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

Latest Report from Rikers Environmental Conditions Monitor Reveals NYC DOC's Gross Non-Compliance with Long-Standing, Decades-Old Court Orders

Report Paints Dire Picture of Fire Safety, Sanitation, and Ventilation System Deficiencies in City Jails

Inspections Conducted During Four-Month Monitoring Period Recorded Thousands of Violations

(NEW YORK, NY) - The Legal Aid Society condemned the New York City Department of Correction (DOC) over its [long-standing failure](#) to comply with a consent decree in [Benjamin v. Molina](#), class action litigation Legal Aid filed in 1975 that challenged a broad range of environmental conditions and practices in the entire New York City jail system, including fire risks, sanitation deficiencies, and ventilation system concerns.

The [progress report](#) released late yesterday by the Office of Compliance Consultants, the court monitor, which covers the period from January 2023 to April 2023, paints a dire picture of dangerous health and safety conditions in local jails.

Inspections conducted during this monitoring period recorded thousands of *Benjamin* violations distributed across all jail facilities.

Moreover, the Monitor repeatedly notes that the production of these reports has become increasingly difficult due to DOC's refusal to provide accurate and timely data, if any data at all, on a range of relevant topics.

This is in keeping with DOC's general attitude against transparency and its failure to comply with judicial orders under Commissioner Louis Molina's tenure, including recent decisions to cease [public notifications of deaths in custody](#); to eliminate the New York City's Board of Correction's [unfettered access to video footage](#); to petition a court to keep secret a [special report](#) on jail violence; to [tamper with Rikers Island intake records](#); to plead with the *Nunez* Monitor to refrain from publicly releasing a report [detailing egregious incidents](#) of DOC neglect

involving five incarcerated individuals, while [suppressing information](#) about these incidents; to [falsify](#) logbooks so as to make it appear that officers were conducted their rounds, to name a few.

Photos of deplorable jail conditions: <https://tinyurl.com/bnxy89ah>.

Legal Aid's comments in response to the report: <https://tinyurl.com/6yh5a2dr>.

Fire Safety

Over the last decade, Rikers Island has experienced scores of fires.

In lieu of installing smoke detectors in Rikers Island's West Facility, in 2007, DOC instead created a system where officers are tasked with staffing all areas and floors of the building for fire hazards and making corresponding logbook entries every 30 minutes on every tour.

A DOC officer is supposed to conduct weekly periodic inspections to ensure that fire watches are being conducted and logbook entries are being made.

On a recent visit to examine the West Facility log books, Legal Aid discovered that a fire watch post was not staffed for nine consecutive days from June 20 - 28, 2022. Legal Aid also noted other fire watch posts that were not staffed for several hours, sometimes over multiple shifts.

Sanitation

The report also details DOC's inability to address egregious unsanitary conditions in local jails.

The court requires that "[s]hower facilities, janitors' closets, laundry areas, and toilets, washbasins, sinks and other personal hygiene and sanitation facilities...be thoroughly cleaned and sanitized at least once daily and more often if necessary...Every living area (cells, dormitory, and modular sleeping areas, and showers/bathrooms and dayrooms in each of these units) shall be thoroughly cleaned and sanitized each week."

DOC is obligated to provide the Monitor with copies of its own sanitation reports, but many reports are not provided and those that are provided use inconsistent methodologies, precluding the Monitor from discerning the full universe of *Benjamin* violations. Nonetheless, the Monitor found "[t]he Defendants are not in substantial compliance with the Court's sanitation mandates." Whereas "[e]ighty percent with zero housekeeping management observations is the agreed upon minimum compliance percentage for the Department to meet accepted sanitation standards in intake and living areas," the Monitor concluded that merely 68 percent of these areas were compliant during the monitoring period.

The Monitor's report is a sobering reminder that the Department's abysmal sanitation compliance ratings appear higher than they are. Despite having agreed to certain sanitation standards for intake and living areas in 2013, the Department now brazenly ignores the final step of those standards – which is based on the frequency of findings that areas are unclean to sight, surfaces are not smooth and easily cleaned, and organic soil has accumulated. According to the Monitor, if the Department were to implement this final step, it would result in an automatic finding of noncompliance for a much larger percentage of housing areas. Thus, as the Monitor explains in the report, its unacceptable conclusion that 68 percent of intake and living areas were compliant during the monitoring period is substantially inflated.

