

# THE LEGAL AID SOCIETY

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

## ***Statement on Latest Nunez Independent Federal Monitor Report on Abuse in New York City Jails***

(NEW YORK, NY) – Mary Lynne Werlwas, Director of the Prisoners’ Rights Project at The Legal Aid Society, released the below statement responding to the Twelfth [Report](#) of the Nunez Independent Monitor, issued today from 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:

“This report supports what we continue to hear from incarcerated clients every day: that correction officers resort to abuse and brutality as a matter of course, rendering even short stays in custody both treacherous and traumatic.

As the report shows, the facilities are more dangerous than they were when the federal court entered relief. The City has not been able to get staff back to work, nor effectively deploy staff who are at work, to stabilize the acute crisis. This is unacceptable and unconstitutional.

The people confined in DOC need urgent, extraordinary action from the City and all criminal system stakeholders - both to decarcerate the current population, but also to address the suffering of our clients who remain forcibly detained behind jail walls.”

### **Report Summary**

The report finds that levels of force and violence in New York City jails are at a historic high. The Monitor reports that “data on uses of force, fights, stabbings, and slashings among people in custody and assaults on Staff reveal that 2021 has been the most dangerous year since the Consent Judgment went into effect.” Calling the Department of Correction an agency “in crisis,” the Monitor makes clear that DOC “lacks the most rudimentary building blocks upon which progress could be built,” where “decades of poor practices has produced a maladaptive culture in which deficiencies are normalized and embedded in every facet of the Department’s work.”

Notable data include:

- A Use of Force rate that is three times higher in this Monitoring Period than in 2016, just after the Consent Judgment was entered (12.56 versus 3.96)

- A substantial increase in raw numbers of incidents involving serious injuries (e.g., 38 in Jan-Jun 2016, compared to 239 in Jan-Jun 2021);
- A significant increase in the average rate of fights, in which the rate in the first six months of 2021 (10.15) is double the rate of fights in 2016 (5.11);

An “exponential” increase in stabbings and slashings, where “[t]he rate in 2021, 5.56 per 100 people in custody, was more than double the rate in 2020 (2.66). Further, the number of stabbing/slashing events in the first 10 months of 2021 (n=353) was higher than the previous three years combined (2018 n=96, 2019 n=121, 2020 n=121, total n=338).”

A persistent and mounting failure to impose formal discipline, where “the amount of formal discipline imposed over the last five years (2,187) spanning the life of the Consent Judgment - November 2015 to June 2021 - is almost the same number of cases that are currently pending (1,917).”

**Background on *Nunez v. City of New York et. al.***

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 New York City meaningfully address the scourge of excessive force that has long been entrenched at Rikers Island and other 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. 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.

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.

This year alone, 14 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 over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every. [www.legalaidnyc.org](http://www.legalaidnyc.org)*