

**Pathway to Under 100**

*Strategies to Safely Lower the Number of Women & TGNCNBI People in Jail in NYC*

“Pathway to Under 100: Strategies to Safely Lower the Number of Women, Transgender, and Gender-Expansive People in New York City Jails” report is authored by four organizations, including the [Independent Commission on New York City Criminal Justice and Incarceration Reform](#) (known as the Lippman Commission) and [Women’s Community Justice Association](#). It provides detailed strategies to safely lower the number of women and transgender, gender non-conforming, non-binary and intersex (TGNCNBI) people at Rikers to below 100. The city’s broader plan to shut Rikers aims to reduce this population to 100, and the report for the first time provides recommendations for exceeding this goal.

Nine people have died this year at Rikers, including three who died in the past several days. Among the tragic deaths this year was 31-year-old Mary Yehudah, the first woman to die at Rikers since Layleen Polanco in 2019. The report also makes clear why it makes sense to start the process of closing Rikers with the women and TGNCNBI individuals; it is a uniquely vulnerable population often languishing in a system that was built and designed for men.

In addition, it recommends the city change its plan to relocate women and TGNCNBI people to a new Kew Gardens facility that has shared spaces and staff with men. Instead, officials should secure the vacant Lincoln facility in Harlem as a standalone site, separate from men, operated by nonprofits that provide gender-responsive, therapeutic care.

**Who is at the Rose M. Singer (Rosie’s) Jail on Rikers Island?**

<b>Population</b>	<ul style="list-style-type: none"> <li>• <b>296</b> women were at Rosie’s in April 2022, <b>28</b> transgender women, <b>7</b> transgender men and <b>1</b> nonbinary person were in NYC jails in March 2022.<sup>1</sup></li> <li>• The goal of under 100 is possible. During the height of COVID, criminal justice stakeholders were able to decarcerate to <b>149</b> in April 2020.</li> </ul>
<b>Demographics</b>	<ul style="list-style-type: none"> <li>• <b>Harlem and East Harlem, East New York/Brownsville, and parts of the Bronx</b> are the areas from which the most women have been admitted to Rosie’s over the past five years.<sup>2</sup></li> <li>• <b>Black women are the majority at Rosie’s (53%).</b></li> <li>• <b>Women at Rosie’s have higher rates of mental illness (82%) than men at Rikers (49%),</b> and 27% have serious mental illness. People with a mental illness frequently become destabilized in jail.<sup>1</sup></li> <li>• <b>Many are domestic violence survivors.</b> Alternatives to incarceration providers that divert women &amp; TGNCNBI from Rosie’s report that 45-93% had experienced physical, sexual and/or emotional violence. Nationally, an estimated 77% of women in jail are domestic violence survivors.<sup>3</sup></li> <li>• <b>Most are mothers/caregivers of children under 18.</b> 70% of women v. 54% of men are mothers/caregivers at Rikers; 87% of the children are under age 18.<sup>4</sup></li> <li>• <b>High rates of unemployment.</b> 60% were unemployed before their arrest.<sup>5</sup></li> </ul>
<b>Detention</b>	<ul style="list-style-type: none"> <li>• <b>89% are pretrial, and most are there because they cannot afford bail.</b> In 2020, over half (58%) of women were locked up because they couldn’t afford bail. In 2020, one-third were at Rosie’s because they were unable to pay \$5,000 or less.</li> <li>• Most are at Rosie’s for short periods—<b>13 days was the median length of stay</b> in 2019—but <b>17% have been there for over a year.</b></li> <li>• <b>Over one-fifth (22%) are there on nonviolent charges,</b> mainly property &amp; drug charges, as of April 2020.</li> </ul>

<sup>1</sup> New York City Board of Correction. (2022). *Weekly COVID-19 Update Week of March 5 – March 11, 2022*. New York, NY. Available at: [New York City Board of Correction Weekly COVID-19 Update \(nyc.gov\)](#)

<sup>2</sup> Data provided to authors by the Mayor’s Office of Criminal Justice. (May 2022).

<sup>3</sup> A New Path to Justice: Getting Women Off Rikers Island Vera Institute of Justice, November, 2018

<sup>4</sup> Western, B. [Unpublished data on file with authors] *Rikers Island Longitudinal Study*. New York, NY: Columbia University Justice Lab.

