

**NO
NEW
JAILS
NYC**

**CLOSE
RIKERS NOW,
WE KEEP
US SAFE**

**A NEW YORKER'S GUIDE TO BUILDING
COMMUNITY CARE AND SAFETY BY CLOSING
RIKERS WITH NO NEW JAILS (VERSION 2.0)**

WHAT WE ARE DOING NOW (PG. 3–5)

We are No New Jails NYC (NNJ) and we share our analyses, strategies, and tools to fight back while offering this living document as an opportunity for dialogue. New York City's multi-billion dollar jail plan is one of many across the country and a cornerstone strategy to reinvent and guarantee a future of surveillance and control. Our city is at the crossroads between building the next phase of fast-track imprisonment, or a city that works for all of us. We expect that we will add to this document as we hear from you, and we recognize that this plan is just the beginning of an expansive vision.

WHY CLOSING JAILS INCREASES SAFETY (PG. 5–10)

In this section, we briefly summarize case studies that explain why incarceration is a threat to public safety and why closing jails create safety. We also give an overview of some of our current tactics and our general commitment to disrupting the electoral process until we win.

SHUT IT DOWN: DIRECT ACTION & ABOLITION AS CARE (PG. 10–13)

We accept that we do not live in a democracy. Because this particular jail plan is financially backed by prison profiteers and has been rapidly pushed through a rare land use process that closes out public input we know that disruption is our only option. We will close Rikers with no new jails by disrupting every lever of power. We also recognize that abolition is care. Every time we shared childcare, bail money, partied for rent, or camped outside of a jail, we have learned that our care for each other can close Rikers with no new jails.

WHAT THE CITY COULD DO (PG. 13–21)

There are many straightforward and creative ways that city officials could close Rikers without building new jails. We outline some of the straightforward methods that are available and offer a new benefit that could eliminate cash bail, facilitating the closure of Rikers with no new jails. We know that we do not live in a democracy and that the carceral system will not abolish itself. Since city officials are either too complicit in state violence or bought off by wealthy interests, we commit to grassroots struggle and mutual aid practices as the only hope to shut down Rikers with No New Jails.

JAIL FREE NYC (PG. 21–45)

Abolition is a vision for the future and a set of practices in the here and now. Working to shut down Rikers with no new jails will birth an abolitionist network whose dimensions we describe briefly. We offer a few ways \$11 billion could be used to create safety and a more inclusive city without building any new jails. Finally we detail how we can create safety by dismantling other parts of New York City's incarceration system.

THE WORLD WE WANT & BEYOND (PG. 46–50)

In this section, we describe how committing ourselves and our resources to community-driven services, harm reduction, poverty and homelessness eradication, and transformative justice will create a safer and more equitable city. We also offer key resources and transformative justice models.

APPENDIX & FREQUENTLY ASKED QUESTIONS (PG. 51–54)

In this section, we offer an overview of key terms and some working definitions.

This is a living document that we will revise as we organize. As a collective guide it can be used by any group or person committed to the abolitionist vision of safety being the responsibility of well-resourced communities organized for justice without police, jails, immigration detention, prisons, and surveillance.

WHAT WE ARE DOING NOW

No New Jails NYC is a grassroots campaign committed to closing Rikers now without building new jails and rerouting \$11 billion away from jail construction and towards the needs of our communities.

This is a living document that we offer as an outline of our vision and strategy, for your critique, and as a tool for abolitionist community organizing. Abolition is not an arbitrary concept that has multiple and ambiguous meanings. Abolition is a political vision and strategy with centuries-long inspiration and practice. Abolition is less about the absence of prisons and jails, and much more about the presence of everything we need in order to thrive and build a society that does not rely on our imprisonment and premature death. We believe that abolition has many practices and ways to get our people free without prisons, policing, or other carceral structures.

This document is a plan, vision, and guide that can be used by anyone committed to the abolitionist vision of ending police, jails, immigration detention, prisons, and surveillance while making safety the responsibility of well-resourced communities organized for justice.

As part of this process, **55 incarcerated members of NNJ reviewed this document** and gave us feedback and at the beginning of each section you will be guided through your reading by some of their contribution. At the beginning of each section, you will be guided through your reading by some of their contributions. The grounded, fierce, and loving years of inside organizing of the Sylvia Rivera Law Project, the Incarcerated Workers Organizing Committee, and Black and Pink NYC made many of our initial contacts with people inside prison and jail possible: we reached out through their networks to invite incarcerated people to join our campaign, and alongside our incarcerated family members and friends, their relationships made it possible for us to begin organizing with incarcerated people. Since December, 2018, we have added an additional 25 members as people inside prison and jail and their families have asked to be added to our network. We have also been led by Study Abolition¹, a network of self-organized prisoner study groups at SCI-Smithfield². Stephen Wilson, one of our leaders at SCI-Smithfield, recently lifted up the Black Liberation Army principle of “unity-criticism-unity,” that hopefully will guide you as you read³.

As we are keeping each other safe, community members are keeping each other accountable and providing resources based on our self-directed assessment of our collective needs, entirely on a grassroots level. We are committed to reimagining safety, but we recognize that to broaden the scope of this vision, we need our people to be out of jails so that we can build the world we want together.

Our work in this moment puts this plan into practice. We are challenging the plan to build 12 new jails in New York City by educating our communities and committing to including community voices in the city’s process to shut down Rikers without building new jails. No New Jails NYC is already moving toward abolitionist futures by facilitating community care, mutual aid, and deep movement building, alongside strategic political work.

Our work now aims to spread an abolitionist narrative, challenge the jail plan, and strengthen the discussion about safety outside of punitive systems. The various parts of this document will offer an understanding of our journey in this fight and this political moment. We also give practical examples of how closing jails and divesting from policing and other criminalizing systems while investing in communities without state or corporate interference has consistently been a great strategy to increasing safety.

1 <https://abolitioniststudy.wordpress.com>

2 <https://abolitioniststudy.wordpress.com/2019/05/27/statement-of-solidarity-with-no-new-jails-nyc/>

3 <https://abolitioniststudy.wordpress.com/2019/06/14/234/>

HISTORY OF NO NEW JAILS NYC

"NEW JAILS ARE NOT NEEDED IN NYC. HOUSING, SCHOOLS, COUNSELORS, AND MORE ARE NEEDED 100% IN OUR COMMUNITIES." - PERNELL, INCARCERATED NNJ MEMBER

In 1970, Young Lord Julian Roldan took part in a 'Garbage Offensive' protest⁴. NYPD accused him of burning a newspaper, arrested him, and days later he was found dead in the Tombs, a jail in Manhattan. Police said it was suicide. Community knew it was murder by the state. When people protested his death, Mayor Ed Koch and Deputy Mayor Herb Sturz came up with a plan for a new complex of facilities spread across the city⁵. When this did not succeed decades later, Mayor Michael Bloomberg planned for a citywide jail expansion, defeated by Community in Unity⁶.

In 2015, Kalief Browder died after spending years on Rikers. Browder was accused of stealing a backpack, a crime he did not commit. Galvanized by the death of Kalief Browder, Shut Down Rikers, a grassroots campaign, fought to push for the immediate closure of Rikers. The Campaign to Shut Down Rikers was a core voice in a broader effort that continued the long tradition of arguing that the carceral system doesn't create safety. After decades of mounting pressure—including investigations by New York State and the U.S. Department of Justice, several class action settlements, and the experiences of incarcerated individuals and their loved ones all confirming the brutality of Rikers Island—Mayor Bill de Blasio announced, in spring 2017, this jail expansion plan.

This plan was announced when there were 9,400 people held across city jails. The mayor then announced that their goal was 7,000 people held by 2022, and 5,000 by 2026. Right now, through mutual aid and forced policy change, the number of people held has already dropped to 7,000, way ahead of schedule. Reforms forced on Albany are estimated by the Center for Court Innovation to release another 2,000-3,000 people by 2020⁷. The city now estimates there will be fewer than 4,000 (probably closer to 3,300) people held in New York City jails by 2026 (the DOC estimates that caging 3,300 people per day requires 3,800 cages—500 for "swing space")⁸. Non-Rikers jails cage around 2,600 per day (the city keeps changing its numbers: can it not keep track of the number of torture chambers it operates?)⁹. The difference is under 1,000 people. If we can release those people, we can close Rikers with no new jails.

The city would rather spend \$11,000,000,000 for a whole new jail complex instead of finding ways to responsibly release 1,000 people. That's our fight: we want abolition and an end to cages. Throughout this document we will outline how together we can release 1,000 people and many more to close Rikers with no new jails.

NO NEW JAILS NYC & THE 'NEW' RIKERS EXPANSION PLAN

The Mayor's jail expansion plan, packaged as progressive reform, was informed by the recommendations of The Independent Commission on New York City Criminal Justice and Incarceration Reform (informally known as the Lippman Commission after the retired judge who headed it). This Lippman commission is a privately-funded task force with the typical undisclosed ties to industries that benefit from jail

4 <https://www.villagevoice.com/2017/04/11/a-history-of-hell-how-rikers-island-became-a-modern-municipal-abomination/>

5 <https://www.villagevoice.com/2017/04/11/a-history-of-hell-how-rikers-island-became-a-modern-municipal-abomination/>

6 <http://www.leftturn.org/community-unity-fighting-prison-construction-south-bronx>

7 <http://courttinnovation.org/rethinking-Rikers-island>

8 https://rikers.wpengine.com/wp-content/uploads/BBJS-CPC-Hearing-Follow-Up-Letter_Misc-Questions-8-12-19_FINALSIGNED.pdf

9 The city keeps changing the tally of the number of cells off Rikers. According to PrisonPro, The Tombs can cage 898 people, the Brooklyn Detention Center 815, and Vernon C. Bain Center 870, for a total of 2,583. We're abolitionists, so we're always working towards zero. (see: <http://www.correctionhistory.org/html/chronicl/nycdoc/html/jailist2.html> and <http://www.documentcloud.org/documents/5778457-Notice-of-Completion-of-the-draft-Environmental.html>)

construction. Neither the Lippman Commission plan nor the Mayor's plan include any legal guarantee to close Rikers beyond rhetoric. In fact, the plan will allow the next mayor, and every subsequent mayor, to keep Rikers open indefinitely. Mayor Bill de Blasio promised Rikers would close a decade after he left office¹⁰, but while we wait, he will spend his last years in office building Rikers 2.0.

This jail construction plan began with 4 new jails, but has expanded further to include 3-6 hospital jails¹¹, and 1-2 jails for women and their children, for a potential total of 12 new jails. There is nothing new or innovative at all about this plan; it simply repackages right-wing ideas from Mayor Koch and Mayor Bloomberg in progressive language. In fact Herb Sturz who, "who first proposed the transfer of Rikers to the state and the creation of borough based facilities 37 years ago when he was Deputy Mayor under Mayor Koch," is on the Lippman commission¹².

While Rikers 2.0 is being built, the city's jail plan will crowd **everyone currently held in other city jails onto Rikers Island**. The City's disregard for community input and people imprisoned is most obvious when it began transferring people detained at the Brooklyn Detention Complex to Rikers without informing family members and ahead of City Council's vote on the plan¹³.

We stand facing a powerful opportunity to shut Rikers down with no new jails, while freeing \$11 billion for the needs of our people. This will be done by putting extreme pressure on the political process and mobilizing thousands of New Yorkers to free our people, meet each other's needs, and create a culture of abolition and community accountability.

Mayor Bill de Blasio's jail expansion plan joins the nationwide right wing movement led by President Donald Trump's push to build a wall at the U.S.-Mexico border, and the over 50 cities across the country with plans for more jails and prisons¹⁴. But along with thousands of community members, nearly 100 incarcerated comrades, and 300 lawyers and legal staff¹⁵, we maintain that even within the rules of our rigged political system, there are multiple ways to shut Rikers down without any new jail construction¹⁶.

In this context, No New Jails NYC comes as part of a broader movement of abolition, that began in the fight to end slavery and now lives in the commitment to create a society where safety is not the job of police and cages but the responsibility of well-resourced organized communities. We follow in the footsteps of the successful 2006 Bronx jail construction fight led by Community in Unity¹⁷, as well as movements from the 1960s and 1970s, and current campaigns like No New SF Jail, No New Jail in Lancaster, Justice LA, Safety Beyond Policing¹⁸, Critical Resistance, SwipeltForward, the Coalition to End Broken Windows¹⁹, Safety Outside the System, and many other unnamed abolitionists efforts.

We recognize this moment as a powerful opportunity to walk New York City through its first steps away from the mass incarceration era. When we shut Rikers down without any new jails we will free \$11 billion to dramatically address the actual needs of our community.

10 The Mayor's Office has suggested revisions to the year and the targeted daily capacity of city jails to the media, however, to date, the Mayor's plan and the land-use proposals requiring approval within ULURP have not been amended.

11 <https://thecity.nyc/2019/03/city-seeks-to-move-mentally-ill-rikers-inmates-to-hospitals.html>

12 <http://www.jjay.cuny.edu/news/closing-rikers-statement-president-travis>

13 <https://nypost.com/2019/08/30/brooklyn-detention-complex-on-fast-track-to-shut-down-for-new-jail-union/>

14 <https://docs.google.com/spreadsheets/d/11gEiUuvOjw8iTB7ThXpMENU7H3-JF4fVtXPogCpzUUA/edit#gid=0>

15 <https://sites.google.com/view/nnjattorneysletter/>

16 <https://sites.google.com/view/nnjattorneysletter/>

17 <https://independent.org/2018/12/shop-pick-up-kids-go-to-jail-plan-to-swap-rikers-for-justice-hubs-draws-ire/>

18 <https://www.safetybeyondpolicing.com>

19 <https://www.facebook.com/pg/CoalitionToEndBrokenWindows/about/>

WHY CLOSING JAILS INCREASES SAFETY

“I KNOW FOR CERTAIN THAT JAILS AND PRISONS DO NOT DETER CRIME. IN FACT, IT HAS BEEN MY EXPERIENCE THAT JAILS/PRISONS ARE AN INCUBATOR TO INDUCE SOMEONE WHO HAS MADE A POOR DECISION--AND HAS BEEN DEFINED BY THAT DECISION FURTHER BY THE CARCERAL SYSTEM--TO INTERACT WITH VARYING LEVELS OF CRIMINAL BEHAVIOR THAT MAY HAVE NOT PREVIOUSLY BEEN ON THE PERIPHERAL OF THAT PERSON. IN SUM, PRISON IS NOT STRUCTURED TO ‘CORRECT’ FOR ANYTHING; ITS MAIN FUNCTION IS TO HOUSE BODIES WHILE THEIR MINDS... FURTHER DETERIORATE.” - E. PARIS, INCARCERATED NNJ MEMBER

BACKGROUND

Jails and police are a threat to public safety. When someone is harmed they receive little-to-no support²⁰, especially in the case of domestic violence or sexual assault²¹, while the person who has caused harm is put through a process that is designed to break them or make them more violent. That is the punishment system we have created, which begins an unending cycle of violence²², despite the fact that most people who have survived even violent harm prefer rehabilitation to punishment and lengthy incarceration²³. Despite this decades-long track record that guarantees more violence, we continue to use jails to address every social problem. Put bluntly, even after decades of “academic” research, there is no evidence that incarceration works to decrease harm or violence or make communities or families safe. Yet, predictably, those who support the status quo of jails and prisons are never forced to justify their continued reliance on these institutions of state violence, even as abolitionists are constantly asked to “prove” that alternatives work.

Accountability is a complicated process that can only happen at a community level, with people organized and committed to justice. We must see harm as an opportunity to wrap resources around trauma and support people in crisis. And, closing jails has been shown to improve safety and free public money to address root causes of violence. Below are case studies detailing why the punishment system only increases violence and how closing jails will increase safety.

WHAT HAPPENS WHEN A JAIL IS CLOSED: CASE STUDY ON CINCINNATI

In 2008, Cincinnati closed the Queensgate Correctional Facility, effectively eliminating 36 percent of their jail capacity. This closure, among many other things, followed a county-wide financial crisis that coincided with the national financial crisis.

With fewer jail cells, what would happen to the amount of arrests? Would jails overflow? Would crime balloon? No. The result was a massive drop in arrests and violent crime²⁴. Forced to close a jail, the city of Cincinnati reaped the following benefits: an immense drop in violence within communities and a corresponding drop in arrests.

20 <https://connect.springerpub.com/content/sgrvv/29/3/407>

21 https://dash.harvard.edu/bitstream/handle/1/34961943/Justice%20from%20the%20Victim.pdf?sequence=4;http://vawnet.org/sites/default/files/materials/files/2016-09/AR_RestorativeJustice.pdf

22 <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1745-9133.2007.00456.x>;

23 <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>

24 <https://theappeal.org/incarceration-is-always-a-policy-failure/>

Violent crime dropped by 38.5 percent and property crime by 18.9 percent, while felony arrests and misdemeanor arrests dropped by 41.3 percent and 32.7 percent²⁵. Closing a jail met the goal that reformers, advocates, and politicians all care about: safety. Along with a drop in violence, Cincinnati also saw a drop in arrests, as limited jail space forced officers to deal with the reality that arrests were in fact a “limited commodity rather than as a standard response.”

Abolitionists have always argued that jails and police do not make us safer. What we saw in real time was that closing a jail and limiting jail space lowered violence, curtailed arrests, and lowered the number of people ending up in jail and prison. In this natural experiment, we saw that closing a jail can dramatically improve public safety.

Closing Rikers now without any new jails is not just better economically, it is also better for public safety and the health of our neighborhoods.

CLOSING RIKERS WITH NO NEW JAILS IMPROVES CONDITIONS

“IT IS VIRTUALLY IMPOSSIBLE TO MAKE JAILS/PRISONS A SAFE ENVIRONMENT FOR TRANSGENDER PEOPLE. AT THE END OF THE DAY, THE ADMINISTRATION IS NOT IN ANY WAY SHAPE OR FORM INTERESTED IN THE SAFETY OR WELL-BEING OF ANY GLBTI PEOPLE. SO PROTECTING US IS THE LAST THING ON THEIR MINDS. BELIEVE ME.” - MS. KITTY, INCARCERATED NNJ MEMBER

In June, 2019 Layleen Polanco Xtravaganza, an Afro-Latina trans woman, was found dead on Rikers Island.

After struggling with homelessness, Layleen was arrested in an NYPD sting operation for alleged sex work. Layleen should not have been homeless or arrested in the first place. But after this, she was funneled through every “progressive” criminal court and jail reform. First, she placed in a sex work “diversion” court, a reform initiative championed by First Lady Chirlane McCray and Police Commissioner James P. O’Neill, which is offensively named the Human Trafficking Intervention Court (it assumes that all sex workers are trafficked, and need saving, not dignity)²⁶. After missing a paternalistic “supportive” service appointment, a warrant was issued for her arrest.

When she was re-arrested several months later for defending herself against what was likely a transphobic incident, bail was set on the outstanding case and she was sent to the Transgender Housing Unit (THU) —a reform to keep trans women “safe” while jailed—in the Rose M. Singer Center on Rikers Island. Neither she nor her family members could pay the \$500 bail. While in the THU, she was placed in the “Restricted Housing Unit,” another name for solitary confinement, even though correctional health staff knew that Layleen had a seizure disorder and that solitary confinement often exacerbates mental and physical health issues. Despite promising relief, “gender responsive” jails are not gender justice. These jail reforms killed Layleen.

When Layleen died, we said enough. These kinds of reforms—reformist reforms, such as diversion programs that re-enforce the presence of police and imprisonment—killed Layleen. Not only were we further committed to closing Rikers with no new jails, we committed to standing against further

²⁵ <https://onlinelibrary.wiley.com/doi/pdf/10.1111/1745-9133.12299>

²⁶ <http://nypdnews.com/2017/02/first-lady-chirlane-mccray-and-police-commissioner-james-p-oneill-announce-expanded-resources-to-combat-sex-trafficking/>

expansions of incarceration through reformist reforms. We are opposed to the assumption that Black trans women need paternalistic state intervention. If people are doing sex work, it is not a sign that they need therapy and services through police. Reforms like these guarantee a system of policing and confinement, rather than replace it with community-based approaches.

Jails kill people. Reformed jails kill people.

Named after slave catcher Richard Riker, Rikers Island itself was originally built by incarcerated people's forced labor on top of a landfill to replace the brutality of Blackwell Island with a more humane facility. With jails having consistently been presented as a reform, Rikers quickly became inhumane, as these any new jails inevitably will. In 2015 alone, Rikers Island had over 9,000 assaults according to the city²⁷, and most likely that is a significant undercount²⁸.

We cannot believe the city's rhetoric that their jails plan will improve conditions because City Council and the Mayor have done nothing to address conditions that have been deteriorating for decades while they sat idly by. Layleen Polanco is not the first person to die or be abused under their watch. Three years ago, Judy Jean died at Rosie's²⁹. The Department of Correction has not been held responsible for the 3 year spike in violence against incarcerated people at Rikers³⁰.

