

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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November 22, 2021

The Honorable Cyrus Vance, Jr.  
Manhattan District Attorney  
One Hogan Place  
New York, NY 10013

Dear District Attorney Vance:

We write to request a briefing from your office on the use of money bail in the New York City court system and its impact on the health, safety, and civil rights of New Yorkers. We have grave concerns that excessive bail amounts are leading to unnecessary pretrial detention and contributing to a humanitarian crisis in New York City's jail system, particularly on Rikers Island. Fourteen people have died this year in the custody of the New York City Department of Correction (DOC).<sup>1</sup>

There are currently over 5,400 people in custody in New York City's jails—a steep increase from the 3,809 people in detention in April 2020—largely due to the increase in the number of pretrial detainees.<sup>2</sup> More than three-quarters of individuals in custody have not been convicted of any crime and are confined in unsafe conditions simply because they cannot afford cash bail.<sup>3</sup> According to DOC, nearly 1,000 detainees have been in custody awaiting trial for

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<sup>1</sup> *N.Y.C. Jail Deaths Climb to 14 as Detainee Is Taken off Life Support*, New York Times (Oct. 18, 2021) (online at [www.nytimes.com/2021/10/18/nyregion/rikers-death-toll.html](http://www.nytimes.com/2021/10/18/nyregion/rikers-death-toll.html)).

<sup>2</sup> Vera Institute of Justice, *People in Jail in New York City: Daily Snapshot* (online at <https://greaterjusticenyc.vera.org/nycjail/>) (accessed Nov. 8, 2021); Center for Court Innovation, *One Year Later: Bail Reform and Judicial Decision-Making in New York City* (Apr. 2021) (online at [www.courtinnovation.org/sites/default/files/media/document/2021/One\\_Year\\_Bail\\_Reform\\_NYS.pdf](http://www.courtinnovation.org/sites/default/files/media/document/2021/One_Year_Bail_Reform_NYS.pdf)); Vera Institute of Justice, *Empire State of Incarceration*, (Feb. 18, 2021) (online at [www.vera.org/empire-state-of-incarceration-2021](http://www.vera.org/empire-state-of-incarceration-2021)).

<sup>3</sup> *An "Absolute Emergency" at Rikers Island as Violence Increases*, New York Times (Oct. 11, 2021) (online at [www.nytimes.com/2021/08/24/nyregion/rikers-island-emergency-chaos.html](http://www.nytimes.com/2021/08/24/nyregion/rikers-island-emergency-chaos.html)).

over 600 days.<sup>4</sup> Faced with long periods of incarceration before their cases are resolved, many of these individuals reportedly accept plea deals, even if they are innocent.<sup>5</sup>

Approximately 4,800 detainees—more than 85% of the detainees in New York City—are held on Rikers Island, a severely understaffed complex of eight buildings.<sup>6</sup> Over the last few months, conditions on Rikers Island have deteriorated dramatically, raising concerns about the safety and security of staff and detainees. Overcrowding and staffing shortages on the island have led to violent incidents within Rikers Island facilities, calling into question whether anyone can be safely held there without immediate changes.<sup>7</sup> On September 27, 2021, we wrote to Mayor Bill de Blasio and DOC Commissioner Vincent Schiraldi, detailing our concerns about the collapse of basic jail operations on Rikers Island and urging them to address the overcrowding and inhumane conditions by releasing low-level offenders into supervised programs.<sup>8</sup>

The overcrowding in New York City’s jails is due, in part, to prosecutors who continue to seek excessive cash bail, resulting in increased rates of incarceration, particularly for low-income defendants.<sup>9</sup> According to reports, prosecutors—including those in your office—often fail to take into consideration defendants’ ability to pay when deciding whether to request cash bail.<sup>10</sup> For example, one prosecutor reportedly requested \$15,000 cash bail for a homeless person who was charged with a misdemeanor.<sup>11</sup> Last month, another Manhattan prosecutor was reported to have requested \$100,000 bail for a woman who was in desperate need of mental health services and who could not afford any amount of bail.<sup>12</sup> In 2020, 85% of people detained

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<sup>4</sup> *Rikers Wrath: Families, Advocates Demand Mayor Immediately Reduce Prison Population*, AM New York (Aug. 31, 2021) (online at [www.amny.com/news/rikers-wrath-families-advocates-demand-mayor-immediately-reduce-prison-population/](http://www.amny.com/news/rikers-wrath-families-advocates-demand-mayor-immediately-reduce-prison-population/)).

