

THE LEGAL AID SOCIETY

Justice in Every Borough.

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Statement on Nunez Monitor Status Report Concerning Rikers Island Crisis

"[W]hile the Department has made a few positive steps forward, quantitative and qualitative data demonstrate that the situation remains as grave as previously reported."

(NEW YORK, NY) - The Legal Aid Society released the following statement in response to a progress report filed by the federal monitor in [Nunez v. City of New York et. al.](#), litigation brought in 2014 to challenge the systemic brutality by staff against people incarcerated in New York City jails:

"The latest reports from the Monitor and the City continue to make clear the deep-seated ineptitude within the New York City Department of Correction (DOC) in protecting the people in its charge. The high level of uses of force, dangerous incidents, and ongoing collapse in basic jail functions, are as gravely alarming as ever. Combined with the woefully insufficient measures the City has recently adopted, they show that the City is simply unwilling or unable to make the systemic changes to hold the staff and leadership accountable for humane and constitutional treatment of our clients. We will continue to take all necessary steps to protect our clients, defending the relief ordered by the court in this case and seeking the necessary additional relief at every opportunity."

In today's report, the Monitor stated that - "While the Department has taken a few positive actions concerns in the past two weeks, given the depth and dimension of the problems, these actions have not materially abated the high risk of harm prevalent in the daily operations of the New York DOC to both incarcerated persons and staff."

Background

The Legal Aid Society, as counsel for the plaintiff class in *Nunez v. City of New York, et al.*, filed a [letter](#) last month in the United States District Court for the Southern District of New York requesting an emergency court conference to protect people from the extraordinary harm they face given the collapse of basic operations in the City jails. The proceedings were held on Friday, September 24, 2021, before the Hon. Laura Taylor Swain.

In response to that hearing, the Court issued an [order](#) requiring the City, among other things, to:

- place a mandatory 24-hour cap on the time people can be housed in intake facilities, to address the problem of warehousing people in inhumane conditions, and require the City to track and report to the Court on how long people stay in intake;
- ensure staff follow strict suicide prevention protocols;
- report back to the court with an immediate interim security plan that addresses the gross deficiencies in basic security practices in the Department such as staff abandoning posts, failing to lock doors, and failing to supervise people in custody;
- launch a process to allow hiring of facility leadership from outside of DOC ranks, so that hiring is not limited to current DOC staff.

In addition, the order sets a timetable for reporting to the court on the implementation of these steps, including a process for appointing an outside head of security for 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.

This year alone, 12 people have died in New York City jails, including five who have died by suicide.

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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