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COMMENTARY

Closing Rikers Island: Attorneys and Social Workers Can Help

By Daniel Pollack and Mary Beth Quaranta Morrissey | April 5, 2022



The entrance to the Rikers Island Correctional Department facility. Photo: Reuters/Stapleton

A jail since 1932, with a present capacity of nearly 15,000 inmates, Rikers Island has been plagued with a deluge of allegations regarding mismanagement and Eighth Amendment violations. Finally, it will be closing. As the decarceration plan of Rikers Island unfolds, the

alternative plan, based on three principles, will be to have borough-based jails operational by 2027:

- “Our jail system can be much smaller with thousands fewer people in jail
- Our jails can be safer with modern, well-designed facilities that promote dignity for those who are held, visit, and work there
- The justice system will be fairer, changing the culture inside the jails, fostering community connections, and providing greater access to services.”

Closing Rikers Island and opening borough-based jails means answering a list of daunting questions. Three major ones:

- Exactly what services will be offered in the new facilities?
- How will the new facilities ensure safety for inmates and staff?
- How much will the new facilities cost and how will those costs be managed?

With these new, smaller jails facing the pressure of significant caseloads, can attorneys and social workers help provide a clear picture of how to deal with these new challenges? Attorneys and social workers are natural allies in the pursuit of justice. Attorneys with social work credentials are particularly well-equipped to tackle complex social problems that call for interface with the criminal justice and jail systems. For example, in the Integrated Domestic Violence court, family offenses are centralized in one court, creating an opportunity for attorneys and

social workers to provide coordinated client-centered services in a unified setting.

In the case of Rikers Island, attorneys and social workers are joining forces to advocate for closing the jail that has been the site of egregious human rights violations. Each profession brings a unique set of strengths to this advocacy. Social workers are well grounded in social structures and systems, and bring that structural perspective to understanding the complex problem of mass incarceration. Social work education and training equips social workers in diverse fields, including those social workers who are also engaged in the practice of law and policy advocacy, to identify the determinants of incarceration.

Legal scholars and practicing attorneys have knowledge of human rights frameworks and federal and state constitutional law that can help advance goals shared with social work to change oppressive policies such as witnessed in the decades of injustice at Rikers. Both professions also have experience working in and with correctional systems.

Collaborations between the National Association of Social Workers (NASW), the New York State Bar Association, and the New York City Bar Association and their members, can drive meaningful change in prison reform.

In a statement issued in 2016, the National Association of Social Workers (NASW- NYC) highlighted the risks to Rikers' staff, legal professionals and social workers:

In addition to the thousands of people who are jailed at Rikers Island on a yearly basis, NASW-NYC is concerned about the direct impact on Rikers staff, legal professionals, and social workers who

are exposed to horrible jail conditions and as a result, vicarious trauma. The correctional environment has consistently proven to be physically, emotionally, and psychologically detrimental to a community of law-abiding citizens who are employed to routinely interface with Rikers Island.

In February 2022, the Corrections & Community Reentry Committee, Mass Incarceration Task Force and Criminal Justice Operations Committee of the New York City Bar Association issued a comprehensive report titled, “The Human Rights Crisis at Rikers Island: A Call to Action for All Justice System Stakeholders” (Report). It calls upon the court system to act with urgency:

First, we urge court officials at the highest level **to treat the urgent humanitarian crisis at Rikers Island as a court priority**. This declaration could be made by an order consistent with the court’s authority and responsibility to vindicate the ongoing constitutional violations occurring daily at Rikers. The order should also encourage all stakeholders—district attorneys, defense attorneys, judges, the Department of Correction, and the Department of Corrections and Community Supervision—to collaborate to reduce the population at Rikers to the greatest extent possible.

The Report also calls for the Office of Court Administration to establish mechanisms so that anyone detained pretrial on bail has the opportunity to seek a review of any detention rulings to ensure that they comply with the statutory framework (Report, p. 4.). It also urges that additional training in bail-setting practice be provided to all judges (Report, p. 5).

Jullian Harris-Calvin, co-chair of the Mass Incarceration Task Force, highlights the important advocacy of the City Bar to close Rikers Island:

The New York City Bar Association's Mass Incarceration Task Force supports the city's plan to close the notorious jail complex on Rikers Island. Despite a historically low jail population, New York City continues to spend more money on corrections than any other local jail system in the country; yet deaths, violence, and inadequate services abound. Replacing Rikers Island with a smaller, more humane jail system is an essential step to realizing our goal of ending mass incarceration in New York City.

Working together, attorneys and social workers can help to design the policies and programs that will implement borough-based jails. Such policies must also ensure the rights of all workers in correctional settings and afford them appropriate public health protections and access to mental health and psychosocial support. Transformation of Rikers must lead with a realization of the rights to health and mental health for all persons, and access to public health protections and a full range of legal and social services. Working together, attorneys and social workers offer a critical link in this unprecedented effort to close Rikers Island.

Daniel Pollack, MSW, JD is professor at Yeshiva University's School of Social Work in New York City. Contact: dpollack@yu.edu. **Mary Beth Quaranta Morrissey**, PhD, MPH, JD is associate professor at Yeshiva University's School of Social Work in New York City. Contact: mary.morrissey@yu.edu.