Meanwhile, the DOC is under federal monitoring to bring Rikers into ADA compliance, repairs and facility upgrades that will cost nearly \$1 billion. It is difficult to imagine that the city would spend all this money to repair Rikers, move thousands of people onto the jails to construct the new facilities³¹, and then decide to close it in 2026. Given that there is no legal guarantee that Rikers will close, this looks more and more like expansion: a plan to build new jails and keep Rikers open.

Judge Lippman, Mayor de Blasio, and their cronies in City Hall and the nonprofit-prison-industrial complex like to say that building jails in boroughs is the only way to close Rikers Island and improve conditions because, illogically, the jails will be in neighborhoods. But the Brooklyn House of Detention, MDC Brooklyn, MCC, The Tombs, and The Boat are all neighborhood jails that have had inhumane conditions for years. Ultimately, the only way to "improve" conditions is to get all of our people free by freeing money from policing and corrections and radically investing it in things we need and want such as affordable housing, employment, and healthcare.

Conditions of incarceration have only improved through pressure from those held and their allies. We cannot trust the state to improve conditions on its own, because fundamentally, the city does not care about the health or wellbeing of imprisoned people. By putting \$11 billion into the hands of communities targeted by incarceration, while increasing the resources for each person held on the inside through our mutual aid efforts, we will support the only force that can change conditions: the collective effort of incarcerated people, their families, and their organized abolitionist allies. This can be seen in the Free Alabama Movement³², political prisoners like Mumia Abu Jamal, the Free Ohio Movement³³, and many others.

27 <http://pix11.com/2016/02/09/inside-rikers-island-a-look-at-violence-and-corruption-in-the-complex/>

28 <https://thecity.nyc/2019/04/violence-at-city-jails-is-heavily-undercounted-doi-finds.html>

29 Ten people have died in city jails in the past several years. Their names are Judy Jean, Jason Echeverria, Bradley Ballard, Carlos Mercado, Ronald Spear, Layleen Polanco, Jerome Murdoch, Jairo Polanco Munoz, Jose Rivera, and Rolando Perez

30 <https://www.nydailynews.com/new-york/city-jails-rikers-island-surge-violence-article-1.4000587>

31 <https://youtu.be/FWOd-H9SRqU>

32 <https://itsgoingdown.org/look-free-alabama-movement/>

33 <http://freeohiomovement.org>

CASE STUDY: WHAT HAPPENS WHEN ARRESTS STOP

Against popular belief, policing and cages are a threat to public safety. Late in 2014, the NYPD protested their share of the city budget in a work strike that, for a time, stopped “proactive policing,” dramatically lowering ticketing and arrests³⁴. Arrests dropped massively, so two out of three arrests that normally would have happened, didn’t. While the intent was to highlight the need for policing, it revealed that lowering the level of policing improves public safety. In fact, the constant harassment of our communities done in the name of Broken Windows policing, which Mayor de Blasio and his police chiefs have touted as necessary for a safe city, increases violence:

“Analyzing several years of unique data obtained from the NYPD, we find that civilian complaints of major crimes (such as burglary, felony assault and grand larceny) decreased during and shortly after sharp reductions in proactive policing. The results challenge prevailing scholarship as well as conventional wisdom on authority and legal compliance, as they imply that aggressively enforcing minor legal statutes incites more severe criminal acts.”

It is a myth that police interrupt violence. Most police officers make less than one felony arrest per year, and will *never in their entire career* interrupt violence-in-progress³⁵. Police detectives, who are supposed to solve serious “crimes,” in fact spend most of their time making reports on incidents that they will never investigate, let alone solve³⁶. In New York City, 90 percent of police stops do not result in arrest. Of the 10 percent that do, only 20 percent of those arrests are for felonies (and at least half of those charges will eventually be dismissed). Clearly, policing isn’t about community safety, it’s about social control:

- From 2015 to 2018, the NYPD killed at least 27 people, including 14 people experiencing mental health crises³⁸.
- In 2017, there were almost 4,500 allegations of excessive force against the NYPD³⁹.
- Since 2013, the City has paid almost \$120 million to settle lawsuits against the NYPD.
- Since the formal termination of “stop and frisk” policing in 2013, the tactic continues as “order-maintenance” policing.
- Black and Latinx New Yorkers made up 88 percent of those stopped in 2017. Though white people are 43 percent of NYC’s population, they made up only 8 percent of people stopped⁴⁰.
- With its massive budget, the NYPD arrests upwards of 160,000 people per year on low-level misdemeanor charges (80 percent of total arrests), **half of which are eventually dismissed**⁴¹.
- Deportations have soared 150 percent in NYC over the past few years and ICE arrests are up 88 percent, the third highest of any major US city⁴².

After Officer Daniel Pantaleo was fired in 2019 for using a chokehold to kill Eric Garner, NYPD union leader Pat Lynch said, “police officers are in distress—not because they have a difficult job, not because they put themselves in danger, but because they realize they are abandoned. The captain has jumped ship.

34 <https://www.theatlantic.com/national/archive/2014/12/the-benefits-of-fewer-nypd-arrests/384126/>

35 Vitale, Alex (2018). *The End of Policing*. New York: Verso Press, p. 31.

36 Vitale, Alex (2018). *The End of Policing*. New York: Verso Press, p. 31.

37 https://www.washingtonpost.com/graphics/2018/national/police-shootings-2018/?utm_term=.8ea326dedeb9

38 <http://nymag.com/intelligencer/2019/03/special-report-nypds-mental-illness-response-breakdown.html>

39 <https://observer.com/2018/04/nypd-police-misconduct-allegations/>

40 <http://worldpopulationreview.com/us-cities/new-york-city-population/>

41 <https://www.criminaljustice.ny.gov/crimnet/ojsa/arrests/index.htm>. In each county, approximately one quarter of misdemeanor arrests were for drugs.

42 <https://comptroller.nyc.gov/newsroom/comptroller-stringer-investigation-reveals-huge-increases-in-ice-enforcement-in-nyc-leaving-families-in-fear/>

The Mayor has told him to do it, and the streets are falling into chaos.” From Lynch’s perspective, Mayor de Blasio and Commissioner O’Neill no longer had the best interest of the police union at heart, so he called for another work slowdown. But similarly, to 2014, not only did arrests and summonses drop, incidents of crime particularly “serious” crime dropped even further⁴³. **A nearly 30 percent drop in arrests and summonses, and violence did not increase or stay the same**; instead, violence decreased and safety increased.

While we do not see our communities as violence-or-harm-free utopias. However, we do know that it is bystanders, family members, and friends who typically respond to the violence we face. **We do not need a harm-free society to stop having prisons, jails, and police**: we merely must recognize that those institutions embody and produce state and interpersonal violence, and that our communities deserve alternative ways to heal and create safety. We call for a divestment from policing and a massive investment in our ability to independently organize to create safety.

We will step in agreement with what the NYPD proved through their work slowdowns: we call for dramatic cuts to their budgets precisely because it will lower the amount of people caged by the city, free up millions to invest in our communities, and ultimately improve safety. Fewer police mean more safety. .

SHUT IT DOWN: DIRECT ACTION WILL WIN

“THE ONLY CHANCE NNJ HAS OF IMPLEMENTING YOUR PLAN IS BY BUILDING MASSIVE COMMUNITY SUPPORT...” - SEAN, INCARCERATED NNJ MEMBER

We are not in a democracy; we cannot use the electoral process to address our needs. Through intense disruption to the levers afforded by the electoral process, we cannot only raise public awareness of the expansion of Rikers, we can force decision makers to accept our demands. They have names, addresses, and they are our targets. Below we outline how we can apply enough pressure to political actors and key decision-makers who can shut Rikers down with no new jails, freeing \$11 billion for our needs.

COMMUNITY BUILDING IS CENTRAL

At the core of any direct action approach is getting commitment from communities that will feel the brunt of the policy. We will not win without the community behind us. While No New Jails has gained significant traction, we have a long way to go from being strong enough to hold a line against the encroaching violence. In the coming months, we will diligently work to build a base within our communities. Then we will design our direct actions to bring in more people, while maintaining consistent public education efforts.

CITY JUDGES & DISTRICT ATTORNEYS

Judges and district attorneys are key figures who push our people into jails with no regards for our humanity or community safety. Judges can release people on their own recognizance instead of holding them before their trial, which would allow us to shut Rikers down without more jails. District attorneys can also direct their staff to stop asking for bail and stop remanding our people.

The Manhattan DA **alone** has **\$730 million** in asset forfeiture, money enough to bail out every single person held on bail throughout the year and support efforts to fight remands across the city.

⁴³ <https://newrepublic.com/article/154895/new-york-police-slowdown-backfiring>

CITY COUNCIL

Karen Koslowitz, Stephen Levin, Diana Ayala and Margaret Chin all want the jails in their districts. If anyone of them says no, we can build political pressure to stop the plan. Speaker Corey Johnson has the authority and platform to also propose a new plan that fulfills grassroots demands, which include not only the demand to shut down Rikers, but our demands to reduce the NYPD and DOC budgets, take police officers out of schools, fund NYCHA, and invest in community programs.

THE MAYOR OF NEW YORK

Former presidential candidate Mayor de Blasio could withdraw his plan and choose to implement a plan to shut Rikers down with no new jails. He could also end broken windows policing, target prosecutors for asking for bail, and work to decriminalize as many categories of offenses as possible.

TIMELINE

Community boards have voted and Borough Presidents have voted. These, however, were only advisory. As expected, New York City Planning Commission voted in favor of the Mayor's plan. After holding one public hearing, City Council will make the final decision, with its vote on October 16 and 17, 2019.

Through direct confrontation with the city, whose agents have no interest in freeing our people, we can win in the same way every other abolitionist movement has won.

ABOLITION AS CARE

Since the inception of No New Jails NYC we have centered mutual aid and direct support of people at the brunt of community and state sanctioned violence. We believe that by building bonds of care and community-based institutions outside of the state, nonprofit and corporate systems, our people will see themselves as the organized source of transformative justice.

We know that we have everything we need in community.

Whether it is your home community, or any community you create, we have the opportunity in New York City to build on the work of past movements like the Black Panthers, or any childcare network in any neighborhood. We have the ability to take care of people, transform harm, and make the carceral system irrelevant.

Mutual aid is a dialogue that allows people in need to share directly with each other. Below you will read some examples of how we and others have put mutual aid into practice. Ultimately we know this is the history of our people. Black people have practiced self-determination and mutual aid through groups like the Black Panthers and in moments of intense crisis like Hurricane Katrina. Indigenous people also inform our understanding of how institutions of care can help us step away from the punishment system, which sees all needs as the fault of the vulnerable. LGBTQ communities have sustained themselves by caring for each other; women's movements around the world have centered shared leadership and effort, and radical working class movements have also made similar commitments.

The system of policing and caging is a radical departure from the best of our history. Abolition is as much a future world we are fighting for as well as a return to who we are, a history that has been erased from our collective memory.

CASE STUDY: NO HEAT AT METROPOLITAN DETENTION CENTER

In the winter of 2019 the heat went out at Metropolitan Detention Center (MDC), a federal jail in Brooklyn⁴⁴. Jails routinely disregard the predictable heatwaves of summer and cold snaps winter. This happens because torture is part of and central to incarceration.

People incarcerated at MDC did not have water and heat, and they were banging on the jail's windows and walls to let everyone know the food was spoiled and they were in need of basic necessities on the coldest days of winter. Family members, organizers, and NYC residents organized quickly to protest how incarcerated people were being treated at MDC.

As typical of a police state, during the crisis visitations and phone calls were cut off, eliminating any information from the inside. So family members, along with protesters, decided we were not going to leave until we heard from their loved ones on the inside.

No New Jails NYC started to organize mutual aid to support family members and friends who had loved ones on the inside, 24/7. We created a temporary form of abolitionist aid where people from around the world donated to families and loved ones inside of MDC. We had metro cards to support family members traveling to and from MDC. We provided shelter (made by insulating a tent with an outdoor heater inside to keep people warm). We organized through our broader network to provide blankets, food, scarves, footwarmers, handwarmers, art supplies, and snacks. Most of these items were dropped off or they were delivered from orders placed online by community members. We had people as far as Germany, Wisconsin, and California send supplies and food. We also set up a community safety network where people would come in for overnight shifts, so family members who were coming had someone looking out for their safety. Medics and a therapist were on-site, willing to help anyone who was feeling ill or needed a moment to process what was happening on the ground.

We set up an emergency communication process to share information and communicate to reporters. We tracked the number of ambulances that came in the middle of the night to pick up people who were sick or injured. We communicated to reporters who wrote stories showing that the Warden and Bureau of Prisons were not telling the truth about everyone being safe and there not being a real emergency at MDC.

Through the care and organizing of ordinary New Yorkers—not politicians or nonprofits—MDC was forced to turn the heat back on. And through our efforts, we built relationships with family members and incarcerated people at MDC, alongside a network of people who know how to mobilize mutual aid and understand that without state, nonprofit, or corporate support, organized community is more than enough.

CASE STUDY: LADY J & MS T

No New Jails NYC honors the legacy of buying back the freedom of those held in bondage, which has roots dating back to the underground railroad. In the first half of 2019, we bailed three people out of Rikers. Through this bailout process we have built a community of care and rapid response. We know that 7 out of 10 people held in NYC jails are there awaiting trial with a bail that can be paid or a remand⁴⁵ that can be fought. Since pretrial detention increases violence in our community along with brutalizing those incarcerated we know that we must challenge all of New York City to build a significant mutual aid effort to release our people and close Rikers down with no new jails.

⁴⁴ <https://www.nytimes.com/2019/02/01/nyregion/mdc-brooklyn-jail-heat.html>

⁴⁵ In this context, remand refers to pretrial detention without the option to bail out. We discuss issues with remand further in this document.

MS. T: Ms. T is a Black woman who was being targeted by CO's and was fighting for her life. One of our members heard about Ms. T while doing court support for another person. After speaking to Ms. T very briefly, we found out she had a bail of \$4,000. We began visiting her on Rikers to learn about her, her needs, and what kind of support she would need upon release. Not only were we able to raise her bail; we raised an additional \$2,000 to support her and pay for all logistics in relation to mutual aid: transportation, food, and housing. Through the work of many, she could leave jail, reunite with her son, and have real support to transition her life away from the punishment system and towards wholeness.

LADY J: Lady J came to our attention through an activist comrade who let us know she had a bail of \$1. When we heard about her case, we knew that we had to rally our people not only for bail, but to support her case and her transition out of the punishment system. The bail was paid and we rallied support for her case; that included transphobia from the state and our community. Like Ms. T, we visited Lady J during her incarceration and her re-criminalization by the Office of Mental Health.

What became clear to us in this support effort, and many others like it, is that we have countless opportunities to care for each other. But for us, abolitionist care is not just service work, nonprofit-based, corporate goodwill, or a government-mandated program. Abolitionist care means community-led efforts that disrupt the punishment system and open up new collective possibilities for our wellbeing.

Seven out of ten people in NYC jails are just like Lady J and Ms. T: they are held pretrial and can be released with a bail or a remand that can be fought. Through abolitionist care and mobilizing masses of people, we can release our people and close Rikers with no new jails.

CASE STUDY: NATIONAL BAIL OUT

In 2017, Southerners on New Ground, along with members of the Movement for Black Lives, committed to ending cash bail by bailing out Black people with a focus on Black women on Mother's Day⁴⁶. On Mother's Day, National Bail Out (NBO) fundraises from Black communities and national allies to bail out Black women⁴⁷. Over the years NBO has bailed out hundreds of women using a national network of Black led organizations and fundraising strategies. Through community support and addressing the needs of people who are arrested, the National Bail Out actualizes what decades of research have shown: people generally fulfill court obligations from the punishment system and more importantly, pretrial freedom reduces people's future contact with criminalizing systems⁴⁸.

In 2019, nearly 100 Black women across the country were bailed out as a community effort to end cash bail and shut down jails⁴⁹. No New Jails NYC and our community partners participated in the 2019 Black Mama's Bail Out, and have continued to bail out community members and support them in their return home and in their fights to stay free from the criminal legal system.

WHAT THE CITY COULD DO

The city can take bold steps to shut Rikers down with no new jails. Some of these different approaches are detailed below, with the understanding that we are not in a democracy and the system will not reform itself. We highlight specific levers within the judicial system that, given sufficient political pressure, could also facilitate the closure of Rikers with no new jails. Then we take some time now to describe a new city benefit that could effectively eliminate the barrier of cash bail and facilitate the closure of Rikers with no new jails.

46 <http://southernersonnewground.org/2017/05/a-labor-of-love/>

47 "National Bail Out is a Black-led and Black-centered collective of abolitionist organizers, lawyers and activists building a community-based movement to support our folks and end systems of pretrial detention and ultimately mass incarceration."

48 <https://www.thenation.com/article/heres-how-to-help-end-cash-bail/>

49 <https://www.globalcitizen.org/en/content/black-mamas-national-bail-out-2019/>

The campaign to Shut Down Rikers led the charge to close Rikers Island after the death of Kalief Browder in 2015. Following that community outrage, the New York State Legislature, Governor, City Council, and the Mayor could have decided to put in legislation legally guaranteeing the closure of Rikers.

But they didn't.

Progressive politicians made no effort to ensure the one key demand that has become fashionable to support. This missed opportunity characterizes the nature of reform and the politicians who claim its mantle.

The major decision makers are either bought off or too complicit in decades of brutality within New York City jails to change course. We have no faith in the state or the electoral process to keep us safe. If they were committed to our needs these are some of the steps they could have taken. Ultimately the system cannot abolish itself. We recommend and commit to grassroots struggle, only people power will shut down Rikers with no new jails.

A NEW CITY BENEFIT: BAIL VOUCHERS

"BAIL EVERYONE OUT! SIMPLE AND REALISTIC!" - JENNIFER, INCARCERATED NNJ MEMBER

The city could spend less than \$200 million per year to bail everyone out of New York City jails, lowering the number of people held so that we can shut Rikers down without adding new jails. **The city should create a bail voucher as a new public benefit. This is less than 2 percent of the \$11 billion the mayor will raise to expand Rikers.**

Tens of thousands of people every year are held in jail simply because they cannot afford to pay bail, which creates a two-tiered system of justice where the rich walk free and the poor are held. This can be fixed. The reason the city has not thought of this is because every politician, major nonprofit, legal provider, and district attorney benefits from the punishment system. Along with having all manner of financial and political commitments to this system, those we see as leaders grew up in this system and often can't think outside of it. Which is where abolition comes in.

Already we see that prominent advocates for building new jails admit that recent reforms could lower the number of people held by over 40 percent⁵⁰. Couple this with a bail voucher program and we can shut Rikers down without building any new jails.

A bail voucher program would be simple: the representatives (lawyers or family members) of people detained pretrial will take their court paperwork and income statements to secure a voucher administered through the New York City Human Resources Administration who will issue a cashier's check in the amount of defendant's bail. This will allow anyone who is unable to pay bond to have it done quickly and wait for their trial at home.

When harm is done, this is an opportunity to rally support to heal relationships. When an arrest is made, the family and community of the person harmed and the person who potentially has harmed someone

50 <http://www.gothamgazette.com/opinion/8538-the-next-battleground-in-the-fight-to-close-rikers-island>

may be in crisis. Since bail money is returned to the person who paid it, this voucher will also serve as quick cash transfer to support families in crisis. This is especially needed when the person arrested is found guilty and convicted. At the end of their trial, their family will receive the bail money to help maintain themselves, as they lose a family member—potentially a breadwinner—to incarceration. Returning money to Black and brown working class communities devastated and oppressed by generations of policing and incarceration also functions as a form of reparation—and, if nothing else, interrupts the massive extraction of wealth that paying bail (especially to the private bond industry) represents.

By creating an incredibly cheap financial mechanism to bail everyone out, we can free up \$11 billion to address harm, heal communities, and address root causes of poverty.

