

An aerial photograph of a snowy New York City neighborhood, likely the South Bronx, with the dense city skyline visible in the background. The foreground shows residential buildings, streets, and a large open area covered in snow. The text is overlaid on the upper left portion of the image.

A MORE JUST NEW YORK CITY ONE YEAR FORWARD

Independent Commission on New York City
Criminal Justice and Incarceration Reform

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Dear Fellow New Yorkers:

As the Chair of the Independent Commission on New York City Criminal Justice and Incarceration Reform, it is my pleasure to share this report on the progress that has been made over the past year towards closing the dysfunctional jails on Rikers Island and improving the justice system.

New York City has a unique opportunity to achieve lasting reform. **Over the past year, there has been real and tangible progress** that suggests that the Rikers jails can be closed within a shorter period even than the Commission projected just one year ago. **But there is much farther to go.**

Before describing where we stand today, it is worth reflecting on how we arrived here. In our city and in our country, there has been a growing consensus that we needed to reevaluate the criminal justice system, including the way we use incarceration and the way we treat the people who are incarcerated.

In March 2016, then-City Council Speaker Melissa Mark-Viverito announced the formation of the Commission to study New York City's criminal justice system. For the next year, the Commission—composed of more than two dozen civic leaders, advocates, and experts and supported by partner organizations from the non-profit and private sectors—met with and listened to stakeholders and the public and conducted in-depth research.

One year ago, in April 2017, we issued [A More Just New York City](#), a comprehensive blueprint for improving the City's criminal justice system and significantly reducing the number of people held in jail. We concluded that the jail complex on Rikers Island must be closed once and for all, and that the City should move to a system of smaller, state-of-the-art, borough-based facilities located closer to the courthouses.

Put simply, Rikers is a penal colony—an outdated model for corrections that has no place in New York City in the 21st century. Locating modern jail facilities near the criminal courts and closer to families, attorneys, and health and service providers is a chance to create a more humane system for the decades to come.

The goal of closing Rikers has been adopted by Mayor Bill de Blasio and championed by political leaders including Governor Andrew Cuomo and current City Council Speaker Corey Johnson, among many others. It has also been endorsed by three of the city's District Attorneys: Darcel Clark in the Bronx, Cy Vance in Manhattan, and Eric Gonzalez in Brooklyn.

There have been significant achievements over the past year. **The number of people in City jails has dropped by nearly 10 percent**—by more than 800 people—from the September 2016 population that we analyzed in *A More Just New York City*. **At the same time, crime has continued to fall to record lows.** The City has announced the upcoming closure of one of the major jail facilities on Rikers. The Mayor and the City Council have agreed on a streamlined timetable for land use protocols, with four sites for rebuilt or new borough facilities being designated and the engagement of a master planning team. In Albany, Governor Cuomo and the state legislature have passed a budget that includes design-build authorization for the modern borough facilities that will enable the closure of Rikers, which will reduce the cost and timeline for building a better system. With continued forward movement, there could be significant construction on two or more new facilities before the end of the current Mayoral administration, making this effort permanent and irreversible.

Nonetheless, the dire conditions at Rikers continue to occupy the front pages of our newspapers. In the preface to *A More Just New York City*, I wrote that:

Rikers Island is a stain on our great City. It leaves its mark on everyone it touches: the corrections officers working back-to-back shifts under dangerous conditions, the inmates waiting for their day in court in an inhumane and violent environment, the family members forced to miss work and travel long distances to see their loved ones, the attorneys who cannot easily visit their clients to prepare a defense, and the taxpayers who devote billions of dollars to keep the whole dysfunctional apparatus running year after year.

To our great shame, these words remain as true today as they were last year. Moving forward, we must work together to close Rikers as fast as possible, in a humane and practical way.

There are two processes that must proceed in parallel to accomplish this goal. First, reforming the justice system to increase fairness and reduce the people held in City jails. Second, designing and building a better jail system with facilities located in the boroughs near the criminal courts and with access to public transportation.

In the next year, the City, the courts, and the District Attorneys should continue to divert people out of the criminal justice system and ensure that cases do not linger in the courts. There is much that can be done, even without state legislative change. But at the state level, bail legislation and other initiatives could be transformative. And with respect to designing modern borough facilities, **serious community engagement is fundamental so that the new facilities address local needs and concerns.**

Importantly, the road ahead is as much about changing mindsets as it is about specific policies or new facilities. We must recognize that the criminal justice system cannot be deployed as the solution to all of society's ills. We must change the culture and operating principles of our jails. We must ensure that people are not imprisoned because of the color of their skin or the amount of money in their pocket. And we must approach incarceration as the path of last resort, rather than the path of least resistance.

As the Commission explained in *A More Just New York City*, closing Rikers is not only a moral imperative—it is also a major public policy initiative that could save taxpayers hundreds of millions each year and permit Rikers Island to be repurposed into an environmental and economic asset for our city as a whole.

In sum, New York City is at the threshold of a historic opportunity for change. **The events of the past year have proven not only that closing Rikers is imperative, but that it is within reach.**

Sincerely,



The Hon. Jonathan Lippman

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Finally, this report could not have happened without the many individuals and organizations who contributed to the Commission's 2016–2017 work and our April 2017 *A More Just New York City* report.

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Introduction

One year ago, in *A More Just New York City*, the Commission studied the criminal justice process in New York City and concluded that the jail complex on Rikers Island must be closed.¹

We reached this conclusion based on our assessment of the inhumane conditions in the Rikers jails, including obsolete and deteriorating facilities, an entrenched culture of violence that endangers both incarcerated persons and correction officers, and the island's physical and psychological isolation from the courts and the rest of the city.

We also concluded that New York City processed too many people through its criminal courts, held too many of those people in jail, and held them for too long due to case processing delays and archaic sentencing practices.

One year later, there have been positive developments, including a significant reduction in the City's daily jail population, which has dropped below 9,000 people—a decline of more than 800 people from the September 2016 jail population that we analyzed in our initial report.² The City has also identified sites for a smaller, modern borough-based system and an expedited timeline for initiating the land use approval process for those sites. The state has authorized the design-build process for developing new facilities, which speeds the timeline and cuts costs.

Nonetheless, the serious problems that the Commission identified in *A More Just New York City* continue to characterize our justice system. Too many people remain in jail, many of whom are held because they cannot afford to pay bail. The conditions on Rikers remain wretched for detained persons, correction officers, staff, and visitors alike. Over the past year, reports issued by the court-ordered federal monitor overseeing

Rikers, the State Commission on Corrections, and the New York City Comptroller have made clear that the facilities at Rikers are in deteriorating condition and that the level of violence remains intolerably high.

In short, our conclusion that Rikers **must** be closed has only been reinforced by the events of the past year—but so too has our firm conviction that Rikers **can** be closed.

* * *

The blueprint that we set forward in *A More Just New York City* contained three sets of recommendations: **Rethinking Incarceration**—a series of criminal justice reforms; **The Future of Jails**—a vision of a smaller, more humane borough-based jail system to promote safety, successful re-entry into society, and better access to courts and family members; and **Reimagining the Island**—an analysis of the benefits that a repurposed Rikers Island might bring to the City.

In this report, we take stock of the progress that has been made in each of these areas and identify what must be done with urgency to improve the justice system and close Rikers.

Rethinking Incarceration

The City has successfully reduced

incarceration over the past year. The jail population has decreased by nearly 10 percent over the past one-and-a-half years, from approximately 9750 on September 29, 2016 to approximately 8900 on March 15, 2018. There are declines in nearly every category (pretrial defendants charged with misdemeanors, nonviolent felonies, and violent felonies, as

well as sentenced prisoners), with the notable exception of an increase in people who are held because they have been deemed to have violated the technical conditions of their state parole.

The jail population can be further reduced by improvements that are possible under the current cash bail system. New York City can reach its goals of cutting the jail population and closing Rikers without state legislative change. Doing so will require increasing the number of people who are released on recognizance while awaiting trial, expanding the City's currently successful supervised release program, and making sure that the people who are incarcerated pretrial spend less time in jail because their cases are processed more quickly through the court system.

Change in Albany would be transformative. Bail reform legislation that would have limited the use of cash bail (and cut New York City's jail population) was not included in the FY 2019 state budget enacted on March 30, 2018. We believe that New York should eliminate cash bail, which cannot be done without legislative action at the state level. There are other much-needed state reforms in the areas of discovery, speedy trial, and parole.

The Future of Jails

The developments of the past year put the City on a faster timeline than we initially estimated.

With continued focus from the Mayor and the City Council and design-build authorization from the Governor and state legislature, we now project that a modern, borough-based system could be constructed in approximately four-and-a-half years from land use approval—finishing the job as early as 2024, with some buildings finished earlier. We estimate that this faster timeline would result in overall cost savings of \$700 million over our estimate in last year's report.

Community engagement is essential. The design process for borough-based facilities must engage the communities where those facilities are located and address their needs and concerns. Modern jail facilities can and must be designed to fit aesthetically with their surroundings and to be more humane for detained persons and

the people who work there. Currently operating facilities in downtown Brooklyn and Manhattan (which should be rebuilt and modernized as part of a borough-based system) indicate that jails can coexist with residents and businesses without burdening their communities.

Focus on training and culture. Closing Rikers and building modern facilities is essential, but it must be accompanied by holistic culture change within the Department of Correction and improved training for officers and staff. In particular, the City should move quickly to build a dedicated training center for correction officers.

Each borough should have a new facility. The plan announced by Mayor de Blasio includes a modern jail facility in each borough, except for Staten Island. A facility on Staten Island would facilitate court appearances by detained persons with cases pending in the borough and visitation by family and loved ones. We project that a facility on Staten Island would be significantly smaller than those in the other boroughs, requiring approximately 200 beds.

Reimagining the Island

Memorialize the history. As the City closes the Rikers jails and repurposes the island, the history of damage and despair that the jails represent must be memorialized, whether on the island or elsewhere.

The island provides opportunities for much-needed infrastructure. Rikers's proximity to LaGuardia Airport flight paths and distance from public transportation mean that it is not suitable for commercial or residential development. But the island is uniquely situated for critical environmental infrastructure and potentially for a much-needed expansion of LaGuardia Airport—uses that would benefit the city and region for decades to come

Phase in new uses as jails are closed. The City should begin preparing for the island's future by deploying interim uses as the jails are phased out, including by developing the solar, energy storage, and composting facilities that are necessary for the City to meet its ambitious clean energy and zero waste goals.

Notes

1. Lippman, J., Aborn, R. A., Cartagena, J., et al. (2017). *A More Just New York City*. New York, NY: Independent Commission on New York City Criminal Justice and Incarceration Reform. Available at: <https://static1.squarespace.com/static/577d72ee2e69cfa9dd2b7a5e/t/595d48ab29687fec7526d338/1499285679244/Lippman+Commission+Report+FINAL+Singles.pdf>.
2. Office of the Mayor of New York City. (2017). *Mayor de Blasio Announces City Jail Population is Below 9,000 for the First Time in 35 Years* [Press Release]. New York, NY: NYC Office of the Mayor. Available at: <http://www1.nyc.gov/office-of-the-mayor/news/778-17/mayor-de-blasio-city-jail-population-below-9-000-the-first-time-35-years>.

Jail in New York City

There are two types of detention facilities in New York. Prisons are run by the state government and are for people who have been convicted of a crime and sentenced to more than a year of incarceration. New York City, like other local jurisdictions, is responsible for operating jails—facilities that generally hold people who are awaiting trial or who have been convicted and sentenced to shorter terms of under one year.

The majority of the people who are in jail in New York City are held in the nine jail facilities on Rikers Island, although the City currently operates three facilities in the boroughs: the Manhattan Detention Complex in downtown Manhattan, the Brooklyn Detention Complex in downtown Brooklyn, and the Vernon C. Bain Center, a barge that is docked in the East River in the Bronx.

In *A More Just New York City*, we studied New York City’s jail population on September 29, 2016. One-and-a-half years later, we examined another one-day snapshot of the jail population on March 15, 2018.

Here is what we found:

Size: On March 15, 2018, there were 8,915 individuals being held in City jails—a decline of more than 800 people from September 29, 2016.¹

Gender: 94 percent were identified by the Department of Correction as male and 6 percent were identified as female. This proportion remains essentially unchanged from our initial report.

Race: The jail population is overwhelmingly black (53 percent) and Latino (34 percent).² Whites make up only 7 percent of the jail population.

These proportions are nearly identical to the proportions in September 2016.

Age: Almost 75 percent of the individuals in jail are older than 25 (1.5 percent are 16 or 17; 10 percent are 18 to 21; and 15 percent are 22 to 25). More than 15 percent are 50 years or older.³ Over the past year-and-a-half, the jail population has gotten slightly older, though not significantly. In the second half of 2017, the average age of the people admitted to jail was 36 years old for both men and women.⁴

Release: The large majority of people held in New York City jails are not sent to prison—most go home after their stay in jail. In the second half of 2017, more than 75 percent of the people who left New York City jails were released back into the community.⁵

Progress

There have been signs of progress. The jail population has fallen significantly.⁶ Crime remains at its lowest point in decades.⁷ The City has also announced the impending closure of one of the jail facilities on Rikers, the George Motchan Detention Center or GMDC, and has identified sites in the boroughs as part of a smaller jail system to replace Rikers.⁸

This progress suggests that the goal of closing Rikers is within reach, so long as the City government, state government, courts, District Attorneys, and other actors in the criminal justice system continue to build on the achievements of the past year. These achievements, as well as much needed reforms, are discussed in following sections.

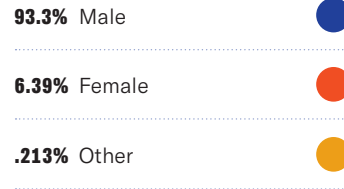
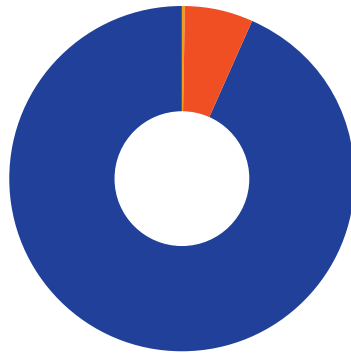
Demographic Breakdown of Jail Population

as of March 15, 2018

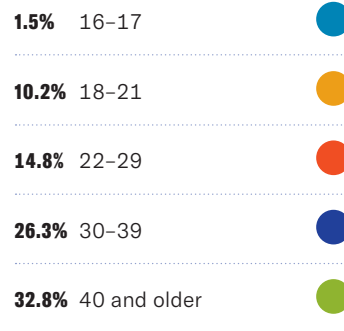
8,915

Individuals Were Held in City Jails

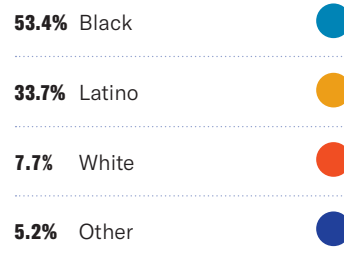
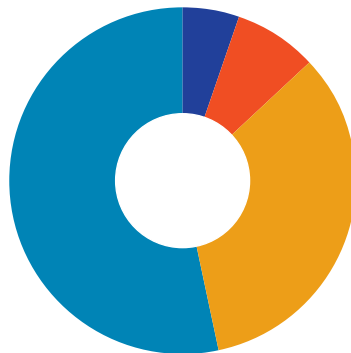
SEX



AGE



RACE/ETHNICITY



Sources: Sex and Age: Vera Institute of Justice https://vera-institute.shinyapps.io/nyc_jail_population/. Race/Ethnicity: NYC Department of Corrections, NYC Department of Corrections at a Glance: Information through first 6 months of FY 2018, January 2018, https://www1.nyc.gov/assets/doc/downloads/current-news/DOC_At-Glance-FY18_2NDQTR_012217.pdf

But the serious injustices that we identified last year persist, and there is much farther to go.

