

# United States Senate

WASHINGTON, DC 20510

December 29, 2021

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Ave., NW  
Washington, D.C., 20500

The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
Office of the Attorney General  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear President Biden and Attorney General Garland:

We write to urge you to explore all options to address the ongoing humanitarian and constitutional violations occurring at New York City's Rikers Island Complex (Rikers). This year has been the deadliest at Rikers since 2016. As of the date of this letter, 14 people have died at Rikers this year, and two died at hospitals immediately after their release from Rikers.<sup>1</sup> It is clear that the situation at Rikers threatens the health, safety, and human rights of those held at the complex. Many of these deaths, including those of Victor Mercado and Anthony Scott in October, were the result of an inability to properly administer straightforward medical or mental health care. Recently, William Brown was found in medical distress and passed away on December 14, 2021.<sup>2</sup> These crises are now compounded by the unprecedented spread of the new COVID omicron strain.

In September 2021, a Federal Monitor appointed to oversee the complex reported that correction officers routinely abandon their posts, hundreds of cell doors are not in working order, and officers routinely fail to prevent incidents of self-harm.<sup>3</sup> Incidents of violence among detainees and staff are also on the rise.<sup>4</sup> Reports have even indicated that due to staffing

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<sup>1</sup> Jan Ransom, *On Rikers, Brooklyn Man Becomes Latest Detainee to Die in Custody*, NY TIMES, Dec. 15, 2021, <https://www.nytimes.com/2021/12/15/nyregion/rikers-island-deaths.html>.

<sup>2</sup> *Another Rikers Island Inmate Dies While in Custody at Embattled Jail Complex*, NBC NEW YORK, Dec. 15, 2021. <https://www.nbcnewyork.com/news/local/another-rikers-island-inmate-dies-while-in-custody-at-embattled-jail-complex/3452382/>.

<sup>3</sup> Gloria Pazmino, *Federal Monitor Submits Letter Calling for Outside Help at Rikers Island*, NY1.COM, Sep. 24, 2021. <https://www.ny1.com/nyc/all-boroughs/news/2021/09/24/federal-monitor-calling-for-outside-help-at-rikers-island>.

<sup>4</sup> *Id.*

shortages and degrading physical conditions of facilities, detainees in some parts of the complex have taken complete control over certain buildings.<sup>5</sup>

COVID-19 cases at Rikers have risen exponentially in the last few days, particularly because of the large number of unvaccinated people incarcerated at the facility. On December 21, 2021, Commissioner of the New York City Department of Correction (DOC) Vincent Schiraldi sent a letter to New York public defenders indicating that the COVID-19 positivity rate at Rikers rose from 1 percent in recent weeks to 17 percent, nearly doubling in one day.<sup>6</sup> The DOC suspended visitations at its facilities, but Commissioner Schiraldi indicated that the “jail population faces an equal or greater level of risk from COVID now as it did at the start of the pandemic.”<sup>7</sup> Put simply, Rikers has an unacceptable level of health risk for every person detained and working there during the uncontained spread of the omicron strain.

Not only is Rikers unsafe for guards and detained people, but the facility is unable to provide an adequate level of medical care to its detainees. New York Assembly member Jessica González-Rojas visited Rikers in September and witnessed “countless men being piled on top of each other, laying in their own urine and feces and people not getting the care that they needed. There was a transgender woman who was placed in a male facility and not getting her hormones or medical care.”<sup>8</sup> The Independent Commission on New York City Criminal Justice and Incarceration Reform has concluded that people held at Rikers are consistently denied basic rights like access to food, a clean place to sleep, and access to basic healthcare.<sup>9</sup> More than half of the deaths this year at Rikers can be connected to lack of access to health and services, including mental health services.<sup>10</sup>

What makes this situation even more infuriating is that most of those held at Rikers have not even been convicted of a crime. A majority of the almost 6,000 people held at Rikers are awaiting trial because they cannot afford the bail set by the judges presiding over their case.<sup>11</sup> Due to ongoing staffing shortages, detained people have missed court hearings because nobody could drive them from Rikers to their hearing, unnecessarily prolonging their detention and

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<sup>5</sup> Jan Ranson et al., *Inside Rikers: Dysfunction, Lawlessness and Detainees in Control*, N.Y. TIMES, Oct. 11, 2021. [https://www.nytimes.com/2021/10/11/nyregion/rikers-detainees-correction-officers.html?name=styl-n-rikers-island&region=TOP\\_BANNER&block=storyline\\_menu\\_recirc&action=click&pgtype=Article&variant=show&is\\_nw=false](https://www.nytimes.com/2021/10/11/nyregion/rikers-detainees-correction-officers.html?name=styl-n-rikers-island&region=TOP_BANNER&block=storyline_menu_recirc&action=click&pgtype=Article&variant=show&is_nw=false).

