

SUPREME COURT OF THE STATE OF NEW YORK
BRONX COUNTY OF NEW YORK

NEW YORK CITY BOARD OF CORRECTION,

Petitioner,

-against-

NEW YORK CITY DEPARTMENT OF
CORRECTION; LOUIS A. MOLINA, in his
official capacity as Commissioner, New York City
Department of Correction; and THE CITY OF
NEW YORK,

Respondents.

Index No. _____

**VERIFIED PETITION FOR A
JUDGMENT PURSUANT TO
ARTICLE 78 OF THE CPLR
AND PRELIMINARY AND
PERMANENT INJUNCTION**

Petitioner New York City Board of Correction (the “Board”), through its undersigned counsel, as and for its verified petition in support of an order to show cause for a judgment under Article 78 of the Civil Practice Law and Rules and for a preliminary injunction and permanent injunction, alleges as follows:

INTRODUCTION

1. On January 9, 2023, the New York City Department of Correction (“DOC” or “Department”) unilaterally and unlawfully terminated the broad, direct, and unfettered 24/7 access (“direct access” or “direct video access”) the Board has had to video footage from City jails, including a live feed, and imposed a series of far-reaching new restrictions (the “Restrictions”) that fiercely cabin the Board’s video access. DOC’s decision to terminate the Board’s direct access and to impose the Restrictions flies in the face of the express inspection rights granted to the Board under the New York City Charter (the “Charter”), denies the Board records to which it is entitled and that are necessary to carry out its Charter-mandated function, *i.e.*, the oversight of DOC and the City jails, and represents a radical, inexplicable reversal of

longstanding Department practice.

2. The negative impact that the Restrictions have on the Board's ability to perform its duties cannot be overstated: Video access, including access to a live feed, is one of the most crucial means by which the Board can effectively monitor the City's jails; ensure DOC's compliance with the minimum standards the Board has established; and conduct independent, confidential investigations into incidents of violence, use of force, responses to medical emergencies, and improper, potentially criminal, conduct by DOC staff, among other things.

3. DOC had no legitimate justification for its purported Restrictions. Indeed, when attempting to "explain the reasons for [his] decision," DOC Commissioner Louis Molina did not offer any security or safety basis, only complaints about four incidents in which he believed the Board acted unfairly to the Department, and his opinion that "BOC staff seem to have an agenda that gives me no confidence that unfettered access to video footage is warranted."

Commissioner Molina offers no authority—nor is there any—that would grant him the right to effectively sideline the entity whose Charter-mandated purpose is to provide oversight of his Department simply because he is offended by some supposed agenda or lacks confidence in the Board's staff.

4. Commissioner Molina's arbitrary exercise of authority is of a piece with DOC's pattern and practice of attempting at any cost to evade oversight, transparency, and accountability. DOC accepted widely implementing video recordings—a well-known strategy for promoting safety and curtailing abuse—only after being sued numerous times, including in a class action in which the U.S. Department of Justice ("DOJ") intervened, and pursuant to which DOC entered into a consent decree that installed an independent monitor and required the widespread use of video recordings.

5. Recently, that monitor has decried DOC's failure to report serious instances of violence and abuse, which the monitor learned of only through reports by the press and other stakeholders.

6. In response, the Department doubled down, stating that it would no longer inform the press when people die in its custody.

7. Disappointingly, the Respondent New York City ("City") has joined in DOC's efforts to obfuscate and obstruct oversight of the Department. When the Board brought DOC's termination of the Board's long-standing video access to the attention of the Respondent City, rather than resolve the issue by directing Commissioner Molina to reinstate access, the Respondent City effectively ratified the decision and, for months, has frustrated the Board's attempts to resolve the dispute.

8. Respondents' decision to impede the Board's oversight authority by baselessly denying the Board the video access to which it is entitled to and that it has long held is arbitrary, capricious, and an abuse of discretion. The termination of the Board's direct access and the imposition of the Restrictions, therefore, should not stand, and judgment in favor of the Board is warranted.

9. Provisional relief, in the form of a preliminary injunction, is appropriate and necessary to prevent further irreparable harm resulting from DOC's thwarting of the Board's Charter-mandated oversight, and to restore the authority that the Board is granted, and the oversight that DOC is subject to, under the City Charter.

JURISDICTION

10. Under CPLR 7801 *et seq.*, this Court has jurisdiction to review the actions by bodies or officers who have made a determination in violation of state law and whose actions were arbitrary, capricious, or an abuse of discretion.

VENUE

11. Under CPLR 504, 506, venue in an Article 78 proceeding against the City and any of its departments lies in “the county within the city in which the cause of action arose.”

12. In this matter, venue would properly lie in any county within the City, including Bronx County, where 24/7 direct access to video footage from City jails, court pens, and hospital wards has been terminated. Venue properly lies in Bronx County because that is the site of Rikers Island, by far the largest of the City’s jails, from which the Board’s direct access to video footage has been terminated. Venue is also proper in Bronx County because that is the site where, as a result of the challenged Restrictions, the Board is limited to viewing video footage regardless of in which county that footage originated, the site where DOC surveillance of the Board’s investigations now occurs, and the site where video footage that the Board has requested but been denied, originated. Bronx County is also the site of the Board’s Rikers Island offices from which the Board’s video access has been terminated.

PARTIES

13. Petitioner New York City Board of Correction is a nine-person, non-judicial oversight board that regulates, monitors, and inspects the correctional facilities of the City, including the City jails, court pens, and hospital jail wards (hereinafter, “City Jails”). The Board’s oversight and investigatory functions are mandated and authorized under Section 626 of the New York City Charter (the “City Charter”).

14. Respondent New York City Department of Correction is an agency of the City charged with the operation of the City Jails and the care and custody of persons confined in those facilities.

15. Respondent Louis A. Molina is the Commissioner of the New York City Department of Correction. In that capacity, Respondent Molina is responsible for promulgating

and implementing the disputed policies and has the authority to direct the requested relief.

16. Respondent City of New York is a municipal corporation organized under the laws of the State of New York. Respondent City of New York has the authority to direct the Respondent Molina to implement the requested relief.

STATEMENT OF FACTS

A. The Board Was Established to Provide Independent Oversight of DOC and City Jails.

17. DOC manages 15 City Jails, including jails in each of the City's boroughs. Rikers Island is the largest of the facilities under DOC control. In recent years, an average of approximately 5,800 people are in DOC custody at any given time. Currently, there are approximately 6,000 people in DOC custody.

18. DOC's management of the City Jails, particularly of Rikers Island, has long been controversial.

19. In 1953, a special mayoral panel recommended the creation of an unpaid citizen watchdog agency, the Board of Correction, to provide management and planning assistance to the Department and to monitor the City Jails on behalf of the public. The Board was established in 1957 to perform that role. In 1975, the independence of the Board was further strengthened through City Charter revisions that diversified the appointment process of members, all of whom had been appointed by the mayor, clarified that the Board's right to inspect the City Jails included the right to visit and inspect "at any time," and authorized the Board to hire its own staff.¹

20. Today, the Board is comprised of nine members: three are appointed by the mayor himself, three by the city council, and three by the mayor on the recommendation of sitting

¹ See New York City Charter and Administrative Code § 626 (*Amended at General Election Nov. 4, 1975*) (1976).

judges of the Appellate Division, First and Second Department. Its function is to carry out independent oversight of DOC and to enact regulations to support safer, fairer, smaller, and more humane City Jails.

21. Section 626 of the City Charter mandates the Board's five core functions:

(1) establishing and ensuring compliance with minimum standards relating to confined persons in the jurisdiction of DOC; (2) investigating matters within DOC's jurisdiction; (3) reviewing grievances from staff and individuals in custody; (4) evaluating DOC's performance; and (5) making planning recommendations.²

B. The Department Agrees to the Widespread Use of Video Recordings Pursuant to a Consent Decree Intended to Curb Abuse and Improve Safety in City Jails.

22. In 2011, a class action lawsuit, *Nunez v. City of New York*, was filed on behalf of individuals in DOC custody alleging a culture of brutality among DOC officers that supervisors not only failed to correct, but assisted in concealing.

23. In 2014, the DOJ intervened in the *Nunez* case, following its investigation into a pattern and practice of excessive force and the failure by DOC staff to protect people in custody from violence at Robert N. Davoren Complex ("RNDC"), a holding facility on Rikers Island. In its report of the findings from its investigation, DOJ emphasized that "video recordings are an extremely useful tool," and highlighted many examples of how the absence of camera coverage resulted in an increase of violence, and a decrease in safety and staff accountability.³

24. In 2015, the *Nunez* parties entered into a consent decree (the "Consent Decree") pursuant to which, among other things, an independent monitor (the "Monitor") was appointed,

² N.Y.C. Charter § 626.

³ Available at <https://www.justice.gov/sites/default/files/usao-sdny/legacy/2015/03/25/Nunez%20v.%20City%20of%20NY%20US%20Comp.laint%20in%20Intervention%20Exhibit%20A.pdf>.

and the Department agreed to install at least 7,800 additional wall-mounted surveillance cameras in City Jails.⁴ The Consent Decree also required the Department to begin using body-worn and hand-held video recording systems to document certain incidents and interactions, and to preserve all videos for a minimum of 90 days.

