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TOPIC: Family of the late Elijah Muhammad, the 31 year old man who died on Sunday July 10, while in custody in a Rikers Island jail to speak out regarding the filing of a 25 million dollar Notice of Claim for damages for wrongful death against the City of New York.

DATE: Monday, July 18, 2022

TIME: 2:00PM

PLACE: Law offices of Rubenstein & Rynecki
16 Court Street, Suite 1717
Brooklyn, NY 11241

PRESENT: Attorney Sanford Rubenstein, family members of the late Elijah Muhammad.

ATTORNEY SANFORD RUBENSTEIN STATES: "Incarceration at a Rikers Island Jail should not be a death sentence. The family of Elijah Muhammad will fully cooperate with the investigation of his wrongful death by the New York City Department of Investigation. A Notice of Claim for 25 million dollars in damages for wrongful death (copy attached) was filed on Friday July 15, 2022.

NOTICE OF CLAIM

In the Matter of the Claim of

JEANETTE BECK-HARRELL, as Proposed Administrator of the Estate of ELIJAH

MUHAMMAD, and on behalf of his infant children ELIJAH MUHAMMAD JR., OLIVIANA,
JUSTICE HOWE, VINTAGE POLITE and VENUS POLITE,

against

THE CITY OF NEW YORK & THE CITY OF NEW YORK DEPARTMENT OF CORRECTION

TO: COMPTROLLER OF THE CITY OF NEW YORK and THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION

PLEASE TAKE NOTICE that the undersigned claimants hereby make claim and demand
against the City of New York and the City of New York Department of Correction, as follows:

1. The name and post office address of each claimant and claimant's attorney is:

RUBENSTEIN & RYNECKI, ESQS.
16 Court St., Ste. 1717
Brooklyn, New York 11241

JEANETTE BECK-HARRELL
213 Greene Avenue, Apt. 3F
Brooklyn, New York 11238

2. The nature of the claim: Action to recover for wrongful death, pre-death pain and suffering and conscious pain and suffering, intentional infliction of emotional distress, negligent infliction of emotional distress, negligent hiring, negligent training, negligent supervision, including failure to adequately discipline, negligent retention and hiring, interference with the familial relationship; loss of services, society and companionship.

3. The time when, the place where and the manner in which the claim arose: On or about July 10, 2022, Sunday, at the premises known as Rikers Island, more specifically the George R. Verno Center (GRVC), located at 09-09 Hazen Street, in the County of Bronx, City and State of New York, a facility owned and operated by the Respondents THE CITY OF NEW YORK & THE CITY OF NEW YORK DEPARTMENT OF CORRECTION, decedent ELIJAH MUHAMMAD, an inmate at said facility, died as a result of negligent supervision and security at the aforesaid location. It is alleged that the decedent, ELIJAH MUHAMMAD, an inmate who required mental health care, had been placed in solitary confinement for a period of approximately 32 hours, against proper New York City Department of Correction protocols, without a bed or access to medical care that upon information and belief contributed to his death. This period of time far exceeds the New York City Department of Correction guideline of 6 hours in solitary confinement in such situations. Additionally, upon information and belief, in the hours before he died Respondents' employees, Correction Officers, saw that decedent appeared to be disoriented and barely able to walk and that he needed medical attention. However, decedent was left to die in his cell and remained deceased in his cell for a length of time that his body began to show signs of rigor mortis. Further, decedent may have died due to an overdose of a narcotic that upon information and belief may have been illegally transported on Riker's Island by employees of the Respondents THE CITY OF NEW YORK & THE CITY OF NEW YORK DEPARTMENT OF CORRECTION. Decedent and his cell were not properly monitored by Correction Officers and the Respondents failed to follow all proper protocols and guidelines. Decedent's death was a direct result of the active and passive negligence, carelessness and recklessness of the Respondents THE CITY OF NEW YORK & THE CITY OF NEW YORK DEPARTMENT OF CORRECTION in the supervision, security and control of the decedent as well as

their supervision of the other inmates at the George R. Vierno Center. It is alleged that Respondents failed to provide timely and adequate medical attention to the decedent. Additionally, the Respondents failed to provide proper safety and security to the decedent and inmates at the George R. Vierno Center. The Respondents had notice and knowledge of the inherent dangerous condition then and there existing at the aforementioned location as well as the inability of Respondents to properly supervise the inmates, more particularly, the decedent herein. It is alleged that the Respondents' correction officers engaged in a conspiracy to cover up their conduct. It is further alleged that there is a current investigation into this incident by the Respondents' Department of Investigations. The Respondents were negligent in the ownership, operation, supervision, and control of the premises known as the George R. Vierno Center, negligent in the supervision, control and protection of the inmates thereat, including the decedent herein. The Respondents were further negligent in the hiring and training of inept and incompetent personnel and/or correction officers and/or other staff who failed to protect and supervise decedent in light of known dangerous conditions.

