

# PATH TO UNDER 100

## Strategies to Safely Lower the Number of Women and Gender-Expansive People in New York City Jails

**June 2022**

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Women's Community Justice Association

[womenscja.org](http://womenscja.org)

Independent Commission on New York City  
Criminal Justice and Incarceration Reform

[morejustnyc.org](http://morejustnyc.org)

Data Collaborative for Justice at John  
Jay College

[datacollaborativeforjustice.org](http://datacollaborativeforjustice.org)

Center for Court Innovation

[courtinnovation.org](http://courtinnovation.org)

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# EXECUTIVE SUMMARY

## EXECUTIVE SUMMARY

On Rikers Island, the widespread violence, dysfunction, and lack of access to basic services mean no one leaves better off than when they went in. **The roughly 300 women and gender-expansive people incarcerated at Rikers are uniquely vulnerable.\*** They face an elevated risk of sexual abuse and retraumatization.<sup>1</sup> Over 80 percent are being treated for mental illness and 27 percent have a serious mental illness. Many are victims of domestic violence. Seventy percent are caregivers, and incarceration has profoundly negative consequences for their children and families. Almost 90 percent are held before trial, mostly due to unaffordable bail. Last fiscal year, the city spent over \$550,000 to keep a single person locked up at Rikers for a year.<sup>2</sup>

**New York City is legally required to close Rikers by August 2027.** The city is on track to replace the Rikers jail complex with four borough-based facilities closer to courthouses, lawyers, families, and service providers. Women and gender-expansive people, most of whom are currently housed at the Rose M. Singer Center on Rikers (“Rosie’s”), are slated to be relocated to a new facility in Kew Gardens, Queens (see box below).

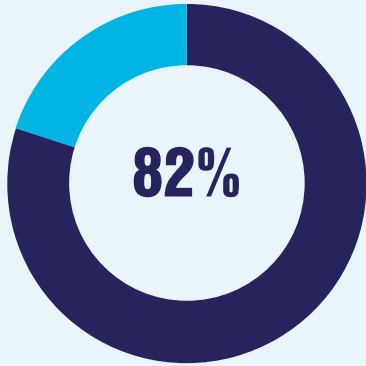
**The deaths of 31-year-old Mary Yehudah and the other eight people incarcerated at Rikers who have died this year—underscore the importance of shutting the jails as soon as possible.<sup>3</sup>**

To help close Rikers, city plans to lower the number of women and gender-expansive people held each day to 100 or fewer.<sup>4</sup> **The city has already proven it can safely and significantly lower the number of women in jail.** At the outset of the pandemic, criminal justice stakeholders were able to work together to safely reduce the women’s population at Rikers from 300 to 149. However, since then the women’s population at Rikers has returned to 300 people.

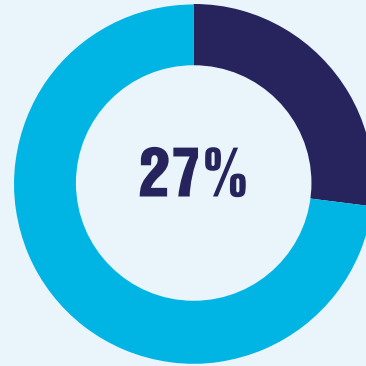
**With proper planning, coordination, and the political will, we can safely and smartly lower the number of women and gender-expansive people in custody below 100—and keep it that low. This report presents safe, effective, gender-responsive strategies to meet that essential goal.**

*\* In this report, we use the terms Women and Gender-Expansive People to refer to cisgender women, transgender women, transgender men, gender non-conforming people, non-binary people, intersex people, and others. We intend for our terminology to be inclusive of the lived experiences of people who identify in a range of ways, while recognizing that available language and our decision may or may not truly encompass how the people we are writing about see themselves.*

## WOMEN AND GENDER-EXPANSIVE PEOPLE AT RIKERS

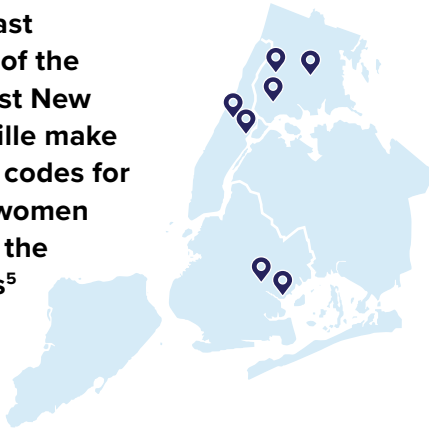


OF WOMEN AT RIKERS HAVE A MENTAL ILLNESS, 2/3 MORE THAN MEN



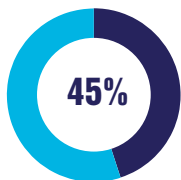
OF WOMEN AT RIKERS HAVE A SERIOUS MENTAL ILLNESS

Harlem and East Harlem, parts of the Bronx, and East New York/Brownsville make up the top zip codes for admission of women to Rikers over the past five years<sup>5</sup>

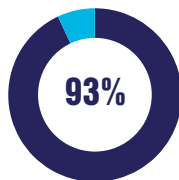


OVER HALF (53%) OF JAILED WOMEN ARE BLACK<sup>6</sup>

BETWEEN



AND



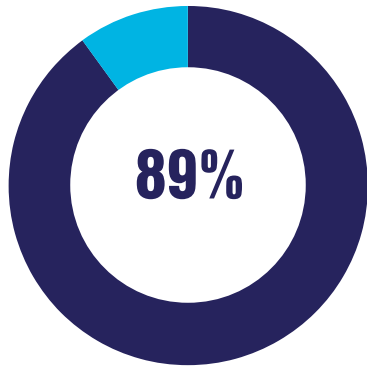
of women and gender-expansive people diverted from Rikers have experienced domestic and/or sexual violence, per service providers<sup>7</sup>



**70%** ARE CAREGIVERS

A VAST MAJORITY OF THESE CAREGIVERS HAVE A CHILD UNDER 18<sup>8</sup>

## DETENTION STATUS/PUBLIC SAFETY



89%  
OF WOMEN ARE JAILED  
PRETRIAL, WAITING FOR  
THEIR DAY IN COURT

Most Have Short Stays in Jail

# 13 DAYS

Median length of stay for women jailed before trial and discharged in 2019, the last full year not impacted by COVID-19. Eighty-three percent of women spent 90 days or fewer at Rikers.

However, a Small Fraction Spend Long Periods at Rikers

# 251 DAYS

Average time waiting for a trial for women who were not rapidly released and continued to be jailed as of April 1, 2022.

# 51

NUMBER OF WOMEN LANGUISHING AT  
RIKERS OVER A YEAR WAITING FOR A TRIAL

# 96%

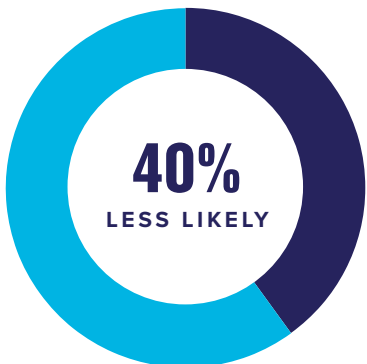
OF WOMEN LANGUISHING AT RIKERS OVER A  
YEAR PRETRIAL HAVE A MENTAL ILLNESS

# 24%

OF WOMEN ARE FACING DRUG OR OTHER  
NONVIOLENT CHARGES<sup>9</sup>

ONE-THIRD OF THE WOMEN HELD AT RIKERS  
ON BAIL COULD NOT AFFORD TO PAY

# \$5,000 OR LESS



40%  
LESS LIKELY  
WOMEN IN NYC ARE 40% LESS  
LIKELY THAN MEN TO BE  
RE-ARRESTED WITHIN 1 YEAR<sup>10</sup>

→ Most women and gender-expansive people held at Rikers can be more effectively and safely served by alternative to incarceration programs – and for far less money.

## RECOMMENDATIONS

**This report presents gender-responsive strategies to safely reduce the number of women and gender-expansive people in jail in New York City below 100.**<sup>11</sup> Gender-responsive means addressing the realities of the lives of women and gender-expansive people, their often unique pathways into the criminal justice system, and how they differ from cisgender men.<sup>12</sup> The strategies are summarized below, with more detail in the body of the report. The recommendations build on the strategies in the [July 2021 Roadmap for Reducing Jail in New York City](#) to safely reduce the city’s entire jail population published by the Independent Commission on NYC Criminal Justice and Incarceration Reform (commonly known as the Lippman Commission) and the Center for Court Innovation. Those systemwide strategies would inevitably also yield sizable jail reductions for women and gender-expansive people.<sup>13</sup>

- 1. Invest in gender-responsive, community services to prevent crime, and in a full range of safe, appropriate diversion options so judges and district attorneys have smart choices other than Rikers at every stage of a case.**
  - a. Strengthen housing, treatment, and services that prevent crime in the first place.
  - b. Expand and adequately fund proven existing diversion programs tailored to women and gender-expansive people, which have excellent track records even for people facing the most serious charges.
  - c. Fund a continuum of housing options for women and gender-expansive people, including supportive housing for people with mental illness, to give judges a wider range of safe non-jail options.
- 2. Assess women and gender-expansive people holistically for mental illness, domestic violence, and other needs, and ensure those factors, which can play a significant role in the crimes charged, are considered at every stage of their cases.**
  - a. Conduct an early, holistic needs assessment, including domestic violence and mental health history—and their potential role in the alleged offense—to inform charging, detention, release, and plea decisions.
  - a. Ensure treatment, not jail, for people with serious mental illness.
- 3. Review the case of every woman and gender-expansive person at Rikers immediately for safe community alternatives to incarceration, or ways to swiftly resolve their case; and for anyone who remains in jail, reduce court delays so no one languishes for months and years awaiting trial.**
  - a. Establish a Population Review Team composed of all key justice system players to collaboratively review the case of every woman and gender-expansive person in jail, and determine if they can be safely released with electronic or other monitoring and support, and have their cases resolved swiftly and fairly.
  - b. Expand citywide a Brooklyn case processing pilot that increased case resolutions for people in jail by 70% within the first 180 days of a case.
- 4. Provide accessible, real-time information on available resources for women and gender-expansive people, and ensure robust data collection.**
  - a. Ensure access to a centralized, real-time database on programs and resources for women and gender-expansive people and fund an expert Resource Liaison to advise all criminal justice actors on these non-jail options.
  - b. Gather and publicly release better data on demographics and needs of women and gender-expansive people in jail.

