



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

EMERGENCY EXECUTIVE ORDER NO. 140

July 10, 2022

WHEREAS, on September 2, 2021, the federal monitor in the *Nunez* use-of-force class action stated steps must be taken immediately to address the conditions in the New York City jails; and

WHEREAS, on June 14, 2022, the federal court in *Nunez* approved the *Nunez* Action Plan, which “represents a way to move forward with concrete measures now to address the ongoing crisis at Rikers Island”; and

WHEREAS, on June 30, 2022, the federal monitor in *Nunez* issued a status report finding that “the overall situation in the jails remains chaotic and incidents involving serious harm and tragic fatalities are all too frequent”; “dangerous conditions [at several Rikers Island facilities] warrant heightened scrutiny”; the “City and Department must first and foremost focus on stabilizing the Department”; and that implementing the *Nunez* Action Plan is “critical”; and

WHEREAS, while there has been improvement in excessive staff absenteeism, the Department of Correction’s (DOC’s) staffing levels continue to contribute to a rise in unrest and disorder and create a serious risk to the necessary maintenance and delivery of sanitary conditions; access to basic services including showers, meals, visitation, religious services, commissary, and recreation; and prompt processing at intake; and

WHEREAS, DOC’s staffing levels are affecting health operations, including the availability of escorts to bring patients to the clinic and of DOC personnel to staff the clinics; and

WHEREAS, on June 30, 2022, the federal monitor in the *Nunez* action concluded that the DOC proceeding with the Board of Correction’s Risk Management Accountability System (RMAS) for restrictive housing “is not prudent and poses significant safety concerns” and the federal monitor “does not, at this juncture, approve the Department’s proposal that the implementation of RMAS will satisfy” requirements of the federal action plan; and

WHEREAS, this Order is given to prioritize compliance with the *Nunez* Action Plan, address the effects of DOC’s staffing levels, address the conditions at DOC facilities, and address health operations; and

WHEREAS, the state of emergency existing within DOC facilities, first declared in Emergency Executive Order No. 241, issued on September 15, 2021, and extended most recently by Emergency Executive Order No. 128, issued on June 25, 2022, remains in effect;

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby direct that the State of Emergency declared in Emergency Executive Order No. 241, dated September 15, 2021, and extended by subsequent orders, is extended for thirty (30) days.

§ 2. I hereby direct that section 1 of Emergency Executive Order No. 136, dated July 5, 2022, is extended for five (5) days.

§ 3. This Emergency Executive Order shall take effect immediately. The State of Emergency shall remain in effect for a period not to exceed thirty (30) days or until rescinded, whichever occurs first. Additional declarations to extend the State of Emergency for additional periods not to exceed thirty (30) days shall be issued if needed.

A handwritten signature in black ink that reads "Eric Adams". The signature is written in a cursive, slightly slanted style.

Eric Adams
Mayor