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Contact:

Audrey Martin
774.266.5233
AMartin@legal-aid.org

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

***Latest Report from Rikers Environmental Conditions Monitor Reflects NYC
DOC's Continued Non-Compliance with Long-Standing Court Orders***

***Rampant Non-Compliance includes Fire Safety, Sanitation, and Ventilation
System Requirements in City Jails***

***Inspections Conducted During Four-Month Monitoring Period Recorded
Thousands of Health and Safety Violations***

(NEW YORK, NY) - The Legal Aid Society condemned the New York City Department of Correction (DOC) over its [continued failure](#) to comply with court orders in [Benjamin v. Molina](#), a class action litigation Legal Aid filed in 1975, which 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 [progress report](#), released last night by the Office of Compliance Consultants, the court monitor, which covers the period from September 2023 to December 2023, paints a startling 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 — both of which have continued under the new leadership of Commissioner Lynelle Maginley-Liddie.

Legal Aid's comments in response to the report: <http://tinyurl.com/3x9xzecr>.

Fire Safety

Throughout the monitoring period, the Monitor observed a litany of fire safety violations.

According to the Monitor, DOC did not conduct the required inspections of sprinkler systems in the complex's North Infirmary Command, which houses people with acute medical conditions, which contributed to the severity of the fire on [April 6, 2023](#) that resulted in twelve people being hospitalized.

“Adequate fire safety equipment and protocols are some of the most basic components of standard building maintenance, yet DOC has yet again failed to implement any new or updated systems to protect the thousands of people housed on Rikers Island,” said **Robert Quackenbush, Staff Attorney at Prisoners' Rights Project**. “Continuing to rely on officers to carry out any and all fire safety protocols, while also having no consequence for officers who fail to do so, immeasurably increases the risk of serious injury or death for officers and incarcerated individuals alike. DOC must immediately put an end to the ever-present danger they have subjected their residents to by dedicating more funding to the improvement of fire safety systems throughout all the facilities on Rikers Island, or - if DOC is not willing to do that - closing the facilities permanently.”

Sanitation

Inspections conducted by the Monitor during this four-month monitoring period recorded thousands of sanitation violations distributed across all facilities at Rikers Island.

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, however, many reports were not provided. For the reports that were provided, many contained “extensive variability” that prevented the Monitor from discerning the full scope of Benjamin violations.

Moreover, the Monitor found that DOC is “not in substantial compliance with the Court's sanitation mandates.” Merely 61 percent of intake and living areas were compliant during the monitoring period, with many containing violations such as “the presence of loose filth and garbage; dust and dirt accumulation; soiling of touch points and/or high (common) touch surfaces; soiled bed frames and dayroom furnishings; soiled utility (janitor's) closet; and soil imbedded at transition areas such as edges of spalled tile, floor to wall junctions, door jambs and furnishing floor anchors.”

Of the 200 living areas reviewed for compliance, 127 were found to be non-compliant during one or more inspections, and 50 of the 127 failed every inspection. The Monitor noted that “living areas were documented to be generally unsanitary, with dirty janitor's closets, vermin, insufficient cleaning products, missing cleaning equipment, poorly maintained ventilation, and uncorrected deficiencies despite submitted and resubmitted work orders.”

There were also frequent observations of vermin in the facilities including mice, ants, flies, roaches, gnats, and drain flies. They were most commonly spotted in shower areas, janitor's closets, and common areas, but cells, both occupied and vacant, were also repeatedly observed with ants, gnats, and mouse droppings.

Adequate cleaning and sanitation supplies, which are required to be provided and maintained for staff and inmates, were also absent in many of the facilities, making it impossible for common surfaces to be disinfected properly. Even when multiple work orders were submitted to replenish the supplies, the issue persisted.

“Once again, the court-appointed monitor of Rikers Island has issued a scathing report of DOC's unwillingness to adequately address the litany of sanitation violations present within its facilities, which are rife with accumulated dirt, garbage, vermin, and surfaces that are so neglected and deteriorated that they are uncleanable” said **Lauren Stephens-Davidowitz, Staff Attorney with the Prisoners' Rights Project at The Legal Aid Society**. “What's most alarming is how long these violations have persisted, with DOC ignoring its obligations

to maintain and repair the facilities. The result is a jail system rife with inhumane and unsafe living conditions. This report, like the ones before, reflects a department that lacks any urgency to address the fact that its jails fail to provide even the most basic standards of cleanliness and decency."

Ventilation

Court orders require DOC to submit a range of reports on jail ventilation, including airflow, ventilation mechanical systems, and more. The order also requires DOC to "ensure that all bathroom and shower areas are provided with functioning mechanical ventilation at all times."

The Monitor reported that, during this monitoring period, DOC had failed to provide any of the required reports regarding mechanical ventilation.

During sanitation inspectors' tours of the facilities, they observed vents that were "excessively dirty, dusty, dust-laden, or clogged (with dirt or paint)." "[I]n some cases, no vent was provided."

In addition to the reported lack of vents in janitor's closets, shower and toilet areas, and storage locations, the Monitor also found missing vents in some sleeping areas.

According to the Monitor, even when the ventilation issues were reported, "the condition was not abated and the same violation was reported repeatedly."

"Having access to proper ventilation and airflow in a residential facility, particularly in a jail system where people are confined together in close spaces, should be treated as a fundamental necessity, not a luxury," said **Veronica Vela, Supervising Attorney with the Prisoners' Rights Project at The Legal Aid Society**. "But the monitor's recent report shows that DOC is withholding the reports required under the ventilations orders. As a result the monitor is unable to determine whether the current systems uphold basic ventilation and airflow requirements, potentially jeopardizing the health and safety of those in their custody. That vents are frequently covered with dirt and dust, or missing altogether from certain areas, raises alarm about the state of ventilation in the jails. DOC must take immediate action to rectify this situation. Moreover, DOC should be held responsible for any ill effects these conditions have had on the incarcerated New Yorkers housed in their facilities."

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