Racial Disparities

As demonstrated by the statistics above, the City's jail system is marked by a stark racial disparity that remains essentially unchanged from the situation that we described one year ago. In a city that is 26 percent black, 53 percent of the people held in jail are black. In a city that is 29 percent Latino, 35 percent of the people in jail are Latino. In total, nearly 90 percent of the jail population is black or Latino.⁹

Addressing these systemic disparities—which are present not only in the jail population but in all other points in the criminal justice process—must be a matter of the highest priority.

Inhumane Conditions

The brutality, poor conditions, isolation, and financial burden of Rikers persist. In some instances, these problems have worsened, even as the City's overall jail population has declined.

Violence

Over the past year, ongoing violence in City jails has received significant attention in the press. Recent reports from the federal court-appointed monitor for the City's jails, from the New York state government, and from New York City Comptroller Scott Stringer confirm these news stories. They make clear that violence continues to plague Rikers.

Report of the Nunez Monitor. Following *Nunez v. City of New York*, a 2015 federal class-action lawsuit against the Department of Correction ("DOC"), the City entered into a consent decree that included the appointment of an independent outside monitor. The monitor's Fourth Report, dated October 2017, noted improvement in DOC policies and training.¹⁰ But the monitor also identified a culture of violence and "hyper-confrontation" among correction officers and detained people alike.¹¹ According to the monitor, correction officers "immediately default to force to manage any level of inmate threat or resistance."¹² He also noted high levels

of violence between detained persons, including that between July 2016 and June 2017, the number of stabbings in NYC jails increased by 15 percent over the previous period.¹³

The *Nunez* report makes clear the critical importance of training at the DOC and, more broadly, culture change in our city's jails. To help accomplish these goals, the City should establish a dedicated, first-class training facility for correction officers as quickly as possible.

Report of the State Commission of Correction.

The New York State Commission of Correction ("SCOC") is an oversight body that evaluates the safety and conditions of correctional facilities across the state, including the jails on Rikers.¹⁴ In a recent report, the SCOC identified Rikers as one of the five worst jails in the state based on the physical conditions of the facilities and high levels of violence among detained individuals and between detained individuals and staff.¹⁵ According to the SCOC, the conditions on the island are an "ongoing risk to the health and safety of staff and inmates."¹⁶

Report of the New York City Comptroller.

The New York City Comptroller issued a report on DOC trends from fiscal year (FY) 2007 to 2017. The report found that the number of fights or assaults per 1,000 inmates increased nearly every year over the ten years examined, including a 16 percent increase from FY 2016 to FY 2017. Similar ten-year patterns were evident when examining inmate assaults on correction officers (up 6 percent from FY 2016 to FY 2017) and correction officer use of force against inmates (increased each year up to FY 2016 and down 1 percent in FY 2017).¹⁷

Violence against Correction Officers and Staff.

Violence against correction officers and staff remains a significant and ongoing problem. Recently, a group of young adults held in the George Motchan Detention Center brutally attacked a correction officer, causing serious injuries.¹⁸ Staff face assaults on a daily basis, many of which are often unreported or addressed. For example, splashing—in which a detained person throws fluids (such as urine,

feces, spit or food)—is a frequent occurrence. In 2017, the DOC reported a total of 1,335 splashings, most of which were directed at staff.¹⁹

Incidents of Violence. Frequent news reports have also described the violence that plagues the island. According to the *New York Times*, in November of 2017, a correction officer was arrested for “beating an inmate at Rikers Island so badly that several of the prisoner’s teeth were broken, and prosecutors say four other guards helped cover up the attack.”²⁰ News sources have also described the dangers faced by vulnerable populations, such as transgender individuals.²¹ Increased reports of sexual harassment and assault against detained people in City jails suggest sexual violence remains a persistent problem. According to a recent DOC report, the number of allegations of sexual abuse and harassment increased by 40 percent, from 823 to 1151, from 2016 to 2017. Ninety-seven percent of these allegations remain pending.²²

Outdated and Deteriorating Facilities

In *A More Just New York City*, we described the aging and outmoded jails on Rikers.

The jails lack sufficient dedicated space for programming and other services. Many of the buildings lack air conditioning, leading to extreme heat in the summer months. And over this past winter, heating systems failed in several units, forcing their evacuation.²³ Complaints about cold temperatures led public defender agencies to hold drives for coats and thermal underwear for detained people over the holiday season.²⁴

The age of the Rikers jails and their outdated design do not just cause discomfort and complicate programming and services—they are also drivers of violence. The layout of the facilities contributes to a lack of safety, including poor sightlines and the need for detained persons to be transported long distances to reach needed services and programming. The decaying physical plant also provides a resource for makeshift weapons, which can be fashioned from old fixtures like radiators, fans, ventilation grates, or lights.²⁵

The City has invested in short term improvements to the Rikers jails in an effort to improve conditions and reduce violence.²⁶

These steps are critical, but in the long term, the deficiencies of Rikers can be addressed sufficiently only by building smaller, state-of-the-art jail facilities near the borough criminal courts.

Isolation

In theory, modern jails could be built on Rikers Island, although the island’s physical composition and limited accessibility mean that the cost of building new jails on the island would be significantly higher than in the boroughs.²⁷

The core problems of Rikers Island’s physical and psychological isolation, however, are irredeemable. Those problems cannot be addressed by new jails on Rikers.

Courts. The majority of the people on Rikers—nearly 75 percent—are there awaiting trial,²⁸ often because they cannot pay bail.²⁹ This means not only that these people have not been convicted of a crime, but also that they must periodically appear before a judge in one of the City’s criminal courts as their case progresses. As we reported in *A More Just New York City*, nearly 10 percent of the City’s jail population is transported to and from the borough criminal courts each day.³⁰

These trips take hours at a minimum and can last all day—for what may amount to just a few minutes in front of a judge. They also impose a significant burden on staff and resources.

Families and Communities. The isolation of Rikers also poses a significant challenge for anyone seeking to visit a loved one who is held on the island. On an average day in 2017, more than 1,000 people visited Rikers Island.³¹ To reach the island, these visitors drove long distances or spent hours on the subway and buses. Traveling to and from Rikers can take half a day or more.

Visitation remains difficult once a family member arrives at Rikers. Once on Rikers, visitors are subjected to lengthy wait times and extensive security checks, often requiring several hours for a visit of an hour or less. And the visitation facilities on Rikers are cold and unpleasant and often traumatic for many visitors, particularly children. We also note that there have been

recent reports of inappropriate strip searches of visitors,³² although these reports have been challenged by the Correction Officers' Benevolent Association.

Put simply, the location of and visiting practices on Rikers make it difficult for people held there to stay connected to their families and support networks, potentially severing ties that can be crucial to an individual's success during their stay and upon release. These difficulties are all the more troublesome because studies have linked visitation to reductions in violent behavior for incarcerated individuals, lower recidivism rates, and better employment outcomes upon release.³³

The City recently announced that it will open focused bus services from hubs in Manhattan and Brooklyn to Rikers.³⁴ This is a positive short-term step, but does not address the fundamental challenges of isolation.

Health and Service Providers and Counsel.

Finally, Rikers not only isolates detained persons from the courts and from their families and communities, but also from their lawyers and social service and medical providers. As mentioned above, most of the people on Rikers are awaiting trial. Because it takes all day to visit a client on the island, the jails on Rikers make it harder for defense counsel to provide effective representation. The isolated location of Rikers also makes it more difficult for medical and social services providers who must travel to the island to provide programming for detained people. And finally, many detained individuals require treatment offsite. The logistical challenges for offsite treatment are complicated by Rikers' location.

The sum of these factors is greater than the parts. Rikers is not only physically isolated from the rest of the City, but also psychologically isolated. **We believe that this out-of-sight, out-of-mind mentality drives hopelessness and violence among those on the island.**

Mental Health

Rikers remains the de facto institution for many of those in New York City who struggle with mental health. According to DOC statistics, 42 percent of the people held in City jails have been identified as having a mental health need and more than 10 percent have a serious mental health diagnosis.³⁵ According to a recent news report, Dr. Elizabeth Ford, a psychiatrist with the City's Health and Hospitals Corporation, noted that "there are more individuals who are in the New York City jail system with serious mental illness than in all the hospitals" in the five boroughs.³⁶ Individuals with mental illness are more likely to be involved in jail incidents, and are particularly vulnerable to attacks by other detained people and staff.³⁷ Even a short stay on Rikers exposes individuals to stress and danger, exacerbating any ongoing or potential mental health struggles.

The City continues to work on diverting individuals with mental health needs and serious mental illness out of the justice system and providing better treatment for those who remain. But the problem remains significant, and one that must be resolved with both urgency and care.

Increasing Costs

The human impact of New York City's current system of incarceration is severe—but there is also a steep financial cost. In *A More Just New York City*, we observed that each occupied bed in a City jail cost \$678 per day, or approximately \$240,000 per year. The cost has continued to rise. According to a November 2017 report from Comptroller Stringer, the City expended \$742 a day, or \$270,876 per year, for each occupied bed in a City jail in FY 2017 (July 2016–June 2017).³⁸

* * *

In sum, the situation on Rikers remains untenable.

In *A More Just New York City*, we put forward a blueprint for a better system for New York City in the 21st century. In the following sections, we revisit our recommendations for reform and evaluate the steps that have been taken over the past year.

Notes

1. Chaitoo, N. (2018). JailVizNYC. Accessed March 15, 2018. New York, NY: Vera Institute of Justice. Available at: https://vera-institute.shinyapps.io/nyc_jail_population.
2. The DOC does not provide daily information on ethnicity, only race. For this reason, our information was taken from: City of New York Department of Correction. (2018, January 22). *NYC Department of Correction at a Glance: Information Through First 6 Months of FY2018*. New York, NY: NYC Department of Correction. Available at: http://www1.nyc.gov/assets/doc/downloads/current-news/DOC_At-a-Glance-FY18_2NDQTR_012217.pdf.
3. Ibid.
4. City of New York Department of Correction. (2017, December). *NYC Department of Correction at a Glance: Information Through First 3 Months of FY2018*. New York, NY: NYC Department of Correction. Available at: https://www1.nyc.gov/assets/doc/downloads/press-release/DOC_At_a_Glance-FY18_1STQTR_120517.pdf.
5. Ibid.
6. Chaitoo, N. (2018, March 15).
7. New York City Police Department. (2018, January 5). *Fewest Annual Murders and Shooting Incidents Ever Recorded in the Modern Era* [Press Release]. New York, NY: NYC Police Department. Available at: <http://www1.nyc.gov/site/nypd/news/pr0105/fewest-annual-murders-shooting-incidents-ever-recorded-the-modern-era#/0>.
8. Office of the Mayor of New York City. (2018, January 2). *New York City to Close First Jail on Rikers Island by Summer 2018* [Press Release]. New York, NY: NYC Office of the Mayor. Available at: <http://www1.nyc.gov/office-of-the-mayor/news/002-18/new-york-city-close-first-jail-rikers-island-summer-2018>.
9. City of New York Department of Correction. (2018, January 22).
10. Martin, S. J. (2017). *Fourth Report of the Nunez Independent Monitor*. New York, NY. Available at: <https://assets.documentcloud.org/documents/4173501/Fourth-Monitor-Report-as-Filed-Nunez.pdf>.
11. Ibid at 8.
12. Ibid at 7.
13. Ibid at 34.
14. Bellein, T., Loughren, T., Riley, A. (2018, February). *The Worst Offenders: The Most Problematic Local Correctional Facilities of New York State*. Albany, New York: New York State Commission of Correction, p. 1. Available at: <http://www.scc.ny.gov/pdfdocs/Problematic-Jails-Report-2-2018.pdf>.
15. Ibid at 30.
16. Ibid at 2.
17. New York City Comptroller's Office. (2017, November). *NYC Department Of Correction: FYS 2007-17 Operating Expenditures, Inmate Population, Cost per Inmate, Staffing Ratios, Performance Measure Outcomes, and Overtime*. New York, NY: NYC Comptroller's Office, p. 3. Available at: <https://comptroller.nyc.gov/wp-content/uploads/documents/Corrections-FY-2017.pdf>.
18. Ransom, J. (2018, February 11). Rikers Inmate Boasted About Plan to Attack Correction Officer. *The New York Times*. Available at: <https://www.nytimes.com/2018/02/11/nyregion/rikers-inmate-attack-bloods-gang.html>.
19. New York City Board of Correction. (2018, February). *Splashing Report*. New York, NY: NYC Board of Correction. Available at: <http://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/Splashing%20Report%20FINAL%20Feb%202018.pdf>
20. McKinley Jr., J.C. (2017, November 30). Correction Captain Charged With Beating Teenage Rikers Inmate. *The New York Times*. Available at: <https://www.nytimes.com/2017/11/30/nyregion/rikers-island-arrest.html>.
21. Stahl, A. (2017, December 21). New York City Jails Still Can't Keep Trans Prisoners Safe. *The Village Voice*. Available at: <https://www.villagevoice.com/2017/12/21/new-york-city-jails-still-cant-keep-trans-prisoners-safe/>.
22. New York City Department of Correction. (March, 2018). *Annual Sexual Abuse and Sexual Harassment Assessment Report*. New York, NY: NYC Department of Correction. Available at: <http://www1.nyc.gov/assets/doc/downloads/pdf/Annual-Sexual-Abuse-and-Sexual-Harassment-Assessment-Report.pdf>.
23. Chayes, M. (2018, January 11). Rikers Island Inmates Evacuated During Cold Snap After Heating Failed. *AM New York*. Available at: <https://www.amny.com/news/rikers-island-evacuated-heating-1.16128528>.
24. De Avila, K., Hechinger, S. (2017, December 21). Christmas in Rikers Is Extremely Cold [Radio Program]. *The Brian Lehrer Show*. Available at: <https://www.wnyc.org/story/christmas-rikers-extremely-cold/>.
25. Mullin, K., Schwirtz, M., Smith, M.K., Upadhye, N. (2017, December 16). Rethinking Rikers. *The New York Times*. Available at: <https://www.nytimes.com/interactive/2017/12/16/nyregion/rethinking-rikers.html>.
26. New York City Mayor's Office of Criminal Justice. (2017, June). *Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island*. New York, NY: NYC Mayor's Office of Criminal Justice. Available at: <https://www1.nyc.gov/assets/criminaljustice/downloads/pdfs/Smaller-Safer-Fairer.pdf>. See also: Mullin, K. et al. (2017). Rethinking Rikers; Durkin, E. (2017, November 14). Jails cost city \$1.36B in 2017—even with decrease in inmates. *The New York Daily News*. Available at: <http://www.nydailynews.com/new-york/jails-cost-city-1-36b-2017-decrease-inmates-article-1.3632047>.
27. Lippman, J., et al. (2017), p. 89.
28. Chaitoo, N. (2018, March 15).
29. Mayor's Office of Criminal Justice, (2018, March).
30. City of New York Department of Correction. (2017, December). *NYC Department of Correction at a Glance: Information through first 3 months of FY 2018*. New York, NY: NYC Department of Correction. Available at: https://www1.nyc.gov/assets/doc/downloads/press-release/DOC_At_a_Glance-FY18_1STQTR_120517.pdf.
31. City of New York Department of Correction. (2017, September 14). *NYC Department of Correction at a Glance: Information Through All 12 Months of FY 2017*. Available at: http://www1.nyc.gov/assets/doc/downloads/pdf/DOC_At_a_Glance-9-14-17.pdf.

