

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,

Plaintiffs,

**DECLARATION OF
CHARLES DANIELS**

-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)

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

1. I am the Senior Deputy Commissioner of the New York City Department of Correction, a position which I have held since September 2023.

2. I submit this declaration to the Court on November 28, 2023 pursuant to inquiries from the Court in the Court’s Order to Show Cause, filed on November 16, 2023.

3. In my role as Senior Deputy Commissioner for the Department of Correction, I am in charge of the administration and management of all departmental facilities and field commands. I am the principal advisor to the Commissioner, offering technical expertise on custodial and institutional policies. I am also responsible for managing and guiding the Deputy Commissioner of Security, the Deputy Commissioner of Classification, Population Management and Facility Operations, the Deputy Commissioner of Administration, and their respective Divisions. The Department is under Federal oversight by the *Nunez* Monitor as pertains to the *Nunez* Consent Judgment and ensuing Court orders and I have begun scheduling regular meetings with the Monitoring Team to ensure ongoing compliance. I have also been tasked with overseeing development and implementation of the Department's Violence Reduction Plan.

4. At the present time I do not intend to leave this position and I am not aware of any contemplated personnel changes regarding my position.

5. Following my appointment to the Department, Commissioner Molina stressed to me the importance of communication with the Monitor and Monitoring Team to ensure compliance with the *Nunez* Consent Judgment and ensuing orders.

6. I met with the Monitoring team on October 16, 2023 and October 23, 2023 to discuss my proposed Violence Reduction Plan. These meetings included discussions of steps the Department could take immediately to reduce violence, including reducing arson in Department facilities.

7. Based on recommendations from the Monitor to take immediate steps to reduce violence, I developed a pilot project, the Arson Reduction Housing Unit ("ARHU"). The purpose of ARHU is to reduce arson in Department facilities.

8. Thereafter, upon information and belief, Deputy Commissioner Ronald Brereton had a meeting with the Monitor on or about November 9, 2023. I was advised by DC Brereton that he discussed the ARHU with the Monitor.

9. I, along with Deputy Commissioner Ronald Brereton, Assistant Chief Sherrie Rembert, and Acting Assistant Chief Charlton Lemon, authorized the search for a suitable location for the ARHU.

10. On November 9, 2023, I authorized the activation of the ARHU within GRVC, provided the housing unit contained a fire suppression system.


11. Shortly thereafter, on November 13, 2023, I learned that each individual cell did not have adequate fire suppression. Upon learning this, that same day, I directed DC Brereton to not go forward with activation of the ARHU.

12. On November 14, 2023, I subsequently learned that, DC Brereton did not relay my directive to AC Lemon, and the ARHU was opened on November 13, 2023. Upon information and belief, DC Brereton did thereafter inform AC Lemon to cease operationalization of the Unit, and the ARHU was closed on November 14, 2023. ARHU remained open for less than 24 hours.

13. Upon information and belief, aside from my own conversations with the Monitor and Monitoring Team regarding dealing with arson in Department facilities, DC Brereton spoke with the Monitoring Team regarding plans for the ARHU. Additionally, it is my understanding that the *Nunez* Manager, Kimberly Joyce, has had communications with the Monitor and Monitoring Team regarding plans for ARHU.

14. If the Department opens a similar such unit in the future, I will ensure that I or members of my team will confer with the Monitoring Team in accordance with the Consent Judgment and Court Orders before any such unit is opened.

Dated: November 28, 2023
East Elmhurst, New York



SDC Charles Daniels