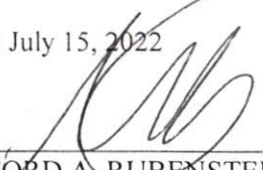
The Respondents THE CITY OF NEW YORK & THE CITY OF NEW YORK DEPARTMENT OF CORRECTION failed to provide enough personnel and/or correction officers who could properly supervise, monitor and control all of the inmates at the time of the incident. The injuries sustained by the decedent occurred as a direct result of the Respondents' negligence in the supervision, control and protection of the inmates, including the decedent herein. The Respondents, their agents, servants and employees, failed to protect and supervise the decedent. Said Respondents were negligent, reckless and careless in failing to maintain said premises; in improperly maintaining said premises; in failing to prevent the aforesaid incident; in failing to monitor the activities on said premises; in failing to monitor the activities of people on said premises; in failing to have properly trained personnel; in negligently hiring personnel; in failing to properly screen personnel; in retaining improper personnel; in failing to properly supervise the inmates; and in generally being negligent, reckless and careless in the ownership, operation, management, maintenance and control of the premises, personnel, corrections officers identified herein.

4. The items of damage or injuries claimed are: (include dollar amounts) Severe physical injuries and pain and suffering leading to death; wrongful death; pain and suffering; conscious pain and suffering; pre-death pain and suffering; emotional and psychological distress and the horror decedent ELIJAH MUHAMMAD suffered leading up to and during the attack described aforesaid; loss of future earnings; loss of support; pecuniary loss; interference with the familial relationship; loss of services, society and companionship of the infant children ELIJAH MUHAMMAD JR., OLIVIANA JUSTICE HOWE, VINTAGE POLITE and VENUS POLITE.. Damages are also claimed for punitive damages and attorneys fees. Due to the actions and/or negligence of the Respondents as aforesaid, the claimants have been damaged by reason of the aforesaid and claimants have been damaged in the sum of TWENTY FIVE MILLION DOLLARS (\$25,000,000.00). Claimant alleges compliance where applicable with all actual notice of the statutes of the City of New York.

TOTAL AMOUNT CLAIMED TWENTY FIVE MILLION DOLLARS (\$25,000,000.00)

The undersigned claimant(s) therefore present(s) this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: July 15, 2022



SANFORD A. RUBENSTEIN, ESQ.
RUBENSTEIN & RYNECKI, ESQS.
16 Court St., Ste. 1717
Brooklyn, New York 11241
(718) 522-1020

ATTORNEY'S VERIFICATION BY AFFIRMATION

SANFORD A. RUBENSTEIN, ESQ., an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am a partner at RUBENSTEIN & RYNECKI, ESQS., attorneys of record for the claimant(s) herein. I have read the annexed

NOTICE OF CLAIM

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files. The reason I make the foregoing affirmation instead of the claimant is because claimant is not presently in the county wherein the proposed attorneys for the claimant maintain their offices.

Dated: BROOKLYN, NEW YORK
July 15, 2022



SANFORD A. RUBENSTEIN, ESQ.

In the Matter of the Claim of
JEANETTE BECK-HARRELL, as Proposed Administrator of the Estate of ELIJAH
MUHAMMAD, and on behalf of his infant children ELIJAH MUHAMMAD JR., OLIVIANA
JUSTICE HOWE, VINTAGE POLITE and VENUS POLITE,
against
THE CITY OF NEW YORK & THE CITY OF NEW YORK DEPARTMENT OF CORRECTION

NOTICE OF CLAIM AGAINST
THE CITY OF NEW YORK & THE CITY OF NEW YORK DEPARTMENT OF
CORRECTION

RUBENSTEIN & RYNECKI, ESQS.
Attorneys for the Claimant
16 Court St., Ste. 1717
Brooklyn, New York 11241
(718) 522-1020

BY ELLEN MOYNIHAN
AND LEONARD GREENE
NEW YORK DAILY NEWS

Rikers Island inmate Elijah Muhammad was jailed last month on assault charges after cops said he slugged a Brooklyn merchant in front of police and resisted arrest.

