



Asian Americans for Equality

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NEW YORK CITY BOROUGH-BASED JAIL SYSTEM: ORGANIZATIONAL POSITION STATEMENT

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Asian Americans For Equality's (AAFE) mission has always been and continues to be for the furthering of equal justice and opportunity for Asian Americans and all people. We believe that, for our communities to thrive, the ideals of inclusion, voice, engagement and grassroots decision-making must be put into practice. Throughout this important process to reform New York City's jail system, the fundamental respect for human rights and dignity must be the guiding force for decision making.

It is through this lens that we examined whether a proposal put forth by the Mayor's Office to close the Rikers Island detention facilities warrants support. Because each borough and neighborhood has unique circumstances, AAFE is limiting its comments to focus specifically on the proposal impacting Manhattan's Chinatown, where we have the deepest connection.

We understand that the argument for closing Rikers Island is primarily driven by these goals:

1. Promoting criminal justice reform: making jails more humane and safe by reducing overcrowding at Rikers;
2. Establishing borough-based jails to facilitate better detainee access by families, attorneys, advocates, and other rehabilitative support staff; and
3. Cutting detainee travel time for court appearances.

In principle, AAFE supports these aims. The arguments against the status quo at Rikers Island are rational and logical, and we commend the Mayor for seeking solutions to these conditions.

To determine our stance on the issue, AAFE measured the likely efficacy of the proposed 40-story detention facility against two overarching questions:

1. Does the proposed new facility achieve the declared benefits described by the City and address the wider issue of criminal justice reform?

2. Does the facility development respect the ideals of inclusion, voice, engagement, grassroots decision-making and respect for human rights and dignity of all impacted?

Based on these criteria, we do not support the current plan of developing a 40-story facility in Chinatown, as the proposal falls short of adequately addressing the challenges it was intended to confront. Reforming our criminal justice system via a real estate solution leaves major gaps, as the problems existing on Rikers Island are not done away with through engineering or architectural design solutions. Rather, criminal justice reform should deal directly with the reasons so many people are being sent to Rikers Island in the first place. We encourage the City to employ the full range of other tools at its disposal, which in turn may reduce our jail population significantly, making the need for building costly new detention complexes obsolete. We are heartened by the recent acknowledgement from city officials that the jail population is expected to be reduced beyond the initial estimate of 5,000 and that, in part due to the passage of state legislation, the size of the new jails will be reduced. These adjustments must be meaningful and substantive; incremental reductions in the proposed 40-story height of the Chinatown facility will be insufficient.

Current Proposal

We recognize that the team assembled by the Mayor's Office gave serious consideration to and conducted research in to different jail facility models and practices in other cities and locales. Through those studies, it was concluded that Rikers should be replaced with smaller detention centers, equipped with safe spaces for rehabilitation, intervention, engagement and positive activity. We believe the greater emphasis on restorative social services, legal advocacy and human interaction is a sound approach.

This is why - following the same reasoning - the proposal of a detention facility anywhere approaching 40 stories is antithetical to the downsizing intent of serious criminal justice reform. It defies logic to construct an even bigger building in the name of downsizing, where there will be 1,500 detainees as opposed to current capacity of 900. Even the case studies the City is modeling point towards decreasing density, and having a jail of this scale is unprecedented and unproven. It is unclear how adding more inmates will rid the detention center of the "culture of Rikers," when there is no evidence supporting a strategy of housing more detainees in one place as an effective means of criminal justice reform.

Proponents point to the fact that a larger facility affords more space for the supportive services we do favor for reform. But the drive to accommodate 600 additional inmates, and then, on top of that, to cram in all of the program and administrative spaces needed to serve a much bigger population, creates its own momentum to go bigger and bigger to the detriment of both detainees and the surrounding Chinatown community. It then becomes impossible for responsible neighborhood stakeholders to disaffiliate large-scale jail construction from the tremendous environmental and social impacts such a large building

would bring to a low-income, immigrant neighborhood still struggling with dislocation, affordable housing shortages and a weakening economy.

It is also unclear why the program administrative offices must all be packed into one large building, when the immediate area surrounding the proposed jail site is suffering from an increasing supply of commercial space vacancies. These offices can be reasonably absorbed in the immediate surrounding area, to the benefit of the neighborhood. If criminal justice reform is accomplished by relieving jail overcrowding, which has exacerbated so many issues at Rikers, then an over-engineered development solution in the proposed borough-based jail model is actually no solution at all. It will only create more problems than it was originally intended to solve.

