**The Path to Closing Rikers Island**

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**Executive Summary**

­Rikers Island is the site of New York City’s largest jail complex: 413 acres house 10 jails which, over the decades, became known for overcrowded facilities, regular riots, and chronic inmate mistreatment and punitive violence. In 2016, then-City Council Speaker Melissa Mark-Viverito called for a commission to evaluate New York’s entire criminal justice system, and after a year of research, the Independent Commission on New York City Criminal Justice and Incarceration Reform (the Lippman Commission) found that “more jail does not equal greater public safety” and that the City should replace Rikers with new “Borough-Based Jails”. Over the course of the next two years, the sites for these proposed jails underwent a Uniform Land Use Review Process (ULURP) which the Council and the Mayor approved in late 2019. Ultimately, the City government engaged in a wide range of policymaking and analysis processes to successfully finalize a plan to close Rikers, with outside political stakeholders and activist groups driving the timeline of the plan’s enactment.

Concern for the conditions at Rikers renewed in 2015 due to the case of Kalief Browder, who committed suicide after being held in solitary confinement as a teen at Rikers, and a report filed by the U.S. Attorney for the Southern District of New York detailing the excessive punitive measures exerted upon adolescent inmates at the complex. These stories coincided with a larger wave of activism intent on abolishing the system of mass incarceration nationwide, and local activist groups like the Campaign to #ShutDownRikers formed in the wake of these findings. Facing mounting political pressure from both government allies and activists, elected officials such as Speaker Mark-Viverito, City Comptroller Scott Stringer, and Governor Andrew Cuomo began to prioritize closing over reforming Rikers. Despite this shift, Mayor Bill de Blasio and former Correction Officers’ Benevolent Association President Norman Seabrook opposed closure, with the Mayor pushing for reforms to specifically target inmate-on-inmate violence at the complex. De Blasio swiftly changed course once the Lippman Commission announced the completion of their report on Rikers, and his office soon published its own report on closing the jail complex. Both reports agreed that closing Rikers, expanding existing borough-based jails, reenvisioning pretrial and diversionary practices, and redeveloping the Island were the city’s best policy alternatives, committing to complete these plans over a ten-year period.

Not long after these plans were released, the City conducted community outreach meetings to get public feedback on the jails plan before entering formally into the ULURP process. A new wave of community and activist groups pressured the City Council to act on this issue, with a wide range of people supporting Rikers’ closure but diverging along political lines. Members of the #closeRIKERS campaign advocated strongly for amending the Lippman Commission’s plan, while the abolitionist group No New Jails NYC wanted to close Rikers without building any new jail facilities. Despite widespread accusations of a lack of transparency, the Department of City Planning pushed the four sites through one ULURP to expedite the plan’s enactment. In mid-October 2019, the City Council and Mayor approved the plan, committing to close Rikers by 2026 and decrease the overall jail population to 4,000 total inmates. In January 2020, a spate of new bail reform laws took effect in New York, marking a major step forward in decarcerating City jails and bringing the inmate population to a new record low in May. In the wake of the COVID-19 pandemic, the New York State congress rolled back these reforms amidst a slew of budget cuts, and the City currently faces new legal and fiscal challenges to closing Rikers on time.

**A Short History of Rikers Island**

Rikers Island is New York City’s main jail complex, sitting on 413 acres of land in the middle of the East River, between the Bronx and Queens. Since its inception, Rikers has garnered a notorious reputation as a poorly maintained, overcrowded site of carceral violence. The island’s public history began in 1884, when the Rycken family sold the land to the City and it was converted to a garbage dump. The City constructed a jail center on the island in the early 1930s, to offset the crowding and deterioration of the jails and asylums on Blackwell’s (now Roosevelt) Island.[[1]](#footnote-1) Just as before on Blackwell’s Island, the City filled the unfinished barracks on Rikers to their maximum capacity, continuing a trend of overcrowding in New York City detention centers that would persist well into the 20th Century. This crowding became especially pronounced in the 1970s and 1980s, when Rikers consistently held almost twice as many inmates as it had beds.[[2]](#footnote-2) Additionally, rushed construction and continual waste processing on the island contributed to structural decay and vermin infestations. Historically, the City chose to reduce the effects of these issues on inmates rather than address the roots of their problems, and by April of 1980, the New York City Board of Correction published a report advocating for Rikers’ closure, offering to sell the land to New York State and use that revenue to construct eight new jails across the five boroughs.[[3]](#footnote-3) Despite attempts to legitimize the possibility of closing the complex, “opposition from the community and City correction officers continued to grow,” and Mayor Ed Koch “quietly dropped the idea.”[[4]](#footnote-4) This proposed closure foreshadowed the events that took place from 2015 to 2019, which led to the City Council and Mayor’s confirmation of a plan to close Rikers.