25. As a result of the Consent Decree, video footage is now recorded in almost all internal City Jail areas.

26. The video footage being captured pursuant to the Consent Decree, however, is valuable only to the extent that it is being independently reviewed and used to investigate incidents and complaints from staff and people in custody, and to evaluate the performance of the Department. Until DOC's termination of the direct video access that is subject of this proceeding, the Board has provided that independent review and oversight.

C. Consistent with Its Charter Mandate, the Board Has Historically Enjoyed 24/7 Direct Access to DOC Video Footage, Including to a Live Feed.

27. Consistent with the authority granted to it under the City Charter, the Board has historically had direct access to the video footage from City Jails.

28. Specifically, the Board has long had direct access to: (1) DOC's wall-mounted surveillance video footage system (Genetec), including 24/7 live feed video; (2) hand-held video footage recorded by DOC; and (3) footage from the body cameras worn by DOC staff in jails (collectively, the "Video Footage").

29. For at least a decade, the Department has provided Board staff with login credentials to directly access the Genetec system, allowing the Board 24/7 access to live feed and other video footage. At the time that DOC restricted Board staff's direct access on January 9, 2023, Board staff had individualized 24/7 access on 12 DOC computers located in the Board's

⁴ Available at <https://tillidgroup.com/wp-content/uploads/2018/02/Consent-Judgment-10-21-15.pdf>.

two offices (four computers in the Board's Manhattan offices and eight on Rikers Island). These direct login credentials allow Board staff to quickly access and sort through Genetec video in furtherance of their confidential investigations and oversight responsibilities.

30. The Board staff have also had direct access to DOC's hand-held Video Footage since it was first introduced in 2015. Under certain circumstances, such as anticipated uses of force, DOC probe team responses, or alleged court transport refusals by persons in City Jails, DOC supervisors record incidents and interviews using the hand-held video cameras. The footage is then manually saved in corresponding electronic folders in DOC's H: Drive to which Board staff, until January 2023, had direct access.

31. Likewise, when the Department began using body-worn camera footage department-wide approximately one year ago, Board staff received individualized login credentials allowing them to view the body-worn camera footage on computers located in the Board's offices.

32. Thus, for essentially as long as the Department has widely made use of video recording of City Jails, the Board has had direct access to those recordings, access that has been and remains critical to the Board's ability to do its work.

D. The Board's 24/7 Direct Video Access Is Necessary to Perform Independent Oversight of DOC and the City Jails.

33. The Board's direct access to the Video Footage from the Board's offices has been central to the Board's ability to fulfill its mandate. Access to the footage enables the Board to efficiently, effectively, and confidentially determine compliance with the Board's Minimum Standards and other federal, state, and local requirements. It also enables the Board to investigate other matters within DOC's jurisdiction—including, among other things, the cause of, and response to, health emergencies; the improper use of force and other potential misconduct

by DOC staff; instances of inadequate staffing, which are known to create safety risks; compliance with the Department's own internal directives requiring uniformed staff to activate body-worn cameras during encounters with people in custody—and allows the Board to preserve relevant evidence that would otherwise be destroyed pursuant to DOC's video retention policies.

34. Access to the Video Footage allows Board staff to unobtrusively monitor, for example, whether a given housing unit was served meals on time, to review footage from a fight or use of force, and to acquire truthful information about officer and supervisor presence in housing areas.

35. To ensure that the Board's mandate can be fulfilled, the City Charter gives the Board the express right of "inspection and visitation at any time of all institutions and facilities under the jurisdiction of the [D]epartment" and grants the Board the right to inspect "all books, records, documents, and papers of the [D]epartment."⁵ The Board's direct access to Video Footage is part and parcel of that authority and is essential for the Board to fulfill its mandate.

36. The Board currently has only 12 staff who monitor the City Jails, interview people in custody, and resolve complaints about conditions of confinement. Effective monitoring would be close to impossible without direct video inspection access, including the live feed, as there are thousands of people in custody in jails, court pens, and hospital wards spread across the five boroughs.

37. The City Jails are themselves often large and spread out. For example, the Vernon C. Bain Center, widely known as "The Boat," is an 800-bed jail barge that alone has 16 dormitories and 100 cells. As a result, when conducting in-person monitoring, the Board staff is

⁵ N.Y.C. Charter § 626(c).

able to cover only a few housing areas on a given day. Without direct access to the Department's Video Footage, the Board has limited ability to monitor these sprawling facilities.

38. Direct access to the Video Footage greatly supplements the utility and productivity of Board staff's regular in-person visits to the jails. It allows Board staff to investigate and establish basic facts concerning complaints from people in custody prior to Board staff entering the facility and make more effective and efficient use of their time once there.

E. The Department Unilaterally and Arbitrarily Imposes Restrictions on the Board's Direct Access to Video Footage.

39. On January 9, 2023, the Department unilaterally, arbitrarily, and in excess of its authority, revoked the Board's historic direct access to DOC's Genetec system, its hand-held footage folder, and its body-worn camera system and imposed (in excess of its authority) a series of new rules restricting the Board's direct access to the Video Footage.

40. Under the Restrictions, DOC is denying the Board access to the Video Footage from its Manhattan and Rikers Island offices and requiring Board members and staff to view that footage on two computers located in a small room (the "Video Room") in the DOC Investigations Division trailer on Rikers Island.

41. Unlike the 24/7 direct access the Board previously had, access to the Video Room is limited to the hours of 9:00 a.m. to 6:00 p.m. on weekdays and excluding holidays, absent "exigent circumstances," the existence of which are determined by DOC alone.

42. Board staff can only enter the Video Room if they are granted access by DOC staff.

43. DOC has installed surveillance cameras over the two computer stations in the Video Room, which DOC use to monitor Board staff while they use the computer stations.

44. The Board staff are not permitted to print any documents or leave the premises with copied footage or documents.

45. Staff are only able to take notes with a pen and paper; they are not allowed to input visual data collected by observations into an electronic device. In fact, Board staff must surrender their phones and laptops before viewing footage.

46. Board staff have no ability to share videos directly with Board executive staff or Board Members.

47. The DOC computers in the Video Room provide no access to the numerous systems (“Inmate Lookup,” “Inmate Tracking System,” “IIS,” “New Admission Dashboard,” etc.) that greatly augment the effectiveness of reviewing Genetec video. The lack of access to those systems in the Video Room makes the use of the Genetec system significantly less effective.

48. While the Restrictions uniformly impede the Board from fulfilling its function, they are internally inconsistent.

49. For example, the Department has adopted different requirements for the treatment of Genetec footage as compared to body-worn camera footage and hand-held footage.

50. Genetec footage can be viewed on the Video Room’s computers from a live feed and from a shared drive containing footage removed from the live feed by DOC.

51. By contrast, body-worn camera and hand-held video footage is unavailable on the Video Room’s computers. Separate requests must be made to the Department in order for the Board staff to review body-worn camera and hand-held video footage.

52. DOC has not indicated why it has adopted different policies for the different types of Video Footage.

F. The Restrictions Impede the Board from Carrying Out Its Charter Mandate.

53. The Restrictions have compromised the Board's ability to conduct efficient and confidential investigations, impeding the Board's ability to perform its Charter-mandated independent oversight role.

54. For example, the Board reached out to the Department on Friday, January 13, 2023, to schedule a viewing on Saturday, January 14, 2023, regarding a violent incident involving four slashings. If confirmed, this incident posed an ongoing threat to the safety and health of the young adults held in the RNDC. In order to conduct an investigation into the basic facts of this information, the Board staff needed to review Genetec footage urgently. DOC, however, did not allow the Board to view the footage until the following Tuesday, three days later.

55. As described below, even where BOC has made requests for Video Footage access consistent with the Restrictions, those requests have not been timely honored.

56. Since the Department implemented the Restrictions, the Board's Death Investigation team's process has been severely stalled. To review footage surrounding the deaths of people in custody, the Board must request footage from the Department, which historically, the Department had uploaded to a folder to which the Board had access and from which the Board could download, save, and print the footage for use in its ongoing investigations. Under the Restrictions, such footage is placed in a "vault" on the two computers in the Video Room, where they remain in the "vault" for just 24 hours; if Board staff need to re-watch the video, an additional viewing request must be made. This impedes the Board's review, investigation, and ability to produce reports.

57. People in custody and visitors have the right to appeal visit restrictions imposed by DOC to the Board. The Restrictions have had deleterious effects on the appeal process.

Having to wait days or weeks for the Department to send requested information thwarts the appeals process. Prior to January 9, 2023, the Board's Appeals Coordinator was able to access Genetec at any time from the Board's Manhattan office to verify claims made in an appeal, and to determine which appeals should be granted or denied, including appeals concerning visitor access restrictions, which are highly time sensitive. That is no longer possible, leading to significant delays, some of which effectively moot the appeal.

58. The Restrictions greatly diminish the Board's ability to correct unreported incidents. Prior to the Restrictions, the Board could identify important, but unreported, incidents simply by reviewing Video Footage. Under the Restrictions, the Board now has no way to identify such unreported incidents because it would not know to request the video that would capture them.

