

Coalition Position Statement on the Plan for a Borough-Based Jail System

We, the undersigned, are issuing this statement because the voices of the Brooklyn communities that will be directly affected by the City's proposed borough-based jail system have not been heard. We have serious concerns about the planning process undertaken by the City and about specific elements of the plan itself.

Let us first be clear about our support of the findings of the Lippman Commission report, "A More Just New York City," issued in April 2017, which highlighted both the need and the moral imperative of reducing the city's incarcerated population and furthering criminal justice reform measures, and the further necessity of closing Rikers Island and transferring its remaining population to better, more humane and safer detention facilities. The inhumane and unconstitutional conditions under which detainees are now being held at the Rikers Island Complex are a stain on the city's reputation and deserve to be remedied by the creation of a better and safer jail system.

Second, we further recognize that the Brooklyn Detention Center, which opened in 1957 at the edge of Boerum Hill, Cobble Hill and Brooklyn Heights, is an outmoded and unsafe detainee facility, and cannot provide better conditions. For this reason, it should be replaced by a state-of-the-art facility.

Lastly, we support *in concept* the City's plan to establish a borough-based jail system to achieve the objectives articulated by the Administration: to house a smaller population of 5,000 detainees in modern, state-of-art, safer jail facilities that are accessible to the detainees' families, attorneys and court facilities. This approach will ensure greater fairness in our criminal justice system and a more humane approach to dealing with its detainees, most of whom have not yet been convicted of a crime and are awaiting trial.

Our support of the plan, however, is conditioned on the premise that the communities in which the new jails will be built be engaged in a meaningful way in the planning of a borough-based jail system and that the plan ensures that the Rikers Island Complex's existing problems are not simply transferred to the new jails.

While better and safer jail design is critical, these physical changes must also be accompanied by changing the prevailing culture of the system, which has been cited for its frequent brutality. The City must invest the necessary resources to better train corrections officers and to provide for the facilities and training programs to which other uniformed city services, including police and fire, have long had access. Unfortunately, the borough-based plan ignores this crucial need.

Since the de Blasio Administration has had no actual engagement with the affected communities in the planning of the new jails, despite many months in which this effort could have been undertaken, nor has it clearly identified how it will better prepare the corrections officers to interact within detainees within the new jails, we have serious concerns with the Administration's fast track approach to the plan. For those reasons, we call upon the Administration and our elected officials to suspend the process until the

affected communities have had the opportunity to have real input into the planning process and for the City to respond to those concerns in good faith.

We are particularly concerned that the Administration has already initiated a critical step of the land use approval process for four new jails - in Brooklyn, the Bronx, Manhattan and Queens - without the affected communities having meaningful input into their location, scale and other design considerations. For more than a year, we have asked to meet with City officials so that our concerns could be heard and addressed in the plan's formulation, only to be disappointed that our request has gone unanswered. Additionally, the City did not participate in the Town Hall Meeting we sponsored in March 2018, which attracted a sizeable number of local residents. While they expressed their overwhelming support for the plan's objectives, they also reasonably expected the City to listen and take their views into account. Regrettably, their concerns have also fallen on deaf ears.

When we finally met with City officials in early August –with only two days' notice - we were profoundly dismayed to learn that the City would release the Scoping Documents barely one week later to start the mandated environmental assessment process. Since the timing of this action effectively precludes the possibility of changing the plan's essential features, the community has been given the wholly unacceptable choice of accepting the plan as presented within the scoping documents. The approvals that will be sought during the land use approval process, slated to begin at the end of 2018, can now only consider those elements. Presented with this unacceptable fait accompli, we demand a restart to the planning process.

While we are supportive, again, of the concept of a borough-based jail system and of a new jail at the location of the current Brooklyn Detention Center, our most serious concern is that the plan provides for only four new jails. This limitation mandates that each of the jails be built to oversized proportions, housing 1,510 detainees, and fails to provide for a new jail on Staten Island, which contravenes the plan's objective of placing detainees close to their families, lawyers and the courts.

In a city as diverse as New York City, the City's one-size-fits-all approach lacks a firm rationale other than political expediency. More troubling, it undermines the primary objective of creating better and safer jails and ignores the concentrated impact that the new jails will have on their communities in which they are situated.