For that, his family says, he was sentenced to death.

Just weeks after his arrest, Muhammad, 31, died from a suspected drug overdose following what supporters said was an unusually long stint in solitary confinement.

Although a correction officer was fired over the inmate's death, Muhammad's angry family says the disciplinary action isn't enough to ease their pain — or address the problem at Rikers, where 10 detainees, including Muhammad, have already died this year.

"I feel devastated," Muhammad's aunt, Anna Williams, told the Daily News. "I'm devastated because I feel like Elijah never got the help he needed and I don't want this to happen to anyone else. That's why our family is speaking out."

Muhammad's family members were among a group of supporters who rallied at City Hall on Thursday to demand an end to solitary confinement at Rikers.

Elected leaders and other New Yorkers with incarcerated family members urged the City Council to end the controversial punishment after years of stalling and ensure that all detainees have access to medical care and other critical services.

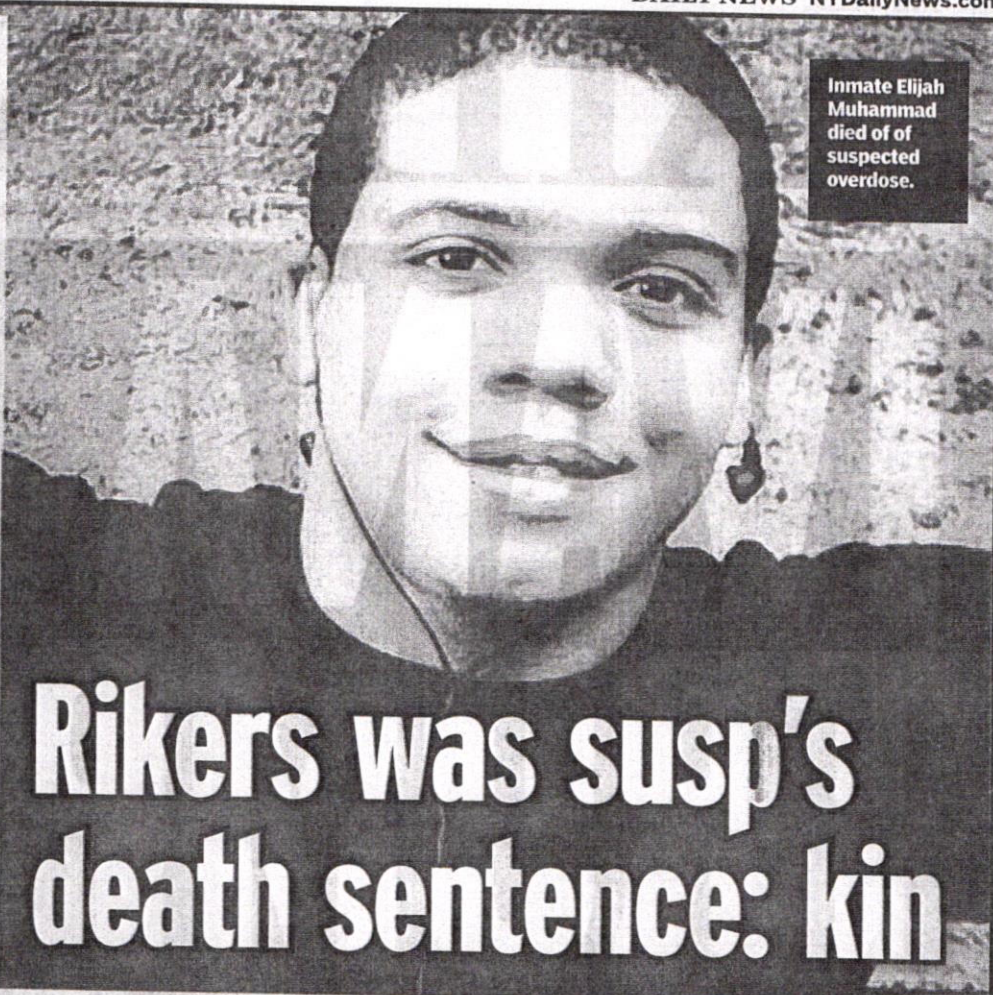
The family found out about Muhammad's death when they came to support him for a scheduled court appearance in Brooklyn. Instead of being able to catch a glimpse of Muhammad in the courtroom, they were informed by his lawyer that he had died.

