

# A MORE JUST NYC

## Independent Commission on New York City Criminal Justice and Incarceration Reform

### Testimony of Robert B. Fiske, Jr.

September 5, 2019

My name is Robert Fiske. I am senior counsel at Davis Polk and Wardwell and a former United States Attorney for the Southern District of New York.

I am here today to urge the City Council to support the plan to close the Rikers jail complex, to reduce the number of people who are incarcerated in our city, and to hold those people who are incarcerated in a much smaller system of borough facilities.

From the perspective of public safety, criminal justice, and morality, this plan is the right approach. We must take advantage of it.

The eight active jails on Rikers Island are in bad physical condition and these conditions and their isolation have produced what so many agree is “a culture of violence.” In many respects, they leave people much worse off than when they enter.

We can and must do better, starting with efforts to incarcerate many fewer people. There is much farther to go, but the progress that has been made over the past few years is encouraging, as thousands fewer people are in jail on any given day. This progress should continue as bail and discovery reforms take effect in January.

There are two extremely important benefits that make approval of this plan so important. First, for the smaller number of people who are incarcerated, better designed jails with better visitation areas, improved sightlines, smaller units, and designated treatment and programming space provide an opportunity to break with the terrible legacy of Rikers. Second, the proposed facilities are closer to courthouses, eliminating logistical difficulties involved in transporting people to and from court and facilitating visits from family members, lawyers and other service providers.

Putting an end to an institution like Rikers is no simple matter, and this is not the first time that New York City has sought to do so. But never before have we been this close.

Please seize this moment and pass the plan.

Thank you.