



Photo credit: Neha Gautam

COUNTDOWN TO CLOSING RIKERS

POLICY BRIEF

INTRODUCTION

The jails on Rikers Island are legally required to close within four years. But closing Rikers is not simply a legal obligation - it is a moral one. "Torture Island," as it is commonly known by those who've survived it, has robbed generations of primarily Black and Brown people of their freedom and their human rights. The deadly conditions at Rikers have claimed far too many lives, including 27 people since Mayor Adams took office.

Fortunately, there is a plan in place to close Rikers that was envisioned and fought for by formerly incarcerated people and their family members, with the support of faith leaders, service providers, community organizations, and other allies. This plan was approved and passed by the Mayor and City Council in October 2019, after extensive community input.

Now is the time to accelerate this plan, and to maximize every possible strategy to reduce the jail population and limit the number of people exposed to the harm and abuses of Rikers. The Mayor and city agencies must take the lead in urgently executing this plan, and every elected official must leverage their power to support its implementation.

Here we outline steps the Mayor, along with the City Council, must take to deliver on the commitment to closing Rikers, from decarceration, to defending the rights of incarcerated people, to divestment & redistribution.

For more information, visit campaigntocloserikers.org

DECARCERATE

Reduce NYC jail capacity

Approved Plan and Legal Requirements

Under the 2019 plan to close Rikers, the capacity of the four replacement borough jails was set to be [3,300 \(3,545 beds](#)¹ with plans to keep 7% unused at any given time for repairs or housing reassignments). Each jail would have 886 beds with [approximately 40% designated as therapeutic](#).² The combined capacity of [three outposted therapeutic housing units](#)³ (based in hospitals, but still within DOC custody) was set to be about 380. Together with the borough jails, there would be a total capacity of 3,925 beds within Department of Correction (DOC) custody (anticipated to house 3,650 people). If the jails are built to comply with these plans, NYC jail capacity would be reduced by 77% (from about 17,500 beds currently - [14,700 on Rikers](#)⁴ and [2,800 in the boroughs](#)⁵), and the total number of City jails would decrease from 14 jails with 1 outposted hospital unit, to 4 jails with 3 outposted therapeutic housing units.

Status

The Adams administration has [introduced plans](#)⁶ to increase the capacity of the replacement Brooklyn jail by 154 beds (to 1,040 total). In order to accomplish this within the same square footage, the City intends to alter the design to reduce the number of therapeutic units to 22%. The City has indicated they plan to pursue the same increase in the three other borough jails (Queens, the Bronx, and Manhattan). This would create a capacity of approximately 3,870 beds among the four replacement borough jails (4,160 beds with plans to keep 7% unused at any given time). The City has not announced changes to the planned capacity for 380 beds distributed among three outposted therapeutic housing units. With a total of 4,540 beds within DOC custody, NYC jail capacity would be reduced by about 74%.

Next Steps

The City should commit to proven strategies to reduce

incarceration and improve community safety, and preserve the original borough jail design with 886 beds per jail, with approximately 40% of beds designated as therapeutic. Reports from [A More Just NYC](#)⁷ (the Lippman Commission) and [Vital City](#)⁸ outline proven strategies to reduce incarceration and improve community safety, which could reduce NYC's jail population to less than 2,700 people.

Reduce NYC jail population

Approved Plan and Legal Requirements

The Close Rikers plan approved in 2019 requires reducing the jail population by approximately 41% from the [August 1, 2023 jail population](#)⁹ to less than 3,650 people. This is just slightly above the jail population reduction achieved through coordinated diversion efforts in response to Covid 19 ([3,809 people on April 29, 2020](#)¹⁰).

