

Re: **Borough-Based Jails Neighborhood Action Committee  
(NAC) Brooklyn – Fourth Meeting**

Date: January 25, 2019, 3:00 pm

Location: Brooklyn Law School, 11<sup>th</sup> Floor Brooklyn, NY

Prepared by: Joshua Eisenstat, Noah Levine, and Arnold Bloch

Attendees:

<u>Name</u>	<u>Affiliation</u>	
Elizabeth Adams	Councilman Levin's Office	Perkins Eastman Architects DPC
Sandy Balboza	Atlantic Avenue Betterment Association	
Alan Blank	265 State Street	
Peter Bray	Brooklyn Heights Association	<a href="http://PERKINSEASTMAN.COM">PERKINSEASTMAN.COM</a>
Glomani Bravo-Lopez	Councilman Levin's Office	
Amy Breedlove	Cobble Hill Association	
Deedra Cheathman	Councilman Levin's Office	Boston
Mark Gelbs	84 <sup>th</sup> Precinct Council	Charlotte
Martin Harris	393 Pacific Street	Chicago
Sharad Kohli	265 State Street	Dallas
Howard Kollins	Boerum Hill Association	Dubai
Steven Levin	Councilman	Guayaquil
Tiffany McKelvy	G.M.A.C.C. Inc.	Los Angeles
Tyler Nims	Lippman Commission	Mumbai
Sara Nordmann	Atlantic Ave. BID	New York
Caroline Peri	Downtown Brooklyn Partnership	Pittsburgh
Rob Perris	Community Board #2	San Francisco
Justin Pollock	87 Smith Street	Shanghai
Alexis Sfikas	Assemblywoman Simon's Office	Stamford
Joanne Simon	Assemblywoman	Toronto
Alana Sivin	New York City Council Legislative Division	Washington DC
Stephen Smith	Downtown Brooklyn Neighborhood Alliance	
Dan Wiley	Congresswoman Velazquez's Office	
Sue Wolfe	Atlantic Avenue BID	
Danielle Zuckerman	State Senator Kavanagh's Office	

Daniel Abramson	CAU
Arnie Bloch	FHI
America Canas	CAU
Joshua Eisenstat	PE
Chatodd Floyd	MOCJ
Dana Kaplan	MOCJ
Noah Levine	PE
Jane Marshall	HR&A
Tahirah Moore	Mayor's Intergovernmental Affairs Unit
Jordan Stockdale	MOCJ
Joseph Thomas	CAU
Nicole Torres	MOCJ

**ACTION ITEMS:**

- NAC members requested a copy of the Draft Guidelines and Principles themes prior to the next NAC meeting.

**INTRODUCTION:**

- Introductions from Dan Abramson (CAU). The City will move forward with scheduling a tour of Rikers Island for the Brooklyn NAC.
- Dana Kaplan (MOCJ) provided several updates. The City has engaged in a peer review with national corrections experts of the proposed program and height variables. Similarly, the City has engaged Osborne Association to facilitate focus groups with service providers. The City is considering more appropriate environments to house and serve a sub-population of therapeutic units for individuals with acute and complex medical and substance abuse needs. The City is actively exploring possible locations, including hospital sites for this particular sub-population. Tahirah Moore (Mayor's Office of Intergovernmental Affairs) has toured existing hospitals where DOC operates and spoke about the importance of this exploratory process.

**DISCUSSION OF ULURP TIMELINE AND CERTIFICATION PROCESS:**

- NAC members indicated that the City's updates, including the City's exploration of off-site removal of a sub-population of therapeutic housing units, were great to hear, but asked whether the City should seek ULURP certification for a facility that does not reflect the City's final decisions on height reduction variables.
- Several NAC members concerned that timeline for ULURP certification is too soon and indicated they believe the process is being rushed.
- NAC member indicated that despite the neighborhood supporting criminal justice reform, the neighborhood would push for a "no vote" during

ULURP because the City’s plan, according to the NAC member, is “not fully baked” at the current proposed maximum allowable height.