32. Fetting, L., Hutchinson, K. (2018, January 9). *'It Makes Me Want to Cry': Visiting Rikers Island*. New York, NY: NYC Jails Action Coalition. Available at: <http://nycjac.org/wp-content/uploads/2018/01/VISITING-RIKERS-ISLAND-JAILS-ACTION-COALITION-1.9.18.pdf>.
33. Cochran, J. (2012). The ties that bind or the ties that break: examining the relationship between visitation and prisoner misconduct. *Journal of Criminal Justice*, 40, pp. 433-440; Mears, D., Cochran, J. Siennick, S. and Bales, W. (2012, December). Prison visitation and recidivism. *Justice Quarterly*, 29(6), pp. 889-918. See Also: Duwe, G. and Clark, V. (2011). Blessed be the social tie that binds: The effects of prison visitation on offender recidivism. *Criminal Justice Policy Review*, 24(3), pp. 271-296.
34. Sanders, A. (2018, February 10). De Blasio is closing Rikers—and planning to spend millions improving it. *New York Post*. Available at: <https://nypost.com/2018/02/10/de-blasio-wants-to-close-rikers-and-spend-millions-on-renovations-there/>; See also New York City Office of the Mayor. (2017, June 22). *Fact Sheet: Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island* [Press Release]. New York, NY: NYC Office of the Mayor. Available at: <http://www1.nyc.gov/office-of-the-mayor/news/428-17/fact-sheet-smaller-safer-fairer--roadmap-closing-rikers-island>.
35. Fuleihan, D., Newman, E. (2018, February). *Preliminary Mayor's Management Report February 2018*. New York, NY: NYC Mayor's Office of Operations, p. 78. Available at: <http://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2018/doc.pdf>.
36. Murphy, M. (2018, February 23). Rikers and city jails have more mental patients than all hospitals in NYC: doctor. *Pix 11*. Available at: <http://pix11.com/2018/02/24/rikers-and-city-jails-have-more-mental-patients-than-all-hospitals-in-nys-doctor-says/>.
37. City of New York Department of Correction. (2017, December 5).
38. New York City Comptroller's Office. (2017, November). *NYC Department of Correction: FYS 2007-17 Operating Expenditures, Inmate Population, Cost per Inmate, Staffing Ratios, Performance Measure Outcomes, and Overtime*. New York, NY: NYC Comptroller's Office, p. 3. Available at: <https://comptroller.nyc.gov/wp-content/uploads/documents/Corrections-FY-2017.pdf>.

Rethinking Incarceration

Last year, we proposed a series of reforms at each stage of the criminal justice process to improve fairness and efficiency and make significant cuts to the jail population. Broadly speaking, these reforms fall into four categories:

1. **Divert more people out of the system at or before the point of arrest.**
2. **Significantly reduce the number of people held in jail while awaiting trial.**
3. **Shorten the time that it takes for cases to proceed through the courts.**
4. **Reform sentencing and parole practices, including by increasing the use of alternatives to incarceration.**

Put simply, closing the jails on Rikers will require a deep reduction in the number of people who are incarcerated in New York City jails.

Over the past year, the City has made measurable progress towards this goal. On March 15, 2018, there were 8,915 people in City jails,¹ a decline of more than 800 from the baseline population of 9,750 on September 29, 2016 that we analyzed in *A More Just New York City*.

This decline in incarceration has been matched by a decline in crime, further demonstrating that more jail does not lead to greater safety.²

But there is much farther to go. Too many people are in jail, and they are overwhelmingly and disproportionately black and Latino. People with histories of trauma, substance use, and mental health conditions make up a significant proportion of those behind bars.

Many are jailed because they cannot afford to pay bail. In 2017, 29 percent of all defendants whose court case was not resolved at their first appearance had to make bail or were remanded directly to jail during the pretrial period. For those charged with misdemeanors, the percentage facing bail or remand to jail was 17 percent, and this figure rose to 51 percent for those charged with nonviolent felonies and 69 percent for defendants charged with violent felonies. Under New York's system of justice, all of these defendants are innocent until proven guilty.

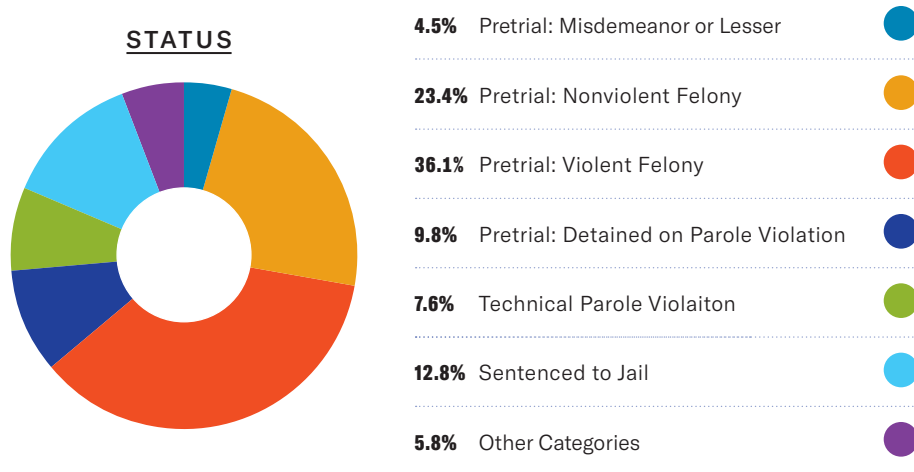
The difficulty of paying bail also contributes to the ongoing problem of short stays at Rikers. In the second half of 2017, **33 percent of the people who were held in City jails were detained for four days or fewer**, often because they could not pull together the financial resources necessary to pay bail in time to avoid transport and processing into jail.³ Over that six-month period, more than 8,500 people cycled through Rikers for just a few days. These short stays in jail are not a significant driver of the City's total jail population on any given day, but they do little to promote public safety. They impose a significant administrative burden on the Department of Correction ("DOC"). And most importantly, they can have a devastating impact on detained individuals and their families.

The New York City Jail Population

as of March 15, 2018

8,915

Individuals Were Held in City Jails



Progress

Policymakers across the city and state have made real progress on criminal justice reforms since the Commission’s initial report was released in April 2017.

New York City Council

The City Council continues to provide leadership around the goals of closing Rikers and ending racial disparities in the justice system, in both its legislative and oversight capacities. As one example, in June 2017, the City Council passed an expansive bail reform package that requires the DOC to accept bail payments at all hours and provide bail facilitators to recently incarcerated defendants, and increases the amount of time that defendants owing less than \$10,000 in bail can be held at local courthouses before being transported to Rikers.⁴ These laws provide defendants with a better chance of marshalling the resources necessary to post bail.⁵ To assist defendants who cannot afford bail, the Council launched its own bail fund for misdemeanor defendants.⁶

The Mayor’s Office

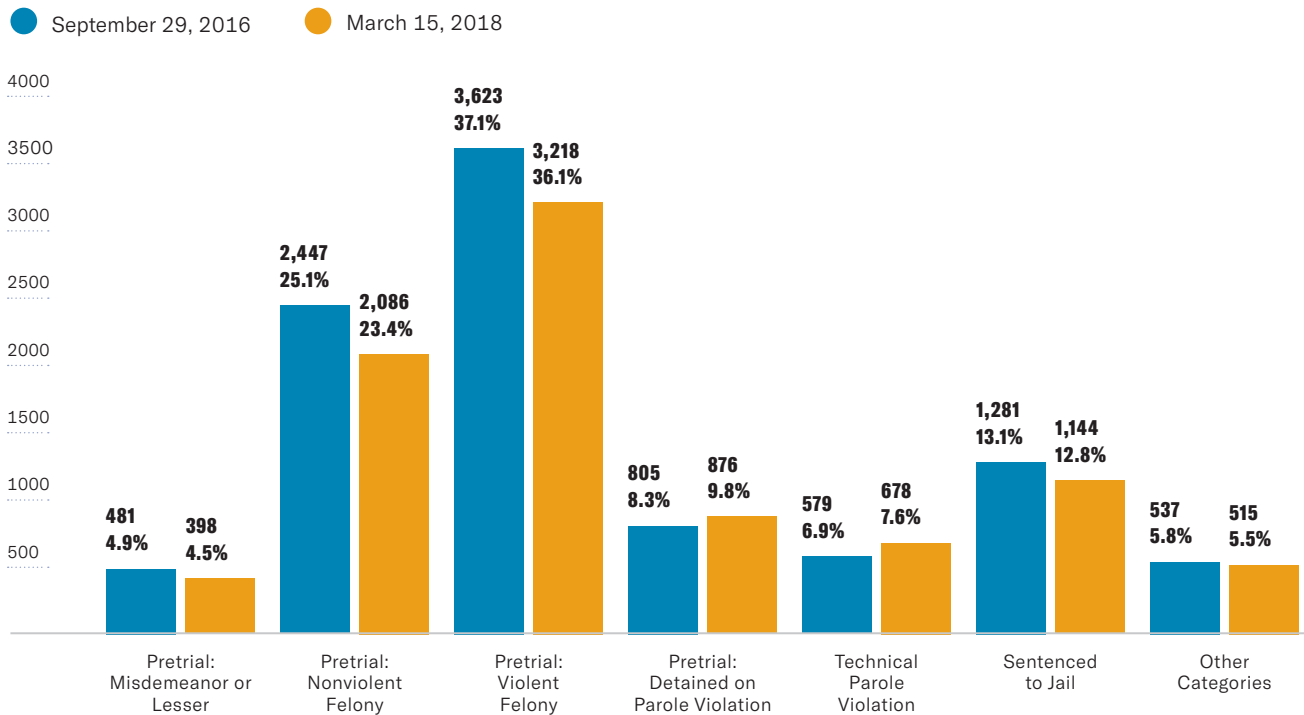
In June 2017, the Mayor’s Office of Criminal Justice (“MOCJ”) issued a plan—titled *Smaller, Safer, Fairer: A Roadmap To Closing Rikers Island*—for reducing the City’s daily jail population by 25 percent over the next five years. The Mayor’s plan is a step in the right direction.

The City has announced a \$30 million investment in community-based jail alternatives for people sentenced to fewer than 30 days in the Bronx, Brooklyn, and Manhattan,⁸ as well as the expansion of a “bail expeditors” program that will help low-risk defendants to pay bail before they are sent to Rikers.⁹

District Attorney’s Offices

The District Attorneys in the Bronx, Brooklyn, and Manhattan have each endorsed the goals of closing Rikers and reducing the use money bail and pretrial detention. In January 2018, for example, New York County District Attorney Cyrus Vance and Kings County District Attorney Eric Gonzalez announced formal office-wide policies to end bail requests for most misdemeanor and violation cases.¹⁰ These

New York City Jail Population: Comparison of Snapshot Dates



policies are important steps forward, but we note the concerns that have been expressed by advocates and public defenders about the inconsistent implementation of these policy changes.¹¹

The city’s District Attorneys are also thinking more strategically about keeping low-level, nonviolent cases out of criminal court altogether. In June 2017, District Attorney Vance announced reforms that would reduce the prosecution of certain low-level offenses,¹² including ending the criminal prosecution of approximately 6,800 theft of services charges each year.¹³ In a similar

vein, Bronx County District Attorney Darcel Clark and the New York City Council announced the creation of a Neighborhood Justice Panel to divert certain misdemeanor cases out of the criminal justice system.¹⁴ In August 2017, the District Attorneys of New York, Kings, Queens, and Bronx Counties collectively dismissed approximately 644,000 outstanding warrants for low-level charges.¹⁵ And over the past year, the Richmond County Michael McMahon has expanded the Heroin Overdose Prevention and Education diversion program targeted at helping people struggling with substance abuse

The NYC Criminal Justice System

New York City’s criminal justice system is a web of many different institutions and actors at all levels and branches of government, including state and City executive agencies and law enforcement and corrections departments, the courts, the state legislature and the City Council, and the county-level District Attorneys. There are also many crucial non-government actors, including non-profit service and healthcare providers, public defender organizations, and private defense attorneys. All of them have a critical role to play in creating a better system that incarcerates fewer New Yorkers.

in Staten Island.¹⁶ Similar programs have been launched in Manhattan and Brooklyn as well.¹⁷

Albany

Shortly after *A More Just New York City* was published, the Governor and the state legislature passed legislation raising the age of criminal responsibility in New York from 16 to 18 years of age, to take effect for 16-year-olds in October 2018 and for 17-year-olds in October 2019.¹⁸

During the negotiations surrounding the state's FY2019 budget, criminal justice reforms that would have had a significant impact on New York's pretrial process were proposed by Governor Cuomo and state legislative leaders, but none of these proposals were ultimately included in the budget passed on March 30, 2018.

Office of Court Administration

Chief Judge Janet DiFiore and Chief Administrative Judge Lawrence Marks have continued to advance the Excellence Initiative, which is focused on developing localized approaches promoting the timely disposal of cases.¹⁹ In her February 2018 State of Our Judiciary address, Judge DiFiore detailed the creation of a New York City program allowing defendants to waive the right to a grand jury in order to resolve cases through a Superior Court Information (a written accusation of charges).²⁰ Because the length of time that it takes cases to proceed through the courts is a key variable in determining how many people are held in city jails, case processing reforms are an important factor in closing Rikers.

The Road Ahead

The steps that we described above reflect an ongoing shift in the way that New York City is addressing the overuse of incarceration and other problems in the justice system.

There is much more to do, however. We return here to the core recommendations of *A More Just New York City*, with an eye towards additional steps that should be undertaken immediately.

Point of Arrest

RESPONSIBLE INSTITUTIONS:
City Government, District Attorneys, Courts

New York City's criminal courts remain bogged down with low-level misdemeanors for offenses like petty theft and driving with a suspended license. For the vast majority of first-time, nonviolent misdemeanor defendants, these cases end in a dismissal or an adjournment in contemplation of a dismissal (ACD). The effects of going through the criminal court process, however, may be more enduring and far-reaching, particularly for those facing challenges like substance use, housing insecurity, or mental illness. The Commission recommends expanding pre-court diversion for all first-time nonviolent misdemeanor defendants.