Status

On August 1, 2023, [6,182 people](#)¹¹ were incarcerated in NYC jails. While the Adams administration recently released a [Blueprint for Community Safety](#)¹² explicitly stating that reducing general and youth incarceration rates in the six neighborhoods most impacted by gun violence is a top priority, the jail population has risen at a faster rate under Mayor Adams than [any-time since 1996](#),¹³ when Rudy Giuliani was mayor. The NYPD also made [more arrests in the first half of 2023](#)¹⁴ than in any other six month period since Giuliani's tenure (in the year 2000). And in response to pressure from the Adams administration and the media and founded in misinformation about criminal justice reforms, judges have [assigned money bail](#),¹⁵ usually in unaffordable amounts, to an increasing number of people. The number of people with a diagnosed serious mental illness in DOC custody has also grown steadily since January 2022, [increasing by 41%](#)¹⁶. Racial disparities are also worsening - the proportion of the New York City jail population who identify as Black increased from [53% in 2019 to 59% in 2022](#)¹⁷.

Next Steps

The Mayor must support strong implementation of [Local Law 75-2023](#)¹⁸ (Jail Population Review Initiative), and encourage greater utilization of expanded supervised release in order to facilitate the release of more people currently detained in the jails on Rikers Island and prevent others from entering. This program received an [additional \\$36.8 million](#)¹⁹ in funding in the FY24 budget.

The Mayor and City Council should encourage accountability for District Attorneys by tying their budgets to their active collaboration in reducing incarceration through the Jail Population Review Initiative, as well as through diversion efforts more generally.

The Mayor must deliver on all of the [Points of Agreement](#)²⁰ contained in the Land Use bill approved by City Council in 2019 that established the borough-based jail system. In particular, the Mayor's Office should commit to [increase expense funding for Justice Involved Supportive Housing](#)²¹ (JISH) to \$26 million annually, which will adequately fund 120 existing JISH units and the addition of 380 more JISH units at appropriate service rates.

The Mayor and City Council must commit to [\\$45M in additional expense funding](#)²² for the Supportive Housing 15/15 program, and expand eligibility to count time spent in jail or prison toward time homeless.

The Mayor should support strong implementation of [Intro 1021A](#)²³ & [Intro 1022A](#),²⁴ which require the establishment of additional Crisis Respite Centers and clubhouses for people living with serious mental illness. The Mayor should ensure full funding for these initiatives, including 24-hour peer support and professional counselors.

The Mayor and City Council should allocate at least \$2.5M to support at least five of the new state-funded Assertive Community Treatment teams to operate as [Forensic Assertive Community Treatment teams](#)²⁵, providing an enhanced set of services to people returning from incarceration.

The Mayor must instruct the Department Of Correction to expand its utilization of the [6-A Work Release Program](#)²⁶ in order to reduce the number of people sentenced to city time on Rikers. Additionally, the Mayor must promptly fill all positions on the [Local Conditional Release Commission](#),²⁷ and direct the Department of Probation to immediately convene the Commission and to use its powers expansively.

Additionally, the Mayor and City Council must commit to fully funding and implementing the priorities outlined in Council Members Restler and Riley's [Pathway to Ending Mass Incarceration in New York City](#)²⁸ and the City Council's [Mental Health Roadmap](#)²⁹.

The City Council should pass and the Mayor should sign [Intro 0632-2022](#)³⁰, the Fair Chance for Housing Act, which prevents housing discrimination on the basis of an individual's history with the criminal legal system, and will remove barriers to stable housing for people returning from jail and prison.

The Mayor should also publicly support pieces of state legislation that will improve community safety and reduce the city jail population, such as the Treatment Not Jail Act ([S.1976A](#)³¹ / [A.1263B](#)³²) - which the City Council has passed a resolution in favor of. The Mayor and City Council should also publicly support the [Youth Justice and Opportunity Act](#)³³ (S.5749/A.3536A).