59. If more than two of the Board staff need to review video footage at the same time, it is not physically possible.

60. The Restrictions undermine the independence of the Board's investigations. The Board now must make requests that alert the Department to the subjects of investigations it is undertaking and must rely on DOC to conduct thorough and trustworthy searches in connection with any requests for Video Footage.

61. The Restrictions destroy the confidentiality that is necessary to the Board's work. The Board is tasked with investigating all matters within DOC's jurisdiction, including incidents that may implicate mismanagement and misconduct, and with identifying and reporting criminal misconduct by DOC staff. Conducting investigations into such sensitive issues requires that the Board be able to work confidentially and outside of the eyes of DOC. The Restrictions and DOC's surveillance of the Video Room make this impossible.

G. The Board Requests that DOC Reverse Its Decision to Impose the Restrictions.

62. On January 11, 2023, the Board Chair, Dwayne Sampson, who was appointed by the Mayor, wrote a letter to Commissioner Molina explaining “with great urgency” the significant impairments the Restrictions would have on the Board’s ability to conduct its work.⁶

As Chair Sampson explained:

The Department’s suggestion that Board staff can only access video footage upon specific request would greatly impede the Board’s ability to monitor, in real time, the Department’s compliance with the Board’s minimum standards, and it would compromise the Board’s confidential investigations. Board staff frequently receive urgent concerns directly from Board members, and their ability to investigate the Board’s concerns—which they are required to do under the City Charter—is greatly slowed, hindered, or prevented altogether without immediate and direct access to the Genetec and the portable video camera recordings. Further, the Board’s monitoring and research staff serve as the Board’s “eyes and ears” in the City’s jails. If they cannot copy or print records obtained as part of their footage review, they cannot do their job of fully reporting conditions to the Board’s members and providing recommendations for improvements and compliance with the Board’s minimum standards. Moreover, the Charter grants the Board unfettered access to the Department’s records, so the Board’s requests to view footage would be constant.

63. Mr. Sampson speculated that DOC may have implemented the Restrictions in response to a concern held by DOC concerning BOC’s production of certain Video Footage pursuant to a Freedom of Information Law (“FOIL”) request. Mr. Sampson noted, however, that “as of the date of this letter, the Board has not received any evidence from the Department that Board staff misused any systems or abused any processes.” Nevertheless, he promised that going forward, he would take it upon himself to review and approve the production of any footage pursuant to FOIL.⁷

⁶ Letter from Dwayne C. Sampson, N.Y.C. Bd. of Corr. Chair, to Louis Molina, N.Y.C. Dep’t of Corr. Comm’r (Jan. 11, 2023) (Exhibit A).

⁷ *Id.*

64. On January 12, 2023, Mr. Sampson wrote a follow-up letter to Commissioner Molina to further address any potential concerns regarding the Board's response to certain FOIL requests in more depth, explaining that the disclosures had been made "with guidance from the Law Department and the Department's security concerns in mind."⁸ The January 12 letter reiterated that DOC's current restrictions were unworkable for the Board staff, and again implored Commissioner Molina to restore the Board's access to all Video Footage.⁹

65. After Mr. Sampson sent this letter, in January 2023, the Board updated its FOIL Operating Procedures. Under the updated procedures, Board staff now notify DOC's Records Access Officer whenever the Board receives a FOIL request for DOC records. Board staff ask DOC's Records Access Officer for recommendations on redactions before producing the responsive document. The Board has communicated this process to the Law Department and to the DOC Commissioner.

H. Commissioner Molina Refuses to Reverse the Restrictions Despite Having No Legitimate Basis for Imposing Them.

66. On January 13, 2023, Commissioner Molina responded to Mr. Sampson in a letter (the "Molina Letter") that purported to "explain the reasons for [his] decision" to terminate the Board's direct access to DOC Video Footage and impose the Restrictions.¹⁰

67. Those "reasons" are confined to Commissioner Molina's disagreement with the Board's decisions regarding four incidents: (i) the Board's disclosure, pursuant to FOIL, of redacted videos relating to Erick Tavira, a person who had killed himself while in DOC custody on Rikers Island, some of which were later aired on NY1; (ii) the Board's disclosure to the Legal

⁸ Letter from Dwayne C. Sampson, N.Y.C. Bd. of Corr. Chair, to Louis Molina, N.Y.C. Dep't of Corr. Comm'r (Jan. 12, 2023) (Exhibit B).

⁹ *Id.*

¹⁰ Letter from Louis Molina, N.Y.C. Dep't of Corr. Comm'r, to Dwayne C. Sampson, N.Y.C. Bd. of Corr. Chair (Jan. 13, 2023) (Exhibit C).

Aid Society (“Legal Aid”), pursuant to FOIL, of a redacted memorandum concerning intake processing at Rikers Island; (iii) a presentation by the Board to the Manhattan District Attorney’s Office that included photographs of conditions on Rikers Island, that were later obtained from by reporters; and (iv) the Board’s release of a report concerning DOC lockdowns.¹¹

68. With respect to the videos concerning Mr. Tavira, Commissioner Molina stated that several agencies, including the Board, the New York State Commission of Correction, the Department of Investigation and the Attorney General’s office, had been conducting ongoing investigations regarding Mr. Tavira’s death, and cited to Public Officers Law § 87(2)(e)(i), which provides an exemption to FOIL requests for instances where disclosure “would interfere with law enforcement investigations.” Commissioner Molina opined that the other agencies would have made the determination that § 87(2)(e)(i) applied to the subject videos and not made the same disclosures the Board made.¹²

69. Commissioner Molina did not state that the disclosure of the memorandum to Legal Aid was improper. Rather, his focus is on the Board’s decision to redact one sentence in that memorandum, which he opines was unnecessarily redacted because it was supposedly favorable to the Department.¹³

70. Commissioner Molina’s objection to the photographs from the Board’s presentation to prosecutors in the Manhattan District Attorney’s Office is not that they were improperly disclosed under any law, but rather that they showed DOC in the “worse [*sic*] light possible.”¹⁴

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

71. Commissioner Molina likewise does not contend that the Board's publication of the lockdown report was contrary to any law. He complains, however, that the report was released before the deadline he had been given to comment on that report, which he felt, was too short in any event.¹⁵

72. The Molina Letter does not cite any safety or privacy concerns for people in custody or other videotaped individuals as a rationale for DOC's decision to terminate the Board's direct access to DOC Video Footage and implement the Restrictions.

73. Indeed, rather than citing any legal or security basis requiring, or supporting, the termination of 24/7 direct video access and the Restrictions, Commissioner Molina explains that his decision to impose those Restrictions rests on his belief that "the Board staff seem to have an agenda that gives me no confidence that unfettered access to video footage is warranted."

74. The Molina Letter does not identify any source for Commissioner Molina's supposed authority to restrict the Board's direct access to Video Footage.

I. The Department Blocks the Board's Direct Access to Video Footage Even When Requested Pursuant to the Restrictions.

75. Following this exchange, the Department has thwarted Board attempts to access Video Footage even where those attempts were made consistent with the Restrictions.

76. For example, on February 14, 2023, the Board staff requested access to all body-worn camera footage, hand-held video footage, and Genetec footage removed from the Genetec system by DOC between February 6 and February 12, 2023. As of this date, DOC has provided neither the requested Video Footage nor any other response to the Board's request.

77. The Board made six additional email requests to view body-worn camera and hand-held video footage on February 14, March 2, March 7, March 17, March 27, and April 5,

¹⁵ *Id.*

2023, respectively. To date, none of the requests has been granted. Given DOC's video retention policy, it is now unlikely that this footage exists.

J. The Board and the City Enter into a Tolling Agreement to Give Time for the Parties to Resolve Their Dispute.

78. Unwilling to have its oversight authority stripped from it by the very agency that the Board is tasked with overseeing, the Board began to evaluate its legal options, including the filing of an Article 78 petition against the City, the Department, and Commissioner Molina. The Board informed the City's Law Department of its position and intent to file litigation.

79. Following that outreach, the Law Department began communicating directly with the Board's Executive Staff.

80. As the statute of limitation approached, and the Board made known its intent to shortly file litigation, the Law Department requested that the Board defer its intended course of action and offered to enter into a tolling agreement to preserve the Board's rights to file litigation at a later date.

81. Despite not having access to the single most critical tool for its oversight duties, the Board agreed to give the Law Department more time to try to resolve the dispute without litigation.

82. On May 4, 2023, the Board and the City, acting through the City Law Department, entered into an agreement to toll the statute of limitations on the Board's potential claims with respect to the termination of 24/7 direct video access and the Restrictions.¹⁶

¹⁶ Tolling agreement (May 4, 2023) (Exhibit D).

83. Under the tolling agreement, the Board agreed to provide 14 days' written notice to DOC counsel before "initiating legal proceedings involving video access." The tolling period extends until the expiration of this 14-day period.¹⁷

84. The Board attempted in good faith to negotiate a resolution of the dispute, including with respect to how the Board would handle FOIL requests. Specifically, the Board attempted to negotiate a memorandum of understanding ("MOU") between it and the Department, with the Law Department acting as intermediary.

