

May 25, 2022

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**New York County Lawyers Association Issues Statement
Regarding Conditions at Rikers Island for Those Awaiting Trial**

The New York County Lawyers Association (NYCLA), which represents 7500 attorneys, today issued the following statement regarding the Rikers Island Jail Complex.

Judge Laura Taylor Swain yesterday gave the City of New York more time to try to find solutions to the problems at the Rikers jail complex. She delayed, for now anyway, the appointment of a federal receiver. Mayor Adams and Corrections Commissioner Molina sought more time for their new administration to come up with a plan for Rikers. The City's next filing in the case is due on June 10.

Rikers has presented the City with substantial challenges for a long time. Former Mayor DeBlasio proposed shutting the facility down and replacing it with local jail facilities in each borough but that plan never really got off the ground and seems to have existed primarily in press conference proposals. There is no question that conditions at the jail were part of the reason why New York broadly liberalized its bail laws, out of concern for the safety of inmates there awaiting trial, who by definition had not yet either pled or been found guilty, and whose incarceration could nevertheless be lengthy given court delays. Those problems only increased during the pandemic.

New York recently cut back on its bail law, requiring more people to be held in jail pending trial, in the City primarily at Rikers. Thus, more persons under arrest will be detained there pending their trials.

It is understandable that Mayor Adams and Commissioner Molina want more time to propose their own solutions to the challenges that Rikers presents, and to avoid a federally appointed receiver who would supervise their work. But the delays in dealing with these issues have been substantial and cannot go on forever.

We also understand Judge Swain's reluctance to appoint a receiver for the facility. There is already a federally appointed monitor, and the history of receiverships in other prison cases to deal with unconstitutional conditions nationwide has proven to be problematic. Remedies over such violations at jail facilities are difficult for judges and receivers to implement as a practical matter.

It is self-evident, however, that inmates awaiting trial are entitled to a safe environment, free from physical danger and death, with adequate nutritious food and access to health care. These have not been consistently provided. Those awaiting trial are also entitled to a secure environment controlled by the Rikers staff, who themselves can be counted on to be adequately supervised and monitored so they help provide appropriate conditions of incarceration free from violence. But these rights have not always been fulfilled. Inmate-on-inmate violence persists, there is too much gang influence within the facility, corrections officers themselves too often resort to violence of their own, or abdicate their basic responsibilities including accurate reporting, health care has been inconsistent at best and oftentimes inmates are allowed to go hungry, not necessarily to starve them deliberately but out of a basic condition of general overall disfunction at the facility.

We would be remiss if we did not also point out the problems presented by the union at Rikers. The Corrections Officers Association often suffers from an absenteeism rate as high as one-third. One can easily see how, in the face of such rates of absenteeism, gangs end up exercising undue influence and control as such an understaffed jail. There is no question that Covid presented unique challenges at an over-crowded prison facility, but a union that calls itself the representatives of New York City's Boldest should not tolerate, much less encourage and support, such bold disregard for their duties. This disregard has apparently been without consequence, so others are responsible as well.

These issues at Rikers are unfortunately not new. We call on Mayor Adams, Commissioner Molina and others in the City's administration to increase dramatically the pace of their proposal of solutions and implementation in response. We look forward to reading their next filing in the litigation on June 10.

About the New York County Lawyers Association

The New York County Lawyers Association (www.nycla.org) was founded in 1908 as one of the first major bar associations in the country that admitted members without regard to race, ethnicity, religion or gender, and has a long history of supporting the rights of LGBTQ+ people. Since its inception, NYCLA has pioneered some of the most far-reaching and tangible reforms in American jurisprudence. For more information on NYCLA please visit nycla.org.

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