

# KATAL

**CENTER FOR EQUITY, HEALTH, & JUSTICE**

## Testimony

Joint Legislative Hearing on Public Protection for the  
(FY) 2024-25 Executive Budget Proposal

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## Submitted to

New York State Senate Finance Committee and  
Assembly Ways and Means Committee

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Albany, NY

Thank you, Senator Liz Krueger and Assemblymember Helene E. Weinstein, for holding this joint legislative hearing on the Public Protection section of the Fiscal Year (FY) 2024-25 Executive Budget Proposal. We submit this testimony to bring your attention to ongoing crisis unfolding at the Rikers Island Jail Complex. Without urgent action from the New York State Legislature and Governor Hochul the dire conditions at Rikers will continue to worsen, more preventable deaths will occur, and New York City will fall even further offtrack to shut down the notorious and deadly jail complex. New York State must pass a budget that supports and further expedites the closure of the notorious Rikers Island Jail Complex, while also doing everything in their power to improve conditions for incarcerated people and staff until this happens.

The conditions at New York City’s massive jail complex are horrific and life-threatening for human beings – the people incarcerated and those who work there.<sup>i</sup> Violence is rampant.<sup>ii</sup> The levels of violence are so egregious that in April 2023, federal prosecutors from the SDNY wrote, “The jails continue to be plagued by an extremely high level of violence and disorder. Incarcerated people and corrections staff continue to face an imminent risk of harm on a daily basis.”<sup>iii</sup> Racism and other types of bias are deeply entrenched.<sup>iv</sup> And though Black and Latinx people constitute about half of the city’s population, they represent almost 90 percent of jail admissions.<sup>v</sup> The conditions at Rikers are untenable and will require coordination and response from both the local and state government to fix this crisis.

Most people on Rikers Island haven’t been convicted: They’re being held in jail pretrial while considered innocent because, unlike those who have money, they can’t afford bail.<sup>vi</sup> This legislative body knows, by now, how the inherent unfairness and cruelty of the cash bail system undermines the promise of safety, equal opportunity, and equal justice under the law

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<sup>i</sup> Erica Bryant. “[It’s] a Torture Chamber: Stories from Rikers Island.” Vera Institute of Justice. February 2022. [vera.org/its-a-torture-chamber](https://vera.org/its-a-torture-chamber).

<sup>ii</sup> Jonah E. Bromwich and Jan Ransom. “Rikers Still ‘Unstable and Unsafe’ Under New Jails Chief, Watchdog Says.” The New York Times. March 16, 2022. [nytimes.com/2022/03/16/nyregion/rikers-jail-violence-report.html](https://www.nytimes.com/2022/03/16/nyregion/rikers-jail-violence-report.html).

<sup>iii</sup> Steve J. Martin, Kelly Dedel, Anna E. Friedberg, Dennis O. Gonzalez, Patrick Hurley, Alycia M. Karlovich, Emmitt Sparkman, and Christina Bucci Vanderveer. Status Report on DOC’s Action Plan by the Nunez Independent Monitor. April 24, 2023. 27. <https://tillidgroup.com/wp-content/uploads/2023/04/2023-04-24-Status-Report-of-Action-Plan.pdf>

<sup>iv</sup> Black and Latino people are far more likely to be incarcerated at Rikers than white people facing similar charges. Young, LGBTQTI, and gender nonconforming people face higher rates of violence. Concerns about young people and about transgender, gender nonconforming, nonbinary, and intersex (TGNCNBI) people on Rikers Island and in other jails and prisons have long warranted attention. To read more about issues for young people in the city’s jails, see “Case: Nunez and United States v. City of New York.” Nunez and United States v. City of New York 1:11-Cv-05845 (S.D.N.Y.), Civil Rights Litigation Clearinghouse, July 10, 2023. [clearinghouse.net/case/12072](https://clearinghouse.net/case/12072). To read more about issues for TGNCNBI people in the city’s jails, see New York City Board of Correction. “Task Force on Issues Faced by TGNCNBI People in Custody.” Updated 2023. [www1.nyc.gov/site/boc/jail-regulations/task-force-on-issues-faced-by-tgnncbi.page](https://www1.nyc.gov/site/boc/jail-regulations/task-force-on-issues-faced-by-tgnncbi.page)