85. Having failed to reach agreement, and unable to continue operating without access to the Video Footage, on July 25, 2023, the Board sent notice that it was terminating the tolling agreement.

86. On August 7, 2023, with the statute of limitations on the Board's claims approaching and still without video access, the Board informed the City's Corporation Counsel that it was engaging independent legal counsel to represent it in litigation to restore the Board's video access rights.

K. The Department's Pattern of Recent Attempts to Avoid Oversight, Transparency, and Accountability.

87. The Department's unlawful attempt to limit the Board's video access should be viewed in the context of the Department's pattern and practice of attempting to shield its management of the City Jails from oversight and public scrutiny.

88. Widespread violence continues to exist within the City Jails both between and among individuals incarcerated and by and against DOC staff. Minimum standards have not been met. Contraband circulates widely. Inadequate staffing persists, with all of the expected consequences.

¹⁷ *Id.*

89. Nineteen people died in City Jails in 2022; this year, seven more people have died.

90. Pressure has been mounting to implement a federal takeover of control of the Rikers Island facility.

91. On May 26, 2023, the *Nunez* Monitor issued a special report concerning five “serious and disturbing incidents involving harm to incarcerated persons” that occurred in the two weeks preceding the report.¹⁸ In that report, the Monitor decried the Department’s failure to have promptly and accurately described the events at issue, stating,

This is not simply about a delay in providing information. Along with the serious concerns about harm and the lack of safety that these incidents present, it is disturbing that the Monitoring Team, and consequently the Court, would have been unaware that the incidents had occurred but for the allegations received from external stakeholders and/or media reports. It is further unclear whether, absent the Monitoring Team’s inquiries, the Department would have taken the necessary steps to investigate these incidents.¹⁹

92. Close in time to the Monitor’s issuance of this special report, the Department announced that it would stop its practice of notifying the media when persons die in its custody.

93. On July 17, 2023, DOJ issued a statement that it will seek a court-appointed receiver to address the conditions on Rikers Island.

94. A hearing is scheduled on August 10 in the *Nunez* litigation, at which time the issue of a receivership is likely to be discussed.

95. Meanwhile, DOC also recently restricted the Board’s access to DOC overtime records, documents to which the Board is entitled and that allow the Board to assess the adequacy of staffing in the City Jails.

¹⁸ Available at <https://legalaidnyc.org/wp-content/uploads/2023/07/2023-07-10-Monitors-Report.pdf>

¹⁹ *Id.*

96. The Board cannot accept the Department's attempts to sideline the Board and evade oversight.

97. By this Article 78 proceeding, the Board seeks to reinstate its direct access to DOC Video Footage so that it may effectively provide the independent oversight of DOC consistent with its mandate under the City Charter.

ARGUMENT

I. This Court Should Grant BOC Judgment Under Article 78 Because Respondents' Conduct Is Arbitrary and Capricious and an Abuse of Discretion.

98. Under New York law, "[a]n action is arbitrary and capricious when it is taken without sound basis in reason or regard to the facts." *Ward v. City of Long Beach*, 20 N.Y.3d 1042, 1043 (2013) (quoting *Matter of Peckham v. Calogero*, 12 N.Y.3d 424, 431 (2009)). Where an agency abuses its discretion and takes action without "sound basis in reason" or lacking a "rational basis," the agency's determination should be reversed. *See Pell v. Bd. of Ed. of Union Free Sch. Dist. No. 1 of Towns of Scarsdale and Mamaroneck, Westchester County*, 34 N.Y.2d 222, 231 (1974).

99. Under these standards, the termination of the Board's 24/7 direct video access and the Restrictions imposed on the Board's access to DOC Video Footage should be reversed.

A. The Termination of 24/7 Direct Video Access and the Imposition of the Restrictions Was an Abuse of Discretion that Arbitrarily and Capriciously Violates the Board's Inspection Rights.

100. The Department acted in a manner that was arbitrary and capricious and an abuse of discretion when it terminated direct video access and implemented Restrictions that violate the inspection rights the Board expressly granted under the City Charter.

101. The City Charter empowers the Board with a right of “*inspection* and visitation at any time of all institutions and facilities under the jurisdiction of the department.”²⁰ The Board’s right to 24/7 direct video access falls squarely within the Board’s express right to “inspect[] . . . at any time.”²¹

102. The City Charter also empowers the Board with the unrestricted authority to inspect “all books, records, documents and papers of the [D]epartment” which includes the Board’s right to direct video access.

103. The termination of direct video access and the Restrictions Commissioner Molina ordered—restrictions that limit both the timing of Board inspections and the records the Board may access—undermine and violate both of these express grants of authority.²²

104. The termination of direct video access and the Restrictions also fail to account for important reasons underlying the Board’s authority. For example, the limitations the Department has imposed on the time and place that the Board may access Video Footage ignores the fact that the Board’s investigations often must occur on an emergency, time sensitive basis. That failure also renders DOC’s determination and resulting policy arbitrary and capricious.²³

105. The Board has repeatedly and for months requested and been denied restoration of direct access to Video Footage from body and hand-held cameras and Video Footage stored on DOC’s H drive. During that period, and as a result of the Department’s retention periods, it is quite likely that at least some of the requested documents no longer exist, rendering the Board’s

²⁰ NYC Charter § 626(b) (emphasis added).

²¹ *Id.*

²² See *Duarte v. New York City Dep’t of Corr.*, No. 7627/11, 2011 WL 1827896 (N.Y. Sup. Ct. Queens Cnty. Apr. 20, 2011) *aff’d* 91 A.D.3d 778 (2d Dep’t 2012) (an agency policy “not in harmony” with a governing statute “is contrary to law and an abuse of discretion.”)

²³ See *O’Rourke v. City of New York*, No. 512565/2017, 2019 WL 2529245, at *7 (N.Y. Sup. Ct. Kings Cnty June 14, 2019) (“The court must be certain that ‘an agency has considered all the important aspects of the issue and articulated a satisfactory explanation for its action, including a rational connection between the facts found and the choice made.’”) (quoting *Brooklyn Heights Ass’n v. Nat’l Park Svc.*, 777 F. Supp. 2d 424, 436–37 (E.D.N.Y. 2011)).

inspection right moot. The Department has offered no basis for failing to comply with the Board's requests, nor been able to justify a policy that so restricts the Board's direct access to these records.

106. The termination of direct video access and the Restrictions deny the Board access to documents and records of the Department. For example, the Genetec system generates a 24/7 live video feed, which clearly constitutes a document or record of the Department. As a result of the termination of direct access and the Restrictions, the Board no longer has 24/7 direct access to the live feed, indeed, it has *no access* after 5 p.m. on weekdays or on weekends and holidays.

107. In addition to violating the authority granted to the Board, the Restrictions violate DOC's own directives. DOC Directive 1100R-A, states "Board of Correction staff may view and photocopy departmental records. All requests by Board of Correction staff to view and photocopy books, records, documents and papers are to be complied with promptly by Department staff." Yet the Restrictions implementing the termination of direct video access prohibit Board staff from printing any documents or leaving the Video Room with copied footage or documents, and as described above, the Department's response to the Board's requests for Video Footage has been anything but prompt.²⁴

108. DOC's termination of direct video access and the Restrictions trample on the authority granted to the Board, undermine the Board's ability to perform its duties, and disregard the oversight regime established by the City Charter. The termination of direct access to the Video Footage and the Restrictions collectively limit the Board's access to Department records, significantly reduce the value and efficiency of the records the Board can access, and require the

²⁴ See *Duverney v. City of New York*, 57 Misc. 3d 537, 542 (N.Y. Sup. Ct. 2017) ("An agency's failure to follow its own procedure or rules in rendering a decision is arbitrary and capricious.") (quoting *D.F. v. Carrion*, 43 Misc.3d 746, 756 (Sup.Ct., N.Y. County 2014).

Board to sacrifice the confidentiality and independence of its investigations. The Department has offered no legitimate safety or security reason for implementing the Restrictions, nor identified any source giving it the authority to terminate direct video access and impose the Restrictions, the impact and apparent purpose of which are to diminish and impede the Board's ability to provide oversight of the Department. That is the definition of arbitrary and capricious.

B. The Restrictions Are Arbitrary and Capricious Because They Depart, Without Justification, from DOC's Long-Standing Practices and Policies.

109. The Department has long recognized the Board's right to unfettered access to the Video Footage pursuant to the Board's inspection rights. Upending years of precedent, DOC abruptly reversed its long-standing practice of providing that access and did so without any reasoned justification for its about-face. That too makes their implementation arbitrary and capricious.²⁵

110. The Molina Letter confirms the arbitrary nature of the Restrictions. Indeed, the explanations given in that letter effectively boil down to Commissioner Molina's unhappiness that the Board has used its authority in ways that reveal actual failings within the Department. But, of course, that is part of what an oversight authority is supposed to do.

