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Contact:

Alejandra Lopez
The Legal Aid Society
ALopez@legal-aid.org

*****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***

***Instead of Focusing on Improving Conditions, DOC Continues to
Manipulate Data to Inflate Compliance***

(NEW YORK, NY) - The Legal Aid Society condemned the New York City Department of Correction (DOC) over its long-standing failure to comply with court orders in [Benjamin v. Molina](#), a 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 progress [report](#) released yesterday by the Office of Compliance Consultants (the Benjamin Monitor), the court monitor, which covers the period from January 2024 to April 2024, 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 cites DOC's failure to follow its own policies and procedures as the source of its inability to comply with the court orders.

Fire Safety

Throughout the monitoring period, [as in previous periods](#), the Monitor observed remnants of fires across the Department in sleeping and common areas.

As reported in the previous monitoring [report](#), such remnants of smaller fires have been evident for years yet the Fire Safety Unit failed to carry out required inspections.

To date, the Department has not satisfied the Monitor's months-old request for Weekly Facility Fire Safety Inspection reports, which should show the findings of a thorough review of potentially serious fire conditions in each facility including those arising from indiscriminate burning of flammable materials.

Throughout the past few monitoring periods continuing into the current period, Legal Aid and the Monitor have sought reports of DOC's required fire safety inspections among other records. The Monitor has not yet received weekly inspection reports for the facilities and the monthly and annual reports that have been submitted are incomplete.

There have been no updates to the reports for annual inspections, which were carried out sporadically throughout the years and typically without any indication that the facility reviewed the findings, responded to the recommendations, and/or abated the violations.

"The Monitor's reports continue to reflect problems in all areas covered by the *Benjamin Environmental Orders*. It is unacceptable that the people living and working at Rikers Island continue to be at risk every day due to the Department's failure to enforce fire safety standards in these facilities," said **Robert Quackenbush, Staff Attorney with the Prisoners' Rights Project at The Legal Aid Society**. "The Department's repeated inability to provide accurate, complete reports of fire safety inspections indicates they have no interest in fostering a safe and humane living environment for incarcerated individuals. The danger they are subjecting these New Yorkers to is unjust and cruel, and DOC must take immediate action to ensure the safety and wellbeing of all persons housed on Rikers Island."

Sanitation

The report also details DOC's inability to address egregious unsanitary conditions in the 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 that “the Defendants are not in substantial compliance with the Court’s sanitation mandates. Eighty percent with zero housekeeping management violations 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 64 percent of these areas were compliant during the monitoring period. Forty living areas failed every sanitation inspection during that period.

The Monitor wrote that “[t]hroughout the monitoring period, 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.” It attributed DOC’s noncompliance to “managerial failures.”

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 64 percent of intake and living areas were compliant during the monitoring period is substantially inflated.

“It is abhorrent that just over half of the facilities at Rikers are in compliance with basic sanitation standards,” said **Lauren Stephens-Davidowitz, Staff Attorney with the Prisoners’ Rights Project at The Legal Aid Society**. “No New Yorker deserves to live in filth, having their health and wellbeing jeopardized as a result of DOC’s unwillingness to provide a safe and clean environment. The Department has an obligation to treat those in its custody with dignity and respect, and it fails to do so when it subjects them to hazardous, unsanitary conditions. DOC must begin taking its court-mandated responsibilities seriously to ensure that all facilities are safe and liveable for incarcerated individuals.”

Ventilation

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

The Monitor notes that “the majority of violations included vents that were excessively dirty, dusty, dust-laden, or clogged (with dirt or paint), and in some cases, no vent was provided or was obstructed.”

The report further explains that, “there is improved compliance with providing functioning mechanical ventilation; however, there remains unexplained delays in completing basic maintenance tasks such as cleaning vents and replacing belts, which are to be cleaned weekly pursuant to the Environmental Order.”

“Proper ventilation systems provide a vital safeguard against the spread of airborne illnesses, and are particularly important in crowded buildings, like those on Rikers Island,” said **Veronica Vela, Supervising Attorney with the Prisoners’ Rights Project at The Legal Aid Society.** “Yet, DOC has again failed to correct the persistent ventilation violations that have appeared in multiple monitoring reports. The unexplained delays in completing basic ventilation maintenance tasks endanger incarcerated New Yorkers. The Department must rectify these issues immediately and commit to keeping all ventilation systems in compliance with court orders.”

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