Ultimately, new attitudes towards mass incarceration and the overall political landscape of the late 2010s were the main determining factors in the latter proposal’s success. In the late 1970s, New York City was still reeling from the 1975 fiscal crisis that nearly pushed it to bankruptcy, austerity and conservatism characterized the political outlook of the day, and this birthed an era which introduced notions of so-called “broken windows” policing into the local justice system. By the 2010s, attitudes towards prisons and public safety had shifted dramatically, due in large part to the work of activists and researchers exposing the systematic harm endemic to patterns of overpolicing and mass incarceration. Over the course of the early 21st Century, collectives like Critical Resistance and books such as *The New Jim Crow* by Michelle Alexander and *Are Prisons Obsolete?* By Angela Y. Davis brought criticisms of the American prison system to the forefront of national conversations about race and justice, paving the way for the local movements that eventually translated into policy change.

**Inciting Incidents: The Kalief Browder Case and Reports of Violence on Rikers Island**

In 2011, Mark Nunez filed a class action lawsuit against the City of New York, demanding restitution from the Department of Correction for injuries he and other incarcerated individuals sustained while held on Rikers Island. The suit marked the latest in a long history of legal actions taken against the Department, which typically provided monetary relief for prisoners directly affected by violence but rarely took steps to enact meaningful reform or dissuade correction officers on Rikers from using extreme force.[[5]](#footnote-5) In this case, however, the plaintiffs found a powerful ally in Preet Bharara, the Attorney for the Southern District of New York, whose office began studying use of force incidents on Rikers just after Nunez filed suit.[[6]](#footnote-6) Almost three years later, Bharara’s office published its findings, exposing a “deep-seated culture of violence… [where] DOC staff routinely utilize force not as a last resort, but instead as a means to control the adolescent population and punish disorderly or disrespectful behavior.”[[7]](#footnote-7) This CRIPA investigation also found systematic failures in training correction officers and reporting use of force incidents, as well as the overuse of solitary confinement to punish adolescents on Rikers. Soon, Bharara and his team joined the Nunez suit, and in 2015, the City settled and agreed to employ penologist Steve Martin as a federal monitor for use of force cases on the island.[[8]](#footnote-8) The presence of this monitor put internal pressure on local elected officials to change the culture at Rikers, and simultaneous external political pressure came from New Yorkers organizing after the mistreatment and death of Kalief Browder.

Browder’s case exemplified the atrocities of each aspect of New York’s criminal justice system: at age 16, police arrested him for supposedly stealing a backpack, a judge set his bail at $3,000, and he was held on Rikers pre-trial for almost three years, spending the majority of that time in solitary confinement. Browder felt that his time in jail did irreparable damage to his mental health, and in the summer of 2015, he committed suicide after multiple attempts both in jail and at home.[[9]](#footnote-9) Building on the work of the earlier activist group Resist Rikers, Browder’s brother Akeem founded the Campaign to #ShutDownRikers just weeks after his brother’s death.[[10]](#footnote-10) Grassroots organizers protested outside Rikers and courthouses around the city, broadening their public reach due to the high-profile nature of Browder’s case. The dual political pressure from the legal system and activist groups forced officials to consider making meaningful change at Rikers beyond basic efforts at reform.

**Roadblocks to Reform**

In light of both the CRIPA investigation and the Kalief Browder case, elected officials such as Governor Andrew Cuomo, City Comptroller Scott Stringer, and then-City Council Speaker Melissa Mark-Viverito began to take their constituents’ requests seriously and questioned the true necessity of the Rikers Island jails. Despite this, two key power players in City government kept this case from gaining political traction: former President of the Correction Officers Benevolent Association Norman Seabrook and Mayor Bill de Blasio hindered efforts to close Rikers in different ways.

For over two decades, Norman Seabrook protected the officers at City jails in every way he could, raising their pay substantially and using his outsized political influence to shield them from scrutiny. He ousted internal investigators who tried to crack down on abuse and delayed court appearances for officers accused of brutally beating inmates, threatening multiple City officials’ careers in the process.[[11]](#footnote-11) As the idea of closing Rikers gained prominence in public conversations, he remained its staunchest opponent, calling the plan “impractical and counterproductive” and using NIMBYism to invalidate critiques from the Comptroller and Council Speaker.[[12]](#footnote-12) Seabrook was arrested on corruption charges and dismissed from his union role in 2016, but until then, he was a major force in keeping Rikers’ closure off the local policy agenda.

