

RECEIVERSHIP OF RIKERS: KEEPING OUR EYES ON THE PRIZE

Ensuring a Receiver Moves NYC Closer to Decarceration & Closing Rikers Island

What is Receivership?

When a state or local government proves unable, or unwilling, to manage an agency that has defied federal laws, a federal court can **remove the City's authority and put the agency under the direction of a "receiver" to assume direct control and implement reforms.**

Receiverships are only used when noncompliance persists: judges are required to show they have exhausted all other options. Once a judge opts for it, the receiver gets broad authority to implement changes. Receivers can fire and hire staff, and they set and control their own budgets.

**Since 2022,
the federal government
has considered taking
over Rikers with a
receivership and seeking
appointment of an
outside authority.**

Why is NYC Considering Receivership of Rikers?

New York City's jails have been under federal oversight by a court-appointed monitor as a result of the 2011 case *Nunez v. City of New York*. The lawsuit was filed by Legal Aid and joined by the Department of Justice in response to excessive use of force experienced by detainees at the hands of DOC staff. The city's jail system — Rikers Island and other jails — has been under federal and legal scrutiny, but conditions in the jails are worsening. Additionally, under the Adams Administration, the jail population is increasing at an alarming rate. Steve Martin was appointed as federal monitor in 2015. Martin has issued 12 reports in seven years, calling out an increase in violent incidents and other problems.

Rikers Island has been a hotbed for humanitarian violations for decades. Every year for the past decade, at least 10 people have died as a result of conditions on Rikers — whether it be abuse or neglect, both a result of years of racist and classist criminalization.

RECEIVERSHIP OF RIKERS: KEEPING OUR EYES ON THE PRIZE

Ensuring a Receiver Moves NYC Closer to Decarceration & Closing Rikers Island

What has Receivership Looked Like in Other Places?

Going back to the 1970s, there have been eight jails with receivers appointed to take over. The main goal of these receiverships were to deal with poor conditions and chronic overcrowding, and to ensure the jails are operating in accordance with the U.S. Constitution. **According to analysis by the Brennan Center of Justice, some examples of receiverships include:**

- **1976** - Federal Judge Frank M. Johnson Jr. ordered a receiver for Alabama's entire prison system, and despite some initial resistance, 13 years later, the prisons showed enhancements in security, health care and education.
- **1989** - Michigan State Judge Richard Kaufman placed Wayne County's jail into a receivership, which remedied unsanitary conditions, improved food and discharged incompetent leadership.
- **1995** - D.C. Judge William B. Bryant ordered the District of Columbia Jail medical and psychiatric system into a receivership. As a result, suicides stopped, tuberculosis was controlled, and new medical staff and equipment were saving lives.

By most reports, past receivers have had success at improving conditions in the medium term (positive differences were often observed 3-7 years after receivership to effect). That said, some facilities reverted back to old conditions quickly. **It is important to note that none of these receiverships were focused on closing the facilities.**

What are the Pros and Cons of Receivership?

The answer is complicated. As shown in the previous section, receivership can markedly improve inhumane conditions in the medium term. However, receivership will not cure all of the humanitarian violations people are experiencing.

While a receivership frees a broken institution from failing city control, they are still dependent on funding from a legislative body. And when a receivership ends, the municipality may return to old habits or come back with vengeance.

Ultimately, a receivership can create more questions and ambiguity than answers and clarity. Receivership continues to prop up broken institutions, instead of addressing the root causes: racist and classist criminalization.

Decarceration and the closing of Rikers is the only direct path to preventing deaths and humanitarian violations in New York City's jails and a receiver will not necessarily keep this goal as the north star.

RECEIVERSHIP OF RIKERS: KEEPING OUR EYES ON THE PRIZE



Ensuring a Receiver Moves NYC Closer to Decarceration & Closing Rikers Island

What does VOCAL-NY want to see if Rikers goes into Receivership?

Simply securing a receiver will not necessarily put us on a path to closing Rikers Island more swiftly. What the receiver actually focuses on will be critically important to whether or not this primary goal is achieved. **For this and other reasons we are calling on Judge Swain to ensure that any appointed receiver display:**

- A commitment to antiracism.
- A commitment to decarceration.
- A commitment to ending solitary confinement.
- A commitment to closing Rikers by 2027.
- A commitment to working with and incorporating input from those directly impacted by mass incarceration.
- A background in medical and mental health.
- Experience working with women and gender nonconforming people, and a track record of creating safe, inclusive spaces and policies for both adults and youth.
- Experience in closing jails in other jurisdictions.
- An understanding that carceral systems do not create safety, as evidenced by, but not limited to, not having been employed as a cop, corrections officer, or other law enforcement representative.