

TRINITY CHURCH WALL STREET

Trinity Church Wall Street - Testimony - City Council Criminal Justice Committee Oversight Hearing

October 22, 2021 | Subject: Oversight - Update on the Local Conditional Release Commission

Good morning Chair Powers and members of the Committee on Criminal Justice. My name is Susan Shah and I am the Managing Director for Racial Justice at Trinity Church Wall Street Philanthropies. Thank you for providing me with the opportunity to submit testimony for today's hearing to discuss the status of the City's Local Conditional Release Commission and other strategies to help decarcerate the City's jails.

Trinity Church Wall Street is an active Episcopal church down the street from City Hall with more than 1,600 parishioners, who represent all five boroughs and form an ethnically, racially, and economically diverse congregation. In addition to our ministry, Trinity carries out its mission of faith and social justice by engaging in advocacy and operating a grant-making program that seeks to help break the cycles of mass incarceration, mass homelessness, and housing instability in New York City.

Since the City Council's last oversight hearing on the City's jails in September, Rikers Island and other City's jails have remained dangerously unsafe and are failing to protect the overall health and wellbeing of those incarcerated within them. This week, an individual who attempted suicide while being held in a Manhattan Criminal Court holding pen was taken off life support, and last week a detainee being held on Rikers Island before trial tragically [died after contracting COVID-19](#), bringing the total number of people to perish in the custody of the NYC Department of Corrections this year to 14.

We thank the City and State for taking a series of steps since the City Council's last hearing to reduce New York City's total jail population, most notably Governor Hochul's [signing](#) of the Less is More Act and recent [Executive Order](#) to allow for the expansion of virtual court hearings to reduce the time that individuals are detained in City jails, as well as the Governor and Mayor's recent [agreement](#) to move 230 incarcerated women and transgender individuals off of Rikers Island to nearby State-run facilities for the short term while a long-term facility (ideally Lincoln Correctional Center in Manhattan) is brought up to code as soon as possible.

However, the current situation is a humanitarian catastrophe that further underscores the inability of the City's jails to protect the health and safety of those who are incarcerated in them. Inaction is a

choice. The Mayor has tools he can use now and in the near term to improve the lives of hundreds and ultimately thousands of detainees. This crisis is not just an administrative failure - though it is surely that - it is a moral failure. It is time for the Mayor to knuckle down and get the job done.

This starts with the full implementation of Local Law 60 of 2020, which calls for the creation of a Local Conditional Release Commission. We commend Council Member Powers for enacting this legislation at the height of the COVID-19 pandemic and believe that the creation of the Commission will serve as a powerful tool to protect the health and wellbeing of incarcerated individuals now, as well as advance the goal of reducing the City's overall jail population moving forward.

Although Local Law 60 of 2020 required the City to implement the Local Conditional Release Commission immediately, we are concerned that the Mayor and City Hall have not yet demonstrated any commitment to forming it, **and urge City Hall to put the Local Commission together now to continue to make meaningful steps toward mitigating the crisis throughout the City's jails.** Further, we encourage City Hall to appoint more than one individual who meets the membership criteria **and** who has lived experience of incarceration to serve on the Commission. We invite City Hall and the City Council to utilize Trinity and our broad network of community-based partners for appointment recommendations, as they are staffed by many skilled men and women who both meet the criteria to serve on the Commission and have relevant lived experiences. In addition, we would urge the City to ensure full transparency in the creation and operation of the Commission by submitting regular, accessible reports so the public can track the Commission's progress and activities.

The creation of the Local Conditional Release Commission alone will not effectively mitigate the emergency on Rikers Island. We urge the Mayor and the City Council to commit to undertaking the following evidence-based strategies to safely decarcerate the City's jails:

1. **Expand the Mayor's use of the 6a work release program.** We urge the Mayor to utilize the powers provided to him by the State under '6a' (which he widely used at the height of the pandemic in 2020 to safely reduce the City's jail population) to review and authorize the release of approximately 100 detainees who are potentially eligible for release under this law.
2. **Improve the pretrial processes to shrink the City's jail population.** We urge the City to utilize pretrial release and 'ability to pay' assessment tools to help reduce the number of individuals being held in City jails pretrial, as well as encourage the use of supervised release and only detain those who pose a credible risk of flight.

3. **Provide alternatives for people with serious mental illness.** We encourage the City to commit more funding for additional outpatient treatment slots and community-based residential facilities — akin to supportive housing — for people with a serious mental illness to avoid incarceration.
4. **Sentencing more people to Alternatives to Incarceration programs.** These community-based programs are much better equipped to address individual underlying needs and ensure accountability. The City should also expand restorative justice programs and mental health courts because they have proven track records of reducing recidivism for people charged with violence, enhancing oversight, and meeting the needs of victims.

Lastly, we believe that the current crisis demonstrates that there is no amount of investment or reform that will make Rikers and the City's existing jail facilities acceptable places to protect the dignity and humanity of incarcerated individuals. We strongly urge City Hall and the City Council to reaffirm their commitments to the plan to close Rikers Island by 2026 and utilize a smaller and more humane system of borough-based jails, as well as to honor the funding commitments that were made in the plan's October 2019 Points of Agreement.

Thank you for providing the opportunity to submit testimony today.