



Testimony of

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We are Natalie Fiorenzo and Rachel Sznajderman, Corrections Specialists at New York County Defender Services (NYCDS). NYCDS is an indigent defense office that every year represents tens of thousands of New Yorkers in Manhattan’s Criminal and Supreme Courts. The NYCDS Corrections Specialist Team provides a direct channel of communication with and advocacy for our clients who are incarcerated.

I. Recent Deaths at Rikers

Over the weekend, NYCDS learned that one of our clients, William Johnstone, died on Rikers Island. Our staff are devastated. A forensic social worker who worked closely with Mr. Johnstone, Raji Edayathumangalam, recalls his deep insight and perspective, not only on his own life, but on the experience of navigating New York City homelessness:

I remember my conversations with Mr. J quite vividly. I see him in front of my eyes. His meeting with the DA's office really stands out whenever I think of him. He took charge of that conversation to share with everyone in no uncertain terms what life was like for him as he bounced from one unstable situation to another. It was quite illuminating that he made no bones about the seriousness of what he was sharing. At the time, I felt that everyone who works with clients and the communities they come from should've heard him. In other conversations, he repeatedly asked for stable housing and employment, and made it amply clear that he did not want to go to Bellevue men's shelter. He did not want

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to be a "prisoner of the mind" and asked to be around people who had a "clean mind." Just as importantly, he wanted to speak with a "professional counselor" who could be a positive influence in his life.

I am truly sorry that his precious life was taken away so prematurely. He was too young to die and his death makes no sense.

Mr. Johnstone's death marks the 6th death in NYC jails this year and the 25th death occurring under the leadership of DOC Commissioner Molina.

For two years now, we have all watched in horror as Rikers Island has descended into chaos, violence, and death. The conditions at Rikers are unprecedented, unconscionable, and beneath the integrity of civilized society. And yet these conditions have remained for over two years. For two years, this Department has routinely and blatantly violated all governing rules and norms, from the city's minimum standards, NY state and federal constitutional rights, to international human rights law.

Beyond callous indifference, in the last 18 months, the Department has adopted an increasingly brazen tone of disdain towards those who seek to fix or improve the state of NYC jails. Immediately upon his appointment in January 2022, Commissioner Molina abruptly fired many senior level whistleblowers within the Department, [notably Sarena Townsend, Deputy Commissioner of the Intelligence, Investigation & Trials Division](#), and [Oren Varnai, the Director of Corrections Intelligence](#), both of whom had endeavored to root out corruption within the Department. Shortly after their firing, Commissioner Molina closed thousands of pending cases investigating alleged abuses and corruption on the part of correctional officers.

The pattern of hiding Department dysfunction and silencing independent investigations continues to this day: Last fall, it was reported that Commissioner Molina had deliberately taken measures to ["cover-up" deaths in DOC custody](#). That November, Commissioner Molina even went as far as to [bar a long-standing and well-respected physician's access to Rikers Island](#), simply because he posted about the realities of Rikers on social media. In January of this year, the Commissioner [curtailed access to DOC video footage](#). In response to reports that the Department had [withheld important information surrounding a series of suspicious and deadly incidents in city jails](#), Commissioner Molina responded by announcing that it would [refuse to report on the circumstances of individuals who die in its custody](#). Just last week, Commissioner Molina [sidelined Capt. Lawrence Bond](#), a veteran, well-respected investigator within the Department of Investigations.

Mr. Johnstone's death days ago reminds all of us what is at stake, and the irrevocable, devastating harm caused by DOC.

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## II. ESH in RMSC

Recently, the Department of Correction made the decision to move existing punitive units in GRVC to RMSC. Not only did this change occur swiftly and under the table, it also happened against the advice of experts and advocates. While this change may have been made with the intention of allowing more access to minimum standards for those in ESH, based on client reports, it is clear that this change was made prematurely and without adequate training for the officers staffed in those units.

Our clients in RESH report that the area was never cleaned prior to their being transported there. Maggots cover the floors. The pipes in the bathrooms do not work, causing toilets and sinks to overflow. The designated recreation area is simply an alleyway with a fence around it. Furthermore, the transfer to RESH was made without any planning for access to counsel. Our staff have missed several counsel meetings because videoconference capabilities and an established protocol for meetings do not yet exist. In-person attorney visits are also uncoordinated and potentially dangerous.

The rollout of RESH offers a glimpse at the level of disruption and chaos existing in the jails. If the Department was not prepared to house people in RESH, the transfers of those in ESH from GRVC to RMSC should have never happened. Furthermore, it suggests a similar level of chaos in the imminent closure of AMKC. As the monitor wrote in his most recent report, it is likely that the closure of AMKC will lead to even higher levels of violence and disorder, which will likely become clear in the next few months.

## III. Status on Issues We Have Raised in Last 6 months and Further Suggestions for Meeting Agenda Items

We would like to thank the Board for establishing a robust and productive agenda for today's meeting, which includes items we have been requesting for months.

However, one item we still would like to see on a Board agenda is the April NIC fire. As revealed in a recent [report from the Benjamin monitor](#), the decrepit conditions and routine fire safety violations in NIC (and seen across all jail facilities) are in no small part responsible for the breadth and damage of the uncontrolled April inferno.

Similarly, we believe the recent findings on the [failure to adequately provide discharge planning in accordance with Brad H settlement agreement](#) also requires Board attention. NYCDS can offer many anecdotes to corroborate the findings of the *Brad H* Monitor report, and we are eager to hear the Department's responses to Board questioning on these issues.

#### IV. Receivership

The U.S. Attorney for the Southern District of New York, Damian Williams, said in a statement on Monday that Rikers has been in a crisis for years — “a collective failure with deep roots, spanning multiple mayoral administrations” and correction commissioners. “[A]fter eight years of trying every tool in the tool kit,” Mr. Williams said, “we cannot wait any longer for substantial progress to materialize. That is why my office will seek a court-appointed receiver to address the conditions on Rikers Island.”

We echo U.S. Attorney William’s call and urge this Board to support receivership immediately. The Department of Correction demands immediate and complete overhaul that can only be achieved through receivership. It is unconscionable that the murder of 25 people is not sufficient to demonstrate the need for receivership. Please let Mr. Johnstone be the last life taken. The Department has shown time and again that they are indifferent to the harm they are causing, and this administration is not worthy of ensuring the care of the more than 6,000 people in its custody.

We call for the Board to join this growing, unanimous chorus of stakeholders and concerned parties in calling for the appointment of an independent federal receiver to assume jurisdiction over Rikers and bring this deadly institution under control.

If you have questions about this testimony, please email [correctionsspecialists@nycds.org](mailto:correctionsspecialists@nycds.org).