

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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September 27, 2021

The Honorable Bill de Blasio
Mayor
New York City
City Hall
New York, New York 10007

Mr. Vincent Schiraldi
Commissioner
New York City Department
of Corrections
75-20 Astoria Boulevard
East Elmhurst, New York 11370

Dear Mayor de Blasio and Commissioner Schiraldi:

We write with grave concern about the deplorable conditions at the Rikers Island jail complex, which appear to have rapidly deteriorated in recent months. There have been multiple reports of the collapse of basic jail operations, in part as the result of widespread staffing shortages within the New York City Department of Corrections (DOC).¹ These shortages—caused by the coronavirus pandemic as well as persistent overcrowding and mounting violence—have rendered the facility unsafe for individuals who are incarcerated and for DOC staff.² These unacceptable conditions at one of the largest jails in the United States appear to be part of a longstanding pattern of civil and human rights violations on Rikers Island.³

The number of in-custody deaths on Rikers Island has more than quadrupled over the past two years—from three deaths in 2019 to twelve in 2021.⁴ The most recent fatality, on

¹ *Inmate Found Dead on Rikers Island Amid Calls for Reform at Correctional Facility*, CBS New York (Sept. 7, 2021) (online at <https://newyork.cbslocal.com/2021/09/07/rikers-island-inmate-death-esias-johnson-reform/>); see also *12th Death in Custody This Year Signals Growing Crisis in NYC Jails*, New York Times (Sept. 22, 2021) (online at www.nytimes.com/2021/09/22/nyregion/nyc-jail-boat-death-rikers.html).

² See, e.g., *Staffing Dysfunction and Unsafe Conditions Lead to Crisis on Rikers Island*, NY1 (Sept. 9, 2021) (online at www.ny1.com/nyc/all-boroughs/public-safety/2021/09/10/rikers-island-staffing-issues-correction-officers-calling-out-unsafe-conditions-what-happened).

³ See Department of Justice, *Press Release: Manhattan U.S. Attorney Finds Pattern and Practice of Excessive Force and Violence at NYC Jail on Rikers Island That Violates the Constitutional Rights of Adolescent Male Inmates* (Aug. 4, 2014) (online at www.justice.gov/usao-sdny/pr/manhattan-us-attorney-finds-pattern-and-practice-excessive-force-and-violence-nyc-jails); *New York City's Rikers Island Jail Agrees to Federal Consent Decree, Reforms*, Prison Legal News (Sept. 6, 2016) (online at www.prisonlegalnews.org/news/2016/sep/2/new-york-citys-rikers-island-jail-agrees-federal-consent-decree-reforms/).

⁴ Letter from Dr. Ross MacDonald, New York City Correctional Health Services, to Council Member Keith Powers, New York City Council (Sept. 10, 2021) (online at www.ny1.com/content/dam/News/static/nyc/pdfs/RM-city-council-letter-9-10-21.pdf); *10 Deaths, Exhausted Guards, Rampant Violence: Why Rikers Is in Crisis*, New York Times (Sept. 15, 2021) (online at www.nytimes.com/2021/09/15/nyregion/rikers-island-jail.html).

September 22, occurred when 24-year old Stephan Khadu suffered a medical emergency while detained on a floating barge that was created nearly 30 years ago as a temporary solution to overcrowding.⁵ Just three days prior, on September 19, Isaabdul Karim, a 42-year old father of two with pre-existing health conditions, died shortly after experiencing a medical emergency. He had reportedly been denied access to food, medication, and critical medical care prior to his death.⁶

Numerous reports have highlighted Rikers Island's uninhabitable conditions. New York State lawmakers who visited the facility on September 13 described Rikers as "an absolute humanitarian crisis."⁷ Assemblywoman Emily Gallagher reported that detained individuals are given "a single meal a day" and have limited access to water. She also observed "garbage everywhere, rotting food with maggots, cockroaches, worms in the shower," and human waste—conditions to which no human should be subjected.⁸

In addition, the lawmakers reportedly observed dozens of detainees without masks packed into cramped cells with overflowing toilets.⁹ According to public reports, detainees in cells without functional toilets are forced to urinate and defecate in bags.¹⁰ Toilet paper, soap, and other basic cleaning products are seldom available to those incarcerated at Rikers.¹¹ During their tour, the New York lawmakers witnessed a detainee attempt to kill himself with a bedsheet.¹²

Staffing shortages on Rikers are not a new phenomenon. In 2016, New York City invested approximately \$200 million in hiring and training to address increased violence

⁵ *12th Death in Custody This Year Signals Growing Crisis in NYC Jails*, New York Times (Sept. 22, 2021) (online at www.nytimes.com/2021/09/22/nyregion/nyc-jail-boat-death-rikers.html).

