

# A MORE JUST NYC

## Independent Commission on NYC Criminal Justice and Incarceration Reform

Testimony of Zachary Katznelson, Executive Director  
New York City Council Committee on Criminal Justice, October 22, 2021

I am Zachary Katznelson, Executive Director of the Independent Commission on New York City Criminal Justice and Incarceration Reform, often known as the Lippman Commission after our chair, former Chief Judge of the State of New York Jonathan Lippman. Thank you for the opportunity to testify today.

Rikers cannot handle the number of people incarcerated there today. Several of the recent deaths in the jails have been linked directly to staffing shortages. We need to bring down the jail population as much as safely possible, and do it as swiftly as possible. Every person matters.

That is where the Local Conditional Release Commission can help.

Years of experience in NYC have proven that especially for people serving short jail sentences, while jail incapacitates them temporarily, incarceration at Rikers actually *increases* the rate of recidivism by roughly 10%.

This was proven yet again last year when the Mayor released roughly 300 people serving City sentences via the 6-A program. However, this time rather than just releasing people, the City arranged for non-profits like Exodus and CASES to provide housing and wrap-around services. The result: after six months, 9% of participants had been rearrested, including less than 1% for a violent offense. In contrast, people released from Rikers during the same period without such services were rearrested 57% more often.

We can replicate these results via the Release Commission – and with proper planning now that we are not at the height of the pandemic, do better still.

Notably, giving people housing and support will not only keep us safer by stopping new crimes from being committed, but will also honor the needs and desires of victims. A poll of victims of *violent* crime released earlier this year found that at least 80% support expanding alternatives to incarceration, like diversion, mental health treatment, and restorative justice, and reducing sentences for people who participate in such programs. That's exactly what the Release Commission can accomplish.

Taking a look at the current population of people serving City sentences, roughly 40 people held today could be eligible for review by the Release Commission based on crime of conviction. While that number would be whittled down based for instance on whether it is a person's first offense, every person who can be put on a different, better path is essential. And we need every tool possible to do so.

Therefore, we were pleased that Probation has appointed someone to direct this program. We are hopeful that the Mayor will shortly appoint a full roster of Commission members, including people who have been directly impacted by incarceration. If so, with the Council's cooperation, the Commission could start to meet before the end of the year.

This will help hasten the day when Rikers can be closed forever. We have no time to lose.

So, in addition to using every lever possible to safely bring down the jail population, the City must press forward as quickly as humanly possible to build the borough-based jails. The Department of Design and Construction must rapidly award contracts for the jails. Work has to get underway within the next few months.

We need to treat getting off Rikers like the emergency that it is.

Thank you again for the chance to testify. I'd be happy to answer any questions.