## JAIL POPULATION REDUCTION PROJECTIONS

We project the combined impact of the gender-specific strategies contained in this report and the non-gender-specific ones in the [July 2021 Roadmap for Reducing Jail in New York City](#) will result in fewer than 100 women and gender-expansive people incarcerated in New York City.

While these are our best efforts to model outcomes, taking into account the unpredictability of the future, we caution that actual results depend heavily on implementation—including new investments by the city and new policies and practices adopted by courts and other justice stakeholders—and ongoing monitoring to track progress. The chart provided below assumes “moderate” implementation—meaning that with strong leadership and political will, our recommendations hold the potential for greater jail reductions than those shown.

SUMMARY OF JAIL POPULATION PROJECTIONS*	
CURRENT JAIL POPULATION OF WOMEN AND GENDER-EXPANSIVE PEOPLE (APRIL 1, 2022 – ROUNDED UP)	300
REFORM	PROJECTED IMPACT (# OF PEOPLE)
JULY 2021 ROADMAP FOR REDUCING JAIL IN NEW YORK CITY STRATEGIES FOR ALL POPULATIONS (AS APPLIED TO WOMEN AND GENDER-EXPANSIVE PEOPLE)	
CLEAR COVID-19 CASE BACKLOGS & END HISTORIC CASE PROCESSING DELAYS	-30
PRETRIAL DECISION-MAKING (E.G. INCREASED RELIANCE ON RELEASE ASSESSMENT TOOLS PROVEN TO COMBAT RACIAL BIAS, ADDITIONAL SUITABLE USE OF SUPERVISED RELEASE)	-50
PAROLE DETENTION (DUE TO NEW CHARGES OR TECHNICAL VIOLATIONS)	- 5
SUBTOTAL	-85
GENDER-RESPONSIVE STRATEGIES CONTAINED IN THIS REPORT	
EXPANDED DIVERSION TO A FULL CONTINUUM OF HOUSING/MENTAL HEALTH OPTIONS	-80
EARLY ASSESSMENT OF DV AND MENTAL ILLNESS & INTEGRATION INTO CASE DECISIONS	-20
TREATMENT, NOT JAIL AT SENTENCING	-5
WOMEN/GENDER-EXPANSIVE-FOCUSED POPULATION REVIEW TEAM	-15
SUBTOTAL	-120
TOTAL COMBINED POPULATION REDUCTION:	-205
PROJECTED POST-REFORM JAIL POPULATION OF WOMEN AND GENDER-EXPANSIVE PEOPLE	95

\* For ease of calculation, we rounded the current population and most projections to the nearest 10. The projections at each stage account for the impact of jail reductions at prior stages. For example, the Population Review Team projection of 15 already assumes a significantly reduced population of women whose incarceration could be subject to review, given implementation of all prior strategies. Independent of those other strategies, we project a Population Review Team would reduce the population by 45 women and gender-expansive people.



## TRANSFORMING A CLOSED STATE PRISON INTO A WOMEN'S CENTER FOR JUSTICE

The city's borough-based jail plan would relocate women and gender-expansive people from the Rose M. Singer Center on Rikers to a new Kew Gardens, Queens facility, opening in 2027. The city has worked closely with a wide range of stakeholders to develop a design that meets the needs of women and gender-expansive people. Still, the facility would also house men, and everyone would share the connection to the courthouse, and some programming spaces, raising concerns of unwelcome and possibly harmful interactions.

The goal of any new facility for women and gender-expansive people should be to establish a new model of gender-responsive, therapeutic care that helps break the cycle of incarceration, run as much as possible by nonprofits: a Women's Center for Justice. The Lincoln Correctional Facility in Harlem, a closed state prison, could be converted into just such a standalone facility. Given the right resources and intra-governmental cooperation, the Women's Center for Justice could be ready sooner than 2027, hastening the day that women and gender-expansive people are off Rikers. Shifting to Manhattan, the borough where more women and gender-expansive people are charged than any other, would also likely lessen the construction impact on Kew Gardens. The city pledged to explore the feasibility of just such a "new, more centrally located site" in the [Points of Agreement](#) agreed to as part of the October 2019 vote to close Rikers.



An aerial photograph of Rikers Island, a large correctional facility in New York City, is shown with a semi-transparent blue overlay. The image captures the dense arrangement of buildings, courtyards, and roads on the island, which is situated in the water. The blue tint is uniform across the entire image, creating a monochromatic aesthetic.

# PART I

## INCARCERATION OF WOMEN AND GENDER-EXPANSIVE PEOPLE AT RIKERS TODAY

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None of the women and gender-expansive people at Rikers is just a statistic. We begin with two case profiles before turning to the aggregate numbers that amplify these human stories.

### STEPHANIE

Stephanie was incarcerated at Rikers in 2018, after experiencing intimate partner violence. Stephanie had recently returned home to New York City after serving a prison sentence upstate for giving her partner drugs while he was in prison. When she got home, she was raped by that same partner and became pregnant.

Stephanie, who was on parole, went to a domestic violence shelter. Her parole officer claimed that she failed a drug test, which Stephanie denies, and failed to report her new address at the shelter. She was sent to Rikers because of the alleged parole violations.

Stephanie suffers from sleep apnea and was not allowed to bring her CPAP machine to jail. She was sent to the hospital twice from Rikers due to lack of oxygen; doctors said that she and her baby were in serious danger. Still, Stephanie says she was not given the medical help she needed.

After three months, the court agreed to Stephanie's placement with SHERO, a non-profit consortium that provides transitional housing and services for women, gender-expansive people, and their families. There, Stephanie enrolled in culinary school and after she gave birth, had a safe place to raise her daughter. SHERO helped place Stephanie and her daughter in permanent affordable housing.

**“At [Rikers], the correctional officers treat you like you’re not human. I saw officers beating females. I saw them watching women fight each other and not do anything. Every day I prayed to stay safe.**

**Thankfully, the prosecutor and my attorney agreed to let me go to SHERO’s program at Liberty House. When I arrived, I had nothing but the clothes on my back. At Liberty House, I had my own apartment and case managers that listen and care about me. This is a community of women who support each other. I’m in culinary school and working towards my dream of becoming a chef.”**

**– Stephanie,**

recalling her experience at Rikers in 2018

**LAYLEEN**

Layleen Xtravaganza Cubilette-Polanco was a 28-year-old transgender woman and beloved member of the ballroom community who “loved sushi and house music and hugged every dog she saw on the street.”<sup>14</sup> Layleen was incarcerated after being charged with several misdemeanors and receiving a bench warrant for not appearing in sex trafficking court; she had been ordered to undergo treatment after being arrested for prostitution. Her sister Melania Brown said of Layleen: “After applying for job, after job, after job and she showed her ID, they would turn her away. They would tell her they were not hiring even though they had a big hiring sign in the window. She turned to sex work for survival, she didn’t like it.”<sup>15</sup> The court set bail of \$501.<sup>16</sup>

At Rikers, because of interpersonal conflicts in the transgender housing unit, the Department of Correction placed Layleen in solitary confinement.<sup>17</sup> While a doctor initially determined it was not safe to house Layleen in a solitary cell due to her epilepsy and history of seizures, other jail doctors subsequently approved her placement in solitary.<sup>18</sup> While there, Layleen suffered a seizure, and passed away on June 7, 2019.<sup>19</sup>



## THE CURRENT POPULATION OF WOMEN AND GENDER-EXPANSIVE PEOPLE AT RIKERS

**On April 1, 2022, 296 women were jailed at Rikers.** The Department of Correction does not publicly release the number of gender-expansive people in custody; however, the Board of Correction's latest relevant report in mid-March 2022 listed 28 transgender women, 7 transgender men, and 1 non-binary individual in NYC jails, many of whom are listed as women by the Department of Correction.<sup>20</sup>

**To save lives in the early days of the pandemic, criminal justice actors worked together to rapidly reduce the women's jail population from 300 on March 12, 2020 to a low of 149 on April 29, 2020. There is no evidence these releases led to any significant increase in crime. This indicates that with more time to plan and invest, recreating those gains and lowering the population to under 100 can be safely achieved.**

Between April 2020 and September 2021, the women's population at Rikers slowly returned to 300 people. It then fluctuated, dropping as low as 233 in November 2021, then once again returning to roughly 300 on April 1, 2022. The cause of the fluctuations in the past several months is not entirely clear from available data, but from November 2021 to April 2022 the percentage of women held pretrial for alleged nonviolent felonies and misdemeanors increased.<sup>21</sup>



## DEMOGRAPHICS/CHARACTERISTICS OF POPULATION

→ **Mental Illness is prevalent:** Of women jailed on April 1, 2022, more than four out of five (82%) were receiving treatment for mental illness, compared to 49% of men. For women jailed over a year awaiting trial, that number rises to 96%.