<sup>5</sup> *Can’t Buy Freedom: Pols, Justice Activists Call on DAs to End Cash Bail System for Low-Level Offenders*, AM New York (Oct. 6, 2021) (online at [www.amny.com/new-york/manhattan-da-protest-cash-bail-system/](http://www.amny.com/new-york/manhattan-da-protest-cash-bail-system/)).

<sup>6</sup> *Inside Rikers: Dysfunction, Lawlessness and Detainees in Control*, New York Times (Nov. 8, 2021) (online at [www.nytimes.com/2021/10/11/nyregion/rikers-detainees-correction-officers.html](http://www.nytimes.com/2021/10/11/nyregion/rikers-detainees-correction-officers.html)).

<sup>7</sup> *Id.*

<sup>8</sup> Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, et al., to Mayor Bill de Blasio, New York City, and Commissioner Vincent Schiraldi, New York City Department of Correction (Sept. 27, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-09-27.CBM%20JR%20AOC%20to%20de%20Blasio%20Schiraldi-NYC%20re%20Rikers%20Island%20Conditions.pdf>).

<sup>9</sup> *As Rikers Crisis Persists, Prosecutors Continue to Request High Bail*, New York Focus (Sept. 24, 2021) (online at [www.nysfocus.com/2021/09/24/rikers-crisis-prosecutors-bail/](http://www.nysfocus.com/2021/09/24/rikers-crisis-prosecutors-bail/)).

<sup>10</sup> Vera Institute of Justice, *A Means to an End: Assessing the Ability to Pay Bail* (Dec. 2019) (online at [www.vera.org/downloads/publications/a-means-to-an-end-assessing-the-ability-to-pay-bail.pdf](http://www.vera.org/downloads/publications/a-means-to-an-end-assessing-the-ability-to-pay-bail.pdf)).

<sup>11</sup> *Lawmakers Monitor Arraignments, Accuse District Attorneys of Not Following Bail Reform Laws*, Spectrum News NY1 (Oct. 7, 2021) (online at [www.ny1.com/nyc/all-boroughs/politics/2021/10/07/lawmakers-monitor-arraignments--accuse-district-attorneys-of-not-following-bail-reform-laws](http://www.ny1.com/nyc/all-boroughs/politics/2021/10/07/lawmakers-monitor-arraignments--accuse-district-attorneys-of-not-following-bail-reform-laws)).

<sup>12</sup> Angel Parker, *The True Jailers of Rikers*, Inquest (Oct. 7, 2021) (online at <https://inquest.org/the-true-jailers-of-rikers/>).

pretrial in New York City jails could not afford bail at arraignment.<sup>13</sup> High bail amounts lead to a two-tiered system of justice, with those who can afford bail being able to escape the inhumane conditions at pretrial detention facilities such as Rikers Island while those who cannot afford bail are forced to remain.<sup>14</sup>

On September 14, 2021, Commissioner Schiraldi reportedly pleaded with New York City prosecutors to request supervised release for new detainees to avoid increasing the jail population on Rikers Island.<sup>15</sup> In late September, your office announced that it would “suspend asking for bail on non-violent crimes committed by non-violent offenders, in circumstances that do not implicate the safety of other people.”<sup>16</sup> This is a laudable first step, but more should be done to expand the categories of defendants for which prosecutors suspend bail requests.

