



COMMUNITY BOARD NO. 9

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J. Richard Smith, Chairperson * James S. McClelland, District Manager * Melinda Katz, Borough President

Queens Community Board 9 Resolution NO Certification of Kew Gardens Jail

March 12, 2019

Queens Community Board 9 strongly opposes certification of the Mayor's application for a 1.9 million square foot, 310 foot high, 1645 person jail in the residential community of Kew Gardens. Therefore, before the City Planning Commission (CPC) does irreparable harm by starting the ULURP clock, Queens CB 9 strongly urges the CPC not to certify on March 25 for the reasons detailed in this document.

First, this proposal, designed without any communication with the affected communities, will quite simply overwhelm and destroy the small historic residential neighborhood of Kew Gardens, and also adversely affect the adjacent community of Briarwood.

Secondly, starting the ULURP clock, before the New York State legislature can address comprehensive criminal justice reform is putting the cart before the horse.¹ To proceed at this point is to present the New York taxpayer with a potential bill upwards of \$30 billion for jails that may not be needed.

No Community Involvement or Communication in Creation of the Proposal

1. On September 24, 2018, the Deputy Director of the Mayor's Office of Criminal Justice stated before the New York City Planning Commission (CPC): "we have been engaged in a significant amount of community and neighborhood engagements. . . . We have been engaged in both open and closed community meetings." This is untrue for Queens. Such meetings never took place, were never advertised, never sent to the Community Board nor to any of the existing civic groups in Kew Gardens nor to the other affected community, Briarwood.

¹1. Speedy Trials by Senator Bailey, <https://www.nysenate.gov/legislation/bills/2019/S1738>
2. Bail Reform by Senator Gianaris <https://www.nysenate.gov/legislation/bills/2019/S2101>
3. Discovery Reform by Assembly Member Blake,
<https://www.nysenate.gov/legislation/bills/2019/A4883>

Queens Borough President Melinda Katz, in a letter to the Mayor dated January 15, 2019 asked, as we do, that the process begins anew. *“From the beginning, I have emphasized the importance of community input in the development of this plan and, in particular, the siting and design of any new jails. Unfortunately, I am deeply disturbed by the lack of meaningful local engagement on the borough-based jails project to date. The effective communities simply were not consulted during the development of the plan, especially the proposal to erect a 1.9- million-square-ft.² facility at 126-02 82nd Avenue in Kew Gardens. **The process of developing the borough-based jail system must start anew.**”* (Bold is ours)

2. The Lippman Commission Report stated:

A. Jails should not be erected in residential communities. Both Kew Gardens and Briarwood are small residential communities.²

B. Potential sites were supposed to be explored, **but none was**. Perkins Eastman, under a \$7.6 million contract awarded by the city, was supposed to explore potential sites. Indeed, at a meeting of the so-called Queens advisory committee on November 29, 2018, **the Deputy Director of the Mayor’s Office of Criminal Justice after being pressed admitted to this fact, stating that designating Kew Gardens was “a policy decision of the Mayor.”** Further, a representative of Perkins Eastman stated at the same meeting that they had never looked at any site other than Kew Gardens.

C. The jails were intended to be placed, according to the Lippman Commission Report, in communities where they were to be “an asset, housing special programs and services such as a community center, counseling, tutoring,, etc., that not only inmates could take advantage of, but most important that the local community needed, wanted and asked for, so inmates released back into their community, as well as local residents, could go on being helped by the jail based facilities. Because, wrote the Commission, such jails could **“positively change the culture and context of the neighborhood”³** leading fewer people into the prison system, thereby helping break the cycle of incarceration. **Kew Gardens is not that community. In August 2018 the three ZIP Codes surrounding Kew Gardens had 25 individuals in detention.**

D. The four jails were, according to the Lippman Commission Report, to be sized proportionally to the borough’s detained population. Yet each jail proposed would contain the same size population (1510); indeed, the Queens jail would have an additional 125,000 square feet for a trauma center for 145 **more** detainees. As of August 2018, of the over 8200 detainees, Queens had 987 or 12% of the detainee population. As proposed, Queens would have 25% or more of the detainees.