DEFEND

Closing the Rikers Island jails and Repurposing the Land

Approved Plan and Legal Requirements

Incarceration is prohibited on Rikers after August 31, 2027, through a [City map change](#),³⁴ and the entirety of Rikers Island must be transferred out of DOC's control by the same date in compliance with [Local Law 16-2021](#)³⁵. [Local Laws 16, 17, 31](#)³⁶, which make up the [Renewable Rikers Act](#), provide for a phased transfer of the island from DOC to the Department of Citywide Administrative Services (DCAS) for future environmental uses, beginning July 1, 2021 and every six months thereafter. The City must also establish and convene an advisory board (the Rikers Island Advisory Committee) with representatives who have been impacted by incarceration on Rikers Island.

Status

Currently the James A Thomas Center has been closed and [transferred to DCAS](#),³⁷ along with [43 acres of vacant land](#).³⁸ Two other jails on Rikers are not currently being used to house incarcerated people - the Anna M Kross Center³⁹ and the [George Motchan Detention Center](#).⁴⁰ The Adams administration missed three transfer deadlines (July 1 2022; January 1 and July 1 2023) when the [Otis Bantum Correctional Center](#)⁴¹ was closed from June 2022 through late July 2023.⁴²

The Rikers Island Advisory Committee, established by Local Law 16-2021 to guide the transition of the island from incarceration to sustainability purposes, is required to meet quarterly but has been convened only once by the Adams administration in June 2022.

Next Steps

The Department of Citywide Administrative Services should immediately convene the Rikers Island Advisory Committee, and continue quarterly meetings as required by law, and follow its recommendations to maximize the degree to which the transformation of Rikers Island can repair harm to communities impact-

ed by both mass criminalization and environmental racism.

The Mayor and DOC must transfer all closed jails to the control of DCAS immediately upon their closure, including the Anna M. Kross Center (closed in August 2023), and the George Motchan Detention Center (closed June 2018). The City should then begin demolishing jails that are permanently closed.

The Mayor and DOC should also transfer all vacant land that is not currently being used to house or provide services to incarcerated people, as outlined in the Local Law 16-2021. This would include parking lots and unused outdoor spaces.

The administration should establish a schedule for closing each of the eight currently operating jails on Rikers, at a rate of two per year, through August 31, 2027, and pursue land transfers from DOC to DCAS at the same rate. They must also ensure on-time [closure of the Vernon C. Bain Center](#)⁴³ (The Boat) by August 31, 2027 .

Replacement of Existing Borough Jails

Approved Plan and Legal Requirements

All [existing borough jails](#)⁴⁴ will be demolished (The Brooklyn Detention Complex, The Queens House of Detention, and The Tombs in Manhattan), or eliminated (Vernon C Bain Correctional Facility, also known as The Boat). Two of these existing jails - in Brooklyn and Queens - lack air conditioning and are in violation of current State minimum standards because they lack sufficient square feet per incarcerated person. A [2019 land use agreement](#)⁴⁵ provided for the replacement of each of these jails with buildings that allow for improved conditions. In Brooklyn, Queens, and Manhattan, replacement jails will be built on the same site as the existing jail, adjacent to the court house. In the Bronx, The Boat will be replaced by a jail to be located in Mott Haven, on the site of a former NYPD tow pound.

In the approved plans, each jail was to have [886 beds](#),⁴⁶ approximately 40% of which were intended to be therapeutic housing. The jails will be required to adhere to a set of [design guidelines](#)⁴⁷ informed by people with lived experience and advocates, emphasizing more direct access to services and recreation, more freedom of movement, and improved spaces for programs and for visits. Additionally, [Local Law 194-2019](#)⁴⁸ established minimum standards that the replacement jails must meet that include, but are not limited to, providing air conditioning throughout facilities; outdoor recreation areas; access to clinical services in each housing area; and, a window, toilet and sink in each individual living quarters. The City is planning for [incarcerated women and gender-expansive people](#) to be housed within the replacement jail in Queens (using approximately 126 of the 886 beds originally allocated).