<sup>v</sup> United States Census Bureau. “Quick Facts: New York City, New York.” July 1, 2021. [census.gov/quickfacts/newyorkcitynewyork](https://www.census.gov/quickfacts/newyorkcitynewyork); Bruce Western, Jaclyn Davis, Flavien Ganter, and Natalie Smith. “The Cumulative Risk of Jail Incarceration.” PNAS 118, No. 16. (2021). [pnas.org/doi/10.1073/pnas.2023429118](https://www.pnas.org/doi/10.1073/pnas.2023429118); Reuven Blau. “Racial Gap in City Jails Has Only Gotten Worse, John Jay Study Finds.” The City. March 2, 2023. <https://www.thecity.nyc/2023/3/2/23621862/racial-gap-nyc-jails-got-worse>

<sup>vi</sup> Michael Rempel. Decarceration in the Bail Reform Era: New York City's Changing Jail Population Since 2019. Data Collaborative for Justice at John Jay College. December 2022. 2. [https://datacollaborativeforjustice.org/wp-content/uploads/2022/12/Decarceration\\_Reform\\_Era\\_NYC7.pdf](https://datacollaborativeforjustice.org/wp-content/uploads/2022/12/Decarceration_Reform_Era_NYC7.pdf)

that New Yorkers cherish. It is wrong to hold people in jail simply because they cannot pay bail. It is racist to detain mostly Black and Latinx people at Rikers while wealthier (and mostly white) defendants can pay their way to freedom. These legally innocent New Yorkers are being put in deadly situations in New York City jails. It is unconscionable for this practice to be continuing while the death toll in New York City continues to rise.

Under Mayor Eric Adams, conditions at Rikers have gotten worse. Violence at Rikers is out of control. At least 30 people have died in the city jail system since Adams became mayor in 2022.<sup>vii</sup> But the actual number of deaths is unknown, because under this administration, the Department of Correction (DOC) has become less transparent and have done everything they can to skirt accountability and transparency.<sup>viii</sup> In response to this disaster, the federal monitor, appointed by the federal courts in 2015, has sounded the alarm about “imminent risk of harm” for everyone at Rikers – the people incarcerated and those who work there.<sup>ix</sup>

Under Mayor Adams, the city is no longer on track to shut Rikers down. Instead of trying to meet the benchmarks for the closure plan, Mayor Adams has worked to keep Rikers open and lock up more Black, brown, and low-income people. Instead of investing in real community safety – housing, health care, education, and jobs – Adams has cut budgets for essential services across the city and at Rikers, including vital alternatives to incarceration and reentry programming, while investing billions in police and jails.<sup>x</sup>

As a result, the New York City’s jail population is going up when it should be going down. As of January 23, 2024, nearly 6,200 people were incarcerated in city jails – an increase of nearly 15 percent since Mayor Adams took office in 2022. That means 800 more people behind bars.<sup>xi</sup>

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<sup>vii</sup> Jan Ransom and Jonah E. Bromwich. “Tracking the Deaths in New York City’s Jail System.” The New York Times. January 24, 2024. [www.nytimes.com/article/rikers-deaths-jail.html](https://www.nytimes.com/article/rikers-deaths-jail.html)

<sup>viii</sup> Reuven Blau. “City Jails No Longer Announcing Deaths Behind Bars, Angering Watchdogs.” The City. May 31, 2023. <https://www.thecity.nyc/2023/5/31/23744666/correction-jails-not-announcing-deaths-rikers>

<sup>ix</sup> Meko, “N.Y.C. Jails Chief”; Reuven Blau. “Secrecy on Severe Jail Injuries Spurs Rikers Monitor to Sound Alarm.” The City. May 29, 2023. <https://www.thecity.nyc/2023/5/29/23741411/rikers-jail-injuries-secrecy-corrections-monitor>; Matt Katz, “Rikers Detainees at ‘Imminent Risk’ of Harm; Federal Monitor Alleges Five New ‘Disturbing’ Incidents.” Gothamist. May 30, 2023. <https://gothamist.com/news/rikers-detainees-at-imminent-risk-of-harm-federal-monitor-alleges-five-new-disturbing-incidents>

