

NEW YORK  
STATE  
SENATE



SENATOR MICHAEL N. GIANARIS  
12<sup>TH</sup> DISTRICT  
DEPUTY MAJORITY LEADER

September 29, 2021

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Hochul,

We write to urge you to address the humanitarian crisis at Rikers Island by immediately implementing the recently-enacted Less Is More law. Twelve Black and brown men have died in New York City Department of Correction (DOC) custody this year. Your direct intervention is imperative to prevent further loss of life and unnecessary suffering.

On August 24<sup>th</sup>, after years of reporting deplorable conditions in New York City's jails, the federal monitor in *Nunez v. City of New York* sounded the alarm, alerting Southern District Court Judge Swain to "grave concerns about the conditions and pervasive high level of disorder and chaos in the New York City jails." The monitor concluded that "seriously compromised safety has spiraled to a point at which, on a daily basis, there is a manifest risk of serious harm to both detainees and staff."<sup>[1]</sup> This is exemplified by the tragic loss of lives such as those listed below.

On August 30<sup>th</sup>, Segundo Guallpa was found unresponsive in his cell in an apparent death by suicide. He was 58 years old.<sup>[2]</sup>

On September 7<sup>th</sup>, Esias Johnson was found unresponsive in his mental health unit after requesting medical attention. He was 24 years old.<sup>[3]</sup>

On September 10<sup>th</sup>, Dr. Ross MacDonald, chief medical officer for Correctional Health Services, issued a clarion call to elected officials: "We have witnessed a collapse in basic jail operations such that today I do not believe the City is capable of safely managing the custody of



those it is charged with incarcerating in its jails, nor maintaining the safety of those who work there.”<sup>[4]</sup>

On September 13<sup>th</sup>, many legislators toured Rikers Island and witnessed a horror house of abuse and neglect, including garbage everywhere, cockroaches, worms in the showers, human feces and urine.<sup>[5]</sup> Most of the toilets were broken, forcing people to relieve themselves in plastic bags. Incarcerated people in the intake facility had no access to medical care, no access to bedding, no access to recreational time, no access to visits from family members, and often only received one meal per day. Multiple legislators witnessed a person wrap bedsheets around his neck and attempt to hang himself.<sup>[6]</sup> Sickened by these sights, we urged you to immediately sign into law the Less Is More Act, legislation that eliminates mandatory detention while a person’s parole revocation matter is pending and limits incarceration for technical violations of parole. We called on you to implement the bill’s provisions to secure the release of people on Rikers Island.

Thankfully, on September 17<sup>th</sup> you signed Less Is More into law, announcing that you would release 191 incarcerated people on Rikers and implement the provisions of the law as soon as possible. You condemned New York’s draconian parole revocation system and said: “New York State incarcerates more people for parole violations than anywhere in the country. That is a point of shame for us, and it needs to be fixed. It's going to be fixed today...I'm very proud that New Yorkers have stepped up here today to help, first of all, institute a system that is a true justice system that doesn't penalize people unfairly and gives people another chance in life.”<sup>[7]</sup>

But the crisis has continued. Two days later, on September 19<sup>th</sup>, Isaabdul Karim died at Rikers Island. He was incarcerated solely for technical parole violations: marijuana possession and failing to report to his parole officer. He suffered from a host of medical conditions that left him in a wheelchair. Forced to remain in intake for ten days, he contracted Covid-19. He was transferred to the North Infirmarium Command at Rikers and died after spending 28 days in custody, just two days short of the 30-day release threshold established by the Department of Corrections and Community Supervision (DOCCS).<sup>[8]</sup>

Karim was not the first to die at Rikers this year while held for a technical violation of parole.

