

New York City Council
Committee on Criminal Justice
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Testimony submitted on behalf of:

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Overview

The recent death of 31-year-old Mary Yehudah on May 18th, 2022, at the Rose M. Singer Center (Rosie's) on Rikers Island underscores the humanitarian crisis at Rikers, and the need for New York City to take a different approach to women in custody.

There are approximately 300 women and transgender, gender non-conforming, non-binary, and/or intersex people (TGNCNBI) people at the Rose M. Singer Center. This population is uniquely vulnerable to sexual abuse and retraumatization in jail, has distinct needs, and is less prone to violence and recidivism than men.ⁱ However, the jail system in New York City is largely designed for men and falls short of meeting the needs of women and TGNCBI people.ⁱⁱ

Under the borough-based jail plan (BBJP), New York City is required to replace Rikers Island with four jails in Brooklyn, the Bronx, Manhattan, and Queens. All women and TGNCNBI people will be relocated from Rosie's

to the new Kew Gardens, Queens jail. For men, BBJP represents a landmark improvement by replacing the dangerous and dilapidated jails on Rikers Island with modern facilities located closer to the courts and public transit within local communities. For women, BBJP is in part a setback.

While Rosie's is a standalone site, the new Kew Gardens, Queens facility has common spaces with men.ⁱⁱⁱ The physical design changes to jail facilities have not been accompanied by gender-responsive operational plans tailored to serving women and TGNCNBI people.^{iv} In addition, Rosie's is scheduled to be among the last buildings on Rikers Island to close in 2027.

New York City can more effectively serve women and TGNCNBI people and enhance public safety by:

1. Closing Rosie's before the 2027 BBJP timeline.
2. Reducing the population of women and TGNCNBI people in custody to under 100.
3. Securing the closed Lincoln Correctional Facility in Harlem for the remaining population to be operated largely by non-profits as a gender-responsive, trauma-informed and therapeutic site.

These goals are attainable. The Lippman Commission recently released a report "*The Path to Under 100*" that outlines strategies for shrinking the number of women and TGNCNBI people in NYC jails to fewer than 100. In May, the Women's Community Justice Association, Columbia University Justice Lab, Columbia University Center for Justice, and Prison and Jail Innovation Lab at the University of Texas, Austin released "*The Women's Center for Justice A Nation-Leading Approach on Women & TGNCNBI People in Custody*" that describes best practices for a different operational model of a secured site focused on holistic care and reentry.

Distinct Characteristics and Needs of Women and TGNCNBI People at Rosie's

- *Mental health treatment is significantly higher for women than men in New York City jails.* Of women jailed on April 1, 2022, more than four out of five (82%) were receiving treatment for mental illness, compared to 49% of men.^v For women jailed over a year waiting for trial, that number rises to 96%.^{vi} In addition to high levels of mental health needs, women in custody also experience high levels of physical health needs, including chronic disorders associated with poor nutrition and poverty, such as asthma, obesity, diabetes, hypertension, anemia, seizures, and ulcers.^{vii}
- *Elevated risk of sexual abuse and re-traumatization.*^{viii} Sexual assault and abuse has been a consistent concern at the Rose. M. Singer jail on Rikers Island.^{ix} Women detained in New York City's jails are more likely to report physical and sexual abuse in their lifetime than men and are more likely to experience abuse consistently throughout their lives.^x
- *Many are victims of domestic violence.* Alternative to incarceration programs working with women and TGNCNBI people diverted from Rikers reported to us that between 36% and 97% of their participants had experienced physical, sexual, and/or emotional violence.^{xi} National studies have found this violence can play a significant role in the criminal allegations people face, and that women's justice involvement is more likely than men's to flow from their relationships with family or intimate partners.^{xii}
- *Most are mothers and caregivers.* The majority of women detained in New York City's jails are primary caregivers and are more likely than men in custody to have primary child-rearing responsibilities.^{xiii} Among more than forty women facing criminal legal charges in New York City in July 2019 and January 2020

interviewed by the Columbia Justice Lab, 70% were caregivers. Among men interviewed as part of the same study, only 54% were caregivers.^{xiv} Of the women who report having children, 87% report having at least one child under 18 years old, compared to 73% of men. For children separated from their parents, there is a heightened risk of traumatic stress, emotional distress, poor school performance, and problems relating to others and to society, manifested in rule-breaking, law-breaking, and risky health behaviors.^{xv} Parental detention is particularly stressful and harmful for children, and distinct from other forms of separation from parents. Parental detention that has varying and uncertain duration, can exacerbate stress and trauma, and can carry stigma for children.^{xvi}

