

TRINITY CHURCH WALL STREET

Trinity Church Wall Street - Testimony - City Council Criminal Justice Committee Oversight Hearing **September 15, 2021 | Subject: The Conditions in New York City Jails**

Good morning Chair Powers and members of the Committee on Criminal Justice. My name is Susan Shah, and I am the Managing Director for Racial Justice at Trinity Church Wall Street Philanthropies. Thank you for providing me with the opportunity to testify on behalf of Trinity at today's oversight hearing to discuss the current conditions on Rikers and throughout the City's jails, as well as our recommendations for what the City can do to address the short- and long-term crises at hand.

Trinity Church Wall Street is an active Episcopal church down the street from City Hall with more than 1,600 parishioners, who represent all five boroughs and form an ethnically, racially, and economically diverse congregation. In addition to our ministry, Trinity carries out its mission of faith and social justice by engaging in advocacy and operating a grant making program that seeks to help break the cycles of mass incarceration, mass homelessness, and housing instability in New York City.

As part of this mission, Trinity Church helped to form the Faith Communities for Just Reentry campaign, a coalition of over 40 faith leaders from all five boroughs that came together to develop a policy agenda – informed from the experiences of our grantee service providers working directly with justice-involved individuals – that seeks to address the urgent needs of our neighbors leaving City jails and improve the City's reentry system.

The situation unfolding at Rikers Island and throughout the City's jails is nothing short of deplorable. When harm happens in our city's jails, that harm goes far beyond the jailhouse walls. It follows those who are released from jail, and it impacts them, their loved ones, and countless other individuals. The crisis at Rikers is a crisis in New York City.

As you know, more than 75% of those who are detained in our city jails are there pre-trial. We also know that 90% are BIPOC and almost 60% are Black. And we know that about half have been designated as "Brad H" status, which means that they have exhibited symptoms of mental illness. And we know that due to the COVID-19 pandemic and resulting slowdowns with the judicial process, New Yorkers are spending more days locked up and away from their loved ones, the majority of whom are being held as detainees.

It costs \$477,000 to incarcerate someone for a year at Rikers. What does this half-million dollars get you? Deplorable conditions, inhumane treatment, violent assaults, solitary confinement, and uses of force by corrections officers. What you don't get is adequate health and mental health care, programming, and other critical services that address the humanity of everyone inside. When you combine all of this with the fact that jails have become [hot spots for COVID-19 transmission](#) and incarcerated men and women were not given enough PPE or ability to social distance at the height of the pandemic, we have clearly demonstrated that we are willing to spend hundreds of thousands of taxpayer dollars to have zero regard for someone who has been accused of a crime.

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This situation is absolutely unacceptable and requires strong leadership from the City to come up with a comprehensive plan that addresses both the immediate crisis at hand and the long-term issues that continue to persist throughout the City's jails.

To that end, Trinity recommends that the City take the following steps to address both the acute and long-term problems that have contributed to the current crisis in the City's jails:

1. **Provide DOC Commissioner Vinny Schiraldi with the support and resources needed to effectively address this crisis through the end of the current Mayoral Administration and into the next Administration.**
 - a. We have been heartened by Commissioner Vinny Schiraldi's recent recognition of the seriousness of this crisis and his efforts to develop a proactive, comprehensive and well-thought-out response to it, starting with immediate steps to address the DOC's current staffing issues.
 - b. We encourage Mayor de Blasio to continue supporting Commissioner Schiraldi with the resources that he and his team need to address the crisis in the City's jails effectively.
 - c. We also strongly encourage Mayor de Blasio's likely successor, Eric Adams (@EricAdamsForNYC), to retain Commissioner Schiraldi to serve in the leadership of the next Administration and provide him with the opportunity to continue to address the problems that have long plagued Rikers Island and the City's jails.

2. **Recognize and acknowledge that more jail produces less safety for NYC communities and employ evidence-based strategies to shrink the jail population immediately. This includes:**
 - a. Close the Rose M. Singer Center on Rikers by moving the fewer than 300 women to a standalone facility in Manhattan so they are closer to services and loved ones.
 - b. Provide Alternatives for People with Serious Mental Illness by funding additional outpatient treatment slots and community-based residential facilities—akin to supportive housing—for people with a serious mental illness.
 - c. Improve the pretrial decision-making process by using pretrial release and 'ability to pay' assessment tools and encouraging the use of supervised release to only detain those who pose a credible risk of flight. The City should also create a process to continuously review jail population trends and identify specific groups of people that can be released from jail.
 - d. Speed up case processing times by establishing a formal case timeline and limiting the length of adjournments.
 - e. Sentencing more people to ATI (alternatives to incarceration) programs that are in the community and are much better equipped to provide accountability and address individual underlying needs. The City should also expand restorative justice programs and mental health courts because they have proven track records of reducing recidivism for people charged with violence, enhancing accountability, and meeting the needs of victims.
 - f. Invest in a coordinated reentry system in New York City (see below).