→ **Significant numbers of women have experienced domestic violence and sexual abuse.** Alternative to incarceration programs working with women and gender-expansive people diverted from Rikers reported to us that between 45% and 93% of their participants had experienced physical, sexual, and/or emotional violence. National studies have found this violence can play a significant role in the criminal allegations people face and that women’s justice involvement is more likely than men’s to flow from their relationships with family or intimate partners.<sup>22</sup>

*Top zip codes for women’s admissions to Rikers over the past 5 years*

ZIP CODE	NEIGHBORHOOD	TOTAL ADMISSIONS 2017 - 2021
11207	EAST NEW YORK (BROOKLYN)	310
11212	BROWNSVILLE (BROOKLYN)	308
10456	MELROSE/MORRISANIA (BRONX)	279
11208	EAST NEW YORK (BROOKLYN)	212
10453	MORRIS HEIGHTS/ UNIVERSITY HEIGHTS (BRONX)	189
10029	EAST HARLEM (MANHATTAN)	183
10467	WILLIAMSBRIDGE (BRONX)	178
10027	HARLEM/ MORNINGSIDE HEIGHTS (MANHATTAN)	175

→ **Black women are significantly overrepresented:** On April 1, 2022, 53% of women in city’s jails were Black—more than twice the proportion in the city’s general population.<sup>23</sup>

→ **Harlem/East Harlem in Manhattan, East New York/Brownsville/Cypress Hills in Brooklyn, and Melrose/Morrisania/Morris Heights/Williamsbridge in the Bronx are the neighborhoods (by zip code) from which the most women were admitted to Rikers over the past five years.**<sup>24</sup>

→ **One-quarter are homeless:** At jail intake, 25% of women and gender-expansive people reported they were homeless before being jailed or had nowhere to go upon release.<sup>25</sup> This can be a result of discrimination: twenty-one percent of transgender respondents across New York State reported experiencing some form of housing discrimination in the previous year (e.g., being evicted from their home or denied a home because of being transgender).<sup>26</sup> People with criminal records can also have profound challenges finding landlords willing to rent to them.

→ **A significant majority are caregivers.** Recent interviews conducted by researchers from Columbia University of women and gender-expansive people at Rikers found 70% were caregivers (vs. 54% of men).<sup>27</sup> Of the women who report having children, 87% had at least one child under 18. Parental incarceration is correlated with higher risk of emotional and psychological problems, chronic health conditions, academic problems, and involvement with the juvenile justice and foster care systems.<sup>28</sup> Given the racial disparities of people jailed at Rikers, Black children disproportionately experience these harms.

→ **Unemployment rates are high:** Recent interviews conducted by researchers from Columbia also found 60% of women and gender-expansive people at Rikers were unemployed before their arrest.<sup>29</sup> For people who are employed at the time of jail admission, incarceration and having a criminal record can result in job loss and difficulties securing income.<sup>30</sup>

## DETENTION STATUS

- **Incarcerated women are overwhelmingly in jail pretrial:** As of April 1, 2022, almost nine out of ten women (89%) were held before trial.<sup>31</sup> Another 3% were held on alleged parole violations. Three percent had been convicted and were serving an actual sentence to jail. The remainder spanned several miscellaneous categories.
- **Most women in jail pretrial are there because they could not afford bail:** Among women admitted to jail pretrial in 2020, over half (58%) were locked up because they could not afford bail.<sup>32</sup> When bail is set, women routinely cannot afford to pay it: in the first half of 2021, 87% of women were unable to pay bail in time to avert pretrial incarceration.
- **One-third of women at Rikers on bail could not afford \$5,000 or less:** For women admitted to Rikers due to an inability to pay bail in 2020, 34% faced bail of \$5,000 or less, 25% faced bail of \$5,000 to \$10,000, and 41% faced bail of over \$25,000. Median bail was \$10,000. It is reasonable to conclude these women could not even afford the approximately 10% down charged by bail bond agencies.
- **Women held before trial face a range of charges:** Of women in pretrial detention on April 1, 2022, 26% faced murder charges, 16% first- or second-degree assault, 15% first- or second-degree robbery, 11% nonviolent property charges, 9% first- or second-degree burglary, 5% firearms or weapons offenses, and 4% drug offenses. (The remaining 14% were spread among several other mostly nonviolent offenses.)

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## TIME IN JAIL

- **Most women are jailed for short periods:** Women jailed before trial and discharged in 2019 (prior to disruptions associated with the pandemic) had a median length of stay of just 13 days—with 83% incarcerated for 90 days or less. After these short periods, they then returned to our communities, likely worse off due to exacerbation of mental illness, potential loss of income, loss of housing, and traumatic experiences in jail.
- **Other women experience extended stays in jail awaiting trial:** At the other end of the spectrum, the small fraction of women who are not released within a few days or weeks then spend long periods of time behind bars pretrial. Of the 262 women held before trial on April 1, 2022, 51 had been languishing for a year or longer, 27 of whom had been held over two years. All but two of these women are receiving treatment for mental illness. Time in custody for these long-stayers has grown even longer since the pandemic began, due largely to COVID-related disruptions to court operations.



# PART II

RECOMMENDATIONS FOR SAFELY REDUCING  
THE NUMBER OF WOMEN AND GENDER-  
EXPANSIVE PEOPLE IN JAIL



## RECOMMENDATIONS FOR SAFELY REDUCING THE NUMBER OF WOMEN AND GENDER-EXPANSIVE PEOPLE IN JAIL

We project that the comprehensive strategies to safely shrink unnecessary incarceration across all genders outlined in the Lippman Commission and Center for Court Innovation’s [July 2021 Roadmap for Reducing Jail in New York City](#) could reduce the population of women and gender-expansive people at Rikers by 85 people. Here, we offer a series of additional proven gender-responsive strategies that could further prevent crime and safely lower the population of women and gender-expansive people at Rikers by another 120 people. The end result would be a population of under 100.

### The strategies seek to ensure:

- Prevention of as many crimes as possible to limit system involvement in the first place.
- A robust, expanded menu of housing, services, and supports—and real-time information about them—to enable more people to be safely and successfully released pretrial, especially people with mental illness.
- No women or gender-expansive people languish in jail for months and years awaiting trial.

Success will require the Mayor and City Council to make essential investments. While not cheap in their own right, they will cost far less than incarcerating women and gender-expansive people at Rikers. Critically, these investments have been proven to reduce recidivism and produce better individual outcomes than Rikers. Whenever reasonably and safely possible, judges and prosecutors should take advantage of these options.

1. Invest in gender-responsive community services to prevent crime, and in a full range of safe, appropriate diversion options so judges and district attorneys have smart choices other than Rikers at every stage of a case.
  - a. *Strengthen housing, treatment, and services that prevent crime in the first place.*

The best incarceration reduction strategy is to prevent crime from happening at all. In 2019, as part of the City Council’s vote to close Rikers, then-Mayor de Blasio and the Council ratified a [Points of Agreement](#) negotiated with local communities, pledging hundreds of millions of dollars for community-focused investments.<sup>33</sup>

Among other items, the Agreement includes hundreds of units of affordable and supportive housing, youth and community centers, expansion of mobile mental health treatment teams, CURE violence prevention programs, and investments in lighting and parks. Those strategies must be fully implemented and will benefit all genders. However, they are just a start.

The Commission on Community Reinvestment and the Closure of Rikers Island, also established as part of the 2019 vote to close Rikers, recently issued its [first set of recommendations](#). Policymakers should look to it for guidance on priority investments.<sup>34</sup>

With the vast majority of women at Rikers having a mental illness, there is a clear need for improved counseling, treatment, and resources outside the criminal system, especially including more supportive housing (affordable housing and intensive mental health and substance use services—discussed more below). The city should also make much-needed investments to support domestic and sexual violence survivors, including an expanded specialized shelter system, legal assistance, and other resources, with an emphasis on peer-led programs.

With a quarter of women and gender-expansive people in jail either homeless at the time of admission or having no place to go when discharged, gender-responsive housing and services that accommodate and ensure safe environments for women, gender-expansive people, and their children are essential.

*b. Expand and adequately fund proven diversion programs tailored to women and gender-expansive people, which have excellent track records even for people facing the most serious charges.*

Several diversion programs tailored to the needs of women and gender-expansive people in New York City have excellent track records of successfully minimizing recidivism—even for people facing violent felony charges—and improving participants’ lives. Expanding them would permit a significant decrease in the number of women and gender-expansive people in jail, and likely produce much better outcomes for individuals and our communities. On average, the programs cost about one-tenth the price of Rikers.