Diversion options are also urgently needed for individuals with longer criminal histories, whose underlying behavioral and mental health disorders often drive their criminal behavior. The New York City Police Department should be given the ability to directly refer this population to community-based interventions in each borough. With a light-touch, pre-arrest intervention that includes referrals to voluntary services, the City can avoid further overburdening its criminal courts with misdemeanor defendants.

Another promising step to improve outcomes and divert people out of the mainline criminal court process is the expansion of neighborhood justice programs, including community courts, modeled after existing projects in Red Hook, Midtown, Harlem, and Brownsville. The District Attorney in Staten Island has called for a community justice center in his borough. We encourage the City to move quickly to establish a justice center in Staten Island and other areas.

Pretrial Detention

RESPONSIBLE INSTITUTIONS:
Courts, District Attorneys, City Government, State Legislature, Defense Attorneys

Pretrial detainees made up 77 percent of the population held in a New York City jail as of March 15, 2018—a percentage that is virtually unchanged from the September 2016 population

that we analyzed in *A More Just New York City*. This means that the majority of detainees in City jails have not been convicted of any crime. Many are detained simply because they cannot afford to pay bail.

The number of people subject to pretrial detention is particularly concerning because research indicates that even a short stint in jail can increase a person's risk of re-offense by disrupting access to housing and positive social activities like work or school, and by upending social ties with support networks.²¹

We believe that the solution requires radically rethinking pretrial detention and monetary bail. Ultimately, we believe that cash bail should be abolished altogether, as described in *A More Just New York City*—a step that will require legislative action in Albany. However, there are steps that the City, prosecutors, and courts can take without legislative action that could significantly reduce the number of people in jail. We project that with significant changes in practice, the pretrial reforms discussed below—particularly by significantly expanding the current supervised release program and increasing the number of defendants who are released on their own recognizance (i.e. without any conditions)—ultimately could reduce the daily jail population by more than 2,300 from today's population.

Increasing Release on Recognizance

The Commission believes that most defendants, especially those facing nonviolent charges, can be safely released without any conditions. The City already releases seven out of ten defendants on recognizance. These defendants are largely compliant with court orders during the pretrial period. According to the New York

City Criminal Justice Agency, 87 percent of released defendants in 2014 did not miss any court dates, and 94 percent did not disappear from court contact for more than 30 days.²²

MOCJ is currently revising the assessment tool that is used to classify the likelihood that a defendant will return to court to more accurately convey to courts and prosecutors the reality that most defendants have a high likelihood of making all of their court dates. The City projects that significantly more defendants will be released after the new assessment tool is made available to the courts.²³

Developing this improved assessment tool and ensuring that it accurately reflects the likelihood of court appearances (and mitigates any systemic racial bias) should be a high priority over the next year.

Expanding Supervised Release

For those defendants who truly require pretrial oversight, we support significantly expanding the City's current supervised release program as a fairer and more appropriate alternative to money bail.

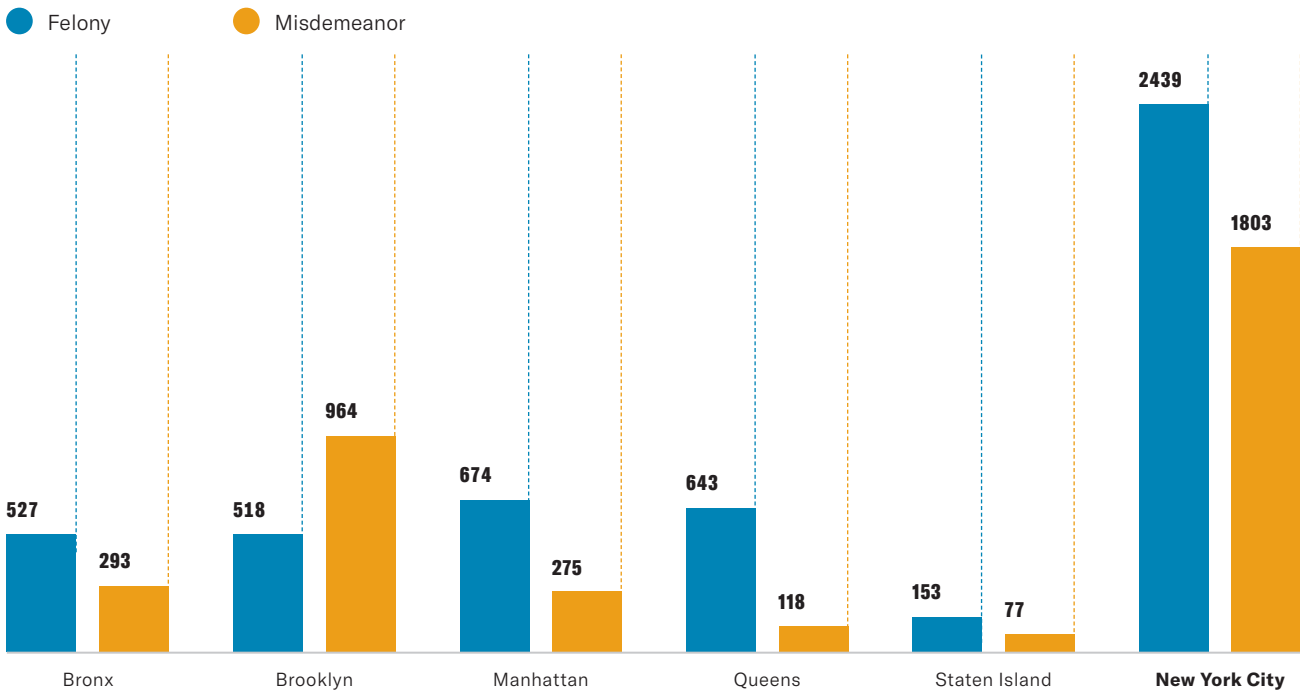
Currently, supervised release is available for those charged with eligible misdemeanor and nonviolent felony charges (with the important exception of cases involving domestic violence), unless the individual is assessed to pose a high risk of felony re-arrest by the City's risk assessment tool.

Since its launch in March 2016, supervised release has been a success: 92 percent of participants have appeared for all mandated court appearances and 94 percent avoided a felony re-arrest during their participation.²⁴ The percentage of release decisions involving supervised release almost doubled from 2016 to

The Importance of State-level Bail Reform

Legislative reform in Albany could have a transformative effect on the use of incarceration in our city and state. In *A More Just New York City*, the Commission recommended that New York's bail statute be reformed to eliminate money bail, permit courts to consider public safety when making pretrial release decisions, and create a statutory presumption of release for nonviolent felony and misdemeanor defendants. Reform proposals advanced by Governor Cuomo and state legislators during the recent budget negotiations were consistent in many respects with these recommendations.

Supervised Release



57% Felony

42% Misdemeanor

4,256 Total Intakes in 2017

Source: *Supervised Release 2017*, Mayor's Office of Criminal Justice.

2017, from just under five percent of nonviolent felony defendants to nine percent of those defendants. Despite this progress, however, 51 percent of nonviolent felony defendants continued to face bail and detention in 2017, underscoring the need for further expansion of the program.

A large-scale expansion of today's supervised release program will require significant cultural changes within the courts, District Attorney offices, and defense agencies, expanded eligibility criteria, and additional investment.

We urge policymakers to take the following steps as soon as possible.

Increase Enrollment and Capacity. The City can increase staffing and funding to make it possible to screen and enroll more misdemeanor and nonviolent felony cases than are presently enrolled. Expanding the program is not only about making more cases eligible, but also about enrolling a far higher proportion of the cases that are already eligible today.

Change Judicial Practice. In order to expand supervised release, courts must become more willing to use the program. To this end, the City should work closely with judges to promote supervised release and increase judicial confidence. A particular point of emphasis should be to encourage judges to refer only those cases in which they would otherwise have set bail to avoid "net-widening." State court leaders can aid the process by sending a clear message of support for minimizing the use of bail when cases are eligible for supervised release.

Educate Prosecutors and Defense Attorneys. The city's District Attorney's offices and public defender agencies should also undertake increased training and education efforts to ensure that all attorneys who appear at arraignment are fully informed about the supervised release option. If attorneys argue for supervised release, judges are more likely to order it.

Expand Eligibility to Higher Risk Defendants. As we proposed in April 2017, misdemeanor and

nonviolent felony defendants who are currently deemed ineligible due to high-risk status should be considered for supervised release under rigorous monitoring requirements. Selected high-risk defendants could be assigned to a special track that would combine supervision with other interventions, potentially including required participation in treatment programs.

Expand Eligibility to Selected Violent Felony and Misdemeanor Domestic Violence Defendants.

We also recommend a more intensive form of supervised release for select defendants ages 16 to 24 charged with certain violent felonies (robbery, burglary, or assault) who pose a low-to-moderate risk of future violent re-offense. With appropriate intensive pretrial supervision, this vulnerable population of young adults should be offered a second chance. To explore this concept, the City Council has funded a pilot program in Brooklyn to expand supervised release eligibility to certain violent felonies.²⁵

In addition, at the discretion of the judge, we propose extending supervised release to certain defendants charged with misdemeanor domestic violence offenses, as long as they pose a low-to-moderate risk of future domestic violence re-offense. This population spends an average of 15 days in jail before being released, after which there is no opportunity for supervision. For some defendants, a more appropriate response might be intensive pretrial supervision, including engagement in services and programming, with protective orders vigilantly monitored by supervised release staff.

Improve the Current Bail System

Expanding the number of defendants who are released on recognizance or released under supervision is important, but as long as bail continues to be set on certain defendants, the bail process must also be improved.

The current system of paying bail is difficult and antiquated. Defendants or their families and friends must raise the money to pay bail within a brief window following the defendant's arraignment. If the defendant cannot raise the funds in time, he or she is processed into jail—usually Rikers—at which point bail can only be paid in-person at a DOC facility. At present, there is no way to pay bail online.²⁶

To improve the current bail system, we recommend:

Facilitating online bail payments as soon as possible.

The City is in the process of developing an online bail payment system that will enable friends and family members to pay the bail of inmates more expeditiously, without lengthy in-person visits to a Department of Correction facility. This online system was scheduled to launch more than a year ago, but has been repeatedly delayed. The current target is April 2018. We urge the City to permit online payments as soon as possible.²⁷

Encouraging alternative bail methods. There are nine different types of bail that are permissible under New York law. When setting bail, courts are required by statute to set two of the nine types of bail. In practice, however, courts typically impose the two types of bail that are most difficult to pay: money bail or a secured bond provided by a bail bondsman.

The Hidden Costs of Bail Bonds

Commercial bail bonds impose significant costs on people arrested in New York City and their families and friends, as highlighted in a recent report from New York City Comptroller Scott Stringer entitled *The Public Cost of Private Bail*. Comptroller Stringer estimates that private bail bond companies in New York City received between \$16 million and \$27 million in non-refundable fees in 2017 from people who had to turn to commercial bonds to make bail. He also calculates that, each year, people who are unable to pay bail lose approximately \$28 million in wages because they are incarcerated. To help address these issues, Comptroller Stringer called for banning the use of commercial bail bonds in New York City.³³

A recent study by the Vera Institute of Justice suggests that alternative forms of bail that are easier to pay—such as unsecured or partially secured bonds or payments using credit cards—result in similar rates for court appearance and felony re-arrest as do the more restrictive options of cash bail or secured bonds.²⁸ We recommend that New York City courts increase the use of alternative bail methods that are easier to pay, that the paperwork for these alternative bail forms be simplified to encourage their use, and that prosecutors request these types of bail more frequently.²⁹

Considering the defendant's ability to pay.

In a recent ruling, the Dutchess County Supreme Court held that courts must consider a defendant's ability to pay when setting bail.³⁰ To ensure that courts properly are able to do so in New York City, we recommend the adoption of an assessment tool to measure a defendant's financial resources. To this end, the Vera Institute of Justice is piloting a program in the Bronx and Queens to help courts to assess an individual's ability to pay when setting bail.³¹

Expanding second look procedures. Over the past year, the Legal Aid Society has piloted a "second look" program in Manhattan to reassess bail determinations. Release has been won in nearly half of its cases. We recommended second look procedures in *A More Just New York City* and are encouraged by the city's announcement that it plans to expand the Manhattan pilot program to other boroughs. We also recommend additional second look procedures, including for detainees who have been incarcerated for three months without any disciplinary infractions.³²

Case Processing

**RESPONSIBLE INSTITUTIONS:
Courts, District Attorneys, Defense Attorneys**

New York City's jail population is the product of two factors: how many people are admitted to jail, and how long they stay. The reforms that we discussed above focus on the first factor—how many people enter New York City jails. To address the second factor—how long people stay in jail—criminal cases must proceed expeditiously through the court system.

Court backlogs have plagued the City for decades—especially among indicted felony cases. Over the past year, there has been some improvement in the speed at which cases have been resolved, driven by Judge DiFiore's Excellence Initiative. Indicted cases resolved in 2017 averaged 306 days of processing time, compared to 320 days in 2016. Yet too many cases still take significantly longer than the internal standards set by the New York State court system itself, which call for case resolution within 90 days for misdemeanors and 180 days from indictment for felonies.

