



August 10, 2022

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*****

Legal Aid Society, Brooklyn Defender Services and Milbank LLP Hail Court Order Requiring NYC Department of Correction to Pay Roughly \$200,000 in Fines to New Yorkers Who Were Denied Access to Medical Treatment in City Jails

DOC Held in Contempt of Court For Failing to Ensure that Incarcerated New Yorkers Have Access to Medical Care in NYC Jails

(NEW YORK, NY) - The Legal Aid Society, Brooklyn Defender Services and Milbank LLP hailed a New York State Supreme Court [decision](#) which orders the New York City Department of Correction (DOC) to pay fines to New Yorkers who were denied access to medical treatment in local jails. This decision follows a May 2022 order which found 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 for incarcerated New Yorkers.

The contempt order gave the City 30 days to demonstrate that it was 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.

In June, DOC submitted an [affidavit](#) to the Court claiming that it had complied with the order. Today, however, the Court determined that DOC has not shown substantial compliance with the order, and ordered DOC to pay roughly \$200,000 in fines to the people affected by the jails' broken medical care system, in addition to Plaintiffs' attorneys fees and costs.

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

“The Department of Correction has continuously and egregiously failed to fulfill its lawful and moral obligation to provide access to needed medical appointments for people incarcerated in New York City jails—a failure that has led to undue suffering and death. Today’s court order is one critical step towards holding the City accountable for its unwillingness to ensure the health and safety of people incarcerated in its jails. We hope this ordered compensation provides some relief to people denied the care they desperately need, but we know that much more must be done. New York City jails have killed eleven people this year, and we fear that without decarceration, this number will sadly only grow. We reaffirm our calls to urge the courts, prosecutors, and elected officials to use every tool to remove people from the dangerous and deadly conditions of these 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 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 in February 2022.

In May 2022, the Court [found the New York City Department of Correction \(DOC\) in contempt](#) for failing to follow the December 3rd, 2021 order.

###

The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org

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

Milbank LLP is a leading international law firm that provides innovative legal services to clients around the world. Founded in New York over 150 years ago, Milbank has offices in Beijing, Frankfurt, Hong Kong, London, Los Angeles, Munich, New York, São Paulo, Seoul, Singapore, Tokyo and Washington, DC. Milbank's lawyers collaborate across practices and offices to help the world's leading commercial, financial and industrial enterprises, as well as institutions, individuals and governments, achieve their strategic objectives. To learn more about Milbank, please visit www.milbank.com and follow us on LinkedIn, Twitter and Instagram.

www.milbank.com