<sup>6</sup> Kerry Burke, *COVID at ‘Crisis Level’ on Rikers, NYC’s Dept. of Corrections Outgoing Chief Warns*, NY DAILY NEWS, Dec. 21, 2021. <https://www.nydailynews.com/new-york/nyc-crime/ny-rikers-covid-infection-rates-20211222-yqpcbv45kzbtgfel6vanbjeje-story.html>.

<sup>7</sup> *Id.*

<sup>8</sup> Zach Williams, *What Assembly Member Jessica González-Rojas Saw at Rikers*, CITY & STATE NY, Sep. 14, 2021. <https://www.cityandstateny.com/personality/2021/09/what-assembly-member-jessica-gonzalez-rojas-saw-rikers/185339/>.

<sup>9</sup> Gloria Pazmino, *Rikers Island Detainees Expose Lack of Medical Care While in Custody*, NY1.COM, Sep. 21, 2021. <https://www.ny1.com/nyc/all-boroughs/public-safety/2021/09/22/rikers-island-detainees-expose-lack-of-medical-care-while-in-custody>.

<sup>10</sup> Jan Ranson & Jonah Bromwich, *‘I Just Want to Be Normal’: A Mentally Ill Man’s Death at Rikers*, N.Y. TIMES, Sep. 27, 2021. <https://www.nytimes.com/2021/09/27/nyregion/rikers-island-esias-johnson.html>.

<sup>11</sup> Erum Salam, *‘Abject Neglect’: Critics Report Chaotic and Deadly Conditions on Rikers Island*, THE GUARDIAN, Oct. 19, 2021. <https://www.theguardian.com/us-news/2021/oct/19/rikers-island-abject-neglect-chaotic-conditions-deaths>.

potentially violating their Sixth Amendment right to a speedy trial.<sup>12</sup> In September, to try to slow the number of people being sent to Rikers, Brooklyn District Attorney Eric Gonzales directed his office to be more selective on bail requests.<sup>13</sup> Additionally, counsel for individuals held at Rikers have shared with us that their clients have not received mental health evaluations required by New York Criminal Procedure Law 730 and have missed court appearances solely for the reason that there is no staff to transport them.

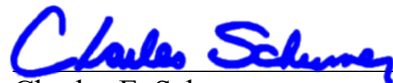
Other state and local officials have recognized the urgency of these ongoing constitutional and human rights violations. On October 18, New York Governor Kathy Hochul announced that more than 200 women and trans-identified incarcerated individuals would be transferred out of Rikers and into state facilities.<sup>14</sup> New York Attorney General Letitia James said she is “examining all of my office’s legal options to immediately address this dire situation.”<sup>15</sup> In September, New York City Mayor Bill De Blasio announced an Emergency Rikers Relief Plan. While we hope the speedy implementation of that plan can improve the situation, we believe that further action is necessary to provide immediate relief for workers and detained people at Rikers.

While these local efforts continue, we believe that the federal government must examine all of its options to stabilize the ongoing crisis and ensure that the civil and human rights violations occurring at Rikers are put to an end. Exposure to a deadly disease should not be a condition of incarceration for anyone. Relatedly, detained people have the right to receive mental health and medical services and be detained humane facilities free from violence. We request the Department of Justice and the administration work with state and local officials to halt the ongoing crisis.

Sincerely,



Cory A. Booker  
United States Senator



Charles E. Schumer  
United States Senator



Kirsten Gillibrand  
United States Senator

<sup>12</sup> Williams, *What Assembly Member Jessica González-Rojas Saw at Rikers*.

<sup>13</sup> Gloria Pazmino, *Amid Rikers Island Crisis, District Attorneys Accused of Failing to Act*, NY1.COM, Sep. 23, 2021. <https://www.ny1.com/nyc/all-boroughs/politics/2021/09/24/rikers-island-nyc-crisis-district-attorneys-accused-of-failing-to-act-high-bail-requests>.

<sup>14</sup> *Governor Hochul and Mayor De Blasio Announce Agreement to Transfer Incarcerated Women and Trans Individuals Out of Rikers*, NEW YORK STATE, Oct. 13, 2021. <https://www.governor.ny.gov/news/governor-hochul-and-mayor-de-blasio-announce-agreement-transfer-incarcerated-women-and-trans>.

<sup>15</sup> *Attorney General James Releases Statement on Visit to Rikers Island*, LETITIA JAMES, Sep. 21, 2021. <https://ag.ny.gov/press-release/2021/attorney-general-james-releases-statement-visit-rikers-island>.