Crunching the numbers:

The typical bail in NYC is \$5,000. In a given year 35,740 people cannot pay bail⁵¹. It would cost \$178.7 million to pay the bail of everyone held in a given year. These funds could be held in Human Resources Administration and processed like any other city benefit or voucher system. Even including administrative support this new benefit would not rise over \$200 million a year, a fraction of the cost of \$11 billion for jails. It is a cost that we expect to decrease, as fewer people held in pretrial detention will result in lower rates of violence, fewer people returning to jail, and a significant drop in incarceration. It currently costs over \$300,000 to cage one person for one year in an NYC jail. By removing 35,740 people from churning through the system, the city could pour millions back into our communities to guarantee an end to incarceration.⁵²

JUDICIAL ROUTES TO NO NEW JAILS

“SHUTTING DOWN RIKERS ISLAND WOULD BE A BLESSING. BUT SHUTTING DOWN RIKERS TO OPEN UP THREE OR MORE NEW JAILS AIN’T IT AT ALL. ALL THAT DOES IS ADD MORE TRANSGENDERS, GAYS, BLACKS, AND HOMELESS AND LOW CLASS PEOPLE BEHIND BARS. IT ALSO BRINGS MORE CORRUPTION AND WE DON’T NEED NO MORE CORRUPTED OFFICERS AND/OR COPS. LIKE I SAID BEFORE, THE GOVERNMENT CLAIMS THEY HAVE NO MONEY BUT SOMEHOW MONEY JUST FALLS OUT OF THIN AIR WHEN IT COMES TO OPENING UP NEW JAILS, NOW THAT’S SOMETHING TO THINK ABOUT. SO YES YES I OSHA IS ALL THE WAY FOR THE NNJ PLAN CAUSE OPENING UP NEW JAILS OR PRISONS IS NOT GOING TO BETTER US OR AMERICA. WE LEARN NOTHING NEW IN PRISONS AND JAILS, IF ANYTHING WE LEARN HOW TO BE MORE CORRUPTED, HOW TO NOT TRUST EACH OTHER, ETC. BUT NOTHING POSITIVE. LET’S KEEP BUILDING AND SUPPORTING EACH OTHER THAT IS BEHIND BARS, WE ARE DOING A GREAT JOB.” – OSHA ONEEKA DAYA DA GODDESS OF LOVE

There are multiple ways to shut down Rikers now without adding more jails. Without any upstate reforms, New York City has enough legal tools to reduce the number of people held in NYC’s jail system. What is lacking is the political will from elected officials complicit in the punishment system. We present an overview of different levers within the political and legal system that can be used to facilitate lowering the number of people held enough that we can shut down Rikers without building any new jails.

END PRE TRIAL DETENTION

Most people who are held in NYC jails are there awaiting trial⁵³. Without waiting for state law, city officials can virtually end pretrial detention and shut down Rikers with no new jails.

51 <https://www.ibo.nyc.ny.us/iboreports/pretrial-detention-rates-may-2017.pdf>

52 <https://www.nydailynews.com/new-york/jails-cost-city-1-36b-2017-decrease-inmates-article-1.3632047>

53 https://vera-institute.shinyapps.io/nyc_jail_population/

Ending pretrial detention frees up city funds to create an inclusive society in which everybody has their basic needs met—including housing, education, healthcare, recreation, and public space. We must be united and clear that we are against all forms of pretrial detention. Pretrial detention increases violence because people confined before trial experience trauma within jails and return to their communities without support or resources for the trauma they have experienced, often to lives, families, and communities that have been disrupted by their absence. Pretrial detention increases violence because, as Stephen Wilson, one of our incarcerated abolitionist leaders explains, the systems of punishment “might create security, but they don’t create safety.”⁵⁴

By granting bail and remand review hearings, city criminal court judges could release almost everyone currently detained pretrial in New York City, allowing us to shut Rikers down with no new jails.

Under New York Criminal Procedure Law, local criminal courts can release pretrial defendants. Current law allows defendants to be released on their own recognizance with no conditions (ROR), on supervised release, or on bail when they have been charged with any misdemeanor, or any felony except a Class A felony. People who have been charged with a Class A felony, or have two or more prior felony convictions cannot be released pretrial⁵⁵.

Holding people pretrial increases violence⁵⁶. Pretrial detention is racist. Black and Latinx people are detained pretrial at higher rates than white people; according to a recent study, pretrial detention can “explain 40 percent of the Black-white gap in rates of being sentenced to prison and 28 percent of the Hispanic-white gap.⁵⁷” Pretrial detention also may violate the Constitutional right to the presumption of innocence and due process⁵⁸; punishes legally-innocent people through incarceration; and reduces people’s capacities to fight their cases, which increases the possibility of conviction or plea.

People jailed pretrial (remanded or with bail set higher than they can afford) have several legal avenues to challenge their detention. Under New York Criminal Procedure Law (CPL) 510.20, they can apply to the same court that initially ordered bail or remand for release or bail reduction. Under CPL 530.30(1), they can apply to a superior court to have their pretrial remand or bail reviewed. Finally, bail and remand decisions can be appealed through habeas corpus petitions⁵⁹. Although the legal standard for reversing criminal courts’ bail and remand decisions appears to be narrow⁶⁰, in New York City criminal court judges routinely flout state law when they set bail and remand defendants by setting excessive bail⁶¹; setting bail not to secure defendants’ return to court but on de facto “dangerousness” grounds; and by abusing their discretion to remand people who should be released pretrial.⁶²

54 <https://abolitioniststudy.wordpress.com/2019/07/19/security-does-not-mean-safety-1/>

55 CPL 530.30. It appears that superior courts can overturn lower courts’ decisions to remand defendants who have Class A felony charges pending against them or have two or more prior felony convictions. Defendants can only make one application to superior courts to have their remand decision overturned. See *New York Pretrial Criminal Procedure* (West Practice Series, Second Edition).

56 <https://www.journals.uchicago.edu/doi/abs/10.1086/688907>

57 Leslie, Emily and Nolan G. Pope (2017). “The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from New York City Arraignments.” *Journal of Law and Economics*, Vol. 60, p. 1

58 Einesman, Florallynn (1992). “How Long is Too Long? When Pretrial Detention Violates Due Process.” *Tennessee Law Review*, Vol. 60, pp. 1-50.

59 See, e.g., *People ex rel. Kuby v. Anderson*. “The scope of collateral review upon a habeas corpus petition challenging a bail decision by a nisi prius court is narrow. It is limited to consideration of whether the denial of bail was an abuse of statutory discretion or a violation of the constitutional prohibition against excessive bail or its arbitrary refusal. The habeas corpus court may not substitute its discretion for that of the nisi prius court.”

60 Generally, bail and remand decisions can be reversed if facts or circumstances change (i.e., the top charge is reduced) or if it can be shown that bail or remand decisions abused judicial discretion or violated the CPL.

61 <https://www.themarshallproject.org/2018/02/26/the-prosecutors>

62 <https://www.theatlantic.com/politics/archive/2017/11/the-failure-of-new-yorks-bail-law/546212/>

Most, if not all, people currently detained pretrial in NYC have legitimate legal grounds for challenging their bail or pretrial detention.

Every single person currently being held pretrial in NYC should be immediately granted a remand or bail review hearing in a local criminal court. The standard for these review hearings should follow the New York State legislature’s recent declaration that laws governing bail should create “a presumption in favor of pretrial release.” That standard should also be based on the legislative mandate for the state’s current bail statute, which was passed in 1970 in order to reduce pretrial detention: people held on excessive bail should have their bail reduced, converted to a non-collateral bond, or eliminated entirely. People who are remanded on non-Class A felonies should be released with services, and support for them and anyone harmed should be prioritized. Generous supportive services are what’s necessary to secure a return to court.

Mayor Bill de Blasio should use his political will to pressure District Attorneys to support the defendants’ motions in these hearings, and should encourage judges to apply New York State bail law (which permits—even requires—broad pretrial release) accurately and fairly.

Crunching the numbers: *By virtually eliminating pretrial detention, we would more than meet Mayor de Blasio’s arbitrary conditions to shut Rikers down only after the number of people held in city jails falls below his ever-changing threshold. In the fourth quarter of 2018 (November-December), the average daily number of people detained in city jails pretrial was 5,200. 60% of people detained pretrial—just over 3,100—could be released immediately if they had the money to pay bail.*

Table 3: Status of Individuals in DOC Custody from Three Daily Snapshots

Of the number of inmates in the custody of the department of corrections on the last Friday of each calendar month of the reporting period, the percentage who had been sentenced to a definite sentence, the percentage held on pending criminal charges, and the percentage in any other category."

Status	10/25/18	11/29/18	12/27/18
City Sentenced	867	806	769
Pre-Trial Detainee	5312	5262	5007
Parole Violator	1620	1649	1571
Other	443	407	390
Total	8242	8124	7737

* Due to DOC data structure, data is from the last Thursday of each calendar month in the reporting period, not the last Friday.
** Other category includes but is not limited to state-sentenced population awaiting transfer, court ordered, state inmates testifying at NYC trials, etc.

Eighteen (18) percent of people in city jails detained pretrial (936 people) are charged with Class A Felonies (the only charge for which a lower court cannot grant pretrial release or bail); yet, 41 percent of people detained pretrial in NYC jails (just over 2,000) are remanded without the option to pay bail. This means that there is an average daily population of approximately **1,050 people who are eligible for pretrial release** who are languishing in jail without even the option to bail out. The overuse of pretrial detention in excess of what is mandated by law signals that judges are **using their discretion to lock people up** rather than to release them. Releasing everyone currently held on bail would be the first step to closing Rikers. After bailing people out, the next step is to release those who are remanded. We can achieve this through increased political and public pressure on judges, DAs, and other politicians who hold influence on them, as well as rolling back the scope of judges’ discretion in pretrial decisions.

Table 4: Percentage of Individuals in DOC Custody Remanded without Bail from Six Daily Snapshots

"Of the number of inmates in the custody of the department of correction on the last Friday* of each calendar month of the reporting period held on pending criminal charges, the percer bail."

Status	07/26/18	08/30/18	09/27/18	10/25/18	11/29/18	12/27/18
Remanded without bail	40%	39%	40%	41%	41%	41%

Table 8: Percentage Breakdown of Individuals in DOC Custody, By Charge Severity, from Six Daily Snapshots

Of the number of inmates in the custody of the department of correction on the last Friday of each calendar month of the reporting period held on pending criminal charges, the percent following severity: (a) class A felonies; (b) class B or C felonies; (c) class D or E felonies; (d) misdemeanors; or (e) non-criminal charges.*

Charge severity**	07/26/18	08/30/18	09/27/18	10/25/18	11/29/18	12/27/18
Class A Felonies	17%	17%	17%	17%	18%	18%
Class B or C Felonies	49%	49%	48%	48%	48%	49%
Class D or E Felonies	25%	25%	25%	25%	25%	24%
Misdemeanors	5%	5%	6%	6%	5%	4%
Other Offenses†	1.1%	1.6%	1.2%	1.3%	1.3%	1.3%
Converted Warrants††	2%	2%	3%	3%	3%	2%
Total	100%	100%	100%	100%	100%	100%

New York City judges granted bail and remand review hearings to every single person currently held on bail and every single person remanded and not charged with a Class A felony, and then released people on recognizance (ROR), on non-collateral bonds, or set lower bails, the average daily jail population could **drop by over 4,000** (from just over 7,000 to 3,000).

Currently, most bail or remand decisions in arraignments courts are made **in between three and ten minutes**. Opponents who argue that granting 4,000 bail and remand review hearings would overrun the courts are mistaken.

In fact, due to over-policing and hyper-criminalization, courts are **currently overrun by low-level misdemeanor charges resolved through dismissals, which would appear to be a bigger waste of court resources than determining whether or not people should be at liberty pretrial**. Decisions with life-altering consequences for defendants’ Constitutional rights, freedom, safety, mental and physical wellbeing, family connections, job security and housing, immigration status, probability of incarceration, and criminal record are being made with hardly even a cursory investigation, and with widely different outcomes based on the presiding judge and county in which one is arraigned. Flooding courts with review petitions is a viable tactic to force courts to release defendants on their own recognizance or set lower or non-collateral bail, as lawyers with the Legal Aid Society have recently argued⁶³. In brief, justice and freedom are best served by courts’ taking the time to review prior bail and remand decisions and release our community members currently detained pretrial.

RELEASING PEOPLE TO DEFEND THEMSELVES FROM HOME

We know that when people are released pretrial, they come back and handle their court obligations. Real-world evidence demonstrates that the overwhelming majority of people return to court to fight charges against them. For example, 95 percent of Brooklyn Community Bail Fund clients return for all their court dates⁶⁴. In a recent empirical study, involving individuals facing felony charges, as well as those charged with misdemeanors, 88 percent returned for all of their court appearances after they were released with either unsecured or partially secured bonds, options that are currently available to judges under New York law.⁶⁵

Prosecutors can choose not to ask for cash bail or remand for people facing all but Class A Felony charges or with two or more prior felony convictions. Ending the use of cash bail in particular would go a long way in alleviating the attack on poor people.

Under current law, there are 9 categories of bail and bond that judges can set. The barrier of cash bail can be avoided by ordering partially secured or unsecured bond, which allow people who are accused to gain release by paying little to no money, unless they do not return to court for their cases. But ultimately, prosecutors should not request cash bail, insurance bonds, or remand. Judges should release most people on their own recognizance.

⁶³“Systematic appeals—if accompanied by a steady stream of reversals—could also prompt reform by expending judges’ time and resources repeatedly redoing reversed bail determinations.” <https://www.theatlantic.com/politics/archive/2017/11/the-failure-of-new-yorks-bail-law/546212/>

⁶⁴ See <https://brooklynbailfund.org/>.

⁶⁵ Against the Odds: An Experiment to Promote Alternative Forms of Bail in New York City’s Criminal Courts. New York: Vera Institute of Justice, 2017.

ELIMINATING COERCIVE GUILTY PLEA DEALS

We can reduce prosecutors' power to resolve cases through guilty plea bargains⁶⁶. The criminal court system (in conjunction with over-policing) is a massive bureaucracy that does not deliver healing to people who have been harmed or people who have caused harm, but **drowns people, family, and communities in dehumanizing, lengthy, and costly processes designed to efficiently accrue guilty pleas—not justice**⁶⁷. Overcharging⁶⁸, pretrial detention⁶⁹, and court backlogs⁷⁰ are procedural issues within the criminal system that **prosecutors weaponize to coerce people to accept pleas**⁷¹ instead of fighting their cases⁷². Prosecutors exercise incredible discretion in plea bargaining, leading to racial inequalities in sentencing and increased sentences for people who choose to go to trial rather than plead guilty⁷³.

In 2017, there were over 10,500 pending felony cases citywide, but only 615 trials, with the average case taking over a year to go to trial. **Although more than half of all NYC cases will eventually be dismissed**⁷⁴, guilty pleas comprise about 97 percent of ultimate dispositions; in other words, the overwhelming majority of guilty verdicts are arrived at through pleas, not trials. However, of the 615 felony trials, almost half (291) resulted in acquittal⁷⁵. This suggests that trials deliver more favorable outcomes to defendants; **yet procedural barriers to accessing trials allow prosecutors to exert pressure on defendants to plead**⁷⁶.

66 <https://www.nytimes.com/2016/08/08/nyregion/jury-trials-vanish-and-justice-is-served-behind-closed-doors.html>

67 "Efficiency has redefined adjudication's aims and reordered its priorities, valuing clear, measurable aspects such as numbers of convictions and devaluing qualitative components related to juries, participation, the substantive nature of judgments, and perhaps factual accuracy." (https://www.researchgate.net/profile/Darryl_Brown2/publication/259869522_The_Perverse_Effects_of_Efficiency_in_Criminal_Process/links/0a85e52e4392301136000000/The-Perverse-Effects-of-Efficiency-in-Criminal-Process.pdf). Also see analysis of prosecutorial discretion and the plea bargaining process in Canada: "The current devices designed to constrain and guide prosecutorial discretion in Canada ... risk prioritizing expedience over procedural fairness and ought to be reformed." Manikis, Marie & Peter Grbac. 2017. "Bargaining for Justice: The Road Towards Prosecutorial Accountability in the Plea Bargaining Process. Manitoba Law Journal.

68 "In overcharging ... prosecutors build in leverage to coax defendants to plead guilty." (p. 225). Legal scholars all appear to agree that prosecutors overcharge defendants to guarantee that convictions will result from criminal cases (Gershman, 2011; Krug, 2002; Stuntz, 2001; Wright & Miller, 2002). Researchers who describe this prosecutorial strategy of overcharging generally concede that it represents a misuse of prosecutorial discretion" (https://www.researchgate.net/profile/Christine_Martin12/publication/270672222_Influence_of_Race_and_Ethnicity_on_Charge_Severity_in_Chicago_Homicide_Cases_An_Investigation_of_Prosecutorial_Discretion/links/58f6888caca2723d16a98438/Influence-of-Race-and-Ethnicity-on-Charge-Severity-in-Chicago-Homicide-Cases-An-Investigation-of-Prosecutorial-Discretion.pdf)

69 Leslie, Emily and Nolan G. Pope. 2017. "The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from New York City Arraignments." *Journal of Law and Economics*, vol. 60.

"Plea bargaining, then, often happens in the shadow not of trial but of bail decisions"; "Rather than basing sentences on the need for deterrence, retribution, incapacitation, or rehabilitation, plea bargaining effectively bases sentences in part on wealth, sex, age, education, intelligence, and confidence." (https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1923&context=faculty_scholarship)

70 <https://www.bronxdefenders.org/new-york-law-journal-we-need-speedy-trial-reform-in-citys-criminal-courts/>

71 Lester, Brandon. 2005. "System Failure: The Case for Supplanting Negotiation with Mediation in Plea Bargaining." *Ohio State Journal on Dispute Resolution*, Vol. 20

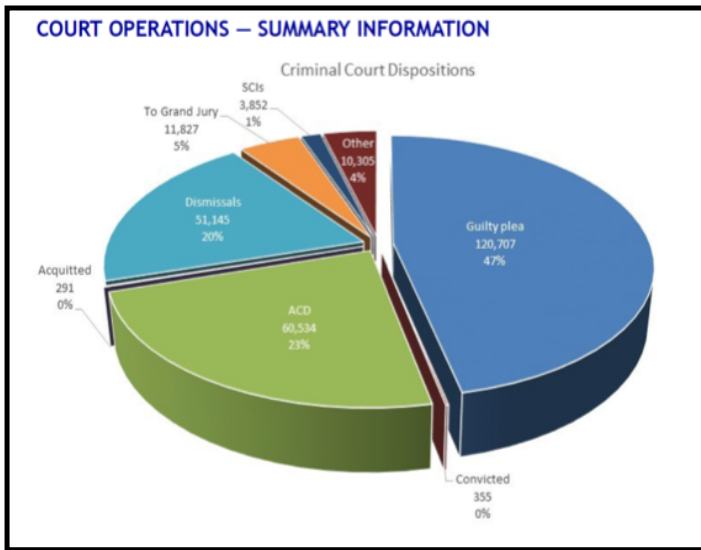
72 "The plea bargaining system in New York City may be fraught with promises of leniency, time pressures, and insufficient attorney advisement -- factors that may undermine the voluntariness of plea deal decisions." In a recent study, 27% of youth and 19% of adults who pleaded guilty to felonies in NYC maintained their innocence even after pleading. <https://psycnet.apa.org/buy/2016-37105-001>

73 Devers, Lindsey. 2011. "Plea and Charge Bargaining: Research Summary." Bureau of Justice Assistance, U.S. Department of Justice. https://ir.vanderbilt.edu/xmlui/bitstream/handle/1803/6471/When_Process_Affects_Punishment.pdf?sequence=1&isAllowed=y

74 Dismissed cases should never make it to arraignments in the first place, which is why we can't address the court system without addressing policing.

75 2017 Annual Report of the Criminal Court of the City of New York

76 Regardless of legal innocence. A study conducted in 1989 showed that at least 10% of people who plead guilty to federal felony charges were innocent, i.e., plead falsely. (<http://www.floridajudge.com/wp-content/uploads/2016/07/Why-innocent-People-Plead-Guilty-J-Rakoff.pdf>).



NYC’s criminal court system is set up to manufacture pleas. Prosecutors bring charges (and garner convictions) on cases with **weak or nonexistent evidence**⁷⁷ because the pressures on defendants to plead (most importantly, the offer of a reduced sentence compared with going to trial, or the option to be released from pretrial detention on a time-served plea)⁷⁸ are difficult to withstand and prosecutors know that they rarely will take a case to trial and prove guilt. Thus, prosecutors have increasingly broad⁷⁹ and unchecked power⁸⁰ in the punishment system⁸¹ and must be forcefully challenged as part of a journey to abolish them.

The speedy trial and discovery reform legislation recently passed in Albany should reduce prosecutors’ coercive power by reducing time-to-trial and giving defense attorneys access to the evidence they need to adequately fight for people. In addition, local changes to how criminal courts operate and are funded must be implemented to reduce prosecutors’ unfair advantages. Mobilizing mass protest on the legal system can facilitate the following adjustments that otherwise would never be made or even be enforced.

