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# **RIKERS: THE CASE FOR CLOSURE**

For decades, Rikers Island (Rikers) has been marked by violence and corruption. Stories regularly emerge and media accounts consistently document the abuse, brutality, and death in the institution. The #CLOSERikers campaign was formed in 2016 to break political gridlock and achieve solutions guided by directly impacted communities. Led by JustLeadershipUSA, in partnership with the Katal Center for Health, Equity, and Justice, the #CLOSERikers campaign includes community groups, researchers, business leaders, faith and human rights leaders, criminal justice experts, health and housing service providers, advocacy and legal groups, and more. Through the campaign, more than 135 organizations across New York City and the nation have joined the call for Mayor Bill de Blasio to close Rikers Island. Its very existence violates New Yorker's belief in equality, humanity, and fairness. By closing Rikers, New York City can focus on healing and rebuilding the communities where Rikers has brought suffering. The campaign to #CLOSERikers is calling for New Yorkers to boldly reimagine the city's failed criminal justice system and become a national leader in ending mass incarceration.

*This is the third of four briefs in a weekly series designed to highlight the persistent dysfunction on Rikers, a penal colony defined by its resistance to reform. [The first brief](#) focused on the isolation of the jails. [The second brief](#) describes the “culture of violence” at Rikers, and the third describes the deprivation of the jails. The final brief describes the environmental and architectural hazards of the facility and the entire series can be found on the [CLOSERikers.org](http://CLOSERikers.org) [website](#).*

# THE DEPRIVATION OF RIKERS

## Solitary Confinement is Torture

*“I really did feel like my mind was breaking down. I’m not going to necessarily say I lost my sanity completely, but I know it was being chipped away, little by little.”*

**Ismael Nazario, held in solitary confinement at Rikers.<sup>1</sup>**

The pervasive and longstanding violent culture at Rikers ruins lives, physically torturing and damaging people being held in this isolated penal colony. As this brief describes, the experience of Rikers also tortures the mind. One of the most harmful practices is the use of punitive segregation, also known as solitary confinement. Those sentenced to solitary

confinement, commonly known as “The Bing,” are locked alone in cells for an intolerable 23 hours each day, with just one hour outside for recreation.<sup>ii</sup> Punitive segregation is an extreme and inhumane form of punishment that frequently causes symptoms of mental illness to appear in previously healthy individuals.

Today, about 100 individuals are being held in punitive segregation at Rikers.<sup>iii</sup> Advocates and academics agree: punitive segregation should not be used as punishment.<sup>iv</sup> The experience can cause neurological and psychological damage, and possible impacts include depression, anxiety, anger, paranoia, panic attacks, hallucinations, obsessive thinking, sleep disturbances, and cognitive deficits.<sup>v</sup> Punitive segregation is a way in which “the system is further debilitating these people,” according to Bonnie Sultan, sociologist and criminal justice expert.<sup>vi</sup> The UN Standard Minimum Rules on Treatment of Prisoners, limit the use of solitary confinement for just this reason, stating that any stay over 15 days should be considered torture.<sup>vii</sup> Even worse, a high percentage of people placed in solitary experience mental illness *prior* to isolation – the last people who should be deprived of social contact. Even the Department of Correction (DOC) recognizes that more than 40% of those detained have some diagnosable form of mental illness, and that 12% have serious mental health issues. These individuals often become more ill in solitary confinement.

Attention to the torment inflicted by Rikers has surged recently, particularly following the tragic suicide of 22-year-old Kalief Browder only a year after *The New Yorker’s* widely read account of his wrongful and violent detainment.<sup>viii</sup> Browder, arrested at 16 for allegedly stealing a backpack, spent 3 years at Rikers. He was charged \$3,000 bail, an unreasonable amount his mother was unable to pay. Convinced of his innocence, Browder rejected plea offers that would have resulted in a guilty verdict, even if it meant immediate release. The trauma of this experience at Rikers was so severe that he ultimately took his own life after returning home. The tragedy does not end with Browder’s death. Approximately one year later, his mother, Venida Browder died of a heart attack. Kalief’s lawyer, Paul Presita, believes Browder’s mother died of a “broken heart,” traumatized by the ordeal of her son.<sup>ix</sup>

The trauma of solitary confinement was particularly devastating to Browder. The Spike TV series, *Time: The Kalief Browder Story*, has shown the devastating consequences of punitive segregation, documenting the harm in heartbreaking terms. Browder spent more than 800 days in solitary confinement, ignored, starved, and neglected by correction staff. As New Yorkers, it is our responsibility to ensure these tragic experiences never happen to anyone else, ever again.