E. Damage to the community

In 2007, in a document⁴ published by the Center for Constitutional Rights and written by the present Deputy Director of the Mayor’s Office of Criminal Justice, it is stated that:

²pages 17/18, Executive Summary, Lippman Commission Report 2017

³page 139 Lippman Commission Report 2017

⁴ **New York State: A Hidden Burden**, By Dana Kaplan, May 2007, Center for Constitutional Rights (Sec2:18 (20 / 24))

“The social, fiscal, and environmental impact on community residents throughout New York State – both those incarcerated within the jails and those who reside in the communities that house them – are significant. The public must be more actively informed and engaged in the process of determining jail policy. State elected officials and county legislators must also re-evaluate their spending priorities to determine whether massive investment in detention is the most effective use of taxpayer money, instead of investing in, for example, education or health initiatives. Lessons learned from recent expansion projects, possible alternatives to jail construction, and the impacts of these respective policy decisions on the people of New York State must all be taken into greater consideration when making these critical planning decisions. As the state of New York undergoes an evaluation of many of its current criminal justice practices, there is also an opportunity to re-examine its detention policies. Failure to do so may leave us in a position much like our prison incarceration policies, where we are now bearing the social and fiscal costs of public policy that was informed by politics instead of rational assessment, **and whose consequences are far harder to undo than was its implementation.** (Bold is ours)

F. A Rush to Damaging Action

The affected communities of Kew Gardens and Briarwood do not deserve to be destroyed by the movement of “Closing Rikers Island.” These residential communities deserve at least the same consideration of justice, fairness and humane treatment proffered for Rikers Island.

This is not the time to certify projects, which in the words of Dana Kaplan, “whose consequences are far harder to undo than was its implementation.” (Bold is ours)

Therefore, for all the reasons stated above, Queens Community Board 9 urges the City Planning Commission to oppose the ULURP certification of this project.

THIS RESOLUTION PASSED UNANIMOUSLY ON MARCH 12TH, 2019

⁴ **New York State: A Hidden Burden**, By Dana Kaplan, May 2007. Center for Constitutional Rights (Sec2:18 (20 / 24))

Cc: Honorable Mayor Bill de Blasio, Honorable Corey Johnson Speaker NYC Council, Honorable Melinda Katz Queens Borough President, NYC DCP City Planning Commission Chair Marisa Lago, NYC DCP City Planning Commission Vice Chair Kenneth J. Knuckles, NYC CPC Commissioner Allen P. Cappelli, NYC CPC Commissioner Alfred C. Cerullo III, NYC CPC Commissioner Joseph Douek, NYC CPC Commissioner Richard W. Eaddy, NYC CPC Commissioner Hope Knight, NYC CPC Commissioner Anna Hayes Levin, NYC CPC Commissioner Orlando Marin, NYC CPC Commissioner Larisa Ortiz, NYC CPC Commissioner Raj Rampershad, US Senator Charles Schumer, US Senator Kirsten Gillibrand, State Senator Joseph Addabbo, Jr. 15th SD, State Senator James Sanders, Jr. 10th SD, State Senator Leroy Comrie 14th SD, State Senator Michael Gianaris 12th SD, Congressman Gregory Meeks 5th CD, Congresswoman Grace Meng 6th CD, Congresswoman Nydia Velazquez 7th SD, Assembly Member Vivian E. Cook 32nd AD, Assembly Member Daniel Rosenthal 27th AD, Assembly Member Stacy Pheffer Amato 23rd AD, Assembly Member Michael Miller 28th AD, Assembly Member Andrew Hevesi 28th AD, Assembly Member David I. Weprin 24th AD, Council Member Karen Koslowitz 29th CD, Council Member Eric Ulrich 32nd CD, Council Member Adrienne E. Adams 28th CD, Council Member Robert Holden 30th CD, Council Member Margaret S. Chin, Council Member Carlina Rivera, Council Member Keith Powers, Council Member Ben Kallos, Council Member Helen Rosenthal, Council Member Mark Levine, Council Member Diana Ayala, Council Member Bill Perkins, Council Member Ydanis Rodriguez, Council Member Andrew Cohen, Council Member Andy King, Council Member Mark Gjonaj, Council Member Fernando Cabrera, Council Member Ritchie J. Torres, Council Member Vanessa L. Gibson, Council Member Rafael Salamanca, Jr., Council Member Ruben Diaz, Sr., Council Member Paul Vallone, Council Member Peter Koo, Council Member Francisco Moya, Council Member Costa Constantinides, Council Member Barry Grodenchik, Council Member Rory I. Lancman, Council Member Daniel Dromm, Council Member Jimmy Van Bramer, Council Member I. Daneek Miller, Council Member Donovan J. Richards, Council Member Stephen T. Levin, Council Member Antonio Reynoso, Council Member Laurie A. Cumbo, Council Member Robert E. Cornegy, Jr., Council Member Rafael L. Espinal, Jr., Council Member Carlos Menchaca, Council Member Brad Lander, Council Member Mathieu Eugene, Council Member Alicka Ampry-Samuel, Council Member Inez Barron, Council Member Justin Brannan, Council Member Kalman Yeger, Council Member Alan N. Maisel, Council Member Mark Treyger, Council Member Chaim M. Deutsch, Council Member Deborah Rose, Council Member Steven Matteo, and Council Member Joseph C. Borelli.