Judges should have the courage to refuse the prosecutorial obsession with conviction efficiency and reject plea deals proffered on insufficient evidence. Simultaneously, City Council should adequately fund public defenders and reduce the District Attorney Offices’ budget to increase funding for indigent defense. The 2019 budget for citywide District Attorneys is \$375.6 million, whereas the budget for indigent defense is only \$270 million. At the very least, \$50 million should be diverted from prosecutors to defenders to create parity. This will decrease the power and resource imbalance between prosecutors and defenders that contributes to people taking plea deals on shoddy evidence, and force prosecutors to better allocate their resources and dismiss or decline to prosecute cases with insufficient evidence⁸³.

Finally, City Council should direct District Attorneys to make publicly available their internal policies and data regarding their decisions to decline to prosecute, to dismiss, and to offer and accept plea bargains, so that the public can hold District Attorneys accountable to their campaign promises and monitor case dispositions for race, gender, and borough inequalities.

77 “Using leverage gained through overcharging and from determinate sentencing laws, prosecutors can extract guilty pleas in weak cases.” (https://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1743&context=faculty_scholarship).

Recent legal analysis have suggested that over-criminalization and plea bargaining are fundamentally intertwined processes that tip the scales in favor of prosecutors and against defendants. (<https://heinonline.org/HOL/LandingPage?handle=hein.journals/jecoplcy7&div=37&id=&page=&t=1557083720>).

Also see: Bibas, Plea Bargaining Outside the Shadow of Trial, 117 Harv. L. Rev. 2463 (2004).

Finally, Covey argues that plea bargains erode evidentiary standards particularly for people who have prior criminal convictions. Given the disproportionate impact of the criminalizing system on people of color (who are thus more likely to have records), the use of plea deals compounds racial inequalities by eroding standards in subsequent trials of already over-policed and over-convicted communities. See: Covey, Russell. 2011. “Longitudinal Guilt: Repeat Offenders, Plea Bargaining, and the Variable Standard of Proof.” Florida Law Review, Vol 63

78 https://ir.vanderbilt.edu/xmlui/bitstream/handle/1803/6471/When_Process_Affects_Punishment.pdf?sequence=1&isAllowed=y

79 The prosecutor has “more control over life, liberty, and reputation than any other person in America” (Supreme Court Justice Robert Jackson, cited in Ma, Yue. 2002. “Prosecutorial Discretion and Plea Bargaining in the United States, France, Germany, and Italy: A Comparative Perspective.” International Criminal Justice Review). The United States is unique in how broad and overwhelming prosecutors’ power in the charging and bargaining processes is, especially compared to continental Europe.

80 <https://journals.sagepub.com/doi/abs/10.1177/105756770201200102>

81 https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2113&context=fac_pubs

82 <https://heinonline.org/HOL/LandingPage?handle=hein.journals/waslee73&div=9&id=&page=&t=1557079619>

<https://www.themarshallproject.org/2018/01/03/how-new-york-could-change-the-game-for-its-criminal-defendants>

83 <https://www.law.com/newyorklawjournal/2019/04/10/defenders-urge-more-funding-in-nyc-budget-for-pay-parity-with-citys-lawyers/>

JUDICIAL DISCRETION IN MISDEMEANOR SENTENCING

There is currently no mandated sentence for most misdemeanors or violations; upon conviction judges may choose from the sentencing options laid forth in Penal Law 60.01 (Authorized Dispositions). Instead of sentencing people convicted of misdemeanor offences to jail time, judges can sentence people to conditional discharge (Article 65), unconditional discharge (65.20), probation, or a fine (Article 80). In 2018, on any given day there were around 800 people in city jails serving misdemeanor sentences. In the service of fairness, justice, pragmatics, and efficiency, city judges should exercise their judicial discretion and sentence people convicted of misdemeanors to unconditional discharges. As judges move towards less punitive sentencing for misdemeanors, we would expect District Attorneys to move to dismiss more misdemeanor charges, exerting pressure on the NYPD to reduce misdemeanor arrests.

JAIL FREE NYC

"THE ONLY CHANCE NNJ HAS OF IMPLEMENTING YOUR PLAN IS BY BUILDING MASSIVE COMMUNITY SUPPORT..." - SEAN, INCARCERATED NNJ MEMBER

Closing Rikers with no new jails is our immediate goal, but our vision is beyond this campaign. The punishment system is much broader than jails. What we see and what we are committed to is a vision of a city and society without surveillance, prisons, police or jails. After closing Rikers with no jails either as NNJ or as other formations we will fight to shut down the Barge, the Tombs, Brooklyn House of Detention, and all the confinement facilities managed by the Office of Mental Health. But beyond what we are against we are committed to making safety the responsibility of well-resourced communities organized for justice.



WE KEEP US SAFE

“TO CONSIDER THE ABOLISHMENT OF PRISONS WE MUST FIRST ABOLISH THE PRISON OF THE MIND THAT HAS TRAPPED US IN IGNORANCE.” - HAKIM, INCARCERATED NNJ MEMBER

BACKGROUND

We believe that safety is the responsibility of well-resourced communities organized to address violence. After we have released everyone held pretrial in city jails, we will be able to shut down Rikers without any more jails. Simultaneously, we will work with our community to create a network of support that will provide each person who is released with immediate services, opportunities for collective accountability, and healing. What starts as a response to thousands of people being released will become the We Keep Us Safe Network. We are building out community infrastructure to address harm without employing carceral systems like police and cages that only create or increase violence. We recognize this moment as not only an opportunity to turn the tide against mass incarceration but to take the first step into a new era where safety is the responsibility of well-resourced organized communities.

The We Keep Us Safe Network is a cultural millie rock, and dab-dripping in love, defiance, resilience for people most marginalized in this country.

ABOLITIONIST PRINCIPLES

- 1. This is an abolitionist project, but you do not have to be an abolitionist to participate.**
- 2. Organizations such as nonprofits can volunteer their time and capacity but will not receive funds.**
- 3. Only long-term working-class New Yorkers and/or people directly impacted by incarceration will be paid.**
- 4. This is not service work, this is a campaign to Shut Rikers Down with No New Jails.**
- 5. You must value and respect the agency and leadership of women and LGBTQ+ members.**
- 6. This is a Black led effort rooted in the tradition of abolition.**

COMMUNITY JUSTICE AND ACCOUNTABILITY

“MY VISION IS SAFETY WHERE PEOPLE FEEL FREE, THEY CAN MOVE AROUND THEIR COMMUNITIES WITHOUT HAVING TO FEEL AFRAID OR VULNERABLE.” - PAMELA, INCARCERATED NNJ MEMBER

We recognize that we cannot depend upon the system—their rhetoric, policies, laws, practices, and reform efforts do not keep us safe. So we are forging alliances with communities across New York City and beyond. **New Yorkers are joining hands to take back our neighborhoods to fight for our community members and loved ones directly impacted by criminalization, incarceration, rapid detention and deportation.** As community members, we must be invested in keeping our people, community safe.

Our abolitionist plan calls upon community members, healers, social workers, crossing guards, whatever your professional, or personal occupation is, to share resources and skills for the betterment of our community, which has been our tradition, for many of us, for generations⁸⁴. We all have a skill or offering that could contribute to community wellness and safety. Theatres, faith-based institutions, community

⁸⁴ <https://atlantablackstar.com/2015/03/26/8-black-panther-party-programs-that-were-more-empowering-than-federal-government-programs/>

centers, and schools should also play a major role in community accountability and addressing harm within communities. The We Keep us Safe network is a call to action for communities members to actively practice transformative systems to make divestment from incarceration and policing possible. We are actively leading trainings, de-escalation, restorative justice, emotional care, mental health rapid response, alternatives to calling the police training and conversations, and working with partners and other stakeholders already doing this work in directly impacted communities.

CITY WIDE NETWORK OF TRANSFORMATIVE JUSTICE CENTERS

“TRUTH BE TOLD, I CANNOT TELL YOU THE LARGE NUMBER OF PEOPLE WHO HAVE CONFIDED IN ME, SINCE BEING INCARCERATED, WHO HAVE BEEN SEXUALLY ASSAULTED PRIOR TO BEING IMPRISONED AND NEVER SOUGHT (OR THOUGHT ABOUT SEEKING) ANY HELP TO WORK THROUGH THAT TRAUMA—THAT WOULD INCLUDE MYSELF...” - E. PARIS, INCARCERATED NNJ MEMBER

We call for our community to take \$11 billion for our needs, whatever they may be. One way we can use these resources is to address harm and create a culture of abolition. For us, harm is not simply an individual’s moral flaw, but rather reflects a collective breakdown of our social values. So incidents of harm call on us to not only support someone in finding accountability for the harm they have caused, but also signal a crisis that we must surround with the necessary support to prevent further harm. Rather than investing in the infrastructure of incarceration for generations to come, we can use whatever money we can raise or demand from the city to build transformative justice centers with no connection to the punishment system.

These centers will be places for community-based transformative justice practices that get to the root causes of violence⁸⁵ and which cannot and must not use courts, cages or the police, or any other part of the punishment system. We will recruit and organize community members: violence interrupters, spiritual practitioners, social workers, healers, and therapists who will support programming on mental health trainings, de-escalation, violence intervention, gender-based violence, gun violence and any other safety oriented trainings and rapid response care. The transformative justice center(s) should constantly evolve to address community needs. In these spaces, we will be able to hold trainings and provide space for people to create their own interventions into harm and put their ideas into practice.

Mutual aid is at the heart of this work. We believe that it is this community based programming that does not involve the punishment system which will support the work of freeing 30k people yearly that will usher in a culture of abolition.

The We Keep Us Safe Network is calling upon community members to be invested in their safety, and to collectively work together not to depend upon a system that continues to uphold a legacy of racism, violence, and punishment.

⁸⁵ Existing government programs like welfare are often tools of manipulation, withholding resources and working closely with the punishment system.

WE KEEP US SAFE NETWORK PROGRAMMING:

“NO RACISM, MISOGYNY, OR HATE! NO NEW JAILS! NO MORE POLICE!” - JENNIFER, INCARCERATED NNJ MEMBER

We have shown within this document that incarceration serves and protects the status quo. It is a form of repression for poor and working class people. It is also a punitive tool that we are indoctrinated to accept as an answer for our own communities. Meanwhile, the people who cause structural harm in our society—bankers on Wall Street, war mongers in the White House, and police who occupy our neighborhoods and kill our young people—are never asked to be responsible for the violence they cause. We are told to call the police when we are in danger, to depend on the punishment system to deal with the violence within our communities, even though this system is at the root of the violence that our communities learn in the first place. But if police, jails and prisons facilitate and create violence against our communities and actually don't increase our safety, the real question is: How do we make the strategies to respond to the violence in our communities- which includes domestic violence, sexual violence, and child abuse- so we don't depend on police or prisons?

Community accountability is one way. Community accountability is a collective community-liberation based strategy. Instead of calling the police to address violence within our communities, we focus on a process where a community—a group of friends, a family, a church, a workplace, healers, an apartment complex, a whole neighborhood—work together to provide support with the proper resources to resolve violence. We have witnessed these strategies with leftist organizations such as The Black Panther Party for Self Defense, The Young Lords Party and the Combahee River Collective.

This on-going work requires:

- Community education around values and practices that combat abuse and oppression and encourage safety, support, and accountability.
- Political education and skills-sharing around values and practices of transformative justice.
- Community members who can provide safety and support to people surviving violence in a way that uplifts self-determination.
- Sustainable strategies to address our own community members who cause harm, where a process is created for them to account for their actions and transform behavior.

We Keep Us Safe Programming is part of a long-term tactic to change the material conditions and political ideologies that reinforce violence and oppression, including state violence as embodied by police and incarceration.

ADDRESSING GENDER BASED VIOLENCE

Addressing gender-based violence and harm is at the core of making public safety the responsibility of organized communities. Many people who are surviving domestic violence now do not call the police because: they know they will not be believed⁸⁶; they will themselves be harmed by the police⁸⁷; they do not want their partner incarcerated⁸⁸; or are afraid of being incarcerated themselves for defending themselves against violence⁸⁹. For example, mandatory arrest policies often result in the survivor being arrested, not the person causing violence, and they disproportionately affect Black and Latinx women who call the police to report being harmed⁹⁰. More than half the women currently serving time in New York prisons for violence are incarcerated for defending themselves or their children against their abusers. Clearly, policing and incarceration don't prevent domestic violence.

CASE STUDIES: SISTA II SISTA, SUPPORT NEW YORK, GENERATIONFIVE, AUDRE LORDE PROJECT IN NYC, TRANSFORM HARM, & CREATIVE INTERVENTIONS

These case studies provide a vision of how we could draw lessons from these past efforts and many other similar collectives to train and collaborate across neighborhoods and begin building out a culture of abolition that addresses harm using \$11 billion in jail construction funds.

SISTA II SISTA CREATED SISTA'S LIBERATED GROUND⁹¹: A space where violence against sistas is not tolerated, and where women turn to each other instead of the police to address the violence in their lives. SLG includes extensive outreach with flyers, posters, T-shirts, stickers, and murals to mark the territory. There is also an action line, a phone number that women can call to get involved in SLG. The squad members are also developing a series of workshops for young women from the community on sexism, conflict resolution, collective self-defense, and other topics to raise consciousness and build relationships with other women in the neighborhood.

SUPPORT NEW YORK: People directly impacted by violence have the power to transform harm into power. Support New York is "a survivor support collective that grew out of punk and anarchist communities in NYC in the mid-2000s." In its own words, Support New York's aim was "to empower survivors, to hold accountable those who have perpetuated harm, and to maintain a community dialogue about consent, mutual aid, transformative justice and our society's narrow views of abuse." At its peak, it comprised only 12 volunteer members, but it was still able to run more than a dozen intensive processes lasting six months to a year each.⁹²

GENERATIONFIVE⁹³: Spent the last decade developing transformative justice practices with allies across movements and across the country. GenerationFIVE considers transformative justice an approach to respond to and prevent child sexual abuse and other forms of violence. GenerationFIVE

86 <https://ocrsm.umd.edu/files/Why-Is-Sexual-Assault-Under-Reported.pdf>

87 http://vawnet.org/sites/default/files/materials/files/2016-08/AR_IncarcerationUpdate%20%281%29.pdf

88 https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1075&context=cl_pubs

89 <https://survivedandpunished.org/quick-statistics/>

90 <http://www.freemarissanow.org/fact-sheet-on-domestic-violence--criminalization.html>

91 Source: https://collectiveliberation.org/wp-content/uploads/2013/01/Sista_II_Sista_Sistas_Makin_Moves.pdf

92 <https://transformharm.org/the-nyc-punks-who-built-a-support-network-for-sexual-assault-survivors-when-the-justice-system-failed-them/>

93 <http://www.generationfive.org/wp-content/uploads/2018/08/g5-Transformative-Justice-Handbook.pdf>

puts transformation and liberation at the heart of the change. Child Sexual Abuse for Generation FIVE is not just an individual issue but, "...an expression of power dynamics that are woven throughout the fabric of our society." Transformative Justice is the tool to address this harm, based on the principles of liberation, shifting power, safety, accountability, collective action, cultural responsiveness, sustainability, and resilience. It is an approach that looks at individual and community experiences as well as the social conditions, and looks to integrate both personal and social transformation.

AUDRE LORDE PROJECT'S SAFE OUTSIDE THE SYSTEM (SOS) COLLECTIVE:

Is an anti-violence program led by and for Lesbian, Gay, Bisexual, Two Spirit, Trans, and Gender Non-Conforming people of color. SOS is devoted to challenging hate and police violence by using community based strategies rather than relying on the police. SOS members create rapid responses to violence and teach community security, de-escalation, conflict mediation, and safe space creation to individuals, households, shelters, classrooms and businesses, in an attempt to keep police away from marginalized communities. This is ongoing work through the Safe Neighborhood Campaign.⁹⁴

TRANSFORMHARM⁹⁵: Is a resource hub to end violence. TransformHarm focuses on community accountability, abolition, healing justice, carceral feminisms, restorative justice, and transformative justice. We envision that a broad network of community accountability would use this tool to train, empower and develop leaders who can create parallel and new transformative justice practices. For We Keep Us Safe to be sustainable, we will need to retrain how we collectively understand safety.

CREATIVE INTERVENTIONS (CI)⁹⁶: To fully live out and implement transformative justice we will need information and archives of what has worked in the past and share knowledge. The Creative Interventions work in Oakland provides that opportunity that, "started in 2012 in Oakland as a national resource center to create and promote community-based interventions to interpersonal violence. CI and our partners developed a toolkit to promote a community-based approach to ending interpersonal violence."

#WEKEEPUSSAFE

The punishment system will not save us. In fact, its responses prevent our ability to build safe communities. We must pour support around people who have been harmed to address their needs for housing, mental health, employment, and healing. This immediate support can be funded by divesting from policing and jailing, and investing in safe, affirming, and culturally-responsive community-led programs to interrupt and end intimate violence.

When we say we keep us safe, we are calling on New Yorkers to put consistent daily effort behind transformative justice to create unique neighborhoods specific efforts to address gender-based violence. These resources must not involve police, courts, or any other sector of the punishment system. This will allow us to create our own methods of public safety and empower our collective commitment to justice.

94 <https://drive.google.com/file/d/0BxlqoamGVS6IMV9oSy0zNGIYNEE/view>

95 <https://transformharm.org/>

96 <http://www.creative-interventions.org/tools/toolkit/>

\$11 BILLION FOR THE PEOPLE

BACKGROUND

The punishment system destroys our families, while taking money away from the things that make us whole. Because of their roots, jails always harm and can only create security for some, never safety for all⁹⁷. As jails increase violence, they defund our basic needs like housing, food, healthcare etc. We take some time here to outline some steps, informed by past abolitionist movements, to divest from the incarceration system and put money to our needs while also creating space and a greater chance for our own self-determination.

HOUSING FOR ALL: FUND NYCHA, HOUSE THE HOMELESS, AND IMPROVE SHELTER CONDITIONS

“WHAT THEY NEED TO DO IS PUT ALL THAT CASH TO GREATER USE LIKE FOR BETTER PROGRAMS AND MORE NICER AND AFFORDABLE HOUSING FOR US LGBTS AND HOMELESS, LOW CLASS PEOPLE THAT IS COMING OUT OF JAILS AND PRISONS, CUZ TO KEEP IT A BILLION WITH YOU, ALL US LGBT AND OTHERS WHEN WE COME OUT OF PRISON AND JAIL WE HAVE TO GO BACK TO THE SAME SHIT. WE HAVE NO CHOICE CUZ THEY DON'T GIVE US A CHOICE. THE ONLY CHOICE WE HAVE IS THE STREETS AND THE JOB WE KNOW BEST.” –OSHA ONEEKA DAYA DA GODDESS OF LOVE, INCARCERATED NNJ MEMBER

KEEP PUBLIC HOUSING PUBLIC & HOUSING FOR ALL

We must make housing as a human right a guiding political principle. Because we recognize that interrupting violence and community harm often requires finding safe and dignified housing for all parties to a conflict, our vision of community safety includes accessible and stable housing and programming both for those who have been harmed and for people who have caused harm. There is a crisis created by capitalism that either keeps available housing from people who need it or privatizes and dismantles public housing in NYC. This crisis makes it difficult for families who are surviving conflict or violence to find safe places to live.

For decades, public housing has been under attack. This attack has come from federal and local governments and can be readily seen in the conditions the New York City Housing Authority (NYCHA) residents are placed in. Fully funding and repairing NYCHA and creating more public housing units is a key component of our community safety plan. We can make a step in that direction by making NYCHA repairs and stopping Mayor de Blasio from selling of 62,500 units to private management.

The Mayor is using the estimated cost of \$13 billion in NYCHA repairs as an excuse to partner with President Trump to sell off public housing to private management through the Rental Assistance Demonstration (RAD) program⁹⁸. RAD is privatizing the management of public housing, pushing for rapid and high-volume evictions, and preventing residents from organizing themselves. Generally, gentrification, housing instability, and the lack of affordable housing increases neighborhood and family stress, contributing to conflict and violence, including domestic violence in working-class communities⁹⁹.

97 <https://abolitioniststudy.wordpress.com/2019/07/19/security-does-not-mean-safety-1/>

98 <https://smhttp-ssl-58547.nexcesscdn.net/nycss/images/uploads/pubs/RADHandbook1.pdf>

99 <https://onlinelibrary.wiley.com/doi/abs/10.1023/B:AJCP.0000004750.66957.bf>

Given that safe, stable, and secure housing decreases violence, we demand that the city fund NYCHA, not jails. Beyond fully funding and repairing NYCHA, we demand comprehensive transitional housing services for people returning home from incarceration, and permanent housing for everyone who is homeless in NYC.

We have 250,000 vacant apartments in our city¹⁰⁰, more than enough to provide 60,000 homeless people and everyone returning home from jail and prison a safe place to live. Access to housing and social services should not be routed through policing and jailing: access to housing should be provided as a basic human right for all New Yorkers.

