

THE LEGAL AID SOCIETY

Justice in Every Borough.

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

Legal Aid Calls on Federal Court to Address the Collapse of Security and Unprecedented Humanitarian Crisis at Rikers Island and other City Jails

(NEW YORK, NY) - The Legal Aid Society, as counsel for the plaintiff class in [Nunez v. City of New York, et al.](#), filed a [letter](#) last night in the United States District Court requesting court action to protect people from the extraordinary harm they face given the collapse of basic operations in the City jails. That court relief could include, according to the letter to the Hon. Laura Taylor Swain, court-ordered releases to curb the humanitarian crisis in the jails.

In 2014, Legal Aid brought Nunez to challenge the systemic brutality by staff against people incarcerated in New York City jails. The case resulted in a landmark consent decree mandating significant reforms in the use of force practices in the City jails and steps to address the systemic causes of violence. Since then, a federal monitor has overseen various aspects of jail operations, including in relation to safety, staffing, and disciplinary issues. Under the consent decree, the Court retains the power to issue orders necessary to ensure that the Department of Correction is complying with terms of the agreement designed to keep people who are incarcerated safe from harm.

According to the letter, the federal Monitor issued special reports on August 24, 2021 and September 2, 2021 describing emergency conditions in the jails. Sworn testimony by City officials at a City Council hearing on September 15 confirmed that the jails are not safe.

Just last night, a Legal Aid client, Isaabdul Karim, passed away while incarcerated at Rikers Island. Mr. Karim is the 11th New Yorker this year to die in custody at a local jail. He was incarcerated at Rikers Island's North Infirmary Command (NIC), held solely on the basis of non-criminal, technical violations of parole - marijuana use and failing to make an office report.

The letter states:

When elected officials conducted an emergency tour of several DOC facilities on September 13, 2021, they reported observing people confined in spaces covered in excrement, garbage, cockroaches, and rotting food. One state senator reported witnessing an attempted suicide. Some legislators described "dozens of people without

masks packed into cells with overflowing toilets, unable to see their lawyers because they have yet to be booked,” and units in which “people were being held in showers and relieving themselves in plastic bags.”

The risk of harm to class members is extraordinary. Eleven class members have died in DOC custody this year, with the most recent death just last night.

Plaintiffs believe that a factual showing will demonstrate the necessity of immediate further relief, including potentially release from custody. Given the complex judicial management of motions seeking a prisoner release order pursuant to 18 U.S. § 3626(a)(3), Plaintiffs seek a conference with Your Honor to address the most efficient procedures for factual presentations and convocation of a three-judge panel if necessary.

Subsequent the filing of the letter by the legal team in Nunez, **Tina Luongo, Attorney-In-Charge of the Criminal Defense Practice at The Legal Aid Society**, issued the following statement: “It is clear that our clients are in danger every moment that they are in DOC custody, and we are using every tool we have to address the harms they are facing. We must decarcerate now, and we must do everything we can to address the risks to those who remain behind jail walls.”

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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