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BOARD OF CORRECTION SUES DEPARTMENT OF CORRECTION AND CITY OF NEW YORK TO REGAIN VIDEO FOOTAGE SYSTEM ACCESS

FOR IMMEDIATE RELEASE: August 9, 2023

On August 9, 2023, the New York City Board of Correction (“Board” or “BOC”) filed an Article 78 proceeding in Bronx County Supreme Court and requested a preliminary and permanent injunction against the New York City Department of Correction (“DOC”) and the City of New York.

On January 9, 2023, DOC unlawfully terminated the Board’s long-standing and unfettered access to DOC’s video footage systems and implemented a series of unworkable restrictions on the Board’s access to DOC video footage.

The Board has engaged in multiple good-faith efforts with DOC and the New York City Law Department over the last seven months in order to restore BOC’s access to DOC’s video footage systems. Those efforts have been unsuccessful. DOC has demonstrated no willingness to restore access on fair and reasonable terms.

The Board, as well as individuals in DOC’s custody, cannot afford to wait any longer.

“As the primary oversight for the city’s jails for over half a century, the Board needs ongoing access to data and information to fulfill its mandate under the City Charter,” said Board Member **Jacqueline Sherman**. “The significant operational challenges currently faced by the Department of Correction make our oversight and the transparency afforded by our work even more important to upholding minimum standards and ensuring the safety, rights and dignity of people in custody.”

“It’s disappointing that we’ve been forced to take the unprecedented step of entering into litigation against the city in order to ensure that we, and our staff, have access to the tools we need to do our jobs,” added Board Member **Rachael Bedard**. “Video access is critical to the Board’s ability to

carry out its oversight function. While I wish that the Department of Correction was a more willing partner in ensuring transparency into the jails, we cannot wait any longer for their cooperation.”

“Commissioner Molina wants the jails to operate in darkness by preventing our access to necessary data and video,” said Board Member **Robert L. Cohen**. “He refuses to notify the public about deaths in custody and, according to the *Nunez* Independent Monitor’s reporting, is not forthcoming about incidents of serious violence by his staff. The Board’s action today will require the Mayor and his Commissioner to honor the City Charter and restore the unfettered access we need to oversee the city’s jails.”

“Rikers has had longstanding, complicated challenges. Nevertheless, in the past the Department of Correction has engaged diverse perspectives to achieve necessary reforms. Previous commissioners had established workgroups where advocates, community providers, foundations and other government agencies worked together to improve conditions and services,” remarked Board Member **Felipe Franco**. “The current administration held two young adult taskforce meetings and then quickly ended the workgroup, dismissing the enthusiasm and potential resources of a diverse group of leaders. This was the beginning of a pattern of obfuscation and arrogance that consistently excludes other perspectives. Light and transparency are essential for the culture change needed in our jails but, sadly, DOC is wedded to opaqueness and isolation.”

The New York City Board of Correction is a nine-person oversight board that regulates, monitors, and inspects the correctional facilities of the city. The Board of Correction has carried out critical independent oversight for the City of New York since 1957, despite being a relatively small agency with limited resources. Our staff are the Board’s “eyes and ears” inside the jails, working to evaluate complaints, review incidents, and make recommendations for compliance with the minimum standards for confinement. The Board sets a baseline for what New York City must provide to people in custody in order to maintain humane jails.

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