Status

[Demolition](#)⁴⁹ of the Brooklyn Detention Complex, Queens House of Detention, and Manhattan Detention Complex (also known as The Tombs) are underway. Site preparation is underway at the location of the future replacement Bronx jail. A Notice to Proceed has been issued for the [replacement Brooklyn jail](#),⁵⁰ meaning a firm has been selected to design and build the facility, and their work is underway. However, the completion date indicated in the contract is October 2029, and the administration announced that the bed count will be expanded to 1,040 (from 886), while therapeutic beds will constitute just 22% of that (reduced from 40%). The City indicated that they plan to pursue these changes to capacity and design in the replacement borough jails in Queens, Manhattan, and the Bronx as well. The administration is currently negotiating contracts with firms to design and build the replacement Bronx and Queens jails, and expects to announce selected contractors by the second quarter of fiscal year 2024 (end of the calendar year).⁵¹ In September, the City will [reissue the request for qualification](#)⁵² for firms to design and build the replacement Manhattan jail, after the firm they initially selected decided not to move forward with the project.

Next Steps

The administration should work with contractors to identify areas for increased efficiency in the construction of the Brooklyn borough jail to ensure completion by August 31, 2027.

The administration should finalize contracts for the Bronx and Queens replacement jails immediately, with completion dates no later than August 31, 2027; and expedite the application and selection process for reconstruction of the Manhattan jail to achieve a completion date no later than August 31, 2027.

The Mayor and City Council must ensure sufficient capital budget allocations to complete all four borough-based jails on time.

The administration should preserve the original borough jail design, with 40% therapeutic housing units, and 886 beds per jail, and ensure that facilities adhere to the established design guidelines.

The administration must provide for robust engagement of impacted people as designs are finalized, including providing renderings of interior designs and opportunities to contribute feedback that will be incorporated into final designs.

The administration should go beyond the minimum standards established by Local Law 194-2021 to ensure that facilities have individual showers in each living quarters, along with other amenities like a desk, TV, and refrigerator; private therapy rooms in each housing unit; and, an electronic key-card system to allow incarcerated people to move through the facilities without escorts.

The City must ensure that facilities do not include spaces for practices that should be eliminated, like the use of [Emergency Services Units](#) (ESU)⁵³, [Enhanced Supervision Housing](#)⁵⁴ (a form of solitary confinement), or [decontamination showers](#).⁵⁵

The City should work with the state to [establish a stand-alone site](#)⁵⁶ for women on an accelerated timeline, as advocated by the #BEYONDRosies Campaign.

The City Council should pass, and the Mayor should sign, [Intro 549-2022](#)⁵⁷ to end solitary confinement, in-

cluding guaranteeing 14 hours of out-of-cell time each day, with meaningful human interaction, for every person in custody. This will eliminate the requirement to build [Risk Management and Accountability System](#)⁵⁸ (RMAS) units, and will ensure that DOC does not use other means to keep people in isolation.

Housing of People with Acute Health Needs (Mental and Physical) When in Custody

Approved Plan and Legal Requirements

In 2019, the administration announced plans to develop [Outposted Therapeutic Housing units \(OTxHU\)](#)⁵⁹ at Bellevue Hospital and Woodhull Hospitals for people in DOC custody with the most acute medical needs. In 2021, they announced plans to open [additional beds](#)⁶⁰ in North Central Bronx Hospital. Approximately 380 beds were planned across these three sites.

Status

The opening of 104 units at Bellevue, set for December 2022, has been [delayed until December 2023 or later](#).⁶¹ The administration has not provided an updated timeline for completion of units at Woodhull and the North Central Bronx.

Next Steps

With necessary capital funds already allocated for this project, the administration should pursue an emergency build-out of OTxHUs to ensure that people with the most acute medical needs can be transferred into therapeutic care - similar to [recommendations made by Eric Adams](#)⁶² to the City Council when he was Brooklyn Borough President. While people in these units will still be in DOC custody, officers should not be permitted to have direct contact with them. This will ensure that people are being given care by trained medical professionals and will minimize the number of DOC staff present.

