

2021

**CLOSING
RIKERS
WITHOUT
NEW JAILS:
A CAGE FREE
NYC
SUMMARY OF REPORT**



Closing Rikers must be a policy priority for the next Mayor and city council of New York City. Despite claims from advocates - including those in the Close Rikers campaign - the jails on Rikers Island remain open. There is no clear timeline for their closure. Everyday, those cages suck millions in city resources, every while new jail construction siphons away billions in capital commitments from New York's communities.

All candidates for public office in New York City must understand that closing Rikers without building new jails will not be easy. It will be a defining challenge in undoing the multi-generational harm inflicted by mass incarceration. Decarceration on this scale requires a comprehensive plan of divestment, not just from jails and prisons, but also from criminalization. And it also requires a concomitant investment in systems of care.

Closing Rikers without new jails, defunding the NYPD, and releasing people from cages constitute the baseline components for a progressive criminal justice platform in New York City. From abolishing the Administration of Child Services and the Department of Corrections, to ending broken windows policing by cutting the NYPD budget, to uplifting demands to end pre-trial detention, there are multiple paths forward on issues of public safety that do not involve the construction of new jails and additional harm.

Supporting the closure of Rikers without new jails is a winning strategy for New Yorkers, not only because of comprehensive support for this policy, but because New Yorkers must be supported as the city invests in our recovery from a pandemic. We cannot jail ourselves out of sickness, whether that sickness is medical or cultural.

You cannot be a progressive and support new jails. If you are progressive, you also must be part of finding a solution to closing Rikers. [Finding solutions to closing Rikers](#) that do not involve building cages is not a fringe, but in fact a popular, idea.

We can close Rikers now without new jails and move to build a cage free NYC.



- ✦ **Jails and policing have never made us safer.** There is no empirical evidence demonstrating that more jails, prisons, and police lead to public safety. That's not ideology, that is fact. We have a choice in this moment of global crisis to make our communities healthy and strong through proactive investment. Healthy communities have more resources, not more police. To ensure public safety we must divest from incarceration and invest in affordable housing, access to mental and physical health care, living wages, and options for addressing interpersonal harm within our communities.
- ✦ **The borough based jails plan does not improve conditions for incarcerated people.** The plan did not commit to any improvements in immediate conditions for people currently incarcerated, other than building entirely new facilities. The plan [did not divest money away](#) from jails and incarceration, or shift that funding into communities. The plan leaves the notoriously violent and corrupt Department of Corrections intact and in charge of all facilities. We cannot believe the city's rhetoric that their jails plan will improve conditions, because there is not a single political body in the city that has any track record addressing said conditions. The city council and mayor have done nothing to change current conditions, which have been deteriorating for decades on their watch.
- ✦ **\$11 billion must be spent on community resources.** New York City has skyrocketing unemployment and homelessness, which have only been exacerbated by the cycles of violence inflicted by Rikers and other city jails. Those who get out of jail have few options to support themselves to avoid ending up back inside, particularly as they sit at the whims of a network of parole officers, judges, and prosecutors who have little interest in keeping them out. The funds allocated towards the jails—equivalent to paying the CUNY tuition costs of 1 million students for a year—must be directed towards meeting New Yorkers' needs rather than towards condemning future generations to further criminalization and incarceration. This is money out of NYCHA's hands that must be returned to public housing.

A FULL VERSION OF THIS REPORT WILL BE
PUBLISHED ON [CAGEFREE.NYC](https://cagefree.nyc)

- ✦ **If they build it, they will fill it.** At the height of the COVID-19 crises, the city was able to lower the jail population to 3,950, only 650 more than the capacity of existing borough-based jails. Releases during COVID-19 proved that it is possible to decarcerate NYC jails down to a number that would negate the need for new jails. Relatively modest policy changes and decarceration strategies could bridge that gap, getting over 700 people out of jail, completely obviating the need for new jails. Committing to jail expansion is committing to policing and criminalization at a scale that would keep the new jails filled, rather than pursuing the myriad effective strategies to get people out, and keep jail populations low.
- ✦ **Police and COs are part of the same system.** No one can be committed to public safety without being committed to safer outcomes for all New Yorkers. Having the largest municipal police force, and one of the most infamous penal colonies in the world, has not solved crime or made NYC crime-free. We need to try something else.
- ✦ **It is racist to claim directly impacted people have a uniform opinion.** Supporters of the plan have argued that [formerly incarcerated people want the new jails](#), yet there are many people currently incarcerated in Rikers and in upstate New York, as well as their families [who adamantly oppose the plan](#). Spending 11 billion on new jails should be named for what it is -- a land grab, real-estate scheme -- without racist justifications that it is supported widely by criminalized people and families.
- ✦ **The borough based jails aren't just a bad idea. They're unpopular.** Even organizations who previously supported the plan [pulled out](#), and prominent city officials, including Rep. Alexandria Ocasio-Cortez, have [come out against the plan](#).
- ✦ **Jail expansion is a choice, but not the only one.** The city is choosing jail expansion, but closing Rikers is possible without new jails. Ending mass incarceration in NYC is a moral necessity, but let's not conflate one catastrophic plan with the long-term goal. Other pragmatic solutions exist.

