



State of New York
Executive Chamber

No. 5

EXECUTIVE ORDER

Declaration of a Disaster Emergency in the Counties of the Bronx, Kings, New York, Richmond and Queens Due to Conditions at Rikers Island Correctional Center

WHEREAS, the Rikers Island Correctional Center has been facing a severe staffing shortage in recent months;

WHEREAS, the conditions in the facilities have led to an unsafe, life-threatening environment for both the inmates and the staff;

WHEREAS, a federal monitor appointed to oversee the Correctional Center reported a "pervasive level of disorder and chaos," in the facilities in its Eleventh Report of the *Nunez* Independent Monitor;

WHEREAS, there has been an increased number of deaths of inmates at Rikers Island this year;

WHEREAS, there is a need to facilitate the use of virtual court appearances to expedite proceedings and to reallocate corrections department staff from transportation and production of defendants to housing supervision and safety;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby find that a disaster has occurred and is ongoing for which the affected local governments are unable to respond adequately. Therefore, I hereby declare a state disaster emergency, effective September 28, 2021 and until further notice in Bronx, Kings, New York, Richmond and Queens counties; and

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, during a state disaster emergency, if compliance with such would prevent, hinder, or delay action necessary to cope with the disaster emergency, I hereby temporarily suspend and modify the following through October 28, 2021:

- Article 182 of the Criminal Procedure Law to the extent necessary to allow a court to dispense with the personal appearance of any party or witness and conduct by means of electronic appearances: (i) except for good cause shown, any arraignment in supreme court on an indictment or superior court information, calendar call, court conference or motion argument; (ii) provided that the defendant consents, any plea, sentence or testimony in the grand jury by a defendant; and (iii) provided that the defendant and the prosecutor consent, any evidentiary hearing or non-jury trial.



GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-eighth day of September in the year two thousand twenty-one.

Kathy Hochul

BY THE GOVERNOR

Secretary to the Governor