Programming

Approved Plan and Legal Requirements

In alignment with the [design guidelines](#),⁶³ the borough-based jails will have [increased programming space](#)⁶⁴ on the housing units and centralized in the facility. Service providers will also have flexible office space within the new facilities. [Local Law 170-2017](#)⁶⁵ requires that people in DOC custody be offered at least five hours of programming or education per day.

Status

The FY 2024 City budget [eliminated \\$17 million for program providers](#)⁶⁶ at Rikers Island resulting in less capacity to provide services and further restricting the presence of external organizations in the jails. Initial reports from incarcerated people and family members indicate that availability and quality of programs has suffered greatly since July 2023, when these contracts for outside program providers were eliminated.

Next Steps

Programming in facilities is best provided by outside organizations, rather than DOC staff, in alignment with the [‘import model’](#).⁶⁷ Protections are needed for contractors and members of service organizations who report misconduct by DOC staff to ensure continued access and the safety of providers. Access to technology and online resources should be increased for incarcerated people, but should not be used to replace in-person programming.

The Mayor must restore funding for outside programs to resume in Fiscal Year 2025 if not sooner. The City Council should introduce and pass legislation to mandate access to programs delivered by external, community-based providers.

Jail Operations and Accountability

Approved Plan and Legal Requirements

The [2019 Points of Agreement](#) included a commitment to continue convening a DOC Culture Change committee, but did not include other concrete measures to improve accountability or culture within DOC.

The [Nunez Consent judgment](#),⁶⁸ established in 2015 as the result of a settlement of a class-action lawsuit brought in 2011, mandates that the department comply with 300 separate provisions focused on reducing the use of excessive and unnecessary force against people in custody and reducing violence.

Additionally, the [Board of Correction \(BOC\)](#) - a nine-person, non-judicial oversight board established by the City Charter - is charged with regulating, monitoring, and inspecting the correctional facilities of the City, including setting minimum standards intended to ensure the safe and humane housing of people in DOC custody.

Status

The abuse and corruption that has characterized Rikers for decades (documented by the [Nunez federal monitor](#),⁶⁹ [Department of Investigation](#),⁷⁰ [federal prosecutors](#),⁷¹ and [advocates](#)⁷²) has only worsened under the Adams administration.

The administration has not convened any meetings of the Culture Change committee, and has suspended other advisory groups like the Young Adult Advisory Board and Suicide Prevention Task Force. They've taken multiple actions to block transparency and undermine accountability, including the revocation of the [Board of Correction's remote access](#)⁷³ to video footage from the jails, a policy of no longer [alerting media of deaths](#)⁷⁴ in their custody, and the continued issuance of [Emergency Executive Orders](#)⁷⁵ to suspend aspects of the Board of Correction's minimum standards, including limits on solitary confinement.

The Board of Correction has [filed a lawsuit](#)⁷⁶ against DOC and the City of New York to regain remote access to the video footage system. However, the BOC's limited resources also hinder its ability to adequately conduct its oversight responsibilities. BOC has [substantially less resources](#),⁷⁷ in proportion to the agency they oversee, than the Civilian Complaint Review Board.

The federal monitor assigned to the Nunez case has [documented](#)⁷⁸ the Department's ongoing failures to

hold its staff accountable, and a [judge has granted a request](#)⁷⁹ from the Legal Aid Society and the United States Department of Justice to begin formal arguments for holding the City in contempt of court, and to file for receivership, which could place all or part of DOC under the control of a third party.

Contracts for the city's correction unions are currently in negotiation, and [City Council members have called on the administration](#) to ensure that the next contracts are restructured to advance accountability and safety.

