

DOC Action & Implementation Plan

Ending Emergency Executive Orders & Local Law 42 Implementation

New York City Department of Correction

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EXECUTIVE SUMMARY

Beginning in September 2021, starting with Mayor de Blasio for four months and continuing under Mayor Adams for four years, there have been emergency executive orders issued in response to severe staffing shortages and operational challenges at the Department of Correction (DOC). These orders suspend 30 provisions across Board of Correction (BOC) minimum standards, local laws, and city rules to provide DOC with operational flexibility during the declared state of emergency. In [EEO1](#), Mayor Mamdani directed DOC and the NYC Law Department (LAW) to develop a plan to establish pathways to end these emergency suspensions and build sustainable operations that address the conditions that led to the executive orders and prioritize the safety of both individuals in custody and DOC staff. Many suspended provisions cannot simply be "turned back on," as many require coordinated regulatory reform and/or approval, infrastructure investment, and/or staffing model redesign. For certain provisions, there are requirements to consult with the newly appointed Remediation Manager, as well as consultation and approval requirements by the Monitor, both of whom were appointed by Judge Swain of the Southern District of New York in *Nunez v. City of New York*.

This plan establishes pathways that systematically address the suspended provisions through coordinated multi-agency effort, as well as, where necessary, the consultation and approvals required by the *Nunez* court orders. The plan outlines a number of next steps, including operational improvements, a memorandum of understanding renewal with the New York City Police Department (NYPD), long-term strategic planning, and additional interagency coordination. Each mechanism identifies specific actions, responsible agencies, objectives, and affected provisions.

The intention of this plan is to establish clear governance structures, secure critical operational agreements, and produce an action plan that allows the City to make demonstrative progress towards safe and sustainable jail operations. Success requires sustained coordination among the DOC, Board of Correction (BOC), Office of Labor Relations (OLR), the Law Department, Correctional Health Services (CHS), Department of Education (DOE), Office of Management and Budget (OMB), Department of Citywide Administrative Services (DCAS), and the NYPD. Court mandated consultation with the Remediation Manager and the Monitor will be necessary to the extent the plan relates to specific court orders, including the LL42 provisions that are subject to a Temporary Restraining Order ("TRO") issued by Judge Swain. The result will be a pathway forward from emergency suspensions, enhancing conditions for correctional staff and persons in custody.

BACKGROUND

Emergency Executive Orders

In September 2021, facing a crisis of excessive staff absenteeism and serious risks in the jails during COVID, Mayor de Blasio declared a State of Emergency and issued the first of what would become a series of Emergency Executive Orders suspending certain operational requirements. These orders were renewed throughout Mayor Adams' administration. Nearly four and a half years later, under Mayor Mamdani's direction, DOC is developing this plan to move away from the use of emergency executive orders.

Mayor de Blasio's original Emergency Executive Order 241 of 2021 (EEO 241) issued on September 15, 2021, suspended specific discipline procedures for correction officers. Subsequent emergency executive orders continued and expanded suspensions and/or other changes. This has included EEOs that have directed the NYPD to oversee additional court holding areas, suspended BOC minimum standards for certain housing areas, and allowed co-mingling of the young adult population (18-21 years old). While some suspensions have ended, (de-escalation units in 2022, law library access restored in 2024), most remain in effect and are now in their fifth year.

Local Law 42

In December 2023, the City Council passed Local Law 42 (LL 42) which established comprehensive jail reform requirements: a 60-day annual cap on restrictive housing with 30-day discharge limits, 7 hours daily congregate programming or activities in restrictive housing, 14 hours out-of-cell time for all incarcerated persons, 4-hour cap on de-escalation confinement, restrictions on use of restraints, therapeutic interventions, legal representation in restrictive housing proceedings, and detailed due process protections.

In July 2024, Mayor Adams issued EEO 624 and 625, which suspended many provisions of LL 42 and the related BOC rules. The City Council and the Public Advocate filed a lawsuit in New York State Supreme Court in December 2024 seeking an Order invalidating those EEOs, which the court ultimately granted. In July 2025, the City wrote to Judge Swain seeking a stay of the implementation of many portions of LL42 to allow the Monitor to opine on which provisions could be safely implemented. In July 2025, Judge Swain issued a temporary restraining order (TRO) staying the implementation of several provisions of LL42, and any related BOC rules, that might implicate the Monitor and/or Court approvals required under the *Nunez* orders.

