have conversations and involvement in the design of the jails and offer critical feedback and recommendations to ensure our Minimum Standards are met with full compliance.