“I was scared all day. At one point, I tried to kill myself 5 to 6 times.”<sup>x</sup>

— **Kalief Browder, describing his experience in solitary confinement**

In the early 21<sup>st</sup> century, punitive segregation became the preferred method to deal with disciplinary issues at Rikers. In the mid-nineties 400 individuals were confined in isolation.<sup>xi</sup> Fifteen years later, this number had ballooned to approximately 1,000.<sup>xii</sup> Individuals found themselves confined, not only for violent offenses, but also for not following directions from correction officers. In 2015, the DOC created enhanced supervised housing (ESH) at Rikers to reduce violence and limit reliance on punitive segregation.<sup>xiii</sup> Currently, about 90 individuals in ESH spend at least seven hours outside their cells, compared to 23 hours in solitary. These stays are indefinite. Proposed as a better alternative, it still serves as another form of deprivation, reducing social contact and damaging mental and behavioral health.

### **The Damage of Deprivation: Our Most Vulnerable at Risk**

Rikers is a brutish jail, a negative experience for all those who travel across the “Bridge of Pain.” This experience is particularly hellish for young people and they should not be held in Rikers. New York is one of only two states in which 16 and 17 year olds are prosecuted as adults, and are housed in adult facilities. In 2014, U.S. Attorney General for the Southern District, Preet Bharara, conducted an extensive investigation, finding that Rikers was “more inspired by the ‘Lord of the Flies’ than any legitimate philosophy of humane detention.”<sup>xiv</sup> Stakeholders and community members from across the City agree that Rikers Island is not fit for 16-17 year olds.

It is clear that the needs of youth can be better and more safely met in community-based alternatives to detention programs or, in limited cases, in a community-based detention facility, with adequate access to recreation, programs, and educational opportunities. By removing adolescents from the deprivation of Rikers Island, we will see better and safer outcomes for these young people, both while they remain in custody and when they return to the community. As the result of the #CLOSERikers campaign and partner organizations’ focused advocacy, on July 21, 2016, Mayor de Blasio announced his intention to move youth off Rikers for good. In 2013, there were approximately 330 adolescents on the Island; now there are 200.<sup>xv</sup> This should be commended. However, the proposed six-year timeline to transition youth off the Island is excessive and unnecessary. A safe and successful transfer could be made in less time, using fewer

taxpayer resources. The #CLOSErikers campaign and our partners continue to advocate to this end.

“When you’re in solitary, you get an hour outside, but you know in the zoo, how they have the animal in a cage? That’s how it is. No weights, no basketball, no sports, no nothing.”

—Robert Eaddy<sup>xvi</sup>

## Shackling: Another Form of Torture

Instead of solitary confinement, the DOC has instituted another form of restraint, shackling individuals to chairs as a way of maintaining order in the ESH. Even in jail, the use of



shackling and leg restraints, is an extreme tactic. Along with other experiences at Rikers, like solitary confinement and enhanced supervision, this shameful process has the effect of dehumanizing those impacted. An editorial accurately described the practice, noting that shackling is “reminiscent of methods used to torture and debase captives in medieval times and American slavery.”<sup>xvii</sup> Given the sordid, dark history of Rikers Island, one that is

directly connected to the practice of selling human bodies for profit, the use of shackling is shameful and should be eliminated.

"The young adults, at this point, would prefer to be in solitary confinement than in this protracted restraint, which is harmful, harsh, and humiliating,"

— Bryanne Hamill, Member of the Board of Correction<sup>xviii</sup>

## Basic Humanity Denied

The deprivation of Rikers extends beyond confinement. The smell is debilitating. One individual described it as “...sewer, mixed with fertilizer, mixed with death.”<sup>xix</sup> Due to the [geographic isolation](#) of the Island, visitation is difficult, breaking connections between individuals and their loved ones. Medication is distributed infrequently or not at all. In 2013, Bradley Ballard was found unresponsive in his cell after correction staff withheld his medication for a week.<sup>xx</sup> Diabetic and suffering from schizophrenia, he was pronounced

dead soon after. A government agency called his care “so incompetent and inadequate as to shock the conscience.”<sup>xxi</sup> Those being held often find the food inedible. One individual described the food as “rotten or undercooked,” forcing them to purchase food from commissary.<sup>xxii</sup> Conditions are often unbearable. In hot weather, those being held are routinely deprived of cold water and cool showers.<sup>xxiii</sup> All human beings should be provided with basic access to food, water, and sanitation. Rikers is not only failing to provide this to those being held, it challenges our collective sense of humanity.