Examples include:

- ➔ **The Women’s Project:** The Women’s Project at Wildcat/Fedcap provides women and gender-expansive people who would otherwise be at Rikers with individually-tailored wellness plans and connections to housing, social services, food, job training, employment, healthcare, and more. The program has no charge restrictions and works with people for three months to two years. 51 percent of participants in The Women’s Project have faced violent felony charges, 93 percent reported a history of physical, sexual and/or emotional violence, 49 percent had been psychiatrically hospitalized at least once, and 67 percent had unstable or no housing. 93 percent of the participants were not re-arrested for a felony.
- ➔ **SHERO (formerly called the Women’s Community Justice Project):** SHERO is a collaboration between HousingPlus, Greenhope Services for Women, Hour Children, and Providence House. The program currently operates 59 transitional housing units, including 10 apartments for families, and plans to expand to 140 units with 18 dedicated family spaces. SHERO has successfully worked with over 300 women and gender-expansive people diverted from Rikers, including many facing violent felony charges. Since 2017, only 2 people have been re-arrested while in SHERO, and not a single person was re-arrested in Fiscal Year 2021.
- ➔ **Women’s Prison Association:** The Women’s Prison Association (WPA) provides gender-responsive, individualized alternative to incarceration (ATI) programming that includes comprehensive case management, court advocacy, trauma-responsive therapy, legal consultation, workforce development training, and help finding safe and stable housing. WPA’s ATI program specializes in working with survivors of trauma, specifically survivors of intimate partner violence and sex trafficking, recognizing the complex ways that survivorship can profoundly impact a person’s physical, social, and behavioral well-being. WPA’s ATI program works with over 80 women a year. Almost all face felony charges, with the majority being gun possession and assault charges. WPA has no charge exclusions. Over 95 percent of participants have completed the ATI program successfully.<sup>35</sup>

However, even these successful programs are at times unable to accommodate people with serious mental illness, often due to lack of funding for mental health clinicians. As discussed in the next section, the city should focus particularly on building out these services, and the stable housing that must accompany them to enhance people’s chance of success.



While diversion programs that provide housing and wraparound services cost an average of \$60,000-\$70,000 per person per year, the city generally pays only \$50,000 annually, with some additional money for families or people with mental illness. Providers must try to privately fund-raise to fill the gap. The city should fully fund the costs of these programs to ensure their long-term success.

- c. Fund a continuum of housing options for women and gender-expansive people, including supportive housing for people with mental illness, to give judges have a wider range of safe non-jail options.*

Judges, providers, attorneys, correctional personnel, and formerly incarcerated people interviewed for this report consistently identified two significant gaps that prevent more people from being diverted safely and relatively swiftly from Rikers:

- ➔ **Insufficient stable housing.**
- ➔ **A lack of programs that provide sufficient support for people with serious mental illness.**

A continuum of housing and services would help fill that gap.

## EMERGENCY HOUSING

In the first few weeks after someone leaves jail, they are at much greater risk of drug overdose and re-arrest. Stable housing is a critical factor in avoiding these dangers, yet roughly 25% of women and gender-expansive people at Rikers are effectively homeless.

During the pandemic, the city established **emergency housing with wraparound services** for people leaving Rikers and state prisons. That model can be adapted to provide housing for the first few days and weeks after a woman or gender-expansive person leaves Rikers. Case managers on-site could help connect people with jobs, mental and physical health care, and where possible transitional and permanent housing.

## TRANSITIONAL HOUSING

**Transitional housing** provides longer-term housing and services, generally for 6-12 months after release from jail, giving people somewhere to stay while they apply for housing assistance, find jobs, or wait to hear from landlords. For instance, [Gays and Lesbians Living in a Transgender Society \(G.L.I.T.S.\)](#) provides housing to a dozen transgender individuals, ensuring safe environments free from harassment and violence, greatly increasing the chance gender-expansive people avoid further incarceration.

The Mayor's Office of Criminal Justice (MOCJ) is currently doubling annual committed funding for transitional housing beds to \$50 million, which will pay for 1,000 units for all genders. The additional units are scheduled to start to come online in July 2022. This investment fulfills and goes beyond the city's pledge in the 2019 Points of Agreement. Still, it unfortunately remains insufficient, particularly to meet the needs of people with serious mental illness.

## PERMANENT HOUSING

Like so many New Yorkers, women and gender-expansive people leaving Rikers need affordable, **permanent housing**. In addition to the general lack of affordable housing stock, people with criminal histories often have a difficult time finding employment to afford housing, or landlords willing to accept them as tenants. Dedicated investments to ensure people with criminal records can access permanent housing will be repaid manifold.

## SUPPORTIVE HOUSING

A subset of permanent housing, **supportive housing** offers affordable housing and intensive mental health and substance use services. **The Corporation for Supportive Housing estimates 288 women and gender-expansive people admitted to Rikers each year need supportive housing—one-quarter of people admitted annually.**<sup>36</sup> However, 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.<sup>37</sup>

The Justice Involved Supportive Housing (JISH) model, which provides permanent supportive housing to individuals with the highest rates of jail and shelter use, has been found to reduce returns to jail by 38 percent in NYC.<sup>38</sup> Yet, there are only 120 JISH units available today, for all genders. As part of the 2019 [Points of Agreement](#), the city agreed to add 380 more JISH units. However, the city offered to pay non-profits an unrealistic rate for rent and services, and as a result, not a single one of those units has come online. Even at full funding, a JISH bed would cost less than 1/10 the cost of Rikers.<sup>39</sup>

**We project that the combination of expanding existing diversion programs and building out a continuum of housing and services could reduce the population of women and gender-expansive people at Rikers by 80 people.**

2. **Assess women and gender-expansive people holistically for mental illness, domestic violence, and other needs, and ensure those factors are considered at every stage of their cases.**
  - a. *Conduct an early, holistic needs assessment, including domestic violence and mental health history—and their potential role in the alleged offense—to inform charging, detention, release, and plea decisions.*

An early, holistic, trauma-informed assessment by a professional with cultural competency will permit justice system players to identify cases where domestic violence, mental illness, and sex trafficking played a significant role in the crime with which someone is charged.<sup>40</sup> District Attorneys can and should then appropriately adapt charging decisions, bail requests, diversion, and plea offers. The information would also help inform judges' decisions about whether incarceration or a community-based solution is appropriate.<sup>41</sup> More information could help all parties collaboratively and fairly resolve cases swiftly. In addition, there should be thorough screenings for medical conditions and other needs that make women and gender-expansive people particularly vulnerable in jail, followed by efforts to provide appropriate off-ramps for them. For example, there could be a presumption of non-incarceration for pregnant women.

The city should fund a nonprofit to undertake holistic needs assessments for any woman or gender-expansive person who needs one. This could prove particularly helpful for private attorneys appointed by the court to represent people who cannot afford a lawyer, known as 18-B lawyers. While institutional public defenders generally have in-house social workers who can assess clients, 18-B lawyers must request funding for a social worker from the court, a process that can delay adequate screening, or sometimes inhibit any screening at all.

*b. Ensure treatment, not jail, for people with serious mental illness.*

**Over 80% of women at Rikers are receiving treatment for mental illness, and 27% have been diagnosed with a serious mental illness. People with a mental illness frequently become destabilized in jail, which can lead to decompensation.<sup>42</sup> Access to mental health courts and treatment, either in the community or a secure therapeutic setting, is far more likely to produce a better outcome for the individual and for the community than Rikers.**

Studies have found that participants in both the Bronx and Brooklyn Mental Health Courts, which combine judicial supervision and linkages to appropriate treatment and community-based services, have significantly reduced recidivism relative to a matched comparison group.<sup>43</sup> These courts primarily serve people facing felony charges including a significant percentage facing violent felony charges.

However, **too few people with serious mental illness across NYC are considered for mental health court**, in part due to overly restrictive eligibility criteria, and to opposition among some prosecutors to participation. Hopefully, that will soon start to change; as of May 9, 2022, state law requires judges to refer people where appropriate to mental health, drug, or other diversion courts.<sup>44</sup>

**For people with serious mental illness who are incarcerated, the city is developing almost 400 secure hospital beds at NYC Health and Hospitals facilities in the Bronx, Brooklyn, and Manhattan.<sup>45</sup> Roughly 40 of those beds will be reserved for women, all at Bellevue. The Bellevue beds are due to come online in the spring of 2023, with the others opening by in 2024 and 2025. All reasonable steps to expedite their construction should be undertaken, so people who need intensive treatment will be able to receive it in a more appropriate setting—not Rikers—as soon as possible.<sup>46</sup>**

We project that early assessment of domestic violence and mental illness, and integration of those experiences into case decisions from charging to sentencing could reduce the population of women and gender-expansive people at Rikers by 25 people.