⁶ *He Nearly Qualified for Release from Rikers. Instead, He Died There*, New York Times (Sept. 21, 2021) (online at www.nytimes.com/2021/09/21/nyregion/rikers-death-isaabdul-karim.html).

⁷ *Cockroaches, Rotting Food and Garbage: Lawmakers Say Rikers Island Jail Conditions Are a "Public Health Issue"*, CBS News (Sept. 17, 2021) (online at www.cbsnews.com/news/rikers-island-jail-conditions-new-york/).

⁸ *De Blasio Rolls Out Emergency Measures for Rikers Island Crisis*, Politico (Sept. 14, 2021) (online at www.politico.com/states/new-york/city-hall/story/2021/09/14/de-blasio-rolls-out-emergency-measures-for-rikers-island-crisis-1390991).

⁹ *10 Deaths, Exhausted Guards, Rampant Violence: Why Rikers Is in Crisis*, New York Times (Sept. 15, 2021) (online at www.nytimes.com/2021/09/15/nyregion/rikers-island-jail.html).

¹⁰ *At Rikers Island, Inmates Locked in Showers Without Food and Defecating in Bags*, The Intercept (Sept. 16, 2021) (online at <https://theintercept.com/2021/09/16/rikers-jail-crisis-de-blasio-reforms/>).

¹¹ *With Rikers in Crisis, Critics Wonder: Where Is Bill de Blasio?*, New York Times (Sept. 14, 2021) (online at www.nytimes.com/2021/09/14/nyregion/de-blasio-rikers-island.html).

¹² *New York City Rikers Island Inmate Tries to Hang Himself During Politician Tour of "Hellish" Facility*, Fox News (Sept. 14, 2021) (online at www.foxnews.com/us/new-york-city-rikers-island-inmate-politician-tour-facility).

resulting from the lack of correctional staff.¹³ Such concerns have continued unabated, and in recent months the rate of absenteeism has skyrocketed. According to a *New York Times* report, an independent court-appointed monitor found that as of March 2021, an “extraordinarily large number of staff were not reporting to work.”¹⁴ Other reporting has revealed that in August, an average of nearly 1,500 corrections officers—nearly 20% of the workforce—failed to report to work on a daily basis.¹⁵ By September, nearly one-third of DOC’s total workforce was unavailable for work or unable to work with detainees due to medical restrictions.¹⁶

Corrections officers who report to work are often forced to work double and triple shifts that leave them exhausted. In turn, these officers are unable to adequately monitor detainees, including those on suicide watch.¹⁷ According to public reports, at least five detainees have died of suspected suicides in 2021 alone.¹⁸

On September 10, 2021, Dr. Ross MacDonald, the Chief Medical Officer of New York City’s Correctional Health Services, laid bare concerns about the “high level of disorder and chaos” on Rikers. He described the impact of staffing shortages on detainees, explaining that the lack of staff has turned the intake process for new admissions to the jail complex into a multi-day ordeal. This has led to severe overcrowding in unsanitary cells and temporary holding spaces where coronavirus protocols are impossible to maintain.¹⁹ Prior to his death, Isaabdul Karim had been held in a crowded intake cell for ten days, during which time he contracted COVID-19.²⁰

The shortage of corrections officers has also threatened the safety of health care staff and the well-being of those in their care. For example, the lack of officers available to escort detainees to their medical appointments has contributed to a growing backlog of patients seeking

¹³ Office of the Mayor, City of New York, *Press Release: Mayor de Blasio and Commissioner Ponte Announce Serious Assaults on Staff Down 11 Percent This Year* (Dec. 4, 2015) (online at www1.nyc.gov/site/doc/media/assaults-down.page).

¹⁴ *10 Deaths, Exhausted Guards, Rampant Violence: Why Rikers Is in Crisis*, *New York Times* (Sept. 15, 2021) (online at www.nytimes.com/2021/09/15/nyregion/rikers-island-jail.html).

¹⁵ *Staffing Dysfunction and Unsafe Conditions Lead to Crisis on Rikers Island*, NY1 (Sept. 9, 2021) (online at www.ny1.com/nyc/all-boroughs/public-safety/2021/09/10/rikers-island-staffing-issues-correction-officers-calling-out-unsafe-conditions-what-happened).

¹⁶ *With Rikers in Crisis, de Blasio Threatens Suspensions for AWOL Corrections Officers*, *Gothamist* (Sept. 14, 2021) (online at <https://gothamist.com/news/rikers-crisis-de-blasio-threatens-suspensions-awol-corrections-officers>).

