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**BRONX DA DARCEL D. CLARK RELEASES RESULTS OF INVESTIGATION
INTO DEATH OF LAYLEEN POLANCO IN RIKERS ISLAND
Six-Month Investigation Found No Criminality in Tragic Death**

Bronx District Attorney Darcel D. Clark today announced that a six-month investigation by her Office into the death of Layleen Polanco in a Rikers Island jail cell nearly one year ago has concluded that no criminal charges will be sought in the death, and the report on the investigation has been made public.

District Attorney Clark said, “A 27-year-old woman died in custody in a city jail, and the circumstances of her death warranted a full and thorough investigation. Layleen Polanco died from an epileptic seizure. Her family and friends along with the public deserved to know whether anything else played a role in her death. It is an absolute tragedy that Ms. Polanco died so young.

“The purview of this Office is not to determine whether it was a wrong decision to place Ms. Polanco into Punitive Segregation while she was suffering from a documented seizure disorder; the purview of this Office is to determine whether that decision rose to the level of criminal behavior.

“After an in-depth investigation by my Public Integrity Bureau, we have concluded that we would be unable to prove beyond a reasonable doubt that any individual committed any crime associated with Ms. Polanco’s demise. We will not be seeking any criminal charges related to this devastating event.

“I want to thank Ms. Polanco’s family for their patience and cooperation throughout the entirety of the investigation.”

Department of Investigation Commissioner Margaret Garnett said, “All New Yorkers’ lives have significance, including those incarcerated in the City’s jail system. We take investigations of any in-custody death very seriously, and our investigators, along with our partners at the Bronx District Attorney’s Office, closely examined all the facts about the tragic death of Layleen Polanco. Our investigation found no evidence of criminal wrongdoing, but DOI did find that City



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correction officers failed to follow the Department of Correction’s (DOC) directive that every inmate housed in Punitive Segregation shall be observed at least once every 15 minutes, at irregular intervals. In this case, they allowed 47 minutes to pass between tours of Ms. Polanco’s cell. This violation was referred to DOC for appropriate administrative action. DOI was pleased to work with the Bronx District Attorney’s Office on this meaningful investigation.”

Layleen Polanco, born Daniel Cubilette, was a 27-year-old transgender person housed in punitive segregation at the Rose M. Singer Center on Rikers Island. On June 7, 2019, she was found unresponsive inside of her cell by Correction Officers and was later pronounced dead. An autopsy report issued by the Office of the Chief Medical Examiner on August 2, 2019 concluded that Ms. Polanco’s manner of death was natural and that the cause of death was “sudden unexpected death in epilepsy (SUDEP) due to a mutation in the CACNA1H gene.”

Over the course of six months the Public Integrity Bureau investigated not only the events of June 7, 2019, but the events leading up to that date. The Office issued subpoenas to numerous hospitals and health care providers, receiving more than a thousand pages of medical records. New York City Department of Correction records and Westchester County Department of Correction records were collected and analyzed. The Office also interviewed Correction Officers and incarcerated persons--both present and not present on June 7, 2019--as well as medical staff who responded on June 7, 2019.

The case was investigated by Assistant District Attorney Thomas Montella and Trial Preparation Assistant Annarese Marcano of the Public Integrity Bureau, under the supervision of Omer Wiczynk, Chief of the Public Integrity Bureau, and overall supervision of Tarek Rahman, Deputy Chief of the Investigations Division, and Wanda Perez-Maldonado, Chief of the Investigations Division. District Attorney Clark thanked Christina Fragola, Deputy Director of the Crime Victims Assistance Unit, and Jasmine Bailey, Advocate in the Crime Victims Assistance Unit, for their assistance.