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Contact: Eric Friedman
efriedman@nycbar.org

Trip Eggert
teggert@vera.org

City Bar and Vera Institute Submit Amicus Brief Urging Federal Receiver for Rikers

New York, December 4, 2023 – The New York City Bar Association and the Vera Institute of Justice have jointly submitted an [amicus brief](#) supporting the appointment of a federal receiver to take control of the ongoing crisis at Rikers Island, and to do so in parallel with New York City’s legal obligation to close the jail complex. It is the first amicus brief ever submitted by the Vera Institute.

The brief was submitted in the case of *Mark Nunez, et al. v. The City of New York, et al.*, a class-action civil lawsuit brought in 2011 by 12 current and former people incarcerated on Rikers Island who allege they were subjected to excessive force by Department of Correction (DOC) employees in violation of the Constitution and federal and state law.

Noting that “For decades, Rikers Island has been a byword for human misery,” and referencing the jail’s “deep-seated culture of violence,” the brief outlines the ongoing persistent failures to address the problems at the complex. “Throughout this litigation, and including the Consent Judgment in 2015 and the subsequent remedial orders and Action Plan, the Court and the independent Monitor have provided Defendants with countless opportunities to implement reforms,” the brief states, yet the City’s efforts to date have been “haphazard, tepid, and insubstantial,” reflecting “a continuing lack of urgency” to address “the constitutional violations, violence, and deaths taking place on their watch.”

“Simply put, Rikers is a gangrenous limb within the DOC, and its excision is necessary for the healing of the DOC as a whole,” states the brief.

While the rule of law requires that a receiver be appointed to manage the DOC, the brief also emphasizes that a Court-appointed receiver “is not a panacea,” and that to maximize the likelihood that this “last resort” remedy will succeed in the long term, the receiver also must act consistently with the law passed by the New York City Council ordering the closure of Rikers by August 31, 2027.

“Closing Rikers is necessary to end a culture within the DOC that accepts as inevitable the violence and wretchedness that define the status quo,” states the brief. “Amici respectfully submit that the rule of law requires that a receiver be appointed to manage the DOC, and that the receiver be constrained to act consistently with Section 4-215 of the New York City Administrative Code and other laws requiring the closure of Rikers Island.”

“The profound lack of safety on Rikers, whether for the incarcerated or those working on the island, is both an immediate crisis and a chronic, festering problem,” said **Nicholas Turner, president and director of the Vera Institute of Justice**. “After eight years of monitoring and decades of failure, the appointment of a federal receiver is a needed solution. But beyond this necessary intervention in the short term, Judge Swain should address the deadly circumstances at the heart of the Nunez suit for the long term by ensuring that the receiver, in executing their extraordinary powers, advance and do nothing that thwarts the Close Rikers plan.”

“When over 1,300 people who haven’t been convicted of anything are awaiting trial for over a year in a jail on track to have 400 stabbings and slashings this year alone, it’s past time for the federal government to step in,” said **New York City Bar Association President Susan J. Kohlmann**, who recently toured the facility. “Immediate action is necessary to ensure the safety of those incarcerated and working on Rikers until the facility can be closed.”

Read the amicus brief here: <https://bit.ly/4153JjS>

The motion for leave to file the brief is [here](#).

About the New York City Association

The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.
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About the Vera Institute of Justice

The Vera Institute of Justice is powered by hundreds of advocates, researchers, and policy experts working to transform the criminal legal and immigration systems until they’re fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn’t determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera’s headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit vera.org.