- *High levels of unemployment and housing insecurity.*^{xvii} Recent interviews of women and TGNCNBI people involved in New York City’s criminal legal system, conducted by researchers from Columbia University, found that 60% of those interviewed were unemployed before their arrest.^{xviii} In 2022, at jail intake, 25% of women and TGNCNBI people reported they were homeless before being jailed or had nowhere to go upon release.^{xix} Unemployment and unstable housing, and associated economic instability, are proven drivers of criminal justice involvement. And conversely, a criminal record makes it more difficult to find housing and employment.^{xx}
- *Women are quickly released back to their communities.* Women discharged in 2020 spent a median of 13 days at Rosie’s.^{xxi} These disruptive, short stays temporarily fail to address the underlying causes that led them to Rosie’s, and likely exacerbate any underlying mental illness, drug addiction, or housing instability people face.
- *Women have especially low recidivism rates.* National research has long indicated that re-arrest rates – especially for violence – are significantly lower for women than men.^{xxii} In New York City, women arrested in 2019 were 49% less likely than men to be re-arrested for a violent felony within 1 year (2.7% vs. 5.3%) and 40% less likely to be arrested for any reason within 1 year (16% vs. 26%).^{xxiii}
- *Within facilities, women and TGNCNBI people have much lower rates of institutional violence and escape risk, as compared to men.*^{xxiv}

BBJP Falls Short for Women & TGNCBI People

The BBJP would close Rikers Island and replace it with four modern jail facilities in Manhattan, Brooklyn, Queens, and the Bronx. The purpose is to locate those in custody closer to their communities to decrease isolation, improve services and build connections to attorneys, families, and visitors. That will be the case for men, who will be located at facilities in the borough in which they are charged, but not for women and TGNCNBI people who will be relocated to a new Kew Gardens, Queens jail, scheduled to open in 2027, that shares spaces and staff with men.

For men, the borough-based jail plan is a historic improvement from the dangerous and outdated Rikers Island jails. However, for women and TGNCNBI people who are currently at a standalone building at the Rose M. Singer Center, it would be in part, an unsafe setback.

- *Failing to fully prevent women and TGNCNBI people from being exposed to men – and possibly to their abusers.* In the Kew Gardens facility, men, women, and TGNCNBI people will share several spaces – the entrance hall, some medical spaces, and some programming spaces – as well as share correctional staff.^{xxv} For women and TGNCNBI people in custody, many of whom have been abused or assaulted, any exposure to men or to catcalling inside a jail can be retraumatizing. Additionally, women who are in custody at the same time as their abusers may encounter them at the facility. National and international standards dictate that there should be completely separate facilities for men and women in custody. For example, the UN

Standard Minimum Rules for the Treatment of Prisoners states that “men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate.”^{xxvi}

- *Isolating women and TGNCNBI people from their families and communities.* Harlem, the Bronx, and East New York/Brownsville make up the top eight zip codes for Rosie’s admissions over the past five years.^{xxvii} Families visiting from these neighborhoods will face long commutes on public transportation to visit their loved ones.
- *Lack of gender-responsive strategies that address the underlying needs driving women and TGNCNBI people into the system.* The City has not announced plans to operate Kew Gardens in a gender-responsive, trauma-informed way that reduces harm rather than exacerbating it.^{xxviii} By replicating operations at Rosie’s, women and TGNCNBI people will continue to be traumatized and at risk.

Most Women Can Be More Effectively Served by Community-Based Alternatives

According to the forthcoming “*Path to Under 100*” report, at the beginning of the pandemic, the women’s population at Rosie’s was reduced from 300 to 149.^{xxix} However, since then the women’s population at Rikers has returned to 300 people.

Gender-responsive investments in community resources will help to prevent systems involvement. That includes mental health treatment, affordable and supportive housing for mothers and their children, and assistance for domestic and sexual violence survivors.

