



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

EMERGENCY EXECUTIVE ORDER NO. 401

May 5, 2023

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

WHEREAS, additional reasons for requiring the measures continued in this Order are set forth in Emergency Executive Order No. 140; and

WHEREAS, the state of emergency existing within DOC facilities, first declared in Emergency Executive Order No. 241, dated September 15, 2021, and extended most recently by Emergency Executive Order No. 389, dated April 20, 2023, 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 section 1 of Emergency Executive Order No. 397, dated April 30, 2023, is extended for five (5) days.

§ 2. This Emergency Executive Order shall take effect immediately and shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.

A handwritten signature in black ink that reads "Eric Adams".

Eric Adams
Mayor