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3. **Reaffirm the City's commitment to equitable jails by advancing its plan to close Rikers Island by 2026.**
 - a. The crisis unfolding at Rikers Island further underscores the fact that Rikers and the City's current network of jails do not and cannot protect the health and safety of those who are detained and working inside them.
 - b. As faith leaders, we affirm that there is a moral imperative to provide humane care to our neighbors who are held in any form of detention, and we believe that there is no path to make Rikers Island and the City's existing jails an acceptable place to detain our brothers and sisters.
 - c. Over the past few months, we have been alarmed by how the Mayor has walked back City Hall's full commitment to the plan to close Rikers by delaying the timeline for closure to 2027 and reducing the overall budget that is required for the plan.
 - d. We urge the City Council and the Mayor to reaffirm the commitments that were made in October 2019 to close the 10 jails on Rikers Island by 2026 and move to the smaller and more humane system of borough-based jails.
 - e. We also call on the Mayor and the Council to fully honor the funding commitments that were outlined in the [October 2019 Points of Agreement](#) as part of the plan to close Rikers, and to expand the much needed community investments in housing, mental health, and violence interruption initiatives.

4. **Implement a series of measures to protect the health and safety of those who are released from City jails amid the COVID-19 pandemic, specifically by:**
 - a. *Providing every justice-involved individual with peer and expert informed education and access to the COVID-19 vaccine while detained, as well as COVID testing upon release.*
 - i. In light of the incredibly high COVID-19 transmission rates in New York City jails throughout this pandemic, we urge the City to ensure that incarcerated New Yorkers and corrections staff are prioritized for access to the vaccine.
 - ii. We also call on the City to partner with trusted entities, such as community health care providers, to provide individuals in City jails with comprehensive public health education on the vaccine to address the historical and legitimate mistrust between those in jail and their in-custody medical providers.
 - iii. In addition, we believe that it is imperative for the City to provide COVID-19 testing as part of the discharge process to ensure that individuals being released from City jails can protect their families and communities from the spread of the virus when they return home.
 - b. *Ensuring that every individual has a valid form of identification upon their release.*
 - i. Valid forms of identification are essential to access housing, employment, public benefits, and a wide array of services. However, we have heard countless stories from our grantees and those who have been incarcerated about how individuals are released from City jails without official government identification, thereby impacting their ability to build their futures after incarceration.
 - ii. We urge the City Council to support and pass Council Member Gibson's [Intro 2394-2021](#) before the end of the current session, which would require that the City provide IDNYC cards to individuals as part of the discharge process.

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- iii. In addition, we call on the City to ensure that there is a process in place to guarantee that an individual, who was detained with a valid government ID is given their ID back before they are discharged.
- c. *Guarantee that individuals have immediate access to Medicaid coverage upon discharge.*
 - i. Due to a lag in re-enrollment in Medicaid, many people released from City jails do not have immediate access to health care coverage, which often requires them to either forgo much needed healthcare or pay for vital medication and other services out of pocket.
 - ii. Trinity calls on the Mayor to ensure that the NYC Department of Correctional Health Services guarantee a continuity of healthcare between correctional and community settings, as well as ensure that an individual's Medicaid is properly activated prior to their release from jail.
- 5. **Invest in a comprehensive, coordinated reentry system in New York City to ensure the success of our neighbors returning from jail and to reduce rates of recidivism, specifically by:**
 - a. *Strengthening Local Law 103 of 2016 to improve coordination of reentry initiatives among City agencies.*
 - i. While Local Law 103 of 2016 mandated that the Mayor establish a Municipal Division of Transitional Services and appoint a coordinator to lead reentry initiatives, it did not give any authority to the division to mandate policy or programmatic changes among other City agencies.
 - ii. Trinity calls on the Mayor and City Council to amend this law to ensure that the coordinator is a high-level position that reports directly to the mayor - and has the authority to mandate needed changes across City agencies.
 - b. *Consolidating service provider contracts between NYC DOC and MOCJ to prevent overlaps in services provided within City jails and during the reentry process, as well as to ensure the use of best practices across providers.*
 - i. Trinity recommends that the City should better integrate the Health Justice Network, which is run by DOHMH and provides comprehensive reentry services for individuals following their incarceration, into this framework and baseline funding for this initiative.

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