



HOW TO ADVANCE AND STRENGTHEN THE PLAN TO CLOSE RIKERS

INTRODUCTION

In January 2022, new elected leaders will take office across New York City, and they will inherit a humanitarian crisis in the City jails that has shocked the nation and claimed sixteen lives this year alone. Fortunately, there is already a plan in place to close Rikers that was envisioned and fought for by formerly incarcerated people and family members, with the support of faith leaders, service providers, community organizations, and other allies. This plan was passed by the Mayor and City Council in October 2019, after extensive community input.

Now is the time to recommit to this plan, and to go further – to strengthen and accelerate it. Here, we outline specific, actionable ways to fulfill our complete vision of closing Rikers, from Jail Closure to Decarceration, Defending the Rights of Incarcerated People, and Divestment & Redistribution. The vision for eradicating Rikers and what it represents came from those most impacted by mass incarceration, but the moral responsibility for getting it done lies with all of us - and especially those who have been entrusted with elected office.

For more information on the [Campaign to Close Rikers](#), contact Freedom Agenda, fa@urbanjustice.org.

JAIL CLOSURES

Timeline for closing the Rikers Island Jails

Current Plan: Incarceration is prohibited on Rikers after August 31, 2027, through [a City map](#)¹ change, and the entire island must be transferred out of the Department of Correction's control by the same date, in compliance with [Local Law 16 \(part of the Renewable Rikers Plan\)](#)².

Ways to Strengthen: Accelerate closure by accelerating decarceration and construction timelines. The next Mayor should also transfer all jails on Rikers out of DOC's control and demolish them soon as they are closed.

Future use of Rikers Island

Current Plan: Local Laws 16, 17, 31, which make up the [Renewable Rikers Act](#)³, provide for a phased transfer of the island from DOC to the Department of Citywide Administrative Services, starting July 1 2021, for future environmental uses. The City must also establish an advisory board with representatives who have been impacted by incarceration on Rikers Island.

Ways to Strengthen: Expedite land transfers from DOC to DCAS and follow the recommendations of the Renewable Rikers Advisory Committee to maximize the degree to which the transformation of Rikers Island can repair harm to communities impacted by both mass criminalization and environmental racism.

DECARCERATION

New York City jail capacity

Current Plan: Combined capacity of the four replacement borough jails will be 3,300 ([3,545 beds with plans to keep 7% unused at any given time for repairs or housing reassignments](#)⁴). Each jail will have 886 beds. This will reduce total NYC jail capacity by 75% (from about 17,500 beds currently - [14,700 on Rikers](#)⁵ and [2,800 in the boroughs](#)⁶), and will reduce the total number of City jails from 14 to 4.

Ways to Strengthen: Reduce capacity by swiftly committing to further decarceration. A recent report from A More Just NYC and the Center for Court Innovation suggests that strong implementation of bail reform, along with other measures, [could reduce NYC's jail population to 2,700](#)⁷. Immediately reduce the capacity of each replacement borough jail by 100 beds, by accounting for the capacity shifted to the [400 planned therapeutic housing units](#)⁸.

Overall decarceration

Current Plan: The Close Rikers plan requires decarcerating by approximately 40% from the July 2021 jail population, to less than 3,300 people. This will be the lowest jail population in New York City in over 100 years. The administration did not publish a detailed plan for reaching this jail population, but [A More Just NYC and the Center for Court Innovation recently did](#)⁹.

Ways to Strengthen: Make substantial investments in meeting community needs to prevent incarceration (see Divest & Redistribute Section). Commit to further decarceration, which will require strict accountability to address racial bias in the court system, protect the presumption of innocence for everyone, and limit judges' excessive use of pretrial detention. While pretrial detention can be further limited by changes to state law, it can also be limited by the way judges use their discretion. Judges who sit in NYC arraignment courts, where decisions on pretrial detention are made, are appointed by the Mayor.

Future reduction of jail capacity

Current Plan: Points of Agreement attached to the 2019 land use proposal for the replacement borough jails include a commitment to explore design features that would enable [decommissioning portions of the planned jails for other non-jail uses if the incarcerated population of New York City declines](#)¹⁰.

Ways to Strengthen: Ensure that replacement jails incorporate design features that would allow for decommissioning portions of the buildings for non-jail uses when the jail population declines such that certain housing units are no longer in use.

