

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,
Plaintiff,

-v-

No. 11-CV-5845-LTS-RWL

CITY OF NEW YORK et al.,
Defendants.

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ORDER

The Court has received and reviewed the Status Report filed by the Monitoring Team on February 26, 2024. (Docket entry no. 679 (the “Report”).) The Report details the Department of Correction’s (the “Department”) compliance with the three requirements outlined in the Court’s order dated December 20, 2023 (docket entry no. 665 (the “Order”).) The Order found the Department in contempt of section D, paragraph 3 and section E, paragraph 4 of the Action Plan (docket entry no. 465) and section I, paragraph 5 of the order dated June 13, 2023 (docket entry no. 550). The Order further directed the Department, by February 27, 2024, to comply with three requirements related to: (1) elevating the role, authority, and resources dedicated to the Nunez Manager, (2) developing and implementing a high profile communications program to make clear the responsibility—shared by Department leadership and staff alike—to proactively collaborate with the Monitoring Team, and (3) developing a set of data and metrics for use of force, security, and violence indicators to be routinely evaluated by Department leadership to identify trends regarding unnecessary and excessive uses of force and

violence in order to identify their root causes and to develop effective strategies to reduce their occurrence.

For the reasons outlined in the Report, the Court concludes that the Department has complied with all three requirements in the Order and has thus purged its contempt. While the Report describes how the “Department has made important strides in returning to a more collaborative and transparent relationship with the Monitoring Team” (Report at 7), it remains essential that the Department continues to work toward structural transformation that will promote sound correctional practice in accordance with the Monitoring Team’s repeated exhortations. The level of danger posed to individuals in custody and employees at Rikers Island is still unacceptable, and the Court continues to expect nothing less than rapid changes to ensure the safety of those who live and work there.

SO ORDERED.

Dated: February 27, 2024
New York, New York

/s/ Laura Taylor Swain
Laura Taylor Swain
Chief United States District Judge