**3. Review the case of every woman and gender-expansive person at Rikers immediately to explore safe community alternatives to incarceration, and ways to swiftly resolve their case; and for anyone who remains in custody, reduce court delays so no one languishes for months and years awaiting trial.**

As of April 1, 2022, women held at Rikers before trial had been awaiting their day in court for an average of 251 days, and counting. Over 50 had been held more than a year while awaiting trial. **Eighty-two percent of women held pretrial are receiving treatment for a mental illness, including 96 percent of the women jailed pretrial for a year or more (49 of 51 women).**

Both New York’s Office of Court Administration and the National Center for State Courts have set 180 days as the goal for resolving felony cases.<sup>47</sup> However, even before the pandemic forced courts to significantly reduce or even suspend operations after arraignment, only 35% of New York City’s felony cases met this standard in 2019, regardless of gender (and only 30% since then).<sup>48</sup> Pre-COVID, the average number of days to disposition in New York City was 50% higher than in the rest of the state, a gap that has only widened.<sup>49</sup>

**Case delays not only subject people to the unacceptable conditions at Rikers for excessive periods, but they also force victims to wait and wait to learn whether the police arrested the right person and if so, whether the person will be held accountable. There are also enormous fiscal costs: every additional week that a woman or gender-expansive person is held at Rikers waiting for their day in court costs city taxpayers over \$10,000.<sup>50</sup>**

*a. Establish a Population Review Team focused on women and gender-expansive people.*

**To ensure women and gender-expansive people’s cases are resolved as quickly and fairly as possible, we recommend establishing a dedicated Population Review Team (PRT). PRTs are a tested strategy where all key justice system players collaboratively examine whether people in jail pretrial can be safely released, with conditions, supervision, and support, and whether their cases can be fairly and expeditiously resolved.<sup>51</sup> PRTs have worked across the U.S. to safely and carefully lower jail populations. For instance, PRTs in St. Louis County reduced the pretrial population by 19% and length of stay for Black people by 28% (15% for white people).<sup>52</sup>**

A PRT focused on women and gender-expansive people would include a diverse, culturally representative group with decision-making authority from the courts, district attorneys’ offices, public defender agencies, assigned counsel (18-B), the Mayor’s Office of Criminal Justice, Department of Correction, Correctional Health Services, parole and probation authorities, service providers, community representatives, the Office of the Chief Medical Examiner (OCME), and the NYPD crime lab. Given the specialized needs of so many women and gender-expansive people, we strongly recommend that the PRT include justice-impacted representatives and prioritize equity around its members’ race, ethnicity, gender identity, sexual orientation, disability, and other characteristics.

**The PRT could start with the over 50 women who have been in pretrial detention at Rikers a year or longer. However, the team should work to review on an expedited basis every woman and gender-expansive person held at Rikers.** The team could then continue to meet biweekly or monthly to work toward mutually agreeable case resolutions or non-jail alternatives for anyone who remains incarcerated. It can also provide a forum to identify and address incarceration trends among women and gender-expansive people in real-time.

We project that a Population Review Team focused on women and gender-expansive people could reduce the Rikers population by 15 people on top of the other reforms proposed, or by 45 people if it were implemented alone.

*b. Expand citywide a successful Brooklyn case processing pilot so no one languishes for months and years waiting for their case to be decided.*

Between February and December 2019, the Center for Court Innovation implemented and evaluated a [case processing pilot](#) in Brooklyn using national best practices (like less time between hearings and making sure hearings are meaningful). For incarcerated people, the pilot increased from 31% to 53% the proportion of cases resolved within the accepted standard of 180 days.<sup>53</sup>

We estimate that if this pilot were expanded faithfully citywide, the daily population of women and gender-expansive people at Rikers could be reduced by about 15 people provided all preceding strategies were implemented or by 30 people if it was the only pretrial strategy undertaken.

#### **4. Provide accessible, real-time information on available resources for women and gender-expansive people, and ensure robust data collection.**

Centralized, accessible information on the demographics, needs, and available programs and resources for women and gender-expansive people would help to improve decision making by criminal justice stakeholders and reduce unnecessary incarceration.

*a. Ensure access to a centralized, real-time database on programs and resources for women and gender-expansive people & establish an expert resource liaison to advise all criminal justice actors on these non-jail options.*

Several providers interviewed for this report noted that referrals to their programs were often made ad-hoc by judges, social workers, and advocates who had previously developed relationships with them. Finding available housing and services for women and gender-expansive people often requires system players to call around and find a spot in the right program at the right time, if they even know an appropriate program exists. This informal system is inefficient and can increase periods of incarceration for women and gender-expansive people.

In response to this need, the Mayor's Office of Criminal Justice (MOCJ) is currently developing a centralized, real-time database to collate comprehensive, up-to-date information regarding programs, their eligibility criteria, and available slots.

**A citywide resource liaison could advise criminal justice actors on these gender-responsive resources and provide referrals to appropriate programs to support safe, successful diversion and reentry.** The resource liaison could also track population trends and needs to help inform policy decisions.

*b. Gather and publicly release better data on demographics and needs of women and gender-expansive people in jail.*

The city should track and publish broader categories of aggregated data on the demographics and needs of women and gender-expansive people, while protecting individuals' confidentiality. For example, the Department of Correction currently releases only binary gender-related data: male vs. female. Its data does not indicate the number of transgender, gender non-conforming, non-binary, or intersex people in custody, or information about their mental health status, charges, or time in custody.

In addition, Correctional Health Services and DOC should track and release aggregated information (including a thorough gender breakdown) related to homelessness, caregiver status, employment status, serious mental and physical illness, substance use disorder, and experience of domestic violence, sexual abuse, and sex trafficking. Making this information accessible will help policymakers and stakeholders understand trends, adjust practices, target resources, and strategically and safely lower the Rikers population.







# APPENDIX A

## STAKEHOLDERS CONSULTED

From January to April 2022, the authors spoke with representatives from a wide range of stakeholders to discuss strategies for reducing the jail population of women and gender-expansive people. We thank everyone listed below for sharing their time and thoughts.

These interviews built on the dozens of meetings several authors held with City officials, judges, district attorneys, defense lawyers, and representatives of social service organizations, advocacy groups, institutes, foundations, and universities between January and June 2021 to help develop recommendations to safely lower the entire City jail population. As discussed above, those recommendations would impact people of all genders.

Deborah Lolai,  
Bronx Defenders

Jessica Rose,  
Hour Children

Kelsey De Avila,  
Brooklyn Defender Services

Cherise Humphries,  
HousingPlus

Alicia White,  
Brooklyn Defender Services

Mik Kinkead,  
The Legal Aid Society

Piyumi Buddhakorala,  
CASES

Dori Lewis,  
The Legal Aid Society (retired)

Emma Cathell,  
Corporation for Supportive Housing

Tina Luongo,  
The Legal Aid Society

Patricia Hernandez,  
Corporation for Supportive Housing

Marie Ndiaye,  
The Legal Aid Society

Lauren Velez,  
Corporation for Supportive Housing

Jane-Roberte Sampeur,  
The Legal Aid Society

Cassandra Warney,  
Corporation for Supportive Housing

Rebekah Almanzar,  
The Legal Aid Society—Parole Revocation  
Defense Unit

Kandra Clark,  
Exodus Transitional Community

Jeanine Bonanno,  
The Legal Aid Society—Parole Revocation  
Defense Unit

Jessica Lense,  
Greenhope Services for Women

Allison Galgano,  
The Legal Aid Society—Parole Revocation  
Defense Unit

Rubernette Chavis,  
Hour Children

Cara Hoffman,  
The Legal Aid Society—Parole Revocation  
Defense Unit

Kanise Ferguson,  
Hour Children

Megan Pfeiffer,  
Hour Children

Robert Jereski,  
The Legal Aid Society—Parole Revocation  
Defense Unit

Erin Sage,  
The Legal Aid Society—Parole Revocation  
Defense Unit

Keith Seidman,  
The Legal Aid Society—Parole Revocation  
Defense Unit

Sherene Crawford,  
Manhattan District Attorney’s Office

Tasha Lloyd,  
Mayor’s Office of Criminal Justice, Assigned  
Counsel Plan

Elizabeth Munsky,  
New York City Department of Correction

Casey Dalporto,  
New York County Defenders

Natalie Fiorenzo,  
New York County Defenders

Celia Joyce,  
New York County Defenders

Rachel Sznajderman,  
New York County Defenders

Liz Gaynes,  
Osborne Association

Susan Gottesfeld,  
Osborne Association

Kristin Hogan,  
Osborne Association

Tanya Krupat,  
Osborne Association

Damon Rowe,  
Osborne Association

Patrice James,  
Rising Ground

Julia Shaw,  
Rising Ground

Kristen Edwards,  
SHERO (formerly called the Women’s Community  
Justice Project)

Juliette Gabriel,  
SHERO

Aya Hamid,  
SHERO

Gina Meusel,  
SHERO

Teresa Fabi,  
SHERO

Jennifer Parish,  
Urban Justice Center—Mental Health Project

Chaplain Dr. Victoria Phillips,  
Urban Justice Center—Mental Health Project

Miriam Goodman,  
Women’s Prison Association

Kate McMahon,  
The Women’s Project – Wildcat/Fedcap



# APPENDIX B

DATA SOURCES AND PROJECTION METHODS

Much of this report relies on original analysis of data provided, respectively, by the New York City Department of Correction (jail data) and New York State Office of Court Administration (court data). For details beyond what is summarized below, please see Appendices C and D of the jail reduction roadmap published by several of the current authors in July of 2021.<sup>54</sup>

## BRIEF SUMMARY OF AVAILABLE DATA

Each day, the Department of Correction (DOC) posts to this web page an updated public dataset including all people in New York City’s jail population.<sup>55</sup> For the current report, we largely relied on the dataset for people in jail on April 1, 2022.

DOC also provided non-public admission and discharge data to the Data Collaborative for Justice (DCJ) at John Jay College. For a small few data points, the current report drew upon admission or discharge data for 2019 and 2020. Disclaimer: This data was provided by and belongs to the New York City Department of Correction. Any further use of the non-public data must be approved by the New York City Department of Correction. Points of view or opinions contained within this document are those of the authors and the entities for which they work, and do not necessarily represent the official position or policies of the New York City Department of Correction.