DEFENDING THE RIGHTS OF INCARCERATED PEOPLE

Use of existing borough jails

Current Plan: [All existing borough jails will be eliminated](#)¹¹ (The Brooklyn House of Detention, The Queens House of Detention, The Tombs in Manhattan, and the Vernon C Bain Correctional Facility also known as The Boat). Two of these existing jails - in Brooklyn and Queens - are in violation of current State minimum standards because they lack sufficient square feet per incarcerated person. They also lack air conditioning.

Ways to Strengthen: Accelerate closure and replacement of existing borough jails by accelerating decarceration and construction timelines.

Physical conditions/built environment

Current Plan: In alignment with [Local Law 194](#)¹², the replacement borough jails must meet improved minimum standards, like providing air conditioning throughout facilities; outdoor recreation areas and access to clinical services in each housing area; a window, toilet and sink in each individual living quarters. Facility designs are not finalized, but have been drafted to include more direct access to services and recreation, more freedom of movement, and improved spaces for programs and for visits. In addition to the condition of the buildings, the Rikers Island jails sit on a piece of land that is extremely isolated and [environmentally toxic](#)¹³. The current plan ensures that detention on Rikers will end by August 31, 2027.

Ways to Strengthen: Ensure that facilities have individual showers in each living quarters, along with other amenities like desk, TV, and refrigerator; private therapy rooms in each housing unit; an electronic key-card system to allow incarcerated people to move through the facilities without escorts. Ensure that facilities do not include spaces for practices that should be eliminated, like the use of Emergency Services Unit (ESU) or solitary confinement. Ensure final designs adhere to guidelines laid out by peer review committees, each of which has at least member who has been incarcerated or whose loved ones have been incarcerated.

Solitary confinement

Current Plan: Initial plans for the replacement jails did not include any designated spaces for solitary confinement. In June 2021, the Board of Correction passed [new restrictive housing rules](#)¹⁴, in response to calls to end solitary confinement. Rather than ending solitary confinement, the new rules require the creation of new restrictive housing units - Risk Management and Accountability System (RMAS) units - that amount to [solitary by another name](#)¹⁵.

Ways to Strengthen: Pass [City Council legislation](#)¹⁶ to end solitary confinement, including guaranteeing 14 hours out of cell, with meaningful human interaction, for every person in custody. This will eliminate the requirement to build RMAS units, and will ensure that DOC does not use other means to keep people in isolation.

Operations of the jails, now and in the future

Current Plan: Under the current plan, the replacement jails will be operated by DOC. The City has established a [Culture Change working group](#)¹⁷, but has yet to make concrete commitments to change the way DOC operates the jails. The Mayor has appointed [a new Commissioner who appears more committed to culture change](#)¹⁸, and has had success in shifting culture at the Department of Probation and in juvenile detention facilities.

Ways to Strengthen: End the Department of Correction as we know it. Six years of scathing reports from [the Nunez Federal Monitor](#)¹⁹ - along with decades of abuse and corruption documented by [the Department of Investigation](#)²⁰, [Federal prosecutors](#)²¹, and [advocates](#)²² - have made it clear that the Department has become a safe haven for those who want to abuse their power. The level of corruption is deep enough to make a strong case for disbanding DOC and replacing them with a new agency. This would require a City Charter amendment.

In the meantime, the City must eliminate DOC's ability to use its most abusive tactics, by, for example, [disbanding the Emergency Services Unit \(ESU\)](#)²³, disbanding Special Search Teams, and [passing legislation to end solitary confinement](#)²⁴.

DOC accountability

Current Plan: The City has not yet made clear plans to improve accountability measures within DOC. The Nunez Federal Monitor has documented the Department's [ongoing failures to hold its staff accountable](#)²⁵, and a judge has placed the City and Department under [a remedial order](#)²⁶.

Ways to Strengthen: Give the public a seat at the table in negotiating the next Correction Officers Benevolent Association contract, to substantially address the culture of impunity that has put incarcerated people at risk. Proactively publish all discipline records which are no longer shielded by 50A laws, carry out swift and appropriate discipline for officers who abuse their power, and fire those in leadership positions to who fail to hold staff accountable. Devote more resources to jail oversight, and expand the powers of the entities tasked with doing it. Currently, [the Board of Correction has substantially less resources](#)²⁷, in proportion to the agency they oversee, than the Civilian Complaint Review Board, and far less power.

Programming

Current Plan: In the replacement borough-based jails, there will be increased programming space on the housing units and centralized in the facilities. Service providers will also have [flexible office space on-site](#)²⁸.

