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THE ASSEMBLY STATE OF NEW YORK ALBANY

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Subcommittee on Workplace Safety

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**Testimony from Assemblymember Jo Anne Simon
on the Final Environmental Impact Statement for
Closing Rikers and Re-Building the Brooklyn House of Detention
190333 PSY (Citywide Site Selection), N190334 ZRY (Citywide Zoning Text), 190339 ZSK
(Brooklyn Special Permit), 190116 MMK (Brooklyn City Map Change)**

September 6, 2019

First and foremost, I want to be very clear that I endorse wholeheartedly the vision of closing Rikers Island and moving to a system of smaller, safer community-based jails. In that, I am united with my community, who overwhelmingly support the closure of Rikers and who accept the premise that the BHOD needs to be reconstructed to further the goal envisioned by the Lippman Commission. We are all committed to working towards justice for all New Yorkers and there is a moral imperative to close the jails on Rikers Island and decarcerate people in New York City.

In the Executive Summary of the Final Environmental Impact Statement, it is noted that the goal is to reduce the average daily jail population to approximately 4000 people by 2026¹, down from 5000 people cited in the Draft Environmental Impact Statement. The city has succeeded seeing the jail population fall to approximately 7200 people as of July 2019, ahead of schedule to reach the stated goals². **With that success and in light of the recent historic state criminal justice reforms, including bail reform in the state budget, I urge the city to set a more ambitious goal of reducing the average daily jail population to 3500.**

So far, the city has responded to neighborhood concerns about the size of the population by moving women who are incarcerated to one centrally located facility in Queens, which also allows for a lower inefficiency rate of 15% instead of 20%. Along with the adoption of bail reform measures by the State Legislature in spring 2019, these changes have dramatically decreased the expected population of the borough-based jail facilities. However, removing 1400 beds from this entire project, from 6000 beds to 4600, is not enough to address the concerns about height and density that have arisen, nor does it go far enough to achieve our goal of reducing incarceration. That is why, along with my colleague Sen. Velmanette Montgomery, I am requesting the city to engage in a serious effort to reduce the number of people who are incarcerated to 3500.

In meetings with the Brooklyn Neighborhood Action Committee (NAC), the city revealed that they would be engaging in a feasibility study to determine the effects of moving those with mental and physical health concerns to alternative facilities more suited to their needs, but there was no guarantee that the study would be completed and available to the public before the end of the ULURP process. **This study is**

¹ Page S-1

² Page S-2

referenced in the Final Environmental Impact Statement³ as a potential opportunity to provide therapeutic housing outside of the current proposed plan, but I am disappointed that the city has not completed the study and made it public before votes have occurred. This could provide relief to the communities that have objected to the height of these facilities and reduced the number of people who are incarcerated, but without making this information public, the FEIS may be approved without full knowledge of supportive and alternative sites.

Throughout the process, my community, my colleagues, and I have raised concerns about the process of engaging with the community and the unnecessary limitations that the city has given itself as they move forward. Where the Lippman Report recommended small facilities in every borough, the city decided to only focus on only four boroughs. When the community suggested seeking alternative locations within Brooklyn for certain subpopulations and Council Member Stephen Levin offered to look for a location, the City ignored those requests and continued on with facilities that do not fit into the character of the neighborhood. **By disregarding the input of the community, the City has missed an opportunity to work towards smaller community jails.**

The city also imposed limits on itself by focusing on a far too small study boundary of a quarter of a mile around the perimeter of the project site, which does not allow for a legitimate and contextual understanding of the effects of such a massive project in a very dense and heavily trafficked area. The study area is too small to take into consideration multiple other large-scale changes to development and transportation that will be happening, including several skyscrapers along Flatbush Avenue and the reconstruction of the triple cantilevered portion of the Brooklyn-Queens Expressway. The limitations the City has placed on itself show that they are doing little more than paying lip service to the Lippman Report, and heeding only some of its recommendations. Unfortunately, the approach to closing Rikers has been a cookie cutter response reflecting a mathematical calculation of 4600 beds divided equally among four of New York City's five boroughs, highlighting the City's lack of earnest engagement in the goal of smaller, safer, fairer jails.

The Lippman Report states that "Conversations with local communities concerning potential locations for the jails *must begin early* and the *City must ensure* that the process is as *fair, transparent, and responsive to community concerns as possible*. The new jails should be integrated into their surrounding neighborhoods, both in terms of design and uses."⁴ So far the City has not lived up to those goals.

Very truly yours,



Jo Anne Simon
Member of Assembly

³ Page S-15

⁴ Independent Commission on New York City Criminal Justice and Incarceration Reform, *A More Just New York*, 2017, Page 17.