

Governor Hochul and Mayor de Blasio:

We are writing to demand that you listen to the voices of incarcerated people and immediately stop transferring women and trans people from Rikers Island to New York State Department of Corrections and Community Supervision (DOCCS) prisons against their will.

More than 125 people held at the Rose M. Singer Center have signed a petition urging not to be transferred to state prison. On October 13th they wrote:

We have begun to hear rumors that the female detainees at Rikers will be moved to Bedford Correctional Facility as of Monday October 18, 2021.

We are 100% opposed to this!!!

What is really the sudden emergency? And how does making female detainees more isolated and less able to meet with counsel, court, advocates, and visitors address the emergency? It doesn't. This is the complete opposite of the past 5 years of discussion about why Rikers must be closed. Moving women in order to house men in our living quarters violates the 14th Amendment's equal protection under the law.

This is simply a political maneuver designed to accomplish the closing of Rikers in name only. In reality inhabitants at Rikers are being further violated once again, starting with the women. How dare the governor sacrifice women for a photo op headline?! This false state of emergency in no way justifies creating new obstacles to justice for detained women. We are unequivocally opposed to this edict and we will not be silenced.

If you're going to declare an emergency, we insist that the gov't shoulder the burden, not the women who are already subjected to lengthy detention. A tolerable solution is to negotiate release conditions, not to further bury chronic violations of due process.

Don't be another perpetrator of domestic violence—silencing us, hiding us, abusing your power.

We fully support their demand and call on you to take aggressive steps to decarcerate.

Decarceration is gender and trans justice. Forcible transfers to DOCCS custody will inflict enormous harm on vulnerable women and trans people who bear no responsibility for decades of mismanagement within DOC. The transfers are a reckless response to a crisis that has been most acute in the men's jails. Shipping women and trans people to state prison will further separate them from families and children, community support, legal defense teams, and social workers. Transfers to state prison will also expose trans people to great risk of harm because DOCCS has inadequate and discriminatory policies guiding the housing of trans people and grossly insufficient protections for respectful and safe treatment of trans people in state prisons. The city and state should instead do everything in their power to return women and trans people to their communities, not force them to prison far from their homes.

Decarceration is immigrant justice. Forcible transfers will put non-citizens at risk of ICE arrest, detention, and deportation, and will cement family separation. New York City's detainer policies do not extend to DOCCS facilities, and DOCCS regularly transfers non-citizen New Yorkers into ICE custody, including women like Assia Serrano who was transferred into ICE custody at Taconic Correctional Facility in May of this year. Transferring these people walks back NYC's commitment to not subject non-citizens to ICE enforcement at the end of their jail time.

Decarceration is disability justice. Most people detained at RMSC are living with complex trauma and mental health needs, including more than 80% who are receiving mental health treatment under the "Brad H" designation.¹ Forcibly moving them out of the city unacceptably complicates vital care coordination and firm connections to services for people who will ultimately be released. Even worse, for people who are relying on care coordination and services as a potential condition of their pre-trial release, the hasty transfer decision makes their release under those circumstances nearly impossible. Transfers to state facilities will undoubtedly result in even longer pre-trial detention stays.

Decarceration is racial justice. More than 84% of people held at RMSC are non-white and more than 54% are Black.² Your administrations regularly trumpet the importance of racial justice, yet your decision to transfer hundreds of Black women and trans people to DOCCS custody against their will summarily denies their dignity. A meaningful commitment to racial justice requires a swift plan to return Black women and trans people to their communities.

The paths to decarceration are clear:

- (1) Implement the Less Is More Act immediately by lifting parole detainers today.
- (2) Release people at Rikers who are serving city sentences pursuant to Correction Law 6A.
- (3) Demand prosecutors and judges consent to release immediately and utilize existing alternative to detention support services.
- (4) Fully fund transitional housing and support services in the community.

People who are currently incarcerated at Rikers have asked you to summon the political will to stop transfers and decarcerate.

We demand that you listen to their voices.

Respectfully,

AIDS Alabama
Audre Lorde Project
Black and Pink
Blacks in Law Enforcement of America
Bowen Public Affairs Consulting

¹ *People in Jail in New York City, Number of People in Custody by Brad H Status*, The Vera Institute, available at <https://greaterjusticenyc.vera.org/nycjail/>.

² *Id.* at Number of People in Custody by Race.

The Bronx Defenders
Brooklyn Defender Services
Center for Community Alternatives
The Center for Constitutional Rights
Center for LGBTQ Economic Advancement & Research (CLEAR)
Coalition of Labor Union Women, AFL-CIO
Coalition for Women Prisoners/Campaign Against Isolated Confinement
Decriminalize Sex Work
Defending Rights & Dissent
Disability and Aging Justice Clinic, CUNY School of Law
Envision Freedom Fund
Equality New York
Freedom Agenda
#HALTsolitary Campaign
HousingPlus
Immigrant Defense Project
Incarcerated Nation Network INC
Jails Action Coalition
Jim Owles Liberal Democratic Club
Justice 4 Women Task Force
The Legal Aid Society
Marsha P. Johnson Institute
National Center for Lesbian Rights
National Center for Transgender Equality
National LGBTQ Task Force
National Organization for Women
National Religious Campaign Against Torture
National Women's Law Center
Neighborhood Defender Service of Harlem
NEW Pride Agenda
New York Lawyers for the Public Interest
New York Transgender Advocacy Group
Ohio Juvenile Justice Coalition
Public Interest Resource Center, Fordham Law School
Racial Justice Initiative of TBUSA
The Right Now Project
STEPS to End Family Violence - Rising Ground
Sylvia Rivera Law Project
Transgender Law Center
Transgender Legal Defense and Education Fund
UnLocal
Urban Justice Center Mental Health Project
The Who We Are Project
Women's Community Justice Project
Women's Prison Association
The Women's Project – Wildcat/Fedcap
Youth Represent

October 13, 2021

#USTOO

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A [REDACTED]

M [REDACTED]