APPROACH

DOC and Law convened under Mayor Mamdani's direction to develop an action plan in 45 days. The process involved:

1. **Comprehensive Inventory.** The team catalogued all active EEO provisions and mapped them against LL42's detailed requirements.
2. **Systematic Categorization.** Rather than treating all provisions and compliance areas as a single mass, the team organized them by operational areas and legal requirements. Some need operational procedures DOC can formalize through internal policy. Others require collaboration with BOC. A significant number require fundamental changes to infrastructure and staffing.
3. **Implementation Mechanisms.** This analysis revealed distinct pathways organized across three planning tracks:
 - a. **EEO Planning** addresses provisions originating in emergency orders through internal DOC policy changes, BOC conferral, DOC Operational Changes, and the Staffing & Infrastructure Plan.
 - b. **EEO & LL42 Overlap** tackles the several areas where emergency suspensions and LL42 requirements directly intersect, requiring coordinated resolution through the Staffing & Infrastructure Plan. Specifically, this concerns comingling of youth and adult populations.
 - c. **LL42 Planning** establishes a process for implementing LL42 through DOC policy updates, BOC conferral, and the Staffing & Infrastructure Plan after approval by the Monitor.
4. **Lead Assignment and Execution.** DOC and Law assigned a lead to each mechanism to develop detailed implementation plans with concrete objectives, actions, timelines, metrics, involved parties, and dependencies.

IMPLEMENTATION PLANS

EEO Planning

Category	Provisions	Description	Mechanism	Work Completed	Next Steps	Timeline
Officer Discipline and Attendance	EEO 241(2), 241(3), 279(3)	Provisions allowing suspension of officers for AWOL violations and out-of-residence violations while on sick leave	DOC Internal Policy Changes	DOC proposed edits to the relevant directives and is preparing for engagement with involved parties.	DOC plans to circulate proposed edits to involved parties for review	<u>Q2 2026</u>
Staffing Flexibility	EEO 304(1)	Authorization for 12-hour tours and alternative shift schedules	DOC Operational Changes	DOC notified staff via teletype on February 6, 2026, that RNDC 12-Hour pilot will end on March 1, 2026.	Remediation Manager and involved parties will be included in planning and discussions; 12-Hour Pilot will end on March 1, 2026 and EEO can be terminated	<u>Q1 2026</u>
Procurement	EEO 241(6)	Suspension of standard procurement rules		DOC returned to procurement process on 2/6/26 as per General Counsel instructions.	Completed	<u>Q1 2026</u>
Court Operations	EEO 241(4)	Transfer of pre-arraignment detention operations to NYPD	NYPD & DOC MOU	DOC, Law, and NYPD are discussing an MOU regarding coverage of pre-arraignment court operations	Remediation Manager and involved parties will be included in planning and discussions; Related parties to agree upon MOU terms and execute	<u>Q3 2026</u>
Recruitment	EEO 100(2)	Waiver of residency requirements (expired May 23, 2024)	DCAS Processes	DOC produced list of officers seeking waivers for review by the Law Department	The Law Department is reviewing the list	<u>Q2 2026</u>

EEO & LL42 Overlap

Category	Provisions	Description	Work Completed	Next Steps	Timeline
BOC Standards Preservation (LL42-Related)	EEO 297(2)	Reinstates BOC sections 1-16 related to Enhanced Supervision Housing (ESH) for young adults	DOC has drawn up proposed plans to address comingling. These plans are currently being prepared for stakeholder engagement	Remediation Manager and involved parties will be included in planning and discussions; Review and approve plans to address comingling concerns; Execute implementation plan	<u>Q2 2027</u> (Subject to Monitor, Remediation Manager, and Court Ordered Approval Processes)
Due Process, Restraints, and RRU Suspensions (LL42-Related)	EEO 623(3)	Suspension of BOC minimum standards for due process, RRUs, and restraints	Internal assessment and planning to inform upcoming meet and confer meetings	Continue meet and confer process to determine next steps	<u>Q4 2026</u> (Subject to Monitor, Remediation Manager, and Court Ordered Approval Processes)
Separation Status (LL42-Related)	EEO 66(3)	Suspension related to separation status	Law department has reviewed policies and has circulated recommendations to DOC.	DOC to review suspended standards to identify provisions which can be discontinued; Engagement w/ Remediation Manager and involved parties regarding termination of suspensions	<u>Q4 2026</u> (Subject to Monitor, Remediation Manager, and Court Ordered Approval Processes)

Local Law 42 Implementation Plan

The Mayor has directed DOC and Law to work with stakeholders on a plan for implementation of LL 42 in collaboration, as required, with the Remediation Manager and subject to the review and approval of the Monitor.

In July 2025, Judge Laura Taylor Swain issued a TRO enjoining thirty-two LL42 provisions and related BOC rules. The court ordered a “meet and confer” process between parties - counsel for the plaintiffs (Legal Aid and Emery Celli), the U.S. Department of Justice (DoJ), the City, the Public Advocate, and the City Council. In addition, now, for certain aspects of this work, the new Remediation Manager must be consulted. There are ~60 provisions contained in LL42. Thirty-two are stayed by the TRO and the remaining 28 are either already part of DOC’s practice or are in discussion with the involved parties in order to move forward with an implementation plan:

- **Non-Stayed:** For the provisions that are not subject to the TRO, DOC and the Law Department have been engaged with the City Council and the Public Advocate concerning implementation.
- **Stayed Provisions:** The pathway to implementation of the 32 stayed provisions is governed by a court-ordered “meet and confer” process, internal assessments, consultation with external oversight, coordination with the Remediation Manager, and consultation and approval by the Monitor and the Court.

