

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 8, 2022

The Honorable Eric Adams
Mayor
New York City
City Hall
New York, NY 10007

Dear Mayor Adams:

We write with continued concern over the deplorable conditions at Rikers Island. The conditions at Rikers are symptoms of a complex problem that requires a comprehensive response. We commend recent steps you have taken to expand access to mental health services for New Yorkers, and we urge you to prioritize ensuring that individuals experiencing mental illness who are detained within New York City jails, or awaiting trials in their communities, are able to access the treatment services they need.

Last September, the Committee launched an investigation after media reports described a collapse in basic jail operations, uninhabitable conditions, and a spiking number of in-custody deaths at Rikers.¹ Since then, we have reached out to the Mayor's office, the New York City Department of Correction (DOC), and all five New York City district attorney offices. Six months later, the conditions at Rikers remain unacceptable and may be worse than previously known.² At least three individuals have already died at Rikers this year, and a recent report by a federal monitor warned of the "continued imminent risk of harm to incarcerated individuals and staff in the New York City jails."³

¹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, et al., to Mayor Bill de Blasio, New York City, and Commissioner Vincent Schiraldi, New York City Department of Corrections (Sept. 27, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-09-27.CBM%20JR%20AOC%20to%20de%20Blasio%20Schiraldi-NYC%20re%20Rikers%20Island%20Conditions.pdf>).

² *The Violence at Rikers That's Shrouded in Silence*, New York Times (Mar. 3, 2022) (online at www.nytimes.com/2022/03/03/nyregion/the-violence-at-rikers-thats-shrouded-in-silence.html).

³ Special Report of the Nunez Independent Monitor (Mar. 16, 2022), *Nunez v. N.Y.C. Department of Correction* (1:11-cv-05845-LTS-JCF Document 438); *Department of Correction Reports Third Death in Custody on Rikers Island This Year*, CBS New York (Mar. 18, 2022) (online at www.cbsnews.com/newyork/news/rikers-island-third-death-in-custody-2022/).

We are committed to working with you to find solutions to alleviate inhumane conditions at Rikers that endanger the health and safety of the approximately 5,600 detainees and nearly 8,000 correctional officers who work there, while also addressing mounting public safety concerns in the City. One key step is addressing the significant mental health challenges faced by those detained at Rikers.

As the second largest jail system in the nation, New York City jails are home to a significant number of individuals experiencing mental illness.⁴ On Rikers Island, nearly half of the population—approximately 48%—has received ongoing services for a mental illness during their jail stay.⁵ Fifteen percent of the overall New York City jail population has been diagnosed with a serious mental illness—with nearly one in five women and one in ten men entering the City’s jails with a serious mental illness.⁶ Despite these troubling statistics, New York City jails often lack adequate mental health services, which has contributed to unsafe conditions for detainees and staff working within the jail complex.⁷

The coronavirus pandemic exacerbated the challenges faced by detainees with mental illness in New York City jails. At the height of the pandemic, detainees with mental illness were less likely to be released from jails by the City to reduce overcrowding than similarly situated detainees without mental illness.⁸ From January 2019 to January 2022, the average length of detention in the City’s jails increased from 187 days to 329 days.⁹ Individuals with mental illness have higher than average lengths of stay in jail compared to those without mental illness, further depriving them of the critical treatment they need.¹⁰

⁴ American Psychological Association, *NYC Health + Hospitals Correctional Health Services (CHS) – All Positions Have Benn Filed – 2022* (online at <https://nynjadot.apa.org/job/nyc-health-hospitals-correctional-health-services-chs-rikers-island-east-elmhurst-new-york-0265>) (accessed on Mar. 23, 2022).

⁵ Vera Institute, *People in Jail in New York City: Daily Snapshot* (online at <https://greaterjusticeny.vera.org/nycjail/>) (accessed Mar. 8, 2022).