111. Commissioner Molina also fails to explain how the Restrictions would actually solve the issues he complains of, which, in any event, are all actions that the Board is authorized to perform under the City Charter. They do nothing to prevent the Board from (i) obtaining memoranda like the one that it properly disclosed pursuant to Legal Aid's FOIL request; (ii) making presentations to the District Attorney that may be unflattering to the Department; or

²⁵ See *Matter of Charles A. Field Delivery Serv., Inc.*, 66 N.Y.2d 516, 516–17 (1985) (“A decision of an administrative agency which neither adheres to its own prior precedent nor indicates its reason for reaching a different result on essentially the same facts is arbitrary and capricious.”); *Huff v. Dep't of Corr.*, 52 A.D.3d 1003, 1004 (3d Dep't 2008) (An agency that “makes a determination that is contrary to its prior decisions on similar facts . . . must set forth a rational explanation for doing so or such determinations will be deemed arbitrary and capricious.”).

(iii) issuing public reports on compressed timelines. And with respect to Commissioner Molina's belief that the Tavira video recording should have been withheld or differently redacted under an exemption to FOIL disclosure rules, the Board's updated policies more than adequately address Commissioner Molina's concerns without infringing on the Board's authority under the City Charter. In any event, the far-reaching negative effects that termination of direct video access and the Restrictions have on the Board's ability to perform its core functions cannot be justified simply because the Commissioner objects to the Board's handling of a single FOIL request.

112. In addition to representing an unexplained and radical departure from past practice, the termination of direct video access and the Restrictions are internally inconsistent in inexplicable and arbitrary ways. For example, the Genetec live feed remains available and can be viewed in its entirety (during business hours and as long as the footage has not been removed or archived, in which case it must be requested by BOC) in the Video Footage Room. By contrast, any body-worn camera footage and hand-held footage must be requested by BOC in advance of viewing and is limited to a specific timeframe as directed by DOC. In other words, DOC has implemented heightened restrictions for certain types of video footage with no explanation to date regarding its rationale.

113. In sum, the termination of direct video access and the Restrictions are at odds with the City Charter, the purpose and function of the Board, the realities of the often time-sensitive, emergency issues the Board must investigate, and DOC's long-standing practice of providing the Board with essentially unfettered direct video access. And they make little sense with respect to their supposed, but completely insufficient and arbitrary rationale, and because of their own internal incoherence. The Department has not, and cannot, offer a sound rational basis

for imposing such extraordinary and consequential measures. As such, the Department's decision should be reversed as arbitrary, capricious, and an abuse of discretion.

II. The Board Is Entitled to a Preliminary Injunction Enjoining Respondents from Enforcing the Restrictions.

114. As a remedy for Respondents' arbitrary and capricious conduct under Article 78, this Court should issue a preliminary injunction under CPLR 6301 reversing the Respondents' determination to terminate 24/7 direct video access and impose the Restrictions and enjoining them from enforcing this arbitrary and capricious determination. Courts in New York may grant such relief where "the plaintiff has demanded and would be entitled to a judgment restraining the defendant from the commission or continuance of an act, which, if committed or continued during the pendency of the action, would produce injury to the plaintiff." CPLR 6301.

115. As set forth below, this Court should grant the preliminary injunction because the Board can demonstrate: "(1) a likelihood of ultimate success on the merits; (2) the prospect of irreparable injury if the provisional relief is withheld; and (3) a balance of equities tipping in the moving party's favor." *Doe v. Axelrod*, 73 N.Y.2d 748, 750 (1988).

A. The Board Has a Strong Likelihood of Success on the Merits.

116. As to the first factor, likelihood of success on the merits, as demonstrated above, the record is clear in this case that Respondents have acted arbitrarily and capriciously.

B. The Board Will Suffer Imminent and Irreparable Harm if Respondents Are Not Enjoined.

117. To establish irreparable harm, the Board must demonstrate an injury "that is neither remote nor speculative, but actual and imminent" and "requiring a remedy of more than mere money damages." *Tucker Anthony Realty Corp. v. Schlesinger*, 888 F.2d 969, 975 (2d Cir. 1989); see *U.S. Re Companies, Inc. v. Scheerer*, 41 A.D.3d 152, 155 (1st Dep't 2007). The Board easily satisfies this prong.

118. There is nothing remote or speculative about the Board's injury. Each day that the termination of direct video access and the Restrictions remain in place, the Board's independence is violated, its ability to fulfill its mandate is diminished; the oversight of DOC and the City Jails is impeded; preventable instances of noncompliance with BOC's Minimum Standards, incidents, injuries, and deaths are shielded from oversight; and the process of appeals, including time-sensitive appeals concerning visitor access restrictions, is stalled.

C. The Balance of the Equities Weighs in Favor of the Board.

119. The balance of the equities clearly weighs in favor of the Board. *See Axelrod*, 73 N.Y.2d at 750. The Board is seeking only to provide the desperately needed oversight that it was created and mandated to perform, using the tools that it has long had access to and that are critical to its work and to ensuring safe and humane conditions in the City Jails.²⁶ Rather than impinging on any legitimate interests Respondents may have, an injunction by this Court would align with and support the City Charter's framework and the Respondents' own long-standing policies and practices.²⁷ Further, the injunction is specific to the Board based on that entity's unique Charter-mandated oversight authority. It would have no broader policy or budgetary implications.

CONCLUSION

120. For the foregoing reasons and those set forth in the Verified Petition and accompanying moving papers, Petitioner respectfully requests that this Court grant its verified petition for a judgment pursuant to Article 78 of the CPLR and issue a preliminary and

²⁶ *See Seitzman v. Hudson River Assoc's*, 126 A.D.2d 211, 214 (1st Dep't 1987) ("when the court balances the equities in deciding upon injunctive relief, it must consider the enormous public interests involved.") (internal quotation marks and citation omitted).

²⁷ *See Gramercy Co. v. Benenson*, 223 A.D.2d 497, 498 (1st Dep't 1996) (Harm to a respondent from imposition of the injunction is particularly low where the injunctive relief would "merely seek to maintain the status quo" pending final adjudication).

permanent injunction enjoining Respondents from continuing to deny the Board 24/7 direct access to DOC Video Footage, including the live feed.

CAUSE OF ACTION

First Cause of Action Mandamus Pursuant to CPLR 7803(3) for Respondents' Decision to Revoke the Board's 24/7 Direct Video Access

A. The Board incorporates by reference the allegations contained in the preceding paragraphs as if set forth fully herein.

B. Respondents' determination to deny the Board 24/7 direct access to Video Footage is arbitrary and capricious. It has no reasonable basis, impedes the Board's Charter-mandated functions, and reverses DOC's long-standing practice of allowing the Board staff contemporaneous and direct access to video footage. DOC's "alternative" policy has already yielded and will continue to yield unacceptable delays in the Board's investigative process.

C. The Board has been and continues to be aggrieved by Respondents' arbitrary and capricious action and has suffered and continues to suffer harm as a result.

D. By reason of the foregoing, the Board is entitled to a declaration that Respondents acted arbitrarily and capriciously and abused their discretion by denying the Board 24/7 direct access to Video Footage; preliminary and permanent injunctive relief under CPLR 6301 and 7803(3), and an order requiring Respondents to restore Petitioner's Video Footage Access to the same degree of access Petitioner possessed immediately prior to January 9, 2023.

REQUEST FOR RELIEF

WHEREFORE, the Board respectfully requests that this Court make and enter a judgment:

A. Declaring that Respondents acted arbitrarily and capriciously and abused their discretion under Article 78 of the CPLR by denying the Board 24/7 direct access to Video

Footage;

B. Preliminarily enjoining Respondents, pursuant to CPLR 6301, from continuing to obstruct Petitioner's Charter-mandated functions by terminating Petitioner's 24/7 direct video access rights;

C. Preliminarily and permanently enjoining Respondents, pursuant to CPLR 6301, from continuing to obstruct Petitioner's Charter-mandated functions by terminating Petitioner's 24/7 direct video access rights

D. Ordering Respondents to restore Petitioner's direct and unfettered access to Respondent's Video Footage systems, to the same degree of access Petitioner possessed immediately prior to January 9, 2023, within one week of the issuance of this Order;

E. Ordering Respondents to provide proof of compliance with this Order within one week of its issuance; and

F. Granting such other relief as the Court may deem just and proper.

Dated: New York, New York
August 9, 2022

By: 
Steven Banks

**PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP**

Aidan Synnott
Steven Banks
Jeremy A. Benjamin
1285 Avenue of the Americas
New York, New York 10019
Tel: (212) 373-3000
Fax: (212) 757-3990
asynnott@paulweiss.com
sbanks@paulweiss.com
jbenjamin@paulweiss.com

Counsel for Petitioner

Exhibit A



**BOARD OF CORRECTION
CITY OF NEW YORK**

2 LAFAYETTE STREET, SUITE 1221
NEW YORK, NY 10007
212 669-7900 (Office)

Dwayne C. Sampson, Chair
Robert L. Cohen, M.D.
Felipe Franco
Jacqueline Miriam Pitts
Joseph Ramos
Freya Rigterink
Jacqueline Sherman

Amanda Masters
Executive Director

January 11, 2023

Via email

Commissioner Louis Molina
New York City Department of Correction
75-20 Astoria Blvd.
East Elmhurst, New York 11370

Re: BOC's Access to Genetec and Body Camera Footage

Dear Commissioner Molina,

I write with great urgency concerning a matter that is critical to the Board's ability to perform its oversight function, as mandated and authorized under section 626 of the New York City Charter ("Charter"). As of January 9, 2023, Board staff have been unable to access *Genetec*, the *Bodyworn Camera System*, or the *handheld video folder* (a digital folder which previously was accessible via the shared drive between the Department and the Board). It is my understanding, based on conversations with Board staff, that this restriction in access was intentional; that the Department has set up a room where Board staff can, upon request, review the video footage; and that Board staff will not be able to print anything or leave the room with any documentation. This proposed arrangement is not a workable option.

