

## No New Jails NYC Legal Staff Letter


**This is an open letter from attorneys, social workers, legal advocates, and public defender administrative staff supporting the No New Jails campaign. If you would like to sign, fill out the form below.**

June 17, 2019

We are attorneys, social workers, legal advocates, and public defender administrative staff who work to defend New York City's overpoliced Black and brown communities from criminalization, deportation, family separation, poverty, and all the other oppression that surrounds incarceration. We strongly oppose [New York City's plan to build four new jails](#) and instead join the call to close Rikers now without reinvesting in new jails. The \$11 billion that the city estimates it will spend on new jails should be invested in helping our clients' communities thrive, not on criminalizing and caging them. Shutting down Rikers without building new jails is both feasible and necessary. We support the No New Jails campaign's fight to make that vision a reality.

Lawyers, courts, policing, and incarceration have always been weapons of racial subjugation, and they are responsible for immense oppression in our clients' lives. In order to end that, we must divest from the system, not reinvest in it. Spending billions to build new jails – at a moment when public criticism of policing and imprisonment is so prevalent and public funding for education, infrastructure, housing, and healthcare so poor – is a devastating step backward.

For years, New Yorkers – particularly Black and brown New Yorkers – have called for an immediate close to Rikers, have painfully detailed the torture experienced there, and have fought to end all the oppression enabled by that place. Rejecting that demand, the city has launched a plan to build four new jails and delay the closing of Rikers until after 2026, when a new Mayor and City Council can still choose to keep Rikers open alongside their massive new jails. Worse, the City is planning to expand the jail system before the full impact of state-level legislative reforms is known, and adding new jails will make further decarceration more difficult.

We know from our daily work that attempts to reform and rebuild jails will simply renew an oppressive system. Rikers was also [hailed as a triumph of progressive reform](#) when it was built a century ago, after the city's previous jails were criticized on [terms nearly identical](#) to today's calls to close Rikers. Likewise, the city's  effort just last year to move teenagers off Rikers to the Horizon Juvenile Center, touted by the Mayor's Office as part of their broader ["strategy" for replacing Rikers with borough-based jails](#), actually [increased](#)

## [violence against incarcerated youth.](#)

It is delusional to pretend the city's newest jails will be different. There are zero historical examples of incarceration, policing, or surveillance that did not become more and more oppressive with time. Closing Rikers immediately without new jails is the only moral option, the only option for those who support racial justice, and the only true step towards the liberation our clients need.

Others in the legal community have claimed the No New Jails campaign lacks a realistic post-Rikers plan. The truth is that the No New Jails plan is the only one that rejects the decades-long failed pathology of continuing to build new jails, whereas the city's plan will kill the need for continued decarceration. Jails are always filled to and beyond capacity with Black and brown bodies. We cannot accept the city's assurance that these jails will be different. The communities of color that we serve cannot rely on rhetoric to preserve their dignity and rights. If the city builds these jails, it will fill them.

Examining who exactly is incarcerated shows that Rikers can be closed without building new jails. Around [two thirds](#) of the city's jail population is awaiting trial on unproven charges, merely allegations. Most of these people have bail amounts that can be paid. This incarceration defies the presumption of innocence, forcing guilty pleas as the price for returning to one's family and life. The city can eliminate cash bail, eliminate more pretrial detention, and speed the resolution of cases.

The second largest category ([around 20%](#)) is people incarcerated for losing parole, about half of them for technical violations. This incarceration (which [grew 15% under Mayor de Blasio](#)) derails people trying to pick their lives up after criminalization. New York's parole system is in dire need of legislative change. Reducing the city's jail capacity can help force that change, while building new jails will make change less imperative.

The remainder of the city's incarcerated population ([around 12%](#)) are serving sentences under a year. Their convictions are minor and should not require incarceration. Confronting mass incarceration requires decriminalizing more offenses and eliminating or reducing more sentences.

Reducing the city's jail capacity can help force those changes. History shows that closing jails can lead to drops in both violence and arrests, since police are forced to see incarceration "[as a limited commodity rather than as a standard response.](#)" Eliminating more pretrial detention, parole violations, and sentences would lower the number of people incarcerated to below the city's non-Rikers jail capacity of around 2,400. This is a more just goal for decarceration than the capacity that the city plans to spend billions on adding.

This political moment is a once-in-a-generation opportunity to turn the tide against decades of constantly expanding the carceral system. Bold investment in the communities hit hardest by mass criminalization would create a much safer, healthier, and more inclusive society than jails ever have. Closing Rikers without building more jails will free resources to fix and expand public housing, to build holistic mental health

networks, and to create high quality schools. As we build that world, we can work toward reducing and eliminating the city's non-Rikers jail capacity.

This is our chance to help New York City leave incarceration behind and take its first step towards a more just society. We ask our colleagues across the city to join the abolitionist fight to close Rikers without building new jails. The \$11 billion that the city plans to spend building new cages should be used to restore our communities, rebuild our social safety net, fund NYCHA, and ultimately ensure that we never go back to the era of mass criminalization. If these jails are built, it will be several generations before New York City has another opportunity like this. We must not squander this moment.

Signed,

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