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

City Data: DOC Continues to Deny Incarcerated New Yorkers Access to Critical Medical Care

In February Alone, DOC Failed to Facilitate 8,402 Medical Appointments, an Increase of Roughly 1,600 Appointments Compared to January 2022

(NEW YORK, NY) - **The Legal Aid Society, Brooklyn Defender Services and Milbank LLP** released the following statement in response to City [data](#) showing that the New York City Department of Correction (DOC) [failed to facilitate 8,402 appointments](#) for incarcerated New Yorkers to medical care in City jails for February 2022, a significant increase of almost 1,600 missed appointments from January 2022's rate of 6,792 missed appointments:

“Despite a court order and its obligation under the law, the Department of Correction continues to deprive incarcerated people of their right to access medical care. The latest data is further proof that DOC remains unwilling to protect the health and safety of the New Yorkers in its custody. This failure results in daily suffering, sickness, and pain. We once again call on the courts, prosecutors, and elected officials to use every avenue to effect immediate decarceration.”

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.

In the latest report, DOC also claims that 6,311 of February's missed appointments were because people refused, but a review of medical records, statements from incarcerated people, and even a review of DOC's own data shows the dubiousness of that claim. In 3,254 of the reported refusals, DOC admits it cannot provide any explanation for the person refusing. It may be the case that many of these individuals were never even told of their appointment.

The contempt motion is currently pending in New York State Supreme Court. An evidentiary hearing was held on March 25 and March 29, 2022.

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 16 deaths of persons in custody last year.

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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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

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