<sup>x</sup> Dana Rubinstein and Emma G. Fitzsimmons. “Libraries Spared but Rikers Suffers in \$107 Billion N.Y.C. Budget Deal.” The New York Times. June 29, 2023. <https://www.nytimes.com/2023/06/29/nyregion/new-york-mayor-city-council-budget-deal.html>; Michael Gartland. “NYC Council Approves Mayor Adams’ New Budget, but 12 Lawmakers Dissent.” New York Daily News. June 30, 2023. <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-city-council-approves-adams-new-budget-20230630-labuyztiarhvdw7uggerzgyis-story.html>; Katie Honan. “Council Agrees to \$107 Billion Budget Handshake Just Before Deadline.” The City. June 29, 2023. <https://www.thecity.nyc/2023/6/29/23778920/city-council-budget-107-billion>; Vera Institute of Justice. A Look Inside the Fiscal Year 2024 New York City Department of Correction Budget. March 2023. <https://www.vera.org/downloads/publications/A-Look-Inside-the-Fiscal-Year-2024-New-York-City-Department-of-Correction-Budget.pdf>

<sup>xi</sup> The population in city jails on January 3, 2022 (the first weekday of Mayor Adams’s term) was 5,400. Vera Institute of Justice. “People in Jail in New York City: Daily Snapshot.” January 23, 2024. <https://greaterjusticenyc.vera.org/nycjail/>

One of the biggest drivers of the growing jail population is the large number of people with mental health diagnoses being incarcerated. For decades, New Yorkers dealing with mental health issues have been funneled into Rikers and they have been denied the treatment they need to get better. Rikers has become the city's largest mental health facility. More than 50 percent of people incarcerated there have been diagnosed with a mental health condition, yet they have little or no access to meaningful care while they are locked up.

To provide people treatment options instead of jail and to get the city back on track to shut Rikers by reducing the jail population, we call on the state legislature to pass the Treatment Not Jail Act (S.1976B/A.1263B) which would modernize and expand an existing state law, CPL Article 216, that created drug courts in every county, to enable them to accept people with mental health concerns. This reform will create more efficient and fair processes with the legal system, removes other arbitrary barriers to participation in treatment option, and shifts the approach of the current diversion court model to one based in evidence-based practices. The legislature should include this reform in the state budget to expand access to treatment for New Yorkers across the state, reduce jail populations at facilities like Rikers Island, and save lives. This a clear and tangible step the state can take to address the crisis unfolding at Rikers and get the city closer to shutting it down. And it's clear this measure will save the state money over time.

In addition to passing measures to reduce jail populations and provide people access to treatment, the state should also do everything in their power to improve the conditions for those incarcerated in local jails across the state including in NYC, Buffalo, Suffolk County, and more. The state cannot not wait for more deaths to occur before acting. One immediate step this legislative body can take is expanding the State Commission on Correction by passing S.5877/A.5709, which would expand the number of members on the commission from three to nine. This will enable the legislature to appoint four members to the commission and it will diversity the perspective and expertise of the commission to effectively follow through with its constitutional mandate to provide independent over-sight over correctional facilities in New York. Once enacted, this revamped commission should be emboldened to take immediate action to address the humanitarian disaster unfolding in the jails across the state. This is a bill that makes both moral and fiscal sense and deserves to be included in the public protection budget.

New York taxpayers are spending \$556,539 a person per year to incarcerate someone at Rikers. This is an unbelievable waste of resources that would be better spend invested in our communities.<sup>xii</sup> Lawmakers must make sure that this year's budget furthers New York's pursuit of justice and safety for all, including those currently suffering at the Rikers Island Jail Complex. The legislature must pass a budget that will cut the jail population in New York City, shut down Rikers, and invest in real public safety: housing, health care, education, and jobs.

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<sup>xii</sup> New York City Comptroller. "Comptroller Stringer: Cost of Incarceration per Person in New York City Skyrockets to All-Time High." December 6, 2021. [comptroller.nyc.gov/newsroom/comptroller-stringer-cost-of-incarceration-per-person-in-new-york-city-skyrockets-to-all-time-high-2](https://comptroller.nyc.gov/newsroom/comptroller-stringer-cost-of-incarceration-per-person-in-new-york-city-skyrockets-to-all-time-high-2)