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

***Legal Aid and Crowell & Moring LLP File Lawsuit Demanding
Transparency From NYC Department of Correction Regarding
Conditions in the Jails During the July 2019 Heat Emergency***

(New York, NY) – The Legal Aid Society and Crowell & Moring LLP filed an [open records lawsuit](#) in Queens County Supreme Court against the New York City Department of Correction (DOC) seeking [records](#) about DOC's response to the conditions in the city jails during the city's heat wave from July 19 – 21, 2019.

During and after the July 2019 heat emergency, both Legal Aid and the New York City Board of Correction (BOC) reported numerous failures of DOC to protect people in custody on high-heat days. Contrary to its own policies in effect during the heat wave, DOC failed to transfer of hundreds medically vulnerable, heat-sensitive individuals to cooler housing areas, exposing many to prolonged exposure to heat exceeding 95 degrees. Legal Aid and BOC both reported many DOC's other ameliorative measures failed in practice, as neither ice nor cool showers were provided to many during the extreme heat, despite DOC policies designed to protect people in custody inside of DOC's aging facilities.

In September 2019, Legal Aid submitted a Freedom of Information Law (FOIL) request to DOC for: records explaining why so many heat-sensitive individuals had allegedly refused transfer to safer air-conditioned housing units and why many of DOC's required cooling-measures failed. DOC refused on the grounds that records would be difficult to find. As the lawsuit notes, however, the DOC policy in effect at the time specified the precise locations where these records could be found if DOC policy on high-heat days were followed.

“In July 2019, many heat-sensitive clients reported that they never refused transfer to safer, cooler housing, yet were later told by DOC that they did. Through this lawsuit, we seek to learn more about what went wrong and why they were exposed to extreme heat,” said **Robert Quackenbush, Staff Attorney with the Prisoners’ Rights Project at The Legal Aid Society.** “While DOC has made some changes to its high-heat policy since 2019, it is not enough to protect our heat-sensitive clients. DOC must move every heat-sensitive person to air-conditioned housing unless a person offers their advised consent on video to DOC staff.”

In advance of summer 2020, DOC revised its operations order governing its conduct on days when the outside temperature exceeds 85 degrees Fahrenheit. Like the previous operations order, its stated purpose is to ensure “the identification, housing, movement, tracking, and monitoring of Heat Sensitive individuals and for ensuring that appropriate measures are taken to increase the safety of heat sensitive individuals during periods of high temperatures.”

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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 over 140 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.

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