⁶ Serious mental illness means “a mental, behavioral, or emotional disorder resulting in serious functional impairment, which substantially interferes with or limits one or more major life activities.” National Institute of Mental Health, *Mental Health Statistics* (online at www.nimh.nih.gov/health/statistics/mental-illness#:~:text=Serious%20mental%20illness%20%28SMI%29%20is%20defined%20as%20a,or%20limits%20one%20or%20more%20major%20life%20activities) (accessed Mar. 9, 2022); Vera Institute, *The Cost of Incarceration in New York State* (Jan. 2021) (online at www.vera.org/downloads/publications/the-cost-of-incarceration-in-new-york-state.pdf).

⁷ *Medical Care at Rikers Is Delayed for Thousands, Records Show*, New York Times (Feb. 1, 2022) (online at www.nytimes.com/2022/02/01/nyregion/rikers-island-medical-care.html).

⁸ *People with Mental Health Diagnoses Left Out of “Historic” NYC Decarceration*, Filter (May 26, 2020) (online at <https://filtermag.org/rikers-mental-illness-coronavirus/>).

⁹ Commissioner Louis A. Molina, New York City Department of Correction, Testimony before the New York City Council Committee on Criminal Justice (Mar. 23, 2022) (online at www1.nyc.gov/site/doc/media/commissioner-molina-tetimony-03-2022.page).

¹⁰ Manhattan Institute, *Crime and Mental Illness in New York City: Framing the Challenge for the New Mayor* (Feb. 2022) (online at <https://media4.manhattan-institute.org/sites/default/files/MI-Eide-Report-Crime-and-Mental-Illness-in-New-York-City-Framing-The-Challenge-for-the-New-Mayor-v3.pdf>).

According to the Division of Correctional Health Services of New York City Health + Hospitals, “suicide prevention is at the core of jail mental health treatment.” Yet in the last year, Rikers reported more detainee suicides than in the previous five years combined.¹¹

Prior to the coronavirus pandemic, DOC released many individuals with serious mental illness to homeless shelters while awaiting entry into one of the City’s special subsidized housing programs. Although this prevented individuals with mental illness from being detained beyond the completion of their sentences, releasing them to shelters without available mental health services created barriers to treatment. These problems were further exacerbated throughout the pandemic, with reports of released detainees facing additional obstacles to scheduling psychiatric appointments and receiving medication.¹² These issues underscore the need for New York City to expand and strengthen services for individuals with mental health needs, both during and after detention.

We are encouraged by your recent initiative to address mental illness and homelessness on the subway transit system and your recognition that mental health treatment is vital to preventing crime, including subway crime.¹³ Your plans to expand psychiatric bed availability, enhance the Behavioral Health Emergency Assistance Response teams to answer non-violent mental health crises, and improve outpatient mental health care also represent progress, and we hope these programs can be further developed across New York City.¹⁴

We also appreciate your support for the Program to Accelerate Clinical Effectiveness (PACE) housing units within Rikers, which will provide specialized and intensive care for up to 455 people.¹⁵ We urge you to expand the reach of PACE and consider more units and staff to safely treat detainees in the care of the Division of Correctional Health Services. In October 2021, then-DOC Commissioner Vincent Schiraldi informed the Committee that DOC had begun transferring detainees with mental illness to mental health facilities, but that completing this effort would take years. We request an update on that effort and welcome the opportunity to

¹¹ The Twelfth Report of the Nunez Independent Monitor (Dec. 6, 2021), *Nunez v. N.Y.C. Department of Correction* (1:11-cv-05845-LTS-JCF Document 431); American Psychological Association, *NYC Health + Hospitals Correctional Health Services (CHS) – All Positions Have Benn Filed – 2022* (online at <https://nynjadot.apa.org/job/nyc-health-hospitals-correctional-health-services-chs-rikers-island-east-elmhurst-new-york-0265>) (accessed on Mar. 23, 2022). ; *More Suicides at NYC Jails This Year Than Past Five Combined, Report Says*, New York Post (Oct. 14, 2021) (online at <https://nypost.com/2021/10/14/more-suicides-at-nyc-jails-this-year-than-past-five-combined/>).

¹² *Medical Care at Rikers is Delayed for Thousands, Records Show*, New York Times (Feb. 1, 2022) (online at www.nytimes.com/2022/02/01/nyregion/rikers-island-medical-care.html).