¹⁷ *Rikers Island Employees Report Uptick in Assaults on Staff; Inmate Representatives Say They’re Being Denied Basic Rights*, *CBS New York* (Sept. 1, 2021) (online at www.newyork.cbslocal.com/2021/09/01/rikers-island-conditions-staff-assaulted-inmates-basic-rights/).

¹⁸ *10 Deaths, Exhausted Guards, Rampant Violence: Why Rikers Is in Crisis*, *New York Times* (Sept. 15, 2021) (online at www.nytimes.com/2021/09/15/nyregion/rikers-island-jail.html).

¹⁹ Letter from Dr. Ross MacDonald, New York City Correctional Health Services, to Council Member Keith Powers, New York City Council (Sept. 10, 2021) (online at www.ny1.com/content/dam/News/static/nyc/pdfs/RM-city-council-letter-9-10-21.pdf).

²⁰ *Mayor Says Rikers Will Shorten Intake Time After Latest Inmate Death*, NY1 (Sept. 21, 2021) (online at www.ny1.com/nyc/all-boroughs/news/2021/09/21/mayor-says-rikers-will-shorten-intake-time-after-latest-inmate-death).

medical attention.²¹ As the situation has deteriorated, some detainees have acted violently towards the individuals who are providing them care.²² In some cases, the delays in medical appointments have proven to be deadly. Esias Johnson, a 24-year-old detainee, died in a Rikers facility after begging for medical attention that he never received.²³

We applaud the steps Governor Hochul has taken to address overcrowding at Rikers Island by signing the Less Is More Act into law.²⁴ However, this Act, which authorizes the emergency release of hundreds of detainees currently on Rikers Island for technical parole violations, may be insufficient to address the rapid population growth at the jail complex.²⁵ On September 14, 2021, Mayor de Blasio announced an emergency plan to address the growing crisis.²⁶ While the plan outlines several steps to ease overcrowding and address staff shortages, we are concerned that it fails to meet the moment given the perilous situation on Rikers Island.

We urge you to immediately address the inhumane conditions on Rikers Island, including by releasing low-level offenders into supervised programs, and restore the safety and dignity that individuals who are incarcerated and DOC staff deserve.

Further, we request that you provide a briefing to us on the status of the conditions on Rikers Island by Monday, October 4, 2021, including the steps being taken to remedy the humanitarian crisis at the facility.

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

²¹ *Rikers Staffing Crisis Limits Access to Medical Care*, The City (Aug. 26, 2021) (online at www.thecity.nyc/health/2021/8/26/22643199/rikers-staffing-crisis-medical-care).

²² “*Disorder and Chaos*” in *N.Y.C. Jails as Pandemic Recedes*, New York Times (June 19, 2021) (online at www.nytimes.com/2021/06/19/nyregion/rikers-island-chaos-suicides.html); Letter from Dr. Ross MacDonald, New York City Correctional Health Services, to Council Member Keith Powers, New York City Council (Sept. 10, 2021) (online at www.nyc.gov/content/dam/News/static/nyc/pdfs/RM-city-council-letter-9-10-21.pdf).

²³ *10 Deaths, Exhausted Guards, Rampant Violence: Why Rikers Is in Crisis*, New York Times (Sept. 15, 2021) (online at www.nytimes.com/2021/09/15/nyregion/rikers-island-jail.html).

²⁴ *Hochul Signs “Less Is More Act” into Law to Release 191 Rikers Detainees*, NY1 (Sept. 17, 2021) (online at www.ny1.com/nyc/all-boroughs/politics/2021/09/17/hochul-to-release-191-rikers-inmates-under-new-jails-reform-law).

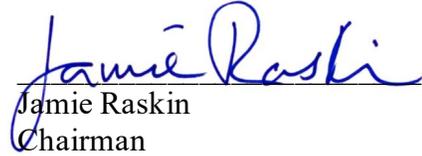
²⁵ *10 Deaths, Exhausted Guards, Rampant Violence: Why Rikers Is in Crisis*, New York Times (Sept. 15, 2021) (online at www.nytimes.com/2021/09/15/nyregion/rikers-island-jail.html).

²⁶ *Mayor de Blasio Announces Emergency Plan for Rikers Island After Wave of Violence*, CBS New York (Sept. 14, 2021) (online at <https://newyork.cbslocal.com/2021/09/14/rikers-de-blasio-emergency-plan/>).

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

The Honorable Kathleen Hochul, Governor
State of New York

The Honorable Keith Powers, Chairman
Criminal Justice Committee, New York City Council