

18-year-old released from New York's Rikers Island prison after more than a year without trial

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Last Thursday, 18-year-old Pedro Hernandez was released from New York's Rikers Island prison, where he had been held for 13 months awaiting trial for a crime he did not commit.

The Robert F. Kennedy Human Rights organization posted Hernandez's \$100,000 bail just in time for the teenager to receive the full academic scholarship he earned from the Posse Foundation while in prison by completing his high school course work with honors at East River Academy, a school in the juvenile section of Rikers. Had he been released just one month later the scholarship would have been void.

Hernandez was arrested last July for his alleged connection with a shooting outside a Bronx bodega in 2015. The victim, who was shot in the leg, told authorities he was not sure who shot him, and eight witnesses came forward to say that Hernandez had nothing to do with the crime. A private investigator hired by Hernandez's mother said he had video evidence that Pedro was home in his mother's house at the time of the incident.

Nevertheless, charged with criminal possession of a weapon, criminal possession of a firearm, assault and reckless endangerment, and unable to post the initial \$255,000 bail, Hernandez was sent to Rikers to await his trial.

As a result of institutional callousness and bureaucratic delays at Bronx Criminal Court, where recent budget cuts have prolonged the already long trial process, Hernandez waited 13 months and never received a trial. Hernandez refused several plea deals, vehemently maintaining his innocence.

Hernandez was arrested by Detective David Terrell, an officer with a reputation for harassing Bronx teenagers. In November 2016, three months after the Hernandez arrest, Terrell lost his badge and gun for playing craps in

uniform with the friends of a man who was detained in the back of his squad car, allegedly accepting the challenge to gamble over the man's arrest. Terrell is also involved in several lawsuits including a 2012 beating of a Bronx teenager and an alleged charge in 2014 for solicitation of sex from a mother in exchange for her son's release from jail.

Hernandez's case is reminiscent of that of the late Kalief Browder. Browder was accused of stealing a backpack when he was 16. He was imprisoned at Rikers, where he was tortured, beaten by guards, and starved in solitary confinement. While in prison Browder attempted suicide several times and like Hernandez, he refused frequent plea deals in order to preserve his innocence. After three years Browder's charges were dismissed, but Browder's paranoia and depression remained, and two years after his release he hung himself from bed sheets in his bedroom.

Rikers Island, New York City's main jail complex located in the East River between the boroughs of Queens and the Bronx, is composed of 10 jails, housing more than 12,000 inmates who are guarded by a corrections force of 9,000. Like Hernandez and Browder, a majority of inmates at Rikers have not been convicted of any crime and are forced to await trial in prison if they are unable to pay bail.

While New York State's "speedy trial" law sets a target of 180 days for processing someone who has been accused of a crime, there are many ways for the limit to be stretched. Many processes such as court-scheduling delays, postponements for holidays or employee vacations pause the clock. Last year at Bronx Criminal Court, the median length of cases was 517 days from arrest to trial sentence.

In April an independent monitoring team, established as

a part of a 2015 federal agreement to settle civil litigation over pervasive abuse and brutality at the prison, published its third report on the conditions of Rikers Island.

The report gathered data from August 1 to December 3, 2016, and marked the third cycle of a full year of monitoring. The monitors found that use of force incidents (UOF) continued at an alarming rate, with a significant portion of the violence occurring within the facilities housing young inmates. UOF incidents include the use of chemical agents, Tasers and hard impact force often in the form of head strikes.

The UOF policy states that chemical agents and hard impact force should only be used as a last-resort, never on passive inmates and always in view of security cameras. However, the report found 305 altercations that involved a strike to the head with no evidence to suggest that an inmate had made the first strike. In one case, an inmate in an intake facility surrounded by seven correction officers was struck so severely in the head that he sustained 10 discrete head injuries. Video footage shows that, even in the midst of the attack, the inmate never attempted to strike an officer. The report also found evidence of documents falsified by guards in order to mask incidents of abuse with self-defense claims.

In the Robert N. Davoren Center (RNDC), for males age 16-17, where both Hernandez and Browder were imprisoned, the rate of UOF was overwhelmingly higher than any other section of the complex. In the month of September, the rate of UOF per 100 inmates totaled 2.2 incidents for adults age 21 and higher, 8.1 incidents for 19-21-year-olds, 18.6 for 18-year-olds, and 46 for 16-17-year-olds; 20 times the rate faced by adults.

Another frequent element of abuse faced by adolescents and adults alike is solitary confinement. In January 2015, New York City officials claimed they would eliminate solitary confinement for all inmates under 22 years old, but a year and a half later, the administration of Democratic Mayor Bill de Blasio has yet to fully end the practice.

While punitive segregation was abolished for 16-17-year-olds in December 2014 and for 18-year-olds in June 2016, it is not clear if these restrictions—much like the restrictions on UOF—are properly enforced. Allegedly, Hernandez, 17 at the time of his arrest, spent many days in solitary over the course of his 13 months.

Just as there is political maneuvering about eliminating solitary confinement for young inmates, there are also proposals to shut down Rikers Island altogether. As revelations of brutality and corruption at the prison

complex began to surface, the New York City Council put forward a plan to shut down the complex over 10 years.

De Blasio, New York's "progressive" mayor, opposed closing the prison for years, pushing it aside as impractical and expensive. Estimates for the proposal are expensive, running at \$10 billion just to move inmates to five smaller prisons spread throughout each of New York City's boroughs.

In any discussion of the Riker's closure by de Blasio, Democratic Governor Andrew Cuomo and the corporate media, the issue of the social conditions in New York City that created the prevalence of mass incarceration of the city's poorest layers of the working class is routinely ignored. It is the deteriorating social conditions in America's largest city, increasingly divided between a poor working-class majority and a small minority of the super-rich and the merely rich, that is the root cause of the brutality at Rikers. The closure of the notorious institution—if it happens—will be a cosmetic change aimed at mollifying popular anger and do nothing to alleviate the suffering of inmates in smaller jails.

Hernandez's release is, of course, a cause to celebrate. However, he was not released because he was proved innocent after a fair trial, or because of a clear violation of his democratic right to a speedy trial, but through an act of philanthropy. Hernandez is only one example of the many mistreated inmates at Rikers, and Rikers is itself only one example of the national policy of mass incarceration in the United States, a product of a conscious strategy to criminalize the poor and slash opportunities, especially for youth, condemned to chronic unemployment and the misery of poverty.



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