

Darcel D. Clark
Eric Gonzalez
Melinda Katz
Michael E. McMahon
Cyrus Vance, Jr.

Dear District Attorneys Clark, Gonzalez, Katz, McMahon, and Vance:

We write regarding the ongoing humanitarian crisis at the Rikers Island jail complex, which continues to be fueled by the callous decisions you and your staff make to send New Yorkers to their potential deaths by requesting cash bail.

Throughout the year, a rising jail population has led to the steady degradation of the conditions at Rikers. In the last few months, the conditions have worsened so substantially that people are dying regularly and an unprecedented crisis prevails. While there are other contributing forces to this shameful situation—COVID, staff absenteeism, an abdication of DOC responsibility—there is no doubt that the driving cause behind it remains the decision of your offices to seek bail recklessly and in virtually every eligible case. Those decisions now leave thousands of poor New Yorkers—mostly Black and brown—to endure torture every day.

When we recently visited Rikers, we personally witnessed the horrors that our incarcerated neighbors face. Food is scarce, as are clean clothes or access to showers. When the intake cells are finally deemed too crowded, corrections staff have locked multiple people into shower cells and given them plastic bags in which to urinate and defecate. For those who have made it out of intake, chronic staff absenteeism has prevented people from accessing everything from attorney calls to basic care. Those held have consistently been denied access to medical and mental health care, and medical and mental health emergencies are effectively ignored. Two elected officials recently witnessed an attempted suicide during their visit.

As a result of these conditions, at least twelve people—Wilson Diaz-Guzman, Tomas Carlo Camacho, Javier Velasco, Thomas Braunson III, Richard Blake, Jose Mejia Martinez, Robert Jackson, Brandon Rodriguez, Segundo Guallpa, Esias Johnson, Isa Abdul Karim, and Stephan Khadu—have died while in custody at Rikers Island within this year.

The majority of people currently held at Rikers face pending criminal charges and are held because they cannot afford to pay bail to secure their release. Every person who is held on bail is held because your office requested that bail be set in their case. Although bail is only supposed to be set when it is the least restrictive means to ensure a person's return to court—and bail determinations are supposed to be sensitive to a person's ability to pay—unaffordable bail is nonetheless set on people who will never be able to pay to secure their release thereby ensuring their incarceration throughout the pendency of their case.

While our visit to Rikers was horrifying, many of us recently witnessed your offices in action by visiting arraignments and were similarly appalled. The two sites—the blunt torture of Rikers and the formal violence of the courtrooms in which you seek cash bail—are inextricably linked. The below examples illustrate how each of your offices has refused to consent to the release of persons who should not remain incarcerated and have violated the bail law by requesting unaffordable bail or bail for people who pose no risk of flight.

In Manhattan, you have refused to consent to release a man for allegedly stealing a tip jar who was arrested while receiving in-patient psychiatric treatment in the hospital. This man could safely be released to services in the community pre-trial. Also in Manhattan, you requested bail in the amount of \$15,000 cash, \$45,000 insurance company bond, and \$45,000 partially secured bond on a misdemeanor charge where the person accused was homeless and unable to pay even \$100 dollars bail.

In Brooklyn, you requested \$50,000 bail on a person with no prior record accused of stealing packages from the lobby of a building. When this person was taken to Rikers, unable to afford the bail you requested, he spent two entire days on a bus parked outside of OBCC because there was no room in intake. You also requested \$75,000 cash, \$150,000 bond on a man who you charged with weapon possession charges for possession of a gun that he attempted to use to commit suicide in front of the police. Despite your knowledge that the man was suicidal and had serious physical disabilities, you requested unaffordable bail that sent him to Rikers Island where he suffered trauma and medical neglect, instead of allowing his family to transport him directly to the hospital for treatment.

In the Bronx, you requested bail in the amount of \$25,000 cash, \$75,000 bond, and \$75,000 partially secured surety bond for a woman charged with a low-level felony, where she had voluntarily surrendered, had no warrant history, had not been arrested in over ten years, had no felony record, and scored a perfect score with CJA, who recommended release on her own recognizance.

In Queens, you requested \$20,000 cash bail on an elderly wheelchair-bound person accused of assaulting another resident at an adult care facility, despite the fact that the ADA had spoken to the adult care facility prior to arraignment and learned they were willing to take the person back and move them to a different floor to avoid any further incidents. You also took advantage of one of the exceptions in the bail reform rollbacks to request bail on someone suffering from a heart condition, brain injury and asthma accused of misdemeanor shoplifting of winter clothes, toothpaste, soap and cleaning supplies, despite the fact that the person was eligible for release with supervision. Even after three family members of the person were located and volunteered to assist the person in making court appearances—and defense counsel offered to provide the person a phone—you continued to refuse to consent to the person's release on supervision.

In Staten Island, you requested bail on a 53-year-old man with significant mental and physical health problems on a non-violent drug felony allegation when he was already engaged in treatment in the community. Despite your agreement that drug treatment was the appropriate outcome for the case, you refused to agree to his release to supervision pending placement in the program, despite the fact that he was not receiving proper medical treatment in jail and his ability to be screened for and placed in a program was stalled by the production issues caused by the crisis on Rikers.

We call on you to immediately stop requesting bail in all cases to ensure that not a single additional person is held in the inhumane conditions at Rikers. Because your offices control bail requests, you can stem the flow of people to Rikers right now. Every time your ADAs request bail be set, particularly when they know that bail is unaffordable, they demonstrate a callous

disregard for human life and make clear that you are willing to subject presumptively innocent people to torture.

We further request that you consent to the release of people currently held on bail at Rikers or, at the least, consent to bail modifications that will allow those who are able to pay minimal bail to secure their release. We call on you to consent to the release of all those who are at heightened risk of serious illness from COVID and of severe mental health decompensation in jail.

Jail is not supposed to be a death sentence. You must act now.

Sincerely,

Senator Alessandra Biaggi
Senator Jessica Ramos
Senator Julia Salazar
Senator Robert Jackson
Assemblymember Khaleel Anderson
Assemblymember Kenny Burgos
Assemblymember Harvey Epstein
Assemblymember Emily Gallagher
Assemblymember Jessica Gonzalez-Rojas
Assemblymember Zohran Mamdani
Assemblymember Marcela Mitaynes
Assemblymember Dan Quart
Assemblymember Phara Souffrant Forrest
Councilmember Brad Lander
Democratic Nominee for City Council Tiffany Caban
Neighborhood Defender Service of Harlem
Legal Aid Society
Bronx Defenders
Brooklyn Defender Services
New York County Defender Services
Center for Community Alternatives
Freedom Agenda
Katal Center for Equity, Health, and Justice