END HOMELESSNESS AND IMPROVE CONDITIONS IN CITY SHELTERS

“SINCE COMING HOME, I HAVE LIVED IN MULTIPLE WOMEN’S SHELTERS IN NYC AND WILL SAY THIS: IT’S NO DIFFERENT THAN BEING IN JAIL. SECURITY ARE AS CORRUPTED AS C.O.S, WOMEN ARE TREATED LESS THAN HUMAN, AND THE LIVING CONDITIONS ARE EQUAL TO THE PISS STAINS IN OUR SUBWAY STATIONS” – SYNTHIA, NNJ MEMBER RECENTLY RELEASED FROM 30 YEARS OF INCARCERATION

As we work towards housing everyone, we must immediately improve conditions in city shelters, especially conditions for transgender and gender nonconforming people and people with children. According to Coalition for the Homeless, New York City shelters are in serious disrepair, with issues ranging from ceiling and pipe leaks, lack of heating and cooling, broken elevators, lack of accommodations for people with disabilities, to unsanitary bathrooms and lack of safety and dignity. As the Coalition for the Homeless testified:

“We routinely witness and hear well-founded concerns about the lack of dignity many people in shelters feel as a result of the environments they are living in. We know that shelters are not homes, but some of the daily conditions and practices serve to make the experience of homelessness even more traumatic and dehumanizing for individuals and families. Some examples of such practices include: requiring individuals to request toilet paper every time they need to use the restroom, being provided with low-quality food, not enough food, or being denied second portions of food; and not being provided adequate laundry services.”¹⁰¹

In addition, people currently housed in city shelters often have nowhere to go during the day (because of lockout hours) and are thus forced onto the street where they risk contact with the NYPD. Funding low-threshold “Drop In Centers” where people can relax in a safe and nonjudgmental environment will reduce contact between the NYPD and homeless people, people who use drugs, and people experiencing mental distress. Low-threshold, daytime Drop-In Centers that provide self-directed services for people experiencing homelessness—especially youth, people who use drugs, and people struggling with mental illness—have been shown to reduce homelessness¹⁰³ and improve people’s mental and physical wellbeing¹⁰³.

Drop-In Centers work, but NYC, with a homeless population approaching numbers not seen since the Great Depression, currently has just five city-operated Drop-In Centers for adults. Opening more Drop-

100 <https://www.nydailynews.com/opinion/247-977-stories-vacant-city-priced-reach-article-1.3892656>

101 <https://www.coalitionforthehomeless.org/coalition-testifies-on-shelter-conditions/>

102 <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1475-6773.2007.00755.x>

103 https://azhousingcoalition.org/resources/Documents/Bean%20Shafer%20and%20Glennon_2013_H3.pdf

In Centers staffed by people who have experienced homelessness and/or who come from oppressed communities will increase our communities' capacities to care for each other and reduce police contact and the cyclical incarceration of our homeless neighbors¹⁰⁴. Similarly, although Housing First programs have been shown to dramatically improve housing and mental and physical stability for people struggling with chronic homelessness¹⁰⁵ and are more cost-effective than shelters¹⁰⁶, these programs are woefully underfunded in NYC¹⁰⁷.

Instead of building new jails, Mayor de Blasio should comply with the Coalition for the Homeless demands to:

- Build at least 24,000 subsidized affordable housing units for homeless households;
- Set aside 6,000 units for homeless households through the preservation of existing housing stock;
- Provide at least 8,000 City-initiated rent subsidies per year to households at risk of eviction, and expand this program over the next five years to 15,000;
- Guarantee that housing placements made with rent subsidies are free from conditions that harm the health and safety of formerly homeless people or require them to comply with unfair and invasive demands;
- Increase the number of Section 8 vouchers provided to homeless families from 500 per year to at least 2,000;
- Increase the number of NYCHA placements for homeless families to 3,000 per year;
- Complete the construction of 15,000 City-funded supportive housing units by 2025 instead of 2030¹⁰⁸.

TRANSFORM MENTAL HEALTH SUPPORT

The city must provide broad mental health support for New Yorkers, especially those who are homeless and returning from incarceration. 43% of NYC's jail population received mental health care while in jail¹⁰⁹ and 63% struggled with substance use¹¹⁰. More than 80 percent of women on Rikers suffer from mental health conditions, some type of substance abuse, or severe trauma. Within the last ten years, **there has been a more than 20 percent increase of people with severe mental health concerns detained in city jails**. People with mental health needs cannot be treated in jail. We must commit to a strong mental health services network with accessible facilities that provide holistic support and address substance abuse without the use of police or surveillance schemes.

Rather than providing low-threshold, self-directed, culturally-responsive, and community-based services for people struggling with their mental health, **the city ignores, polices, and incarcerates people for having mental health needs**. Not only can we use money currently spent on policing and jailing to build an elaborate network of holistic mental health facilities, **we can offer free training for family members and broader communities on how to address mental health issues**. Family members and caregivers are usually the people who support their loved ones with mental health challenges. Let's give families and communities the resources, support, and training to care for their loved ones and neighbors.

104]<https://onlinelibrary.wiley.com/doi/abs/10.1002/casp.723>

105<https://www.coalitionforthehomeless.org/wp-content/uploads/2014/06/briefing-supportivehousing-2002.pdf>; <https://www.businessinsider.com/new-york-homeless-crisis-deblasio-solutions-2018-2#but-making-that-kind-of-impact-on-throughput-ie-moving-more-people-from-shelters-to-permanent-housing-is-contingent-on-nonprofits-following-the-landing-road-model-which-is-no-simple-task-10>

106 <https://www.coalitionforthehomeless.org/the-catastrophe-of-homelessness/state-of-the-homeless/>

107 <https://www.coalitionforthehomeless.org/the-catastrophe-of-homelessness/state-of-the-homeless/>

108 <https://www.coalitionforthehomeless.org/the-catastrophe-of-homelessness/state-of-the-homeless/>

109https://www1.nyc.gov/assets/doc/downloads/press-release/DOC_At_Glance_FY2019_072319.pdf#page=2

110https://www.health.ny.gov/health_care/medicaid/program/medicaid_health_homes/special_populations/docs/cj_cms_amendment_final.pdf

CASE STUDY: TRAIN MENTAL HEALTH WORKERS, NOT COPS

In 2015, NYPD officers received new training in how to respond to people experiencing severe emotional distress. This new training was supposed to reduce police violence against people with mental illness. But training the NYPD doesn't work¹¹¹. Since then, the NYPD has murdered **at least** fourteen people¹¹² experiencing emotional distress, and harmed countless more. The police are so bad at responding to emotional distress calls that organizations that supported training police in how to respond to emotional disturbances are now calling for eliminating the role of police in responding to mental health crises¹¹³.

In response to the dangerous failings of police, cities like Eugene, Oregon, have developed crisis response programs like CAHOOTS (Crisis Assistance Helping Out On The Streets) which dispatch unarmed medics and crisis workers to respond to mental health calls, not cops¹¹⁴. In the thirty years since CAHOOTS was founded, the program has supported thousands of people to de-escalate, resolve conflict, and meet their emotional, physical, and psychiatric needs without resorting to violence or arrest. No CAHOOTS worker has even been harmed in the course of their job¹¹⁵.

CASE STUDY: KENDRA'S LAW

Initially proposed in 1999 by families of individuals with serious mental illness, Kendra's Law (Mental Hygiene Law §9.60) provides for Assisted Outpatient Therapy (AOT) for people with serious mental health issues who have a history of multiple arrests and incarcerations. Although Kendra's Law enforces a court-order for community-based treatment, and is thus routed through the criminal punishment system, Kendra's Law has been proven to increase the health and safety of people with serious mental illness while reducing their contact with other elements of the criminal legal system (police, jails, and prisons).¹¹⁶

Crucially, Kendra's Law allows people with serious mental illness to *live in their communities* while receiving treatment. AOT has been shown to reduce homelessness by 74%; suicide attempts by 55%; and substance use by 48%. It also reduces arrests by 83%, incarceration by 87%, and hospitalization by 77%. Kendra's Law narrowly applies to people with serious mental illness who have caused interpersonal harm and are refusing treatment. Although No New Jails is always working towards lessening coercion and ending contact with the criminal legal system for all people, Kendra's Law works in that direction by helping meet the needs of people with serious mental illness in their communities and by reducing the incarceration of people with serious mental illness in the wake of deinstitutionalization. While not a community-controlled model, programs and services like Kendra's Law illustrate that safety and healing do not occur in the punishment system but in direct community support *outside jails*.

HARM REDUCTION FOR PEOPLE WHO USE DRUGS

In order to redress the generations of harm caused to our communities by the War on Drugs and the criminalization, dehumanization, and stigmatization of people who use drugs, NYC must expand and fully fund comprehensive harm reduction services. Unlike other treatment modalities, harm reduction rejects criminalization, punishment, and social control, in favor of services that center the autonomy and dignity of people who use drugs. We can establish a broad network of safe injection facilities with medical experts on hand and ample access to a variety of social services and treatment options. This is what we know addresses substance use and helps people heal.

111 Vitale, A. (2018). "We Called for Help, and They Killed My Son." *The End of Policing*. New York: Verso Press, pp. 76-89.

112 Including Susan Muller, Saheed Vassell, Miguel Richards, Dwayne Jeune, James Owens, Erickson Brito, Manuel Rosales, Deborah Danner, Garry Conrad, David Felix, Jonathan Efrain. <http://nymag.com/intelligencer/2019/03/special-report-nypds-mental-illness-response-breakdown.html>

113 https://www.communityaccess.org/storage/images/Miscellaneous/Re-Thinking_the_Police_Response_to_Psychiatric_Crises.pdf

<https://progressive.org/dispatches/mental-health-policing-chen-190607/>

114 <https://whitebirdclinic.org/cahoots/>

115 <https://www.portlandmercury.com/blogtown/2019/01/28/25620179/mayor-wheeler-considers-eugenes-model-of-mental-health-first-response>

We must divest from the War on Drugs and all punitive models for addressing substance use, including Drug Courts and Court-Mandated Treatment, and instead expand and fully fund existing low-threshold harm reduction services for people who use drugs, including: expanding funding for and access to syringe exchange, overdose prevention and Narcan, fentanyl testing, peer mentoring/counseling in risk reduction, non-stigmatizing, trauma-informed treatment (including outpatient and residential), and medication assisted treatment (methadone and suboxone). Money to fund more community based treatment and rehabilitation services would cut down health risks, lower violence, and decrease the number of people cycling through our jail system¹¹⁷.

CASE STUDY: TRANSFORMING SUBSTANCE USE TREATMENT AT INSITE

From the work of the Black Panthers to now, we know that supporting people with substance use needs requires community care not punishment. But after our movements were defeated, this communal approach was driven underground as the punishment system became the response to our needs.

In 2003, INSITE, North America's first supervised injection facility, was opened in Vancouver, Canada. Since its establishment, INSITE has prevented saved lives through preventing HIV and Hep C transmission¹¹⁸ and overdose deaths¹¹⁹ and facilitated access to social and medical services and treatment for people who use drugs¹²⁰. Moreover, because INSITE provides people who use drugs a safe, calm, and legal place to use drugs, it has reduced public drug use in the surrounding neighborhood, and thus likely reduced contact between people who use drugs and the police¹²¹. Opening neighborhood supervised injection facilities in NYC is an urgent public health response not only to the overdose crisis, but to the generations of harm caused by criminalizing people who use drugs.

INCREASE BENEFITS, REDUCE EXTREME POVERTY

In 2017, there were 1.7 million New Yorkers¹²² receiving an average of \$135 per month¹²³ in SNAP benefits to supplement food purchases. For \$238 million, or just 2 percent of the proposed jail construction budget, New York City could create a matching fund to double SNAP payments for the 1.7 million New Yorkers living at below 125 percent of the federal poverty line, increasing average SNAP benefits to \$270 per month. Additionally, there are approximately 350,000 New Yorkers receiving cash assistance through TANF and the state Safety Net Assistance Program, which provide up to 60 months of support for families and individuals struggling with poverty¹²⁴. For \$70 million, or just a fraction of a decimal point (0.6 percent) of the \$11 billion jails construction budget, New York City could provide an additional \$200 per month to every single person receiving cash assistance. Divest money from criminalizing poverty to alleviating poverty by increasing income supports.

MAKE PUBLIC TRANSPORTATION PUBLIC

Decriminalizing fare evasion can pay the annual fares of all New Yorkers who cannot afford the MTA. Really public transportation will eliminate fare evasion arrests, tickets and fines and also help New Yorkers find employment, stay connected to family and, therefore, lower incarceration rates. It is cheaper to give someone a year round MetroCard than to arrest them for fare evasion.

¹¹⁶<https://mentalillnesspolicy.org/kendras-law/kendras-law-overview.html>

¹¹⁷ <http://www.drugpolicy.org/blog/police-are-fueling-increased-overdoses-transmission-hiv-and-viral-hepatitis>

¹¹⁸ http://www.cmaj.ca/content/179/11/1143?utm_source=TrendMD&utm_medium=cpc&utm_campaign=CMAJ_TrendMD_1

¹¹⁹ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0003351>

¹²⁰ <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1465-3362.2009.00025.x>

¹²¹ <http://www.cmaj.ca/content/171/7/731.short>

¹²² <https://www1.nyc.gov/assets/hra/downloads/pdf/facts/snap/SNAPParticipationNYC.pdf>

¹²³ <https://www.kff.org/other/state-indicator/avg-monthly-snap-benefits/?currentTimeframe=0&selectedRows=%7B%22states%22:%7B%22new-york%22:%7B%7D%7D%7D&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

¹²⁴ https://www.osc.state.ny.us/finance/finreports/fcr/2016/public_welfare.htm

Fare evasion and other broken windows policing arrests target Black people. Fare evasion for example has been one of the top arrest categories in NYC with nearly 30,000 people arrested at one point. Seven out of 10 of these arrests are Black people. This is a charge that can evict people from public housing and is a deportable offense.

EDUCATION FOR JUSTICE

NYC schools often have more cops than counselors. Currently there are 5,000 cops in schools. After removing all police officers from schools, our budgets should be rerouted towards hiring thousands of teachers. Particular focus should be paid towards increasing the ranks of Black teachers along with emphasizing supporting struggling public schools. This will help lower classroom sizes and strengthen teacher unions. Along with teachers we can use a fraction of the budget saved from closing Rikers to hire mental health professionals and counselors that can help establish transformative justice practices and culture at all Department of Education (DOE) schools.

FUND CUNY, NOT JAILS

Existing support programs for working class people of color to attend CUNY two and four-year colleges are insufficient and riddled with loopholes. For example, the Excelsior Scholarship is a statewide “tuition-free” college program for students who come from families with a total income of less than \$110,000¹²⁵. However, because the Excelsior Scholarship requires that students attend college full-time to be eligible for the program, it de facto excludes our city’s poorest students, who must work full time to support themselves and their families while attending college part-time. Also, if scholarship recipients drop to part-time status due to financial, family or other emergencies, then become ineligible moving forward. The program thus punishes students for being poor, the exact condition that makes them eligible for the program in the first place. Expanding the Excelsior Scholarship to part-time students and removing penalties for withdrawals from college would expand access to CUNY colleges for New York’s working class communities of color.

We are also calling for the city to establish an additional scholarship fund for members of marginalized communities to enroll in post-college professional education (e.g., social work, medical school, law school, nursing school, teacher’s college) with preference going to people who have experienced incarceration. For example, annual tuition at the CUNY School of Law is \$15,000 (\$60,000 for a four-year degree) and CUNY School of Social work is \$15,000 (\$30,000 for a two-year degree). For \$960 million, or less than 10 percent of the proposed jails construction budget, NYC could send 8,000 working-class New Yorkers to law school and 16,000 working-class New Yorkers to social work school, absolutely tuition-free. These are the kinds of demands that follow years of student organizing on CUNY campuses led by campaigns such as CUNY Struggle and \$7K or Strike.

POST-SECONDARY TRAININGS FOR WORKING FAMILIES

In addition to professional degrees, NYC should create a fund to support members of oppressed communities to receive training in mediation, conflict resolution, and mental health first aid. For example, mediation training at the New York Peace Institute costs \$1,625 per course. NYC could provide scholarships for mediation training to the 40,000 people who were cycled through city jails in 2017 for \$65 million, or 0.6 percent of the jails construction budget. Costs for mental health first aid training and violence interruption training are similar, and have had profound effects in reducing neighborhood conflict and violence.¹²⁶

¹²⁵ <https://www2.cuny.edu/financial-aid/scholarships/excelsior-scholarship-faqs/>

¹²⁶ <http://cureviolence.org/results/scientific-evaluations/>

CHALLENGING INCARCERATION, CREATING PUBLIC SAFETY

**“MY FAVORITE PART OF THE PLAN IS THAT IT DEALS WITH STATISTICS AND THAT IT SIMPLY GETS TO THE POINT THAT WE NEED TO ABOLISH THE JAIL AT A WHOLE. I BELIEVE IN A STEP BY STEP FORMAT THAT WE CAN START WITH ONE JAIL AND THEN WORK OUR WAY TO THE ENTIRE PRISON INDUSTRIAL COMPLEX.-
HAKIM, INCARCERATED NNJ MEMBER**

The punishment system comes from slavery. Because of their roots, jails always harm and can only create security, never safety¹²⁷. As jails increase violence, they dismantle our social safety net. We take some time here to outline some steps, informed by past abolitionist movements, to divest from the incarceration system and expand the social safety net while also provide space and a greater chance at their own self-determination.

END BROKEN WINDOWS POLICING:

Low-level offenses like fare evasion and marijuana make up the bulk of yearly arrests in NYC. Misdemeanor arrests have nothing to do with creating safety¹²⁸. After looking at 6 years of summons and arrest data, the Office of the inspector General admitted that there is “no empirical evidence demonstrating a clear and direct link between an increase in summons and misdemeanor arrest activity and a related drop in felony crime.¹²⁹” While we know that misdemeanor arrests do nothing to create safety, they are a massive social cost.

Families are separated and forced to take on the burden of increased violence as a consequence of arrests and the traumas of incarceration. Misdemeanor arrests cost the city \$410 million¹³⁰. Eliminating arrests and prosecution of Broken Windows offenses will not only directly lower the amount of people held in jail, but will protect people from being exposed to regular interaction with law enforcement. Ending the prosecution and arrest of fare evasion, sex work, marijuana, loitering and all nonviolent misdemeanors will move money out of criminalizing systems.

Currently, about 30 percent of people NYC jails pretrial are charged with misdemeanors. In real numbers, in 2018 the city held over 9,000 people in its jails on misdemeanor charges—that’s 20 percent of the approximately 43,000 people NYC jailed in 2018. While people with these low-level charges typically do not remain in city jails for long periods (and make up about 5 percent of people held pretrial on any one day), a single day in jail exposes people to violence and risks, including the loss of employment, housing, and children, and can cause lasting trauma and physical and mental health struggles.

In terms of financial costs to the city, a single marijuana arrest costs the city \$2,000, or up to \$75 million per year. Between 1997 and 2010, marijuana arrests cost a billion dollars. Drug use and distribution, be it marijuana, heroin or fentanyl is a public health issue that courts and police only make worse. Incarcerating our people creates a market for violence, further establishing our policy decisions in fear. We can no longer allow fear to lead us to destroy the lives of our community.

127 <https://abolitioniststudy.wordpress.com/2019/07/19/security-does-not-mean-safety-1/>

128

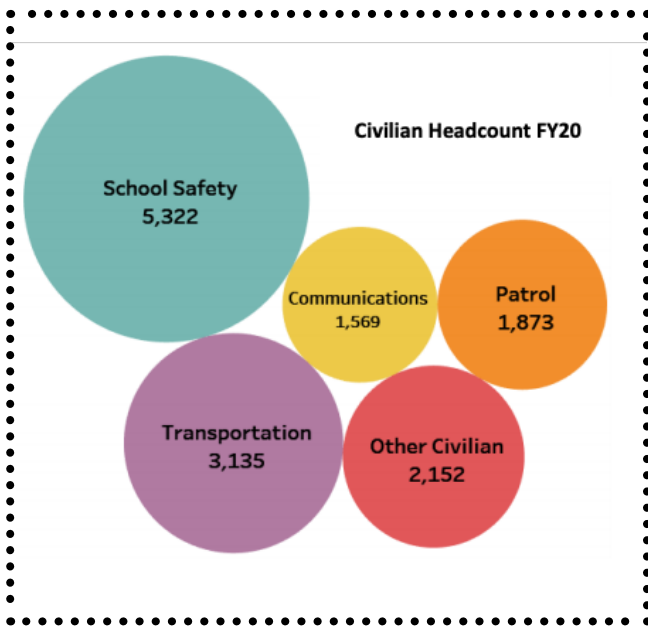
David F. Greenberg, “Studying New York City’s Crime Decline: Methodological Issues,” *Justice Quarterly*, vol. 31 (2014), p. 154, doi: 10.1080/07418825.2012.752026

129 <https://www1.nyc.gov/assets/oignypd/downloads/pdf/Quality-of-Life-Report-2010-2015.pdf>

130 http://www.policereformorganizingproject.org/wp-content/uploads/2012/09/Over410MillionYear_docx_.pdf

TRANSFORMATIVE JUSTICE IN SCHOOLS: REMOVE POLICE, ADD HEALING

“DURING MY 29 YEARS OF INCARCERATION, I HAVE REPEATEDLY NOTICED THAT SO MANY PEOPLE ARE HERE BECAUSE THEY NEVER HAD THE OPPORTUNITY FOR A GOOD EDUCATION, OR ANY TRAINING IN JOB SKILLS THAT WOULD HAVE OPENED THE DOOR TO BETTER OPPORTUNITIES... IS TOO MUCH MONEY ALLOCATED FOR PRISONS AND NOT ENOUGH FOR EDUCATION.” – PAMELA, INCARCERATED NNJ NYC MEMBERS



Remove all cops from schools. Remove all correctional officers from youth facilities as we work to dismantle the facilities themselves. The city spends over \$746 million dollars to police young people in schools. Yet, as we have seen, police are a threat to public safety and less arrests and policing actually improves safety¹³¹. Police officers and guards do not make schools safe¹³²; instead, they target Black and working class children, inaugurating the school-to-prison pipeline¹³³.