New York City has several diversion programs tailored to the needs of women and TGNCNBI people with excellent track records of successfully minimizing recidivism. The Women’s Project at Wildcat provides women and TGNCNBI people who would otherwise be at Rikers with wellness plans and connections to housing, social services, food, job training, employment, healthcare, and more. In 2021, 60 percent of participants in The Women’s Project faced violent felony charges. Over 95 percent of the participants completed the program, and 94 percent were not re-arrested.^{xxx}

SHERO (formerly called the Women’s Community Justice Project) has provided housing with wraparound services to more than 300 women and TGNCNBI people diverted from Rikers, including some facing violent felony charges.^{xxxi} Since 2017, only 2 people have been re-arrested while in SHERO, and not a single person was rearrested in Fiscal Year 2021.^{xxxii}

An alternative-to-incarceration placement costs between \$60,000 and \$70,000 per person compared to the cost of over \$550,000 to detain a person at Rikers Island.^{xxxiii}

Lincoln Can be Transformed into a Different Model for Women & TGNCNBI People

The small number of women and TGNCNBI people who are unable to be served by alternatives should be in a secure facility that is more centrally located and readily available than Kew Gardens, and separate from men

In the 2019 Borough-Based Jails Plan Points of Agreement reached between the Office of the Mayor and the New York City Council, the city agreed to explore the feasibility of a more centrally located, standalone center.^{xxxiv} The closed Lincoln Correctional Facility in Harlem, which operated as a state prison until 2019, meets the requirements set forth in the BBJP Points of Agreement.

The zip codes with the highest number of admissions to Rosie's are in Harlem, the Bronx, and East New York/Brownsville.^{xxxv} Families visiting from these neighborhoods would have a shorter commute to Lincoln than to Kew Gardens. Lincoln is located near several subway and bus lines. In addition, Harlem is home to many community-based service providers and faith-based organizations that specifically serve justice-involved women and families including Exodus Transitional Community, Greenhope Services for Women and Osborne Association. These groups can provide assistance and support starting when women and TGNCNBI people are at Lincoln and continuing after their release to facilitate successful reentry.

More than simply providing a site that is separate from men, Lincoln should operate differently than Rosie's. Lincoln should be transformed into a Women's Center for Justice that is operated by nonprofits using a model that puts women and TGNCNBI people on paths to healthy, safe and stable lives. According to the recent report "*The Women's Center for Justice A Nation-Leading Approach on Women & TGNCNBI People in Custody*" key elements should include.

- *Gender-responsive design, operations, and programming.* A gender-responsive approach acknowledges the unique paths that lead women into the criminal legal system, experiences during incarceration and needs that are distinct from men.^{xxxvi} Research has shown that gender-responsive services in detention facilities are more effective at reducing recidivism than services that do not incorporate gender-responsive practices.^{xxxvii}
- *Quality mental and physical health care.* In addition to acute mental health concerns, women in custody experience high levels of physical health needs.^{xxxviii} There should be continuous screenings for mental and physical health conditions, preventative care, and coordination with community-based providers to ensure a continuum of care after release.
- *Individualized care plans and support.* Resources and support should be individualized to each person and use intersectional and culturally sensitive approaches.
- *Strengthening family connections support.* Family-friendly visitation with flexible hours, child-friendly spaces, and onsite parenting and caregiver support programs to strengthen family connections and minimize harm and disruption of incarceration.
- *Building community partnerships.* The site should focus on community connections and serving residents inside and outside of the facility. There should be spaces for civic groups, social service providers, and arts groups and others to facilitate community engagement and build relationships that will be critical for successful reentry.
- *Privacy, autonomy, and normalcy.* Given that women present lower security risks than men in custody, the site should operate as the least restrictive environments possible.^{xxxix} There should be an emphasis on privacy and preparation for life after release.
- *Different staffing approach.* The site's programming should be operated primarily by nonprofits and staff should adopt a social work mindset, encouraging support services, solving problems, and providing coaching and mentorship to support effective rehabilitation.^{xl} Clinicians, peer specialists and community providers should act as support teams.

New York City has succeeded with other innovative models of custody, such as the Close to Home initiative. The Close to Home Act passed the New York State legislature in 2012 following crisis in the city and state youth correctional systems. It removed all of New York City's youth from state prisons and placed them in small residential programs run by nonprofits that are in or near the five boroughs. Under Close to Home, young people receive therapeutic services at small group homes. The program originally started with 300 contracted beds, and today the facilities house under 100 youth due to the success of the alternatives to incarceration and the reduction in youth crime.^{xli}

In the four years following Close to Home’s passage, the city had a 68% decline in placing youth in Close to Home facilities, with most youth going home with wraparound services. This did not jeopardize public safety as the city experienced a 53% decline in youth arrests over that same period, compared to a 24% decline in youth arrests in the four years preceding the law’s enactment.^{xlii}

The small facilities run by non-profits had remarkable educational and treatment outcomes as well. Ninety-one percent of youth passed their classes in Close to Home facility schools (which were run by the city’s Department of Education) in the 2016/2017 school year; 82% of youth transitioned home to a parent, family member, or guardian; and 91% of youth were enrolled in community-based programs upon discharge.^{xliii}

There are differences between the Close to Home initiative and what is being proposed for those at the Rose M. Singer Center; it deals with juvenile justice rather than criminal law, post-sentence, and smaller, scatter-site facilities. Still, Close to Home demonstrates that committed leaders can partner with community groups to close the Rose M. Singer Center and enact analogous reforms to the treatment of women in the city’s legal system as their counterparts once did with a larger population of youth confined in similarly shocking conditions.