The lawyer then told Williams and her husband that the judge wished to speak with them and offer his condolences.

"Elijah, he was a very kind soul," Williams said. "Even the judge on Monday where he was going to court said, 'We know Elijah here, and he does not deserve what happened to him.' For the judge in court to say that about someone..." Williams said before trailing off.

After the initial shock, court officers found a quiet spot for Muhammad's family.

"They gave us a room for my husband and I to gather ourselves



Inmate Elijah Muhammad died of suspected overdose.

Rikers was susp's death sentence: kin

because we were overwhelmed," Williams said.

She said another family member actually received a visit from a Correction Department official, but they received no information given about the circumstances of Muhammad's death.

He had been in Rikers for barely a month.

"He called us all the time," Williams said. "He did say to us that he was transferred to three different jails and he did tell me that they came in his cell and he was assaulted. He said he had a head injury. The next time we spoke to him he had been transferred. Several days after that they took him for x-rays. That was our last conversation."

Williams said Muhammad had been assaulted by correction officers who used mace.

Muhammad was found unresponsive inside the island's George R. Verno Center about 9:45 p.m. on Sunday.

Authorities believe the victim, a native of Kentucky, overdosed, possibly on fentanyl, sources with knowledge of the case said. Two

other inmates were taken to a hospital after getting sick from the same drug, the sources said. Overdoses have spiked in the city jails, despite a drop in inmate visits — suggesting the jails have a deep-rooted contraband problem.

In the days before he died, Muhammad spent more than 32 hours in isolation before being returned to a regular cell, an apparent violation of department rules against holding detainees in so-called de-escalation units for more than six hours at a time, said the family's lawyer Sanford Rubenstein.

The family plans to file a notice of claim in anticipation of a lawsuit against the city.

Muhammad's family have many questions, but chief among them is "How?"

"How could this happen? That was my question for the lawyer. How could something like this happen?" said Williams.

"Incarceration at Rikers should not be a death sentence," Rubenstein said. "Any officers that played any part in this death clearly should be terminated but in addition to the

termination they should be held accountable criminally as well."

A Correction Department representative did not immediately reply to a request for comment.

"It is heartbreaking when someone dies while in custody. We treat every death with the utmost seriousness and understand that it is our mandate to keep every person entrusted to our care safe," Correction Commissioner Louis Molina said.

The mounting death toll and chronic dysfunction at the jail complex has sparked urgent calls for a federal court takeover that would wrest authority from City Hall.

Williams said the family is awaiting an autopsy report. Meanwhile, she said she tries to remember Muhammad in better days. She described him as an artist who made money doing tattoos.

Muhammad never got over his own mother's death, Williams said.

"They had such a close relationship. That was the reason he had so much trouble in his life," Williams said. "He self-medicated, like anybody that was in pain."

Rikers Officer Fired After Latest New York City Jail Death

Elijah Muhammad, 31, had been held in the George R. Verno Center for a month before review.

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Continue as scott

By Chelsia Rose Marcus and Jan Ransom

July 11, 2022

A 31-year-old man died on Sunday in a Rikers Island jail, prompting the immediate firing of a correction officer involved in the incident, city officials said on Monday.

The man, Elijah Muhammad, had been held at the complex since June on an assault charge, records show. Details of what led to his death — he was the 10th person to die this year after being held in city jail custody — were not immediately available.

But in a statement, the Correction Department commissioner, Louis A. Molina, said an initial review of the case revealed the need for “immediate action against the staff involved,” including the officer who was fired.

“We treat every death with the utmost seriousness and understand that it is our mandate to keep every person entrusted to our care safe,” Mr. Molina said, adding that the agency has referred the case to the city’s Department of Investigation for a possible criminal review.

