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STATEMENT IN SUPPORT OF CLOSING RIKERS ISLAND

**THE NEW YORK CITY BAR ASSOCIATION URGES THE NEW YORK CITY
COUNCIL TO SUPPORT BOROUGH-BASED JAIL SYSTEM PROPOSAL**

The New York City Bar Association (the “City Bar”) supports closing the correctional facilities on Rikers Island, and replacing them with a smaller system of borough-based facilities.¹

Rikers must be closed as swiftly as possible. Thousands of New Yorkers, Department of Correction employees, and incarcerated people, most of whom are people of color, are harmed by the jails’ continued operation. Rikers is beset by high rates of violence which have only increased in recent years, even as the number of people in jail has declined significantly.² Sexual assault complaints among women held at the Rose M. Singer Center are double the national average for jails.³ Rikers’ facilities and design are antiquated and unsafe.⁴ The same is true of the existing borough jails, including the barge moored in the Bronx. None should be permitted to continue to operate.

The very location of Rikers – on an island in the East River that is isolated and difficult to access – impedes the fair and efficient administration of justice. A one hour visit by an attorney can take all day. Defenders often have to choose between visiting a single client at Rikers and working on cases for their dozens of other clients, people to whom they also owe a duty. Law enforcement officials, such as parole officers, face similar inordinate delays when trying to meet with incarcerated people. The difficulty in getting to Rikers also deters family visits. Indeed, in

¹ See “Rikers Island Must Close,” New York City Bar Association Mass Incarceration Task Force, April 5, 2018, <https://www.nycbar.org/media-listing/media/detail/rikers-island-must-be-closed>.

² *Seventh Report of the Nunez Independent Monitor* (April 2018), available at https://www1.nyc.gov/assets/doc/downloads/pdf/7th_Monitor_Report.pdf; City of New York, *Mayor’s Management Report, Department of Correction* (Sept. 2019), available at <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/doc.pdf>. (All websites cited in this report were last visited on October 14, 2019).

³ Jan Ransom, *She Says Rikers Guards Raped Her, Then Warned: ‘This Never Happened’*, NEW YORK TIMES (Dec. 14, 2018), available at <https://www.nytimes.com/2018/12/14/nyregion/rikers-rape-guards-federal-lawsuit.html>.

⁴ Independent Commission on New York City Criminal Justice and Incarceration Reform, *A More Just NYC* (April 2017), available at <https://bit.ly/2m6xfXa>.

2018, the visitation rate at Rikers was roughly half that at the borough facilities.⁵ And as our members have observed in their work, the expensive, logistical nightmare of busing hundreds of people detained at Rikers to and from court every day means that people are often brought to court late and sometimes not at all. A single missed court date can add weeks to a person's pretrial incarceration.

A large majority of the people who must endure the unacceptable conditions in City jails have not been convicted of crimes and come from populations that are already marginalized. Over 75% of the people locked up at Rikers are pre-trial;⁶ 45% have a mental health diagnosis; 17% have a serious mental illness;⁷ and 88% are people of color.⁸ This cannot continue. Moreover, the current system harms taxpayers with its inordinate cost: at least \$302,296 a year to incarcerate a single individual.⁹

Closing Rikers will require the building of alternative facilities. The four proposed borough facilities will not alone cure all the problems of Rikers, but they promise vastly upgraded physical conditions and sightlines, boosting safety and staff morale. The exact design contours should be developed with robust input from all relevant stakeholders. A much smaller system with fewer people jailed will provide the Department of Correction with its best chance to reform management, hold officers accountable, and reduce violence. Proximity to family, courts, attorneys, and service providers will bolster re-entry prospects for people in jail, and lead to improved and more efficient case outcomes. The benefits and efficiencies of closing Rikers and moving operations into borough facilities will result in cost savings – anticipated to well exceed the cost of construction – that can be invested in the people and communities that have been hurt by Rikers.¹⁰ While the location of the proposed Bronx jail site at over two miles from the courthouse is not ideal, it would still be a major improvement on existing facilities.¹¹ Ultimately, the imperative to close Rikers demands that this plan pass; anything less will doom the effort to close Rikers for a generation or more.

⁵ New York City Board of Correction, *Monthly Review: Visit Restrictions* (Dec. 2018), available at https://www1.nyc.gov/assets/boc/downloads/pdf/visitreport_dec2018.pdf.

⁶ NYC Open Data, *Daily Inmates in Custody*, <https://data.cityofnewyork.us/Public-Safety/Daily-Inmates-In-Custody/7479-ugqb> (visited Sept. 22, 2019).

⁷ City of New York, *Mayor's Management Report, Department of Correction*.

⁸ NYC Open Data, *Daily Inmates in Custody*.

⁹ NYC Comptroller Scott Stringer, *Comptroller Stringer: Despite a Decline in Incarceration, Correction Spending, Violence, and Use of Force Continued to Rise in FY 2018* (Jan. 2019), available at <https://comptroller.nyc.gov/newsroom/comptroller-stringer-despite-a-decline-in-incarceration-correction-spending-violence-and-use-of-force-continued-to-rise-in-fy-2018/>.

¹⁰ Independent Commission, *A More Just NYC*.

¹¹ The Mayor's Office and the City Planning Commission independently examined alternate sites in the Bronx and rejected all other potential sites as infeasible. See City Planning Commission, *In the matter of an application for a site selection submitted by the New York City Department of Correction, the NYC Mayor's Office of Criminal Justice, and the NYC Department of Citywide Administrative Services*, C 190333 PSY, at 53-54 (Sept. 3, 2019), available at <https://www1.nyc.gov/assets/planning/download/pdf/about/cpc/190333.pdf>.

During the de Blasio Administration, New York City has laudably reduced the jail population by over one-third.¹² At the same time, crime rates have been driven to historic lows, demonstrating that mass incarceration is not necessary for public safety.¹³ The plan before the City Council to close Rikers presents a historic opportunity to seize this moment, end the blight of Rikers forever, replace it and the existing borough jails with a humane, modern, smaller, borough-based system, and continue New York City on the path to making incarceration a last resort. We urge our elected officials to approve it.

Corrections & Community Reentry Committee
Greg Morril, Chair

Mass Incarceration Task Force
Sean Hecker, Chair

October 2019

¹² City of New York, *Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island*, available at <https://rikers.cityofnewyork.us>.

¹³ NY Police Department, *Citywide Seven Major Felony Offenses 2000-2018*, available at https://www1.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/historical-crime-data/seven-major-felony-offenses-2000-2018.pdf.