Unfortunately, the deprivation of Rikers lingers, following individuals after release. Too often, individuals leave Rikers with inadequate clothing, no transportation support, and without having had a substantial meal. Shockingly, a 2016 report found that those being held were being released in freezing temperatures without a coat.

“This is ridiculous. I’m human, you know?”

— **William Hodge, after being released from Rikers without a coat in Winter**<sup>xxiv</sup>

## Reimagining Justice

Rikers presents a number of challenges for New Yorkers who care about fairness and justice, challenges exaggerated by the deprivation of the jails. However, it is of the utmost importance that efforts to repair the failure of Rikers Island not be separated from the broader context of criminal justice reform. Rikers Island is the physical manifestation of the failed policies and practices that have led to mass incarceration. Attempts to reform Rikers Island consistently fail to address the issues that have led to the creation of this failed institution, in one of the most progressive cities in the US: lack of investment in low-income communities and communities of color; the criminalization of poverty, addiction and mental health issues; and systemic racism that helped propel the War on Drugs. Decades of attempts at reform prove that there is no way to simply “fix” Rikers Island - it must be closed. To truly support *all* New Yorkers and advance public safety, we must shift our resources and priorities toward investment in people and communities, not isolated physical structures that attempt to hide away public health problems. With the support of New Yorkers, and under the leadership of people who have suffered on Rikers, we can close Rikers and create a smaller, fairer, more humane criminal justice system in NYC.

To get involved in the #CLOSErikers campaign, check out our [website](#) and follow us on social media.



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## Additional Resources

### Rikers: A Film

<http://rikersfilm.org/>

### Spike TV – Time: The Kalief Browder Story

<http://www.spike.com/shows/time-the-kalief-browder-story>

### Kalief Browder Series

Gonnerman, Jennifer. “Kalief Browder.” *The New Yorker*. 2014-2016

<http://www.newyorker.com/topics/kalief-browder-in-the-new-yorker>

### Rikers Island: Population 9,790

<http://nymag.com/daily/intelligencer/2015/06/inside-rikers-island-interviews.html>

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<sup>i</sup> Rikers: A Film. <http://rikersfilm.org/>.

<sup>ii</sup> Goldstein, Dana, et al. “Rikers Island: Population 9,790.” *New York Magazine*. June 28, 2015. <http://nymag.com/daily/intelligencer/2015/06/inside-rikers-island-interviews.html>.

<sup>iii</sup> “NYC Department of Correction Punitive Segregation Quarterly Report.” December 2017. [https://www1.nyc.gov/assets/doc/downloads/pdf/INTRO\\_292\\_2nd\\_QUARTER\\_FY17.pdf](https://www1.nyc.gov/assets/doc/downloads/pdf/INTRO_292_2nd_QUARTER_FY17.pdf).

<sup>iv</sup> Pearson, Jake. “Review Faults NYC on Solitary for Mentally Ill.” *Associated Press*. November 6, 2013. <http://bigstory.ap.org/article/ap-review-faults-nyc-solitary-mentally-ill>.

<sup>v</sup> Grassian, Stuart. “Psychiatric Effects of Solitary Confinement.” *Washington University Journal of Law & Policy*. January 2006. [http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1362&context=law\\_journal\\_law\\_policy](http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1362&context=law_journal_law_policy).

<sup>vi</sup> O’ Connor, Maura. “Sick and Solitary.” *The New York World*. February 6, 2013. <http://www.thenewyorkworld.com/2013/02/06/rikers-mentally-ill/>

<sup>vii</sup> “United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules.)” January 8, 2016. <http://undocs.org/A/RES/70/175>.

<sup>viii</sup> Barsky, Neil. “Mayor de Blasio: Tear Down this Jail.” *The Marshall Project*. July 7, 2015.

[https://www.themarshallproject.org/2015/07/17/mayor-de-blasio-tear-down-this-jail?utm\\_medium=social&utm\\_campaign=share-tools&utm\\_source=twitter&utm\\_content=post-top#.Mw13GYzaU](https://www.themarshallproject.org/2015/07/17/mayor-de-blasio-tear-down-this-jail?utm_medium=social&utm_campaign=share-tools&utm_source=twitter&utm_content=post-top#.Mw13GYzaU).

