

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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December 22, 2022

Ms. Deanna Logan
Director
Mayor's Office of Criminal Justice
1 Centre Street
New York, New York 10007

Dear Ms. Logan:

We write with deep concern about the agreement between the Rikers federal monitor team and the New York City Law Department to keep secret important data regarding the ongoing humanitarian crisis at Rikers. This agreement, first disclosed in a federal court filing in the Southern District of New York last month, comes at a particularly troubling time when New York City jails are experiencing the highest death count in more than a decade.¹ By shielding from public view highly relevant information about violence, mismanagement, chronic staffing issues, security lapses, and other factors contributing to unsafe and inhumane conditions at Rikers, the agreement will deprive stakeholders of valuable and timely information about the true state of affairs at Rikers, thwarting public accountability and efforts to correct urgent problems and prevent more unnecessary deaths. We request the immediate production of this information to the Committee.

More than a decade ago, horrific abuse by correctional officers at Rikers spurred public outcry and a class-action lawsuit which resulted in a 2015 consent decree that placed the jail under federal monitorship.² The monitorship, headed by the court-appointed monitor Steve Martin, was intended to ensure that Rikers carries out needed reforms to make the jail complex

¹ *NYC Taxpayers Have Paid a Federal Monitor \$18 Million to Help Fix Rikers. What Went Wrong?*, Gothamist (Nov. 17, 2022) (online at <https://gothamist.com/news/nyc-taxpayers-have-paid-a-federal-monitor-18-million-to-help-fix-rikers-what-went-wrong>). According to recent reports, a 39-year-old man, who had been detained for reportedly shoplifting perfume, died while in Rikers' custody last week. *Rikers Island Shoplifting Suspect Dies of Suspected Overdose, 19th Death in NYC Jails This Year*, New York Daily News (Dec. 12, 2022) (online at www.nydailynews.com/new-york/nyc-crime/ny-rikers-island-jail-death-edgardo-mejias-20221212-piqioqn56jc73d6xdef2mg2ouu-story.html).

² *New York City Settles Suit Over Abuses at Rikers Island*, New York Times (June 22, 2015) (online at www.nytimes.com/2015/06/23/nyregion/new-york-city-settles-suit-over-abuses-at-rikers-island.html).

less dangerous for detainees and staff, including by filing periodic reports on the status of the jail's conditions.³

Seven years later, Rikers—and the New York City jail system—is more dangerous and deadly than ever. In fact, conditions within the jails have grown so perilous that United States Attorney Damian Williams wrote in April 2022 that his office may be:

[L]eft with no other option but to seek more aggressive relief, which could involve seeking the appointment of a receiver with independent authority to implement sweeping reforms and to take all necessary actions to comply with the Consent Judgement and Remedial Orders and implement the Monitor Recommendations.⁴

Last September, the Committee launched an investigation after media reports revealed collapses in basic jail operations, staffing shortcomings, uninhabitable conditions, and a spiking number of in-custody deaths at Rikers.⁵ Since then, we have spoken with the Mayor's office across two administrations, the New York City Department of Correction (DOC) and Board of Correction, all five New York City district attorney offices, the newly established Rikers Task Force, and numerous advocacy groups. Despite reassurances that the City is working to improve conditions at Rikers, more than a year later those improvements have not materialized. Nineteen people have died in City custody or shortly after release this year—the most since 2013, when the jail population was twice as high as it is today.⁶

In recent years, Mr. Martin has filed scathing reports that have provided much-needed transparency into the untenable conditions at the jail and highlighted the urgent need for additional action by DOC. For example, in an October 28, 2022, report, the federal monitor stated, “[N]early every facet of the jails’ operations, procedures and practices needs to be dismantled and reconstituted to reflect quality practice.”⁷ The Monitor’s reports continue to

³ *NYC Taxpayers Have Paid a Federal Monitor \$18 Million To Help Fix Rikers. What Went Wrong?*, Gothamist (Nov. 17, 2022) (online at <https://gothamist.com/news/nyc-taxpayers-have-paid-a-federal-monitor-18-million-to-help-fix-rikers-what-went-wrong>).

⁴ *Chaos at Rikers Could Lead to Federal Court Control, U.S. Attorney Says*, New York Times (Apr. 19, 2022) (online at www.nytimes.com/2022/04/19/nyregion/rikers-island-federal-control.html); Letter from Damian Williams to The Honorable Laura T. Swain, United States District Court, Southern District of New York, *Nunez v. City of New York*, 11-cv-5845 (LTS) (JCF) (Apr. 19, 2022).

⁵ 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 Correction (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>).

⁶ *Tracking the Deaths in New York City's Jail System in 2022*, New York Times (Dec. 12, 2022) (online at www.nytimes.com/article/rikers-deaths-jail.html).

