

A MORE JUST NYC

Independent Commission on New York City Criminal Justice and Incarceration Reform

Testimony of Hon. Jonathan Lippman for City Council

September 5, 2019

Good morning, my name is Jonathan Lippman. I served as the Chief Judge of New York State from 2009 to 2015. More recently, I've served as the chair of the Independent Commission on New York City Criminal Justice and Incarceration Reform.

In 2016, then-City Council speaker Melissa Mark-Viverito asked me to lead a group of experts with backgrounds in law enforcement, corrections, social services, activism, and business to take a close look at New York City's criminal justice system, and in particular the jails on Rikers Island.

One member of our Commission had served as Commissioner of the Department of Correction, responsible for the jails on Rikers; other members of our Commission had themselves spent time behind bars on Rikers.

After a year of study and hearing from New Yorkers of all backgrounds, including law enforcement and formerly incarcerated people and their families, we came to two unanimous conclusions: far fewer people should be in jail in New York City, and the jail complex on Rikers should be closed forever.

We concluded that Rikers could not be fixed. The jails are too far from courts, where most of the people who are incarcerated are awaiting trial. They are too far from families and loved ones whose support is so critical to success when people come home. They are too difficult to access for lawyers, doctors, and service providers. Even worse, the island's "out of sight, out of mind" isolation perpetuates and exacerbates a culture of violence and unaccountability.

These jails have become an accelerator of human misery.

The first step is significantly reducing the number of people who are incarcerated in the first place – and over the past few years, we have made important progress. We have already made tremendous strides, reducing the jail population from over 10,000 when our Commission began our work in 2016 to approximately 7,000 today.

The second step is developing a smaller system of better-designed jails in the boroughs for the people who remain in jail.

The four borough based facilities that would be authorized by this application are an essential step towards a more effective, more humane justice system that keeps people safe and treats them with dignity and respect.

The majority of New Yorkers support this plan. A poll of New Yorkers from our Commission found that 59% support closing Rikers and building borough-based jails. The initial designs that the City has put forward are based on the principles that our Commission recommended: holding people in smaller units with better sightlines and greater access visitation,

health care, programming, and recreation. We also recommended that the facilities have built in community space, whether for public use, commerce, or any other needs.

There are other issues that need to be addressed in terms of transforming our City's detention system, but I am convinced that we will never fix the problems of the City's jails if they remain isolated on Rikers.

Although this issue comes before you as a land use question, this is, in the end, a moral issue. The Rikers Island jails disproportionately impact black and brown communities and are an affront to humanity. We must shutter Rikers and once and for all remove this stain from the soul of our great city. If we miss this opportunity, Rikers will continue to exist for generations to come. That cannot be our legacy. Thank you.