Mayor Bill de Blasio also discouraged plans to close Rikers, albeit due to his belief in the Department of Correction’s ability to reform the jail system. Seven months after the CRIPA investigation, de Blasio and then-Correction Commissioner Joe Ponte enacted a spate of reforms specifically “targeting inmate-on-inmate violence,” including installing more cameras in the Rikers jails and creating new education opportunities for incarcerated individuals.[[13]](#footnote-13) Even as officials and grassroots organizations around the Mayor pressured him to join their side, de Blasio “refused to publicly back [the idea] because it could cost billions of dollars, take years, and would ignore more immediate needs on the island.”[[14]](#footnote-14) Only after a year’s worth of research would the Mayor finally decide to support the plan and ensure its passage through the city’s public planning processes.

**Policy Planning: The Lippman Commission and Beyond**

On February 11th, 2016, former City Council Speaker Melissa Mark-Viverito delivered her annual State of the City address, which jumpstarted the policy process that led to the plan to close Rikers Island. In her speech, Mark-Viverito announced the establishment of the Independent Commission on New York City Criminal Justice and Incarceration Reform, whose purpose was to study the necessity and impact of Rikers on the local criminal justice system[[15]](#footnote-15). The Commission, led by former New York chief Justice Jonathan Lippman and comprised of experts in the criminal and social justice fields, conducted research for a year at both the local and national levels, and published their findings in the 2017 report *A More Just New York City.* The Commission divided the report along three major themes: Rethinking Incarceration, The Future of Jails, and Reimagining the Island. The first section proposed a wide range of criminal justice reforms, from expanding the city’s supervised release programs and using risk and bail assessment tools, to eliminating money bail entirely.[[16]](#footnote-16) The second section advocated for closing Rikers Island and replacing it with a network of borough-based jails, each located near their borough’s respective courthouse. This section also recommended a new design system for these jails, emphasizing the importance of “direct supervision” and spaces designed to facilitate stronger communal ties between incarcerated individuals.[[17]](#footnote-17) Finally, the last section of the report proposed two alternative uses for the land on Rikers, either as an extra runway for LaGuardia Airport or as a waste treatment and green energy facility.[[18]](#footnote-18) While this Commission did not introduce the idea of closing Rikers to New York City elected officials, they put forth the first policy report which thoroughly proved its political and financial feasibility.

The publishing of *A More Just New York City* forced the remaining naysayers, namely Mayor de Blasio, to join the majority opinion and support the jail complex’s closure. Just days before the Commission released the report, de Blasio dramatically altered his stance on Rikers, stating that “the jails could be closed in 10 years… [while denying] knowledge of the recommendations of the commission.”[[19]](#footnote-19) The Mayor’s sudden shift came from mounting political pressure from activist groups as he ran for re-election in 2017, and City Councilmember Rory Lancman described the move as getting “on board the train before he was about to be under it.”[[20]](#footnote-20) Soon, the Mayor revealed that his own internal offices had also researched alternatives to Rikers over the past year, compiled in a report titled “Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island,” which they unveiled just a few months after the Lippman Commission’s report.[[21]](#footnote-21) Although the two reports’ stated goals are very similar, “Smaller, Safer, Fairer” takes a broader, more conservative approach to the issue at hand, proposing vaguer, more reformist policy alternatives and calling for a different timeline for reducing the city’s incarcerated population (aiming for 7,000 incarcerated people or fewer within five years, as opposed to the Lippman Commission’s 5,000 people within ten years).[[22]](#footnote-22) With these reports completed, the City could at last begin the official procedures to approve these plans and make a concrete agreement to close Rikers.

**Policy Process: ULURP, Community Engagement, and Activism**

After the release of *A More Just New York City* and “Smaller, Safer, Fairer,” the Lippman Commission, the Department of City Planning and the Mayor’s Office began preparations for sending a plan to close Rikers through the Uniform Land Use Review Process (ULURP). This took a full year of planning, and the earliest sign of official process came when the Lippman Commission’s published their one-year retrospective report, *A More Just New York City: One Year Forward,* in April of 2018*.* The Commission found that the New York City jail population had already decreased by ten percent since their last report, but that more aggressive reforms at the state level could speed the plan’s timeline further.[[23]](#footnote-23) On August 14th, 2018, the Department of Correction formally began the required City Environmental Quality Review (CEQR) process by submitting a Draft Scope of Work and Lead Agency Designation to the Department of City Planning, opening these documents to public feedback until October 29th. These documents listed the proposed sites for the new borough-based jails, with one in each borough except Staten Island. All of the sites either made use of pre-existing jail structures or sat on city-owned land and would collectively let the City accommodate an average daily jail population of 4,000 people.[[24]](#footnote-24)

