



TESTIMONY TO:

New York City Council, Committee on the Justice System

SUBMITTED BY:

Zoë Adel, Criminal Legal Advocacy Manager, Brooklyn Community Bail Fund

September 15, 2021

Thank you to the Committee on the Justice System for holding a hearing on the urgent life and death crisis in New York City jails.

Due to New York's clear disregard for the lives and well-being of incarcerated people, in the last few months there has been a horrific wave of deaths of people incarcerated at Rikers Island, including Brandon Rodriguez, Robert Jackson, Segunda Guallpa, Wilson Diaz-Guzman, Tomas Carlo Camacho, Javier Velasco, Thomas Earl Braunson III, Richard Blake, Jose Mejia Martinez, and Esias Johnson who was found dead at Rikers just over a week ago. These tragic deaths could have been avoided if the individuals were not incarcerated in the first place.

There are currently over 6,000 people languishing in the city's jails, subjected to the same inhumane conditions that resulted in the recent deaths at Rikers. The City Council, Mayor, judges, and district attorneys have the opportunity to prevent further tragedy and loss by taking action immediately. **New York needs rapid decarceration.**

Instead of increasing our reliance on jails, which only serve to exacerbate unaddressed trauma, mental health issues, and instability, New York must invest in efforts to prevent violence and address fundamental needs in impacted communities. That includes investments in housing, mental healthcare, youth programs, skills-based job training, and education. Importantly, it includes reducing the jail population by releasing currently incarcerated people and stopping the flow of people into jails.

Specifically, the New York City Council should pass legislation to require the jail system to prioritize and facilitate decarceration. The City should call on district attorneys and judges to testify regarding their practice of using bail as ransom and their manipulative interpretation of the new bail law. They regularly request and set unaffordable bail—only 15% of defendants are able to pay bail at arraignment.¹

¹ Michael Rempel and Joanna Weill. One Year Later: Bail Reform and Judicial Decision-Making in New York City. New York: Center for Court Innovation, 2021. Accessed at: https://www.courtinnovation.org/sites/default/files/media/document/2021/One_Year_Bail_Reform_NYS.pdf

Last month, a court watcher with our Court Watch NYC program² observed a particularly alarming case in which a Black man with documented mental health issues and a history of petty theft was accused of stealing air fresheners and phone chargers from a car wash. In a malicious interpretation of the new bail law’s “harm to person or property” provision, the judge set \$7,500 cash/\$25,000 bond, reasoning that the petit larceny misdemeanor was bail eligible due to the incidental harm caused to the store owners. It’s abundantly clear that district attorneys and judges have taken advantage of a lack of oversight of their practices.

The crisis on Rikers is raging. Yet, it’s not new. The unacceptable use of force in local jails is well documented. Even after a federal lawsuit and 11 monitoring reports, the levels of staff abuse and other abuse has risen. For decades, abuse of and disdain for incarcerated people has defined the culture of the Department of Correction. Federal monitor reports consistently document staff utilizing unsafe techniques and dehumanizing incarcerated people.³ Predictably, law enforcement—with the support of the Mayor—has already argued for increased staffing and training as a solution to the human rights violations that have plagued the criminal justice system for decades. **I urge you to oppose all so-called “solutions” to the current crisis that will expand the system of jailing or carceral surveillance in any way.**

Decades of evidence prove that jails do not keep people safer.⁴ It’s why the city decided to close Rikers. It’s why New York passed bail reform. And why the Board of Correction, which oversees NYC’s jails, requested that the city and state drastically reduce the number of people incarcerated as part of the city’s public health response. Last year we showed that we can safely and effectively reduce the pretrial jail population to its lowest point in decades, with demonstrably positive results. Yet, the number of people jailed—the vast majority of whom are incarcerated pretrial, locked away on nothing more than an accusation—continues to skyrocket.

Anything short of decarceration, especially during the current public health and humanitarian crisis behind bars, would demonstrate a lack of commitment to the freedom, safety, and dignity of New Yorkers. **The New York City Council should be taking every step possible to reduce the number of people jailed immediately.**

Thank you again for the opportunity to submit testimony.

² Court Watch NYC is a volunteer-powered program of the Brooklyn Community Bail Fund. We watch court proceedings, shift power in the courtroom, report what we see, and hold court actors accountable to ending the injustices in the criminal legal system that target Black, brown, indigenous, immigrant/migrant, queer and TGNC communities.

³ Eighth Report of the Nunez Independent Monitor, 2019. Accessed at:

https://www1.nyc.gov/assets/doc/downloads/pdf/8th_Monitor_Report.pdf

⁴ Don Stemen. The Prison Paradox: More Incarceration Will Not Make Us Safer. New York: Vera Institute of Justice, 2017. Accessed at: https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf