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**New York County Lawyers Association Issues Statement on
Rikers Officials Accused of Gaming Numbers to Keep Reported Death Rates Down**

The New York County Lawyers Association (NYCLA), which represents 7500 attorneys, today issued the following statement:

The New York Times reported last week that Rikers representatives worked to grant compassionate release to an inmate who had a heart attack so that he would die outside the facility and not have to be reported as a Rikers-related death. The article quoted an email from Louis Molina, the Commissioner of the New York City Department of Corrections, as stating "Make sure you do what we can...[to keep the man] off the Department's count."

This quotation reflects an appalling lack of regard for where the proper focus at Rikers should be. According to the article the inmate was unconscious, granted release to be sent to Bellevue, and taken off life support and died there.

Of course, not all inmates who die at Rikers do so because of conditions there, and the heart attack may not have been causally related to imprisonment. A spokesperson for the Department denied that Mr. Molina was trying to impact the Rikers death count, saying that compassionate release allows family members to spend final time with loved ones and permits the best medical care and support. But Mr. Molina's email refers to keeping the inmate "off the Department's count." There is no explanation for that other than putting statistics ahead of human lives.

The problems at Rikers have long since passed the point of crisis into a state of life-threatening emergency. Inmate-on-inmate violence is endemic, with the guards providing inadequate protection and control. Guard-on-inmate violence persists, is inadequately reported, and disciplined, and results, like inmate-on-inmate violence, in severe injuries and frequent deaths.

Basic medical and nutrition needs are unmet. Drug smuggling and drug use are far too common. Death rates from violence, drug overdoses and suicide are far higher than at similar facilities. And that is without considering pervasive under-reporting. And corrections officer absenteeism rates by New York's so-called "Boldest" run as high as one-third each day, which bespeaks an informal job action by the union more than illness. All of this is at a facility which costs substantially more per inmate per day than the national average.

There is nothing good about any of this, but the worst part is that, despite a federal court's intervention, there is little sense of urgency to solve these problems. Inmates, whatever their alleged crimes may have been, are entitled to basic safety, medical care, and nutrition. That is especially true when they are pre-trial detainees unable to make bail, when the presumption of innocence still applies. A federal monitor is already in place for the jail, and a request for takeover by a federal receiver is still pending before Chief Judge Laura Taylor Swain in the Southern District of New York. New York City officials and the Correction Officers Union are simply not sufficiently committed to fixing the serious problems that exist at Rikers. Commissioner Molina's time would have been better spent trying to find solutions instead of manipulating the statistics to try to make the problems look better.

Instead of new energy from a new administration, we see "same old, same old." We implore Mayor Adams, Commissioner Molina, other relevant City officials and the Correction Officers Union to act vigorously to begin to address the many serious problems at Rikers. We are encouraged by the hiring by the Corrections Department of Paul Schechtman as the Department's General Counsel. But last week's disclosure of Mr. Molina's email shows that we still have a long way to go.

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.