- Thomas Earl Braunson III was found dead in his cell on April 19<sup>th</sup>. He was held at Rikers for a parole violation stemming from a shoplifting arrest. He was 35.<sup>[9]</sup>
- Richard Blake was found dead at Rikers on April 30<sup>th</sup>, just after telling staff that he wasn’t feeling well. He was held on a parole violation for minor drug possession. He was 45.<sup>[10]</sup>
- Jose Mejia-Martinez was found dead in his cell on June 10<sup>th</sup>. He was held solely for a parole violation for swiping a twelve-pack of beer. He was 34.<sup>[11]</sup>

We voted for Less Is More and strongly support critical provisions in the bill that will prevent further deaths at Rikers Island if implemented immediately. The legislation overhauls

New York's merciless parole revocation system by barring incarceration for a person's first and second technical violations of parole and capping incarceration for subsequent technical violations at 30 days in jail.<sup>[12]</sup> The legislation also eliminates New York's cruel practice of remanding a person without any opportunity to seek release while their parole revocation matter is pending.

Although most provisions of Less Is More go into effect on March 1, 2022, the provisions governing penalties for technical violations of parole went into effect on September 1, 2021, and thus apply to people currently detained in New York City jails. According to DOC data, this consists of approximately 164 people who remain in the city jails solely for technical violations of parole and should immediately benefit under the new law, including approximately 21 people who were taken into custody for technical parole violations, *after you signed Less Is More into law.*<sup>[13]</sup> We therefore urge you to lift all 164 technical parole violation warrants immediately.

We also urge you to lift parole warrants for the approximately 672 people who remain in city jails for parole violations and pending criminal matters, according to DOC data<sup>[14]</sup>, similar to what you did for those 191 people on September 18<sup>th</sup>. Doing so would entitle these individuals to address their pending criminal matters without mandatorily being held because of their accompanying parole violation. Simply put, it would allow them to benefit from the Less is More Act today instead of languishing another 6 months without relief while waiting for the law to fully take effect.

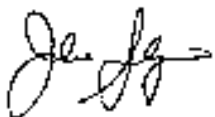
We appreciate the actions you have taken up to now, but more needs to be done immediately to alleviate this extraordinary crisis and to save lives.

Sincerely,



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Senator Michael Gianaris  
Deputy Majority Leader



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Senator Julia Salazar



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Assembly Member Charles Barron



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Assembly Member Chris Burdick



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Assembly Member Nathalia Fernandez



Senator Luis Sepulveda



Senator Liz Krueger



Senator Elijah Reichlin-Melnick



Senator Jose M. Serrano



Senator Jabari Brisport



Senator Jessica Ramos



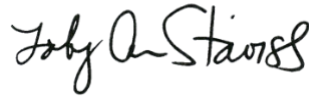
Senator Robert Jackson



Senator John Liu



Assembly Member Zohran K. Mamdani



Senator Toby Ann Stavisky



Assembly Member Linda Rosenthal



Assembly Member Jessica Gonzalez-Rojas



Senator Rachel May



Assembly Member Karines Reyes, R.N



Senator Brian Kavanagh



Senator Samra Brouk



Assembly Member Carmen De La Rosa



Senator James Sanders



Senator Alessandra Biaggi



Senator Jamaal Bailey



Assembly Member Emily Gallagher



Assembly Member Richard Gottfried



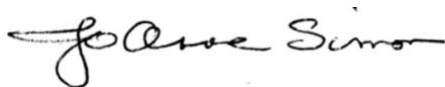
Senator Brad Hoylman



Assembly Member Dan Quart



Senator Leroy Comrie



Assembly Member Joanne Simon



Assembly Member Mathylde Frontus



Assembly Member Harvey Epstein



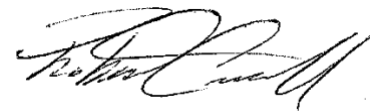
Assembly Member Dr. Anna R. Kelles



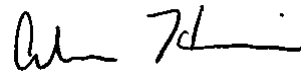
Assembly Member Khaleel Anderson



Senator Zellnor Myrie



Assembly Member Robert Carroll



Assembly Member Andrew Hevesi



Senator Roxanne Persaud



Assembly Member Steve Otis



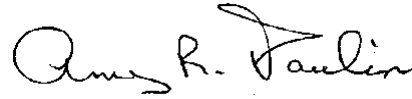
Senator Neil Breslin



Assembly Member Tom Abinanti



Assembly Member Catalina Cruz, Esq.