Misdemeanors

The past year has seen large decreases in New York City in the number of pending misdemeanor cases and the number of cases that have extended beyond 90 days. These decreases largely reflect improved performance in the Bronx and Manhattan, and likely reflect changing policing and prosecutorial practices as well as improved efficiency within the courts.³⁴

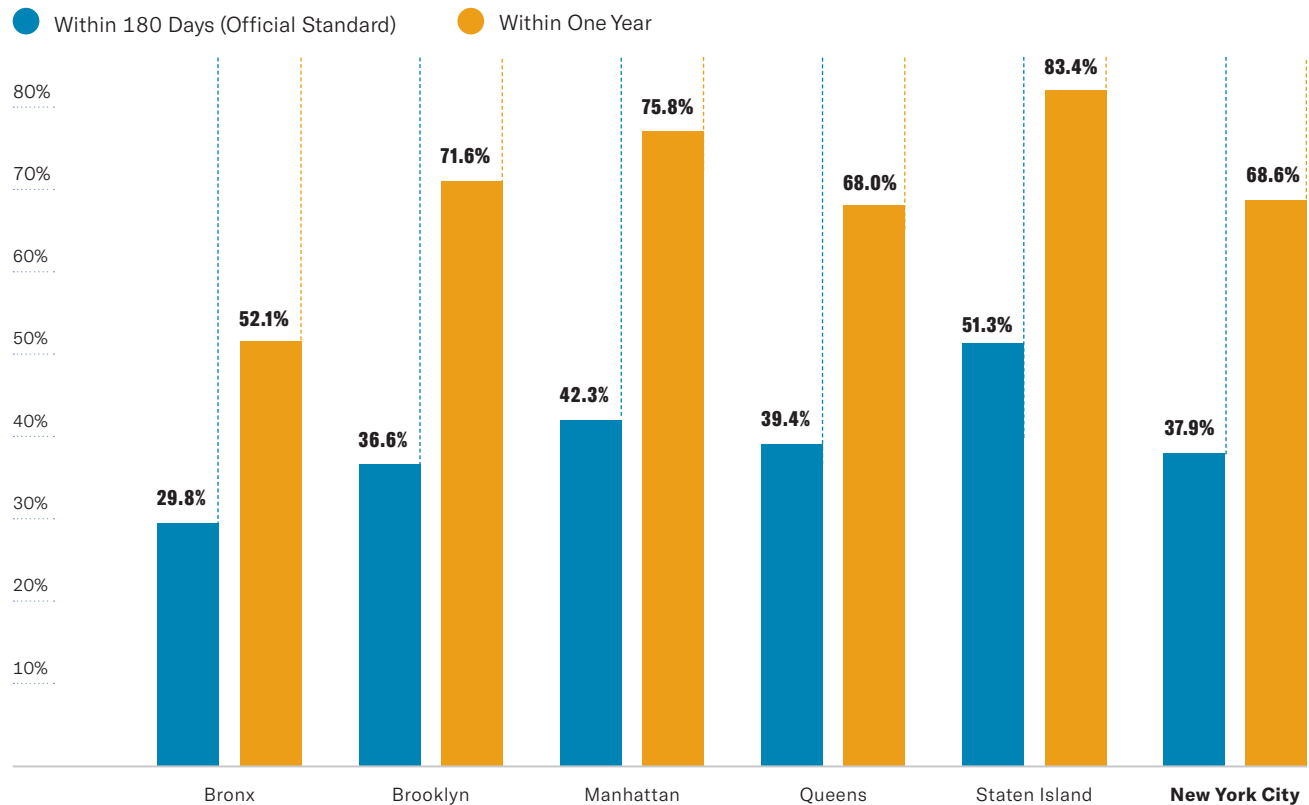
Felonies

There have also been improvements in the number of pending felony cases in each of the five borough courts. In each borough, however, a significant percentage of felonies continue to

Supervised Release in a Non-Cash Bail System

While supervised release can and should be expanded within New York's current bail law, it could also fill an important role under a reformed statewide pretrial statute. In a system without cash bail, for example, an expanded supervised release program could serve as the template for non-monetary conditions for defendants whom courts were unwilling to release without any conditions.

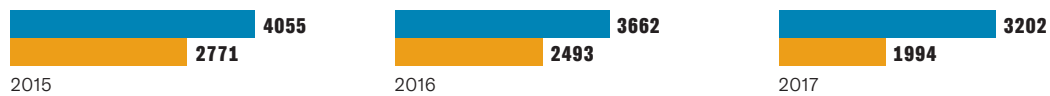
Time to Disposition for Indicted Cases Resolved in 2017



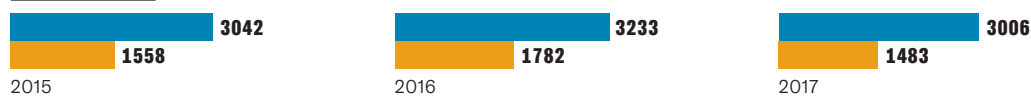
Felony Case Processing: 2015–2017

● Total Pending Cases ● # Of Total Cases Over 180 Days Old

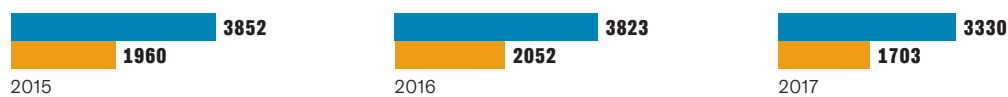
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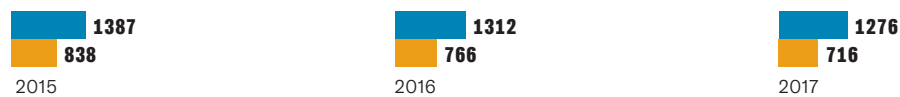
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STATEN ISLAND



Source: New York State Unified Court System, *The State of Our Judiciary 2018: Excellence Initiative Year Two*.

Case Processing Legislation

Governor Cuomo and state legislators have introduced bills intended to improve the speed at which cases travel through the courts and the manner in which prosecutors share information with defendants and their attorneys, although none of these proposals were included in the FY2019 budget.³⁷ The current speedy trial law has not proven effective and we believe that prosecutors should move to a system of “open file” discovery that ensures that evidence is promptly shared with defense counsel, as is the current practice in Brooklyn. Legislative change in both areas could have a positive impact on justice in New York City, but we note the concerns that advocates and defender organizations have raised with some of these proposals.³⁸

exceed the 180-day standard set by the courts. Of indicted cases resolved in 2017, only 38 percent were resolved within 180 days.

The large majority of New Yorkers believe that cases should move more quickly. Eighty-six percent of the people surveyed in a recent poll believed that a trial should take place within four months following arrest.³⁵

According to MOCJ, 81 percent of the pretrial detainees in City jails in 2017 were detained for more than 180 days—even though they represented only 12 percent of the number of pretrial detainees admitted to jail.³⁶ This statistic demonstrates the critical role that faster case processing will play in reducing the number of people in New York City jails.

Improving case processing will require focus from the courts, prosecutors, and defense counsel. In *A More Just New York City*, we recommend a number of reforms.

Most urgently, we recommend that courts cap the time between adjournments at 30 days (and shorter if possible). The courts have already moved in this direction, reducing average Supreme Court adjournment length from 37 to 33 days, from 2016 to 2017.

In the interest of justice and fairness, the Commission urges the state courts to focus squarely on those defendants who are detained without having been convicted of a crime. For the majority of cases, detained defendants should not have to wait longer than six months to have their case resolved.

Very few cases ever go to trial, but these cases typically spend the longest time in our court system. As courts focus on calendar management strategies, we recommend that there be an intensive effort to shorten the time to trial—particularly for

homicides, which, as a result of their complexity, tend to linger the longest in the court system.

Sentencing

RESPONSIBLE INSTITUTIONS:
State Government, Courts, District Attorneys,
City Government

On March 15, 2018, 1,091 people were held in New York City jails on a sentence of one year or less. Two-thirds of the individuals serving jail sentences are sentenced to fewer than thirty days. We believe that these short sentences can and should be replaced by supervision in the community. Moving forward, we recommend developing additional sentencing alternatives, particularly for those who now face jail sentences of 30 days to one year.

These sentencing alternatives should target individual issues that contribute to reoffending. They should not have an age limit and should not be limited to first-time or low-level charges. All defendants should be eligible for noncustodial options. With a wider variety of meaningful sentencing options, more defendants could engage in alternatives to incarceration that promote genuine rehabilitation.

At the state level, we recommend the elimination of mandatory state prison sentences, which would provide judges with the discretion not to impose prison sentences under appropriate circumstances. In addition, we support the recommendation by the New York State Permanent Commission on Sentencing to move to a fully determinate sentencing structure in which the end date for all prison sentences would be clearly established rather than subject to the discretion of the Parole Board.³⁹

Parole

RESPONSIBLE INSTITUTIONS:
State Government

While most sub-populations held in City jails have declined over the past year (including pretrial detainees and sentenced detainees), one population has grown: people accused of violating the technical terms of their parole.⁴⁰

These technical violations can include spending time with other people with criminal records, missing curfew, or failing an alcohol or drug test. If a state parole officer believes that a person has violated these types of conditions, the officer can have the paroled person remanded to a local jail (like Rikers) while awaiting a revocation hearing to determine whether to send the paroled person back to state prison. The revocation process takes nearly two months on average, and one-third of those accused of technical violations are ultimately released back into the community at the end of the process. The months that these people spend in jail risks interrupting the ties to jobs, family, and community that are key to their ultimate success.

We believe that changes in how New York state approaches people accused of violating the terms of their parole can result in better outcomes while helping to drive down the Rikers population.

As a starting point, New York should consider solutions to reduce the overall number of individuals on parole in the first place. Options include shortening parole terms at the outset and incentivizing compliance by allowing individuals to earn “good time credits” that shorten their terms based on good behavior. Reducing the number of people on parole and shortening parole terms will allow overburdened parole officers to focus their resources on those who need it most: individuals who have recently returned to the community.

Second, the state should reconsider its approach to those accused of technical parole violations. If people do not pose a risk to public safety or of fleeing, they should not be held in jail while they wait for the state to decide whether they should return to prison for a technical violation. And when individuals have been adjudicated to have committed a technical violation of the terms of their parole, there should be graduated sanctions to ensure that

minor violations do not result in jail or prison time and, to the extent successive violations result in prison time, that time is capped at defined periods.

* * *

As we described in *A More Just New York City*, we believe that the reforms recommended by the Commission could cut the City’s jail population to a number that would permit the closure of the Rikers jails. These changes require concerted action—and a shift in mindset—from stakeholders across the justice system, in all branches and levels of government. But we believe they are achievable. Our conclusion has been reinforced by the events of the past year.

Notes

1. Chaitoo, N. (2018). JailVizNYC. Accessed March 15, 2018. New York, NY: Vera Institute of Justice. Available at: https://vera-institute.shinyapps.io/nyc_jail_population.
2. New York City Police Department. (2018, January 5). *Fewest Annual Murders and Shooting Incidents Ever Recorded in the Modern Era* [Press Release]. New York, NY: NYC Police Department. Available at: <http://www1.nyc.gov/site/nypd/news/pr0105/fewest-annual-murders-shooting-incidents-ever-recorded-the-modern-era#/0>.
3. New York City Department of Correction. (2018, January 22). *NYC Department of Correction At a Glance: Information Through First 6 Months of FY2018*. New York, NY: NYC Department of Correction. Available at: https://www1.nyc.gov/assets/doc/downloads/current-news/DOC_At-Glance-FY18_2NDQTR_012217.pdf.
4. New York City Council. (2017). Reforming the Bail System [Webpage]. Available at: <https://council.nyc.gov/bail-reform/>.
5. Durkin, E. (2017, June 21). Rikers-bound defendants will have more time to post bail before getting locked up under new city legislation. *The New York Daily News*. Available at: <http://www.nydailynews.com/new-york/rikers-bound-defendants-time-pay-bail-new-law-article-1.3266670>.
6. Khurshid, S. (2017, August 18). City Council Bail Fund Begins Operations. *The Gotham Gazette*. Available at: <http://www.gothamgazette.com/city/7136-city-council-bail-fund-begins-operations>.
7. NYC Office of the Mayor. (2017, June 22). *Mayor de Blasio Announces "Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island."* New York, NY: Office of the Mayor. Available at: <http://www1.nyc.gov/office-of-the-mayor/news/427-17/mayor-de-blasio-smaller-safer-fairer--roadmap-closing-rikers-island->.
8. *Mayor de Blasio Announces "Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island"* (2017, June 22).
9. New York City Mayor's Office of Criminal Justice. (2017, August 31). *City to Prevent 2,000 Low-Risk People from Entering Jail Every Year* [Press Release]. New York, NY: NYC Mayor's Office of Criminal Justice. Available at: <http://www1.nyc.gov/site/criminaljustice/news/city-to-prevent-2000-low-risk-people-from-entering-jail-every-year.page>.
10. Manhattan District Attorney's Office. (2018, January 9). *Manhattan and Brooklyn District Attorney's Offices End Requests for Bail in Most Misdemeanor Cases* [Press Release]. New York, NY: Manhattan District Attorney's Office. Available at: <http://manhattanda.org/press-release/manhattan-and-brooklyn-district-attorneys-offices-end-requests-bail-most-misdemeanor->.
11. Schwartzapfel, B. (2018, February 26). The Prosecutors. *The Marshall Project*. Available at: <https://www.themarshallproject.org/2018/02/26/the-prosecutors>.
12. Manhattan District Attorney's Office. (2017, June 30). District Attorney Vance to End Criminal Prosecution of Approximately 20,000 Low-Level, Non-Violent Misdemeanors per Year [Press Release]. New York, NY: Manhattan District Attorney's Office. Available at: <http://manhattanda.org/press-release/district-attorney-vance-end-criminal-prosecution-approximately-20000-low-level-non-vio>.
13. Manhattan District Attorney's Office. (2018, March). *Models for Innovation: The Manhattan District Attorney's Office 2010-2018*. New York, NY: Office of the Manhattan District Attorney, pg 9. Available at: <https://www.manhattanda.org/wp-content/uploads/2018/03/Models-For-Innovation-Report-1.pdf>.
14. The New York City Council. (2017, February 16). *Speaker Melissa Mark-Viverito Delivers 2017 State of the City Address* [Press Release]. New York, NY: NYC Council. Available at: <https://council.nyc.gov/press/2017/02/16/1370/>.
15. McKinley, J. C. Jr. (2017, August 9). 644,000 Old Warrants Scrapped for Crimes Like Public Drinking. *The New York Times*. Available at: <https://www.nytimes.com/2017/08/09/nyregion/644000-old-warrants-scrapped-for-crimes-like-public-drinking.html>.
16. Office of the District Attorney of Richmond County. (2018, January 31). *D.A. McMahon, NYPD, and Partners Commemorate 1-Year Anniversary of HOPE Program on Staten Island* [Press Release]. Staten Island, NY: Richmond County DA. Available at: <http://rcda.nyc.gov/press/2018/2018-06.pdf>.
17. For information on Brooklyn's program, see: Frangipane, P. (2018, March 6). Brooklyn DA announces pre-court drug addiction treatment program. *Brooklyn Daily Eagle*. Available at: <http://www.brooklyneagle.com/articles/2018/3/6/brooklyn-da-announces-pre-court-drug-addiction-treatment-program>. For information on Manhattan's program, see: Office of the Manhattan District Attorney. (2017, June 6).
18. New York State Office of the Governor. (2017, April 10). *Governor Cuomo Signs Legislation Raising the Age of Criminal Responsibility to 18-Years-Old in New York* [Press Release]. Albany, NY: New York State Office of the Governor. Available at: <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-raising-age-criminal-responsibility-18-years-old-new-york>.
19. New York State Unified Court System. (2017, February). *The State of Our Judiciary 2017—Excellence Initiative: Year One*. Albany, NY: New York State Unified Court System. Available at: <https://www.nycourts.gov/Admin/stateofjudiciary/SOJ-2017.pdf>.
20. New York State Unified Court System. (2018, February 6). *Chief Judge DiFiore Announces Overhaul of NYC Housing Court, New Plans to Address NY's Opioid Crisis and Justice Gap, Among Other Reforms, in Second Annual State of Our Judiciary Address* [Press Release]. Albany, NY: New York State Unified Court System. Available at: https://www.nycourts.gov/PRESS/PDFs/PR18_02a.pdf.
21. Lowenkamp, C. T., and Latessa, E. J. (2004). "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders." *Topics in Community Corrections*. Washington, D.C.: National Institute of Corrections. Available at: https://www.uc.edu/content/dam/uc/ccjr/docs/articles/ticc04_final_complete.pdf. ; Lowenkamp, C. T., Latessa, E. J., & Holsinger, A. M. (2006). "The Risk Principle in Action: What Have We Learned from 13,676 Offenders and 97 Correctional Programs?" *Crime & Delinquency* 52:77-92. Available at: <https://pdfs.semanticscholar.org/15f3/fda89fde2433d6167a21da29babcc3f4d679.pdf>.; Andrews, D. A. et al. (1990). "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis." *Criminology*, 28.

