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

## ***Independent Federal Monitor Reports On Abuse In New York City Jails Shows Dismal Progress***

(NEW YORK, NY) – The Legal Aid Society released the following statement responding to a [report](#) filed by Steve J. Martin, independent federal Court-appointed monitor in *Nunez v. City of New York et. al.*, concerning misuse of force in New York City jails:

"The ninth report from the Nunez Monitor exposes the grim reality that the leadership of the New York City jails is unwilling or unable to supervise and curb brutality by uniformed corrections staff. Despite a steadily declining jail population in one of the most heavily staffed jails in the country, force is used more often — overwhelmingly against Black and Latinx people — and accountability through discipline is rare. The report describes a failed management culture that cannot change the reckless, brutal, and hyper-confrontational behavior by staff. These dismal results stem squarely from the City's failure to implement the critical reforms required by the Nunez Consent Judgment mandating supervision, investigations and discipline. The City must take swift and strong action not only in policy but in practice, and insist upon professionalism and competence from uniform leadership at all levels."

**Background:** The independent Monitor was appointed by the Court after Legal Aid, private firms and the U.S. Attorney for the Southern District of New York settled a lawsuit against the City

demanding that the New York City Department of Correction (DOC) meaningfully address the scourge of excessive force that has long been entrenched at Rikers Island and other City jails:

Some key takeaways from the ninth report include:

- The first half of 2019 had shown record high rates and raw numbers of uses of force in the life of the Consent Judgment. The new report shows that the last half of 2019 was *even worse*: “The number and rate of use of force remains at an all-time high. The average raw number of uses of force per month in 2019 was 54% higher than 2016 (597.4 versus 387.6). The increase in raw numbers coupled with significant decreases in the size of the jail population (from an ADP of 9,803 in 2016 to 7,389 in 2019) sent the average monthly use of force *rate* dramatically upward, for a 105% increase between 2016 and 2019 (4.0 versus 8.2).”
- Every DOC jail but one has increased the rate at which it uses force by, on average, 2.4 times since the start of the Consent Judgment.
- In the last Monitoring Period alone, there were at least 323 “avoidable” and 85 “unnecessary” use of force incidents.
- Despite the declining population, “the overall increase in the number of incidents resulting in a use of force means that *more people* were injured each year.” In 2019, the number of incidents resulting in serious injury to at least one person was more than twice as high as in 2016 (166 versus 74).
- Since January 2017 and despite alarming and increasing uses of force, only 1 tenured staff member has been fired for a use of force-related reason, and only 13 have retired or resigned after termination was sought—even though 76 people have been referred for criminal prosecution for improper uses of force.
- "The overwhelming majority of investigations have not closed within the Consent Judgment’s original 180-day timeline, nor the new 120-day timeline that went into effect on October 1, 2018, and most pending cases are already pending past these deadlines.”

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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 over 140 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.*

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