



**Mayor's Office of Criminal Justice
New York City Council
Committee on Fire and Criminal Justice Services
December 4, 2017**

Good morning, Chair Crowley and members of the Committee on Fire and Criminal Justice Services. My name is Elizabeth Glazer and I am the Director of the Mayor's Office of Criminal Justice ("MOCJ"). Thank you for the opportunity to testify today. I am joined by Department of Correction Commissioner Brann and others from the administration to assist with answering questions.

The Mayor's Office of Criminal Justice advises the Mayor on public safety strategy and, together with partners inside and outside of government, develops and implements policies that reduce crime, reduce unnecessary incarceration, promote fairness, and build strong and safe neighborhoods.

While "close Rikers" has become a convenient moniker, it masks the seismic system change that must happen in order to achieve that one goal. "Close Rikers" is not simply about jail, where it is located and what happens inside. It is about creating a smaller, safer and fairer justice system of which jails are just one expression. To do this depends not on one person, one entity or one program. It must be the work of each of us – system leaders and every New Yorker.

It is to effect this system change that Zachary Carter, Corporation Counsel for the City of New York, and I chair the Justice Implementation Task Force. This Task Force brings together all of the entities from inside and outside of government with decision-making authority, implementation oversight and expertise on the key topics related to creating a smaller, safer and fairer justice system in New York City – a system that would allow for, among other important gains, the eventual closing of Rikers Island. Specifically, the Task Force includes leaders whose decisions affect the size of our jail population – including the police, prosecutors, defenders, state courts, corrections, probation and service providers – who are working with us to identify and implement strategies to reduce the size of the jail population safely. Task Force members also have responsibility for advising on the best ways to improve safety and opportunity for people inside the jails and design modern jail facilities. The over 75 leaders and experts who have joined the Task Force are meeting regularly, creating a coordinated mechanism to shape and implement system changes.

The Justice Implementation Task Force is not calling for change; we are making it. Closing Rikers is embedded in the every day work of the government of New York City and the entities responsible for moving us with urgency toward a smaller, safer and fairer justice system. Closing Rikers the official policy of New York City and it is a goal we are making concrete progress toward every day moving on multiple parallel work streams. For this administration, this work is not about political gains but building enduring mechanisms to ensure that our justice system is smaller, safer and fairer in a sustainable way. To do that requires a clear-eyed, realistic look at the problems that exist in the system, the progress that is possible and the work that it will take to get there. I want to discuss today three specific considerations we must take into account if the City is going to achieve its goal of closing Rikers and replacing it with a smaller, safer and fairer justice system.

First, it is New York's unique public safety climate that makes the goal of closing Rikers possible – a climate that must endure if this effort is going to be successful. In the last four years in New York City, we have seen an acceleration of the trends that have defined the public safety landscape in this city over the last three decades. While jail and prison populations around the country increased, New York City's jail population has fallen by half since 1990. And in the last four years, the jail population dropped by 20% — giving us the lowest incarceration rate of any big city and the steepest four-year decline in the size of the jail population since 1998

This population reduction has been the result of a number of things:

- New Yorkers are committing fewer crimes; major crime has fallen by 76% in the last thirty years and by 9% in the last four years. So far this year, homicides have declined by 17 percent compared to the same period last year.
- Police are arresting fewer people: overall, arrests were down 29% year to date in 2017 compared to the same period in 2013.
- Fewer people are entering jail: 41% fewer admissions of those facing misdemeanor charges since 2013, and the number of people detained on bail of \$2000 or less has fallen by 36% since 2013.
- And overall, the jail population is shifting with those accused of violent felonies comprising a larger percentage of the population. Today almost every pretrial detainee is charged with a felony and over half are charged with violent felonies, suggesting we are getting closer to the goal of reserving jail for those who pose a risk.

This did not happen by accident: it is the result of the intentional efforts by many that must continue: enforcement resources that focus on public safety risks, alternatives to jail that earn the trust of judges and prosecutors and New Yorkers themselves keeping crime low.

The second consideration is that closing Rikers Island cannot be accomplished by any one person. Instead, it requires broad partnership and coordination among many, few of whom

answer to the same boss. As just one example, current borough facilities have the capacity to house 2,300 incarcerated individuals yet the average daily jail population in New York City is just over 9,000. Any effort to expand existing facilities or build new ones off Island must be approved by five different entities, including community boards and the City Council. And to transition to a system of only borough-based facilities, the size of the jail population must be smaller – change only possible in partnership with independently elected district attorneys, state court judges, state legislators, New Yorkers who show up as jury members and witnesses, defense attorneys, and multiple Mayoral agencies. The need for broad partnership is why we have been so intentional in selecting the members of the Justice Implementation Task Force and it is an indication of concrete progress that over 75 individuals with decision making authority and expertise have committed to the effort to implement change, not just discuss the need for it.

