Written Testimony to the New York City Council

Joint Hearing on Housing and Re-Entry (Committees on the Justice System, the Committee on Criminal Justice, the Committee on General Welfare, the Committee on Public Housing, and the Committee on Housing and Buildings).

Submitted by Sarita Daftary, Freedom Agenda

Wednesday October 21, 2020

Dear Committee Chairs CM Lancman, CM Powers, CM Levin, CM Ampry-Samuel, CM Cornegy, and committee members,

I am submitting this testimony as a co-director of Freedom Agenda, a new project at the Urban Justice Center focused on organizing with people directly impacted by incarceration to decarcerate New York City, defend the rights of incarcerated people, and divest from systems of punishment to redistribute those resources to the people and communities that have been most harmed by mass criminalization and systemic racism.

As a member of the Fair Chance for Housing Coalition, we urge this Council to work with NYCHA to remove all exclusions based on arrest or conviction records. These policies only prevent people from accessing housing as a human right, and do not improve public safety. Enabling people to secure stable housing is not only the right thing to do, it is the practical thing to do. Stable housing a key ingredient to a stable life. It impacts a person’s ability to find and keep a job, to pursue education and training opportunities, to stay consistent with any treatment or counseling programs a person may need, and more.

In addition, we should all be aware at this point of how the criminal legal system targets Black and Brown people, starting with policing and continuing through the courts and prison systems. Our members have experienced police harassment – resulting in arrest and conviction records – from a very young age, and have been subject to both disproportionately harsh punishments and wrongful convictions. A city that is serious about community safety, about human rights, and about racial justice must treat housing as a human right for everyone. NYCHA’s current policies fail to do that.

One positive development in recent months has been MOCJ’s effort to provide hotel rooms, and services, for people released from jail and prison who do not have stable housing. With the collaboration of organizations like Exodus and Fortune Society, these efforts have been a success and have saved many people from months spent on Rikers or in congregate shelters. This program can and
should be expanded. There are currently 109 people on Rikers Island serving a sentence of a year or less. This number has increased 45% from a low of 75 people earlier this year. Using the discretion of the 6A program – and the Conditional Release Commission that was established new City legislation this year - everyone serving a City sentence can and should be offered release to alternative programs, and stable housing if needed. The City can also work with the State to secure the release of more people who are detained for technical parole violations. Regarding people detained pre-trial - it is our understanding that the MOCJ hotels program has been used in only limited instances for people with pending cases – but the administration should be negotiating with DAs and judges to utilize this option to offer stable housing, in addition to other supervised release programming, for people with pending cases, and prevent the jail population from climbing any further. Since July 1, pre-trial detention has increased by more than 16%. The administration should consider all cases within their release advocacy efforts, but can start with some obvious groups, including young adults 18-25, people over 50, people with mental health needs, people who are immunocompromised, women, and gender non-conforming people. To expand further one of these groups – let’s consider women. There are currently 182 women on Rikers Island, where evidence has shown they are incredibly vulnerable, including to sexual victimization by officers. Seven of these women are serving a City sentence, 3 are awaiting a parole hearing, 15 are awaiting a parole hearing and are facing a new charge, 153 are awaiting trial, and 4 are awaiting transfer upstate. It seems fully in the range of possibility for the City to invest in supportive programming – like hotels along with service-based supervised release – to release 178, or almost all, of these women.

While a number of these women are facing serious charges, they still deserve the presumption of innocence, and the Women’s Community Justice Project, for example, has already successfully provided alternative to detention programs, along with housing, for women charged with serious offenses.

The experiences of this year - as our City has navigated the twin pandemics of Covid-19 and structural racism - have made the urgency of decarcerating, closing Rikers, and addressing unsafe conditions in all City jails is more clear than ever.

The Council should do everything in its power to move swiftly to open all possible paths to housing for all New Yorkers – including those with arrest and conviction records. That must include working with NYCHA to eliminate arrest and conviction-based exclusions, establishing the conditional release commission, and continuing the MOCJ hotel program and expanding it beyond its current scope.

Thank you,

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