When Judge Swain issued the TRO order, she directed the Monitor to review and report on the stayed provisions and whether they can be safely implemented. Judge Swain also directed the parties to meet and confer about the stayed provisions to attempt to reach consensus on whether and how the provisions could be safely implemented. The stayed provisions address multiple operational areas within the jail with one common thread – they relate to safety and security, which are at the core of the *Nunez* consent judgment and other orders issued by Judge Swain.

The administration has directed DOC to develop a plan to implement stayed provisions of LL 42, with legal assistance provided by the Law Department. The substance of the stayed provisions relates to the following four areas:

1. **De-Escalation:** De-escalation confinement requires minimum space/hygiene standards, regular monitoring with 15-minute checks, continuous crisis intervention, and is limited to 4 hours maximum.
2. **Restrictive Housing:** Restrictive housing placement requires a hearing finding of a violent grade I offense. Additional due process is also required including representation, witness testimony, interpreter access, written dispositions within 5 days, and mandatory quarterly reporting with demographic data.
3. **Pre-hearing Detention:** Pre-hearing temporary restrictive housing requires written Commissioner/Deputy Commissioner approval citing reasonable belief of violent grade I offense and imminent serious injury risk, with mandatory hearing within 5 days and continuous first-day monitoring.
4. **Restraints:** Use of restraints is prohibited absent an individualized determination that they are necessary to prevent an imminent risk of self-injury or injury other persons. Use of restraints cannot occur on two consecutive days until a hearing to determine if the continued use is necessary for the safety of others. Continued use of restraints must be reviewed on a daily basis and discontinued once there is no longer an imminent risk. Continued use of restraints may only be authorized for seven consecutive days.

LL 42 Plan

Category	Work Completed	Next Steps	Timeline
Non-Stayed Provisions (28 Provisions)	The Department's practices comply with the non-stayed provisions of LL42, and to the extent the Department's policies do not match practice they are being updated to reflect such. There has been significant data collection efforts underway concerning de-escalation, restrictive housing, and pre-hearing detention.	The Department will publish the related reports no later than Q2 2026. For all of the remaining non-stayed provisions, the DOC is working on a comprehensive plan with the involved parties to determine pathways to implementation; Remediation Manager and involved parties will be included in planning and discussions; All Department policies must be provided to the Monitoring Team for review and approval; The non-stayed provisions that have not been implemented yet include (1) removal of the locks from the de-contamination shower in the Department's Enhanced Supervision Housing unit and (2) certain requirements related to pre-hearing detention.	<u>Q4 2026</u> (Subject to Monitor, Remediation Manager, and Court Ordered Approval Processes)
Stayed Provisions (32 provisions)	A number of meet and confers have been scheduled by the Monitor and the Monitor will report to the Court on the meet and confer process once concluded.	Remediation Manager and involved parties will be included in planning and discussions; The plan for implementation of the stayed provisions requires internal assessment, which is currently under way, to identify physical plant issues associated with the implementation, staff enhancements or changes that will be necessary, and policies and procedures that would need to be updated. In addition to the internal assessments, the City must engage with the Public Advocate, Legal Aid, and City Council as part of the court ordered meet and confer process with the Monitor.	<u>Date and timeline are subject to Monitor, Remediation Manager, and Court Ordered Approval Processes</u>

Other Dependencies & Considerations

All plans to make changes to the physical structure of the jail facilities will require the approval of the State Commission of Correction. New policy promulgation that is related to the *Nunez* court orders requires Monitor Approval. The opening of a new type of housing area with the associated policies also requires Monitor approval. In addition, the new Remediation Manager is also coming on board with broad decision-making authority related to the 18 contempt provisions identified by Judge Swain in the November 26, 2024, contempt order. At least 6 of the contempt provisions directly overlap with the stayed provisions of LL 42 and therefore, any implementation plan must be developed in consultation with the Remediation Manager. Following these approvals, necessary facilities modification, construction, and the development and delivery of staff training can proceed. Finally, as part of the implementation plan outlined above, as well as to promulgate sustained culture change across DOC, there is need to provide for an updated DOC-specific training facility, one that ensures an effective transition to the future state of DOC and focuses exclusively on DOC needs.

Next Steps

This 45-day action plan establishes a roadmap to move from emergency operations to sustainable jail management. Through coordinated action across multiple agencies and meaningful engagement with oversight bodies, advocates, and stakeholders, the City will transition from a crisis response that has lasted nearly five years to durable operations that serve both correctional staff and people in custody. Implementation has already begun, and DOC will work with Law to ensure tracking and regular updates for accountability at each stage.