Next Steps

The Department of Correction requires a complete overhaul. While a federal judge considers a receivership application from the plaintiffs in the Nunez case, and the administration resists all calls for accountability, the City Council must continue to use the full extent of its power to implement structural changes. Some of the actions they can take include:

- The City Council should pass and the Mayor should sign [Intro 1114-2023](#)⁸⁰, to notify emergency contacts and defense attorneys when a person in DOC custody is hospitalized or seriously injured.
- The City Council should introduce legislation to mandate public notification of deaths in their custody, a respectful process for notifying family members and emergency contacts, and timely publication of death investigations.
- The City Council should explore legislative means to improve the effectiveness of the Board of Correction (BOC), including changing the composition of the board so that it no longer has a majority of members appointed by and a chairperson selected by the Mayor; and giving BOC an expanded and [protected budget](#).⁸¹

The measures above are just a start. The level of corruption and dysfunction in DOC is deep enough that the City Council should explore options to amend the City Charter in order to disband the department and replace it with a new agency responsible for safely housing and providing services to people who are detained pretrial or serving a City sentence.

While the correction unions' next contracts are currently in negotiation, the administration should take the opportunity, as City Council members have called for, to make substantive changes that center accountability and safety for staff and people in custody.

DIVEST AND REDISTRIBUTE

Shifting Funds from Incarceration to Root Cause Solutions

Approved Plan and Legal Requirements

The Points of Agreement connected to the 2019 land use proposal for the replacement borough jails made [new funding commitments of \\$265M](#)⁸², including programs to support community wellness and public safety outside the carceral system.

[Local Law 193-2019](#)⁸³ established the Commission on Community Reinvestment and the Closure of Rikers, tasked with identifying and recommending investments the City should make in communities that have been most impacted by incarceration, utilizing the savings from closing the jails on Rikers Island.

Status

Further transparency is needed to track whether all the commitments in the Points of Agreement [have been funded](#).⁸⁴ Even some of the services and programs that have been funded are not yet operating. For example, 380 new units of Justice Involved Supportive Housing have not been established, because the [funds allocated to operate them were so insufficient](#)⁸⁵ that no qualified providers applied. In the Bronx, \$15M was allocated to establish a youth services hub in the building that the 40th precinct would be vacating, but NYPD has not yet moved out of the building.

The Adams administration has convened only one meeting of the Commission on Community Reinvestment and the Closure of Rikers, and has not implemented the recommendations from its [first report](#).⁸⁶ Additionally, the City has not made plans to proactively shrink DOC's abnormally large workforce, which is the primary driver of its [\\$2.7B annual budget](#).⁸⁷ DOC's uniform headcount [remains funded at 7,060 in FY 24 \(and projected through FY 27\)](#),⁸⁸ and the administration chose not to eliminate [approximately 600 vacancies](#)⁸⁹ for uniformed officers (as of June 2023), though the Mayor did insist on [vacancy reductions in social service agencies](#).⁹⁰

Next Steps

The City must ensure follow through on all of the [Points of Agreement](#),⁹¹ including making additional funding allocations where needed in order to establish the promised services, as is the case for [Justice Involved Supportive Housing](#).⁹²

The Mayor must convene the [Commission on Community Reinvestment](#)⁹³ at least quarterly and hold regular public meetings to solicit community feedback, as required by [Local Law 193-2019](#).⁹⁴ The Mayor must also fund and implement their [first set of recommendations](#).

The City must develop a plan to [proactively reduce the DOC workforce](#),⁹⁵ starting with eliminating uniformed vacancies, which could have [freed up over \\$110M](#)⁹⁶ in fiscal year 2024 to direct toward crucial social services. Ultimately, implementing the plan to close Rikers [could save \\$2 billion per year](#)⁹⁷ in operating costs by using more appropriate staffing ratios and by reducing the number of people in jail.

Savings from rightsizing DOC's workforce must be immediately redirected to proven strategies to reduce incarceration and improve community safety (*also see Reduce NYC Jail Population, Next Steps, page 3*)

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