22. The reported court appearance rates are for cases arrested in 2014. Results for misdemeanor cases can be found in the 2014 annual report of the New York City Criminal Justice Agency (CJA). Results for felony cases can be found in CJA's 2015 annual report. (The annual reports provide the percent of defendants who miss a court date—13 percent—which is the flipside of the 87 percent who, therefore, make all of their dates.) The two sets of charge-specific results were averaged (and weighted by the number of cases with each charge) to produce citywide appearance rates for 2014 cases. The results omit Desk Appearance Tickets. All CJA reports are available at: <http://www.nycja.org/>.
23. New York City Mayor's Office of Criminal Justice. (2017). *Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island*. New York, NY: The City of New York, Office of the Mayor. Available at: <https://www1.nyc.gov/assets/criminaljustice/downloads/pdfs/Smaller-Safer-Fairer.pdf>.
24. New York City Mayor's Office of Criminal Justice. (2018). *Supervised Release Annual Scorecard 2017*. New York, NY: NYC Mayor's Office of Criminal Justice. Available at: <https://rikers.wpengine.com/wp-content/uploads/SR-Annual-Scorecard-2017.jpg>.
25. Testimony of Elizabeth Glazer, Director of the Mayor's Office of Criminal Justice. (2018, March 20). New York City Council Committee on Justice Systems hearing on the Mayor's Preliminary Budget for FY19.
26. New York City Mayor's Office of Criminal Justice. (2018, March). *Jail: Who is In on Bail?* New York, NY: NYC Mayor's Office of Criminal Justice. Available at: <https://www1.nyc.gov/assets/criminaljustice/downloads/pdfs/how-bail-affects-the-jail-pop.pdf>.
27. Levitt, J. (2017, December 4). *Lancman Outraged by City's Disclosure that It Will Blow Another Deadline for Functional Online Bail Payment System* [Press Release]. New York, NY: New York City Council. Available at: <https://council.nyc.gov/rory-lancman/2017/12/04/lancman-outraged-by-citys-disclosure-that-it-will-blow-another-deadline-for-functional-online-bail-payment-system/>; Coltin, J. (2017, December 4). *Online Bail Payments in NYC Delayed One Year*. *City & State: New York*. Available at: <https://cityandstateny.com/articles/politics/new-york-city/new-york-city-online-bail-payments-delayed-one-year.html#>
28. Rahman, I. (2017, September). *Against the Odds: Experimenting with Alternative Forms of Bail in New York City's Criminal Courts*. New York, NY: Vera Institute of Justice. Available at: https://storage.googleapis.com/vera-web-assets/downloads/Publications/against-the-odds-bail-reform-new-york-city-criminal-courts/legacy_downloads/Against_the_Odds_Bail_report_FINAL3.pdf.
29. For more on this topic, see: Rahman, I. (2017, September 27). *How we can make New York City's bail system fairer right now*. *City & State: New York*. Available at: <https://cityandstateny.com/articles/opinion/how-we-can-make-new-york-citys-bail-system-fairer-right-now.html>.
30. *Order, Kunkeli v. Anderson*, No. 90-2018 (N.Y. Sup. Ct. Dutchess Cnty. Jan. 31, 2018).
31. Rahman, I. *Greater Justice New York*. New York, NY: Vera Institute of Justice. Available at: <https://www.vera.org/projects/greater-justice-new-york/learn-more>.
32. New York City Mayor's Office of Criminal Justice. (2018, March), p. 3.
33. Gamerman, T., Schechter-Steinberg, Z. (2018, January). *The Public Cost of Private Bail: A Proposal to Ban Bail Bonds in NYC*. New York, NY: NYC Comptroller. Available at: https://comptroller.nyc.gov/wp-content/uploads/documents/The_Public_Cost_of_Private_Bail.pdf.
34. New York State Unified Court System. (2018, February). *The State of Our Judiciary 2018: Excellence Initiative: Year Two*. Albany, NY: New York State Unified Court System. Available at: https://www.nycourts.gov/admin/stateofjudiciary/B18_SOJ-Report.pdf.
35. Lyons, B. (2018, March 8). *Poll Shows Overwhelming Support for Criminal Justice Reform*. *Times Union*. Available at: <https://www.timesunion.com/news/article/Poll-shows-overwhelming-support-for-criminal-12735924.php>.
36. New York City Mayor's Office of Criminal Justice. (2018, March).
37. For information on the Governor's criminal justice budget proposals, see: (2018, January 16). *FY 2019 New York State Executive Budget: Public Protection and General Government Article VII Legislation*, Op Cit. For information on the State Senate's criminal justice proposals, see: Office of New York State Senator Andrea Stewart-Cousins. (2018, February 13). *Senate Democrats Fight To Reform New York's Criminal Justice System* [Press Release]. Albany, NY: The New York State Senate. Available at: <https://www.nysenate.gov/newsroom/press-releases/andrea-stewart-cousins/senate-democrats-fight-reform-new-yorks-criminal>. For information on the Assembly's criminal justice proposals, see: Office of New York State Assembly Speaker Carl E. Heastie. (2018, February 12). *Assembly Majority Introduces Comprehensive Criminal Justice Reform Package* [Press Release]. Albany, NY: The New York State Assembly. Available at: <http://assembly.state.ny.us/Press/files/20180212.php>.
38. Katal Center for Health, Equity, and Justice. (2018, February 2). *Statement by Criminal Justice Reform Groups Across New York*. Available at: https://www.katalcenter.org/statement_by_criminal_justice_reform_groups_across_new_york. See also: Hamilton, C. (2018, January 18). *Cuomo's Proposed Discovery Reform Gets Cool Reception From Defenders, Bar*. *New York Law Journal*. Available at: <https://www.law.com/newyorklawjournal/sites/newyorklawjournal/2018/01/18/cuomos-proposed-discovery-reform-gets-cool-reception-from-defenders-bar/>.
39. Champagne, D., Vance, C., Marks, P. et al. (2014, December). *A Proposal For "Fully Determinate" Sentencing for New York State: A Recommendation to the Chief Judge of the State of New York*. New York, NY: New York State Permanent Commission on Sentencing. Available at: <https://www.nycourts.gov/ip/sentencing/Determinate%20Sentencing%20Report%20Final%20Delivered.pdf>.
40. Arzu, J. and Schiraldi, V. (2018, January 29). *Less is More in New York: An Examination of the Impact of State Parole Violations on Prison and Jail Populations*. New York, NY: Columbia University Justice Lab. Available at: http://justicelab.iserp.columbia.edu/img/Less_is_More_in_New_York_Report_FINAL.pdf.

The Future of Jails

The closure of Rikers Island provides the opportunity to create a new model for a more humane detention system.

In *A More Just New York City*, we recommended the development of a smaller system with detention facilities—or “Justice Hubs”—located in each of the five boroughs to replace the nine jails that are currently located on Rikers and the Vernon C. Bain barge that is docked off the Bronx. We believe that these new facilities should be:

Safe and Humane: Use modern jail design principles intended to promote safety for correction officers, staff, and detained persons and encourage a culture of dignity, procedural justice, and fairness.

Rehabilitative: Incorporate programming designed to prepare detained persons for successful community reintegration and address their health and other needs.

Accessible to Courts and Visitation: Located close to courts, transportation, and communities, and provide assets to the communities in which they are situated.

Over the past year, the City has identified four sites for a smaller borough-based detention system and has committed to closing one of the existing Rikers jails in the summer of 2018. Even more recently, Governor Cuomo and the New York state legislature have authorized New York City to use a design-build process to expedite the development of the modern borough facilities that will permit the closure of the Rikers jails.

Based on these developments, we project that the City can make irreversible progress towards

closing Rikers during the current administration. We also have concluded that a borough-based system could be established and completed in 2024—with some facilities finished the year before—at a significantly lower cost than we initially projected in *A More Just New York City*. By the end of the current Mayoral administration, the construction of modern facilities in at least two sites should be well underway and design and possibly construction should be in progress in the other borough sites.

In the pages below, we review our vision for a smaller and more humane detention system in New York City and the developments of the past year. We also describe our revised timeline and capital projections for building a better system.

Justice Hubs: A Vision for a Borough-Based Jail System

Siting Facilities Close to Courts and Communities

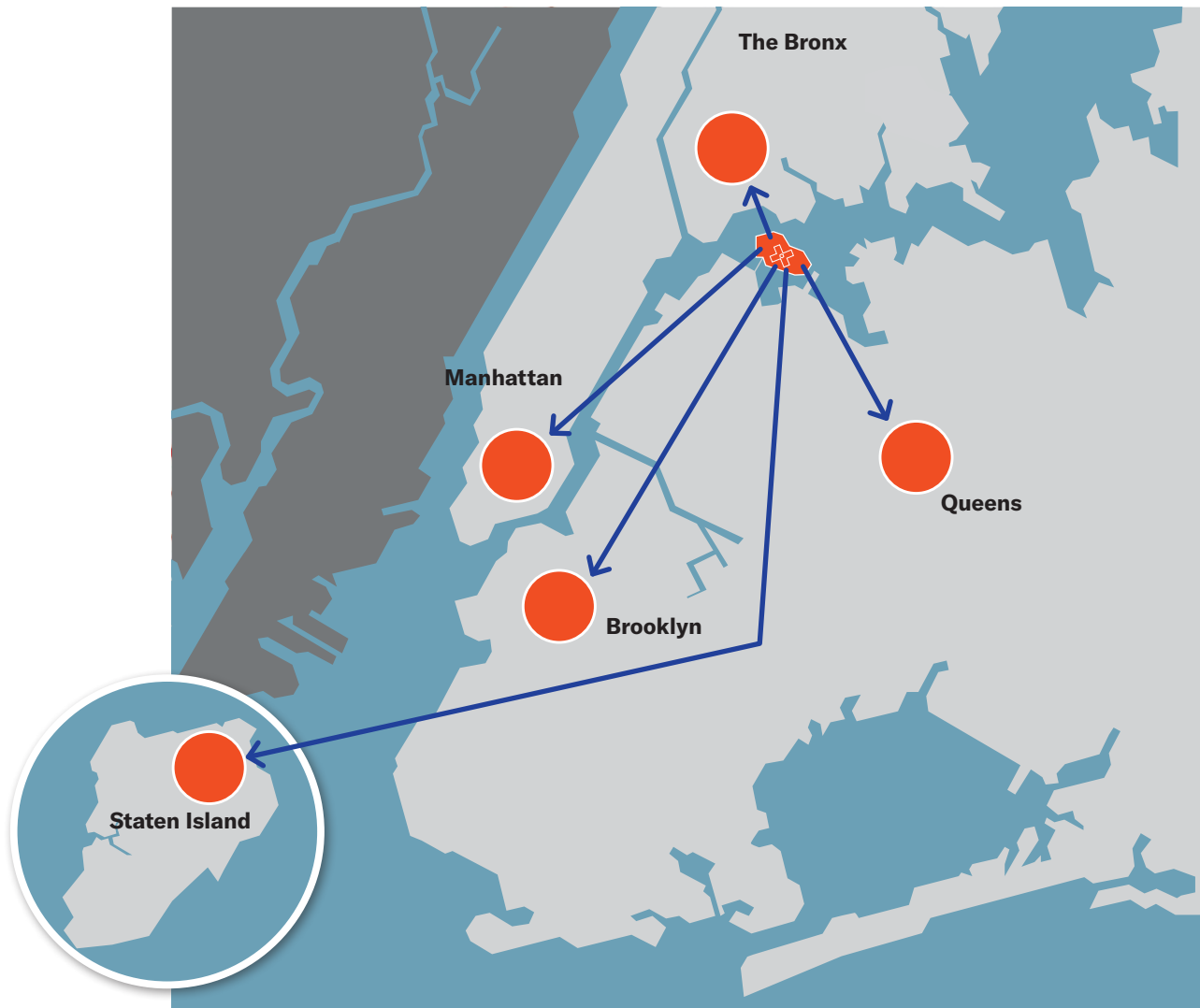
WHAT WE RECOMMENDED:

Justice Facilities Should be Centrally Located Near the Courts and Transit Hubs

The Commission called for Justice Hubs to be centrally located in each borough to increase accessibility to courts, public transportation, and visitors.

Being close to courts will reduce the significant resources that are currently devoted to transporting detained persons to and from Rikers—nearly 1,000 of whom are transported around the city by bus every day.¹ It will also reduce the stress that this process—which can

A Borough-Based System to Engage the Closure of Rikers



last all day for a court appearance before a judge that may take only a few minutes—imposes on the correctional system, and officers and detained persons alike. In addition, locating jails near the courthouses will facilitate timely court appearances for incarcerated individuals, which can reduce case delays and thus the overall time that people are detained in City jails.

Proximity to public transit, in turn, benefits DOC staff, visitors, and attorneys, and allows incarcerated people to more easily return home after release. **Crucially, siting jail facilities in the boroughs makes it easier for family members and loved ones to visit, helping detainees to maintain important ties to their communities and facilitating their transition back into society.**

Community Engagement and Input Are Essential

As the City moves forward with developing new facilities in the boroughs, it is critical to work with communities to understand their needs and concerns, and also to identify how the new or refurbished buildings can be neighborhood assets that provide space for community uses.

In *A More Just New York City*, we observed that modern jail facilities are built to look like civic buildings and to fit in with their environments. They are secure, but they do not have bars or barbed wire.² They can and should incorporate space designed for community or even retail activities. They should also be developed to address potential impacts on the surrounding areas, including concerns such as traffic and parking. Finally, we

believe that new and expanded borough-based facilities should be matched with real investments in the communities themselves.

The City currently operates jail facilities in downtown Brooklyn and Manhattan, which are located in the midst of thriving residential and commercial communities. These facilities—which we believe should be rebuilt and modernized—demonstrate that borough jails are secure and need not be a burden on their surroundings.

Savings From a Smaller System Should be Reinvested in Community Needs

The Commission’s blueprint for reducing the jail population, closing Rikers, and moving to a borough-based system will generate significant savings for the City from the lower operating costs for the newer and smaller system. Building new facilities will not be inexpensive, as we describe below. However, we project that the savings from a smaller borough-based system will result in **annual savings of \$540 million or more**, even accounting for interest on financing for new facilities, investment in alternatives to incarceration, and increased training for correction officers.

These savings should be reinvested in education, job training, economic development, and social services, especially in the communities that have been most affected by the justice system and in the neighborhoods where the new Justice Hubs are located.

WHERE WE ARE TODAY:

Closing Jails on Rikers

The City has begun the gradual process of shutting down facilities on Rikers and moving segments of the population to facilities in the boroughs. In January, the City announced that the George Motchan Detention Center (GMDC) would be the first facility on Rikers to close, which is scheduled for summer 2018.³ The closure of GMDC is a milestone. Moreover, because each existing jail facility incurs significant marginal costs, closing GMDC should represent an immediate opportunity for financial savings.