<sup>ix</sup> Holley, Peter. “Kalief Browder Hanged Himself After Jail Destroyed Him. Then ‘A Broken Heart’ Killed His Mother.” *Washington Post*. October 18, 2016. [https://www.washingtonpost.com/news/post-nation/wp/2016/10/18/kalief-browder-hanged-himself-after-jail-destroyed-him-then-a-broken-heart-killed-his-mother/?utm\\_term=.8eb148afaaea](https://www.washingtonpost.com/news/post-nation/wp/2016/10/18/kalief-browder-hanged-himself-after-jail-destroyed-him-then-a-broken-heart-killed-his-mother/?utm_term=.8eb148afaaea).

<sup>x</sup> Time: The Kalief Browder Story. *Spike TV*. <http://www.spike.com/video-clips/pkq99l/time-the-kalief-browder-story-alone-infographic>

<sup>xi</sup> Smith, Greg and Mark Mooney. “12 Rikers Officers Face Brutality Raps.” October 9, 1996. *New York Daily News*. <http://www.nydailynews.com/archives/news/12-rikers-officers-face-brutality-raps-article-1.746386>.

<sup>xii</sup> Evely, Jeanmarie. “Solitary Confinement on the Rise at Rikers.” March 27, 2012. *CityLimits.org*. <http://citylimits.org/2012/03/27/solitary-confinement-on-the-rise-at-rikers/>

<sup>xiii</sup> “Enhanced Supervision Housing.” NYC Rules. <http://rules.cityofnewyork.us/tags/enhanced-supervision-housing>

<sup>xiv</sup> Calder, Rich. “Rikers is ‘Lord of the Flies’ for Youth.” August 4, 2014. *New York Post*. <http://nypost.com/2014/08/04/us-attorney-slams-rikers-as-dangerous-for-young-offenders/>.

<sup>xv</sup> Neuman, William. “New York City Wants to Move 16- and 17-Year-Olds From Rikers Jail to Bronx Center.” *New York Times*. July 20, 2016. [https://www.nytimes.com/2016/07/21/nyregion/rikers-jail-youths-bronx-center.html?\\_r=0](https://www.nytimes.com/2016/07/21/nyregion/rikers-jail-youths-bronx-center.html?_r=0).

<sup>xvi</sup> Goldstein, Dana, et al. “Rikers Island: Population 9,790.” *New York Magazine*. June 28, 2015. <http://nymag.com/daily/intelligencer/2015/06/inside-rikers-island-interviews.html>.

<sup>xvii</sup> Fullard, David A.. “No BackSpace: Shackling Inmates Will Only Make Rikers Violence Worse.” *City Limits*. March 22, 2017. <http://citylimits.org/2017/03/22/no-backspace-shackling-inmates-will-only-make-rikers-violence-worse/>

<sup>xviii</sup> Gross, Courtney. “Young Rikers Inmates Chained to Desks When Supposed to be Out of Solitary Confinement.” NY1. January 13, 2017. <http://www.ny1.com/nyc/all-boroughs/politics/2017/01/13/sources-young-rikers-islanders-inmates-chained-to-desks-when-supposed-to-be-out-of-solitary-confinement.html#/0>.

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<sup>xix</sup> Rakia, Raven. "A Sinking Jail: The Environmental Disaster that is Rikers Island." *Grist*. March 5, 2016. <http://grist.org/justice/a-sinking-jail-the-environmental-disaster-that-is-rikers-island/>.

<sup>xx</sup> Bekiempis, Victoria and Reuven Blau. "City to Pay \$5.7M to Family of Schizophrenic, Diabetic Rikers Inmate Who Died Without a Week of Meds." *New York Daily News*. September 28, 2016. <http://www.nydailynews.com/new-york/city-pay-5-7m-family-rikers-inmate-died-cell-article-1.2809797>.

<sup>xxi</sup> Ibid.

<sup>xxii</sup> "Rikers Island: Population 9,790."

<sup>xxiii</sup> "A Sinking Jail: The Environmental Disaster that is Rikers Island."

<sup>xxiv</sup> Kochman, Ben and Rocco Parascandola. "Exclusive: NYC Releases People From Jail Without Winter Coats – Even in Freezing Weather." *New York Daily News*. December 21, 2016. <http://www.nydailynews.com/new-york/city-routinely-releases-people-jail-winter-coats-article-1.2919412>.