Ways to Strengthen: Ensure programming in jails is provided by outside organizations, rather than DOC staff, in alignment with the import model²⁹. Protections should also be put in place for contractors who report misconduct by DOC staff. Increase access to technology and online resources, to supplement but not replace in-person programming. Improve access to and quality of programs for incarcerated people, as [outlined by Intro 1843](#)³⁰.

Treatment of people with acute mental and physical health needs when in custody

Current Plan : The administration is in the process of developing approximately 400 therapeutic housing units at three NYC Health & Hospitals facilities (Woodhull, Bellevue, and North Central Bronx) [for people with acute medical needs who are in DOC custody](#)³¹. This will add to the existing beds in the Bellevue and Elmhurst Hospital prison wards.

Ways to Strengthen: Prevent DOC officers from having direct contact with these patients, in alignment with the current practice with people who are in DOC custody at Bellevue Hospital. If maximum diversion is prioritized, these therapeutic housing units may not be fully utilized, and could be converted to regular hospital space in the future.

DIVESTMENT & REDISTRIBUTION

Investments to prevent incarceration

Current Plan: Points of Agreement attached to the 2019 land use proposal for the replacement borough jails included [new funding commitments of \\$265M](#)³². These investments are a small start to address the decades of disinvestment and criminalization that have harmed communities of color. They include funding for community wellness and safety outside the carceral system, both Citywide and in specific neighborhoods. As of FY2022, these commitments have been funded, but in some cases, the funding allocated was insufficient to implement the planned service. For instance, \$11M was allocated to establish [380 more Justice Involved Supportive Housing units](#)³³, but no contracts were awarded and the units have not been built.

Ways to Strengthen: Support the work of the Commission on Community Reinvestment, established by [Local Law 193](#)³⁴, and follow their recommendations - the first of which will be issued in December 2021. Funding to convene the Commission and coordinate its work should be baselined into the City budget through 2027.

Pass [Intro 2047, the Fair Chance for Housing Act](#)³⁵, to help people with conviction records access stable housing. In addition to creating and preserving more affordable housing, we must make sure that people are not excluded from it by a prior conviction.

DOC budget

Current Plan: The City has not made plans to proactively shrink the DOC budget in alignment with the reduced jail population. They have said they will rely on hiring freezes and attrition, but made plans this year to train [a class of 600 new officers](#)³⁶. New York City spent over [\\$556,000 per incarcerated person](#)³⁷ in Fiscal Year 2021.

Ways to Strengthen: [Reduce the DOC workforce](#)³⁸, in proportion to the jail population that has been reduced by more than half since 2012, and which the City has committed to reducing further. By doing so, over \$1B per year could be redirected to investments in preventing incarceration, like [housing, education, healthcare, and employment](#)³⁹.

INTERSECTING AREAS

*While all the four areas above are overlapping and interdependent, at least two priorities exist firmly at the intersection of these needs.

Diversion for people with mental health needs

Decarceration; Divestment & Redistribution

Current Plan: [The Points of Agreement](#)⁴⁰ include some measures to prevent people with mental health needs from interacting with police and courts, such as investments in Justice Involved Supportive Housing and Intensive Mobile Treatment teams.

Ways to Strengthen: Take a comprehensive approach to first meet the needs of people with mental health concerns to prevent them from reaching a point of crisis in which they might interact with police, and then provide off ramps for diversion at every possible stage after that, in line with what is described in the [Roadmap for Mental Health Treatment and Diversion](#)⁴¹.

The Mayor and Council should also publicly support passing Treatment Not Jail legislation (S2881A).

Women and gender-expansive people

Decarceration; Defending the rights of incarcerated people

Current Plan: Incarcerated women and gender-expansive people will be housed in a separate facility next to the replacement men's jail in Queens. The City is planning for this facility to open in 2027, with capacity for about 100 people. In October 2021, the City and State announced plans to [transfer women being held in NYC jails to DOCCS prisons upstate](#)⁴².

The Points of Agreement include a commitment to explore the feasibility of [moving the women's facility to a different, more central site](#)⁴³.

Ways to Strengthen: Establish a stand-alone site, for less than 100 women and gender-expansive people by 2022, by converting and renovating a state-owned building previously used in a similar manner, as [the #BeyondRosies campaign has called for](#)⁴⁴. This site should be centrally located and one which does not require a new land-use approval process. The practice of holding women ordered into DOC custody in DOCCS prisons upstate should end with the establishment of this facility.

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