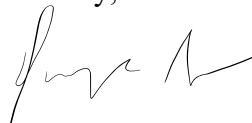
The Department's suggestion that Board staff can only access video footage upon specific request would greatly impede the Board's ability to monitor, in real time, the Department's compliance with the Board's minimum standards, and it would compromise the Board's confidential investigations. Board staff frequently receive urgent concerns directly from Board members, and their ability to investigate the Board's concerns—which they are required to do under the City Charter—is greatly slowed, hindered, or prevented altogether without immediate and direct access to the Genetec and the portable video camera recordings. Further, the Board's monitoring and research staff serve as the Board's "eyes and ears" in the City's jails. If they cannot copy or print records obtained as part of

their footage review, they cannot do their job of fully reporting conditions to the Board's members and providing recommendations for improvements and compliance with the Board's minimum standards. Moreover, the Charter grants the Board unfettered access to the Department's records, so the Board's requests to view footage would be constant. The Department's proposal would require the City to hire additional personnel – for the Board and for the Department – to handle the volume of requests.

I understand that the Department may have some concern regarding redacted footage that was produced in response to a request made pursuant to the state Freedom of Information Law (“FOIL”). However, as of the date of this letter, the Board has not received any evidence from the Department that Board staff misused any systems or abused any processes. That said, going forward, I will take it upon myself as Chair of the Board to review and approve the release of any Genetec or Bodyworn Camera footage before it is produced under FOIL.

The ability to access *Genetec*, the *Bodyworn Camera System*, and the *handheld video folder* is a critical part of the Board's oversight work. Furthermore, this restriction is not suitable, given the Board's Charter mandate. The Board's access to this footage must be immediately restored.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwayne C. Sampson". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping underline.

Dwayne C. Sampson, Chair

Exhibit B



Dwayne C. Sampson, Chair
Robert L. Cohen, M.D.
Felipe Franco
Jacqueline Miriam Pitts
Joseph Ramos
Freya Rigterink
Jacqueline Sherman

BOARD OF CORRECTION
CITY OF NEW YORK
2 LAFAYETTE STREET, SUITE 1221
NEW YORK, NY 10007
212 669-7900 (Office)

Amanda Masters
Executive Director

January 12, 2023

Via email

Commissioner Louis Molina
New York City Department of Correction
75-20 Astoria Blvd.
East Elmhurst, New York 11370

Re: BOC’s Access to Genetec and Body Camera Footage

Dear Commissioner Molina,

Further to my letter dated January 11, 2023—and as requested by Allie Robertson, DOC’s Executive Director of Intergovernmental Affairs and Policy—I write to provide the Department with a copy of the request made to the Board under the state Freedom of Information Law (“FOIL”) for Genetec video and body-worn camera footage. I will also take this opportunity to explain the Board’s—and all governmental agencies’—obligation under FOIL. The Board responds to all FOIL requests with an understanding that FOIL is based on a presumption of access and transparency. Any video footage in the Board’s possession is subject to production under FOIL, unless an exception applies. Board staff respond to FOIL requests in accordance with the law and in accordance with guidance it has received from the Committee on Open Government (“COOG”) (the state agency that oversees and issues advisory opinions on FOIL application) and from the New York City Law Department (“Law Department”).

Regarding the production of video footage, COOG has advised the Board that “video footage from correctional facilities is generally available except to the extent it shows inmates undressed, engaged in acts of personal hygiene, being subjected to strip frisks, or in other comparably degrading or humiliating situations, in which case the footage could be withheld as unwarranted invasions of personal privacy.” (See COOG e-mail, annexed as Attachment A). In addition, in June 2022, Board legal staff consulted Steven Goulden—Senior Counsel at the Law Department who routinely advises city agencies on

wide-ranging legal issues, including FOIL—concerning a different FOIL request the Board received for images taken inside the jails through Genetec footage. The conversation centered around the disclosure of jail footage in BOC possession pursuant to FOIL and BOC’s obligation to disclose said footage with the appropriate redactions. Mr. Goulden advised that these videos are in the Board’s possession for the purpose of FOIL, and that they must either be disclosed, withheld under one or more exemptions, or disclosed in redacted form under one or more exceptions. Furthermore, when responding to FOIL requests, Board staff take into consideration security concerns that DOC legal staff have previously raised regarding images that show locking mechanisms, camera angles, and facility names. As further explained below, Board staff responded to the FOIL request at issue with guidance from the Law Department and COOG and the Department’s security concerns in mind.

On November 16, 2022, Courtney Gross, a reporter with NY1, submitted a FOIL request for “body-worn camera footage from September 20, 2022 showing Erick Tavira’s transfer from AMKC to GRVC. Genetic video from the morning of October 22, 2022 showing the lack of a suicide prevention aide working Tavira’s unit as well as footage showing the time period between 12:50 a.m. to 2:20 a.m. in the vicinity of Tavira’s cell.” See FOIL request, annexed as Attachment B.

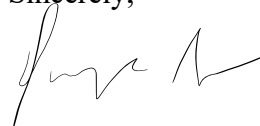
On January 5, 2023, the Board’s Legal Associate responded to the first portion of the FOIL request, for body-worn camera footage showing Erick Tavira’s transfer from AMKC to GRVC. See BOC’s FOIL response, annexed as Attachment C, and attached video footage. In the produced footage, the Board’s legal staff redacted DOC staff’s faces, faces of people in custody, including Mr. Tavira, and visible locking mechanisms. No part of the body-worn camera video mentioned or indicated a specific location within the facility, so no redactions had to be applied in that regard. The Board fully complied with its obligation under FOIL. The Board also acknowledged the Department’s security concerns by applying certain redactions to the footage before it was produced. It is not the Board’s intent to harm the Department in any way when it fulfills its obligation under FOIL.

Moreover, I want to reiterate that the Department’s proposal to make a room available where Board staff can—upon request—review the video footage, but not print anything or leave the room with any documentation, is not a suitable option given the Board’s Charter mandate. Indeed, the Department acknowledges the Board’s authority in its “Board of Correction Authority” Directive (Directive 1100R-A). See Directive 1100R-A, annexed as Attachment D. Directive 1100R-A is still in effect and provides, in pertinent part, that “Board of Correction staff may view and photocopy departmental records. All requests by Board of Correction staff to view and photocopy departmental books, records, documents and papers are to be complied with promptly by Department staff.” See Attachment D, Section IV. C. Directive 110R-A further provides that “Board of Correction members and staff shall have immediate and unrestricted access to all departmental facilities, including hospital prison wards and court pens, upon presenting their shields and identification cards Board of Correction members and staff shall be permitted to bring electronic equipment, including but not limited to cameras, into all Department facilities in order to document their inspections and to fulfill their obligations and responsibilities as established by the New York City Charter.” See Attachment D, Sections A and B.

As stated in my previous letter concerning this matter, the Department's suggestion that Board staff can only access video footage upon specific request would greatly impede the Board's ability to monitor, in real time, the Department's compliance with the Board's minimum standards, and it would compromise the Board's confidential investigations. In addition, it would violate the Department's own Directive 1100R-A.

I must stress again that the ability to access *Genetec*, the *Bodyworn Camera System*, and the *handheld video folder* is a critical part of the Board's oversight work. The Department's restriction on the Board's access essentially usurps the Board's Charter-mandated oversight authority. It is unacceptable. The Board's access to this footage must be immediately restored. I look forward to speaking with you so that we can find a resolution that manages both the Board's and the Department's concerns.

Sincerely,



Dwayne C. Sampson, Chair

Exhibit C



Louis A. Molina, Commissioner
Paul Shechtman, General Counsel
Office of the General Counsel

75-20 Astoria Blvd. Suite 305
East Elmhurst, NY 11370

718 - 546 - 0955
Fax 718 - 278 - 6022

January 13, 2023

Via email

Chair Dwayne C. Sampson
Board of Correction
City of New York
2 Lafayette Street, Suite 1221
New York, NY 10007

Dear Chair Sampson:

I write in response to your letters of January 11, 2023, and January 12, 2023, concerning DOC's decision to curtail BOC's off-site access to Genetec video, body-worn camera footage, and the handheld video folder. My purpose in writing is to explain the reasons for my decision.