The third consideration we should make together as a city is that this effort is not just a real estate issue. Rikers Island is, in effect, shorthand for many of the problems in our justice system that go well beyond what happens in a jail: over-incarcerating those who pose a low risk, cases that drag on for years, physical environments in jails that undermine safety. This list goes on. When we talk about closing Rikers, it is irresponsible to reduce this effort to a change in real estate. We are talking about leaving behind the problems of a justice system that is not as small, safe or fair as it could be. This requires solving those problems, which are numerous and complex. In the last four years, we have worked with our partners to make measurable progress on many of these issues but solving them in an enduring way takes time. And this is the important work we are doing and must do to ensure we are not just relocating a flawed system. Since the first day of this administration, numerous steps have been taken to reduce the jail population and to improve conditions of confinement. In the few months since the City released the Smaller, Safer, Fairer Roadmap to Closing Rikers, we have taken two more important steps toward this needed system change:

1. **We are continuing to build out reliable and effective neighborhood-based alternatives to jail.** In the last few months, in partnership with working groups of defense attorneys, judges, prosecutors and non-profit program providers, we have launched several new programs to accelerate safe reductions to the size of the jail population. These include new behavioral health services for defendants assigned to supervised release (a pretrial community-based alternative to jail program that has diverted nearly 6,000 people since launching in March 2016), a new program that replaces short jail sentences with community-based sanctions that address issues like housing and employment insecurity and 55 transitional housing beds for women to allow them to remain in the community while waiting for trial.
2. **We have taken the first concrete step towards creating a Master Plan for a Borough-based New York City jail system.** Two weeks ago, we issued a Capital Project Scope Development (CPSD) request for proposals to investigate and assess the three existing off-Island jail facilities in New York City and identify and investigate additional sites, with an emphasis on neighborhood engagement. Community engagement is essential in how

we design a borough-based jail system and procedurally critical to creating a modern, innovative model that instills trust and reduces violence. Issuing the CPSD is the first step in an open and transparent planning process in which we invite New Yorkers and their representatives to help us co-produce a plan for the future of New York City's jail system.

Moving New York City toward a smaller, safer and fairer justice system is a shared endeavor, one that will be guided by the Justice Implementation Task Force. Briefly, I will give an overview of the work of this body to date and their focus in the coming months and years.

The Justice Implementation Task Force includes three dedicated working groups: one focused on safely reducing the size of the jail population, one on design, and one on improving culture inside the jails.

The Population Working Group will help achieve our shared goal of ensuring that no one who could safely remain in the community enters jail and that those in custody are not there longer than needed. This group has already met twice and will continue to meet monthly, helping to implement a strategy to reduce the population further while maintaining safety in two phases:

First, over the next five years, we will work toward the goal of safely reducing the size of the jail population by an additional 25% to 7,000. Doing so will require full implementation of the strategies laid out in the City's Smaller, Safer, Fairer Roadmap, which include among others safely expanding diversion, reducing how long it takes a case to get to conclusion – an effort that requires all New Yorkers and every part of the criminal justice system to participate, updating the tool used by judges to determine release or detention and making it easier to pay bail.

Second, the working group will develop innovative ways to reduce the population further, with a goal of reaching 5,000. As the size of the jail population falls to 7,000, jail will increasingly be reserved only for individuals charged with serious crimes or who are a high risk of flight. Further reductions will require developing solutions to complicated problems like chronic recidivism and reaching a consensus as to the appropriate use of confinement for those charged with violent crimes.

The Design and Facilities Working Group is engaging in how we ensure effective renovations to existing facilities and development of new facilities, creating environments that foster opportunity and hope instead of isolation and despair. Once the jail population reaches 5,000, the City will be in a position to close Rikers Island for good. Doing so will depend on the desires of neighborhoods and their elected officials, as even a jail population of 5,000—significantly smaller than the jail population today—will still require identifying and developing appropriate sites for new jails as well as renovating existing facilities in the boroughs. The Design working group is an important part of this process.

Finally, the Culture Change Working Group is working to ensure that incarcerated people have access to stabilizing services and staff have the support to serve the public at the highest levels of integrity. The City has already invested over \$90 million in this effort and the Culture Change Working Group will shape additional strategies to provide effective programming and re-entry support to incarcerated individuals and more professional development opportunities for corrections officers.

I am grateful to the many who have joined us in the implementation phase of this work, knowing that it will be complicated and time-consuming. But with this shared responsibility and shared effort, we have a rare and real opportunity to construct a smaller, safer and fairer justice system in New York City that will endure.

Thank you for the opportunity to testify here today. I would be happy to answer any questions.