The Office of Court Administration (OCA) provided non-public data regarding criminal cases arraigned or disposed in New York City. We relied on this data to determine ultimate disposition and sentencing outcomes for women held at Rikers as well as to compute statistics regarding case processing times for women. Disclaimer: OCA data provided herein does not constitute an official record of the New York State Unified Court System, which does not represent or warrant the accuracy thereof. The opinions, findings, and conclusions expressed in this publication are those of the authors and not those of the New York State Unified Court System, which assumes no liability for its contents or use thereof.

A notable limitation of both the DOC and OCA data sources is that they code gender as binary (female or male), precluding its use for properly identifying non-cisgender individuals.

## PROJECTION METHODS

DOC and OCA data also informed our projections regarding the extent to which jail reduction recommendations contained in the current report and the above-noted July 2021 report could lower the daily population of women and gender-expansive people held at Rikers. Projection methods largely adhered to those used in the earlier report and fully described in its Appendix D.<sup>56</sup>

## GENERAL CONSIDERATIONS

We caution that our projections do not represent scientific facts about what will definitely happen if city and state officials seek to implement our recommendations. Rather, they are best described as data-informed estimates that, among other sources of error, are heavily dependent on the quality of implementation. In fact, we computed three sets of projections, respectively assuming strong, moderate, and weak implementation by relevant city and state criminal justice agencies. Numeric projections provided at the end of this report’s executive summary are for the “moderate” scenario. Accordingly, greater jail reductions are possible if our recommendations are pursued with robust fidelity.

## THE PROJECTION PROCESS

**Our first step was to project the number of women removed from the city’s jail population as a result of implementing previously published recommendations from the earlier July 2021 roadmap report.** Even though virtually all strategies from that earlier report were not specific to women or gender-expansive people, they would still inevitably lower the jail numbers for women and gender-expansive people in the course of exerting an across-the-board impact.

We used a baseline of 296 women (rounded to 300) held on April 1, 2022 and, from there, implemented the exact same methods as those described in Appendix D of the earlier report to yield the following projections (assuming a “moderate” quality of implementation):

COVID-19 CASE BACKLOG	-14
ENDING CASE PROCESSING DELAYS	-15
<i>CASE PROCESSING-RELATED JAIL REDUCTIONS (ROUNDED SUBTOTAL)</i>	<b>-30</b>
PRETRIAL DECISION-MAKING	-48
<i>PRETRIAL DECISION-MAKING REDUCTIONS (ROUNDED SUBTOTAL)</i>	<b>-50</b>
PAROLE DETENTION DUE TO NEW CHARGES	-5
TECHNICAL PAROLE VIOLATIONS	-1
<i>PAROLE VIOLATION-RELATED REDUCTIONS (ROUNDED SUBTOTAL)</i>	<b>-5</b>
<b>TOTAL</b>	<b>-85</b>

**Our second step was to add jail reductions resulting from gender-specific strategies.** The earlier July 2021 report (see pages [49-50](#)) had a single, gender-specific recommendation embracing a significant expansion of the SHERO program alongside a general presumption of non-incarceration for women and gender-expansive people. Combined with additional diversion investments proposed in the current publication, we assumed 40% of women remaining in jail after having implemented recommendations from the July 2021 report could be safely released. (The precise math included less ambitious assumptions for homicide cases.) Upshot: After rounding, we projected 80 fewer women and gender-expansive people from expanding SHERO and other diversion strategies.

We then assumed our early assessment recommendation, when combined with expanded city investments in housing options beyond the SHERO model, could yield an additional 15% reduction in the pretrial jail population—translating to another 20 fewer women held before trial.

We then turned to the sentenced population. While there were only eight women serving city jail sentences on April 1, 2022, we assumed sentencing reforms recommended in the July 2021 report could remove three of those women (carrying over identical math as that described in the earlier roadmap report); and further “treatment, not jail” reforms for women with mental health conditions could perhaps remove another two women (equaling five).

After adding a modest projection for Population Review Teams, the gender-specific portion of our projections were as follows (pasting from this report’s executive summary):

EXPANDED DIVERSION TO A FULL CONTINUUM OF HOUSING/MENTAL HEALTH OPTIONS	-80
EARLY ASSESSMENT OF DV AND MENTAL ILLNESS & INTEGRATION INTO CASE DECISIONS	-20
TREATMENT, NOT JAIL AT SENTENCING	-5
WOMEN/GENDER-EXPANSIVE-FOCUSED POPULATION REVIEW TEAM	-15
SUBTOTAL	-120

**Importantly, all projections are calculated sequentially.** In other words, there is no double-counting: Each projection assumes the previous ones have taken effect and reduced the numbers still available to be released. For instance, we projected the effects of a Population Review Team off of a total women’s jail population of 134, not 296, given jail reductions we assumed had already taken place. Later in the modeling, by the time we arrive at our projection for ending historic case processing delays, we assumed the women’s jail population had fallen to 117, reflecting the effects all previous recommendations that impact pretrial detention.

We rounded all final numbers, both overall and in sub-categories, to avoid an improper impression of more precision than we can realistically offer.

The chart contained in the executive summary provides a simple representation of the most important rounded estimates. For further information about our precise assumptions or the modeling process, please contact the authors.



# ENDNOTES



## NOTES FOR THE EXECUTIVE SUMMARY

- 1 Sexual assault and abuse have long been major concerns at Rikers. See, e.g., Singer, S. (May 12, 2020). “The Women’s Jail at Rikers Island Is Named for My Grandmother. She Would Not Be Proud.” New York Times. Available at: <https://www.nytimes.com/2020/05/12/opinion/womens-jail-rikers-island-covid.html>; Weiser, B. (May 9, 2017). “\$1.2 Million City Settlement with Rikers Inmates Who Accused Guard of Rape.” New York Times. Available at: <https://www.nytimes.com/2017/05/09/nyregion/rikers-inmates-who-accused-guard-of-rape-settle-suit-for-1-2-million.html>.  
A U.S. Department of Justice report found that Rikers was one of the 12 worst jails in the country with respect to staff sexual misconduct. Rosie’s had the nation’s highest rate of staff sexual coercion of incarcerated people, with 5.9% of those held reporting sexual abuse by staff. See Beck, A. J., Berzofsky, P. H., Caspar, R. & Krebs, C. (2013). Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12: National Inmate Survey, 2011-12. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at: [Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12 \(ojp.gov\)](https://www.ojp.gov/ncj/210311).  
Gender-expansive people are often particularly at risk. Gender-expansive individuals are ten times more likely than others to be sexually assaulted while incarcerated, and some studies indicate that as many as half of all incarcerated transgender persons have been sexually assaulted while in jail or prison. Two out of three Black and Latina trans women report having been sexually assaulted while incarcerated, and even more (70%) have experienced physical assault. Pitts, D. Advancing Transgender Justice. New York, NY: Vera Institute of Justice. Available at: <https://craft2.vera.org/projects/advancing-transgender-justice/learn-more>.  
In January 2021, a transgender woman held at Rikers sued based on being sexually assaulted three separate times over a six-month period while being held with men, despite her requests to be moved to Rosie’s. Goldberg, N. (February 8, 2022). “Transgender Woman Held at Rikers Island Sexually Assaulted in Men’s Jail Three Times: Suit.” Daily News. Available at: <https://www.nydailynews.com/new-york/ny-transgender-rikers-island-in-mate-sexually-assaulted-three-times-mens-jail-20220207-de36tmakqvhv5oxfp2vtv3ugbe-story.html>.
- 2 NYC Comptroller. (December 6, 2021). FYs 2011-21 Operating Expenditures, Jail Population, Cost Per Incarcerated Person, Staffing Ratios, Performance Measure Outcomes, and Overtime. Available at: [NYC Department of Correction: Office of the New York City Comptroller Brad Lander](https://www.nyc.gov/office-of-the-comptroller).
- 3 Brosnan, E., Gross, C., & Spectrum News Staff. (May 18, 2022). “Department of Correction Records Fifth Death This Year.” Spectrum News NY1. Available at: [Department of Correction records fifth death this year \(ny1.com\)](https://www.spectrumnewsny.com/news/department-of-correction-records-fifth-death-this-year).
- 4 NYC Mayor’s Office of Criminal Justice. (2019). New York City is Leading A Historic Decarceration Plan. New York, NY. Available at: <https://criminaljustice.cityofnewyork.us/wp-content/uploads/2019/10/Historic-Decarceration-Plan.pdf>.
- 5 Data provided to authors by the Mayor’s Office of Criminal Justice. (May 2022).
- 6 As discussed below in our recommendation for better collection and dissemination of data, the Department of Correction currently releases only binary gender-related data: male vs. female. Its data does not include demographics related to gender-expansive people in custody, such as their race, mental health status, charges, or time in custody. Therefore, when relevant data is unavailable for gender-expansive people, we refer solely to women.
- 7 Conversations with providers; notes on file with authors. At initial screening by Correctional Health Services when women and gender-expansive people first enter Rikers, 13% report experience of intimate partner violence. See Correction Health Services at <https://hhinternet.blob.core.windows.net/uploads/2022/04/CHS-IPV-data-for-CY21.pdf>. This number may be lower due to the challenges of building trust at that interview, right at the outset of incarceration.
- 8 Western, B. [Unpublished data on file with authors] Rikers Island Longitudinal Study. New York, NY: Columbia University Justice Lab.
- 9 See, e.g., Alper, M., Durose, M. R., & Markman, J. (2018). Update on Prisoner Recidivism: A 9-Year Follow-Up Period (2005-2014). Washington, D.C.: Bureau of Justice Statistics. Available at: <https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf>.
- 10 City of New York. Data Analytic Recidivism Tool (DART). Available at: <http://recidivism.cityofnewyork.us/index.php?m=index>.
- 11 Recommendations offered in the current report are based on prior research, original data analysis, and interviews with dozens of officials, practitioners, service providers, and advocates.

