



For Immediate Release
March 18, 2009

New York City Department of Correction
60 Hudson Street
New York, New York

Brooklyn Judge Rejects Challenge to the Reopening of Brooklyn Jail

Department of Correction May Proceed with Use, Full Occupancy of Downtown Brooklyn Jail

A ruling yesterday by Kings County Supreme Court Justice Sylvia Hinds-Radix allows the New York City Department of Correction (DOC) to go forward with its plan to fully utilize the Brooklyn House of Detention (BHOD) as it is presently built without going through environmental and land use reviews.

The jail, located on Atlantic Avenue in Downtown Brooklyn, was not used to house overnight inmates from 2003 until November 2008, when the Department relocated 31 inmates into BHOD. During that time, however, it served daily as the point of arrival and departure of hundreds of inmates appearing in the adjacent Schermerhorn Street courthouse.

Correction Commissioner Martin F. Horn said “The Court’s decision clears the way for the City to continue to use the Brooklyn Detention Center as a jail for Brooklyn, just as it has since 1957. We will continue to maintain the jail in a condition for occupancy at its capacity, and we will utilize the jail as needed. The City’s objective in planning the future of the Brooklyn jail has been the effective, efficient, and safest possible operation of the city’s jail and criminal justice system. We are gratified that in affirming the City’s ability to operate the Brooklyn jail at full capacity, Justice Hinds-Radix acknowledged and supported these objectives.

“With many aged facilities on Rikers Island continuing to deteriorate, and knowing that defendants in the city’s jails will always be best served when they are held closer to their courts and communities, we will continue to reduce our reliance on Rikers Island,” Commissioner Horn said.

Visit *NEW YORK’S BOLDEST* on the Web at: www.nyc.gov/boldest

Commissioner Horn concluded “We are also gratified that the court recognized that we have always acted openly and communicated with the community and its elected leaders about our plan for the past three years or more, and that the court rejected allegations to the contrary.”

Michael Cardozo, the City’s Corporation Counsel said: “We are pleased with the Court’s ruling and believe that Justice Hinds-Radix understood that the City must have the ability to reopen and reuse its existing facilities and infrastructure without the need for environmental and land use review procedures. This need is particularly great in these trying fiscal times.”

Petitioners in the lawsuit sought to prevent DOC from reopening the existing facility, which has a capacity of 759 inmates and to prevent DOC from proceeding with its plan to expand the facility by an additional 720 inmates. In yesterday’s decision, Justice Hinds-Radix ruled that the planned reopening and planned expansion of BHOD were separate and distinct projects for the purposes of environmental and land use review. Justice Hinds-Radix upheld the city’s right to reuse the existing jail, for its intended purposes without undergoing the extensive review that petitioners sought. However, the court held that the proposed expansion would likely be subject to environmental and ULURP review.

The City’s legal team included Senior Counsel Christopher King, Assistant Corporation Counsel Adam Stolorow and Assistant Corporation Counsel Sarah Kogel-Smucker of the Law Department’s Environmental Law Division and Department of Correction General Counsel Florence Hutner and Staff Counsel Patricia LeGoff.