Mr. Molina did not elaborate on the reasons for the correction officer’s dismissal, but a person familiar with the incident said that the officer had not done his job properly, adding that the department was looking into whether the officer failed to intervene when Mr. Muhammad was in the throes of a suspected drug overdose, among other things.

It is rare for the agency to fire a correction officer so soon after a detainee’s death; fatal incidents have become a regular occurrence over the past two years in a jail complex awash in chaos and disorder. But the person with knowledge of the termination said that the fired employee was still on probation after having been hired recently and was not yet entitled to the same protections given tenured members of the city correction officers’ union. The person spoke on condition of anonymity because he was not authorized to discuss the case.

The death, and the swift disciplinary action that stemmed from it, came as city officials were resisting calls for a federal court takeover of the Rikers Island complex, where an inability to staff the jails during the coronavirus pandemic has left gang members in control of some housing areas and forced some detainees to go without food or basic health care.

The specter of a federal takeover has hung over Rikers Island since April, when the U.S. attorney in Manhattan raised the prospect of appointing an independent overseer for some or all of the city’s jail system. At a hearing soon after, a federal judge reviewed a plan prepared by the Correction Department for reducing violence at the complex and ordered the department to revise it.

Mr. Molina, appointed by Mayor Eric Adams in January, raised concerns among prisoner rights advocates earlier this year when he fired the Correction Department’s top internal investigator after asking her to quickly resolve a backlog of disciplinary cases against correction staff members.

A thicket of rules usually makes firing correction officers difficult.

Officers brought up for discipline have a right to have their cases heard before an administrative judge, and the officer can appeal the decision after their case is decided.

Often it can take years for the department to resolve even the most egregious cases of officer misconduct and negligence, and the resolution does not always end in an officer’s firing. In 2019, when officers stood by as a young man attempted to hang himself in a cell for seven minutes, the worst punishment any of them faced was suspension.

Mr. Muhammad’s death was only the latest to occur in what is shaping up to be another deadly year in the New York City jail system.

Last month, a week after a federal judge forestalled a federal takeover of Rikers, three detainees died in three days.

Antonio Bradley, 28, died on June 18, three days after he was granted compassionate release to Lincoln Hospital in the Bronx, Department of Correction officials said. Mr. Bradley, who had been held in a mental observation unit on Rikers, used his sweater to hang himself in a courthouse cell following a hearing in Bronx criminal court. A person familiar with his death said he had been hanging for several minutes before jail officers noticed him and that, by then, he was brain-dead.


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Two days later, Anibal Carrasquillo, 39, died at the George R. Vierno Center, officials with knowledge of the matter said at the time. Hours before he died, Mr. Carrasquillo ignored him, detainees told staff at the Board of Correction, a jail oversight panel. The medical technicians administered CPR and Narcan, according to a preliminary death

The following day, Albert Drye, 52, died at the Bellevue Prison Hospital Ward, according to a report representing him. The cause of his death is still unknown. He was sent to the hospital when his condition worsened daily, according to the Correction Board's death report.

Even so, the board reported, no jail staff member noted that he was severely ill.

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theGrio

Report: Man was dead in Rikers Island cell, and rigor mortis was setting in before anyone noticed

TheGrio Staff

Wed, July 13, 2022 at 1:59 PM · 3 min read

One rookie corrections officer has been fired in connection with the death and several others reportedly have been suspended.

A New York inmate died Sunday in a Rikers Island jail cell, and his body had already begun to show signs of rigor mortis by the time he was discovered.

According to the New York Times, Elijah Muhammad, 31, appeared to have suffered from a drug overdose. It is not clear how long he lay dead in his cell, but rigor mortis begins to set in at least two hours after death.



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Someone waits by a sign at the entrance to Rikers Island in New York City, where an inmate died Sunday in a jail cell. His body had already begun to show signs of rigor mortis by the time it was discovered. (Photo: Spencer Platt/Getty Images)

Muhammad had been held at the George R. Verno Center, a high-security jail on Rikers Island, since June after being arrested on an assault charge.

A rookie corrections officer has been fired in connection with the incident, and several other officers have been suspended, according to the Times' sources.

Over the past two years, slashings, stabbings and drug overdoses at the massive prison have been on the rise despite repeated pledges to enact reforms. In addition to the violence, some detainees have gone without food or medical care. The jail is also understaffed, and guards reportedly struggle to keep order.