<sup>5</sup> Id

<p><b>Public Safety &amp; Costs</b></p>	<ul style="list-style-type: none"> <li>• <b>Women have lower rates of recidivism than men.</b> Women arrested in NYC in 2019 were 49% less likely than men to be re-arrested for a violent felony within one year and 40% less likely to be arrested for any reason within one year.<sup>6</sup></li> <li>• <b>Most can be served more effectively &amp; safely by ATIs.</b> For example, SHERO has diverted over 300 women and TCNGNBI since 2017, including those facing murder and violent felony charges, and only two participants have ever been rearrested.</li> <li>• <b>ATIs that provide housing cost \$60,000-\$70,000 per person/year v. \$550,000 to incarcerate at Rikers.</b> However, the city reimburses only \$50,000.</li> </ul>
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**Recommendations to Decarcerate to Under 100**

**1) Invest in gender-responsive community resources and a full range of safe, appropriate diversion options.**

- a. **Strengthen gender-responsive housing, treatment, and services that prevent crime in the first place** including community-based mental healthcare, domestic violence programs, and legal assistance.
- b. **Expand and adequately fund proven diversion programs tailored to women and TGNCNBI people.** NYC has several ATIs tailored to women and TGNCNBI people with excellent track records. In 2021, the Women's Project had 60% of participants facing violent felony charges, and 94% were not rearrested. SHERO has provided housing and wraparound services to 300 women and TGNCNBI people diverted from Rosie's since 2017, including those facing murder and other violent felony charges, with only 2 rearrests. The city should cover the full cost of \$60,000-\$70,000 per person per year.
- c. **Ensure a full continuum of housing and programming for those leaving Rosie's,** including emergency housing immediately after release, transitional housing (generally 6-12 months), and permanent affordable housing. The Corporation for Supportive Housing estimates 288 women and TGNCNBI people—one quarter admitted to Rosie's each year—need supportive housing, which includes intensive mental health and substance use services. Most cannot access it, due to limited supply and the city's overly restrictive eligibility criteria, which effectively bar people who have been in jail over 90 days from most supportive housing.

**2) Conduct holistic assessments for mental illness, domestic violence, and other needs, and ensure those factors are considered at every stage.**

- a. **Conduct early needs assessments.** Currently Rosie's conducts risk assessments, not needs assessments. A nonprofit should conduct early, holistic, trauma-informed screenings to identify needs, and whether domestic violence, mental illness, sex trafficking played a role in an alleged crime. These factors should be considered by judges and attorneys at every stage: bail, charging, diversion and plea decisions.
- b. **Ensure treatment, not jail for people with serious mental illness.** Improve access to mental health courts and treatment in community or secure therapeutic settings.

**3) Establish a Population Review Team & expand & implement case processing pilot citywide.**

- a. **Create a Rosie's Population Review Team (PRT)** including judges, attorneys, service providers, community representatives and others to review every case and expediate connections to non-jail options.
- b. **Expand citywide a successful Brooklyn case processing pilot,** which increased cases resolved within 180 days from 31% to 53% in 2019.<sup>7</sup>

**4) Provide accessible, current information on needs and available resources for women & TGNCNBI people.**

- a. **Create a citywide resource liaison to advise on gender-responsive resources and provide referrals.**
- b. **Track and publish more aggregate data on the demographics, needs of women & TGNCNBI people in DOC custody.** Help policymakers and stakeholders understand trends, practices, and resource targeting by publishing gender-specific aggregate data related to caregiver status, health, domestic violence victimization, etc.

<sup>6</sup> City of New York. Data Analytic Recidivism Tool (DART). Available at: <http://recidivism.cityofnewyork.us/index.php?m=index>.

<sup>7</sup> Weill, J., Rempel, M., Rodriguez, K., & Raine, V. (2021). Reducing Felony Case Delay in Brooklyn: Evaluation of Jail Reduction Strategies Implemented in 2019. New York, NY: Center for Court Innovation. Available at: Research | Felony Case Delay: Lessons from a Pilot Project in Brooklyn (courttinnovation.org).