In addition, the City is currently in the process of moving all 16- and 17-year olds off the Island into juvenile facilities in the boroughs by October 2018, as required by state law.⁴

Moving Towards a Borough-Based System

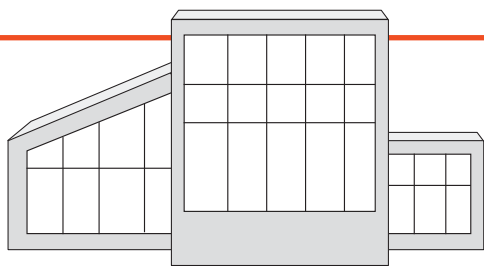
On February 14, 2018, Mayor de Blasio and City Council Speaker Corey Johnson announced a plan for borough-based facilities at four proposed sites—three existing DOC facilities in Brooklyn, Manhattan, and Queens, and a new site in the Bronx that currently serves as a New York City Police Department (“NYPD”) tow pound—with the initial support of local City Council members. The Mayor and Speaker also committed to expediting the development process by moving forward with the public review and environmental assessment for all four sites in a single parallel process. Members of our Commission were on hand to speak about the importance of moving quickly—in a humane and practical way—to close Rikers and develop a better system.⁵

The Governor, too, has voiced strong support for closing Rikers on as expedited a timeline as possible.⁶

Most recently, the FY2019 state budget passed by Governor Cuomo and the state legislature includes design-build authorization for developing new borough facilities to enable the closure of Rikers, which will significantly reduce both the required costs and time.

Some members of the communities around the four City-identified sites for new or rebuilt facilities have expressed concerns about the proposed facilities and the City’s planning process. In the Bronx, in particular, there have been questions about the impact of the new facility on an area that has been historically disadvantaged.⁷ These concerns are understandable, and there absolutely must be robust engagement as the planning, land use, and design processes move forward.

We firmly believe that modern jails can and should be community assets, and that as part of a smaller system, they will be a massive improvement over the conditions at Rikers.



The new Justice Hubs should include:

Podular, direct supervision residential areas, with cells lining the perimeter and common space in the middle.

Open sightlines allowing officers to view the entire interior area at once, without the need for multiple officers to patrol.

“Town center” configurations that situate programming spaces close together to allow the incarcerated population to manage their own movement.

Natural light, neutral colors, and furnishings that convey noninstitutional, “normalized” environments.⁸

Visiting areas that are pleasant places to spend time, particularly for women and children who too often experience trauma visiting loved ones at Rikers Island. Visiting areas should be staffed by correction officers and staff with specialized training.

Efficient and humane entrances and exits for visitors and incoming and outgoing defendants.

State-of-the art programming spaces that include the technological resources needed for programs to be successful.

Specialized spaces and staff for those with mental health or medical needs, women, and young adults.

A dedicated, voluntary transgender housing unit in each facility with specially trained staff.

An Opportunity to Reimagine Jail Design

WHAT WE RECOMMENDED:

Now that the closing of Rikers Island has begun, the City has the opportunity to incorporate the principles and practices for jail design that we recommended in *A More Just New York City*. Good design, combined with the right operational approach and organizational culture, can reduce violence and lead to better outcomes for both staff and incarcerated people.⁹

WHERE WE ARE TODAY:

In January 2018, the City engaged a consortium of architects, engineers, and planners led by the architecture firm Perkins Eastman to study proposed jail sites for the public review process and to develop conceptual designs for facilities that provide supportive environments for both staff and the incarcerated population.¹⁰

In addition, the City has created a Design and Facilities Working Group, comprised of designers and community leaders, to help guide the design concepts that will be developed by the Perkins Eastman team. Specifically, the Working Group will focus on creating safer housing and working conditions, tailoring designated spaces for special populations, incorporating modern technologies, and ensuring that the new facilities support the DOC’s cultural and operation goals, outlined below.

Organizational Culture at the Department of Correction

WHAT WE RECOMMENDED:

Good design is critical, but it will not be sufficient, on its own, to address the problems that currently plague our jail system. If the DOC does not commit to maintaining a humane jail system there will be no improvement in violence within New York City jails.¹¹ The Commission reemphasizes the need for the DOC to commit to the proper training and operational aspects of direct supervision, which requires staff to be consistently stationed in the common areas of the same residential units and to continuously engage with the incarcerated population in order to maintain safety. In short, the DOC must undergo a strategic process to reimagine its values and foster an organizational culture that

prioritizes accountability, procedural justice, and improved outcomes for the incarcerated population.

WHERE WE ARE TODAY:

Organizational change has been slower, and—as reported by the federal court-appointed monitor—correction officers continue to over-rely on violence in interactions with the incarcerated population.¹²

DOC Commissioner Brann has stressed that the DOC is working towards a model of corrections that is based on rehabilitation and changing behavior rather than punishment, and the City is supporting these efforts in a number of ways.¹³

The City has designated \$100 million for a new DOC training facility.¹⁴ **We believe that this facility should be sited and built as soon as possible. Correction officers, like New York City’s other law enforcement officers, deserve to have a modern, dedicated training facility.**

The City also has formed a Culture Change Working Group, which is focused on creating a culture of fairness in the New York City jail system. Comprised of DOC staff, formerly incarcerated individuals, other government representatives, and criminal justice experts, the Culture Change Working Group is exploring strategies for improving visiting experiences; establishing programming that reduces recidivism; replacing overly-punitive management styles with fair, evidence-based practices; and expanding support and professional development for correction officers.¹⁵

The Process for Developing Borough-based Facilities

The development process involves a number of key phases, many of which can overlap:

1. Pre-scoping and feasibility assessment, currently being carried out by the City and Perkins Eastman and their team of consultants; **2.** Application and pre-certification for the Uniform Land Use Review Procedure (ULURP); **3.** City Environmental Quality Review (CEQR); **4.** ULURP; **5.** Land acquisition (if needed); **6.** Procurement; **7.** Design; **8.** Demolition; and **9.** Construction.

Uniform Land Use Review Procedure (ULURP)

ULURP is the standard seven-month public review and approval process for any development proposal that includes a major change in land use. The ULURP process typically involves review by the local community board, the borough president’s office, the City Planning Commission, City Council, and the Mayor’s office.¹⁶

Design-Build

Design-build refers to the practice of hiring the same entity to carry out both the design and the construction phases of a development project. Traditionally, design and construction services are procured separately through two distinct contracts. Under the design-build process, however, the same entity is contracted for both design and construction, thus streamlining multiple elements of the development process. Design-build also allows for a single procurement process, rather than necessitating the procurement of two separate entities, and eliminates the possibility for disputes between separate design and contracting teams. Currently, New York City can only use the design-build process when authorized by the state government on a case-by-case basis—as was recently authorized in the FY2019 state budget for new facilities to enable the closure of Rikers.¹⁷

What Should Come Next?

The steps taken by the City to identify jail sites and expedite the process of site assessment represent important progress towards the goal of closing Rikers, and they provide a clear path forward. Two steps must now occur.

First, the City must work with the communities that surround the proposed facilities to understand and address their concerns. We believe that modern jail facilities are not only secure and can fit with their surroundings, but also that they can be designed to meet local concerns and address local needs. The only way to do so, however, is with full community engagement.

Second, to continue the progress that has been made over the past year, it is critical that the City establish a full, concrete timeline that reflects the urgency of the current situation. In accordance with this timeline, capital costs will need to be included in upcoming City budgets in line with each relevant phase of work.

In our original report, we estimated that moving to a new jail system could require a timeline of ten years and cost of \$10.62 billion.¹⁸

However, given the progress that has been made, the Mayor's and City Council's commitment to an expedited process, and the design-build authorization provided in the most recent state budget, we believe that those initial estimates can be lowered.

With all of these changes—and assuming parallel progress on the criminal justice reforms discussed in the prior section—we believe that a borough-based system could be fully established in approximately four to five years from ULURP approval, at a total cost of \$9.85 billion. Our projections are based on a number of assumptions about the length of the development process, and we do not foreclose the possibility of a faster timeline depending on changing circumstances.

The City has announced that it intends to begin the ULURP process in the final quarter of 2018 and start the design phase as early as the summer of 2019.¹⁹ The selection of four sites means that pre-certification and CEQR can begin immediately, in conjunction with the pre-scoping process. These processes require community engagement and feedback, which also must begin immediately. In addition, the

sites that have been selected are all City-owned, which obviates the need for acquisition.

If the City can achieve its goal of starting design by the summer of 2019, these changes alone could permit construction to be complete in approximately six years from today, in 2025. Given the state's inclusion of design-build in the FY2019 budget, we believe that the timeline can be reduced further—by an additional year and a half—if the City proceeds with procurement of a single designer-contractor concurrent with the ULURP process, rather than waiting until its completion. Ultimately, the combination of an expedited public review process with the granting of design-build authority to the City could enable the work to be completed within four or five years from ULURP approval, as seen in our timeline.

Under this schedule, construction on the new facilities should make significant and irreversible progress during the current administration, capitalizing on today's commitment and momentum.

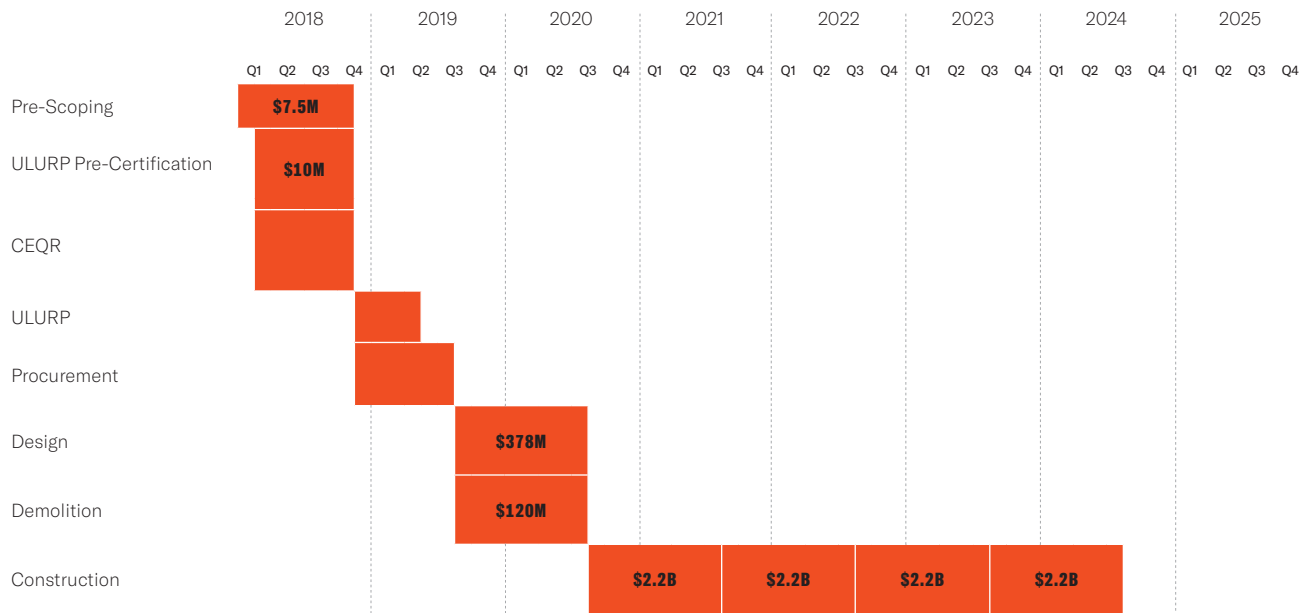
We have projected four years for construction for all sites, but some of those facilities could be completed at an earlier point. This could permit the City to move detained people out of the dysfunctional Rikers facilities on an expedited basis.

It should be emphasized that this timeline is based on assumptions that the City will reach its stated goals of beginning ULURP in the final quarter of 2018 and starting design by the summer of 2019. As the work evolves, this timeline may be revisited, and we do not foreclose the possibility of an expedited timeline as circumstances change. Our goal is moving to a borough-based system to get as many detained persons out of the Rikers jails as quickly as possible, without compromising the need for community engagement or any of the steps that are critical for successful implementation.

Capital Costs

Shortening the timeline will produce corresponding—and significant—reductions in costs. The estimated costs in our projections are calculated for a system of 5,500 beds, across four larger facilities in Brooklyn, the Bronx, Manhattan, and Queens, and one smaller facility in Staten Island. Although the City has

Timeline and Costs



\$967M Total Design Costs **\$8.6B Total Construction Costs**

maintained that it does not plan to build a jail in Staten Island, the importance of having a jail in each borough should not be understated, both from a cost-savings perspective (i.e., a reduction in the costs of transporting detainees to the courts) and to facilitate individuals’ abilities to maintain ties to their families and the local community while they are incarcerated.²⁰

Given the state’s design-build authorization, the estimated capital costs of a borough-based system would be approximately \$9.85 billion, representing a significant cost-savings of more than \$700 million above our initial estimate.

Conclusion

The past year has seen real progress towards the goal of closing Rikers and moving to a smaller, modern, borough-based system of Justice Hubs. We are encouraged by this progress and by the commitment from leaders at the City and state levels to move forward with urgency. The progress should be continued, and it must be matched with community input and engagement to ensure that the new system addresses the needs and concerns of our city.

