

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,

Plaintiffs,

**DECLARATION OF LOUIS
MOLINA**

-against-

CITY OF NEW YORK, et al.,

Defendants.

11 Civ. 5845 (LTS)(JCF)

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UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

-against-

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF CORRECTION,

Defendants.

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STATE OF NEW YORK)

:SS:

COUNTY OF QUEENS)

LOUIS MOLINA, declares pursuant to 28 U.S.C. Code §1746 under penalty of perjury that the following is true and correct:

1. I am the Commissioner of the New York City Department of Correction, a position which I have held since January 1, 2022.

2. I submit this declaration to the Court on November 24, 2023 pursuant to inquiries from the Court in the Court’s Order to Show Cause, filed on November 16, 2023.

3. I have been appointed as Assistant Deputy Mayor for Public Safety, but have not yet assumed that position.

4. I am currently serving as Commissioner of the Department of Correction until an acting or permanent Commissioner is named. At the present time, I am not aware of a timeline for the appointment of a successor Commissioner or acting Commissioner.

5. In my role as Commissioner, I am the head of the Department of Correction in charge of day to day operations as well as the agency's strategic direction. The Department is under Federal oversight by the *Nunez* Monitor as pertains to the *Nunez* Consent Judgment and ensuing Court orders.¹ In my current role, I have taken affirmative steps to ensure the Department of Correction achieves compliance with the Consent Judgment and Court Orders. I discuss the Consent Judgment regularly with my leadership team. Teletypes have been sent to Department of Correction staff, both uniform and civilian, stressing the communication obligations.² I have stressed to individuals in Department leadership roles, as well as other Department employees, the critical importance of communication with the Monitor and Monitoring Team. In addition, I have had many interactions with the Monitor and the Monitoring Team to discuss the Consent Judgment and ensuing Court orders.

6. One of the members of my leadership team is Senior Deputy Commissioner Charles Daniels. In that role he is developing a Violence Reduction Plan, which includes plans to reduce arson occurring in Department facilities. I have not discussed the specifics of the plan to reduce arson with him and I was not aware of the timeline of the opening of the Arson Reduction Housing Unit.

¹ In August 2016, I first became familiar with the Consent Judgment when I served in the role of Chief Internal Monitor for the Department of Correction.

² The most recent teletype was sent per this Court's June 13, 2023 Order.

7. During the anticipated leadership transition to a new acting or permanent Commissioner, I will work with them to ensure their familiarity with the Consent Judgment and ensuing Court orders.

Dated: November __, 2023
East Elmhurst, New York



Commissioner Louis Molina