ⁱ A More Justice NYC. *Path to 100*. Forthcoming.

ⁱⁱ Women’s Center for Justice: A Nation-Leading Approach to Women & Gender Expansive People in Jail. May 17, 2022. Retrieved from https://assets.nationbuilder.com/wcja/pages/83/attachments/original/1652964904/Womens_Center_for_Justice_Report_5.18.2022.pdf?1652964904

ⁱⁱⁱ Ibid.

^{iv} Ibid.

^v NYC Department of Corrections, Custody Snapshot, April 19, 2022; Urban Justice Center, “Brad H. Discharge Planning Services,” Mental Health Project, 2021, Retrieved from <https://mhp.urbanjustice.org/wp-content/uploads/sites/10/2021/08/Discharge-Planning-Handout-2021.pdf>.

^{vi} Ibid.

^{vii} B.V. Smith, N. Simonian, & J. Yarussi, “The health concerns of incarcerated women—Part 1: Profiles, chronic diseases, and conditions,” *Women, Girls & Criminal Justice*, 7, 2006a: 33-34, 39-45.

^{viii} Sexual assault and abuse have long been major concerns at Rikers. See, e.g., Singer, S. (May 12, 2020). “The Women’s Jail at Rikers Island Is Named for My Grandmother. She Would Not Be Proud.” *New York Times*. Available at: <https://www.nytimes.com/2020/05/12/opinion/womens-jail-rikers-island-covid.html>; Weiser, B. (May 9, 2017). “\$1.2 Million City Settlement with Rikers Inmates Who Accused Guard of Rape.” *New York Times*. Available at: <https://www.nytimes.com/2017/05/09/nyregion/rikers-inmates-who-accused-guard-of-rape-settle-suit-for-1-2-million.html>.

^{ix} A U.S. Department of Justice report found that Rikers was one of the 12 worst jails in the country with respect to staff sexual misconduct. Rosie’s had the nation’s highest rate of staff sexual coercion of incarcerated people, with 5.9% of those held reporting sexual abuse by staff. United States of America. See Beck, A. J., Berzofsky, P. H., Caspar, R. & Krebs, C. (2013). *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12: National Inmate Survey, 2011-12*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at: [Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12 \(ojp.gov\)](https://www.ojp.gov/ncj/210311/1-2-million.html).

TGNBI people are often particularly at risk. TGNBI individuals are ten times more likely than others to be sexually assaulted while in prison, and some studies indicate that as many as half of all transgender incarcerated persons have been sexually assaulted. Two out of three Black and Latina trans women report having been sexually assaulted while incarcerated, and even more (70%) have experienced physical assault. Pitts, D. *Advancing Transgender Justice*. New York, NY: Vera Institute of Justice. Available at: <https://www.vera.org/projects/advancing-transgender-justice/learn-more>.

In January 2021, a transgender woman sued after being sexually assaulted three separate times over a six-month period while being held with men, despite her requests to be moved to Rosie’s. Goldberg, Noah. (February 8, 2022). “Transgender Woman Held at Rikers Island Sexually Assaulted in Men’s Jail Three Times: Suit.” *Daily News*. Available at: <https://www.nydailynews.com/new-york/ny-transgender-rikers-island-inmate-sexually-assaulted-three-times-mens-jail-20220207-de36tmakqvhw5oxfp2vtv3ugbe-story.html>.