NYPD officers disrupted **1,351 times during the 2017-2018 school year** to remove a student from school, costing us **\$227,038**¹³⁴. Not only is policing an ineffective and costly public safety mechanism it is also racist. 99 percent of the students arrested were Black or Latinx¹³⁵. These arrests and any similar contact with law enforcement make immigrant students and their families vulnerable to deportation and detention.

REMOVE POLICE FROM SCHOOL, NOT STUDENTS

If we remove school officers from schools we can create safe and strong learning environments while establishing transformative justice practices by hiring community members along with thousands of social workers and counselors instead. Community members partnered with health professionals will bring employment to struggling communities and provide the collective effort foundational to healthy learning environments. Hire community members not police. Focus personnel on creating safe learning environments and implementing transformative justice practices in NYC’s 1212 “struggling schools.”

ALTERNATIVES TO INCARCERATION & ‘GENDER RESPONSIVE’ REFORMS

As we know from Layleen’s story, shared above, criminal legal system reforms are killing our communities. When Layleen missed some “supportive” services appointments, a warrant was issued for her arrest. When Layleen was re-arrested, the judge likely used the fact of her open warrant and missed court appearances to set bail. Even though Layleen was ordered released on the assault charges, Layleen was held on the \$500 bail newly-set on the 2017 cases in the Transgender Housing Unit in the Rose M. Singer Center on Rikers for two months. Then in June 2019, Layleen was taken to a “restrictive housing unit,”

131 <https://www.theatlantic.com/national/archive/2014/12/the-benefits-of-fewer-nypd-arrests/384126/>

132 <https://www.tandfonline.com/doi/full/10.1080/07418825.2011.615754>; <https://www.sciencedirect.com/science/article/abs/pii/S014481881500040X>; <https://journals.sagepub.com/doi/full/10.1177/1053451217702108>

133 See The School-to-Prison Pipeline: Structuring Legal Reform, by Catherine Y. Kim, Daniel J. Losen, Damon T. Hewitt

134 <https://www1.nyc.gov/site/nypd/stats/reports-analysis/school-safety.page>

135 <https://www.nydailynews.com/new-york/education/99-students-cuffed-nyc-schools-black-hispanic-report-article-1.3148072>

otherwise known as solitary confinement, after allegedly participating in a fight. She was placed in the RHU even though DOC officials knew that she had a seizure disorder and solitary is known to exacerbate physical and mental distress. On June 7, Layleen was found dead in a cell.

Just like Human Trafficking Court, Drug Court, and Law-Enforcement-Assisted Diversion Programs¹³⁶, there are a number of alternatives to incarceration that are currently popular among jail-and-criminal-“justice” reformers. This follows in the legacy of policing reforms that have never been proven to work to reduce violence, but were sold to distract community members in the fight to end policing after the Ferguson uprising. These include body cameras, diversity and bias training. Similarly, incarceration has a number of highly touted alternatives that will only expand the reach of the punishment system. These include but are not limited to alternatives courts (like the Red Hook “community” court, which is actually just a combined criminal, civil and family court with one judge hearing many kinds of cases and imposing “alternative” sentences)¹³⁷, diversion courts and court-mandated programs, and ankle monitors and other forms of “community supervision”

We reject all “alternatives to incarceration” like supervised release and electronic surveillance, which will ultimately place millions more people under supervision—not only directly, through net-widening¹³⁸, but indirectly, as families, friendships, and entire neighborhoods end up under surveillance. We reject this future completely.

REMOVE FINANCIAL INCENTIVES FROM CRIMINALIZING SYSTEMS

Eliminating bail, fines, surcharges and fees in the criminal legal system will help remove incentives to incarcerate and allow people in contact with the courts to focus time and resources on returning to their families, their work and community ties. Bail, fees, fines, and surcharges feed and expand mass incarceration¹³⁹. In 2017, there were over 452,000 different fines, surcharges, restitutions, or various fees charged in New York City criminal cases totaling almost **\$100 million**. The revenue collected went to city and state general funds, and sustains NYC’s systems of confinement and control.

END MASS SUPERVISION AND SURVEILLANCE

Ending the use of mass surveillance on our communities. This includes, but is not limited to, gang databases, ankle monitors and body cameras. In schools alone the city allocates **\$200 million for school surveillance and policing technologies**:

- Video Surveillance, currently in **272 buildings**, 1,126 total DOE schools. The new plan will grow security cameras by more than **900 buildings** by fiscal year 20212 as well as replace older systems
- This also includes replacing metal-detection equipment that “has reached the end of its life cycle.” Right now there are around 80 schools with permanent metal detectors, 6 with random or part-time scanners, and then mobile detection equipment for two unannounced scanning visits at different schools every day.

136 <https://filtermag.org/brooklyn-diversion-program-addiction-treatment-legal-advice/>

137 Liberals love Red Hook because it doesn’t look like a typical criminal court, but that doesn’t mean it doesn’t operate like one, with a judge imposing sentences and “sanctions,” and operating through policing, arresting, and arraigning like every other court. Liberals also love it because it reduces “recidivism,” but we reject “recidivism” as a measure of our community members’ conduct: it is actually a measure of how often the system catches and criminalizes us. <https://www.courtinnovation.org/programs/red-hook-community-justice-center>

138 Net-widening refers to the process by which “punishments” appear less severe, and so are applied to more and more types of conduct. For example, the turn to ticketing for misdemeanors (rather than arrests) may actually increase the number of people targeted and punished, because the consequence “isn’t as bad as jail.” See Natapoff (2018), Punishment without Crime.

139 <https://www.brennancenter.org/publication/charging-inmates-perpetuates-mass-incarceration>

Along with schools the use of risk assessments, tools of surveillance extend the confinement of not only people who are court involved but there are extended community. The use of ankle monitors prevent rehabilitation, and lower people's ability to reconnect to loved ones while increasing the likelihood that monitored people will return to some form of incarceration¹⁴⁰.

There is a very real possibility that our system of policing and incarceration will be replaced by a system of mass supervision. This would be much more difficult to fight and will only broaden the number of people confined using the flexible tool of surveillance. This does not increase our safety and undermines the freedoms of those targeted for supervision and places virtually anyone in their proximity under surveillance.

This is unacceptable and does not keep us safe. We are for release without surveillance, and believe not only fight their cases more effectively at home but violence is lowered significantly when we do not put people under surveillance.

STOP FALSE AND ILLEGAL ARRESTS

Currently, 90 percent of police stops do not result in arrest and, of arrests, over 50 percent are false or unsupported and end in dismissals or declinations of prosecution. According to the Statistical Services Unit of the Office of Justice Research and Performance, 50 percent of felony charges are eventually dismissed (30 percent as ACDs and 20 percent dismissed outright), with another 30 percent being eventually pled out as misdemeanors. **Clearly, policing and arrests in NYC have very little to do with interrupting violence, or even apprehending those who have actually caused interpersonal harm.**

It cost New Yorkers \$230 million to settle false arrest, excessive force, and wrongful convictions cases in 2018. Shrinking the NYPD budget and the eliminating or vastly reducing the use of patrol policing will reduce NYPD contact with our communities, reduce unsupported police stops, and reduce arrests. Better standards for showing probable cause at arraignment combined with internal and legal discipline for false statements, "testilying," and arrests that end in dismissal are among the ways to address the tremendous burden of hyper-criminalization on New York City's residents, city resources, public safety, and city jails.

CRUNCHING THE NUMBERS

REDUCING THE NYPD BUDGET

We know that the city cannot decarcerate and end jails without lessening, and ultimately ending, our investment in policing, which does not keep working class New Yorkers of color, immigrants, and LGBT communities safe, but rather subjects us to surveillance, harassment, and state-sanctioned murder. No New Jails supports the Movement to Repeal 50-A¹⁴¹, the portion of the State Civil Rights Law which bars the disclosure of police disciplinary records¹⁴². Even without the repeal of 50-A, the City Council should establish an independent, confidential¹⁴³ commission to review the disciplinary and complaint records for every single uniformed officer, and immediately fire all the officers involved in shooting or covering up the shooting of civilians in New York City.

140

141 <https://www.changethenypd.org/releases/families-impacted-police-violence-join-progressive-and-community-organizations-slamming>

142 <https://www.nytimes.com/2019/06/12/opinion/police-brutality-discipline-eric-garner.html>

143 To comply with 50a prior to its repeal.

While we do not trust the criminalizing system to hold its own agents of repression responsible for the violence and trauma they cause, at the very least the murderers of Susan Muller, Saheed Vassell, Miguel Richards, Dwayne Jeune, James Owens, Erickson Brito, Manuel Rosales, Deborah Danner, Akai Gurley, Eric Garner, Garry Conrad, David Felix, Jonathan Efraim, Luiz Leizado, Kawaski Trawick, Joshua Williams, Michael Hansford, Mario Sanabria, Miguel Richards, Alexander Bonds, Sergio Reyes, Kadeem Torres, Jahlire Nicholson, Joshua Martino, Erickson Brito, Maneul Rosales, Jermaine Johnson, Orville Edwards, Rashaun Lloyd, Garry Conrad, George Tillman, Garland Tyree, Oleg Tcherniak, Isiah Hampton, Dalton Branch, and Delrawn Smalls should be immediately fired from the NYPD and barred from collecting a pension¹⁴⁴.

In addition, No New Jails calls for City Council to adopt a hiring freeze and reductions in the NYPD force, and for those funds to be put towards programs and salaries for unarmed, community-led, de-escalation, conflict mediation, and transformative justice programs.

FY2020 includes an NYPD operating budget of \$5.6 billion, which includes, among other line items: \$5 billion in payroll for 36,000 uniformed officers and 15,000 civilians; \$100 million in training; \$6.3 million in body-worn cameras; \$213 million in NYCHA policing; and \$313 million in school policing; and \$245 in transit policing. The budget also includes \$26 million in applicant processing fees per year¹⁴⁴. The 2019-2029 Capital Plan for the NYPD amounts to \$1.7 billion and includes \$86 million for a new 116th Precinct and \$30 million for upgrades to One Police Plaza¹⁴⁶.

We call on City Council to implement the following NYPD budget reductions and invest the millions in yearly operating costs in programs that actually keep working class New Yorkers safe:

- Implement a **hiring freeze** to realize \$26 million per year in applicant processing fees, or \$260 million over ten years, which can be invested in community programs;
- **Remove all NYPD officers out of schools, NYCHA, and MTA**, to realize \$771,000,000 per year, or \$7.771 billion over ten years.
- In sum, by removing uniformed officers from key public institutions, the city could invest approximately **\$500 million per year** to violence interruption, conflict mediation training, and employing more social workers and counselors in working class communities:
 - Double the number of counselors employed in city schools for **\$291.5M** per year¹⁴⁷;
 - Expand funding for the City's Cure Violence program for **\$40M** per year;
 - Train 500 EMTs currently employed by the city in conflict mediation and 500 EMTs in mental health crisis response (~\$2,000 per course¹⁴⁸) for **\$2M** per year;
 - Send 500 directly impacted/formerly incarcerated people to the CUNY School of Social Work for **\$15M** over 2 years;
 - Establish a non-police emergency first response crisis and medical intervention pilot program for **\$200M** per year¹⁴⁹;
 - Employ 100 more Mental Health; 50 more Early Intervention; 50 more Developmental Disabilities; and 50 more Chemical Dependency workers in the Department of Health and Mental Hygiene for **\$15.5M** per year.¹⁵⁰

144 These are many of the names of New Yorkers murdered by the NYPD since 2015, although we do not claim that this is a comprehensive list, because the NYPD routinely murders our community members with impunity. Names are from the Washington Post Police Killings database: <https://www.washingtonpost.com/graphics/2019/national/police-shootings-2019/>

145 <https://www1.nyc.gov/assets/omb/downloads/pdf/adopt19-bfa.pdf>

146 <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/05/NYPD.pdf>

147 There are currently 2,883 counselors employed in city schools for \$291,482,226 per year. Diverting \$291.5M to the DoE budget to employ 5,766 counselors would cost \$583M per year.

148 <https://nypeace.org>; <http://restoreoakland.org/ourwork/>

149 <https://whitebirdclinic.org/cahoots/>

150 Salary estimated at \$62,000 per year, not including benefits (<https://cbcnyc.org/research/average-pay-15-largest-new-york-city-agencies-fy-2016>)

Funding all of these alternatives to policing would cost approximately **\$556.5M per year**, or 10 percent of the current NYPD operating costs. These funds should be appropriated by diverting funds from NYPD programs that do not make our communities safer, but rather contribute to the harassment and caging of working class people of color in NYC.

REDUCING THE SIZE OF POLICE

Communities targeted by incarceration oversee a reduction in the NYPD uniformed personnel by 5 percent per year over the next ten years (note: all numbers in chart are approximate):

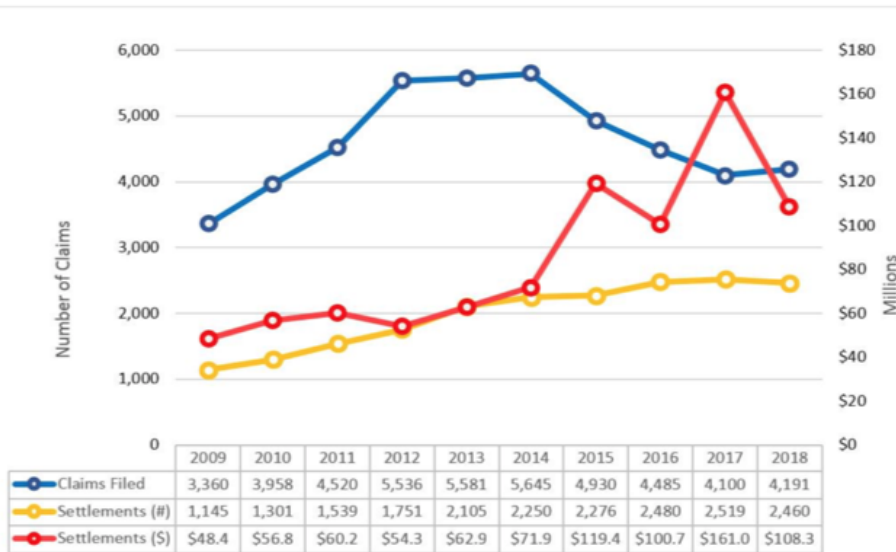
Year	Workforce Reduction	Total Uniformed Workforce	Payroll Savings	Total NYPD Payroll
1	1,800	34,200	\$155,000,000	\$4,885,000,000
2	1,710	32,490	\$147,000,000	\$4,738,000,000
3	1,625	30,865	\$140,000,000	\$4,598,000,000
4	1,543	29,322	\$133,000,000	\$4,465,000,000
5	1,466	27,856	\$126,000,000	\$4,339,000,000
6	1,392	26,464	\$120,000,000	\$4,219,000,000
7	1,323	25,141	\$114,000,000	\$4,105,000,000
8	1,257	23,884	\$108,000,000	\$3,997,000,000
9	1,194	22,690	\$102,000,000	\$3,895,000,000
10	1,134	21,556	\$98,000,000	\$3,797,000,000
TOTAL	12,644	21,556	\$1,243,000,000	\$3,797,000,000

That is \$1.2 billion diverted from the NYPD payroll alone over 10 years. For every single person let go from the NYPD, the city should commit to a one-to-one hiring plan to re-staff the city with: mental health workers, counselors, unarmed first responders, conflict resolution and mediation specialists, and peer substance use workers, with a hiring preference for people from communities impacted by NYPD violence.

SHIFT NYPD CAPITAL EXPENDITURES

Instead of devoting \$86 million over the ten year capital plan to a new 116th Precinct and \$30 million to upgrade One Police Plaza, the city should develop an \$96 million capital plan to build 4 new community centers in Brooklyn, The Bronx, Chinatown, and Queens, with space for: youth programming; conflict resolution and mediation training; culture and arts programs; and mental health resources, including space for the unarmed first responder crisis intervention pilot program. [Operating and payroll costs can be realized by reductions to the NYPD payroll.]

Chart 7: Police Action Claims Filed and Settled, FYs 2009–2018



NYPD CLAIMS:

As was the case in FY 2017, a small number of New York Police Department (NYPD) claims disproportionately accounted for the total dollar amount paid out on NYPD claims in FY 2018.

- NYPD tort claim settlements and judgements shrunk dramatically from \$335.5 million in FY2017 to 229.8 million in FY 18, a 32 percent decrease.
- In FY 2018, five wrongful conviction claims, representing less than one percent of the 3,745 NYPD tort claims resolved during FY 2018 settled for a total of \$33.3 million, which accounted for 14 percent of the total \$229.7 million in NYPD payouts.
- NYPD tort claims accounted for 38 percent of the total overall cost of resolved tort claims in FY 2018.
- The number of tort claims filed against the NYPD dropped to 6,472 in FY 18 from 6,546 in FY 2017

NYPD LITIGATION

Although not addressed in this Divest to Invest plan, the City also **pays out millions per year in litigation costs for lawsuits relating to the NYPD**¹⁵¹. By reducing policing and thus abusive police contact with New Yorkers, the city could recuperate these funds and direct them towards life- and community-affirming programs and services.

REDUCING THE POWER & SIZE OF DOC

If the City does not actively eliminate CO positions (through layoffs, civilianization, transfers, etc.) by 2026, the City would employ almost 1500 more COs on payroll than the Lippman Commission specifies. These unnecessary positions would be at a cost of more than \$300 million per year. If the City used the jail in Denver’s staffing model (a jail the City points to as a model) rather than the Lippman recommendation, they would employ 2,925 more COs on payroll than they need. These unnecessary positions would be at a cost of more than \$580 million per year.

The Mayor has said they will reach reduce staff via attrition (no layoffs, transfers, or civilianization necessary)¹⁵². This is not possible. In order to meet staffing, savings, and program goals, this Mayor or the next will need to take thousands of COs off of their posts. Here are some calculations:

In FY19, actual DOC uniform headcount was 10,345¹⁵³. The DOC attrition rate is 12.2 percent ¹⁵⁴. The Department added 382 correction officers in FY20. There are three additional correction officer civil service exams scheduled for FY20¹⁵⁵. As it is unclear if the City will hire additional COs in the coming years, we calculate assuming zero hires from FY21 to FY26. If the Department hired zero uniformed staff from FY21 to FY26 and there was normal attrition but the Department did not actively reduce its workforce, then the uniform headcount would be approximately 4405 uniformed staff in 2026.