As you indicate, on November 16, 2022, Courtney Gross, a NY1 reporter, submitted a FOIL request to BOC requesting (i) body-worn footage "from September 20, 2022, showing Erick Tavira's transition from AMKC to GRVC"; and (ii) genetec video from the morning of October 22, 2022, showing the lack of a suicide prevention aide working Tavira's unit as well as footage showing the time period between 12:50a.m. to 2:20a.m. in the vicinity of Tavira's cell." The specificity of this request makes it obvious that someone told the reporter what to seek. On January 5, 2023, BOC responded to the first of these requests and released the body-worn footage of the September 20, 2022 incident after making modest redactions. The footage was then shown on NY1 on Thursday January 12, 2023.

BOC's actions in this matter are deeply disturbing. First, the records that the reporter sought are DOC records, yet she chose to go to BOC to obtain them. Undoubtedly, she concluded that she

would find a more receptive audience with BOC than with us. Second, the footage was released even though there are on-going investigations by numerous agencies - - BOC, SCOC, DOI and the Attorney General's office - - into Mr. Tavira's death. As you know, FOIL exempts disclosure of materials that "would interfere with law enforcement investigations." Public Officers Law §87(2)(e)(i); see New York Disability Rights v. New York State Commission of Correction, 194 AD 3d 1230, 1234 (3d Dept. 2021) (records about inmate death under investigation by SCOC are exempt from disclosure). Had the reporter contacted any of the other agencies charged with investigating Mr. Tavira's death, I am confident that none of them would have provided what BOC disclosed.¹

Importantly, BOC's decision to disclose the Tavira footage comes against a backdrop of other actions that indicate its desire to portray DOC in a negative light and not simply fulfill its oversight duties. On June 22, 2022, BOC responded to a FOIL request from the Legal Aid Society for a memorandum about intake processing at EMTC. In doing so, it redacted the first sentence of the memorandum. That sentence stated this: "While facility leadership have done a great job with the limited resources given, they need more staff in order to meet the needs of an ever-growing population." Apparently, a decision was made to redact that sentence because it was favorable to DOC and not in the Legal Aid's interest.

Another disturbing incident occurred on September 23, 2022, when BOC staff made a presentation to prosecutors in the Manhattan District Attorney's Office, which included photographs of conditions on Rikers Island. The photographs were apparently left with that office and subsequently obtained by a Gothamist reporter, who published them. I have been informed that the presentation sought to inform Manhattan prosecutors that the conditions on Rikers were such that that they should be reluctant to recommend an arrestee be detained here. I have read the City Charter,

¹ Any claim that the September 20, 2022 footage was determined to be unrelated to Mr. Tavira's death is hard to take serious. In its most recent Death Report, BOC, over our objection, reported on our supposed non-production to clinic appointments in 2021 for individuals who died in the second half of 2022. See, e.g., Death Report at 9 ("Mr. Bradley [who died in June 2022] missed 86 medical visits from October 17, 2021, through June 13, 2022). BOC takes a subjectively broad view of what relates to a death when it suits its purpose.

and nowhere do I find authority for BOC to do roadshows to present DOC in the worse possible light.

Another incident occurred in October 2022 and involved the release of a BOC report of lockdowns. At 6:10 p.m. on October 22, a Saturday night, I received an email from BOC's Executive Director informing me that "the Board will put out a [lockdown report] on its public website" on Monday "by close of business" and asking for our "input on any inaccuracies." On Monday morning, I gathered our staff to prepare a response. At 12:04 p.m., however, the report was released. Giving DOC notice on a Saturday night and then releasing a report ahead of an already unreasonable deadline is hardly how a responsible oversight agency should act.

All of these actions have a common theme: BOC staff seem to have an agenda that gives me no confidence that unfettered access to video footage is warranted.

I want to stress that I appreciate BOC's authority under the City Charter to "inspect . . . all books, records, documents, and papers of the department." I have consulted with the Corporation Counsel's Office before making my determination. I believe that these steps are in accord with the Charter provision. BOC staff (and Members if they choose) can inspect DOC video footage Monday through Friday 9:00 a.m. to 6:00 p.m. and take notes on what they see. My staff have been instructed to provide no interference. If there are exigent circumstances that require inspection at other times, please contact Allie Robertson, and we will attempt to make appropriate accommodations.

I regret that my actions occurred during your first weeks as Chair. Working together with you to improve our jails is essential as we move forward.

Respectfully,



Louis A. Molina
Commissioner

Exhibit D

TOLLING AGREEMENT

It is hereby stipulated and agreed, by and between the undersigned, that

WHEREAS, the New York City Law Department, on behalf of the City of New York wishes to establish a Memorandum of Understanding between the NEW YORK CITY DEPARTMENT OF CORRECTION (“Department” or “DOC”) and the NEW YORK CITY BOARD OF CORRECTION (“Board” or “BOC”) concerning Board access to and use of DOC video footage;

WHEREAS, the Board is considering a legal challenge to the changes the Department imposed on January 9, 2023, changing the Board’s access to and use of DOC video footage systems, including, without limitation, the Board’s access to DOC’s Genetec video footage system, its body-worn camera system, and its handheld footage folder on DOC computers located in the Board’s two offices (“the Claims”);

WHEREAS, the New York City Law Department and the Board believe it would be beneficial to allow additional time for the Board and Department to establish the specific details of a video access and usage Agreement and execute a Memorandum of Understanding memorializing that Agreement, without litigation;

NOW, THEREFORE, the Board and the New York City Law Department, for the City of New York, (collectively “the Parties”) agree that:

1. The Parties, for themselves, their officers, directors, partners, subsidiaries, affiliates, successors, and assigns, agree to a tolling of any statute of limitations for the Claims. The running of the statute of limitations contained in Article 78 of the New York Civil Practice Law and Rules shall be tolled with respect to the Parties as of May 4, 2023, and shall remain tolled until the expiration of fourteen days from the date upon which a notice of termination is sent and transmitted in the manner set forth in paragraph 5. During the period in which the running of the statute of limitations is tolled as provided herein (the “Tolling Period”), neither the Board nor the Department, shall commence any action against the other based upon the Claims. For the avoidance of doubt, this Tolling Period shall not exceed four (4) months.

2. In any subsequent litigation relating to the Board’s access to and use of DOC video footage, there shall be no pleading or other assertion of a defense based on any statute of limitations or any defense of laches, waiver, or estoppel for failure to have prosecuted claims or causes of action related to the access to and use of DOC video footage during the statutory period as extended by the Tolling Period.

3. In any subsequent litigation relating to the Board’s access to and use of DOC video footage, there is no bar or preclusion to the assertion of a statute of limitations or other defense on the basis of any period of time that ran prior to the Tolling Period and/or runs subsequent to the Tolling Period. Any claims or causes of action that were barred as of the beginning of the Tolling Period are not revived or restored by virtue of this Tolling Agreement.

4. By entering into this Tolling Agreement, neither the Board or the Department admits any liability or the validity of the Claims related to access to and use of DOC video

footage. The existence of this Tolling Agreement shall not be referred to or be admissible in subsequent litigation between the Board and the Department relating to the Claims with respect to access to and use of DOC video footage on any issue except the statute of limitations or any other time-related defense.

5. Prior to initiating legal proceedings involving video access and usage, the Board agrees to provide fourteen (14) days written notice to the undersigned counsel, by a recognized overnight delivery service and by email (or, if notice is served on a weekend, by email followed by service by a recognized overnight delivery service on the following business day), to the office and email addresses set forth under their signature.

6. The undersigned counsel has the authority to execute this Tolling Agreement on behalf of the Party they represent.

7. This Tolling Agreement shall be governed and construed in accordance with the laws of the State of New York.

8. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. A facsimile or electronic image of a signed original of this Agreement or an electronically signed or PDF-signed original of this Agreement shall be sufficient to bind the parties whose signatures appear thereon.


[SIGNATURE PAGE FOLLOWS]

Dated: New York, New York
May 4, 2023

HON. SYLVIA O. HINDS-RADIX

Corporation Counsel of the City of New York
Attorney for the City of New York
100 Church Street, 6-236
New York, New York 10007
kjoyce@law.nyc.gov

By:


KIMBERLY M. JOYCE
Senior Counsel

JASMINE M. GEORGES-YILLA

Interim Executive Director and General Counsel
New York City Board of Correction
2 Lafayette, Suite 1221
New York, New York 10007
jgeorges-yilla@boc.nyc.gov

By:


JASMINE M. GEORGES-YILLA
Interim Executive Director and General Counsel

At IAS/Special Term Part ____ of the
Supreme Court of the State of New York,
held in and for the County of Bronx,
held at the Courthouse thereof,
located at 851 Grand Concourse,
Bronx, New York on the ____
Day of August, 2023

SUPREME COURT OF THE STATE OF NEW YORK
BRONX COUNTY OF NEW YORK

PRESENT: Hon. _____

NEW YORK CITY BOARD OF CORRECTION,

Petitioner,

-against-

NEW YORK CITY DEPARTMENT OF
CORRECTION; LOUIS A. MOLINA, in his
official capacity as Commissioner, New York City
Department of Correction; and THE CITY OF
NEW YORK,

Respondents.

