

April 21, 2022

To the Honorable Gov. Kathleen C. Hochul and Mayor Eric Adams:

Wilson Diaz-Guzman, 30.
Tomas Carlo Camacho, 48.
Javiier Velasco, 37.
Thomas Earl Braunson III, 35.
William Brown, 55.
Malcom Boatwright, 28.
Richard Blake, 45.
Stephan Khadu, 24.
Jose Meija Martiniez, 34.
Robert Jackson, 42.
Brandon Rodriguez, 25.
Segundo Guallpa, 58.
Esias Johnson, 24.
Isa Abdul-Karim, 41.
Victor Mercado, 64.
Tarz Youngblood, 38
George Pagan, 49.
Herman Diaz, 52.
Dawshawn Carter, 25.
Mary Yehudah, 31.
Emmanuel Sullivan, 20.

In the wake of a second round of bail-reform rollbacks and the celebration of a new billion-dollar football stadium chiefly supported by public funds, we wanted to take a moment to remind you both of the twenty-two people who have died while in custody at Rikers Correctional Center in the last year, during our last three semesters as students at Cardozo Law School.

On October 17, 2019, New York City Council voted to close Rikers Correctional Center by 2026. At that time, we had just begun our first semester of law school, hopeful that we were poised to join a profession that was committed to making our criminal legal system more humane. In the almost three years since, conditions inside Rikers have deteriorated to abysmal depths, culminating in the humanitarian crisis unfolding now on a daily basis. As 3L students participating in clinics in New York City, we are working with individuals bearing the brunt of these inexcusable and inhumane conditions. It is not hyperbole to say that lives are on the line and if the city and state care about all New Yorkers equally, they will accelerate the closure of Rikers, and work to ameliorate the life-threatening conditions currently present there. It could not be clearer that Rikers is not fit for human life.

The Board of Correction has failed in its mission to provide oversight in order to assure the health and safety of those detained at Rikers. 2021 was the deadliest year in New York City's jail system since 2016, and 2022 promises to be worse still. The city Board of Correction has the oversight responsibility to monitor and at least attempt to alleviate some of the human rights violations at Rikers, but it has not. The Board did not publish reports demonstrating heinous conditions; the reports were only published by outside organizations. The Board has not issued one notice of violation since 2020, not even after board members documented "horrible" conditions while investigating a death at Rikers in April 2021, almost one year ago.

Many of the Board's minimum standards—including the rules governing personal hygiene and how long the intake process is supposed to take—appeared to have been violated in April 2021, according to the Board report commissioned after someone died in Otis Bantum Correctional Center. Even with that revelation, the Board canceled their July meeting and did not reschedule it until September. All the while,

conditions worsened and people continued to die at an alarming rate inside Rikers. Chairwoman of the Board Jennifer Jones Austin stayed for only one hour of the five hour meeting in September. After this meeting, the report on the findings of the Board of Correction in April was not released until online news organization The City made a freedom of information request. The released report is heavily redacted, including a complete redaction of the “Recommendations” section. The Board of Corrections still has not finished the comprehensive COVID report from 2020. It is March 24, 2022.

There were two protests inside Rikers in January 2022 alone. As recently as January 29, 2022, incarcerated folks in Rikers went on a hunger strike over the poor conditions inside the facility, including mold in housing areas and lack of medical attention, inadequate recreation, denial of access to the law library, and non-nutritious and poorly prepared food, sometimes filled with cockroaches and other insects. More than half of those incarcerated at Rikers are supposed to receive mental health services, [and as of last year, nearly one in five incarcerated people had been diagnosed with a serious mental illness](#). An environment where mental and physical illnesses remain untreated, in addition to reported instances of prolonged lockdown without food, should not be supported and funded by the government.

The horrors at Rikers are much deeper than personnel or monetary problems. Incarcerating one person on Rikers for a year costs a staggering \$447,000, according to the New York City Comptroller, yet that one person is not provided with their medications, showers, working toilets, mail, or living quarters without mold. This is a clear disregard for human life. New York State assemblywoman Emily Gallagher detailed the “[humanitarian](#)” crisis in Otis Bantum Correctional Center, a place where people are not meant to stay for longer than 24 hours before being processed to wait for a hearing. Assemblywoman Gallagher had met at least two people who had been in OBCC for three months. Men were given plastic bags in which to relieve themselves because most of the toilets, if not all, were broken. There was garbage everywhere, rotting food with maggots, cockroaches, worms in the showers, and human feces on the floor and walls. These are not inconveniences; these are human rights violations suffered by those who cannot defend themselves because they are locked up with little contact with the rest of society.

New York City is not made safer by whisking arrested people away to inhumane imprisonment. More jail does not equal more safety. Research from public health experts indicates that the overuse of jail, while temporarily incapacitating people, [leads to more criminal activity](#) and risks undermining the health of individuals, families, and entire neighborhoods. Those who have entered the American carceral system with challenges—addiction, mental health concerns, unemployment, unstable housing, poverty, etc.—tend to come out with those challenges worsened.

The likelihood that we will represent clients in a fairer and more humane system upon our graduation seems extremely bleak. Our clients have been subjected to treatment that has worsened over the past three years we have spent in law school, with government officials taking no action to prevent or alleviate the ongoing human rights and Board violations inside Rikers. New York state and city governments have failed to uphold their duty of care to everyone in Rikers Correctional Center, but especially the 22 people listed at the beginning of this letter who died preventable deaths in Rikers in 2021 and 2022.

Since we started writing this letter, we have had to update the death count, worsening conditions, number of protests and statistics. Yet over that time there have been no updates provided by the Board of Correction on improving conditions. Minimum standards set by the Board are repeatedly being violated, and nothing is being done by the Board or New York City. We ask that you immediately authorize the release of incarcerated people charged with nonviolent crimes; cease pre-trial detention in OBCC; and accelerate the closure of Rikers.

Every day that goes by without action to reduce the number of people incarcerated at Rikers violates the human rights of the thousands of people confined there and contributes to Rikers’ ongoing death toll.

Signed,

2021-2022 Cardozo Criminal Defense Clinic

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