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BY ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nunez, et al. v. City of New York et al*, 11-cv-5845 (LTS)

Dear Chief Judge Swain:

In accordance with this Court's Order of March 13, 2023 (Dkt. 511) (the "Order"), defendants the City of New York ("City") and the New York City Department of Correction ("DOC" or "the Department") (collectively "defendants") write to provide an update regarding "the status of their continued efforts to implement reliable Intake tracking systems for new admissions and inter/intra facility transfers," as called for by the Order.

Defendants' recent efforts to enhance their implementation of reliable Intake tracking systems are detailed in the attached Declaration of Christopher Miller, DOC's Deputy Commissioner of Classification, Custody Management and Facility Operations, dated March 20, 2023 (the "Declaration"). As set forth in the Declaration, since Deputy Commissioner Miller's prior Declaration of February 8, 2023 (ECF No. 505-1), the Department continues to use the New Admission Dashboard (the "Dashboard") to track new admission Intake at the Eric M. Taylor Center ("EMTC"), where approximately 50 male pretrial detainees are processed per day. Declaration ¶¶ 3, 11. The Department uses the same Dashboard to track new admission Intake at the women's intake facility in the Rose M. Singer Center ("RMSC"), where the volume of admissions is only approximately four persons per day. *Id.* ¶¶ 3, 11. Since the last update, the Dashboard has been improved to add a dropbox to show supervisor approval of any clock-stoppages that have been entered. *Id.* ¶ 10.

The Department has also continued its audits of the Dashboard using review of Genentech video from EMTC to compare the Dashboard data with the actual arrival and departure times of new admissions. *Id.* ¶ 5. The audits show that all individuals whose times were audited were housed within 24 hours. *See* Declaration ¶¶ 3, 5-7, 9. Of the 60 Dashboard time entries audited, 54 of them were accurate within 20 minutes. *Id.*, ¶ 9. The error rate has declined over time, and where tracking errors were identified, they appear to result from human error rather than deliberate manipulation. *See Id.* ¶¶ 5-7, 9. Accordingly, the audits provide strong evidence that the Dashboard tracking system is reliable as required by the Intake Tracking Clause in the Second Remedial Order, ¶ 1(1)(C). *See* Order at 8 (defining “Intake Tracking Clause”).

The Department has also made significant progress in tracking the Intake process when individuals are transferred between or within facilities (“inter/intra-facility transfers”). For this tracking, the Department is using the Inmate Tracking System (“ITS”). *See* Declaration ¶ 12. The Department has to date trained 107 individuals on using the ITS system, and Captains have been assigned at each facility to oversee the intake process. The Department is using the bar code on the individual’s accompanying card to reduce the need for data entry into the ITS. This new process is fully operational at two facilities and is on track to be implemented at all facilities by the end of this month. *Id.* ¶ 12. The Department has also established a special team to monitor the inter/intra-facility Intake process using Genentech video to identify delays in transfers in real time. *Id.* ¶ 13.

These facts, and the additional details set forth in Deputy Commissioner Miller’s Declaration, show that the Department continues to take meaningful steps to comply with the Intake Tracking Clause, building on its prior significant efforts noted by the Court. *See* Order at 27.

We thank the Court for its consideration of this matter.

Respectfully submitted,



Sheryl R. Neufeld

cc: BY ECF
All counsel of record