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Contact:

Redmond Haskins, The Legal Aid Society, rhaskins@legal-aid.org

Daniel Ball, Brooklyn Defender Services, dball@bds.org

Jocelyn De Carvalho, Milbank, JDeCarvalho@milbank.com

*****FOR IMMEDIATE RELEASE*****

NYS Supreme Court Holds NYC Department of Correction in Contempt of Court For Failing to Ensure that Incarcerated New Yorkers Have Access to Medical Care in NYC Jails

Contempt Order Mandates DOC to Pay Fines to Thousands of Class Members Who Were Denied Medical Treatment if They Do Not Show Compliance Within 30 Days

(NEW YORK, NY) - The Legal Aid Society, Brooklyn Defender Services and Milbank LLP hail a [court order](#) which finds the New York City Department of Correction (DOC) in contempt for failing to follow a Bronx Supreme Court order issued in [Agnew v. New York City Department of Correction](#) requiring access to basic medical services.

The contempt order gives the City 30 days to demonstrate that it is no longer violating the Court's order or face a \$100 fine for each medical appointment missed from December 11, 2021 through January 2022 as well as the possibility of further sanctions. At \$100 per incident for at least 1,909 documented failures to provide an escort to medical services during that December and January, the City would owe approximately \$190,900 to the people affected by the jails' broken medical care system. The Court also ordered DOC to pay attorneys' fees and costs associated with bringing the contempt motion.

The contempt order followed a [motion](#) filed in February 2022 after DOC [failed](#) to produce evidence that it was providing access to medical care in the City jails consistent with its legal obligations and the Court's December 3rd, 2021 [order](#). DOC subsequently admitted in Court filings that it was not providing access to medical care as legally required.

The Legal Aid Society, Brooklyn Defender Services and Milbank LLP released the follow statement:

“Today, the Court acknowledged the City's egregious ongoing failure to fulfill its obligation to provide incarcerated people with timely access to medical care. This failure has caused undue suffering, resulting in long-lasting health impacts and even death. We hope this contempt finding provides some relief to people denied access to the medical care they desperately need.

But our clients deserve much more. Today’s order holds the City accountable for its remarkable failures to ensure the health and safety of the people in its custody. DOC has proven time and time again that it lacks the capacity and the willingness to respect basic human rights. The only solution is decarceration. To that end, we urge all elected officials and judges to do everything in their power to immediately remove people from the inhumane and dangerous conditions of the City jails.”

Background on Agnew v. NYC Department of Correction

On December 3, 2021, The Supreme Court of the State of New York County of The Bronx found that DOC has failed to provide access to medical care for incarcerated New Yorkers in the City jails. The order mandates that DOC immediately remedy these unlawful failures and provide people in its custody with access to medical services.

Recognizing that DOC’s failures are far reaching, the Court certified a class that includes all people in NYC Department of Correction (DOC) jails who have been or will be denied access to medical care because of DOC’s failures and designated Legal Aid, Brooklyn Defender Services, and Milbank as class counsel. According to the ruling, DOC must comply with its legal duties to provide medical services to all persons in NYC jails, by:

- Providing all class members with access to sick call on weekdays and make sick call available a minimum of five days per week within 24 hours of a request;
- Providing sufficient security to allow class members movement to and from health services in the jails; and
- Not prohibiting or delaying class members’ access to care, appropriate treatment, or medical or dental services.

The Court ordered DOC to demonstrate compliance with its order - and these duties - within one week of the date of the order.

Following an admission by a DOC official that the Department is not complying with the December court order to provide basic access to medical care for incarcerated New Yorkers, Legal Aid, Brooklyn Defender Services and Milbank LLP filed a motion for contempt.

The [admission](#) came in an affidavit signed by DOC’s Bureau Chief of Facility Operations, which reads in part: *“In my opinion, I believe this rate of production does not constitute substantial compliance with the pertinent directives to provide timely access to the clinics.”*

The affidavit, combined with data demonstrating the barriers to accessing care and countless reports from people in DOC custody who are unable to access critical medical services, provides the basis of the Petitioners’ request that the court hold the Department in contempt.

Since the contempt motion was filed, missed medical appointments actually increased in February and March 2022. For [February 2022](#), DOC failed to facilitate 8,402 medical appointments and for [March 2022](#), DOC failed to facilitate 12,745 appointments.

Background on City jails Crisis

The conditions in the jails have been described as [“deplorable and nothing short of a humanitarian crisis.”](#) By failing to provide access to medical care to individuals in its custody, DOC has violated well-established laws, and this failure has directly contributed to immeasurable suffering and the 20 deaths of persons in custody since the start of 2021.

People under suicide watch who should have been under constant supervision were left alone by DOC staff who abandoned their posts. At least five people being held at Rikers are believed to have died by suicide since

November 2020, and the overall levels of self-harm among those imprisoned have increased at a rate described by the New York City Board of Correction as “alarming.” Other people have suffered from serious health conditions and were in need of treatment, but they were left to fend for themselves.

Former DOC Commissioner Vincent Schiraldi himself admitted that the jails are in a state of crisis, stating “[the level of disorder here is deeply, deeply troubling](#)” and “[the risks to the human beings in our custody are at a crisis level.](#)”

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Brooklyn Defender Services (BDS) is a public defender organization serving tens of thousands of Brooklyn residents each year since 1996. Our mission is to provide high-quality and client-centered criminal, family, and immigration legal representation, as well as civil legal services, social work support and advocacy for people who cannot afford an attorney. www.bds.org

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