- 12 Prisoner Reentry Institute (2018), Op Cit.
- 13 Rempel, M., Rodriguez, K., Nims, T., Weill, J., Katznelson, Z., & Volpe, M. (2021). Closing Rikers Island: A Roadmap for Reducing Jail in New York City. Available at: [Closing Rikers Island: A Roadmap for Reducing Jail in New York City | Center for Court Innovation](#). For another complementary examination of how to reduce the city’s jail population and close Rikers Island on schedule, see Glazer, E. & Jacobson, M. (2021). What To Do About Closing Rikers. New York, NY: Vital City. Available at: [e11e49a2-e380-4aaa-b41f-0bb6e705d329\\_What-to-Do-About-Closing-Rikers.pdf \(prismic-io.s3.amazonaws.com\)](#).
- 14 Goldensohn, R., Jacobson S. & Blau, R. (June 14, 2019). “Ballroom Family Remembers Layleen Polanco, Who’d Spent Week in Hospital While Jailed.” The City. Available at: <https://www.thecity.nyc/2019/6/14/21211022/ballroom-family-remembers-layleen-polanco-who-d-spent-week-in-hospital-while-jailed>.
- 15 Moses, Dean. (January 4, 2022). “Sister of Layleen Polanco continues fight for justice, and an end to inhumanity on Rikers Island.” amNY. Available at: <https://www.amny.com/news/sister-layleen-polanco-justice-rikers-island/>. One in five transgender people (and half of Black and American Indian transgender people) reported earning their primary living through criminalized work. James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality. Available at: <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.
- 16 New York City Board of Correction. (June 23, 2020). The Death of Layleen Xtravaganza Cubilette-Polanco, 1991-2019. Available at: [Final Polanco Public Report 1.pdf \(nyc.gov\)](#).
- 17 Id.
- 18 Id.
- 19 Id.
- 20 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 \(nyc.gov\)](#). At least some of the gender-expansive people at Rikers are included in the Department of Correction’s count of women. In preparing this report, we examined public data regarding women and gender-expansive people incarcerated on Rikers as of April 1, 2022. For some purposes, we also drew comparisons to the jail population from three years earlier on April 1, 2019, a date coinciding with the passage of the state’s bail reform law and preceding disruptions tied to the COVID-19 pandemic. In addition, select findings are based on original analysis of other sources (see Appendix B) or prior literature. Unfortunately, much of the available data included gender only as a binary measure.
- 21 While the population decrease between September and November 2021 appears to be driven primarily by reduced incarceration related to alleged parole violations, thanks in significant part to Governor Hochul’s signing of the Less Is More Act on September 17, 2021, the increase from November 2021 to April 2022 is almost entirely attributable to more women being jailed pretrial. Starting in October 2021, the Department of Correction transferred dozens of women from Rikers to the New York State-operated Bedford Hills Correctional Facility in Westchester County, then returned most of those women to Rikers in February 2022. However, Department of Correction staff report that the women at Bedford remained in the DOC database and continued to be reported publicly as if they were still in NYC jails.
- 22 Covington, S. S. (2008). “The Relational Theory of Women’s Psychological Development: Implications for the Criminal Justice System.” In *Female Offenders: Critical Perspectives and Effective Interventions*, ed. by Ruth T. Zaplin, 2nd ed. Sudbury, MA: Jones and Bartlett.
- 23 Racial disparities among women are less stark than those faced by men. Of men held in NYC jails on April 1, 2022, 60% were Black, 2.5 times their share of the city’s general population.
- 24 Data provided to authors by the Mayor’s Office of Criminal Justice. (May 2022).
- 25 Correctional Health Services. “IPV Data: CHS Patients who Identify as Female, Transgender, or Nonbinary. Data analyzed for calendar year 2021.” Available at: <https://hhinternet.blob.core.windows.net/uploads/2022/04/CHS-IPV-data-for-CY21.pdf>.
- 26 James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality. Available at: <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.
- 27 Western, B. [Unpublished data on file with authors] Rikers Island Longitudinal Study. New York, NY: Columbia University Justice Lab.


- 28 Prisoner Reentry Institute. (2018). Women InJustice: Gender and the Pathway to Jail in New York City. John Jay College of Criminal Justice. Available at: [Women-Injustice-Gender-and-the-Pathway-to-Jail-in-New-York-City.pdf](#) (nywf.org).
- 29 See Rikers Island Longitudinal Study, Op Cit. Technically, these results are half comprised of people held at Rikers and half of people with newly arraigned criminal cases but not incarcerated.
- 30 Craigie, T., Grawert, A., & Kimble, C. (2020). Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality. New York, NY: Brennan Center for Justice. Available at: <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.
- 31 Data analyzed is courtesy of the Department of Correction as of April 1, 2022, and was accessed at NYC Open Data, Daily Inmates in Custody. Available at: <https://data.cityofnewyork.us/Public-Safety/Daily-Inmates-In-Custody/7479-ugqb>.
- 32 Of all women admitted before trial in 2020, 53% could not afford bail, 23% were remanded, and 24% were initially admitted on a warrant. Of this last subgroup, 21% of those discharged in the same year later had bail set. Taken together, the data suggests that just under six in ten women admitted before trial were held due to unaffordable bail for at least some, if not the entire, fraction of their jail stay.

## NOTES FOR PART II

- 33 Fuleihan, D. (October 18, 2019). Borough-Based Jail Plan Points of Agreement. New York, NY: Office of the Mayor, The City of New York. Available at: [http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/10/BBJ\\_Points\\_of\\_Agreement\\_Rikers.pdf](http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/10/BBJ_Points_of_Agreement_Rikers.pdf).
- 34 Commission on Community Reinvestment and the Closure of Rikers Island Report. (2021). New York, NY. Available at: <https://hhinternet.blob.core.windows.net/uploads/2022/04/CHS-IPV-data-for-CY21.pdf>.
- 35 Data provided to authors by the Women’s Prison Association.
- 36 There is no current public information on shared clients between NYC’s criminal justice, homeless (shelter and street outreach), and behavioral health (mental health and substance use disorders) systems. Therefore, the Corporation for Supportive Housing (CSH) estimate is based on estimated unique 2021 jail admissions from NYC Open Data and 2021 Correctional Health Services data on patients who identified as female, transgender, and non-binary.
- In 2021, there were approximately 1,167 individual women and gender-expansive people admitted to Rikers who were screened by Correctional Health Services (assuming 20% of total screenings (1,459) were of people who were repeat admissions). Correctional Health Services 2021 data shows that 24.7% of persons identifying as female, transgender or nonbinary reported being homeless before incarceration or not having a place to go after incarceration. Of women and gender-expansive people screened by Correctional Health Services, 66.1% had ever required mental health services while incarcerated, and 19.7% reported opioid use disorder, two key criteria for qualification for supportive housing. Recognizing people who are homeless have higher needs than the general population, including a higher likelihood of mental health needs and substance use disorders, as well as experiencing intimate partner violence, CSH’s estimate uses the 24.7% homeless statistic as a proxy for supportive housing need. Note that CSH estimated that in a given year 19% of Riker’s population as a whole needs supportive housing, though CSH believes that is a conservative estimate.
- 37 Corporation for Supportive Housing. (2022). Advancing Supportive Housing Solutions to Reduce Homelessness for People Impacted by the Criminal Legal System. New York, NY. Available at: <https://www.csh.org/wp-content/uploads/2022/02/Reduce-Homelessness-for-People-Impacted-by-the-Criminal-Legal-System.pdf>.
- 38 NYC Mayor’s Office of Criminal Justice. (2017). Mayor’s Office of Criminal Justice, Department of Health Announce Successful Rollout of “Justice-involved Supportive Housing” Program Stabilizing Individuals Who Frequently Cycle Through Jail and Shelter. Available at: <https://criminaljustice.cityofnewyork.us/in-the-news/mayors-office-of-criminal-justice-department-of-health-announce-successful-rollout-of-justice-involved-supportive-housing-program-stabilizing-individuals-who-frequently-cyc/>.