Furthermore, the Monitor wrote that "[t]hroughout the monitoring period, living areas were documented to be generally unsanitary, with dirty janitor's closets, insufficient cleaning products, missing cleaning equipment, poorly maintained ventilation, and uncorrected deficiencies despite submitted and resubmitted work orders."

Other illustrative examples of widespread inhumane living conditions noted by the Monitor include the presence of large roaches in shower areas; a dead mouse in intake; filthy toilets, showers, floors and walls in areas of all

inspected facilities, a strong sewer smell at the Robert N. Davoren Complex (RNDC); mildew and mold growing in showers at George R. Vierno Center (GRVC); and dust and clogged vents system-wide.

These problems are compounded by the perennial lack of cleaning supplies and chemicals and inoperable Diversey dispensers that serve as the primary source of cleaning solution, and when they are not functional, cleaning cannot occur.

Lastly, the report notes that safety glasses and gloves — protective equipment to safeguard incarcerated New Yorkers when cleaning supplies happen to be available — were missing during 155 and 138 inspections respectively, creating another health and safety concern.

The Eric M. Taylor Center, the facility that processes most new DOC admissions, has been plagued by [squalid conditions](#) and has only passed one inspection during this monitoring period.

A *Benjamin* court order also mandates that the New York City Department of Health and Mental Hygiene (DOHMH) thoroughly inspect each jail once a month and report any observations. For this monitoring period alone, DOHMH observed 337 violations.

Ventilation

Court orders require DOC to submit a range of reports on jail ventilation, including airflow, ventilation mechanical systems, and more.

The Monitor’s findings observe ventilation deficiencies “in all facilities and reflect an ongoing issue with the maintenance and repair of vents. The deficiencies consisted principally of dirty/dusty vents and partially or fully occluded vents...In numerous instances, the condition was not abated and the same violation was reported repeatedly.”

Per the Monitor’s findings, “[t]he [d]efendants are not compliant with the reporting requirements of the collective ventilation orders. Moreover, the heating and ventilation equipment maintenance and repair provisions of the applicable orders are not being complied with — facility inspection reports indicate significant delays in completing routine maintenance tasks, prolonged delays in abating known deficiencies, overall inconsistent reporting, and months’ long delays in making the conditions known to [the Monitor] and Plaintiffs.”

“Rikers is not just unsanitary, it is a collection of crumbling buildings rendered unfit for human habitation by the decades of accumulated filth on surfaces so neglected that many could not be adequately cleaned even if there was a will to do so,” said **Veronica Vela, supervising attorney with the Prisoners’ Rights Project**. “And, there is no evidence that DOC has any will to address these issues. Month after month the court monitor issues reports showing jail facilities overrun with dust, mold, rodents, and a litany of other sanitation violations. What’s more, the reports show the same violations persisting in the same housing areas for months or years. This reflects a Department that not only lacks urgency to comply with the *Benjamin* court orders, but is wholly unconcerned with providing safe and humane living conditions for the people in its custody.”

“Budgets are statements of values. DOC has recently spent almost \$200,000 for submachine guns and sniper rifles that it will never use, but there is not a single dollar in the capital budget for fire safety basics, like fire alarms in West Facility,” said **Robert Quackenbush, staff attorney with the Prisoners’ Rights Project at The Legal Aid Society**. “DOC instead relies almost exclusively on officers to carry out their fire safety mission. When those officers don’t show up to work or abandon their posts, which happens constantly without consequence or discipline, people in custody are exposed to serious risk of injury and death from smoke and fire. So long as these facilities remain open, the risk remains unacceptably high.”

“The Covid pandemic and the hazardous air quality resulting from wildfire smoke underscores the importance of adequate ventilation for all New Yorkers,” said **Lauren Stephens-Davidowitz, staff attorney with the Prisoners’ Rights Project at The Legal Aid Society**. “Yet, DOC treats compliance with the court-ordered ventilation and airflow requirements as optional. The repeated instances of maintenance issues, inconsistent reporting, and delayed repairs for known deficiencies convey an unwillingness from DOC to maintain a suitable living environment for incarcerated New Yorkers. These issues must be resolved immediately, and DOC should be held responsible for any ill effects these conditions have had on the people who are housed in their facilities.”

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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 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