



THE COUNCIL
OF
THE CITY OF NEW YORK
COMMON SENSE CAUCUS

August 9, 2023

Hon. Laura Taylor Swain
District Court Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Dear Judge Swain:

We are writing to ask that you do not consider placing the management of Rikers Island or the New York City Department of Corrections (DOC) under the authority of a federal receiver. The results would be disastrous for this city and its residents.

While we may disagree with Mayor Eric Adams on a wide range of issues, New Yorkers overwhelmingly voted him into office in 2021 with a mandate to improve public safety, which includes reforming Rikers Island. As the duly elected leader of this city, Mayor Adams should be allowed to continue to undertake the measures he sees fit to perform that public duty, without undue interference. To effectively remove his power to manage the city jail system would be radically undemocratic and circumvent the will of the people of New York City.

The Mayor and DOC Commissioner Louis Molina inherited a jail system that was already in crisis, charged with implementing substantial reforms under incredibly difficult conditions. They are operating under a judicial consent decree which was agreed to by a previous Mayor. The facilities at Rikers have deteriorated from years of purposeful neglect, while laws and policies imposed by previous administrations and legislatures have allowed chaos and violence to flourish there. Even under ideal circumstances, it would have been impossible for anyone to correct these deep-rooted problems in one Mayoral term, let alone in less than half of one.

However, the circumstances for reforms to take hold at Rikers are far from ideal. At almost every turn, the Mayor's efforts have been opposed by state and local elected officials, buoyed by activists and their organizations. These groups have worked together to persistently impose unnecessary mandates and restrictions to hinder the administration's ability to make any meaningful progress in the jails, while at the same they fight to starve the DOC of necessary resources.

Many of these are the same people advocating for placing Rikers under receivership. But their arguments in bad faith: They have no interest in improving the conditions at Rikers. They want to shut it down, or even abolish jails completely.

Despite these obstacles, we can personally attest to the improvements at Rikers since Commissioner Molina took over management of the jail. Almost two years ago, during a visit to the facilities we took in the aftermath of a rash of violent attacks on both inmates and guards at the jail, some of our members were standing in ankle-deep water inside the crumbling walls and cells. On a tour of the jails yesterday, we found the facilities to be in a good state of repair, while overall morale was markedly better despite the strain of having to often work double and triple shifts. Stabbings and slashings at the jail, as well as the use of force, are all down significantly over the past year.

We also ask that you consider the poor outcomes of federal authorities taking control of local law enforcement agencies. The Oakland, California police department should serve as a cautionary tale. The department has been under federal oversight for 20 years, and under federal receivership for more than a decade, after initially agreeing to reforms as part of the settlement of a civil rights lawsuit in 2003. Yet, even after spending tens of millions of dollars on this receivership, the city continues to have high rates of violent crime - Oakland had as many murders in 2022 as it did a decade ago; the police department continues to be scarred with scandal after scandal, which has led to the firing or departure of seven police commissioners over the last seven years; and residents have used the word “horrific” to describe the department’s relationship with the communities it serves. A judge recently indicated there is no end in sight to federal receivership of the Oakland Police Department due “systemic deficiencies.”

The Baltimore Police Department has spent more than \$8 million on a federal monitoring team for the past six years, as part of a consent decree with the Department of Justice. A recent report found that the department is still not meeting the terms of the agreement, in large part due to a shortage of five hundred officers, which would represent about 20 percent of the present police force. Meanwhile, Baltimore continues to be one of the most violent cities in the country, based on per capita crime statistics.

Federal receivership is neither a quick fix nor a long-term solution to the problems at Rikers. Fixing Rikers requires a Mayor and Department of Corrections leadership dedicated to making the necessary and difficult changes, marshalling the full resources and authority of the City of New York, supported by the local elected officials. The people of New York City have tasked Eric Adams, and by proxy, Commissioner Molina, with that important job.

We ask that you allow them the opportunity to complete it.

Thank you for your time and consideration.

Sincerely,

Joseph C. Borelli
Minority Leader
Co-Chair
Council Member, District 51

Robert F. Holden
Co-Chair
Council Member, District 30

Inna Vernikov
Council Member, District 48

David Carr
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