- 39 Id.
- 40 Women and gender-expansive people’s criminal involvement is more likely than cis-gender men’s to flow from their relationships with family or intimate partners. Victimization from domestic violence can play a direct role in the allegations against them. For instance, an abusive partner may coerce a woman or gender-expansive person into participating in a robbery. Or not seeing another reasonable way to escape violence, a woman or gender-expansive person may assault or even kill their abusive partner. See, e.g., Lynch, S. M., Dellart, D. D., Belknap, J., & Green, I. (2013). *Women’s Pathways to Jail: Examining Mental Health, Trauma, and Substance Use*. Washington, D. C.: Bureau of Justice Assistance. Available at: <https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/WomensPathwaysToJail.pdf>; Swavola, E., Riley, K., & Subramanian, R. (2016). *Overlooked: Women and Jails in an Era of Reform*. New York, NY: Vera Institute of Justice. Available at: [Overlooked: Women and Jails in an Era of Reform | Vera Institute](#); Rempel, M., Lambson, S. H., Picard-Fritsche, S., Adler, J., & Reich, W. A. (2018). *Understanding Risk and Needs in Misdemeanor Populations: A Case Study in New York City*. New York, NY: Center for Court Innovation. Available at: <https://www.courtinnovation.org/sites/default/files/media/document/2018/MisdemeanorPopulationsRisksNeeds.pdf>. Covington, C. C. (2011), Op Cit. Hempel, C. (2011). “Battered and Convicted: One State’s Efforts to Provide Effective Relief.” *American Bar Association. Criminal Justice* 25: 4 (Winter). Available at: <https://www.law.uci.edu/news/in-the-news/2011/CriminalJusticeHempelWinter2011.pdf>; Vera Institute of Justice. (2014). *Screening for Human Trafficking: Guidelines for Administering the Trafficking Victim Identification Tool (TVIT)*. Available at: <https://www.vera.org/downloads/publications/human-trafficking-identification-tool-and-user-guidelines.pdf>.
- 41 While electronic monitoring must not be over-used or inappropriately used, it could be a genuine alternative for people who would otherwise languish in jail. Electronic monitoring should be avoided for several subgroups: (1) unstably housed people with inconsistent access to charging capacity; (2) people engaged in prosocial activities, rendering limits to their movements counter-productive, or (3) people with cognitive challenges.
- 42 Selling, D., Solimo, A., Lee, D., Horne, K., Panove, E., Venters H. (2014). “Surveillance of Suicidal and Nonsuicidal Self-Injury in the New York City Jail System.” *J Correct Health Care* 20 (2):163–167. Available at: <https://pubmed.ncbi.nlm.nih.gov/24659763>.
- 43 Rossman, S., Willison, J. B., Mallik-Kane, K., Kim, K., Debus-Sherrill, S., & Downey, P. M. (2012). *Criminal Justice Interventions for Offenders with Mental Illness: Evaluation of Mental Health Courts in Bronx and Brooklyn*, New York. Washington, D.C.: The Urban Institute. Available at: [Criminal Justice Interventions for Offenders With Mental Illness: Evaluation of Mental Health Courts in Bronx and Brooklyn, New York \(urban.org\)](#). O’Keefe, K. (2006). *The Brooklyn Mental Health Court Evaluation: Planning, Implementation, Courtroom Dynamics, and Participant Outcomes*. New York, NY: Center for Court Innovation. Available at: [The Brooklyn Mental Health Court Evaluation: Planning, Implementation, Courtroom Dynamics, and Participant Outcomes | Center for Court Innovation](#).
- 44 NYS CPL 510.10(3-c) (e) (effective May 9, 2022). Available at: <https://www.nysenate.gov/legislation/laws/CPL/500.10>.
- 45 Office of the Mayor. (November 4, 2021). *De Blasio Administration Announces new Outposted Therapeutic Housing Unit to Serve Patients in Custody with Serious Health Conditions*. Available at: <https://www1.nyc.gov/office-of-the-mayor/news/743-21/de-blasio-administration-new-outposted-therapeutic-housing-unit-serve-patients-in>. The beds will also serve people with serious physical illnesses.
- 46 Even with these hospital beds, the city still projects that half of all housing units in the new borough jails will be therapeutic units for people with mental health and addiction needs.
- 47 Van Duizend, R., Steelman, D. & Suskin, L. (2011). *Model Time Standards for State Trial Courts*. Williamsburg, VA: National Center for State Courts. Available at: <http://www.ncsc.org/Services-and-Experts/Technologytools/~media/Files/PDF/CourtMD/Model-Time-Standards-for-State-Trial-Courts.ashx>.
- 48 Weill, J., Rempel, M., Rodriguez, K., & Raine, V. (2021). *Felony Case Delay in New York City: Lessons from a Pilot Project in Brooklyn*. New York, NY: Center for Court Innovation. Available at: [Case Delay Policy Brief 3.29.2021.pdf \(courtinnovation.org\)](#).
- 49 O’Brien, B. (2019). *Does It Take the Court System Longer in New York City to Process Indicted Felony Cases Than Elsewhere in the State?* New York, NY: New York City Independent Budget Office. Available at: <https://ibo.nyc.ny.us/iboreports/court-case-length-2019.pdf>.

- 50 See page 30 (and EN 116) in Rempel, M., Rodriguez, K., Nims, T., Weill, J., Katznelson, Z., & Volpe, M. (2021). Closing Rikers Island: A Roadmap for Reducing Jail in New York City. Available at: [Closing Rikers Island: A Roadmap for Reducing Jail in New York City | Center for Court Innovation](#). See, also, Glazer, E. & Jacobson, M. (2021). What To Do About Closing Rikers. New York, NY: Vital City. Available at: [e11e49a2-e380-4aaa-b41f-0bb6e705d329\\_What-to-Do-About-Closing-Rikers.pdf \(prismic-io.s3.amazonaws.com\)](#).
- 51 Safety & Justice Challenge and National Association of Counties. Jail Population Review Teams. Available at: [Population-Review-Teams\\_0.pdf \(naco.org\)](#); see, also, Weill, J., Cissner, A., & Naraharisetti, S. (2022). Population Review Teams: Evaluating Jail Reduction and Racial Disparities Across Three Jurisdictions. Safety & Justice Challenge and Center for Court Innovation. Available at: [Population Review Teams: Evaluating Jail Reduction and Racial Disparities Across Three Jurisdictions | Center for Court Innovation](#).
- 52 Safety & Justice Challenge and National Association of Counties. Jail Population Review Teams. Walentik, S. (2018). “MacArthur Foundation-funded Initiative Has Helped Reduce Jail Population in St. Louis County Over Past 2 Years.” UMSL Daily. Available at: <https://blogs.umsl.edu/news/2018/08/27/huebner-macarthur/>.
- 53 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 \(courtinnovation.org\)](#).
- 54 Rempel, M., Rodriguez, K., Nims, T., Weill, J., Katznelson, Z., & Volpe, M. (2021). Closing Rikers Island: A Roadmap for Reducing Jail in New York City. New York, NY: Independent Commission on NYC Criminal Justice and Incarceration Reform and Center for Court Innovation. Available at: [Closing Rikers Island: A Roadmap for Reducing Jail in New York City | Center for Court Innovation](#).
- 55 NYC Open Data. Daily Inmates in Custody. Available at: <https://data.cityofnewyork.us/Public-Safety/Daily-In-mates-In-Custody/7479-ugqb>.
- 56 Id.



# AUTHORS' NOTE

## AUTHORS' NOTE

This report is authored by Rev. Sharon White-Harrigan, executive director, and Michelle Feldman, policy and campaign director, at the Women's Community Justice Association; Zachary Katznelson, executive director, and Dana Kaplan, senior advisor, at the Independent Commission on New York City Criminal Justice and Incarceration Reform; Michael Rempel, director of the Data Collaborative for Justice at John Jay College of Criminal Justice; Joanna Weill, principal research associate, and Madison Volpe, senior research and data associate, at the Center for Court Innovation.

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## PARTNERING AGENCIES



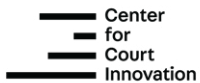
**The Women’s Community Justice Association (WCJA)** is a non-profit dedicated to improving the lives of women and gender-expansive New Yorkers affected by mass incarceration. Founded in 2018, WCJA is led by justice-impacted women and focuses on change through policy advocacy, community organizing and service. WCJA leads the #BEYONDrosies campaign and the Justice 4 Women Task Force. WCJA’s mission is to fight for a safe, dignified and fair system for justice-impacted women and gender-expansive New Yorkers. WCJA’s vision is to disrupt and dismantle the unjust, racially charged systems that perpetuate trauma, violence, and harm to women and gender-expansive people, particularly in black and brown communities.



**The Independent Commission on New York City Criminal Justice and Incarceration Reform** is a group of civic leaders and criminal justice experts that seeks to improve the functioning of the justice system, permanently close the jails on Rikers Island, and safely and significantly reduce incarceration in New York City. The Commission is grateful to the Ford Foundation, the New York City Council, Arnold Ventures, Trinity Church Wall Street, and the Robin Hood Foundation for their generous support of our work.



**The Data Collaborative for Justice (DCJ) at John Jay College** seeks to raise important questions and share critical research about interactions between community members and the criminal legal system. This encompasses enforcement and supervision in the community, the adjudication of cases in the courts, and the use (and overuse) of confinement in jails and prisons. Ultimately, through data and research, DCJ seeks to advance safe, just, and equitable communities. DCJ’s work on this report is made possible by generous support from Arnold Ventures.



**The Center for Court Innovation** is a non-profit organization that combines action and research to create a fair, effective, and humane justice system. The Center works with both government and communities to develop and run programs that have reduced the use of incarceration, increased equity, and strengthened neighborhoods by increasing safety and economic opportunity. The Center also performs original research to identify what works and shares what it learns from its programming and research with those seeking to transform justice systems around the world. Headquartered in New York City, the Center has offices in Newark, N.J., Syracuse, N.Y., and Los Angeles, Calif.