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## Concerns Re: Rikers Island and the Increase in Inmate Deaths

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# Concerns Re: Rikers Island and the Increase in Inmate Deaths

Updated: Nov 3, 2022

In recent years, New York City's jail system has been in a state of constant crisis due to overcrowding, violence, and consistent sick outs from correction officers.[1] When Mayor Eric Adams took office in January 2022, Department of Corrections commissioner Louis Molina said he was "unequivocally committed to transparency and restoring public trust in the agency." [2] The agency has been plagued by corruption and sixteen detainee deaths in 2021.[3] As of September 27, 2022, sixteen people have died after being held in Riker's Island, even as officials have rushed to implement reforms to stave off a looming June 2022 threat of a federal court takeover.[4]

In June 2022, a federal option to take over Riker's was suspended when a judge approved a reform plan promising long-awaited results.[5] When a local or state government proves unable or unwilling to improve a distressed public institution that has long defied federal law, a federal court can take the troubled entity out of the government's hands and appoint a "receiver" – a nonpartisan expert – to assume direct control, with an eye towards reform.[6] According to the Brennan Center for Justice, receiverships are designed for situations like the one at Rikers Island.[7] However, instead of appointing a receiver, the federal judge ordered the city to revise its plan for addressing violence and disorder at the compound.[8] But while jail officials were formulating their plan, two detainees died, the city was held in contempt in state court over its failure to provide timely medical care, and questions emerged about whether the jail system properly documented a serious head injury suffered by a detainee in April.[9]

Although Mayor Eric Adams and his jail commissioner, Louis Molina have vowed to enact the reform plan, lawyers for the incarcerated have insisted that the city is incapable of keeping detainees safe, and they have called for an outside official to take control of the jails.[10] New York City's jails have already been under the oversight of a federal court-appointed monitor as a result of a 2011 class action lawsuit, but under receivership, the federal judge would appoint a person to take over running Riker's Island and the City's other jails.[11] This has proven successful in Illinois where a federal judge appointed expert Earl Dunlap in 2007 to run the Cook County Juvenile Temporary Detention Center.[12] First, Earl Dunlap got rid of approximately 100 politically-connected and unqualified officers.[13] He revamped how the agency hired and trained new staff.[14] Dunlap also initiated a cognitive behavioral therapy approach to counsel detainees and broke large housing units into smaller, more therapeutic areas.[15]

Criminal justice reformers and inmate advocates hailed the changes as a success and an example of what one expert can do if given the opportunity.[16] In D.C., high suicide rates, widespread tuberculosis, and AIDS treated plagued the District of Columbia Jail.[17] For more than twenty years, a federal judge tried through court orders to improve the circumstances but he failed to do so.[18] In July 1995, the federal judge ordered the jail's medical and psychiatric system into a receivership.[19] Five years later, the appointed receiver delivered impressive improvements.[20] Suicides stopped, tuberculosis was controlled, and new medical staff and equipment were saving lives.[21]

Given that New York City's Riker's Island jail complex is on pace to exceed last year's number of deaths in custody, many advocates and officials say it's time for a federal judge to appoint a third party to run the troubled facilities, [22] similar to those successful receiverships implemented in Illinois and D.C. Alternatively, if a federal takeover does not happen, the Vera Institute recommends focusing on decarceration, expanding alternatives to incarceration, investing in supportive housing, and investing in communities.[23]

[1] Matt Stieb, *The Growing Cover-Up of Rikers Island Deaths*, N.Y. Magazine (Sept. 27, 2022), <https://nymag.com/intelligencer/2022/09/louis-molina-allegedly-covers-up-deaths-at-rikers-island.html>. See also Collins English Dictionary, *Sickout*, Dictionary.com (2012), <https://www.dictionary.com/browse/sickout> (defining a sickout as “an organized absence from work by employees on the pretext of sickness, as to avoid the legal problems or antistrike clauses that would be invoked in the case of a formal strike”).

[2] Stieb, *supra* note 1.

[3] *Id.*

[4] Jan Ransom & Jonah E. Bromwich, *Tracking the Deaths in New York City's Jail System in 2022*, N.Y. Times (Sept. 27, 2022), <https://www.nytimes.com/article/rikers-deaths-jail.html>.

[5] Stieb, *supra* note 1.

[6] *Id.*

[7] Hernandez D. Stroud, *The Way Forward for Rikers Island: Receivership*, Brennan Center for Justice (Jan. 4, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/way-forward-rikers-island-receivership>.

[8] Jonah E. Bromwich & Jan Ransom, *N.Y.C. Jail Officials Avert a Federal Takeover of Rikers Island*, N.Y. Times (May 24, 2022), <https://www.nytimes.com/2022/05/24/nyregion/rikers-federal-takeover-nyc.html>.

[9] *Id.*

[10] Ransom & Bromwich, *supra* note 3.

[11] Reuven Blau, *Rikers Could Soon Have a Federal Receiver – How Have Takeovers Worked in Other U.S. Jails?*, The City (Sept. 29, 2022), <https://www.thecity.nyc/2022/9/29/23379670/rikers-federal-receiver-takeovers-in-other-u-s-jails>.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] Stroud, *supra* note 5.

[18] Stroud, *supra* note 5.

[19] Stroud, *supra* note 5.

[20] Stroud, *supra* note 5.

[21] Stroud, *supra* note 5.

[22] Fola Akinibi, *NYC's Rikers Should Go Into Receivership, Some Advocates and Officials Say*, Bloomberg (Sept. 19, 2022), <https://www.bloomberg.com/news/articles/2022-09-19/rikers-critics-urge-federal-takeover-of-troubled-nyc-jail>.

[23] Erica Bryant, *16 People Have Died in New York City Jails in 2022*, Vera Institute (Sept. 30, 2022), <https://www.vera.org/news/nyc-jail-deaths-2022>.