Index No. _____

ORDER TO SHOW CAUSE

Upon the accompanying Verified 78 Petition for a Judgment Pursuant to Article 78 of the CPLR and Preliminary and Permanent Injunction, verified on August 9, 2023, and the exhibits annexed thereto, and good cause being alleged, it is hereby:

ORDERED, that, absent agreement by the parties and Court on a stipulated alternate briefing and hearing schedule resulting from the parties' meet and confer process beginning shortly after the commencement of this action, Respondents herein, or their attorneys, show cause at IAS Part ____ of this Court, to be held at the Courthouse located at 851 Grand

Concourse, Bronx, New York on the ___ day of _____, 2023 in Room ___, at ___ a.m./p.m. of that day, or as soon thereafter as counsel can be heard, why an order should not be made and entered:

- (i) Pursuant to New York Civil Procedure Law and Rules § 7806, declaring that Respondents acted arbitrarily and capriciously and abused their discretion under Article 78 of the CPLR by on or about January 9, 2023 terminating the long-standing broad, direct, and unfettered 24/7 access the Petitioner Board of Corrections has had to video footage from City jails, including a live feed, and imposing a series of far-reaching new restrictions that impede the Board's Charter-mandated oversight responsibilities;
- (ii) Pursuant to New York Civil Procedure Law and Rules § 7806, ordering Respondents to restore Petitioner's direct access to Respondents' Video Footage systems, to the same degree of access Petitioner possessed immediately prior to January 9, 2023, within one week of the issuance of this Order; and
- (iii) Pursuant to New York Civil Procedure Law and Rules § 6301, granting Petitioner a Preliminary and Permanent Injunction enjoining Respondents from continuing to impede Petitioner's Charter-mandated functions by terminating Petitioner's long-standing broad, direct, and unfettered 24/7 video access and imposing the restrictions on such access,

And proper cause being alleged, it is hereby:

FURTHER ORDERED that Respondents' answering papers, if any, shall be served upon Petitioner's counsel on or before _____, 2023, no later than ___ a.m./p.m.; and it is

FURTHER ORDERED that Petitioner's reply papers shall be served upon Respondents' counsel on or before _____, 2023, no later than ___ a.m./p.m.; and it is

FURTHER ORDERED that service of a copy of this Order To Show Cause, together with the supporting papers, upon Respondents New York City Department of Correction, Louis A. Molina, in his official capacity as the Commissioner of the New York City Department of Correction; and the City of New York, by email to ServiceECF@law.nyc.gov, on or before the ___ day of June, 2023, no later than ___ a.m./p.m., shall be deemed good and sufficient service thereof.

ENTER:

J.S.C.



REQUEST FOR JUDICIAL INTERVENTION SUPREME COURT, COUNTY OF BRONX

UCS-840 (rev. 11/24/2022)

Index No: _____ Date Index Issued: _____

For Court Use Only:

CAPTION Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

NEW YORK CITY BOARD OF CORRECTION Plaintiff(s)/Petitioner(s)

-against- NEW YORK CITY DEPARTMENT OF CORRECTION; LOUIS A. MOLINA, in his official capacity as Commissioner, New York City Department of Correction; and THE CITY OF NEW YORK Defendant(s)/Respondent(s)

IAS Entry Date

Judge Assigned

RJI Filed Date

NATURE OF ACTION OR PROCEEDING Check only one box and specify where indicated.

COMMERCIAL Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.) Contract Insurance (where insurance company is a party, except arbitration) UCC (includes sales and negotiable instruments) Other Commercial (specify): _____ NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C).

MATRIMONIAL Contested NOTE: If there are children under the age of 18, complete and attach the MATRIMONIAL RJI ADDENDUM (UCS-840M). For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (UD-13).

REAL PROPERTY Specify how many properties the application includes: _____ Condemnation Mortgage Foreclosure (specify): Residential Commercial Property Address: _____

TORTS Adult Survivors Act Asbestos Environmental (specify): _____ Medical, Dental or Podiatric Malpractice Motor Vehicle Products Liability (specify): _____ Other Negligence (specify): _____ Other Professional Malpractice (specify): _____ Other Tort (specify): _____

Partition NOTE: Complete and attach the PARTITION RJI ADDENDUM (UCS-840P). Tax Certiorari (specify): Section: _____ Block: _____ Lot: _____ Tax Foreclosure Other Real Property (specify): _____

SPECIAL PROCEEDINGS Child-Parent Security Act (specify): Assisted Reproduction Surrogacy Agreement CPLR Article 75 - Arbitration [see NOTE in COMMERCIAL section] CPLR Article 78 - Proceeding against a Body or Officer Election Law Extreme Risk Protection Order MHL Article 9.60 - Kendra's Law MHL Article 10 - Sex Offender Confinement (specify): Initial Review MHL Article 81 (Guardianship) Other Mental Hygiene (specify): _____ Other Special Proceeding (specify): _____

OTHER MATTERS Certificate of Incorporation/Dissolution [see NOTE in COMMERCIAL section] Emergency Medical Treatment Habeas Corpus Local Court Appeal Mechanic's Lien Name Change/Sex Designation Change Pistol Permit Revocation Hearing Sale or Finance of Religious/Not-for-Profit Property Other (specify): _____

STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.

Has a summons and complaint or summons with notice been filed? YES NO If yes, date filed: _____ Has a summons and complaint or summons with notice been served? YES NO If yes, date served: _____ Is this action/proceeding being filed post-judgment? YES NO If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.

Infant's Compromise Extreme Risk Protection Order Application Note of Issue/Certificate of Readiness Notice of Medical, Dental or Podiatric Malpractice Date Issue Joined: _____ Relief Requested: _____ Return Date: _____ Notice of Motion Relief Requested: _____ Return Date: _____ Notice of Petition Relief Requested: _____ Return Date: _____ Order to Show Cause Relief Requested: Declaratory judgment, preliminary and permanent injunction Return Date: [] [] [] Other Ex Parte Application Relief Requested: _____ Partition Settlement Conference Poor Person Application Request for Preliminary Conference Residential Mortgage Foreclosure Settlement Conference Writ of Habeas Corpus Other (specify): _____

NY RELATED CASES NO. List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. For Civil Actions: 08/09/2023

If additional space is required, complete and attach the **RJI ADDENDUM (UCS-840A)**.

Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the **RJI ADDENDUM (UCS-840A)**.

Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: NEW YORK CITY BOARD OF CORRECTION Role(s): Petitioner	Steven Banks, Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, NY 10019-6064, (212) 373-3561, sbanks@paulweiss.com	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: NEW YORK CITY DEPARTMENT OF CORRECTION Role(s):	Hon. Sylvia O. Hinds-Radix, New York City Law Department, 100 Church Street, New York, New York 10007, (212) 356-1000	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: LOUIS A. MOLINA, in his official capacity, Comm'r NYC DOC Role(s):	Hon. Sylvia O. Hinds-Radix, New York City Law Department, 100 Church Street, New York, New York 10007, (212) 356-1000	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: THE CITY OF NEW YORK Role(s):	Hon. Sylvia O. Hinds-Radix, New York City Law Department, 100 Church Street, New York, New York 10007, (212) 356-1000	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 08/08/2023


Signature

1814805
Attorney Registration Number

Steven Banks
Print Name



NYSCEF Confirmation Notice

Bronx County Supreme Court



The NYSCEF website has received an electronic filing on 08/09/2023 12:44 PM. Please keep this notice as a confirmation of this filing.

Index Number NOT assigned

New York City Board of Correction v. New York City Department of Correction et al

Assigned Judge: None Recorded

Documents Received on 08/09/2023 12:44 PM

Doc #	Document Type
1	PETITION
2	EXHIBIT(S) A
3	EXHIBIT(S) B
4	EXHIBIT(S) C
5	EXHIBIT(S) D
6	ORDER TO SHOW CAUSE - ACCOMPANYING COMMENCEMENT DOC(S) (PROPOSED)
7	RJI -RE: ORDER TO SHOW CAUSE

Filing User

Steven Robert Banks | sbanks@paulweiss.com | (212) 373-3561
1285 Avenue Of The Americas, New York, NY 10019-6064

E-mail Notifications

An email regarding this filing has been sent to the following on 08/09/2023 12:44 PM:

STEVEN R. BANKS - sbanks@paulweiss.com

Honorable Ischia Bravo, Bronx County Clerk/Commissioner of Jurors

Phone: 718-590-8122 (fax) Website: <http://ww2.nycourts.gov/COURTS/12JD/BRONX/countyclerk/index.shtml>

NYSCEF Resource Center, nyscef@nycourts.gov

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: www.nycourts.gov/efile



NYSCEF Confirmation Notice

Bronx County Supreme Court



Index Number NOT assigned
New York City Board of Correction v. New York City Department of Correction et al
Assigned Judge: None Recorded

Email Notifications NOT Sent

Role	Party	Attorney
Respondent	New York City Department of Correction	No consent on record.
Respondent	Louis A. Molina, in his official capacity as	No consent on record.
Respondent	The City of New York	No consent on record.

* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

Honorable Ischia Bravo, Bronx County Clerk/Commissioner of Jurors

Phone: 718-590-8122 (fax) Website: <http://ww2.nycourts.gov/COURTS/12JD/BRONX/countyclerk/index.shtml>

NYSCEF Resource Center, nyscef@nycourts.gov

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: www.nycourts.gov/efile