- The City responded that the ULURP application will reflect as much as the City will know by ULURP certification, which is on track to take place in late March. The City explained that the ULURP certification date will not be a definitive end point for implementation of potential height reduction because the City will continue to work on bringing down the heights at all four sites throughout ULURP. The City will continue to modify the City’s plan as we move forward through ULURP and the ULURP players will be voting on the City’s actual plan (not a “half-baked plan”).
- Several NAC members raised that they do not believe the Lippman Commission’s Report (“Report”) is in agreement with the City’s plan to close the jails on Rikers Island. NAC members explained that they believe the Report states the proposed facilities are too big and the community has not been engaged.
  - The City responded that the City’s proposed plan has great synchronicity with the Lippman Commission’s vision. The City and the Lippman Commission are in agreement that height reduction for all four proposed facilities needs to happen. The City explained that the goal of the NAC’s Guidelines and Principals is to accurately reflect the neighborhood’s actual perspective so that this can be passed on to the ULURP players that embark on the approval process.
  - NAC member and representative of the Lippman Commission clarified the position of the Commission. NAC member explained that the Commission believes the proposed facility is too big and not in sync with the surrounding neighborhood, but the proposed sites and guiding design principles for developing the City’s plan are right.
- NAC member pointed out that every ULURP is not perfectly harmonious, and in some cases, there can be a longer time track to allow for correction and evolution via a “Follow Up Corrective Action (FUCA).” NAC member was in favor of the project proceeding to ULURP. NAC member cited another re-zoning project in Brooklyn in which the community received an infusion of funding for at-risk youth and expanded afterschool funding.

**DISCUSSION OF PROPOSED BUILDING HEIGHT:**

- NAC members raised concern that they believe there has not been a successful example of a vertical jail. The City clarified that it is not uncommon for a jail to have 1,500 beds. However, creating 1,500 beds with the amount of services being provided in an urban context is unique, according to the City.

**DISCUSSION OF THE MORAL IMPERATIVE TO CLOSE THE JAILS ON RIKERS ISLAND:**

- NAC member indicated that the Brooklyn NAC discussion has been focused on the proposed building height rather than the importance of closing Rikers Island and criminal justice reforms that focus on decarceration. NAC member noted that the Brooklyn NAC has not prioritized lobbying in Albany for Speedy Trial and Bail reform to reduce the number of people in City jails nor asked the administration to focus their budget on investing in greater mental health services and other services. NAC member noted that the goal should be securing peoples' freedom and that proposing to reduce the City's jail population from about 13,000 beds to 6,000 beds has been a positive step. NAC member encouraged the NAC to support that effort.
- Another NAC member noted that ULURP is the process for land use issues and inherently forces the neighborhood to view the proposed project through the lens of evaluating FAR.
- NAC members indicated the NAC should not consider height reduction options that reduce proposed amenities in the facility. NAC members stated that pushing for ULURP players to vote against the proposed Brooklyn facility means that Rikers will stay open.
- NAC member stated that getting a lower FAR at the proposed facility and ensuring human dignity is a priority can both be accomplished by working together through criminal justice reform.
- NAC members pointed out that the membership of the Brooklyn NAC does not reflect the population that will be affected by criminal justice policy decisions and State reforms. NAC members expressed wanting more criminal justice-impacted people represented on the Brooklyn NAC.
- NAC members concerned that services for criminal justice-involved populations need to be discussed in the context of reducing the City's jail population.
- City discussed the moral imperative to close the jails on Rikers Island and working together to accomplish this goal.
- NAC member indicated he wants to see Rikers close, which he believes coincides with the Lippman Commission and the Mayor's position. NAC member indicated that he would like to see a system focused on de-carceration, alternatives to incarceration, and getting the jail population down now. NAC member noted that there is a

ULURP process, which is a City process, and the State legislative process that the City does not control, and both are in the service of closing Rikers.

