**Closing Remarks --- Fixing New York City's Jails: A Federal Receiver?**

**MAY 24, 2022**

Receivership is an awesome power, one to be used sparingly and as a last resort.

Is this where we are with Rikers?

Violence is spiking to levels we haven’t seen since in decades, seven to eight times what Los Angeles experienced, according to the monitor. A third of the workforce doesn’t come to work, about half are unavailable to work in the jails because of other assignments.

Conditions have been appalling for decades – appalling to the degree that they violate the constitution and shock the conscience.  Before this monitor, the City has been the subject of five consent decrees, spanning eight mayors, 24 commissioners and ever-increasing budgets.  This year the proposed budget for the Department of Correction is $1.25 billion, 7% more than last year.

The latest monitor – a person of wide experience and reputation, with a world class team – has spent the last six years and thousands of pages detailing what needs to be done.  And even he is very, very, very cautious about what is do-able under the current set of structures.

With all the good will and money in the world, these shocks to our basic humanity have not been fixed.

Why?

Something is structurally broken. A few examples: union rules forbid hiring from outside even to fill gaping holes in the management structure that could make a jail safe; byzantine city procurement requirements that result in it taking months, even years to order, for example, locking doors – something important in a jail.

All of this is happening as correctional practice and theory shifts.  The plan changes with every new commissioner (a new one approximately every two to three years) and every new mayor.

We seem to be in a boiling the frog moment. The water’s been boiling for a long time.  It is time to address the problem with a different kind of power that has a different durability and a different allegiance than our current structure.  Otherwise, we all know what happens to the frog.

Is it possible that the city alone has the power to make these seismic changes? It is unclear:

* There is law and lore that present obstacles that the city has not had the power to overcome.
* There are questions about when there is progress and according to whom?  One stark example:  on the very same day (earlier this week) that the monitor heralded the increase in the number of people in jail getting to their medical appointments, another New York court held the department of Correction in contempt for *failing*to do exactly that!
* Does the city have the right plan? If so, who drives it to the end, *without fear or favor?*

So it’s a gamble whether the city has the power or longevity to turnaround the conditions:

* Does the city possess the power to change the structural impediments to a safe and dignified environment?
* Will this commissioner or this mayor will be around long enough to lead and sustain the vision?
* Can the City build a team and consensus, without being buffeted by the daily challenge of politics, big P and little?

This will be the judge’s call, and it will require the most difficult of judgments in understanding what the obstacles to change are now and have been over 40 years; and in piercing the data to understand what changes are actually happening and to what degree the city alone can continue to drive.

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*- Elizabeth Glazer, founder of Vital City*