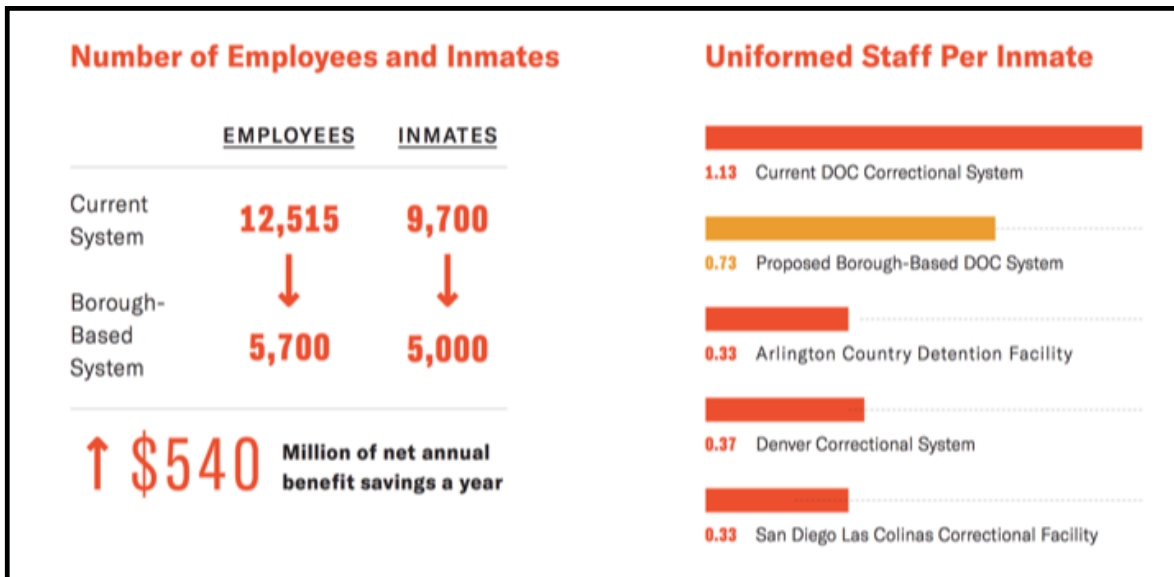
151 <https://comptroller.nyc.gov/reports/annual-claims-report/>

152 <https://www.youtube.com/watch?v=1FSA89nW0nQ&feature=youtu.be>

153 <https://legistar.council.nyc.gov/View.ashx?M=AO&ID=74208&GUID=db8dc13c-25e4-4815-98f6-1256793c9285&N=Q29tbWl0dGVlIFJlcG9yCATlERIcGFYdGllbnQgb2YgQ29yemVjdGlvbG%3d%3d>, p.11

154 Id. at p.13

155 <https://www1.nyc.gov/site/jointheboldest/officer/apply-now.page>



The Lippman Commission Report recommends a staff to person-in-custody ratio of .73:1 and describes this as “conservative.”¹⁵⁶ The report cites a .33:1 ratio at Arlington County jail, a .37:1 ratio at Denver’s jail, and a .33:1 ratio at San Diego’s Las Colinas jail. With a projected population of 4000 people¹⁵⁷, DOC would need 2,920 uniform staff at the Lippman Commission recommended ratio. At the Denver jail’s ratio, DOC would need 1480 uniform staff.

These calculations make clear that the city has no plan to reduce the number of COs employed by the DOC to reach the levels recommended in the Lippman Commission. Is this because they don’t actually plan on closing Rikers?

When the City closes Rikers without building new jails, there will still be approximately 2,800 cages in NYC in the Brooklyn House of Detention, The Tombs, The Boat, and the locked jail hospital wards. At the Denver jail ratio, the city **would only need to employ 1,036 COs, or approximately 3,300 COs fewer than the projected number achieved through attrition and a hiring freeze. The city has no choice but to lay off COs, under any plan.**

The average salary with benefits for a correction officer is \$137,747 per year before overtime.¹⁵⁸ However, the salary with benefits for a correction officer after 5.5 years is around \$198,146¹⁵⁹. These calculations do not take into account negotiated contract increases (COBA’s contract expired on February 28, 2019 so negotiations are ongoing)¹⁶⁰ or overtime¹⁶¹.

156 <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5b96c6f81ae6cf5e9c5f186d/1536607993842/Lippman%2BCommission%2BReport%2BFINAL%2BSingles.pdf>, p.89. The current ratio, per Lippman Commission, is 1.08:1.

157 <https://thecity.nyc/2019/05/city-halls-new-post-rikers-island-jails-will-be-smaller.html>

158 <https://data.cityofnewyork.us/City-Government/Average-Salaries-In-Department-Of-Correction/pf7i-ims3>

159 Base salary is \$99,073 and, for uniform staff, fringe benefits double the cost to the City. <https://www1.nyc.gov/site/jointheboldest/officer/salary-benefits.page>

160 <https://www1.nyc.gov/assets/olr/downloads/pdf/collectivebargaining/coba-final-agreement-2011-2019.pdf>

161 <https://comptroller.nyc.gov/newsroom/comptroller-stringer-despite-a-decline-in-incarceration-correction-spending-violence-and-use-of-force-continued-to-rise-in-fy-2018/>

Year	Workforce Reduction	Total Uniformed Workforce	Payroll Savings[6]
1	930	9,415	\$132,237,120
2	930	8,485	\$264,474,240
3	930	7,555	\$396,711,360
4	930	6,625	\$528,948,480
5	930	5,695	\$661,185,600
6	930	4,765	\$739,422,720
7	930	3,835	\$925,659,840
8	930	2,905	\$1,057,897,000
9	930	1,975	\$1,195,134,000
10	931	1,044	\$1,327,371,120
TOTAL	9,301	1,044	\$5,960,000,000

It is clear that the DOC must immediately take steps to reduce the number of COs employed, from the current 10,345 to 1,044, over the next ten years. By reducing the CO payroll by 930 people per year over the next ten years, the city would realize the following funds, which could be used to hire city employees to staff community programs that actually keep our communities safe and thriving:

CRUNCHING THE NUMBERS

Operations – Rikers Security and Operations

Operations-Rikers Security and Operations						
<i>Dollars in Thousands</i>						
	FY17	FY18	FY19	Preliminary Plan		*Difference
	Actual	Actual	Adopted	FY19	FY20	FY19-FY20
Spending						
Personal Services						
Full-Time Salaried - Uniformed	\$21,597	\$25,628	\$28,140	\$28,147	\$28,152	\$12
Full-Time Salaried - Civilian	3,059	3,004	3,659	3,155	3,823	164
Other Salaried and Unsalariated	5	0	0	0	0	0
Additional Gross Pay	3,734	4,272	0	0	0	0
Overtime - Uniformed	12,536	13,358	0	0	0	0
Overtime - Civilian	555	582	0	0	0	0
Fringe Benefits	118	106	0	0	0	0
Subtotal	\$41,603	\$46,950	\$31,799	\$31,302	\$31,976	\$177
Other Than Personal Services						
Supplies and Materials	\$2,904	\$3,267	\$2,348	\$3,687	\$2,901	\$553
Property and Equipment	1,517	643	611	513	611	0
Other Services and Charges	5	94	0	15	0	0
Contractual Services	581	823	1,567	1,251	1,597	30
Subtotal	\$5,008	\$4,826	\$4,526	\$5,466	\$5,109	\$583
TOTAL	\$46,610	\$51,776	\$36,326	\$36,768	\$37,085	\$760
Funding						
City Funds			\$36,326	\$36,768	\$37,085	\$760
TOTAL	\$46,610	\$51,776	\$36,326	\$36,768	\$37,085	\$760
Budgeted Headcount						
Full-Time Positions - Uniform	281	404	328	328	328	0
Full-Time Positions - Civilian	53	53	56	56	56	0
TOTAL	334	457	384	384	384	0

*The difference of Fiscal 2019 Adopted Budget compared to Fiscal 2020 Preliminary Budget.

It currently costs approximately \$760 million per year to operate the jails on Rikers Island. If the city shut down Rikers immediately, the city could invest three-quarters-of-a-billion dollars in programs that actually keep working class Black and brown New Yorkers safe, healthy, and thriving. Imagine the additional millions of dollars that could be invested in social programs not criminalization, if the city shuttered Rikers and did not build any new jails! ¹⁶²

¹⁶² The Lippman Commission says that once the new jails are constructed, the city will save \$540 million per year in the DOC budget. However, by closing Rikers without building new jails, we will gain an extra \$220 million per year for our communities. <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5b96c6f81ae6cf5e9c5f186d/1536607993842/Lippman%2BCommission%2BReport%2BFINAL%2BSingles.pdf>

WITH \$760 MILLION PER YEAR, THE CITY COULD FUND THE FOLLOWING PROGRAMS:

- The **Bail Voucher Program** for \$200 million per year;
- For \$238 million per year, create a matching fund to **double SNAP payments** for 1.7 million New Yorkers (increasing SNAP benefits to \$280 per month);
- For \$70 million per year, provide an **additional \$200 per month to people receiving cash assistance** through TANF;
- **Hire 400 more counselors** for NYC public schools for \$40 million per year.
- **Devote \$220 million per year to establish and staff a comprehensive citywide Transformative Justice Project** (to be located in either in new buildings constructed through a comprehensive capital plan, see below, or in existing city facilities like NYCHA complexes, homeless shelters, public hospitals, schools, and community centers), with staff trained in mediation, de-escalation, and transformative justice; with programming to teach community members how to respond to violence, mental health crises; and interpersonal conflict safely and effectively.

OR

- **Triple the city homeless Drop-In Center budget** by adding \$50 million per year (to \$75 million per year);
- **Quadruple the rental assistance budget** by adding \$45 million per year (to \$60 million per year);
- **Triple the number of youth served** by the Youth Summer Employment Program to 225,000 for an additional \$288 million per year;
- Devote \$157 million per year to **comprehensive harm reduction programming**, including expanding access to low threshold syringe exchange, MAT, and recovery programs; and establishing and staffing safer injection facilities in existing community-based harm reduction programs.
- Devote \$220 million per year to establish and staff a **comprehensive city-wide Transformative Justice Project** (to be located in either in new buildings constructed through a comprehensive capital plan, see below, or in existing city facilities like NYCHA complexes, homeless shelters, public hospitals, schools, and community centers), with staff trained in mediation, de-escalation, and transformative justice; with programming to teach community members how to respond to violence, mental health crises; and interpersonal conflict safely and effectively.

SHIFT DEPARTMENT OF CORRECTIONS CAPITAL EXPENDITURES

The DOC 2020-2029 capital plan includes the following useless expenditures: \$100,000,000 for a new CO training facility; 2,800,000 for new body scanners; \$1,500,00 for drug detectors; and \$1,900,000 for body cameras. Instead of developing a capital plan around the continued criminalization of our communities, these capital investments should be diverted:

- Instead of \$100 million for a CO training facility, **\$100,000,000 to develop a comprehensive plan to address the crisis of homelessness** in our city by complying with the coalition for the homeless demands (refer to that section in the plan);¹⁶³
- Instead of \$2.8 million for body scanners and \$1.5 million for drug detectors, **add \$4.3 million to the Department of Homeless Services** capital plan for necessary improvements, repairs, and expansions to the city shelter system;¹⁶⁴
- Instead of \$1.9 million for body cameras, **add \$1,900,000 to the Department of Education** \$5.8 billion facility upgrade and repair capital plan.¹⁶⁵

OR

- Use \$106 million from the DOC capital budget to **establish a Transformative Justice, Mediation, and Conflict Resolution Training Academy**.

¹⁶³ <https://www.coalitionforthehomeless.org/state-of-the-homeless-2018/>

¹⁶⁴ <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/071-DHS2020.pdf>

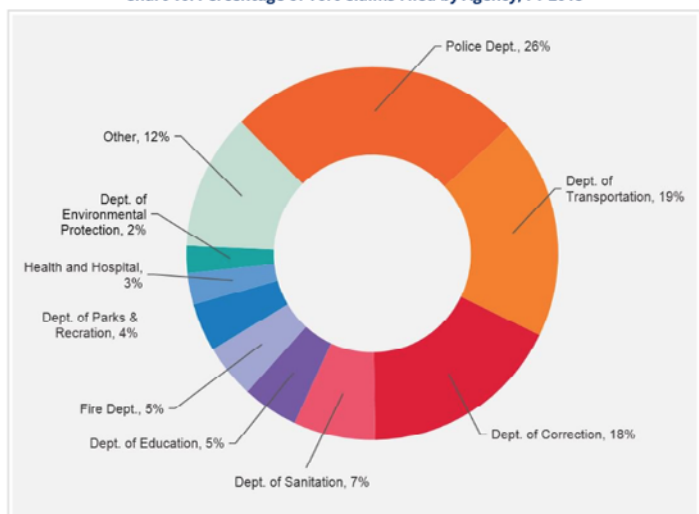
¹⁶⁵ <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/040-DOE-Capital-2020.pdf>

The Department of Correction Capital Budget also includes funds for improving conditions in city jails: **\$757 million for infrastructure repair; \$70 million for ADA compliance, and \$52 million for heating and A/C upgrades.** Although No New Jails is organizing for the eventual closure of all the city jails, we recognize that conditions in the Brooklyn House of Detention, The Tombs, and The Boat, are dangerous, toxic, and harmful to the health of incarcerated people, and that these conditions must be improved, and that these improvements **require the capital expenditures laid out in the DOC budget.** Simultaneously, we recognize that funds purportedly set aside to improve conditions of confinement are **often misappropriated to the sole benefit of guards** (as, for example, when the guard rooms on Rikers have air conditioning and the cells do not); thus, we shall continue to keep a watchful eye on these capital plans, vigilant that the funds are actually spent to repair toxic and dangerous conditions for incarcerated people across city jails.

D. TORT CLAIM TRENDS BY AGENCY

In FY 2018, the five agencies that experienced the largest number of tort claims filed were the NYPD (6,472 claims), Department of Transportation (DOT) (4,818 claims), DOC (4,430 claims), DSNY (1,803 claims), and DOE (1,230 claims). Of these five agencies, only DOT experienced an increase in tort claims filed during FY 2018—a minimal increase of one percent from FY 2017.

Chart 10: Percentage of Tort Claims Filed by Agency, FY 2018



The five agencies with the highest tort claim settlement and judgment costs in FY 2018 were the NYPD (\$229.8 million), DOT (\$89.6 million), DSNY (\$74.9 million), H+H (\$70.0 million), and DOC (\$31.5 million).

DEPARTMENT OF CORRECTIONS LITIGATION

Although we do not address these costs here, the city spends massive amounts of money per year litigating and settling claims against the Department of Correction. By reducing the number of people incarcerated in our city and reducing and eventually eliminating COs, the city could recuperate additional funds to invest in community-based transformative justice programs.¹⁶⁶

MAYOR'S OFFICE OF CRIMINAL JUSTICE

The Mayor's Office of Criminal Justice (MOCJ)¹⁶⁷ is another city agency, which, despite its name, does little to protect vulnerable New Yorkers from the state-sanctioned violence of policing and incarceration. For example, the FY2020 MOCJ budget includes \$1 million to train NYPD officers in "crisis response," training which has been shown to have no effect on police violence or murder of people experiencing emotional distress. The FY2020 MOCJ budget does not specify how much funding the Office has expended to promote and orchestrate their nefarious jails construction plan disguised as a plan to close Rikers; needless to say, this is where they have devoted the majority of their energy and personnel over the past year. To truly fulfill its mandate as an office devoted to *justice*, all resources currently expended in promoting the jail construction plan should be invested in exploring ways to close Rikers without building new jails.

¹⁶⁶ <https://comptroller.nyc.gov/reports/annual-claims-report/>

¹⁶⁷ MOCJ does not have its own budget; its funds are drawn from multiple sources, but primarily the Mayor's office. <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/098-MOCJ-2020.pdf>

JAILS CONSTRUCTION BUDGET

The construction budget for the new jail plan includes \$8.6 billion in capital costs and \$1.4 billion in operating costs. Of the \$1.4 billion, \$69 million has already been spent on Horizons construction and \$58 million has been spent on Crossroads construction, the two juvenile jails managed by the Administration for Children's Services¹⁶⁸. Capital investment in these juvenile jails was part the Raise the Age Law passed in 2018, an attempt to reform the juvenile justice system in NYC. This reform has failed, as will all reforms that rely on investing in new jail infrastructure, as violence and inhumane conditions at both Crossroads and Horizons continue. Although not addressed here, No New Jails advocates for closing Horizons and Crossroads and using money currently devoted to incarcerated youth for protecting and healing them in their communities.

This leaves \$11.5 million unspent but allotted to the Department of Design and Construction to prepare plans and construction models for the new jails.

Instead of raising \$8.6 billion¹⁶⁹ over ten years for new jails, the city could raise money over ten years for the following programs:

- Raise **\$3 billion for NYCHA repairs**, almost doubling the current city capital investment.¹⁷⁰
- Raise **\$3 billion to repair city shelters** and build new ones.¹⁷¹
- **Raise \$2.6 billion to build transformative justice hubs**, as Oakland has recently done with Restore Oakland: a job training and conflict mediation hub offering alternatives to policing and punishment and providing solutions for interpersonal harm rooted in healing. \$2.6 billion could cover the cost of constructing one to two transformative justice hubs in each borough, including Staten Island! **The \$11.5 million allocated to the Department of Design and Construction can be used to design the transformative justice hubs in advance of construction.**¹⁷²

168 <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/05/DDC.pdf>

169 <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/05/DOC.pdf>

170 <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/05/NYCHA.pdf>

171 https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/FY20-Preliminary-Capital-Report_Final.pdf

172 <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/05/DDC.pdf>

SUMMARY

SUMMARY: JOIN US IN DETERMINING HOW TO DIVEST FROM POLICING AND CAGING AND INVEST IN COMMUNITIES!

In a straightforward manner, this chart to the right shows what gains to other city programs could be realized by diverting 10 percent or 20 percent of the yearly operating costs from the NYPD and the DOC, over the course of one year and over the course of 10 years. This chart also shows the gains that could be realized by diverting 10 percent or 20 percent of the capital budgets for the NYPD and the DOC. For example, diverting just 10 percent of the NYPD yearly budget and 10 percent of the yearly DOC budget would realize \$690 million per year for alternatives to policing and incarceration, or \$5.6 billion over ten years. Diverting 20 percent of these two Departmental budgets would realize \$1.38 billion per year, or \$13.8 billion over ten years. Meanwhile, the jails construction budget includes an additional \$8.6 billion in capital costs over ten years. If we diverted just 10 percent of the NYPD and DOC capital plans and the entire \$8.6 billion capital plan for the jails construction, that would be an \$11.5 billion capital plan to rebuild NYCHA, end homelessness, and build a network of transformative justice hubs and resource centers across New York City.

The math is simple.

Join us in envisioning this investment into our communities, not policing and jailing!

DIVEST TO INVEST CALCULATIONS			
	If we divert from FY2020 budget...	that results in \$ (per year)...	Or \$ over ten years...
DOC			
	10% Operating Costs	130,000,000	1,300,000,000
	20% Operating Costs	260,000,000	2,600,000,000
	10% Capital (excluding jail construction)	120,000,000	1,200,000,000
	20% Capital (excluding jail construction)	240,000,000	2,400,000,000
NYPD			
	10% Operating Costs	560,000,000	5,600,000,000
	20% Operating Costs	1,120,000,000	11,200,000,000
	10% Capital	170,000,000	1,700,000,000
	20% Capital	340,000,000	3,400,000,000
Jails Construction			
	100% of Capital	860,000,000	8,600,000,000
	Already existing contract w/ Perkins Eastman	7,600,000	
	Dept. of Design + Construction	11,500,000	
TOTAL DIVESTMENT from cops + jails			
		One Year	Over 10 Years
	10% Operating Costs	690,000,000	6,900,000,000
	20% Operating Costs	1,380,000,000	13,800,000,000
	10% Reduction Capital + Jails Plan	1,150,000,000	11,500,000,000
	20% Reduction Capital + Jails Plan	1,440,000,000	14,400,000,000

DRAFT: ABOLITION PLAN

This is a living document that we will revise as we organize. As a collective guide it can be used by any group or person committed to the abolitionist vision of safety being the responsibility of well-resourced communities organized for justice without police, jails, immigration detention, prisons, and surveillance.

THE WORLD WE WANT, & BEYOND

“MY VISION FOR SAFETY IS THE ABSENCE OF CONFUSION. THIS IS WHAT DEFINES PEACE. SAFETY IS BEING ASSURED, AND MOST IMPORTANTLY, MENTALLY AND EMOTIONALLY CONFIDENT THAT ONE’S SELF AND HIS OR HER SURROUNDINGS IS IN ACCORDANCE TO THAT OF PEACE.” – HAKIM, INCARCERATED NNJ MEMBER

No New Jails NYC is an abolitionist campaign to win \$11 billion for the needs of our communities by Shutting Rikers with No New Jails.

We welcome you to envision the world you want and what can exist beyond it, if we build it together. Strategies for transformative justice, community accountability, and harm reduction are the bedrock of abolition. We know that care, not cages, facilitates individual and collective liberation.