We also urge you, the top law enforcement officer in Manhattan, to direct prosecutors in your office to seek new bail hearings for, and consent to the release of, all detainees who are charged with misdemeanors or non-violent felonies, as well as those who face significant health risks due to the coronavirus. Condemning thousands of individuals to languish in an environment plagued by persistent overcrowding and mounting violence as they await trial is not acceptable and risks violating the federal civil rights of these individuals.<sup>17</sup> If these conditions are not addressed, federal intervention may be necessary to protect detainees from additional harm.<sup>18</sup>

We request that your office provide a briefing for Committee staff by December 10, 2021, to address the following questions:

1. What steps did your office take to reduce the jail population in New York City in 2020?

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<sup>13</sup> Brooklyn Community Bail Fund, *Breaking Down the New York City Punishment Machine* (Aug. 2021) (online at [https://static1.squarespace.com/static/5a21b2c1b1ffb67b3f4b2d16/t/611d6293b70904730ab70496/1629315731303/ug+2021\\_Courtwatch\\_Zine.pdf](https://static1.squarespace.com/static/5a21b2c1b1ffb67b3f4b2d16/t/611d6293b70904730ab70496/1629315731303/ug+2021_Courtwatch_Zine.pdf)).

<sup>14</sup> Center for Court Innovation, *One Year Later: Bail Reform and Judicial Decision-Making in New York City* (Apr. 2021) (online at [www.courtinnovation.org/sites/default/files/media/document/2021/One\\_Year\\_Bail\\_Reform\\_NYS.pdf](http://www.courtinnovation.org/sites/default/files/media/document/2021/One_Year_Bail_Reform_NYS.pdf)).

<sup>15</sup> *As Rikers Crisis Persists, Prosecutors Continue to Request High Bail*, New York Focus (Sept. 24, 2021) (online at [www.nysfocus.com/2021/09/24/rikers-crisis-prosecutors-bail/](http://www.nysfocus.com/2021/09/24/rikers-crisis-prosecutors-bail/)).

<sup>16</sup> *Manhattan District Attorney Cy Vance Suspends Bail Orders on Certain Crimes*, Spectrum News NY1 (Sept. 28, 2021) (online at [www.ny1.com/nyc/all-boroughs/news/2021/09/28/manhattan-district-attorney-cy-vance-suspends-bail-orders-on-certain-crimes](http://www.ny1.com/nyc/all-boroughs/news/2021/09/28/manhattan-district-attorney-cy-vance-suspends-bail-orders-on-certain-crimes)).

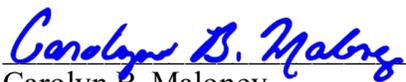
<sup>17</sup> *See, e.g., Staffing Dysfunction and Unsafe Conditions Lead to Crisis on Rikers Island*, Spectrum News NY1 (Sept. 9, 2021) (online at [www.ny1.com/nyc/all-boroughs/public-safety/2021/09/10/rikers-island-staffing-issues-correction-officers-calling-out-unsafe-conditions-what-happened](http://www.ny1.com/nyc/all-boroughs/public-safety/2021/09/10/rikers-island-staffing-issues-correction-officers-calling-out-unsafe-conditions-what-happened)).

<sup>18</sup> *See* Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997a (authorizing the Department of Justice to bring federal enforcement actions to protect individuals’ civil rights that are violated by patterns or practices of “egregious or flagrant conditions” in state and local institutions).

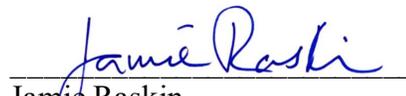
2. What steps has your office taken to reduce the jail population in New York City since January 2021?
3. What criteria does your office use to determine whether a defendant is eligible for supervised release?
4. How does your office handle cases for defendants with significant health risks?
5. What is your office doing to address case processing delays and to promote disposition of cases within six months?
6. How many people being prosecuted by your office have been held in pretrial detention for more than six months?
7. How many people being prosecuted by your office have been held in pretrial detention for more than a year?
8. What guidelines does your office use to inform bail recommendations?
9. What steps is your office taking to limit bail requests for defendants who pose no flight risk?
10. What steps is your office taking to release people serving jail sentences of less than a year into the 6-A Early Release Program?

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform



Jamie Raskin  
Chairman  
Subcommittee on Civil Rights and  
Civil Liberties



Alexandria Ocasio-Cortez  
Member of Congress

The Honorable Cyrus Vance, Jr.

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cc: The Honorable James Comer, Ranking Member  
Committee on Oversight and Reform

The Honorable Nancy Mace, Ranking Member  
Subcommittee on Civil Rights and Civil Liberties