- City responded that the administration is happy to have conversation about State criminal justice reform, including supporting mobilization to Albany, since state reforms are crucial to safely lowering the City’s jail population. The City noted that ULURP certification is proceeding and expected to occur in late March.
- NAC member stated the City should not delay the process for closing Rikers because there is a human cost to every delay. NAC member described Rikers as having an “astronomical” impact on individuals who are detained and underscored the need to work diligently and fast to close Rikers.
- NAC member indicated that it would be better if the City renovated the facilities on Rikers Island now since the City’s plan to close the jails on Rikers Island contemplates a 10 year timeline. City responded that it is important to address the current conditions of confinement on Rikers Island and has invested in improving its existing facilities. The City believes that investing in these improvements is necessary and not in conflict with the City’s plan to close the jails on Rikers as both efforts are important steps to reforming the City’s jail system.
- NAC member shared that as a former public defender, proximity to the courthouse is absolutely necessary for people in detention to have increased access to their attorneys and social workers. NAC member expressed that “fixing Rikers” would not achieve the criminal justice reforms needed to achieve bringing people closer to services and their communities.
- NAC member concerned about the City’s public messaging on the moral imperative to close the jails on Rikers Island and stated the City has done a poor job of conducting public outreach with this messaging.
- NAC member described his experience of being in detention on Rikers Island as “horrificing.” NAC member encouraged the City to partner with organizations and service providers that aim to restore human dignity, reduce recidivism, and combat trauma.

**DISCUSSION OF STATE LEGISLATIVE REFORMS:**

- NAC member explained the Senate Democrats need time to conference criminal justice legislation as the Senate has never

heard many of these bills in previous legislative sessions. NAC member noted that the Governor mentioned bail reform in his State of the State address this year. NAC member indicated she believes a State proposal to end cash bail seems more likely to have a chance of passing this legislative session.

- NAC member stated that bail reform would have the biggest impact on population reduction. With regard to bail reform legislation, NAC member expressed general concern about the use of risk assessment tools informing judges' bail determinations and allowing judges to consider a defendant's "risk of dangerousness" when making bail determinations. NAC member indicated he believes both lead to constitutional rights violations. NAC member suggested the Brooklyn NAC ask the Mayor to support progressive bail reform legislation, which he believed has been introduced by State Senator Gianaris this session.

#### **DISCUSSION OF ALTERNATIVE SITES:**

- NAC member spoke about the Brooklyn Navy Yard site being one zoning lot that contains a building owned by the Federal Department of Corrections and a tow pound. NAC member believes there are already plans for the tow pound and the federal agency uses the building for linen storage. NAC member shared that generally, the process of trying to secure this site from a federal agency would have a very snail pace and that that the site is not close to public transportation.
- NAC member explained that even if the federal agency wanted to give up the site, the site would first be offered to other federal agencies. Furthermore, the NAC member explained that if the federal government no longer sought use of the Brooklyn Navy Yard, which he believed is not the case, the legal mandates of the federal McKinney-Vento Homeless Assistance Act would apply to the Brooklyn Navy Yard.
- NAC member discussed a facility in Sunset Park, which he indicated is also not a reasonable option. NAC member described the general process of freeing up federal land as being a 10-year process.
- NAC member expressed his opinion that a Staten Island facility would better provide services to their population. NAC member indicated that he believes Kings County is too large to have only one facility and spoke in favor of the City creating a fifth borough-based jail.

**DISCUSSION OF BROOKLYN NAC'S DRAFT GUIDELINES AND PRINCIPLES DOCUMENT:**

- NAC member inquired about the role of the Brooklyn NAC's Guidelines and Principles document. PE explained the goal behind the NAC process is to produce a Guidelines and Principles document that faithfully represents what has been heard at NAC meetings. PE explained that the NAC Guidelines and Principles would reflect recommendations where there is consensus, mixed views, disagreement, amongst the NAC members with respect to the neighborhood's needs, concerns, and the City's plan to close the jails on Rikers Island.
- PE explained that intention for the next NAC meeting in February is to discuss the Brooklyn NAC's Draft Guidelines and Principles. PE explained the format for the next meeting will include break-out group discussions in order to get a higher level of detail from the NAC members on the various themes that have been discussed to date at previous meetings. PE noted that all break-out discussions will be shared with the larger group at the end of the meeting. NAC members had different opinions about whether they preferred smaller group discussions or not.
- NAC member requested the NAC meeting minutes not be portrayed as meeting minutes or a historical record of NAC meeting discussions because NAC members do not vote to approve them.