¹³ *Eric Adams: Fixing NYC’s Mental Health System is Key to Tackling Subway Crime Spike*, NBC 4 New York (Mar. 4, 2022) (online at www.nbcnewyork.com/news/local/eric-adams-fixing-nycs-mental-health-system-is-key-to-tackling-subway-crime-spike/3584571/).

¹⁴ *NYC Mayor Eric Adams Lays Out Plan to Address Mental Illness and the Unhoused in Subways*, Mass Transit Magazine (Feb. 21, 2022) (online at www.masstransitmag.com/safety-security/article/21257533/nyc-mayor-eric-adams-lays-out-plan-to-address-mental-illness-and-the-unhoused-in-subways)

¹⁵ *New Psych Units at Rikers Delayed Despite Renewed Focus on Mental Health and Justice*, The City (Feb. 28, 2022) (online at www.thecity.nyc/2022/2/28/22955601/new-psych-units-at-rikers-delayed-despite-renewed-focus-on-mental-health-and-justice).

discuss how all levels of government, including the federal government, can partner together to ensure individuals at Rikers receive the mental health treatment they need.

Finally, we urge you to encourage district attorneys and the courts to increase their referrals to problem-solving mental health courts and to consider alternatives to incarceration for individuals with mental illness accused of nonviolent conduct through supervised release programs with specialized support for defendants who need mental health services. Mental health courts link those involved with the criminal justice system with court-supervised, community-based treatment.¹⁶ This step could alleviate overcrowding that not only jeopardizes the safety of other incarcerated individuals, but also the staff and correctional officers who work at Rikers.¹⁷ This important tool appears to be underutilized, with only 47 new mental health court participants in New York City in 2019 and just ten in 2020.¹⁸

At the beginning of the coronavirus pandemic, the Mayor's office, courts, district attorneys, and the defense bar were all able to significantly reduce the Rikers population by using alternatives to incarceration.¹⁹ Yet serious problems at Rikers persist, with thousands of people—nearly half of whom suffer from mental illness—languishing in a facility plagued by persistent overcrowding and mounting violence. These conditions raise Eighth Amendment and civil rights concerns that may need to be addressed through federal action.

For these reasons, we request that your office provide a briefing for Committee staff by April 22, 2022, detailing your plans to improve conditions at Rikers, increase access to mental health treatment for detained individuals, and promote alternatives to incarceration while protecting public safety—including by identifying areas for collaboration among federal, state, and city governments. We look forward to hearing your plans and working together to identify solutions to the problems that have plagued Rikers Island for years.

¹⁶ New York State Unified Court System, *Mental Health Courts Overview* (online at <https://ww2.nycourts.gov/mental-health-courts-overview-27066>) (accessed Mar. 9, 2022).

¹⁷ An “*Absolute Emergency*” at Rikers Island as Violence Increases, New York Times (Nov. 8, 2021) (online at www.nytimes.com/2021/08/24/nyregion/rikers-island-emergency-chaos.html).

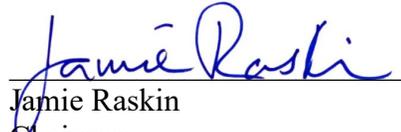
¹⁸ *Opinion: It's Time to Stop Throwing Young People with Undertreated Mental Health Conditions Issues in Jail*, City and State New York (Dec. 17, 2021) (online at www.cityandstateny.com/opinion/2021/12/opinion-its-time-stop-throwing-young-people-undertreated-mental-health-conditions-issues-jail/359955/).

¹⁹ City of New York, Office of the Mayor, *Press Release: City Jail Population Drops Below 4,000 for First Time Since 1946* (Apr. 21, 2020) (online at www1.nyc.gov/office-of-the-mayor/news/278-20/city-jail-population-drops-below-4-000-first-time-since-1946).

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Jamie Raskin
Chairman
Subcommittee on Civil Rights and
Civil Liberties



Alexandria Ocasio-Cortez
Member of Congress

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Nancy Mace, Ranking Member
Subcommittee on Civil Rights and Civil Liberties

Mr. Louis Molina, Commissioner
New York City Department of Corrections