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

Rikers Environmental Conditions Monitor Report Reveals NYC DOC's Continued Failure to Ensure Safe and Sanitary Conditions in City Jails

Monitor Reports Significant Increase in Vermin Observations

Inspections Conducted During Four-Month Monitoring Period Again 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 consent decrees in *Benjamin v. Molina*, class action litigation Legal Aid filed in 1975 that challenged a broad range of environmental conditions and practices in the New York City jail system, including fire risks, sanitation deficiencies, and ventilation system concerns.

The court monitor's latest [progress report](#), which covers the period from May 2023 to August 2023, paints a dire picture of dangerous health and safety conditions in local jails, the most glaring being the proliferation of vermin including arthropods, mice, ants, flies, roaches, gnats, and drain flies. The Monitor, the Office of Compliance Consultants (OCC), notes that one particular building, RNDC meets the definition of an infestation because the vermin detected are at all stages of development and the building exhibits "[a]n overrunning or inhabitation of an area by large numbers of vermin or insects so as to be harmful or bothersome."

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

Moreover, the Monitor repeatedly cites DOC's refusal to provide accurate and timely data, if any data at all, on a range of relevant topics, constraining OCC's ability to produce meaningful reports. This is consistent with DOC's general attitude against transparency under former Commissioner Louis Molina's tenure.

The DOC has been flouting its obligations to the people it holds in its custody for years. But the degree to which they have allowed conditions to deteriorate is outrageous and alarming. The jail population must be reduced before another New Yorker becomes a victim to the toxic and inhumane conditions of the City jails.

Legal Aid's comments in response to the court monitor's latest report: <https://tinyurl.com/24ajht47>.

Sanitation

The report 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.”

Per this report, the Monitor found that the Department is “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 57 percent of these areas were compliant during the monitoring period, a 11 percent decrease from the already appalling findings of the previous 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 57 percent of intake and living areas were compliant during the monitoring period is substantially inflated.

The reports notes that “there was a significant increase in observations of vermin and indicator arthropods this monitoring period 347 compared to 176 observations during the prior monitoring period, which is still an undercount as vermin indicators are not noted on the [DOC Environmental Health Officer] reports despite their long-established duty to monitor for such indicators.” By comparison, during the same monitoring period last year, May to August 2022, there were 54 observations of vermin.

The Monitor explained, “mice, ants, flies, roaches, gnats, and drain flies were among the vermin observed repeatedly in all areas of the facilities, but mostly in shower areas, janitor’s closets, and common areas. Cells, both occupied and vacant, were repeatedly observed with ants, gnats, and mouse droppings.”

Unsanitary conditions are compounded by the Monitor’s perennial findings of a lack of cleaning supplies and chemicals as well as inoperable Diversey dispensers – which serve as the primary source of cleaning solution. Under these circumstances, cleaning simply cannot occur.

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 112 violations, including uncleanable surfaces, vermin, chronic water pooling, and dusty vents.

“The recent report outlining DOC’s gross negligence in maintaining sanitary conditions in local jails is deeply disturbing and wholly unacceptable,” said **Lauren Stephens-Davidowitz, Staff Attorney with the Prisoners’ Rights Project at The Legal Aid Society**. “The alarming rise in observations of vermin has not only exacerbated inhumane living conditions, but poses significant health risks to the people housed in these facilities. Such conditions, including rampant infestations of mice, ants, flies, and roaches, are intolerable in any setting, including places of detention. Those who reside on Rikers deserve to live in conditions that respect their basic human dignity, and DOC’s current shortcomings in this area are a blatant affront to our society’s commitment to humane and just treatment of incarcerated individuals.”

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.

After a recent visit to examine the West Facility log books, Legal Aid reported to the Monitor that similar to previous visits, fire watch posts were frequently abandoned, often for two consecutive shifts and that not all applicable logbooks were provided and the ones that were produced were in tatters — some with missing covers and almost all with missing pages. During this recent visit, 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.

“Fire safety is an essential aspect of facility management, especially in detention centers, yet the measures currently in place at Rikers reflect a woefully inadequate response to a history of dangerous incidents on the island over the past decade,” said **Robert Quackenbush, Staff Attorney with the Prisoners' Rights Project at The Legal Aid Society**. “Instances of abandoned fire watch posts and mismanagement of logbooks endanger the lives of the incarcerated individuals and underscore DOC's severe oversight and neglect of non-negotiable safety measures. The lapses highlighted in the report must be addressed immediately to prevent anyone at the facility from being subjected to undue, fully preventable harm.”

Ventilation

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

The Monitor observed that “ventilation deficiencies were reported 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, DOC “remain[s] out of compliance with providing all required reports and providing functioning mechanical ventilation at all times as required by the Environmental Order. Additionally, the 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 and prolonged delays in abating known deficiencies.”

“Adequate ventilation is a fundamental aspect of ensuring the health and well-being of both people in custody and staff in jails,” said **Veronica Vela, Supervising Attorney with the Prisoners' Rights Project at The Legal Aid Society**. “It's simply unacceptable that issues like dirty or occluded vents are repeatedly met with inaction from DOC. Such repeated infractions not only indicate a lack of adherence to mandated standards but also a broader disregard for the well-being of individuals in custody. DOC must take accountability for these dangerous shortcomings and commit to making a real, dedicated effort to protect the well-being of everyone in these facilities.”

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