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- ^x D. James and L. Glaze, “Special Report: Mental Health Problems of Prison and Jail Inmates,” U.S. Department of Justice, Bureau of Justice Statistics, 2006.
- ^{xi} A More Justice NYC. *Path to 100*. Forthcoming.
- ^{xii} Covington, S. S. (2008). “The Relational Theory of Women’s Psychological Development: Implications for the Criminal Justice System.” In *Female Offenders: Critical Perspectives and Effective Interventions*, ed. by Ruth T. Zaplin, 2nd ed. Sudbury, MA: Jones and Bartlett.
- ^{xiii} National Resource Center on Justice Involved Women, April 2012.
- ^{xiv} Bruce Western, [Unpublished data], “Rikers Island Longitudinal Study,” Columbia University Justice Lab.
- ^{xv} Nneka Jones Tapia, “Harm Reduction at the Center of Incarceration,” Executive Session on the Future of Justice Policy, The Square One Project, April 2021.
- ^{xvi} *Ibid.*
- ^{xvii} Prisoner Reentry Institute, “Women In Justice: Gender and the Pathway to Jail in New York City,” John Jay College of Criminal Justice, 2017.
- ^{xviii} See Rikers Island Longitudinal Study, *Op Cit*. Note that, technically, these results are half composed of people held at Rikers and half composed of people with newly arraigned criminal cases but not incarcerated.
- ^{xix} Women’s Community Justice Association, 2021.
- ^{xx} *Ibid.*
- ^{xxi} A More Justice NYC. *Path to 100*. Forthcoming.
- ^{xxii} See, e.g., Alper, M., Durose, M. R., & Markman, J. (2018). *Update on Prisoner Recidivism: A 9-Year Follow-Up Period (2005-2014)*. Washington, D.C.: Bureau of Justice Statistics. Available at: <https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf>.
- ^{xxiii} City of New York. Data Analytic Recidivism Tool (DART). Available at: <http://recidivism.cityofnewyork.us/index.php?m=index>.
- ^{xxiv} Advisory Committee to the Travis County (TX) Sheriff’s Office, “Designing and Planning a New Women’s Jail Facility for Travis County: A Roadmap for Reform,” December 2018, page 18.
- ^{xxv} Women’s Center for Justice: A Nation-Leading Approach to Women & Gender Expansive People in Jail. May 17, 2022. Retrieved from https://assets.nationbuilder.com/wcja/pages/83/attachments/original/1652964904/Womens_Center_for_Justice_Report_5.18.2022.pdf?1652964904
- ^{xxvi} Available [here](#).
- ^{xxvii} Mayor’s Office of Criminal Justice. Provided May 2022
- ^{xxviii} Women’s Center for Justice: A Nation-Leading Approach to Women & Gender Expansive People in Jail. May 17, 2022. Retrieved from https://assets.nationbuilder.com/wcja/pages/83/attachments/original/1652964904/Womens_Center_for_Justice_Report_5.18.2022.pdf?1652964904
- ^{xxix} A More Justice NYC Forthcoming Report *Path to 100*.
- ^{xxx} Data provided to authors by The Women’s Project.
- ^{xxxi} A More Justice NYC. *Path to 100*. Forthcoming.
- ^{xxxii} *Ibid.*
- ^{xxxiii} *Ibid.*
- ^{xxxiv} Fuleihan, D. (October 18, 2019). *Borough-Based Jail Plan Points of Agreement*. New York, NY: Office of the Mayor, The City of New York. Available at: http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/10/BBJ_Points_of_Agreement_Rikers.pdf.
- ^{xxxv} Women’s Center for Justice: A Nation-Leading Approach to Women & Gender Expansive People in Jail. May 17, 2022. Retrieved from https://assets.nationbuilder.com/wcja/pages/83/attachments/original/1652964904/Womens_Center_for_Justice_Report_5.18.2022.pdf?1652964904
- ^{xxxvi} *Ibid.*
- ^{xxxvii} *Ibid.*
- ^{xxxviii} Smith, B.V., Simonian, N. & Yarussi, J. (2006a). The health concerns of incarcerated women—Part 1: Profiles, chronic diseases, and conditions. *Women, Girls & Criminal Justice*, 7, 33-34, 39-45.
- ^{xxxix} Advisory Committee to the Travis County (TX) Sheriff’s Office, December 2018.
- ^{xl} *Ibid.*
- ^{xli} Task Force on Transforming Juvenile Justice. 2009. *Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State*. Vera Institute of Justice. Retrieved March 5, 2020 (www.vera.org/downloads/Publications/chartinganew-course-a-blueprint-fortransforming-juvenile-justice-innew-york-state/legacy_downloads/Charting-a-new-course-Ablueprintfor-transforming-juvenile-justice-inNew-York-State.pdf).

^{xlii} Weissman, Marsha, Vidhya Ananthakrishnan, and Vincent Schiraldi. 2019. *Moving Beyond Youth Prisons: Lessons from New York City's Implementation of Close to Home*. Columbia University Justice Lab. New York, NY: Columbia University. Retrieved March 5, 2020 (https://justicelab.columbia.edu/sites/default/files/content/Moving%20Beyond%20Youth%20Prisons%20-%20C2H_0.pdf).

^{xliii} Ibid.