⁷ *Nunez Independent Monitor, Second Status Report on DOC's Action Plan* (Oct. 28, 2022) (11-cv-5845-LTS-JCF) (online at www.nyc.gov/assets/doc/downloads/pdf/2022-10-28_Second_Status_Report_Action_Plan.pdf).

show that the jail system is plagued by constant detainee violence, ineffective housing plans, constant staffing shortages, and inappropriate use of force by staff.⁸

In a November 14, 2022, court filing, Mr. Martin noted that the City plans to file a “confidential one-time supplement” containing certain categories of information requested by the Legal Aid Society, the organization representing detainees in the litigation. According to the filing, the confidential report will address issues at the root of the unsafe conditions at Rikers, including:

The ongoing deficiencies in the supervision of uniformed staff, the high level of violence at GRVC [George R. Vierno Center at Rikers], the immediate steps the Monitor recommends the City should take to address the increase in in-custody deaths, unreliable access to basic services for incarcerated individuals, the evaluation of existing awarded posts and the determination as to whether these assignments should be modified to increase the number of staff assigned to housing areas, closure of Full ID UOF [Investigative Division Use of Force] investigations within 120 days and the ID [Investigative Division] investigator caseloads, the number of pending medical incompetency disciplinary cases, the presence of drugs and other contraband in the jails/reducing the risk of over-doses, addressing security lapses described by the Monitor, the increasing length of time detainees are staying at Rikers while they await trial, and efforts to address adequate staffing in the facilities.⁹

While Mr. Martin’s filing hinted at the eventual release of the information, it also asserted that his team needed “the opportunity to analyze data produced by the Department to provide appropriate context in order to avoid the misinterpretation or the dissemination of incomplete or confusing information.” That does not seem to be the sort of extraordinary or compelling justification that might support the need for secrecy. Mr. Martin’s filing did not commit to releasing this information or explain why the information provided by the City would be especially prone to misinterpretation or confusion.¹⁰ Moreover, Mr. Martin’s filing does not address whether redactions could adequately respond to the proffered concerns of the monitoring team and New York City Law Department. In a letter to the court, the Legal Aid Society called the federal monitor’s reasoning “baseless.”¹¹

The recent request for confidentiality appears to exceed prior agreements between the City and the federal monitor to keep certain narrow categories of information confidential. A

⁸ *Rikers Violence Monitor Suggests Limited Court Action on NYC Jails, Doesn’t Mention Federal Takeover*, New York Daily News (Oct. 28, 2022) (online at [www.nydailynews.com/new-york/nyc-crime/ny-rikers-federal-monitor-report-20221028-zhucbbh3gzhijclb\)p5zd3xgfwq-story.html](http://www.nydailynews.com/new-york/nyc-crime/ny-rikers-federal-monitor-report-20221028-zhucbbh3gzhijclb)p5zd3xgfwq-story.html)); *Rikers Monitor Says Conditions Have Worsened But Praises NYC*, Bloomberg (Oct. 29, 2022) (online at www.bloomberg.com/news/articles/2022-10-29/rikers-monitor-says-conditions-have-worsened-but-praises-nyc).

⁹ Letter from Steven Martin to the Honorable Laura T. Swain, United States District Court, Southern District of New York, *Nunez, et al. v. City of New York, et al.*, 11-cv-5845 (LTS) (JCF) (Nov. 14, 2022).

¹⁰ *Id.*

¹¹ Letter from The Legal Aid Society, Criminal Defense, to The Honorable Laura T. Swain, States District Court, Southern District of New York, *Nuñez v. City of New York*, 11-civ-5845 (LTS) (Nov. 14, 2022).

September 2016 agreement designated a few categories of documents to be kept confidential by Mr. Martin, such as Use of Force investigations and conclusions, the names of inmates placed in punitive segregation, and the number of staff that have received counseling meetings, among other things.¹² However, the information contemplated by the current agreement, as described in Mr. Martin's November 2022 letter, does not appear to fall into any of these categories.

Disclosing the monitoring team's update serves the overwhelming public interest in accessing the information. The City's decision to withhold this information is troubling in light of recent press reports detailing Commissioner Louis Molina's potential misuse of compassionate release to manipulate official death counts at Rikers.¹³

For these reasons, we request that your office publicly disclose any and all reports created by the monitoring team immediately upon receipt by your office, including the forthcoming supplemental report. Moreover, we request that your office produce the following documents and information pertaining to events occurring between January 1, 2022, and the present to the Committee by Friday, January 6, 2023:

1. All information and data regarding the number of use of force incidents, cost of damage to property during incidents, and types of injuries occurring during altercations involving staff or incarcerated individuals, including deaths that resulted from such events;
2. All information and data regarding the number of self-harm events, suspected and confirmed overdoses, Narcan doses administered, and medical incompetence cases, including pending cases, disaggregated by month;
3. All information and data regarding the number of uniform and supervisory staff by month, including hours worked, absences, positions assigned and filled, reassignments both inside and outside the facilities;
4. All information and data regarding the number of disciplinary cases instituted against staff, including the reasoning for those actions, the Department's recommendations for corrective action, and responses to those recommendations;
5. All information and data regarding the number and median length of stay for incarcerated individuals staying at Rikers, including those who remain in intake for more than 24 hours, individuals in custody for more than 365 days, and detainees staying at Rikers awaiting trial; and
6. All information and data regarding Rikers' efforts to address deficiencies, including the inadequate staffing in its facilities, attempts to hire for new

¹² Letter from Steven Martin to The Honorable Laura T. Swain, United States District Court, Southern District of New York, *Nunez, et al. v. City of New York, et al.*, 11-cv-5845 (LTS) (JCF) (Sept. 19, 2016).

¹³ *Jails Boss Urged Man's Release in Apparent Bid to Limit Rikers Death Toll*, New York Times (Sept. 27, 2022) (online at www.nytimes.com/2022/09/27/nyregion/riker-death-count.html).

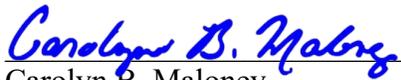
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leadership positions and to make additional leadership appointments externally and within the Department, expected leadership departures, and the security lapses described by the federal monitor.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

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 Correction