In addition to collecting feedback on these drafted plans, the Mayor’s Office also established Neighborhood Advisory Committees (NAC) to “allow the Mayor’s Office to hear a variety of perspectives, including some that may or may not be from people or groups engaged in the formal ULURP process or with their Community Boards.”[[25]](#footnote-25) At these open NAC meetings, the City presented draft plans for the borough-based jail in question, along with proposed design concepts by noted architecture firm Perkins Eastman, and then opened the floor for public feedback.[[26]](#footnote-26) These NAC meetings, not required by a standard ULURP, showed the public that the City made an extra effort to involve local communities, which garnered a wide range of responses, especially considering the fact that “in ULURP, the City is not committed to a final design or height” of any given jail.[[27]](#footnote-27) Public constituents also raised concerns of a rushed ULURP: typically, the City conducts the process on a site-by-site basis, but the jail plan rolled the ULURP for four sites into one process, raising criticism that “the process [was] being driven by political expediency, not by the imperative to create the very best criminal justice system and to change the culture of that system.”[[28]](#footnote-28)

Community activists often spoke out at these NAC meetings and at protests around the city, most commonly from either JustLeadershipUSA’s #CLOSErikers campaign or No New Jails NYC. These groups shared the common goal of closing Rikers but diverged along other political lines. JustLeadershipUSA (JLUSA) put out #CLOSErikers messaging as early as 2016, and its former President, Glenn E. Martin, was an original member of the Lippman Commission. The group advocated for substantial reform on top of the Lippman Commission’s proposals, but still agreed on the solution of building new borough-based jails.[[29]](#footnote-29) Conversely, organizers from the disbanded Campaign to #ShutDownRikers regrouped to form No New Jails NYC, an abolitionist movement which opposed any plan to close Rikers that also involved building new jails in the city. Both groups published their own reports detailing new sets of policy alternatives which the City might pursue, but only No New Jails echoed earlier calls for reinvestment in local marginalized communities and highlighted the fact that “neither the Lippman Commission plan nor the Mayor’s plan include any legal guarantee to close Rikers beyond rhetoric.”[[30]](#footnote-30) These activist networks only intensified the pre-existing pressure to close Rikers, despite their differing approaches to criminal justice.

Amidst this mounting pressure, the ULURP continued as usual through late 2018 and early 2019. In the spring of 2019, local community boards voted down the plan with marked NIMBYism, with Queens Community Board 9 rejecting the “four ULURPs treated as a single ULURP… [and the] fiscal irresponsibility” of the plan.[[31]](#footnote-31) Despite harsh criticism on all sides, the City prioritized the original goal of closing Rikers over adapting their policy alternatives, and the plan passed through the ULURP in its scheduled time frame, culminating in a 50-day City Council review period. Activists from #CLOSErikers and No New Jails NYC packed the public hearings during this review period, testifying for and against the plan, respectively. On October 19th, the City Council voted to affirm the ULURP, committing to the proposed jail locations and promising to close Rikers Island by 2026. While the majority of Councilmembers voted in favor of the plan, a small minority voted against it, either in solidarity with No New Jails NYC’s abolitionist demands or attempting to keep Rikers open to reform.

**Closing Rikers: A Year Forward**

Since the City Council and the Mayor confirmed the ULURP to close Rikers last fall, several key developments have affected the trajectory of the closure plan. In January of 2020, bail reform measures passed through the New York State Congress went into effect. Pursuant to the Lippman Commission’s recommendations, this legislation eliminated money bail and pretrial detention for most cases, required judges to consider a defendant’s financial resources when setting bail, and utilize formal risk assessment tools in sentencing.[[32]](#footnote-32) Law enforcement officials immediately criticized the reforms for being too lenient in their sentencing and release requirements, while proponents of the legislation argued that change should only “stem from substantial data analysis, not from the bullying of elected officials by the state’s law enforcement lobby.”[[33]](#footnote-33) In March, the COVID-19 pandemic struck New York, forcing the City and State governments to make quick decisions to protect residents’ safety while also balancing their budget. The pandemic exerted two major effects on the Rikers issue: in June, the State Senate rolled back the new bail reform legislation through the state budget, and the City Department of Correction prioritized releasing incarcerated people on Rikers to maintain their safety. As a result, on April 15th, 2020, the New York City “jail population dropped below 4,000 for the first time in over 70 years.”[[34]](#footnote-34) The jail population has risen since then, partially due to the bail reform rollbacks passed earlier in the year. Most recently, residents of Lower Manhattan filed a lawsuit against the Mayor’s Office after the City abruptly switched the proposed Manhattan jail site from 80 Center Street to 124 White Street. The Mayor’s Office is appealing the case, but if the plaintiffs win the suit, the City might have to restart the entire ULURP process, setting Rikers’ closure date back even further.[[35]](#footnote-35) The results of these developments still remain to be seen.

New York City experienced a major political shift over the past five years, in which the idea of closing Rikers transformed from a fantasy to concrete, Council-endorsed reality. This change is largely due to the ebb and flow of various political stakeholders exerting their influence at different times, culminating in a resounding affirmation of New York’s willingness to change its system of mass incarceration.

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