Assembly Member Amy Paulin



Assembly Member Clyde Vanel



Assembly Member Rodneyse Bichotte  
Hermelyn

Assembly Member Vivian Cook

<sup>[1]</sup> Jonah E. Bromowich and Jan Ransom, *An Absolute Emergency at Rikers Island as Violence Increases*, N.Y. Times, Aug. 24, 2021, available at <https://www.nytimes.com/2021/08/24/nyregion/rikers-island-emergency-chaos.html>.

<sup>[2]</sup> George Joseph, *Detainee Found Dead in His Cell at Rikers Island*, Gothamist, Aug. 30, 2021, available at <https://gothamist.com/news/detainee-found-dead-his-cell-rikers-island>.

<sup>[3]</sup> Graham Rayman, *Rikers prisoner dies after NYC jailers wouldn't take him to court, refused \$1 bail payment — 'They didn't listen,' says anguished mom*, N.Y. Daily News, Sept. 10, 2021, available at <https://www.nydailynews.com/new-york/nyc-crime/ny-rikers-detainee-death-parents-20210910-334puhpn7bfncuuyhbxahj17i-story.html>.

<sup>[4]</sup> Gloria Pazmino, *Rikers chief medical officer: Jail needs 'outside help'*, NY1, Sept. 10, 2021, available at <https://www.ny1.com/nyc/all-boroughs/politics/2021/09/11/rikers-island-chief-jails-medical-officer-says-nyc-cannot-safely-manage-it>.

<sup>[5]</sup> Assemb. Emily Gallagher (@EmilyAssembly), Twitter, (Sept. 14, 2021 10:35am) <https://twitter.com/EmilyAssembly/status/1437787192903049238>.

<sup>[6]</sup> Sen. Jessica Ramos (@jessicaramos) Twitter, (Sept. 13, 2021 7:11pm) [https://twitter.com/jessicaramos/status/1437554491251888128?ref\\_src=twsrc%5Etfw](https://twitter.com/jessicaramos/status/1437554491251888128?ref_src=twsrc%5Etfw).

<sup>[7]</sup> Gov. Kathy Hochul, *Less Is More Bill Signing Statement*, Sept. 17, 2021, available at <https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-governor-hochul-announces-major-actions-improve-justice-and>.

<sup>[8]</sup> Graham Rayman, *Sister of wheelchair-bound man who died in Rikers mourns loss — NYC 'treated him like his life didn't matter'*, N.Y. Daily News, Sept. 22, 2021, available at <https://www.nydailynews.com/new-york/nyc-crime/ny-rikers-death-sister-speaks-20210922-lsmnfvpusrf6xiwvt7bx637zmm-story.html>.

<sup>[9]</sup> Reuven Blau, *Another Man Died at Rikers as Lawmakers Voted on Parole Bill that Might Have Saved Him*, The City, Jun. 14, 2021, available at <https://www.thecity.nyc/2021/6/14/22534158/man-died-at-rikers-as-lawmakers-voted-on-parole-bill>.

<sup>[10]</sup> *Id.*

<sup>[11]</sup> Chelsie Rose Marcus, *NYC inmate dies from apparent drug overdose at Rikers Island*, N.Y. Daily News, June 11, 2021, available at <https://www.nydailynews.com/new-york/ny-inmate-dies-apparent-drug-overdose-at-rikers-island-20210611-5kel3pltivdehbamvij3wyw42y-story.html>.

<sup>[12]</sup> Less is More Act (S1144-A), Senate for the State of New York, 2021-2022 Regular Sessions (January 7, 2021), <https://legislation.nysenate.gov/pdf/bills/2021/S1144A>.

<sup>[13]</sup> People in Jail in New York City, Daily Snapshot, The Vera Institute, available at <https://greaterjusticenyc.vera.org/nycjail/>.<sup>[14]</sup> *Id.*