WE CAN CLOSE RIKERS WITHOUT NEW JAILS: HERE'S HOW

DECARCERATION STRATEGIES

REDUCE POLICE INTERACTIONS WITH THE PUBLIC

- Reducing police interactions with the public will have major downward effects on the numbers of people being sent to jail. That will mean reducing headcount.
- Many [organizations](#) and [advocates](#) across New York City have provided comprehensive plans of action for defunding the police, with recommendations for:
 - *Defunding Police & Investing in Community*
 - *Ending the Surveillance of Communities*
 - *Ending the Criminalization of Youth*
 - *Full Decriminalization of Sex Work*
 - *Protecting Criminalized Survivors*
 - *Protecting Immigrant New Yorkers*
 - *Ending Hate Crime Prosecutions By Investing in Resources*
 - *Decriminalization of Drugs & Funding Harm Reduction*

END BROKEN WINDOWS POLICING

- Ending the practice of street policing, where minor infractions are treated as signs of criminal intent - known also as broken windows policing and/or zero tolerance policing - will reduce the chances of people going to jail for being unhoused or “disorderly.”

INTRODUCE A BAIL VOUCHER SYSTEM

- For \$200 million—2% of the projected cost of the jail building plan—the city could bail everyone out of NYC jails, allowing the city to shut down Rikers with no new jails.

SUPPORTING
STATE-LEVEL
POLICIES
TO END
PRE-TRIAL
DETENTION

- Currently, 87% of those held in NYC jails are held pre-trial, meaning they have not been convicted of any crime, and simply cannot afford bail, which can range from \$1 to upwards of \$80,000. Jail is, in essence, are punishment that only applies to poor people.
- The People’s Plan NYC: “The City must do everything in its power to end pretrial detention, a goal that must involve state legislators and partners since all of criminal legal codes are at the state-level.”



REDUCE
FUNDING
FOR
PROSECUTORS
AND THE DOC

- In addition to not building new jails, the City can cut funding to DOC and thereby reduce carceral capacity. It is well-established that reducing jail capacity at the local level can drive a decrease in arrests, which promotes public safety by reducing the violence and negative effects of policing.
- Existing resources for the DOC should be directed towards improving conditions inside and lowering the population density of jails in order to improve chances of people getting out and staying out.
- The City can also reduce funding for district attorney offices by 50 percent of its budget. By cutting funds to DA offices, the city can reduce the scope of its carceral net, and ensure less people are grabbed by the system. Additionally, the City should try to push judges and DAs to embrace decarceration as much as possible.

FREE THEM ALL FOR PUBLIC HEALTH

- As of May 21, 2021, the city has approximately 4,952 people in custody. Exactly one year ago, there were 3,950 people in jail. This shows that it is entirely possible for the city to lower its numbers through releases.
- We cannot afford jails continuing to be a place where all New Yorkers are endangered by poor management, and corrections officers' apathy towards public health.
- The city must free all criminalized survivors and end the jailing of those who survive patriarchal, domestic, and gender based violence.
- The city can expunge all convictions of drug crimes, sex work, and petty offenses and immediately release all who are incarcerated for such crimes.
- District attorneys and judges must aggressively decarcerate city jails by releasing every vulnerable person.
- The City must also act to protect immigrant New Yorkers, who are still under attack by the NYPD, DOC, and ICE.

IMPROVE CONDITIONS INSIDE

- The lack of care within current jail facilities—including the lack of PPE; mental healthcare; access to basics like heating, cooling, and clean water; and physical health services—as well as the overt surveillance of mail and the expensive costs of incarceration, contribute to immense trauma for those incarcerated there.
- By improving jail conditions in the form of providing additional services and reducing density, the city can reduce the chances of mental health as a cause of future harm when people are released.
- The city can end solitary confinement in its jurisdiction, again mitigating the trauma people experience while incarcerated and improving public health.
- The city can end financial abuses of incarcerated people and their families by eliminating all profiteering by GTL, Securus, and other contractors in city jails.

