



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

DECLARATION OF LOCAL STATE OF EMERGENCY

September 15, 2021

EMERGENCY EXECUTIVE ORDER No. 241

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, excessive staff absenteeism among correction officers and supervising officers has contributed to a rise in unrest and disorder, and creates 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, the Department of Correction's (DOC's) staffing shortages 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, this Order is given to address the effects of excessive staff absenteeism and in order to address the conditions at DOC facilities;

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. State of Emergency. A state of emergency is hereby declared to exist within the correction facilities operated by the DOC.

§ 2. I hereby direct that, effective today, any DOC correction officer or supervising officer who is absent without leave (AWOL) shall be suspended for up to thirty days without pay pending hearing and determination of disciplinary charges.

§ 3. I hereby direct that beginning September 16, 2021, any DOC correction officer or supervising officer who calls in sick will be ordered to report to a post on an upcoming tour. If the officer feels unwell and unable to work, the officer must report within 24 hours to the Health Management Division (“HMD”), or other office designated by the Commissioner of Correction, for a medical assessment to determine fitness for duty, or if they are home-bound, the officer must provide sufficient documentation of their condition. Any DOC correction officer or supervising officer who are Medically Monitored may also be ordered to report to the HMD or other office designated by the Commissioner of Correction for a medical assessment to determine fitness for duty. If the officer fails to report to their assigned shift or to the HMD, or other office designated by the Commissioner of Correction, or to provide the documentation, the officer shall be suspended without pay for up to 30 days, pending hearing and determination of disciplinary charges.

§ 4. I hereby suspend subdivision 2 of section 623 of the New York City Charter to the extent necessary to direct that the NYPD take over responsibility for running any or all court operations for the detention of prisoners while in the criminal courts, the family court, and the supreme court in the counties of New York, Bronx, Kings, Queens, and Richmond.

§ 5. I hereby direct the suspension of Board of Correction minimum standards §1-02(b)(1), (3), and (4), concerning the commingling of inmate populations, to allow the DOC to consider safe housing alternatives for young adults in custody.

§ 6. During the State of Emergency, and to the extent such laws and rules may be suspended consistent with State law, the following laws and regulations related to procurement are suspended with respect to any procurement of goods, services or construction when the Commissioner of Correction determines in writing that the procurement is necessary to respond to the emergency: Chapter 13 of the New York City Charter; Title 9 of the Rules of the City of New York (Procurement Policy Board Rules); and Sections 6-101 through 6-107.1, 6-108.1 through 6-121, and 6-124 through 6-129 of the New York City Administrative Code. Nothing herein shall preclude the DOC from complying with any portions of such laws or rules to the extent that the Commissioner determines that compliance will not interfere with the agency’s emergency response.

§ 7. I hereby direct the suspension of Board of Correction minimum standards §1-16(c)(1)(ii) (Enhanced Supervision Housing) to allow the DOC to operate Enhanced Supervision Housing for young adults.

§ 8. Solely with respect to housing area 2B of the George R. Vierno Center, I hereby direct the suspension of Board of Correction minimum standards §1-03(c-d, j) (Personal Hygiene); 1-04(b)(2-3) (Single Occupancy, including storage and desk space); 1-05(a-c) (Lock-In); 1-06 (Recreation); 1-07(c) (Religion); 1-08(f)(4) (Law Library Access); 1-08(g)(2-4) (Legal Documents and Supplies Access); 1-09 (c-d, f) (Visiting); 1-11(c-d) (Correspondence); 1-12(d) (Incoming Packages); 1-13(a-c) (Publications); and 1-14(a-b) (Access to Media), to allow the DOC to utilize this area for special safety and security purposes.

§ 9. Section 1 of this Order shall take effect immediately. Sections 2 through 8 of this Order shall take effect immediately and shall remain in effect for 5 days unless it is terminated or modified at an earlier date.

A handwritten signature in black ink, appearing to read "Bill de Blasio", is positioned above a horizontal line.

Bill de Blasio,
MAYOR