



Justice in Every Borough.

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*****FOR IMMEDIATE RELEASE*****

Legal Aid Society Secures Release Pending Appeal for Reginald Randolph, LAS Client Who Was Sentenced to Prison for Stealing NyQuil from Duane Reade

Mr. Randolph's Case Highlights the Urgent Need for Albany to Enact Treatment Not Jail Legislation

(NEW YORK, NY) - The Legal Aid Society [secured](#) the release pending appeal of [Reginald Randolph](#), a Legal Aid Society client who was sentenced to a state prison term of two to four years for [stealing NyQuil from Duane Reade](#) in violation of a no-trespass order. The Manhattan District Attorney's Office, which prosecuted Mr. Randolph, consented to Mr. Randolph's release.

"We are overjoyed that our client Reginald Randolph will be released from New York State Department of Corrections and Community Supervision (DOCCS) custody," said **Jeffrey Berman, Staff Attorney at The Legal Aid Society and Counsel for Mr. Randolph**. "Reggie's case is tragic, but not unique, and Albany must immediately enact the Treatment Not Jail Act, legislation that aims to ensure that New Yorkers with substance use, mental health and other challenges have an off-ramp from the criminal legal system without prosecutorial gatekeeping to obtain treatment and support in their communities, rather than jail."

[The Treatment Not Jail Act:](#)

- Expands the already-existing authority of judges to grant judicial diversion, extending eligibility not just to those with underlying substance use issues but to people who live with mental illness, developmental disorders, intellectual disabilities, traumatic brain injuries, and similar concerns;
- Abandons the current charge-based eligibility restrictions which present arbitrary and overly restrictive barriers to treatment for people whose underlying substance use or mental health issue contributed to their involvement in the criminal legal system;
- Incorporates due process protections and harm reduction principles and, crucially, leaves medical decisions to health care professionals, not lawyers, and encourages clinically effective forms of treatment, rather than outdated, punitive measures that do not work.

Roughly half of the current population of New York City jails have a mental health diagnosis and are recommended to receive mental health services. Yet few receive adequate treatment, which has resulted in a surge in self-harm, suicides and overdoses in recent months.

The Treatment Not Jail Act will offer these individuals a streamlined legal pathway out of this humanitarian abyss and into the treatment that they need and deserve. Such change will not only improve these peoples' lives, it will significantly increase public safety, as studies show that people who successfully complete mental health or drug diversion courts, should they be lucky enough to be eligible or accepted into one, have a significantly lower rate of recidivism. Deserving vulnerable New Yorkers who have been failed by health care, educational, and child welfare systems during their lives too often end up in jail or prison, only to be released back into their communities with a criminal record, without a home, the prospect of employment, and healthcare. This has long been a recipe for instability and recidivism.

Mr. Randolph would have benefited from Treatment Not Jail in numerous ways. Prosecutors served as “gatekeeper” as to whether he could be diverted into treatment due to his criminal history, despite being charged with an upgraded non-violent charge of shoplifting NyQuil. As result, Mr. Randolph spent 14 traumatic months at Rikers Island following his arrest awaiting that decision.

During this time, Mr. Randolph was required to release his confidential mental health records to the DA's office and admit to the charges, without any promise of treatment or a plea agreement in place, in a face-to-face interview with the prosecutor. Drained and depleted, Mr. Randolph was then coercively required to plead guilty to a felony and enter into restrictive residential placement with a significant state prison jail alternative and a waiver of the right to appeal in order to get out of jail. Treatment Not Jail removes prosecutors as gatekeepers for receiving diversion, the requirement of a plea in order to access treatment, and charge-based restrictions. Treatment Not Jail will expedite processing times for those undergoing eligibility screening and remove incarceration as default punishment for non-compliance.

Background on Mr. Randolph

Mr. Randolph is 58, lives with a disability, and was incarcerated at Rikers Island for over 850 days before being transferred to state prison on the aforementioned charge, which did not involve an act of violence, brandishing a weapon, or making threats. To date, he has been incarcerated for almost 1000 days for his charges.

Mr. Randolph's health is extremely poor. He is fully blind in one eye and nearly blind in the other due to cataract and glaucoma conditions.

He needs vision-saving surgery, and he attended pre-operation ophthalmology appointments at a local NYC hospital while detained at Rikers Island.

Mr. Randolph is also extremely medically vulnerable, with diagnoses of chronic obstructive pulmonary disease, diabetes, asthma, and a history of tuberculosis—all of which, according to medical experts, make him highly susceptible to serious illness or death.

He is also at the highest risk of COVID-19 related complications should he contract the virus. He had used a walking device since March 2021 following a fall in the shower due to his failing vision, however that device was reportedly taken from him after his transfer to state prison. Mr. Randolph struggles with serious mental illness which has exacerbated his daily trauma, anxiety and feelings of worthlessness while in jail.

Lastly, Mr. Randolph has already been approved by local transitional supportive housing and community treatment programs which are ready to take him the moment he is released.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected, defended, and advocated for

those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org