



Testimony of

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Before the

Committee on Criminal Justice

Oversight Hearing: Jail Violence

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Good morning. My name is Shari Vrod and I am a Senior Trial Attorney at New York County Defender Services, a public defense office that represents tens of thousands of New Yorkers in Manhattan's criminal courts every year. Thank you for inviting me today to speak about my experience working with my clients. I have practiced law for 33 years and travelled to many jails and prisons, including death row. Rikers is by far the most violent of these jails. I routinely see clients come to court with slashes down their faces stitched up with many stitches.

In Rikers, both inmates and corrections officers descend into savagery. Although it is widely known that Rikers is notoriously violent, the vast majority of incidents are never made public. Violence is done to others as well as to oneself as demonstrated by the alarming number of suicides committed under DOC's oblivious watch.

Today I would like to share the story of my client, who was attacked while in DOC custody in May 2019. When I met CJ in arraignments, I didn't meet him in the detention area but instead in the courtroom to which cops escorted him. The DA charged him with Assault 2, a violent crime, exposing him to minimum 2 maximum 7 years in jail. The DA alleged that he had thrown glass bottles at passerby's causing them physical injury. He was speaking word salad at arraignments

and appeared incompetent. I couldn't get the real story from CJ then. The judge remanded him for a psych exam to determine whether he was fit to stand trial.

A week into his stay at Rikers, CJ was assaulted. Someone chopped him in the back of the neck. At first, it wasn't a big deal but then CJ remained in his cell on the floor, unable to walk, not eating or drinking. Thinking that he was faking or crazy, the guards left him there. Finally, he was brought to Bellevue where the doctors found that he had sustained grave injuries to his neck, leading to a diagnosis of severe neurologic damage and quadriplegia. He had neurosurgery to his C3-C4 vertebrae.

During his hospital stay, he remained in the jail medical ward with guards. He had to be catheterized multiple times a day to urinate and wore diapers for bowel movements. He had blood clots in his lungs and a serious infection of the urinary track. He had a feeding tube for four months and became emaciated.

I visited him over the next four months. I cried each time. CJ called me mama and I was the only person he had. I implored the DA to do some sort of compassionate release or a misdemeanor. I told them that, even when released from jail, he would remain in Bellevue and possibly need lifelong skilled nursing care. CJ was desperate for his quote unquote release so that he could be moved to a more benign non-forensic ward of the hospital.

Four months into his incarceration, the ADA offered him a plea to a misdemeanor and time served. At that time and never before, she disclosed to me and the court that the glass bottles were in fact plastic Snapple bottles and that there was no physical injury such that they could prove maybe a misdemeanor menacing at best. CJ remained hospitalized at Bellevue for the duration of his incarceration, and, even following his jail release, he remained there.

I don't know when he was released but he calls me periodically and leaves me messages with no return number, the latest call being from Bellevue over the weekend.

Violence on Rikers continues unabated. Violence is the norm rather than the exception in DOC custody, which is unacceptable and dangerous for incarcerated people, DOC staff, and all who visit and work in the jails. We must divert as many people as possible from jail and prison altogether, as stories like CJ's are tragically common.

If you have any questions about my testimony, please contact me at svrod@nycds.org.