PROVIDE NON-CARCERAL, HOLISTIC RE-ENTRY SUPPORT

- Each year, roughly 150,000 New Yorkers come back to their communities under carceral control through probation and parole; prosecutors and the department of correction run or control reentry programs. The city must provide services that are not funded through, managed or run by, or required to report to the criminal punishment system; otherwise, “reentry” is just a precursor to reincarceration.
- Neighboring progressive cities are moving towards funding community support for responses to domestic violence, mental health issues, and unhoused individuals. NYC can also do this by prioritizing harm reduction and disability justice.
- By ending permanent exclusion and other racist, anti-poor criminalization practices, and ending the City’s use of exploitative re-entry “employment” programs that coerce people to work for sub-minimum wage in feudal conditions, legislators can curb the numbers of people who end up back in jail.

THE NEXT MAYOR & CITY COUNCIL CAN DO THIS:

ELECTORAL STRATEGIES

In October 2019, the NYC Council allocated approximately \$8 billion in capital funds to the building of new jails, pursuant to the ULURP process, while simultaneously initiating a ULURP process to prohibit jailing on Rikers Island by 2027 (a timeline which has been extended beyond the original date, December 31, 2021, due to the COVID-19 pandemic).

The money approved for jail building by the NYC Council in October 2019, as is, can only be used for purposes of building the new jails.

As of May 2021, the Mayor’s office aims to start building all four jails before the end of 2021, and has proposed approximately \$1 billion in the budget to start that process.

WHAT CAN THE NEXT MAYOR DO TO CLOSE RIKERS WITHOUT NEW JAILS?

Stop allocating money towards building new jails. The Mayor's power is virtually unlimited in this regard. The Mayor has the unilateral power to stop investing in jail building. Period.

WHAT CAN THE CITY COUNCIL DO TO CLOSE RIKERS WITHOUT NEW JAILS?

The City Council does not have the power to transfer capital funds approved for jails to other projects.*

The City Council can initiate a new ULURP process to prohibit jailing on Rikers before 2027, while pursuing budget initiatives to address New York City's actual needs (housing, harm reduction, etc.). As in, actually close Rikers now, while investing in communities.

The City Council could fight and zero out the annual line items in the Mayor's proposed budget dedicated to building the new jails. This will not affect the capital theoretically available for jail construction, but the council can prevent that capital from being allocated.

Explainer: Capital vs. Operating Budget

Through the ULURP application that the City Council approved in 2019, the mayor has \$8.2 billion in capital spending that can be allocated towards building new jails. In any given year, the mayor can decide whether or not to spend that money, through putting capital dollars into the annual operating budget. The mayor can delay these expenditures, or spread them out over multiple years. Once the City Council appropriates capital funding, those funds cannot be rescinded. Those funds are financed through bond issues, which becomes municipal debt. There are many capital projects that have been de-prioritized over time; the jails could follow that pattern, without affecting the city's financial position in any significant way.



"If they build it, they will fill it."

This is not just a chant, it is reality. With thousands of cages on Rikers Island, no timeline for their closure, and billions more dollars slated to be spent on jail construction in the next decade, we are on a path to radically increase New York City's jails population.

Unless the next mayor and city council step up.

It is both popular and possible to Close Rikers Now Without New Jails. That work will require not just street action and political courage, but also policy creativity. Fortunately, those willing to take on this challenge will have wind at their backs. There are more communities and individuals passionately committed to closing Rikers without expanding the prison industrial complex, than there are advocates supporting the failed agenda of the prior administration.

City politicians, policymakers, advocates, and organizers must mobilize to end the jails plan, while remaining committed to the work of closing Rikers. The just course requires a more effective, robust, and thoughtful plan, prioritizing those who have been systematically criminalized by the city's law enforcement and corrections systems.

There are no quick fixes here. A failure to act, though, will place tens of billions of dollars in the hands of developers and jail profiteers, stolen directly from New York's neighborhoods.

2021 and 2022 are critical in the fight to stop the new jails and close Rikers. This summer, the city will move to allocate capital funding to jail construction, in order to break ground on the new jails. Now is the time to stop the plan. That fight will stretch from the streets to city hall to Albany, and we need everyone who is able to join in that struggle.

Let's start building housing instead of cages.

Let's finally end mass incarceration in this city and build, together, a Cage Free NYC.



Image via DRUM NYC