For people marginalized by the carceral state and exposed to violence at its hands:

WE BELIEVE IN TRANSFORMATIVE JUSTICE (TJ):

According to Philly Stands Up! “Transformative Justice is a way of practicing alternative justice which acknowledges individual experiences and identities and works to actively resist the state’s criminal injustice system. Transformative Justice recognizes that oppression is at the root of all forms of harm, abuse and assault. As a practice it therefore aims to address and confront those oppressions on all levels and treats this concept as an integral part to accountability and healing.” There are collectives dedicated to envisioning and practicing transformative ways to address when people harm each other. Transformative justice (TJ) understands that people do hurt each other, and that those who commit harm have almost always been harmed before. And, TJ understands that harm is never contained between a few people, but ripples out to affect entire communities. Rather than displace harm into prisons/jails that only perpetuate violence, TJ addresses harm within communities and social relationships and promotes holistic healing that both prioritizes the survivor and refuses to discard the person who committed the harm. TJ is not easy. It is messy work because it rejects what we’ve been taught about the necessity for punishment. And, as Generation 5 have said, TJ is a “liberatory approach” to violence, which emphasizes the way state responses to violence only serve to perpetuate it, instead of transforming the conditions which enable the violence.

No New Jails is imagining a future in which violence is not disappeared, but rather there are procedures for accountability and to address harm. We do not deny the presence of harm and hurt, but learn from other abolitionist leaders and models that community resilience and safety is possible through deep work. The world we want demands autonomy and self-determination for our community; demands humane policies, restorative systems, and community wellness.

WE BELIEVE IN MUTUAL AID:

Learning from the long traditions of Black, queer, and trans leaders, we have built structures to provide mutual aid for incarcerated people and their families in solidarity with other mutual aid projects like bailout funds. We cannot depend on the government to provide what people need, especially when many of our people are under attack by government agencies and agents like ICE, DHS, DOJ, and more. Big Door Brigade has utilized mutual aid strategies to organize in response to criminalization and poverty in Seattle, describing it as “people giving each other needed material support, trying to resist the control dynamics, hierarchies and system-affirming, oppressive arrangements of charity and social services.” Some models include bail funds, disaster relief mutual aid, pro bono legal aid, and free community childcare. Mutual Aid has a centuries’ long history in enslaved, formerly enslaved, colonized, and working class communities, where oppressed and exploited people survived state violence by protecting, feeding, loving, raising up, and housing each other: during rebellions, escapes, labor strikes, and anti-colonial struggle. We understand our current practices of mutual aid as continuing this legacy of survival pending revolution, as the Black Panthers called it.

WE BELIEVE IN COMMUNITY ACCOUNTABILITY (CA):

Violence and trauma exist in many forms, and part of the world we want must address the question of how we deal with violence within our communities. We have repeatedly been told to call the police for any need — whether it’s a rowdy neighbor, a loved one in the midst of a mental health crisis, or someone who has physically assaulted us — too often finding that calling the police proves to be fatal to those we love. We know that prisons and police don’t keep us safe, and in fact perpetuate more violence. But, too often they appear to be—or are funded to be—the only option. So, how do we create strategies to address violence within our communities, including domestic violence, sexual violence, and child abuse, that don’t rely on police or prisons? This is where community accountability is an integral strategy. Transformative Justice Collective Berlin spotlights four main aspects of CA — “creating and affirming values and practice; developing sustainable strategies to address community members abusive behavior; providing safety and support to survivors in ways that respect their self-determination; and committing to ongoing development of all members of the community to transform the political conditions that reinforce violence.”

WE BELIEVE IN HARM REDUCTION:

The Harm Reduction Coalition describes harm reduction as “a set of practical strategies and ideas aimed at reducing negative consequences associated with drug use. Harm Reduction is also a movement for social justice built on a belief in, and respect for, the rights of people who use drugs.” Within an abolitionist framework, this isn’t only limited to drug use, but to sex work, domestic work, reproductive justice, and other behaviors that are excessively criminalized in ways that don’t provide support or safety for the participants. As Shira Hassan, an advocate for sex workers, has said of the harm reduction movement — “it was started by us, by drug users and sex workers, street-based people, trans people of color. Because we have been saving our own lives for centuries.”

For No New Jails, committing to harm reduction means working to keep our community members who engage in currently criminalized activities safe, alive, and connected to resources, communities, and social spaces, while we work to end the criminalization of drug use, sex work, mental illness, and homelessness. It also means committing to the autonomy and self-determination of people who engage in criminalized and stigmatized practices, which means that we recognize that people have different visions and goals of health and fulfillment, and that we do not impose ableist or abstinence-based standards on other people’s healing. No New Jails categorically rejects the criminal justice “reform” nonprofit industrial complex’s respectability politics which demand that people involved in our movements must be “rehabilitated” according to classist, racist, sexist, transphobic and ableist standards.

WE BELIEVE IN COMMUNITY WELLNESS AND THE FREEDOM TO THRIVE:

Healing justice — access to holistic and medical healthcare for emotional, mental, spiritual, and physical health that is reinforced by transformative social conditions — is a critical part of addressing harm and hurt without prisons. Through advocating for communities' right to wellness and to thrive, we call out the medical industrial complex, including the mental health apparatus, that promises healing and care, and instead harms, traumatizes and pathologizes our people. Taking from ancestral work in Black, Indigenous, and POC communities, healing justice can be framed as generous time to heal and process trauma. Black Lives Matter says, "in this context how we treat ourselves, how we treat each other, and how we move through conflict become deeply political explorations in liberation....[H]ealing justice requires that we listen beyond the understandings we've been given of spirit and ancestors, and asks us to both recover and create self-determined and effective rituals, processes for the kind of healing we need."

Although these beliefs and strategies are visionary, they are also calls to action. No New Jails aims for abolition, but does not aim to erase the violence or trauma people carry. We believe that New Yorkers deserve the opportunity to practice safety without structures that reproduce that same violence. We know that closing jails would increase safety and lower the number of people incarcerated while freeing up billions for our actual needs. Join us in this fight. We also welcome you into a national abolitionist movement across the country to stop jail, prison, and law enforcement expansion in Detroit, Philadelphia, Los Angeles, Miami, Atlanta, and Chicago.

WE BELIEVE THAT WE KEEP US SAFE:

We recognize that we cannot depend upon the system when their rhetoric, policies, laws, practices, and reform efforts do not keep us safe. So we are forging alliances with communities across New York City and beyond. **New Yorkers are joining hands to take back our neighborhoods to fight for our community members and loved ones directly impacted by criminalization, incarceration, rapid detention and deportation.** As community members, we must be invested in keeping our people, our community safe.

Our abolitionist plan calls upon community members, healers, social workers, crossing guards—whatever your professional, or personal occupation is. Our tradition has been to share resources and skills for the betterment of our community¹⁷³. Art theatres, faith-based institutions, community centers, stakeholders, schools should also play a major role in community accountability, and addressing harm within their communities. We all have a skill or offering that could contribute to community wellness and safety. The We Keep us Safe network is a call to action for communities members to actively practice transformative systems to make divestment from incarceration and policing possible. We are actively leading trainings on de-escalation, restorative justice, emotional care, mental health rapid response, alternatives to calling the police, and working with partners and other stakeholders already doing this work in directly impacted communities.

We are told to call the police when we are in danger—to depend on the punishment justice system to deal with the violence within our communities—even though this system is at the root of the violence that our communities learn in the first place. But if police, jails and prisons facilitate and create violence against our communities and actually don't increase our safety in any way, the real question is: How do we make the strategies to respond to the violence in our communities—which includes domestic violence, sexual violence, and child abuse—so we don't depend on police or prisons?

173 <https://atlantablackstar.com/2015/03/26/8-black-panther-party-programs-that-were-more-empowering-than-federal-government-programs/>

This on-going work will require:

- The creation and community education of values and practices that combat abuse and oppression to encourage safety, support, and accountability.
- Political education and skills-sharing around values and practices of transformative justice.
- Community members who can provide safety and support to people surviving violence in a way that uplifts self-determination.
- Sustainable strategies to address our own community members that cause harm, where a process is created for them to account for their actions and transform behavior.

We Keep Us Safe Programming is part of a long-term tactic to change the material conditions and political ideologies that reinforce violence and oppression, including state violence as embodied by police and incarceration.

WE BELIEVE IN ENDING GENDER BASED VIOLENCE:

Addressing gender-based violence and harm is at the core of making public safety the responsibility of organized communities. Currently, many people who are surviving domestic violence do not call the police because: they know they will not be believed¹⁷⁴; they will themselves be harmed by the police¹⁷⁵ they do not want their partner incarcerated¹⁷⁶; or are afraid of being incarcerated themselves for defending themselves against violence¹⁷⁷. For example, mandatory arrest policies often result in the survivor being arrested, not the person causing violence, and they disproportionately affect Black and Latinx women who call the police to report being harmed¹⁷⁸. More than half the women currently serving terms in NY prisons for violence are incarcerated for defending themselves or their children against their abusers. Policing and incarceration don't prevent domestic violence.

174 <https://ocrms.umd.edu/files/Why-Is-Sexual-Assault-Under-Reported.pdf>

175 http://vawnet.org/sites/default/files/materials/files/2016-08/AR_IncarcerationUpdate%20%281%29.pdf

176 https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1075&context=cl_pubs

177 <https://survivedandpunished.org/quick-statistics/>

178 <http://www.freemariassnow.org/fact-sheet-on-domestic-violence--criminalization.html>

JOIN US IN THIS FIGHT. WE ALSO WELCOME YOU INTO A NATIONAL ABOLITIONIST MOVEMENT ACROSS THE COUNTRY TO STOP JAIL, PRISON, AND LAW ENFORCEMENT EXPANSION IN ALABAMA¹⁷⁹, DETROIT¹⁸⁰, PHILADELPHIA¹⁸¹, LOS ANGELES¹⁸², MIAMI¹⁸³, ATLANTA¹⁸⁴, WASHINGTON D.C.¹⁸⁵, AND CHICAGO¹⁸⁶. OUR PATH IS CLEAR.

We will mobilize New Yorkers to shut Rikers down with no new jails as a community. We will fundraise to free everyone, then we will mobilize thousands of volunteers into the decentralized We Keep Us Safe network that can offer direct services and offer community accountability and healing for the harm and trauma we experience in our neighborhoods. All of this will be based in mobilizing thousands of New Yorkers into a practice of community care, mutual aid and self-determination where we work to meet each other's needs to practice community autonomy. This will lower the number of people held dramatically proving we can shut Rikers down without building new jails.

This campaign is only the beginning. Shutting down Rikers without building new jails will inspire greater demands on the system that has only taken from the wealth of our communities to exploit and damage generations. Ten years from now, Rikers will be closed without new jail construction and we will be able to see the impact of an \$11 billion investment into our needs. We will see an end to homelessness, NYCHA repaired, the creation of high quality learning environments for all young people. We hope that this step together will be our first away from the era of incarceration.

THIS IS THE WORLD WE WANT TO CREATE.

JOIN US.

179 <https://www.al.com/news/2019/02/alabama-will-build-3-prisons-for-men-ivey-announces-do-not-publish.html>

180 <https://nonewjailsdetroit.wordpress.com/>

181 <https://decarceratepa.info/>

182 <http://criticalresistance.org/chapters/cr-los-angeles/>

183 https://www.theadvocate.com/baton_rouge/news/article_e515773a-9e83-11e9-a8a5-873f00ea553b.html

184 <https://actionnetwork.org/forms/campaign-alliance-member-application>

185 <https://dcist.com/story/19/07/15/activists-protest-outside-bowers-home-saying-her-policies-harm-black-washingtonians/>

186 <https://nocopacademy.com/about/>

APPENDIX

SAFETY: The state of well-being created by well-resourced communities organized for justice.

MUTUAL AID: Having your needs met by addressing the needs of another either through individual relationships or through networks based on community support. Instead of money or other payment, everyone is compensated by having their needs met by someone else.¹⁸⁷



FIGURE BY MONICA TRINIDAD

ABOLITION:

This concept is rooted in the centuries old fight by enslaved Africans to end slavery. In our present moment we echo the definition of our comrades at Critical Resistance, “Prison Industrial Complex (PIC) abolition is a political vision with the goal of eliminating imprisonment, policing, and surveillance and creating lasting alternatives to punishment and imprisonment. Abolition isn’t just about getting rid of buildings full of cages. It’s also about undoing the society we live in because the PIC both feeds on and maintains

oppression and inequalities through punishment, violence, and controls millions of people. Because the PIC is not an isolated system, abolition is a broad strategy. An abolitionist vision means that we must build models today that can represent how we want to live in the future. It means developing practical strategies for taking small steps that move us toward making our dreams real and that lead us all to believe that things really could be different. It means living this vision in our daily lives. Abolition is both a practical organizing tool and a long-term goal.”

BROKEN WINDOWS POLICING: Law enforcement and surveillance that targets offenses that are categorized as “minor crimes” with the belief it will lower the amount of offenses categorized as “serious crime.” “Broken windows” policing, introduced to the streets of New York by criminologists George L. Kelling and James Q. Wilson and deployed by former New York City Mayor Rudolph Giuliani and Police Commissioner Bill Bratton, focuses on policing environments which are “broken” or abandoned, with the theory that they beget criminal activity. Kelling and Wilson asserted that “disorder and crime are usually inextricably linked,” in their thinly veiled racist analysis of urban disorder and crime which was so emblematic of criminology in that period. The policing practice which emerged looked like foot patrols of poor Black and Brown neighborhoods, constant surveillance of neighborhood activity, and aggressive regulation of the movement of Black and Brown youth through practices like stop-and-frisk -- all of which fall under the auspices of what police reformers affectionately call “community policing.” Kelling and Wilson provided an explanation for crime which fulfilled the wishful thinking of policy-makers and politicians looking for a way to show they were “tough on crime.” But these policing practices have only exacerbated the crises experienced by the urban working poor, rather than increase public safety. It has decreased public safety for those Black and Brown residents of cities across the United States; New York City is no exception.

JUDICIAL: For the purpose of this document judicial refers to the set of actors in the punishment system’s courts, including judges and lawyers.

¹⁸⁷http://library.uniteddiversity.coop/More_Books_and_Reports/The_Anarchist_Library/Lorenzo_Kom_boa_Ervin__Anarchism_and_the_Black_Revolution_a4.pdf

REMAND: A legal designation where a judge denies someone the right to bail, and sends them back to jail to be held until their trial.

BAIL: Ransom payment demanded by the court to secure your freedom before you have been convicted of an offense. Typically rich people are able to pay and buy their freedom, while poor people are unable to pay this ransom.

HARM: Anything done by a person, institution, social dynamic or a system to negatively impact the wellbeing of an individual or a community.

TRANSFORMATIVE JUSTICE: “Transformative Justice is a way of practicing alternative justice which acknowledges individual experiences and identities and works to actively resist the state’s criminal injustice system. Transformative Justice recognizes that oppression is at the root of all forms of harm, abuse and assault. As a practice it therefore aims to address and confront those oppressions on all levels and treats this concept as an integral part to accountability and healing.”¹⁸⁸



COMMUNITY ACCOUNTABILITY:

“Community accountability can be creating communal support for those impacted, and/or collectively interrupting, challenging, stopping, and shifting abusive behavior and the underlying systems that support it. The key is working collectively in community rather than relying on external authorities and systems of oppression. It is not a formulaic set of responses, but grows organically in relation to the specific people and relationships involved. And like transformative justice, it seeks to address the underlying power systems that ultimately form the root causes of violence.”¹⁸⁹

188 <https://transformharm.org/transformative-justice/>

189 <https://transformharm.org/10-strategies-for-cultivating-community-accountability/>

RESOURCES FOR THE WORLD WE WANT

1. **TransformHarm.org**¹⁹⁰
2. **Generation 5: Ending Child Abuse - Transformative Justice Handbook**¹⁹¹
3. **Generation 5: Resources**¹⁹²
4. **Big Door Brigade Mutual Aid Toolbox**¹⁹³
5. **Freedom to Thrive**¹⁹⁴
6. **African Anarchism: The History of a Movement**¹⁹⁵
7. **Fumbling Toward Repair**¹⁹⁶
8. **Prison Culture**¹⁹⁷
9. **Bay Area Transformative Justice Collective**¹⁹⁸
10. **Creative Interventions Toolkit**¹⁹⁹
11. **Harm Reduction Coalition**²⁰⁰
12. **Movement Generation: Just Transition Framework**²⁰¹
13. **Dreaming Freedom, Practicing Abolition**²⁰²
14. **#CareNotCages: A People's Guide to Healing**²⁰³

FAQ

1. HOW DOES #NONEWJAILSNYC ADDRESS “NOT IN MY BACKYARD”-ISM? (DONE)

NIMBYism (“Not In My Backyard”) is an attitude that opposes a development because of how close the development is to a specific community. We’re fighting to prevent new jails from being built anywhere in any of NYC’s boroughs and are opposed to the jail system in its entirety.

We have a broad vision and commitment to ending incarceration, policing, and surveillance once and for all, and to create alternatives to justice that don’t rely on punishment. We urge people in New York to see past their concerns about jails being built in specific neighborhoods and instead consider the overwhelming harm that jails cause individuals and families in New York City.

2. ISN’T CLOSING RIKERS A GOOD THING?

Yes, absolutely. Rikers has been, and continues to be, a dangerous, brutalizing place for people who are incarcerated, their loved ones, and their visitors. Rikers must be shut down immediately and permanently, without new jails replacing or supplementing it.

190 <https://transformharm.org>

191 <http://www.generationfive.org/the-issue/transformative-justice/>

192 <http://www.generationfive.org/resources/>

193 <https://bigdoorbrigade.com/mutual-aid-toolbox/>

194 <https://freedomtothrive.org/blog/>

195 <https://theanarchistlibrary.org/library/sam-mbah-i-e-igariwey-african-anarchism-the-history-of-a-movement/bbselect>

196 <https://www.akpress.org/fumbling-towards-repair.html>

197 <http://www.usprisonculture.com/blog/>

198 <https://batjc.wordpress.com>

199 <https://communityaccountability.wordpress.com/creative-interventions-toolkit/>

200 <https://harmreduction.org>

201 <https://movementgeneration.org/movement-generation-just-transition-framework-resources/>

202 <https://abolitioniststudy.wordpress.com>

203 <https://www.prisonrenaissance.org/carenotcages>

Despite the mayor's claims that the new jails will replace Rikers, de Blasio wants to postpone its shutdown until 2027, and has been quoted at times saying it will take another decade or more beyond his tenure before the decision to shut down Rikers is made. Worse, there is no legally binding policy guaranteeing Rikers will be shut down. He could change his mind while still in office, or any mayor elected following de Blasio's last term could keep it open along with the 12 new jails.

The plan creates a new image for jails in NYC but doesn't put us on a path to decarceration, and instead reestablishes jails as an important part of city government and social management. Jails serve to torture and dehumanize people day after day, and so we are calling for Rikers to be closed now with no new jails in its place.

3. IF WE SHUT RIKERS DOWN, WHERE WILL ALL THE PEOPLE GO?

If New York City committed to ending pretrial detention, we could shut down Rikers with no new jails. Then we could use the budget for jails to invest in the needs of our communities.

About 79% of people incarcerated on Rikers are being held as they await trial. These are legally innocent community members who have been targeted by the police, accused (but not convicted) of breaking the law, and incarcerated before they've been found guilty of any crime. Of the people incarcerated pretrial because they cannot afford bail, 70% are accused of nonviolent crimes. It is easy to pretend that jails exist because the people held there are too dangerous to be released. That idea is a myth.

By forcibly separating people from their families and crowding them in violent jail sites under the illusion of creating public safety, pretrial detention becomes a threat, rather than an aid, to the safety of our communities. Our taxpayer money should instead be invested in safe and secure residences for both those who have done harm and those who are at risk of being harmed.

4. HOW DOES POLICING MAKE COMMUNITIES UNSAFE?

We could talk about the police's long history of targeting poor people, people of color, immigrants, trans and gender nonconforming people, sex workers, and other communities to no end. Let's look at a few statistics from the last few years alone:

- From 2015 to 2018, the NYPD killed at least 27 people, including 14 people experiencing mental health crises.
- In 2017 alone, there were over 12,000 allegations of excessive force against the NYPD. Since 2013, the City has paid almost \$1200 million to settle lawsuits against the NYPD.
- Since the formal end of "stop and frisk" policing in 2013, the tactic continues as "order-maintenance" policing. Black and Latinx New Yorkers made up 88% percent of those stopped in 2017. Though white people are 42% of NYC's population they made up only 8% of people stopped.
- Deportations have soared 150% in NYC over the past few years and ICE arrests are up 88%, the third highest of any major US city.

People are not policed or incarcerated based on their "innocence," but rather by stereotypes of race, gender, and class. Furthermore, policing does nothing to produce resources that combat the conditions that create crime, such as lack of food, housing, mental healthcare, education, or employment. In fact the NYPD's massive yearly budget of \$5.6 billion has robbed our communities of funding for social services.

This is a living document that we will revise as we organize. As a collective guide it can be used by any group or person committed to the abolitionist vision of safety being the responsibility of well-resourced communities organized for justice without police, jails, immigration detention, prisons, and surveillance.