

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,

Plaintiffs,

**DECLARATION OF
RONALD BRERETON**

-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)

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

1. I am the Deputy Commissioner of the New York City Department of Correction, a position which I have held since May 16, 2022.

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. Following direction from Senior Deputy Commissioner Charles Daniels, I, along with Assistant Chief Sherrie Rembert, and Acting Assistant Chief Charlton Lemon, authorized the operationalization of the Arson Reduction Housing Unit (“ARHU”) pilot project.

4. SDC Daniels directed me to execute on the pilot project and open the unit on or about October 23, 2023.

5. On or about October 24, 2023, I informed AAC Lemon that the unit should be opened as soon as possible.

6. I have regular calls with the Monitor and Monitoring Team approximately twice a month. At one such call on November 9, 2023, I discussed the ARHU project and its compliance with *Nunez* orders with them. The *Nunez* Manager Kimberly Joyce was not present for this call.

7. I believed based on these conversations with the Monitor that we could initiate the pilot and open the ARHU.

8. Thereafter on November 13, 2023, SDC Daniels directed me to not open the unit. Upon information and belief this was due to information he learned about the facility where the unit would be housed.

9. I did not timely communicate this direction to AC Lemon and the unit was opened for 5 persons in custody as occupants on November 13, 2023.

10. Thereafter on November 14, 2023, I directed AC Lemon to shut the ARHU down and the unit was closed on November 14, 2023. ARHU remained open for less than 24 hours.

11. I have subsequently learned that that the *Nunez* Manager, Kimberly Joyce, has had communications with the Monitor and Monitoring Team regarding plans for ARHU.

12. On November 15, 2023 my office, through correspondence from AC Rembert, communicated to the *Nunez* Manager information regarding the ARHU, noting that the unit was

dismantled due to the Monitoring Team's disappointment and frustration, as expressed to the Department in an email dated November 14, 2023, and not noting that the unit was closed due to information SDC Daniels had learned about the facility where the unit would be housed. This information was then relayed to the Monitoring Team by AC Victoriya Baranchuk. I was copied on this correspondence and did not correct the reason why the ARHU was closed.

13. If the Department opens a similar such unit in the future, I will consult with the Monitoring Team.

Dated: November 28, 2023
East Elmhurst, New York



DC Ronald Brereton