In Brooklyn, this localized impact is further exacerbated by the selected Brooklyn site - the current site of the Brooklyn Detention Center – being the smallest of the four borough-based sites. According to the Scoping Document, the zoning envelope for the new Brooklyn Detention Center of 1.4 million gross square feet would be the equivalent of a Floor-Area-Ratio of more than 20. This density would be 200% larger than that permitted under the Downtown Brooklyn Special Zoning District enacted in 2004 that has produced a wave of tall towers. By any measure, the size of the new Brooklyn jail, rising to as much as 430 feet (exclusive of mechanicals), would be enormous, and its operation would have deleterious impacts both within the jail and on the adjacent communities.

There are few, if any, examples of jails of that density that have been successfully operated in the United States without the occurrence of serious problems. The current warden of the Brooklyn Detention Center has stated that problems exist once a jail exceeds 600-800 detainees, which is when the jail's management can no longer know all of its employees and detainees. Beyond 800 detainees, the safety of these two populations can get out of hand *despite* modern design standards.

In "Alternatives for Rikers Island," an October 2015 analysis conducted by the Mayor's Office of Criminal Justice, the NYC Department of Design and Construction, the NYC Department of Corrections, and the NYC Office of Management and Budget, the City cited 48% as the required *inefficiency* standard for planning jail capacity. This standard is the percentage of empty cells beyond the expected population of the jail system that are needed to provide for fluctuations in the daily detainee population and the flexibility to deal with different jail populations. In the Scoping Documents, the inefficiency standard has been reduced to 20.8% - 6,040 beds for 5,000 detainees - without any explanation for this change.

With the expected considerable growth in the city's population, the reduction in the planned inefficiency requirements creates the strong potential for overcrowding of the new jails, leading to the same problems of violence and brutality that currently afflict Rikers Island.

In our view, the jail system being planned may require a larger capacity, but without question, it requires more than four new jails. The objectives of the Lippman Commission would be better met by having more than one jail in each of the four boroughs, each half the size of the proposed facilities. In the interests of fairness and best practices, Staten Island should also have a new jail to house detainees close to their courts, families and lawyers. These changes would create safer jails that would integrate better into the communities in which they will be sited.

The one-size-fits-all approach embodied in the City's plan is also not in accordance with the Department of Corrections current jail population. In the 4th Quarter of FY2018, the breakdown by borough of arraignment was: Brooklyn, 19.6%; Bronx, 15.3%; Manhattan, 32.4%; Queens, 17.2%; and Other, 11.9%. This is indicative that the detainees to be housed in each of the borough's new jails are not evenly distributed throughout the four boroughs. To meet the City's objective for housing detainees close to their families and appropriate courts, it defies belief that there will be the same number of detainees in each borough. It supports the perception that the City's current plan is based not on fairness and reasonableness, but on where City-owned sites are located and political expediency.

In conclusion, we believe the plan announced by the City is seriously flawed. We seek a planning process for a borough-based plan that:

- 1) is transparent with regard to the assessment that underlies how the City determined its four jail, 6,040 bed proposal and clearly indicates how the City has arrived at a 1.4 million square foot jail for Brooklyn;
- 2) is reflective of meaningful community engagement;

- 3) identifies the other alternatives that were considered by the City and Perkins Eastman, but were discarded for purposes of the environmental assessment process; and
- 4) creates smaller jails that do not impose strong adverse impacts on those who operate the facility and are housed within it, and on the communities in which they are located.

Given the inherent limitations of the City's one-size-fits-all approach, we further request that the City create a separate land use approval process for each of the boroughs so that the proposed facilities' scope and impacts can be more effectively studied. More critically, we request that the scoping and land use approval process be suspended until there is real engagement by the Administration with the communities affected by the plan and before billions of public dollars are spent to create a system that fails its most basic objectives of creating a better, safer and more humane jail system.

Endorsed by:

Atlantic Avenue Betterment Association
Boerum Hill Association
Brooklyn Heights Association
The Smith Condominium

(More endorsements are expected)