The Chinatown local economy has still not recovered fully due to the lingering effects of the 9/11 attacks and the subsequent collapse of the garment manufacturing industry, which led to substantial commercial vacancies. Leasing space in the surrounding area and utilizing existing retail would be more generative for the Chinatown economy, as opposed to creating competition in a new facility, and the daytime workforce in an expanded jail would provide positive spillover effects in patronizing local small businesses. Chinatown also has an existing network of health, therapeutic, medical, advocacy and legal services, which should receive re-training and marketing support to retool those local industries towards providing services for the City.

The City has argued that the borough-based jail system would, “strengthen connections to families, communities and support networks” and that housing detainees closer to “courthouses and community” would reduce transportation costs by streamlining routes between jails and courts. In principle, these arguments make sense but are, under the current system, contradictory. Oftentimes, individuals are arrested in a borough different from where they live. There are, for example, many detainees in the current Manhattan detention facility who normally reside in Brooklyn, Queens or the Bronx. For the borough-based jail system to work as envisioned, there will need to be a substantial rethinking of where those arrested are held and where their court cases are handled. It is, at the very least, premature to argue for proximity to courthouses and community in the absence of any meaningful research to determine the viability of this model.

One fundamental impetus of borough-based jails, and their proposed large scale, is predicated on the current size of the jail population. Given that the estimated price tag of the entire borough-based jail relocation and development will be, at a minimum, a staggering \$11 billion, we must ask whether this is the best use of limited resources. We must be assured that other means of criminal justice reform are fully explored.

The City is on target to implement the bail reform law, which was approved by the State Legislature, and we wholeheartedly support reforms to correct the cash-based system that unfairly targets low-income detainees regardless of guilt. This is an important step towards reducing the inmate population overall without any capital expense. It was encouraging to hear in recent weeks that efforts to reduce the population at Rikers have been even more

effective than projected. The downward trend begs a critical question: are the borough-based sites needed?

We urge the City to seriously look into using the capital funds instead on increasing comprehensive mental health services and hospices to further reduce the detainee population. Too many of the inmates are being held at Rikers for the simple reason that they do not have affordable and reasonable access to comprehensive health services. As opposed to the image of dangerous criminals that some perceive them to be, these detainees can be greatly helped in a rehabilitative setting and provided the means to function as normal residents with assistance.

The City has begun to investigate the impact of providing more mental health services to detainees, which is a positive step in the right direction. Until this avenue is exhausted, it seems premature to commit \$11 billion on development projects that would have irreversible impacts, particularly on vulnerable communities such as Chinatown.

More than 40% of the detainees at Rikers have been treated for mental health issues. We support the City's program to establish Intensive Therapeutic Housing Units for inmates with serious mental health disorders. We understand that specialized therapeutic care would be a part of the new borough-based jails. And the City's decision to create 12 therapeutic units by 2020 is a positive step. But in comparison with the acute mental health needs at Rikers, it is clear that a far more substantial financial commitment is necessary in both the short and long term.

We also ask that criminal justice reform advocacy groups work with the Chinatown community and its local organizations during this process. Often, the concerns highlighted by the local community are mischaracterized as NIMBYism, when in fact, many in Chinatown share the principles behind reform. For many decades, Chinatown has pleaded with the City for capital investment in our long-suffering neighborhood, which is severely lacking in deeply affordable housing and new jobs. But the only significant new units and beds and billions in new investment are coming in the form of a detention center. While reform advocates ask Chinatown, a low-income, immigrant community of color, to embrace the justice reform as a moral issue, and absorb the impacts of disruption, impacts to local economy on behalf of the City and Manhattan - we are asking that reform advocates also embrace Chinatown's needs as a neighborhood under attack from gentrification and rampant dislocation of our population. This is a fair ask, and also a moral one.

While we do not support the development of a new jail facility in Chinatown, should the City move ahead with its plans despite community objection, we strongly advocate that the City consider the mitigation proposals as laid forth in the local Community Board resolutions. We feel the resolutions, in particular the nuanced points laid on in Community Board 3's resolution (April 2019), share our organization's views.