Jan Ransom
 @Jan_Ransom · Follow

BREAKING 🚨: Elijah Muhammed/ Muhammad was found unresponsive in his cell by an officer Rikers Island at 9:46 pm on Sunday. He was pronounced dead at a local hospital. He is the TENTH person to die after being held at the jail
 9:08 AM · Jul 11, 2022

[Read the full conversation on Twitter](#)

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At a Tuesday meeting of the New York City Board of Correction, Correction Department Commissioner Louis A. Molina said the conditions at the prison are the result of "a generation" of mismanagement. "I'm doing everything in my power everyday as a person of color to reform what this administration has inherited," he said, per the Times.

The majority of those who work or are housed on Rikers Island are Black or Hispanic.

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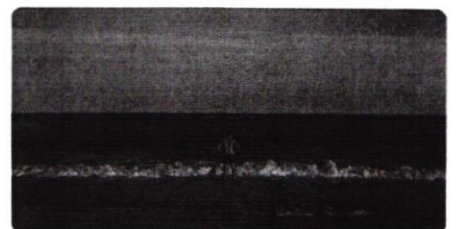
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Alabama inmate charged with felony murder in death of corrections officer who aided escape
 USA TODAY





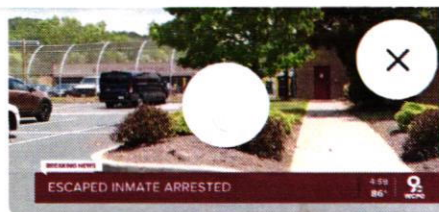
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generation of mismanagement. I'm doing everything in my power everyday as a person of color to reform what this administration has inherited," he said, per the Times.

The majority of those who work or are housed on Rikers Island are Black or Hispanic.

Muhammad — the 10th person to die in the prison this year — had been receiving mental health treatment, the Times reported. Just days before his death, he reportedly had been in isolation for more than 32 hours even though



Second inmate who escaped River City Correctional re-captured

WCPO - Cincinnati Scripps

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department policy forbids detainees from being held in de-escalation units for more than six hours.

Seven people have died on Rikers Island of drug overdoses since 2021. On Tuesday, the Board of Correction noted that some had died after overdosing on synthetic marijuana, fentanyl, heroin, PCP or some combination of those drugs in the past 18 months.

The Times noted that even when visitation at the prison was paused due to the coronavirus pandemic, illicit drugs were seized at a higher rate than the year before, suggesting that Correction Department staffers were involved in their smuggling.

"The loneliest place one can die is prison," Correction Board chairman Julio Medina told meeting attendees Tuesday. "I hope that we don't just take these deaths as, 'This is the norm if you go to Rikers Island.' We should all be horrified."

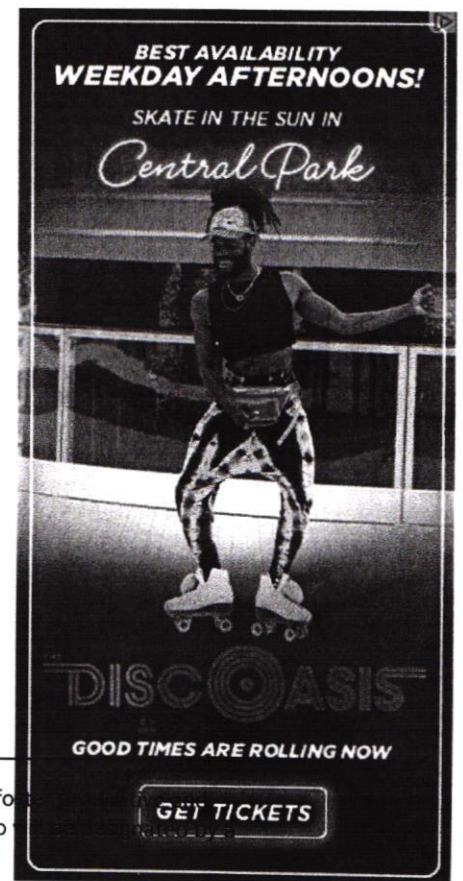
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The post Report: Man was dead in Rikers Island cell, and rigor mortis was setting in before anyone noticed appeared first on TheGrio.



Second inmate who escaped River City Correctional re-captured

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Honest Anarchist · 20 hours ago

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