Notes

1. City of New York Department of Correction. (2018, January 22). *NYC Department of Correction at a Glance: Information through first 6 months of FY 2018*. New York, NY: NYC Department of Correction. Available at: http://www1.nyc.gov/assets/doc/downloads/current-news/DOC_At-Glance-FY18_2NDQTR_012217.pdf.
2. Genevro, R., Greene, F., Ricci, K. (2017, December 6). What Jail Can't Do. *Urban Omnibus*. Available at: <https://urbanomnibus.net/2017/12/what-jail-cant-do/>.
3. Office of the Mayor of New York City. (2018, January 2). *New York City to Close First Jail on Rikers Island by Summer 2018* [Press Release]. New York, NY: NYC Office of the Mayor. Available at: <http://www1.nyc.gov/office-of-the-mayor/news/002-18/new-york-city-close-first-jail-rikers-island-summer-2018>.
4. State of New York Office of the Governor. (2017, April 10). *Governor Cuomo Signs Legislation Raising the Age of Criminal Responsibility to 18-Years-Old in New York* [Press Release]. Albany, NY: Office of the Governor. Available at: <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-raising-age-criminal-responsibility-18-years-old-new-york>.
5. Office of the Mayor of New York City. (2018, February 14). *Transcript: Mayor de Blasio Announces Agreement with City Council on Closing Rikers Island*. New York, NY: NYC Office of the Mayor. Available at: <http://www1.nyc.gov/office-of-the-mayor/news/096-18/transcript-mayor-de-blasio-agreement-city-council-closing-rikers-island>
6. David, A. (2018, February 14). *Statement from Counsel to the Governor Alphonso David* [Press Release]. Albany, NY: Office of the Governor. Available at: <https://www.governor.ny.gov/news/statement-counsel-governor-alphonso-david-0>.
7. Khurshid, S. (2018, February 21). Bronx Electeds, Residents Cry Foul as Mayor and Council Announce Jail Site. *Gotham Gazette*. Available at: <http://www.gothamgazette.com/city/7486-bronx-electeds-residents-cry-foul-as-mayor-and-council-announce-jail-site>.
8. Wener, R. (2012). *The Environmental Psychology of Prisons and Jails*. Cambridge: Cambridge University Press.
9. Tartaro, C. (2006). Watered Down: Partial Implementation of the New Generation Jail Philosophy. *The Prison Journal*, 86(3), 284-300. Available at: <http://dx.doi.org/10.1177/0032885506290851>.
10. Wachs, A. (2018, January 26). City taps Perkins Eastman to research alternatives to Rikers. *ArchPaper*. Available at: <https://archpaper.com/2018/01/city-taps-perkins-eastman-study-alternatives-rikers/>.
11. Tartaro 2006.
12. Martin, S. J. (2017). *Fourth Report of the Nunez Independent Monitor*. New York, NY, pg. 17. Available at: <https://assets.documentcloud.org/documents/4173501/Fourth-Monitor-Report-as-Filed-Nunez.pdf>.
13. Office of the Mayor of New York City. (2018, February 14).
14. City of New York Department of Correction. (2017, May 22). *Correction Department to Get New Academy* [Press Release]. New York, NY: NYC Department of Correction. Available at: <https://www1.nyc.gov/site/doc/media/new-academy.page>.
15. New York City Mayor's Office of Criminal Justice. *Ensuring Effective Implementation*. Available at: <https://rikers.cityofnewyork.us/implementation-task-force/>.
16. City of New York Office of Planning. *Uniform Land Use Review Procedure (ULURP)*. New York, NY: NYC Planning. Available at: <https://www1.nyc.gov/assets/planning/download/pdf/applicants/applicant-portal/lur.pdf>.
17. Hu, W. (2017, June 19). A Streamlined Way to Build Projects Runs Into New York Politics. *The New York Times*. Available at: <https://www.nytimes.com/2017/06/19/nyregion/a-streamlined-way-to-build-projects-runs-into-new-york-politics.html>.
18. Lippman, J., Aborn, R. A., Cartagena, J., et al. (2017). *A More Just New York City*. New York, NY: Independent Commission on New York City Criminal Justice and Incarceration Reform, pg 87. Available at: <https://static1.squarespace.com/static/577d72ee2e69cfa9dd2b7a5e/t/595d48ab29687fec7526d338/1499285679244/Lippman+Commission+Report+FINAL+Singles.pdf>.
19. Office of the Mayor of New York City. (2018, February 14). *Mayor de Blasio and City Council Reach Agreement to Replace Rikers Island Jails with Community-Based Facilities* [Press Release]. New York, NY: NYC Office of the Mayor. Available at: <http://www1.nyc.gov/office-of-the-mayor/news/094-18/mayor-de-blasio-city-council-reach-agreement-replace-rikers-island-jails-with#/0>.
20. Site-acquisition costs are not included in these calculations, as all four sites currently selected by the City—and presumably any new site on Staten Island—are City-owned. However, these costs are based on the assumption that the existing facilities will need to be demolished, rather than renovated, to accommodate the needed number of beds and fully incorporate the Commission's recommended design elements.

Reimagining the Island

If the Rikers jail complex can be closed, the island's size and central location in the East River will provide an unprecedented opportunity for a more equitable and sustainable New York City.

Shutting down the jails on Rikers is necessary to build a better justice system for New Yorkers, but as the jails are closed, the City will have the chance to put the island to better use. **This is not a “land grab.”** Our study concluded that Rikers is not suitable for residential or commercial development—it is too close to LaGuardia flightpaths and too far from public transportation. But it is uniquely situated for critical environmental infrastructure and potentially for a much-needed expansion of LaGuardia Airport.

In the short term, the City should begin repurposing unused parts of the island. As the jails are phased out, interim uses should be phased in, such as solar and composting facilities, both of which will be necessary for the City to meet its ambitious clean energy and zero waste environmental goals. The City should also begin long term capital planning for the large scale infrastructure that ultimately can be housed on the island, and which could greatly benefit the City in coming decades.

Importantly, as the City closes the Rikers jails and repurposes the island, the history of damage and despair that the jails represent must be memorialized, whether on the island or elsewhere.

The Challenges and Priorities of a Growing City

Our city of 8.6 million is growing rapidly. New York City added more than 400,000 new residents from 2000 and 2015 and is projected to add another 600,000 residents by 2040.¹ This growth exacerbates the significant challenges that the City already faces, including environmental sustainability, job creation, equitable economic development, and resilience in the face of rising sea levels and extreme weather caused by climate change.

In *A More Just New York City*, the Commission identified two redevelopment concepts that would repurpose Rikers as a location for crucial but hard-to-site infrastructure that can help address these challenges:

LaGuardia Expansion and Green Infrastructure.

One option involves a third runway and new terminal for LaGuardia Airport, wastewater treatment facilities to replace facilities that are currently located in the Bronx and Queens, a large-scale composting facility, a 20-acre solar field, and a public greenway and memorial.

Green Infrastructure and Renewable Energy.

Another option proposes wastewater treatment facilities (again, which would replace facilities currently located in the Bronx and Queens), a large scale composting facility, an energy from waste facility, a 115-acre solar field and power storage facility, urban agriculture, a research campus, and a public greenway and memorial.

The Fourth Regional Plan

The Regional Plan Association (RPA) is a century-old urban research and advocacy organization that focuses on improving the metropolitan area's environmental, economic and social future through research and planning. In November 2017, the RPA released its Fourth Regional Plan, which sets out a vision of New York City in 2040, including a revitalized Inner Long Island Sound.

Writing from the vantage point of 2040, the Fourth Regional Plan describes the central role of a repurposed Rikers Island in the Sound's transformation:

The first step was closing the Rikers Island jail complex and transitioning to smaller borough-based jails, as recommended by The Independent Commission on New York City Criminal Justice and Incarceration Reform, and supported by the City Council and Mayor de Blasio. This approach not only reduced incarceration rates throughout the City but also opened up Rikers for industrial, educational, and recreational uses. These include a composting center, waste water treatment plant, waste-to-energy facility, related education and job training facilities, a public greenway, and a memorial to Rikers's notorious past. As a result, wastewater-treatment plants and truck-to-truck waste-transfer facilities were eliminated in the surrounding neighborhoods, reducing air and water pollution and allowing the creation of clean industry along the waterfront.



Both proposals would have great environmental and economic benefits for the neighborhoods around the Inner Long Island Sound and the city as a whole.

We are pleased to note that the Regional Plan Association recently identified our green infrastructure concept for the future of Rikers as the centerpiece of a transformed Inner Long Island Sound in the year 2040. The Fourth Regional Plan, issued in November of last year, illustrates that the closure of the jails on Rikers is not only a moral imperative from a criminal justice perspective, but also a chance to improve our environmental and economic future and revitalize historically disadvantaged areas of the city.³

Principles and Analysis

To develop the recommendations in *A More Just New York City*, the Commission enlisted professionals from the fields of master planning, economic analysis, and engineering to analyze feasible uses for a repurposed Rikers Island and their costs and benefits.⁴

We adopted four guiding principles:

Promoting Public Benefit. A reimagined island must benefit the public—for example, by creating accessible jobs, promoting equity, improving the environment, and/or increasing resiliency.

Engaging the Community. As with our other recommendations, in evaluating the future of the Island, we sought input from a wide range of policymakers and stakeholders. Any redevelopment plan must continue this engagement.

Thinking Long Term. It will take time to repurpose Rikers Island, but a reimagined island offers an unprecedented opportunity to impact the future of New York City for decades to come.

Addressing History. Reimagining the future of Rikers Island must acknowledge its painful history. Work to memorialize the island's history that is already underway, such as the Rikers Island Public Memory Project, should also be encouraged and supported.⁵

Informed by these principles, the Commission examined more than thirty distinct redevelopment options. While we studied residential (including affordable housing) and commercial development concepts, it became clear that they were not feasible given the island's soil and bedrock composition, its isolation from the rest of the city, and its proximity to LaGuardia Airport and resulting noise levels and height restrictions.⁶ We therefore recommended using Rikers as the location for difficult-to-site but critical infrastructure—converting the island's isolation from a challenge to a strength.

Rikers Memory Project

Memorials to the suffering that Rikers represents are already underway. For example, the Rikers Island Public Memory Project—a collaboration between JLUSA, Create Forward, and the Humanities Action Lab—is a community-based, participatory process that uses storytelling, art-making, oral histories, and digital archiving to document and make visible the impact of Rikers. The Public Memory Project focuses on individuals and NYC neighborhoods that are most impacted by Rikers and engages young people, scholars, public officials, educators, social workers, and others to cement the public commitment to Rikers's closure.

For more information about how you can participate in the Rikers Memory Project, contact project director Piper Anderson at piper@create-forward.com.

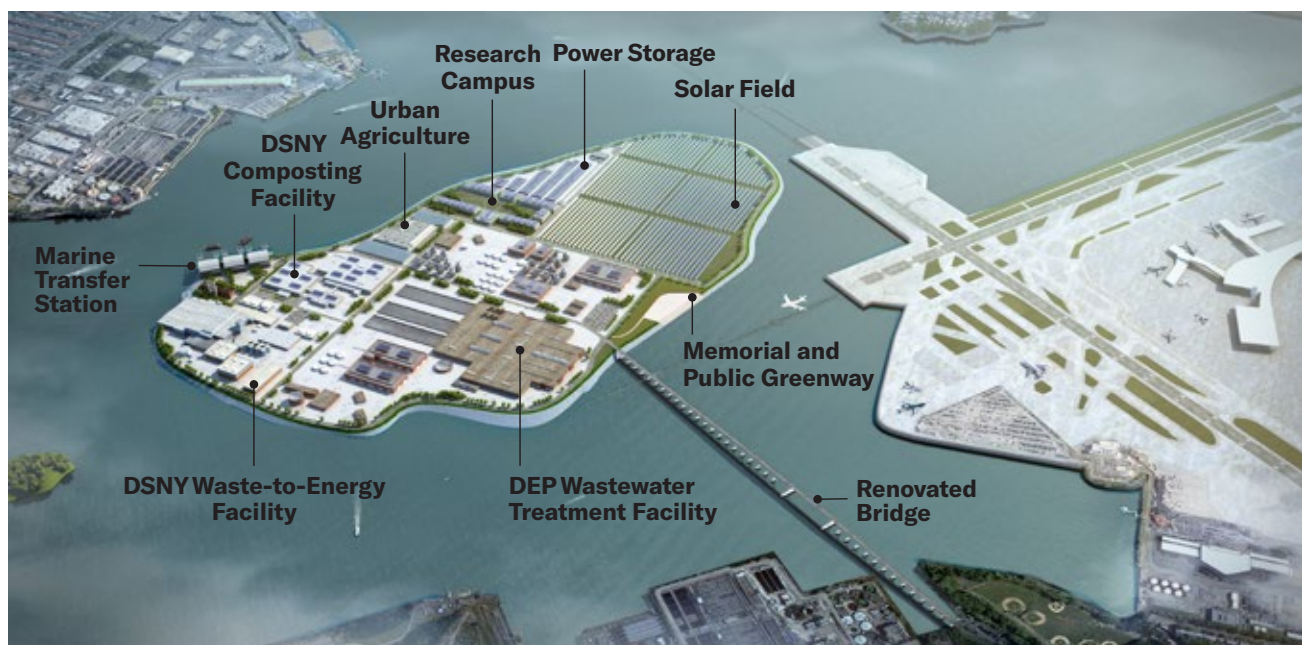
Concept 1

Rikers Island is strategically positioned to support regional growth by accommodating an expanded LaGuardia Airport and green infrastructure.



Concept 2

Rikers could accommodate next-generation clean energy and waste-to-energy uses that could go even further in meeting the City's environmental policy goals, absent an airport expansion.



Next Steps

While the project of closing Rikers is in progress, the City should begin taking action to prepare for the island's future.

In the short term, City agencies can deploy interim uses for parts of the island as the jails are phased out. For example, the City could support the development of solar energy and storage facilities on the island and the Department of Sanitation could begin to use the island for composting facilities. If New York City is going to meet its greenhouse gas and zero waste goals, it will need to significantly expand its capacity in these areas—and Rikers Island provides an opportunity to do so.

Longer term planning should also begin now, and in particular, exploring ways to relocate massive water-treatment infrastructure from the Bronx and Queens to Rikers (which would free up open space along the East River in both boroughs) and planning for the potential addition of another runway at LaGuardia.

The Opportunity of a Reimagined Island

The benefits of using Rikers as hub for environmental and economic infrastructure would be massive. Based on our study, a reimagined island could:

Help New York City achieve its ambitious environmental sustainability and resiliency goals by housing water treatment and waste management infrastructure that would divert hundreds of millions of gallons of untreated combined sewer overflow from the East River and greatly reduce landfill waste.

Accommodate an expanded LaGuardia Airport that could serve as many as 12 million more passengers annually, generating up to \$7.5 billion of annual economic activity and tens of thousands of jobs; and/or

Serve as a base for clean energy infrastructure that would power nearly 30,000 homes and support a broader renewables network.

A reimagined island could also host a memorial or educational center to acknowledge the suffering and pain associated with Rikers Island and support the process of healing the communities. Such a memorial or educational center could also be located in other, more readily accessible sites in the City.

Relocating existing infrastructure to the island could free up sites in Queens and the South Bronx, generating more public benefits in the form of open space, new jobs, affordable housing, or other public uses. For example, some or all of the four aging water management facilities that current sit on the Inner Sound (which account for 40 percent of the City's wastewater capacity) could be moved out of their current neighborhoods and onto Rikers Island. The impact in those areas could be transformative, as described in the RPA's Fourth Regional Plan. In addition, the island is accessible by water, permitting the transportation of waste by barge, thus reducing truck traffic and preventing adverse impacts on surrounding communities.

In sum, the Commission's recommendations for developing Rikers Island would help the City and state meet current priorities for economic development, sustainability, and resiliency. A reimagined island would not only put an end to the dysfunctional jails on Rikers, but also provide a huge opportunity for the future of New York City.

Notes

1. New York City Department of City Planning. (2016). Current Estimates of New York City's Population for July 2016. Available at: <http://www1.nyc.gov/site/planning/data-maps/nyc-population/current-future-populations.page>
2. City of New York. (2016). *One New York: The Plan for a Strong and Just City*. New York, New York: The City of New York, Mayor Bill de Blasio. Available at: <http://www.nyc.gov/html/onenyc/downloads/pdf/publications/OneNYC.pdf>.
3. Regional Plan Association. (2017, November). *The Fourth Regional Plan: Making the Region Work for All of US*. New York, NY: The Regional Planning Association. Available at: <http://library.rpa.org/pdf/RPA-The-Fourth-Regional-Plan.pdf>.
4. Lippman, J., Aborn, R. A., Cartagena, J., et al. (2017). *A More Just New York City*. New York, NY: Independent Commission on New York City Criminal Justice and Incarceration Reform, pg.101. Available at: <https://static1.squarespace.com/static/577d72ee2e69cfa9dd2b7a5e/t/595d48ab29687fec7526d338/1499285679244/Lippman+Commission+Report+FINAL+Singles.pdf>.
5. Ibid at 99.
6. Ibid at 103.
7. Ibid at 109.

